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Am. 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**

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A B I L L

To amend sections 109.57, 109.572, 109.60, 109.99, 1
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2
2151.424, 2151.55, 2151.551, 2151.552, 2151.553, 3
2151.554, 2151.86, 3107.033, 3107.034, 3107.14, 4
5101.13, 5101.132, 5101.134, 5103.03, 5103.0319, 5
5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 6
5104.013, 5104.09, and 5104.30 and to enact 7
sections 109.581, 1901.43, 1907.181, 2151.555, 8
2301.10, 3107.066, 5101.32, 5103.0328, and 9
5104.022 of the Revised Code to improve foster 10
caregiver background checks, clarify when a court 11
must order a person to be fingerprinted, establish 12
the retained applicant fingerprint database, 13
modify the notifications that must be given before 14
a child is placed in foster care if the child is 15
an exceptional behavioral needs child or has been 16
adjudicated a delinquent child for committing a 17
felonious act, and make other changes in the law 18
regarding approval of out-of-home care workers, 19
adoptive parents, foster caregivers, and child 20

day-cares.

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

Section 1. That sections 109.57, 109.572, 109.60, 109.99, 22
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 23
2151.55, 2151.551, 2151.552, 2151.553, 2151.554, 2151.86, 24
3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 5103.03, 25
5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 26
5104.013, 5104.09, and 5104.30 be amended and that sections 27
109.581, 1901.43, 1907.181, 2151.555, 2301.10, 3107.066, 5101.32, 28
5103.0328, and 5104.022 of the Revised Code be enacted to read as 29
follows: 30

Sec. 109.57. (A)(1) The superintendent of the bureau of 31
criminal identification and investigation shall procure from 32
wherever procurable and file for record photographs, pictures, 33
descriptions, fingerprints, measurements, and other information 34
that may be pertinent of all persons who have been convicted of 35
committing within this state a felony, any crime constituting a 36
misdemeanor on the first offense and a felony on subsequent 37
offenses, or any misdemeanor described in division (A)(1)(a), 38
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 39
of all children under eighteen years of age who have been 40
adjudicated delinquent children for committing within this state 41
an act that would be a felony or an offense of violence if 42
committed by an adult or who have been convicted of or pleaded 43
guilty to committing within this state a felony or an offense of 44
violence, and of all well-known and habitual criminals. The person 45
in charge of any county, multicounty, municipal, municipal-county, 46
or multicounty-municipal jail or workhouse, community-based 47
correctional facility, halfway house, alternative residential 48
facility, or state correctional institution and the person in 49

charge of any state institution having custody of a person 50
suspected of having committed a felony, any crime constituting a 51
misdemeanor on the first offense and a felony on subsequent 52
offenses, or any misdemeanor described in division (A)(1)(a), 53
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 54
having custody of a child under eighteen years of age with respect 55
to whom there is probable cause to believe that the child may have 56
committed an act that would be a felony or an offense of violence 57
if committed by an adult shall furnish such material to the 58
superintendent of the bureau. Fingerprints, photographs, or other 59
descriptive information of a child who is under eighteen years of 60
age, has not been arrested or otherwise taken into custody for 61
committing an act that would be a felony or an offense of violence 62
if committed by an adult, has not been adjudicated a delinquent 63
child for committing an act that would be a felony or an offense 64
of violence if committed by an adult, has not been convicted of or 65
pleaded guilty to committing a felony or an offense of violence, 66
who is not in any other category of child specified in this 67
division, and is not a child with respect to whom there is 68
probable cause to believe that the child may have committed an act 69
that would be a felony or an offense of violence if committed by 70
an adult shall not be procured by the superintendent or furnished 71
by any person in charge of any county, multicounty, municipal, 72
municipal-county, or multicounty-municipal jail or workhouse, 73
community-based correctional facility, halfway house, alternative 74
residential facility, or state correctional institution, except as 75
authorized in section 2151.313 of the Revised Code. 76

(2) Every clerk of a court of record in this state, other 77
than the supreme court or a court of appeals, shall send to the 78
superintendent of the bureau a weekly report containing a summary 79
of each case involving a felony, involving any crime constituting 80
a misdemeanor on the first offense and a felony on subsequent 81
offenses, involving a misdemeanor described in division (A)(1)(a), 82

(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 83
or involving an adjudication in a case in which a child under 84
eighteen years of age was alleged to be a delinquent child for 85
committing an act that would be a felony or an offense of violence 86
if committed by an adult. The clerk of the court of common pleas 87
shall include in the report and summary the clerk sends under this 88
division all information described in divisions (A)(2)(a) to (f) 89
of this section regarding a case before the court of appeals that 90
is served by that clerk. The summary shall be written on the 91
standard forms furnished by the superintendent pursuant to 92
division (B) of this section and shall include the following 93
information: 94

(a) The incident tracking number contained on the standard 95
forms furnished by the superintendent pursuant to division (B) of 96
this section; 97

(b) The style and number of the case; 98

(c) The date of arrest, offense, summons, or arraignment; 99

(d) The date that the person was convicted of or pleaded 100
guilty to the offense, adjudicated a delinquent child for 101
committing the act that would be a felony or an offense of 102
violence if committed by an adult, found not guilty of the 103
offense, ~~or~~ found not to be a delinquent child for committing an 104
act that would be a felony or an offense of violence if committed 105
by an adult, the date of an entry dismissing the charge, an entry 106
declaring a mistrial of the offense in which the person is 107
discharged, an entry finding that the person or child is not 108
competent to stand trial, or an entry of a nolle prosequi, or the 109
date of any other determination that constitutes final resolution 110
of the case; 111

(e) A statement of the original charge with the section of 112
the Revised Code that was alleged to be violated; 113

(f) If the person or child was convicted, pleaded guilty, or 114
was adjudicated a delinquent child, the sentence or terms of 115
probation imposed or any other disposition of the offender or the 116
delinquent child. 117

If the offense involved the disarming of a law enforcement 118
officer or an attempt to disarm a law enforcement officer, the 119
clerk shall clearly state that fact in the summary, and the 120
superintendent shall ensure that a clear statement of that fact is 121
placed in the bureau's records. 122

(3) The superintendent shall cooperate with and assist 123
sheriffs, chiefs of police, and other law enforcement officers in 124
the establishment of a complete system of criminal identification 125
and in obtaining fingerprints and other means of identification of 126
all persons arrested on a charge of a felony, any crime 127
constituting a misdemeanor on the first offense and a felony on 128
subsequent offenses, or a misdemeanor described in division 129
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 130
Revised Code and of all children under eighteen years of age 131
arrested or otherwise taken into custody for committing an act 132
that would be a felony or an offense of violence if committed by 133
an adult. The superintendent also shall file for record the 134
fingerprint impressions of all persons confined in a county, 135
multicounty, municipal, municipal-county, or multicounty-municipal 136
jail or workhouse, community-based correctional facility, halfway 137
house, alternative residential facility, or state correctional 138
institution for the violation of state laws and of all children 139
under eighteen years of age who are confined in a county, 140
multicounty, municipal, municipal-county, or multicounty-municipal 141
jail or workhouse, community-based correctional facility, halfway 142
house, alternative residential facility, or state correctional 143
institution or in any facility for delinquent children for 144
committing an act that would be a felony or an offense of violence 145

if committed by an adult, and any other information that the 146
superintendent may receive from law enforcement officials of the 147
state and its political subdivisions. 148

(4) The superintendent shall carry out Chapter 2950. of the 149
Revised Code with respect to the registration of persons who are 150
convicted of or plead guilty to either a sexually oriented offense 151
that is not a registration-exempt sexually oriented offense or a 152
child-victim oriented offense and with respect to all other duties 153
imposed on the bureau under that chapter. 154

(5) The bureau shall perform centralized recordkeeping 155
functions for criminal history records and services in this state 156
for purposes of the national crime prevention and privacy compact 157
set forth in section 109.571 of the Revised Code and is the 158
criminal history record repository as defined in that section for 159
purposes of that compact. The superintendent or the 160
superintendent's designee is the compact officer for purposes of 161
that compact and shall carry out the responsibilities of the 162
compact officer specified in that compact. 163

(B) The superintendent shall prepare and furnish to every 164
county, multicounty, municipal, municipal-county, or 165
multicounty-municipal jail or workhouse, community-based 166
correctional facility, halfway house, alternative residential 167
facility, or state correctional institution and to every clerk of 168
a court in this state specified in division (A)(2) of this section 169
standard forms for reporting the information required under 170
division (A) of this section. The standard forms that the 171
superintendent prepares pursuant to this division may be in a 172
tangible format, in an electronic format, or in both tangible 173
formats and electronic formats. 174

(C) The superintendent may operate a center for electronic, 175
automated, or other data processing for the storage and retrieval 176
of information, data, and statistics pertaining to criminals and 177

to children under eighteen years of age who are adjudicated 178
delinquent children for committing an act that would be a felony 179
or an offense of violence if committed by an adult, criminal 180
activity, crime prevention, law enforcement, and criminal justice, 181
and may establish and operate a statewide communications network 182
to gather and disseminate information, data, and statistics for 183
the use of law enforcement agencies. The superintendent may 184
gather, store, retrieve, and disseminate information, data, and 185
statistics that pertain to children who are under eighteen years 186
of age and that are gathered pursuant to sections 109.57 to 109.61 187
of the Revised Code together with information, data, and 188
statistics that pertain to adults and that are gathered pursuant 189
to those sections. In addition to any other authorized use of 190
information, data, and statistics of that nature, the 191
superintendent or the superintendent's designee may provide and 192
exchange the information, data, and statistics pursuant to the 193
national crime prevention and privacy compact as described in 194
division (A)(5) of this section. 195

(D) The information and materials furnished to the 196
superintendent pursuant to division (A) of this section and 197
information and materials furnished to any board or person under 198
division (F) or (G) of this section are not public records under 199
section 149.43 of the Revised Code. 200

(E) The attorney general shall adopt rules, in accordance 201
with Chapter 119. of the Revised Code, setting forth the procedure 202
by which a person may receive or release information gathered by 203
the superintendent pursuant to division (A) of this section. A 204
reasonable fee may be charged for this service. If a temporary 205
employment service submits a request for a determination of 206
whether a person the service plans to refer to an employment 207
position has been convicted of or pleaded guilty to an offense 208
listed in division (A)(1), (3), (4), (5), or (6) of section 209

109.572 of the Revised Code, the request shall be treated as a 210
single request and only one fee shall be charged. 211

(F)(1) As used in division (F)(2) of this section, "head 212
start agency" means an entity in this state that has been approved 213
to be an agency for purposes of subchapter II of the "Community 214
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 215
as amended. 216

(2)(a) In addition to or in conjunction with any request that 217
is required to be made under section 109.572, 2151.86, 3301.32, 218
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 219
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 220
education of any school district; the director of mental 221
retardation and developmental disabilities; any county board of 222
mental retardation and developmental disabilities; any entity 223
under contract with a county board of mental retardation and 224
developmental disabilities; the chief administrator of any 225
chartered nonpublic school; the chief administrator of any home 226
health agency; the chief administrator of or person operating any 227
child day-care center, type A family day-care home, or type B 228
family day-care home licensed or certified under Chapter 5104. of 229
the Revised Code; the administrator of any type C family day-care 230
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 231
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 232
general assembly; the chief administrator of any head start 233
agency; or the executive director of a public children services 234
agency may request that the superintendent of the bureau 235
investigate and determine, with respect to any individual who has 236
applied for employment in any position after October 2, 1989, or 237
any individual wishing to apply for employment with a board of 238
education may request, with regard to the individual, whether the 239
bureau has any information gathered under division (A) of this 240
section that pertains to that individual. On receipt of the 241

request, the superintendent shall determine whether that 242
information exists and, upon request of the person, board, or 243
entity requesting information, also shall request from the federal 244
bureau of investigation any criminal records it has pertaining to 245
that individual. The superintendent or the superintendent's 246
designee also may request criminal history records from other 247
states or the federal government pursuant to the national crime 248
prevention and privacy compact set forth in section 109.571 of the 249
Revised Code. Within thirty days of the date that the 250
superintendent receives a request, the superintendent shall send 251
to the board, entity, or person a report of any information that 252
the superintendent determines exists, including information 253
contained in records that have been sealed under section 2953.32 254
of the Revised Code, and, within thirty days of its receipt, shall 255
send the board, entity, or person a report of any information 256
received from the federal bureau of investigation, other than 257
information the dissemination of which is prohibited by federal 258
law. 259

(b) When a board of education is required to receive 260
information under this section as a prerequisite to employment of 261
an individual pursuant to section 3319.39 of the Revised Code, it 262
may accept a certified copy of records that were issued by the 263
bureau of criminal identification and investigation and that are 264
presented by an individual applying for employment with the 265
district in lieu of requesting that information itself. In such a 266
case, the board shall accept the certified copy issued by the 267
bureau in order to make a photocopy of it for that individual's 268
employment application documents and shall return the certified 269
copy to the individual. In a case of that nature, a district only 270
shall accept a certified copy of records of that nature within one 271
year after the date of their issuance by the bureau. 272

(3) The state board of education may request, with respect to 273

any individual who has applied for employment after October 2, 274
1989, in any position with the state board or the department of 275
education, any information that a school district board of 276
education is authorized to request under division (F)(2) of this 277
section, and the superintendent of the bureau shall proceed as if 278
the request has been received from a school district board of 279
education under division (F)(2) of this section. 280

(4) When the superintendent of the bureau receives a request 281
for information under section 3319.291 of the Revised Code, the 282
superintendent shall proceed as if the request has been received 283
from a school district board of education under division (F)(2) of 284
this section. 285

(5) When a recipient of a classroom reading improvement grant 286
paid under section 3301.86 of the Revised Code requests, with 287
respect to any individual who applies to participate in providing 288
any program or service funded in whole or in part by the grant, 289
the information that a school district board of education is 290
authorized to request under division (F)(2)(a) of this section, 291
the superintendent of the bureau shall proceed as if the request 292
has been received from a school district board of education under 293
division (F)(2)(a) of this section. 294

(G) In addition to or in conjunction with any request that is 295
required to be made under section 3701.881, 3712.09, 3721.121, or 296
3722.151 of the Revised Code with respect to an individual who has 297
applied for employment in a position that involves providing 298
direct care to an older adult, the chief administrator of a home 299
health agency, hospice care program, home licensed under Chapter 300
3721. of the Revised Code, adult day-care program operated 301
pursuant to rules adopted under section 3721.04 of the Revised 302
Code, or adult care facility may request that the superintendent 303
of the bureau investigate and determine, with respect to any 304
individual who has applied after January 27, 1997, for employment 305

in a position that does not involve providing direct care to an 306
older adult, whether the bureau has any information gathered under 307
division (A) of this section that pertains to that individual. 308

In addition to or in conjunction with any request that is 309
required to be made under section 173.27 of the Revised Code with 310
respect to an individual who has applied for employment in a 311
position that involves providing ombudsperson services to 312
residents of long-term care facilities or recipients of 313
community-based long-term care services, the state long-term care 314
ombudsperson, ombudsperson's designee, or director of health may 315
request that the superintendent investigate and determine, with 316
respect to any individual who has applied for employment in a 317
position that does not involve providing such ombudsperson 318
services, whether the bureau has any information gathered under 319
division (A) of this section that pertains to that applicant. 320

In addition to or in conjunction with any request that is 321
required to be made under section 173.394 of the Revised Code with 322
respect to an individual who has applied for employment in a 323
position that involves providing direct care to an individual, the 324
chief administrator of a community-based long-term care agency may 325
request that the superintendent investigate and determine, with 326
respect to any individual who has applied for employment in a 327
position that does not involve providing direct care, whether the 328
bureau has any information gathered under division (A) of this 329
section that pertains to that applicant. 330

On receipt of a request under this division, the 331
superintendent shall determine whether that information exists 332
and, on request of the individual requesting information, shall 333
also request from the federal bureau of investigation any criminal 334
records it has pertaining to the applicant. The superintendent or 335
the superintendent's designee also may request criminal history 336
records from other states or the federal government pursuant to 337

the national crime prevention and privacy compact set forth in 338
section 109.571 of the Revised Code. Within thirty days of the 339
date a request is received, the superintendent shall send to the 340
requester a report of any information determined to exist, 341
including information contained in records that have been sealed 342
under section 2953.32 of the Revised Code, and, within thirty days 343
of its receipt, shall send the requester a report of any 344
information received from the federal bureau of investigation, 345
other than information the dissemination of which is prohibited by 346
federal law. 347

(H) Information obtained by a government entity or person 348
under this section is confidential and shall not be released or 349
disseminated. 350

(I) The superintendent may charge a reasonable fee for 351
providing information or criminal records under division (F)(2) or 352
(G) of this section. 353

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 354
section 121.08, 3301.32, 3301.541, or 3319.39, ~~5104.012, or~~ 355
~~5104.013~~ of the Revised Code, a completed form prescribed pursuant 356
to division (C)(1) of this section, and a set of fingerprint 357
impressions obtained in the manner described in division (C)(2) of 358
this section, the superintendent of the bureau of criminal 359
identification and investigation shall conduct a criminal records 360
check in the manner described in division (B) of this section to 361
determine whether any information exists that indicates that the 362
person who is the subject of the request previously has been 363
convicted of or pleaded guilty to any of the following: 364

(a) A violation of section 2903.01, 2903.02, 2903.03, 365
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 366
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 367
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 368

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 369
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 370
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 371
2925.06, or 3716.11 of the Revised Code, felonious sexual 372
penetration in violation of former section 2907.12 of the Revised 373
Code, a violation of section 2905.04 of the Revised Code as it 374
existed prior to July 1, 1996, a violation of section 2919.23 of 375
the Revised Code that would have been a violation of section 376
2905.04 of the Revised Code as it existed prior to July 1, 1996, 377
had the violation been committed prior to that date, or a 378
violation of section 2925.11 of the Revised Code that is not a 379
minor drug possession offense; 380

(b) A violation of an existing or former law of this state, 381
any other state, or the United States that is substantially 382
equivalent to any of the offenses listed in division (A)(1)(a) of 383
this section. 384

(2) On receipt of a request pursuant to section 5123.081 of 385
the Revised Code with respect to an applicant for employment in 386
any position with the department of mental retardation and 387
developmental disabilities, pursuant to section 5126.28 of the 388
Revised Code with respect to an applicant for employment in any 389
position with a county board of mental retardation and 390
developmental disabilities, or pursuant to section 5126.281 of the 391
Revised Code with respect to an applicant for employment in a 392
direct services position with an entity contracting with a county 393
board for employment, a completed form prescribed pursuant to 394
division (C)(1) of this section, and a set of fingerprint 395
impressions obtained in the manner described in division (C)(2) of 396
this section, the superintendent of the bureau of criminal 397
identification and investigation shall conduct a criminal records 398
check. The superintendent shall conduct the criminal records check 399
in the manner described in division (B) of this section to 400

determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any of the following:

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

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

(3) On receipt of a request pursuant to section 173.27, 173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for employment in a position for which a criminal records check is required by those sections. 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 or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,

2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 433
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 434
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 435
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 436
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 437
2925.22, 2925.23, or 3716.11 of the Revised Code; 438

(b) An existing or former law of this state, any other state, 439
or the United States that is substantially equivalent to any of 440
the offenses listed in division (A)(3)(a) of this section. 441

(4) On receipt of a request pursuant to section 3701.881 of 442
the Revised Code with respect to an applicant for employment with 443
a home health agency as a person responsible for the care, 444
custody, or control of a child, a completed form prescribed 445
pursuant to division (C)(1) of this section, and a set of 446
fingerprint impressions obtained in the manner described in 447
division (C)(2) of this section, the superintendent of the bureau 448
of criminal identification and investigation shall conduct a 449
criminal records check. The superintendent shall conduct the 450
criminal records check in the manner described in division (B) of 451
this section to determine whether any information exists that 452
indicates that the person who is the subject of the request 453
previously has been convicted of or pleaded guilty to any of the 454
following: 455

(a) A violation of section 2903.01, 2903.02, 2903.03, 456
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 457
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 458
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 459
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 460
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 461
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 462
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 463
violation of section 2925.11 of the Revised Code that is not a 464

minor drug possession offense; 465

(b) An existing or former law of this state, any other state, 466
or the United States that is substantially equivalent to any of 467
the offenses listed in division (A)(4)(a) of this section. 468

(5) On receipt of a request pursuant to section 5111.95 or 469
5111.96 of the Revised Code with respect to an applicant for 470
employment with a waiver agency participating in a department of 471
job and family services administered home and community-based 472
waiver program or an independent provider participating in a 473
department administered home and community-based waiver program in 474
a position that involves providing home and community-based waiver 475
services to consumers with disabilities, a completed form 476
prescribed pursuant to division (C)(1) of this section, and a set 477
of fingerprint impressions obtained in the manner described in 478
division (C)(2) of this section, the superintendent of the bureau 479
of criminal identification and investigation shall conduct a 480
criminal records check. The superintendent shall conduct the 481
criminal records check in the manner described in division (B) of 482
this section to determine whether any information exists that 483
indicates that the person who is the subject of the request 484
previously has been convicted of or pleaded guilty to any of the 485
following: 486

(a) A violation of section 2903.01, 2903.02, 2903.03, 487
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 488
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 489
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 490
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 491
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 492
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 493
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 494
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 495
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 496

Revised Code, felonious sexual penetration in violation of former 497
section 2907.12 of the Revised Code, a violation of section 498
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 499
violation of section 2919.23 of the Revised Code that would have 500
been a violation of section 2905.04 of the Revised Code as it 501
existed prior to July 1, 1996, had the violation been committed 502
prior to that date; 503

(b) An existing or former law of this state, any other state, 504
or the United States that is substantially equivalent to any of 505
the offenses listed in division (A)(5)(a) of this section. 506

(6) On receipt of a request pursuant to section 3701.881 of 507
the Revised Code with respect to an applicant for employment with 508
a home health agency in a position that involves providing direct 509
care to an older adult, a completed form prescribed pursuant to 510
division (C)(1) of this section, and a set of fingerprint 511
impressions obtained in the manner described in division (C)(2) of 512
this section, the superintendent of the bureau of criminal 513
identification and investigation shall conduct a criminal records 514
check. The superintendent shall conduct the criminal records check 515
in the manner described in division (B) of this section to 516
determine whether any information exists that indicates that the 517
person who is the subject of the request previously has been 518
convicted of or pleaded guilty to any of the following: 519

(a) A violation of section 2903.01, 2903.02, 2903.03, 520
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 521
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 522
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 523
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 524
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 525
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 526
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 527
2925.22, 2925.23, or 3716.11 of the Revised Code; 528

(b) An existing or former law of this state, any other state, 529
or the United States that is substantially equivalent to any of 530
the offenses listed in division (A)(6)(a) of this section. 531

(7) When conducting a criminal records check upon a request 532
pursuant to section 3319.39 of the Revised Code for an applicant 533
who is a teacher, in addition to the determination made under 534
division (A)(1) of this section, the superintendent shall 535
determine whether any information exists that indicates that the 536
person who is the subject of the request previously has been 537
convicted of or pleaded guilty to any offense specified in section 538
3319.31 of the Revised Code. 539

(8) On receipt of a request pursuant to section 2151.86 of 540
the Revised Code, a completed form prescribed pursuant to division 541
(C)(1) of this section, and a set of fingerprint impressions 542
obtained in the manner described in division (C)(2) of this 543
section, the superintendent of the bureau of criminal 544
identification and investigation shall conduct a criminal records 545
check in the manner described in division (B) of this section to 546
determine whether any information exists that indicates that the 547
person who is the subject of the request previously has been 548
convicted of or pleaded guilty to any of the following: 549

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 550
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 551
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 552
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 553
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 554
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 555
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 556
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 557
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 558
of the Revised Code, a violation of section 2905.04 of the Revised 559
Code as it existed prior to July 1, 1996, a violation of section 560

2919.23 of the Revised Code that would have been a violation of 561
section 2905.04 of the Revised Code as it existed prior to July 1, 562
1996, had the violation been committed prior to that date, a 563
violation of section 2925.11 of the Revised Code that is not a 564
minor drug possession offense, two or more OVI or OVUAC violations 565
committed within the three years immediately preceding the 566
submission of the application or petition that is the basis of the 567
request, or felonious sexual penetration in violation of former 568
section 2907.12 of the Revised Code; 569

(b) A violation of an existing or former law of this state, 570
any other state, or the United States that is substantially 571
equivalent to any of the offenses listed in division (A)(8)(a) of 572
this section. 573

(9) ~~When conducting a criminal records check on~~ Upon receipt 574
of a request pursuant to section 5104.012 or 5104.013 of the 575
Revised Code ~~for a person who is an owner, licensee, or~~ 576
~~administrator of a child day care center or type A family day care~~ 577
~~home, an authorized provider of a certified type B family day care~~ 578
~~home, or an adult residing in a type A or certified type B home,~~ 579
~~or when conducting a criminal records check or a request pursuant~~ 580
~~to section 5104.012 of the Revised Code for a person who is an~~ 581
~~applicant for employment in a center, type A home, or certified~~ 582
~~type B home, the superintendent, in addition to the determination~~ 583
~~made under division (A)(1) of this section, shall, a completed~~ 584
form prescribed pursuant to division (C)(1) of this section, and a 585
set of fingerprint impressions obtained in the manner described in 586
division (C)(2) of this section, the superintendent of the bureau 587
of criminal identification and investigation shall conduct a 588
criminal records check in the manner described in division (B) of 589
this section to determine whether any information exists that 590
indicates that the person who is the subject of the request has 591
been convicted of or pleaded guilty to any of the following: 592

(a) A violation of section 2903.01, 2903.02, 2903.03, 593
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 594
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 595
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 596
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 597
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 598
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 599
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 600
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 601
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, ~~or~~ 2923.01, 2923.12, 602
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 603
3716.11 of the Revised Code, felonious sexual penetration in 604
violation of former section 2907.12 of the Revised Code, a 605
violation of section 2905.04 of the Revised Code as it existed 606
prior to July 1, 1996, a violation of section 2919.23 of the 607
Revised Code that would have been a violation of section 2905.04 608
of the Revised Code as it existed prior to July 1, 1996, had the 609
violation been committed prior to that date, a violation of 610
section 2925.11 of the Revised Code that is not a minor drug 611
possession offense, a violation of section 2923.02 or 2923.03 of 612
the Revised Code that relates to a crime specified in this 613
division ~~or division (A)(1)(a) of this section,~~ or a second 614
violation of section 4511.19 of the Revised Code within five years 615
of the date of application for licensure or certification. 616

(b) A violation of an existing or former law of this state, 617
any other state, or the United States that is substantially 618
equivalent to any of the offenses or violations described in 619
division (A)(9)(a) of this section. 620

(10) Upon receipt of a request pursuant to section 5153.111 621
of the Revised Code, a completed form prescribed pursuant to 622
division (C)(1) of this section, and a set of fingerprint 623
impressions obtained in the manner described in division (C)(2) of 624

this section, the superintendent of the bureau of criminal 625
identification and investigation shall conduct a criminal records 626
check in the manner described in division (B) of this section to 627
determine whether any information exists that indicates that the 628
person who is the subject of the request previously has been 629
convicted of or pleaded guilty to any of the following: 630

(a) A violation of section 2903.01, 2903.02, 2903.03, 631
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 632
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 633
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 634
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 635
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 636
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 637
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 638
felonious sexual penetration in violation of former section 639
2907.12 of the Revised Code, a violation of section 2905.04 of the 640
Revised Code as it existed prior to July 1, 1996, a violation of 641
section 2919.23 of the Revised Code that would have been a 642
violation of section 2905.04 of the Revised Code as it existed 643
prior to July 1, 1996, had the violation been committed prior to 644
that date, or a violation of section 2925.11 of the Revised Code 645
that is not a minor drug possession offense; 646

(b) A violation of an existing or former law of this state, 647
any other state, or the United States that is substantially 648
equivalent to any of the offenses listed in division (A)(10)(a) of 649
this section. 650

(11) On receipt of a request for a criminal records check 651
from an individual pursuant to section 4749.03 or 4749.06 of the 652
Revised Code, accompanied by a completed copy of the form 653
prescribed in division (C)(1) of this section and a set of 654
fingerprint impressions obtained in a manner described in division 655
(C)(2) of this section, the superintendent of the bureau of 656

criminal identification and investigation shall conduct a criminal 657
records check in the manner described in division (B) of this 658
section to determine whether any information exists indicating 659
that the person who is the subject of the request has been 660
convicted of or pleaded guilty to a felony in this state or in any 661
other state. If the individual indicates that a firearm will be 662
carried in the course of business, the superintendent shall 663
require information from the federal bureau of investigation as 664
described in division (B)(2) of this section. The superintendent 665
shall report the findings of the criminal records check and any 666
information the federal bureau of investigation provides to the 667
director of public safety. 668

(12) On receipt of a request pursuant to section 1322.03, 669
1322.031, or 4763.05 of the Revised Code, a completed form 670
prescribed pursuant to division (C)(1) of this section, and a set 671
of fingerprint impressions obtained in the manner described in 672
division (C)(2) of this section, the superintendent of the bureau 673
of criminal identification and investigation shall conduct a 674
criminal records check with respect to any person who has applied 675
for a license, permit, or certification from the department of 676
commerce or a division in the department. The superintendent shall 677
conduct the criminal records check in the manner described in 678
division (B) of this section to determine whether any information 679
exists that indicates that the person who is the subject of the 680
request previously has been convicted of or pleaded guilty to any 681
of the following: a violation of section 2913.02, 2913.11, 682
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 683
criminal offense involving theft, receiving stolen property, 684
embezzlement, forgery, fraud, passing bad checks, money 685
laundering, or drug trafficking, or any criminal offense involving 686
money or securities, as set forth in Chapters 2909., 2911., 2913., 687
2915., 2921., 2923., and 2925. of the Revised Code; or any 688
existing or former law of this state, any other state, or the 689

United States that is substantially equivalent to those offenses. 690

(13) Not later than thirty days after the date the 691
superintendent receives the request, completed form, and 692
fingerprint impressions, the superintendent shall send the person, 693
board, or entity that made the request any information, other than 694
information the dissemination of which is prohibited by federal 695
law, the superintendent determines exists with respect to the 696
person who is the subject of the request that indicates that the 697
person previously has been convicted of or pleaded guilty to any 698
offense listed or described in division (A)(1), (2), (3), (4), 699
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 700
appropriate. The superintendent shall send the person, board, or 701
entity that made the request a copy of the list of offenses 702
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 703
(9), (10), (11), or (12) of this section, as appropriate. If the 704
request was made under section 3701.881 of the Revised Code with 705
regard to an applicant who may be both responsible for the care, 706
custody, or control of a child and involved in providing direct 707
care to an older adult, the superintendent shall provide a list of 708
the offenses specified in divisions (A)(4) and (6) of this 709
section. 710

(B) The superintendent shall conduct any criminal records 711
check requested under section 121.08, 173.27, 173.394, 1322.03, 712
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 713
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 714
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 715
Revised Code as follows: 716

(1) The superintendent shall review or cause to be reviewed 717
any relevant information gathered and compiled by the bureau under 718
division (A) of section 109.57 of the Revised Code that relates to 719
the person who is the subject of the request, including any 720
relevant information contained in records that have been sealed 721

under section 2953.32 of the Revised Code; 722

(2) If the request received by the superintendent asks for 723
information from the federal bureau of investigation, the 724
superintendent shall request from the federal bureau of 725
investigation any information it has with respect to the person 726
who is the subject of the request, including fingerprint based 727
checks of national crime information databases as described in 42 728
U.S.C. 671 if the request is made pursuant to section 2151.86, 729
5104.012, or 5104.013 of the Revised Code or if any other Revised 730
Code section requires fingerprint based checks of that nature, and 731
shall review or cause to be reviewed any information the 732
superintendent receives from that bureau. 733

(3) The superintendent or the superintendent's designee may 734
request criminal history records from other states or the federal 735
government pursuant to the national crime prevention and privacy 736
compact set forth in section 109.571 of the Revised Code. 737

(C)(1) The superintendent shall prescribe a form to obtain 738
the information necessary to conduct a criminal records check from 739
any person for whom a criminal records check is required by 740
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 741
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 742
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 743
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 744
form that the superintendent prescribes pursuant to this division 745
may be in a tangible format, in an electronic format, or in both 746
tangible and electronic formats. 747

(2) The superintendent shall prescribe standard impression 748
sheets to obtain the fingerprint impressions of any person for 749
whom a criminal records check is required by section 121.08, 750
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 751
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 752
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 753

5126.281, or 5153.111 of the Revised Code. Any person for whom a records check is required by any of those sections shall obtain the fingerprint impressions at a county sheriff's office, municipal police department, or any other entity with the ability to make fingerprint impressions on the standard impression sheets prescribed by the superintendent. The office, department, or entity may charge the person a reasonable fee for making the impressions. The standard impression sheets the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(3) Subject to division (D) of this section, the superintendent shall prescribe and charge a reasonable fee for providing a criminal records check requested under section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The person making a criminal records request under ~~section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111~~ of the Revised Code any of those sections shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult shall pay one fee for the request.

(4) The superintendent of the bureau of criminal identification and investigation may prescribe methods of forwarding fingerprint impressions and information necessary to conduct a criminal records check, which methods shall include, but

not be limited to, an electronic method. 786

(D) A determination whether any information exists that 787
indicates that a person previously has been convicted of or 788
pleaded guilty to any offense listed or described in division 789
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 790
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 791
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 792
that is made by the superintendent with respect to information 793
considered in a criminal records check in accordance with this 794
section is valid for the person who is the subject of the criminal 795
records check for a period of one year from the date upon which 796
the superintendent makes the determination. During the period in 797
which the determination in regard to a person is valid, if another 798
request under this section is made for a criminal records check 799
for that person, the superintendent shall provide the information 800
that is the basis for the superintendent's initial determination 801
at a lower fee than the fee prescribed for the initial criminal 802
records check. 803

(E) As used in this section: 804

(1) "Criminal records check" means any criminal records check 805
conducted by the superintendent of the bureau of criminal 806
identification and investigation in accordance with division (B) 807
of this section. 808

(2) "Home and community-based waiver services" and "waiver 809
agency" have the same meanings as in section 5111.95 of the 810
Revised Code. 811

(3) "Independent provider" has the same meaning as in section 812
5111.96 of the Revised Code. 813

(4) "Minor drug possession offense" has the same meaning as 814
in section 2925.01 of the Revised Code. 815

(5) "Older adult" means a person age sixty or older. 816

(6) "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. 817
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Sec. 109.581. (A) As used in this section: 822

(1) "Individual" means any person who is required by law to submit fingerprint impressions to a participating entity for a criminal records check. 823
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(2) "Participating entity" means a state agency or government agency required by statute to submit fingerprint impressions of an individual for a criminal records check as a condition of licensure, certification, approval for adoption, employment, or volunteer service with the agency. 826
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(3) "State agency" has the same meaning as in section 9.23 of the Revised Code. 831
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(B) The superintendent of the bureau of criminal identification and investigation shall establish and maintain a retained applicant fingerprint database, separate and apart from all other records maintained by the bureau, to notify a participating entity when an individual who is licensed, certified, approval for adoption, or employed by, or volunteers with, the participating entity and is arrested for, or pleads guilty to or is convicted of, an offense that would disqualify that individual from licensure, certification, approval, or employment by, or volunteering with, the participating entity. 833
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(C)(1) A participating entity shall ensure that the superintendent of the bureau of criminal identification and investigation receives fingerprint impressions in a manner prescribed by the bureau in rules adopted under this section prior 843
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to an individual being licensed, certified, approved for adoption, 847
or employed by, or beginning volunteer service with, the 848
participating entity. The bureau shall enter information and the 849
fingerprint impressions relating to the individual into the 850
retained applicant fingerprint database within thirty days of 851
receiving the information and impressions. 852

(2) An individual who has submitted fingerprint impressions 853
for licensure, certification, approval for adoption, or employment 854
by, or volunteer service with, a participating entity shall be 855
reprinted for licensure, certification, approval, employment, or 856
volunteer service with another participating entity. If an 857
individual has been reprinted, the superintendent of the bureau of 858
criminal identification and investigation shall update that 859
individual's information accordingly. 860

(3) A participating entity shall notify the bureau of 861
criminal identification and investigation when an individual is no 862
longer licensed, certified, approved for adoption, or employed by, 863
or volunteers with, the participating entity, or the individual is 864
deceased. 865

(D) The superintendent of the bureau of criminal 866
identification and investigation shall promptly notify a 867
participating entity when an individual who is licensed, 868
certified, approved for adoption, or employed by, or volunteers 869
with, a participating entity is arrested for, or pleads guilty to 870
or is convicted of, an offense that would disqualify that 871
individual from licensure, certification, approval, employment, or 872
volunteering with the participating entity. 873

(E)(1) Information contained in the retained applicant 874
fingerprint database, and in the notice described in division (D) 875
of this section, shall be used by the bureau of criminal 876
identification and investigation and the participating entity for 877
the purposes of licensure, certification, approval for adoption, 878

or employment by, or volunteer service with, the participating 879
entity, and such information is otherwise confidential and not a 880
public record under section 149.43 of the Revised Code. 881

(2) No person shall knowingly disseminate or use the 882
information contained in the retained applicant fingerprint 883
database for any purpose that is not authorized by law or by rules 884
adopted pursuant to this section. 885

(3) No person shall knowingly use the information contained 886
in the retained applicant fingerprint database to harass or 887
intimidate another person. 888

(F)(1) Any law enforcement official, or official employed by 889
the participating entity who receives notification under this 890
section, who disseminates, or fails to disseminate, information 891
contained in the retained applicant fingerprint database in good 892
faith compliance with the duties imposed by this section is immune 893
from civil liability relating to that dissemination or failure to 894
disseminate, unless the official's actions were manifestly outside 895
the scope of duties imposed by this section or unless the official 896
acted with malicious purpose, in bad faith, or in a wanton or 897
reckless manner. 898

(2) A participating entity shall not be found negligent per 899
se in a civil action for failure to submit an individual's 900
information or fingerprint impressions to the bureau of criminal 901
identification and investigation in accordance with this section. 902

(G) Not later than six months after the effective date of 903
this section, each participating entity that is a state agency 904
shall adopt rules in accordance with Chapter 119. of the Revised 905
Code to implement this section. The rules shall be consistent with 906
the provisions of this section that are applicable to the 907
participating entity. Prior to the date on which rules adopted by 908
a participating entity under this division take effect, the 909

participating entity may use information provided under this 910
section, notwithstanding the fact that the rules have not taken 911
effect, and the lack of rules does not limit or restrict the 912
participating entity from using information so provided. 913

(H) The superintendent of the bureau of criminal 914
identification and investigation shall adopt rules in accordance 915
with Chapter 119. of the Revised Code necessary to carry out the 916
purposes of this section, including rules regarding all of the 917
following: 918

(1) The establishment and maintenance of the retained 919
applicant fingerprint database; 920

(2) The collection of fingerprint impressions and a 921
reasonable fee for utilizing the database; 922

(3) The expungement of fingerprint impressions and other 923
personal information of individuals who are deceased or are no 924
longer licensed, certified, approved for adoption, or employed by, 925
or volunteer with, a participating entity. 926

Sec. 109.60. (A)(1) The sheriffs of the several counties and 927
the chiefs of police of cities, immediately upon the arrest of any 928
person for any felony, on suspicion of any felony, for a crime 929
constituting a misdemeanor on the first offense and a felony on 930
subsequent offenses, or for any misdemeanor described in division 931
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 932
Revised Code, and immediately upon the arrest or taking into 933
custody of any child under eighteen years of age for committing an 934
act that would be a felony or an offense of violence if committed 935
by an adult or upon probable cause to believe that a child of that 936
age may have committed an act that would be a felony or an offense 937
of violence if committed by an adult, shall take the person's or 938
child's fingerprints, or cause the same to be taken, according to 939
the fingerprint system of identification on the forms furnished by 940

the superintendent of the bureau of criminal identification and 941
investigation, and immediately shall forward copies of the 942
completed forms, any other description that may be required, and 943
the history of the offense committed to the bureau to be 944
classified and filed and to the clerk of the court having 945
jurisdiction over the prosecution of the offense or over the 946
adjudication relative to the act. 947

(2) ~~If~~ Except as provided in division (B) of this section, if 948
a person or child has not been arrested and first appears before a 949
court or magistrate in response to a summons, or if a sheriff or 950
chief of police has not taken, or caused to be taken, a person's 951
or child's fingerprints in accordance with division (A)(1) of this 952
section by the time of the arraignment or first appearance of the 953
person or child, the court shall order the person or child to 954
appear before the sheriff or chief of police within twenty-four 955
hours to have the person's or child's fingerprints taken. The 956
sheriff or chief of police shall take the person's or child's 957
fingerprints, or cause the fingerprints to be taken, according to 958
the fingerprint system of identification on the forms furnished by 959
the superintendent of the bureau of criminal identification and 960
investigation and, immediately after the person's or child's 961
arraignment or first appearance, forward copies of the completed 962
forms, any other description that may be required, and the history 963
of the offense committed to the bureau to be classified and filed 964
and to the clerk of the court. 965

(3) Every court with jurisdiction over a case involving a 966
person or child with respect to whom division (A)(1) or (2) of 967
this section requires a sheriff or chief of police to take the 968
person's or child's fingerprints shall inquire at the time of the 969
person's or child's sentencing or adjudication whether or not the 970
person or child has been fingerprinted pursuant to division (A)(1) 971
or (2) of this section for the original arrest or court appearance 972

upon which the sentence or adjudication is based. If the person or 973
child was not fingerprinted for the original arrest or court 974
appearance upon which the sentence or adjudication is based, the 975
court shall order the person or child to appear before the sheriff 976
or chief of police within twenty-four hours to have the person's 977
or child's fingerprints taken. The sheriff or chief of police 978
shall take the person's or child's fingerprints, or cause the 979
fingerprints to be taken, according to the fingerprint system of 980
identification on the forms furnished by the superintendent of the 981
bureau of criminal identification and investigation and 982
immediately forward copies of the completed forms, any other 983
description that may be required, and the history of the offense 984
committed to the bureau to be classified and filed and to the 985
clerk of the court. 986

(4) If a person or child is in the custody of a law 987
enforcement agency or a detention facility, as defined in section 988
2921.01 of the Revised Code, and the chief law enforcement officer 989
or chief administrative officer of the detention facility 990
discovers that a warrant has been issued or a bill of information 991
has been filed alleging the person or child to have committed an 992
offense or act other than the offense or act for which the person 993
or child is in custody, and the other alleged offense or act is 994
one for which fingerprints are to be taken pursuant to division 995
(A)(1) of this section, the law enforcement agency or detention 996
facility shall take the fingerprints of the person or child, or 997
cause the fingerprints to be taken, according to the fingerprint 998
system of identification on the forms furnished by the 999
superintendent of the bureau of criminal identification and 1000
investigation and immediately forward copies of the completed 1001
forms, any other description that may be required, and the history 1002
of the offense committed to the bureau to be classified and filed 1003
and to the clerk of the court that issued the warrant or with 1004
which the bill of information was filed. 1005

(5) If an accused is found not guilty of the offense charged 1006
or a nolle prosequi is entered in any case, or if any accused 1007
child under eighteen years of age is found not to be a delinquent 1008
child for committing an act that would be a felony or an offense 1009
of violence if committed by an adult or not guilty of the felony 1010
or offense of violence charged or a nolle prosequi is entered in 1011
that case, the fingerprints and description shall be given to the 1012
accused upon the accused's request. 1013

(6) The superintendent shall compare the description received 1014
with those already on file in the bureau, and, if the 1015
superintendent finds that the person arrested or taken into 1016
custody has a criminal record or a record as a delinquent child 1017
for having committed an act that would be a felony or an offense 1018
of violence if committed by an adult or is a fugitive from justice 1019
or wanted by any jurisdiction in this or another state, the United 1020
States, or a foreign country for any offense, the superintendent 1021
at once shall inform the arresting officer, the officer taking the 1022
person into custody, or the chief administrative officer of the 1023
county, multicounty, municipal, municipal-county, or 1024
multicounty-municipal jail or workhouse, community-based 1025
correctional facility, halfway house, alternative residential 1026
facility, or state correctional institution in which the person or 1027
child is in custody of that fact and give appropriate notice to 1028
the proper authorities in the jurisdiction in which the person is 1029
wanted, or, if that jurisdiction is a foreign country, give 1030
appropriate notice to federal authorities for transmission to the 1031
foreign country. The names, under which each person whose 1032
identification is filed is known, shall be alphabetically indexed 1033
by the superintendent. 1034

(B) Division (A) of this section does not apply to a violator 1035
of a city ordinance unless the officers have reason to believe 1036
that the violator is a past offender or the crime is one 1037

constituting a misdemeanor on the first offense and a felony on 1038
subsequent offenses, or unless it is advisable for the purpose of 1039
subsequent identification. This section does not apply to any 1040
child under eighteen years of age who was not arrested or 1041
otherwise taken into custody for committing an act that would be a 1042
felony or an offense of violence if committed by an adult or upon 1043
probable cause to believe that a child of that age may have 1044
committed an act that would be a felony or an offense of violence 1045
if committed by an adult, except as provided in section 2151.313 1046
of the Revised Code. 1047

(C)(1) For purposes of division (C) of this section, a law 1048
enforcement agency shall be considered to have arrested a person 1049
if any law enforcement officer who is employed by, appointed by, 1050
or serves that agency arrests the person. As used in division (C) 1051
of this section: 1052

(a) "Illegal methamphetamine manufacturing laboratory" has 1053
the same meaning as in section 3745.13 of the Revised Code. 1054

(b) "Methamphetamine or a methamphetamine product" means 1055
methamphetamine, any salt, isomer, or salt of an isomer of 1056
methamphetamine, or any compound, mixture, preparation, or 1057
substance containing methamphetamine or any salt, isomer, or salt 1058
of an isomer of methamphetamine. 1059

(2) Each law enforcement agency that, in any calendar year, 1060
arrests any person for a violation of section 2925.04 of the 1061
Revised Code that is based on the manufacture of methamphetamine 1062
or a methamphetamine product, a violation of section 2925.041 of 1063
the Revised Code that is based on the possession of chemicals 1064
sufficient to produce methamphetamine or a methamphetamine 1065
product, or a violation of any other provision of Chapter 2925. or 1066
3719. of the Revised Code that is based on the possession of 1067
chemicals sufficient to produce methamphetamine or a 1068
methamphetamine product shall prepare an annual report covering 1069

the calendar year that contains the information specified in 1070
division (C)(3) of this section relative to all arrests for 1071
violations of those sections committed under those circumstances 1072
during that calendar year and relative to illegal methamphetamine 1073
manufacturing laboratories, dump sites, and chemical caches as 1074
specified in that division and shall send the annual report, not 1075
later than the first day of March in the calendar year following 1076
the calendar year covered by the report, to the bureau of criminal 1077
identification and investigation. 1078

The law enforcement agency shall write any annual report 1079
prepared and filed under this division on the standard forms 1080
furnished by the superintendent of the bureau of criminal 1081
identification and investigation pursuant to division (C)(4) of 1082
this section. The annual report shall be a statistical report, and 1083
nothing in the report or in the information it contains shall 1084
identify, or enable the identification of, any person who was 1085
arrested and whose arrest is included in the information contained 1086
in the report. The annual report in the possession of the bureau 1087
and the information it contains are public records for the purpose 1088
of section 149.43 of the Revised Code. 1089

(3) The annual report prepared and filed by a law enforcement 1090
agency under division (C)(2) of this section shall contain all of 1091
the following information for the calendar year covered by the 1092
report: 1093

(a) The total number of arrests made by the agency in that 1094
calendar year for a violation of section 2925.04 of the Revised 1095
Code that is based on the manufacture of methamphetamine or a 1096
methamphetamine product, a violation of section 2925.041 of the 1097
Revised Code that is based on the possession of chemicals 1098
sufficient to produce methamphetamine or a methamphetamine 1099
product, or a violation of any other provision of Chapter 2925. or 1100
3719. of the Revised Code that is based on the possession of 1101

chemicals sufficient to produce methamphetamine or a 1102
methamphetamine product; 1103

(b) The total number of illegal methamphetamine manufacturing 1104
laboratories at which one or more of the arrests reported under 1105
division (C)(3)(a) of this section occurred, or that were 1106
discovered in that calendar year within the territory served by 1107
the agency but at which none of the arrests reported under 1108
division (C)(3)(a) of this section occurred; 1109

(c) The total number of dump sites and chemical caches that 1110
are, or that are reasonably believed to be, related to illegal 1111
methamphetamine manufacturing and that were discovered in that 1112
calendar year within the territory served by the agency. 1113

(4) The superintendent of the bureau of criminal 1114
identification and investigation shall prepare and furnish to each 1115
law enforcement agency in this state standard forms for making the 1116
annual reports required by division (C)(2) of this section. The 1117
standard forms that the superintendent prepares pursuant to this 1118
division may be in a tangible format, in an electronic format, or 1119
in both a tangible format and an electronic format. 1120

(5) The annual report required by division (C)(2) of this 1121
section is separate from, and in addition to, any report, 1122
materials, or information required under division (A) of this 1123
section or under any other provision of sections 109.57 to 109.62 1124
of the Revised Code. 1125

Sec. 109.99. (A) Whoever violates section 109.26 of the 1126
Revised Code shall be fined not less than five hundred nor more 1127
than ten thousand dollars or be imprisoned not less than one month 1128
nor more than one year, or both. 1129

(B) Whoever violates division (G)(1) of section 109.573 of 1130
the Revised Code is guilty of unlawful disclosure of DNA database 1131

information, a misdemeanor of the first degree. 1132

(C) Whoever violates division (G)(2) of section 109.573 of 1133
the Revised Code is guilty of unlawful possession of DNA database 1134
information, a misdemeanor of the first degree. 1135

(D)(1) Whoever violates division (E)(2) of section 109.581 of 1136
the Revised Code is guilty of unlawful dissemination or use of 1137
retained applicant fingerprint database information, a misdemeanor 1138
of the fourth degree. 1139

(2) Whoever violates division (E)(3) of section 109.581 of 1140
the Revised Code is guilty of harassment or intimidation using 1141
retained applicant fingerprint database information, as 1142
applicable, a misdemeanor of the first degree. 1143

(E)(1) Whoever violates division (G)(1) of section 109.35 of 1144
the Revised Code is guilty of entering into a transaction 1145
involving a nonprofit health care entity without the approval of 1146
the attorney general, a felony of the third degree. 1147

(2) Whoever violates division (G)(2) of section 109.35 of the 1148
Revised Code is guilty of receiving improper compensation relating 1149
to a transaction involving a nonprofit health care entity, a 1150
felony of the third degree. 1151

Sec. 1901.43. (A) If a sheriff or chief of police has not 1152
taken, or caused to be taken, a person's or child's fingerprints 1153
in accordance with division (A)(1) of section 109.60 of the 1154
Revised Code with respect to a crime or act set forth in that 1155
division by the time of the arraignment or first appearance of the 1156
person or child with respect to that crime or act, the municipal 1157
court shall order the person or child to appear before the sheriff 1158
or chief of police within twenty-four hours of the arraignment or 1159
first appearance to have the person's or child's fingerprints 1160
taken as provided in division (A)(2) of section 109.60 of the 1161

Revised Code. 1162

(B) If the municipal court has jurisdiction over a case 1163
involving a person or child with respect to whom division (A)(1) 1164
or (2) of section 109.60 of the Revised Code requires a sheriff or 1165
chief of police to take the person's or child's fingerprints, the 1166
municipal court shall inquire at the time of the person's or 1167
child's sentencing or adjudication for the crime or act for which 1168
the fingerprints were required to be taken whether or not the 1169
person or child has been fingerprinted pursuant to division (A)(1) 1170
or (2) of section 109.60 of the Revised Code for the original 1171
arrest or court appearance upon which the sentence or adjudication 1172
is based. If a person or child was not fingerprinted for the 1173
original arrest or court appearance, the municipal court shall 1174
order the person or child to appear before the sheriff or chief of 1175
police within twenty-four hours to have the person's or child's 1176
fingerprints taken as provided in division (A)(3) of section 1177
109.60 of the Revised Code. 1178

Sec. 1907.181. (A) If a sheriff or chief of police has not 1179
taken, or caused to be taken, a person's or child's fingerprints 1180
in accordance with division (A)(1) of section 109.60 of the 1181
Revised Code with respect to a crime or act set forth in that 1182
division by the time of the arraignment or first appearance of the 1183
person or child with respect to that crime or act, the county 1184
court shall order the person or child to appear before the sheriff 1185
or chief of police within twenty-four hours of the arraignment or 1186
first appearance to have the person's or child's fingerprints 1187
taken as provided in division (A)(2) of section 109.60 of the 1188
Revised Code. 1189

(B) If the county court has jurisdiction over a case 1190
involving a person or child with respect to whom division (A)(1) 1191
or (2) of section 109.60 of the Revised Code requires a sheriff or 1192

chief of police to take the person's or child's fingerprints, the 1193
county court shall inquire at the time of the person's or child's 1194
sentencing or adjudication for the crime or act for which the 1195
fingerprints were required to be taken whether or not the person 1196
or child has been fingerprinted pursuant to division (A)(1) or (2) 1197
of section 109.60 of the Revised Code for the original arrest or 1198
court appearance upon which the sentence or adjudication is based. 1199
If a person or child was not fingerprinted for the original arrest 1200
or court appearance, the county court shall order the person or 1201
child to appear before the sheriff or chief of police within 1202
twenty-four hours to have the person's or child's fingerprints 1203
taken as provided in division (A)(3) of section 109.60 of the 1204
Revised Code. 1205

Sec. 2151.413. (A) A public children services agency or 1206
private child placing agency that, pursuant to an order of 1207
disposition under division (A)(2) of section 2151.353 of the 1208
Revised Code or under any version of section 2151.353 of the 1209
Revised Code that existed prior to January 1, 1989, is granted 1210
temporary custody of a child who is not abandoned or orphaned may 1211
file a motion in the court that made the disposition of the child 1212
requesting permanent custody of the child. 1213

(B) A public children services agency or private child 1214
placing agency that, pursuant to an order of disposition under 1215
division (A)(2) of section 2151.353 of the Revised Code or under 1216
any version of section 2151.353 of the Revised Code that existed 1217
prior to January 1, 1989, is granted temporary custody of a child 1218
who is orphaned may file a motion in the court that made the 1219
disposition of the child requesting permanent custody of the child 1220
whenever it can show that no relative of the child is able to take 1221
legal custody of the child. 1222

(C) A public children services agency or private child 1223

placing agency that, pursuant to an order of disposition under 1224
division (A)(5) of section 2151.353 of the Revised Code, places a 1225
child in a planned permanent living arrangement may file a motion 1226
in the court that made the disposition of the child requesting 1227
permanent custody of the child. 1228

(D)(1) Except as provided in division (D)(3) of this section, 1229
if a child has been in the temporary custody of one or more public 1230
children services agencies or private child placing agencies for 1231
twelve or more months of a consecutive twenty-two-month period 1232
~~ending on or after March 18, 1999~~, the agency with custody shall 1233
file a motion requesting permanent custody of the child. If the 1234
child has been in the temporary custody of one or more public 1235
children services agencies or private child placing agencies and 1236
the child was previously in the temporary custody of an equivalent 1237
agency in another state, the agency with custody of the child 1238
shall apply the time in temporary custody in the other state to 1239
the time in temporary custody in this state and, except as 1240
provided in division (D)(3) of this section, if the time spent in 1241
temporary custody equals twelve or more months of a consecutive 1242
twenty-two-month period, the agency with custody may file a motion 1243
requesting permanent custody of the child. The motion shall be 1244
filed in the court that issued the current order of temporary 1245
custody. For the purposes of this division, a child shall be 1246
considered to have entered the temporary custody of an agency on 1247
the earlier of the date the child is adjudicated pursuant to 1248
section 2151.28 of the Revised Code or the date that is sixty days 1249
after the removal of the child from home. 1250

(2) Except as provided in division (D)(3) of this section, if 1251
a court makes a determination pursuant to division (A)(2) of 1252
section 2151.419 of the Revised Code, the public children services 1253
agency or private child placing agency required to develop the 1254
permanency plan for the child under division (K) of section 1255

2151.417 of the Revised Code shall file a motion in the court that
made the determination requesting permanent custody of the child.

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

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

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

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

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

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

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

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to
section 2151.413 of the Revised Code for permanent custody of a
child, the court shall schedule a hearing and give notice of the

filing of the motion and of the hearing, in accordance with 1286
section 2151.29 of the Revised Code, to all parties to the action 1287
and to the child's guardian ad litem. The notice also shall 1288
contain a full explanation that the granting of permanent custody 1289
permanently divests the parents of their parental rights, a full 1290
explanation of their right to be represented by counsel and to 1291
have counsel appointed pursuant to Chapter 120. of the Revised 1292
Code if they are indigent, and the name and telephone number of 1293
the court employee designated by the court pursuant to section 1294
2151.314 of the Revised Code to arrange for the prompt appointment 1295
of counsel for indigent persons. 1296

The court shall conduct a hearing in accordance with section 1297
2151.35 of the Revised Code to determine if it is in the best 1298
interest of the child to permanently terminate parental rights and 1299
grant permanent custody to the agency that filed the motion. The 1300
adjudication that the child is an abused, neglected, or dependent 1301
child and any dispositional order that has been issued in the case 1302
under section 2151.353 of the Revised Code pursuant to the 1303
adjudication shall not be readjudicated at the hearing and shall 1304
not be affected by a denial of the motion for permanent custody. 1305

(2) The court shall hold the hearing scheduled pursuant to 1306
division (A)(1) of this section not later than one hundred twenty 1307
days after the agency files the motion for permanent custody, 1308
except that, for good cause shown, the court may continue the 1309
hearing for a reasonable period of time beyond the 1310
one-hundred-twenty-day deadline. The court shall issue an order 1311
that grants, denies, or otherwise disposes of the motion for 1312
permanent custody, and journalize the order, not later than two 1313
hundred days after the agency files the motion. 1314

If a motion is made under division (D)(2) of section 2151.413 1315
of the Revised Code and no dispositional hearing has been held in 1316
the case, the court may hear the motion in the dispositional 1317

hearing required by division (B) of section 2151.35 of the Revised Code. If the court issues an order pursuant to section 2151.353 of the Revised Code granting permanent custody of the child to the agency, the court shall immediately dismiss the motion made under division (D)(2) of section 2151.413 of the Revised Code.

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

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

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

(b) The child is abandoned.

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

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period ~~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. 1381

If the court grants permanent custody of a child to a movant 1382
under this division, the court, upon the request of any party, 1383
shall file a written opinion setting forth its findings of fact 1384
and conclusions of law in relation to the proceeding. The court 1385
shall not deny an agency's motion for permanent custody solely 1386
because the agency failed to implement any particular aspect of 1387
the child's case plan. 1388

(D) In determining the best interest of a child at a hearing 1389
held pursuant to division (A) of this section or for the purposes 1390
of division (A)(4) or (5) of section 2151.353 or division (C) of 1391
section 2151.415 of the Revised Code, the court shall consider all 1392
relevant factors, including, but not limited to, the following: 1393

(1) The interaction and interrelationship of the child with 1394
the child's parents, siblings, relatives, foster caregivers and 1395
out-of-home providers, and any other person who may significantly 1396
affect the child; 1397

(2) The wishes of the child, as expressed directly by the 1398
child or through the child's guardian ad litem, with due regard 1399
for the maturity of the child; 1400

(3) The custodial history of the child, including whether the 1401
child has been in the temporary custody of one or more public 1402
children services agencies or private child placing agencies for 1403
twelve or more months of a consecutive twenty-two-month period 1404
~~ending on or after March 18, 1999, or the child has been in the~~ 1405
temporary custody of one or more public children services agencies 1406
or private child placing agencies for twelve or more months of a 1407
consecutive twenty-two-month period and, as described in division 1408
(D)(1) of section 2151.413 of the Revised Code, the child was 1409
previously in the temporary custody of an equivalent agency in 1410
another state; 1411

(4) The child's need for a legally secure permanent placement 1412
and whether that type of placement can be achieved without a grant 1413
of permanent custody to the agency; 1414

(5) Whether any of the factors in divisions (E)(7) to (11) of 1415
this section apply in relation to the parents and child. 1416

For the purposes of this division, a child shall be 1417
considered to have entered the temporary custody of an agency on 1418
the earlier of the date the child is adjudicated pursuant to 1419
section 2151.28 of the Revised Code or the date that is sixty days 1420
after the removal of the child from home. 1421

(E) In determining at a hearing held pursuant to division (A) 1422
of this section or for the purposes of division (A)(4) of section 1423
2151.353 of the Revised Code whether a child cannot be placed with 1424
either parent within a reasonable period of time or should not be 1425
placed with the parents, the court shall consider all relevant 1426
evidence. If the court determines, by clear and convincing 1427
evidence, at a hearing held pursuant to division (A) of this 1428
section or for the purposes of division (A)(4) of section 2151.353 1429
of the Revised Code that one or more of the following exist as to 1430
each of the child's parents, the court shall enter a finding that 1431
the child cannot be placed with either parent within a reasonable 1432
time or should not be placed with either parent: 1433

(1) Following the placement of the child outside the child's 1434
home and notwithstanding reasonable case planning and diligent 1435
efforts by the agency to assist the parents to remedy the problems 1436
that initially caused the child to be placed outside the home, the 1437
parent has failed continuously and repeatedly to substantially 1438
remedy the conditions causing the child to be placed outside the 1439
child's home. In determining whether the parents have 1440
substantially remedied those conditions, the court shall consider 1441
parental utilization of medical, psychiatric, psychological, and 1442
other social and rehabilitative services and material resources 1443

that were made available to the parents for the purpose of 1444
changing parental conduct to allow them to resume and maintain 1445
parental duties. 1446

(2) Chronic mental illness, chronic emotional illness, mental 1447
retardation, physical disability, or chemical dependency of the 1448
parent that is so severe that it makes the parent unable to 1449
provide an adequate permanent home for the child at the present 1450
time and, as anticipated, within one year after the court holds 1451
the hearing pursuant to division (A) of this section or for the 1452
purposes of division (A)(4) of section 2151.353 of the Revised 1453
Code; 1454

(3) The parent committed any abuse as described in section 1455
2151.031 of the Revised Code against the child, caused the child 1456
to suffer any neglect as described in section 2151.03 of the 1457
Revised Code, or allowed the child to suffer any neglect as 1458
described in section 2151.03 of the Revised Code between the date 1459
that the original complaint alleging abuse or neglect was filed 1460
and the date of the filing of the motion for permanent custody; 1461

(4) The parent has demonstrated a lack of commitment toward 1462
the child by failing to regularly support, visit, or communicate 1463
with the child when able to do so, or by other actions showing an 1464
unwillingness to provide an adequate permanent home for the child; 1465

(5) The parent is incarcerated for an offense committed 1466
against the child or a sibling of the child; 1467

(6) The parent has been convicted of or pleaded guilty to an 1468
offense under division (A) or (C) of section 2919.22 or under 1469
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1470
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1471
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1472
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 1473
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 1474

Revised Code and the child or a sibling of the child was a victim 1475
of the offense or the parent has been convicted of or pleaded 1476
guilty to an offense under section 2903.04 of the Revised Code, a 1477
sibling of the child was the victim of the offense, and the parent 1478
who committed the offense poses an ongoing danger to the child or 1479
a sibling of the child. 1480

(7) The parent has been convicted of or pleaded guilty to one 1481
of the following: 1482

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 1483
the Revised Code or under an existing or former law of this state, 1484
any other state, or the United States that is substantially 1485
equivalent to an offense described in those sections and the 1486
victim of the offense was a sibling of the child or the victim was 1487
another child who lived in the parent's household at the time of 1488
the offense; 1489

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 1490
the Revised Code or under an existing or former law of this state, 1491
any other state, or the United States that is substantially 1492
equivalent to an offense described in those sections and the 1493
victim of the offense is the child, a sibling of the child, or 1494
another child who lived in the parent's household at the time of 1495
the offense; 1496

(c) An offense under division (B)(2) of section 2919.22 of 1497
the Revised Code or under an existing or former law of this state, 1498
any other state, or the United States that is substantially 1499
equivalent to the offense described in that section and the child, 1500
a sibling of the child, or another child who lived in the parent's 1501
household at the time of the offense is the victim of the offense; 1502

(d) An offense under section 2907.02, 2907.03, 2907.04, 1503
2907.05, or 2907.06 of the Revised Code or under an existing or 1504
former law of this state, any other state, or the United States 1505

that is substantially equivalent to an offense described in those 1506
sections and the victim of the offense is the child, a sibling of 1507
the child, or another child who lived in the parent's household at 1508
the time of the offense; 1509

(e) A conspiracy or attempt to commit, or complicity in 1510
committing, an offense described in division (E)(7)(a) or (d) of 1511
this section. 1512

(8) The parent has repeatedly withheld medical treatment or 1513
food from the child when the parent has the means to provide the 1514
treatment or food, and, in the case of withheld medical treatment, 1515
the parent withheld it for a purpose other than to treat the 1516
physical or mental illness or defect of the child by spiritual 1517
means through prayer alone in accordance with the tenets of a 1518
recognized religious body. 1519

(9) The parent has placed the child at substantial risk of 1520
harm two or more times due to alcohol or drug abuse and has 1521
rejected treatment two or more times or refused to participate in 1522
further treatment two or more times after a case plan issued 1523
pursuant to section 2151.412 of the Revised Code requiring 1524
treatment of the parent was journalized as part of a dispositional 1525
order issued with respect to the child or an order was issued by 1526
any other court requiring treatment of the parent. 1527

(10) The parent has abandoned the child. 1528

(11) The parent has had parental rights involuntarily 1529
terminated ~~pursuant to this section or section 2151.353 or~~ 1530
~~2151.415 of the Revised Code~~ with respect to a sibling of the 1531
child pursuant to this section or section 2151.353 or 2151.415 of 1532
the Revised Code or under an existing or former law of this state, 1533
any other state, or the United States that is substantially 1534
equivalent to those sections. 1535

(12) The parent is incarcerated at the time of the filing of 1536

the motion for permanent custody or the dispositional hearing of 1537
the child and will not be available to care for the child for at 1538
least eighteen months after the filing of the motion for permanent 1539
custody or the dispositional hearing. 1540

(13) The parent is repeatedly incarcerated, and the repeated 1541
incarceration prevents the parent from providing care for the 1542
child. 1543

(14) The parent for any reason is unwilling to provide food, 1544
clothing, shelter, and other basic necessities for the child or to 1545
prevent the child from suffering physical, emotional, or sexual 1546
abuse or physical, emotional, or mental neglect. 1547

(15) The parent has committed abuse as described in section 1548
2151.031 of the Revised Code against the child or caused or 1549
allowed the child to suffer neglect as described in section 1550
2151.03 of the Revised Code, and the court determines that the 1551
seriousness, nature, or likelihood of recurrence of the abuse or 1552
neglect makes the child's placement with the child's parent a 1553
threat to the child's safety. 1554

(16) Any other factor the court considers relevant. 1555

(F) The parents of a child for whom the court has issued an 1556
order granting permanent custody pursuant to this section, upon 1557
the issuance of the order, cease to be parties to the action. This 1558
division is not intended to eliminate or restrict any right of the 1559
parents to appeal the granting of permanent custody of their child 1560
to a movant pursuant to this section. 1561

Sec. 2151.417. (A) Any court that issues a dispositional 1562
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 1563
Revised Code may review at any time the child's placement or 1564
custody arrangement, the case plan prepared for the child pursuant 1565
to section 2151.412 of the Revised Code, the actions of the public 1566

children services agency or private child placing agency in 1567
implementing that case plan, the child's permanency plan, if the 1568
child's permanency plan has been approved, and any other aspects 1569
of the child's placement or custody arrangement. In conducting the 1570
review, the court shall determine the appropriateness of any 1571
agency actions, the safety and appropriateness of continuing the 1572
child's placement or custody arrangement, and whether any changes 1573
should be made with respect to the child's permanency plan or 1574
placement or custody arrangement or with respect to the actions of 1575
the agency under the child's placement or custody arrangement. 1576
Based upon the evidence presented at a hearing held after notice 1577
to all parties and the guardian ad litem of the child, the court 1578
may require the agency, the parents, guardian, or custodian of the 1579
child, and the physical custodians of the child to take any 1580
reasonable action that the court determines is necessary and in 1581
the best interest of the child or to discontinue any action that 1582
it determines is not in the best interest of the child. 1583

(B) If a court issues a dispositional order pursuant to 1584
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 1585
court has continuing jurisdiction over the child as set forth in 1586
division (E)(1) of section 2151.353 of the Revised Code. The court 1587
may amend a dispositional order in accordance with division (E)(2) 1588
of section 2151.353 of the Revised Code at any time upon its own 1589
motion or upon the motion of any interested party. The court shall 1590
comply with section 2151.42 of the Revised Code in amending any 1591
dispositional order pursuant to this division. 1592

(C) Any court that issues a dispositional order pursuant to 1593
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 1594
hold a review hearing one year after the earlier of the date on 1595
which the complaint in the case was filed or the child was first 1596
placed into shelter care to review the case plan prepared pursuant 1597
to section 2151.412 of the Revised Code and the child's placement 1598

or custody arrangement, to approve or review the permanency plan 1599
for the child, and to make changes to the case plan and placement 1600
or custody arrangement consistent with the permanency plan. The 1601
court shall schedule the review hearing at the time that it holds 1602
the dispositional hearing pursuant to section 2151.35 of the 1603
Revised Code. 1604

The court shall hold a similar review hearing no later than 1605
every twelve months after the initial review hearing until the 1606
child is adopted, returned to the parents, or the court otherwise 1607
terminates the child's placement or custody arrangement, except 1608
that the dispositional hearing held pursuant to section 2151.415 1609
of the Revised Code shall take the place of the first review 1610
hearing to be held under this section. The court shall schedule 1611
each subsequent review hearing at the conclusion of the review 1612
hearing immediately preceding the review hearing to be scheduled. 1613

(D) If, within fourteen days after a written summary of an 1614
administrative review is filed with the court pursuant to section 1615
2151.416 of the Revised Code, the court does not approve the 1616
proposed change to the case plan filed pursuant to division (E) of 1617
section 2151.416 of the Revised Code or a party or the guardian ad 1618
litem requests a review hearing pursuant to division (E) of that 1619
section, the court shall hold a review hearing in the same manner 1620
that it holds review hearings pursuant to division (C) of this 1621
section, except that if a review hearing is required by this 1622
division and if a hearing is to be held pursuant to division (C) 1623
of this section or section 2151.415 of the Revised Code, the 1624
hearing held pursuant to division (C) of this section or section 1625
2151.415 of the Revised Code shall take the place of the review 1626
hearing required by this division. 1627

(E) If a court determines pursuant to section 2151.419 of the 1628
Revised Code that a public children services agency or private 1629
child placing agency is not required to make reasonable efforts to 1630

prevent the removal of a child from the child's home, eliminate 1631
the continued removal of a child from the child's home, and return 1632
the child to the child's home, and the court does not return the 1633
child to the child's home pursuant to division (A)(3) of section 1634
2151.419 of the Revised Code, the court shall hold a review 1635
hearing to approve the permanency plan for the child and, if 1636
appropriate, to make changes to the child's case plan and the 1637
child's placement or custody arrangement consistent with the 1638
permanency plan. The court may hold the hearing immediately 1639
following the determination under section 2151.419 of the Revised 1640
Code and shall hold it no later than thirty days after making that 1641
determination. 1642

(F) The court shall give notice of the review hearings held 1643
pursuant to this section to every interested party, including, but 1644
not limited to, the appropriate agency employees who are 1645
responsible for the child's care and planning, the child's 1646
parents, any person who had guardianship or legal custody of the 1647
child prior to the custody order, the child's guardian ad litem, 1648
and the child. The court shall summon every interested party to 1649
appear at the review hearing and give them an opportunity to 1650
testify and to present other evidence with respect to the child's 1651
custody arrangement, including, but not limited to, the following: 1652
the case plan for the child, the permanency plan, if one exists; 1653
the actions taken by the child's custodian; the need for a change 1654
in the child's custodian or caseworker; and the need for any 1655
specific action to be taken with respect to the child. The court 1656
shall require any interested party to testify or present other 1657
evidence when necessary to a proper determination of the issues 1658
presented at the review hearing. In any review hearing that 1659
pertains to a permanency plan for a child who will not be returned 1660
to the parent, the court shall consider in-state and out-of-state 1661
placement options and the court shall determine whether the 1662
in-state or the out-of-state placement continues to be appropriate 1663

and in the best interests of the child. In any review hearing that 1664
pertains to a permanency plan for a child, the court or a citizens 1665
board appointed by the court pursuant to division (H) of this 1666
section shall consult with the child, in an age-appropriate 1667
manner, regarding the proposed permanency plan for the child. 1668

(G) After the review hearing, the court shall take the 1669
following actions based upon the evidence presented: 1670

(1) If an administrative review has been conducted, determine 1671
whether the conclusions of the review are supported by a 1672
preponderance of the evidence and approve or modify the case plan 1673
based upon that evidence; 1674

(2) If the hearing was held under division (C) or (E) of this 1675
section, approve a permanency plan for the child that specifies 1676
whether and, if applicable, when the child will be safely returned 1677
home or placed for adoption, for legal custody, or in a planned 1678
permanent living arrangement. A permanency plan approved after a 1679
hearing under division (E) of this section shall not include any 1680
provision requiring the child to be returned to the child's home. 1681

(3) If the child is in temporary custody, do all of the 1682
following: 1683

(a) Determine whether the child can and should be returned 1684
home with or without an order for protective supervision; 1685

(b) If the child can and should be returned home with or 1686
without an order for protective supervision, terminate the order 1687
for temporary custody; 1688

(c) If the child cannot or should not be returned home with 1689
an order for protective supervision, determine whether the agency 1690
currently with custody of the child should retain custody or 1691
whether another public children services agency, private child 1692
placing agency, or an individual should be given custody of the 1693
child. 1694

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

(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;

(5) Journalize the terms of the updated case plan for the child.

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

(I) A copy of the court's determination following any review hearing held pursuant to this section shall be sent to the

custodial agency, the guardian ad litem of the child who is the 1727
subject of the review hearing, and, if that child is not the 1728
subject of a permanent commitment hearing, the parents of the 1729
child. 1730

(J) If the hearing held under this section takes the place of 1731
an administrative review that otherwise would have been held under 1732
section 2151.416 of the Revised Code, the court at the hearing 1733
held under this section shall do all of the following in addition 1734
to any other requirements of this section: 1735

(1) Determine the continued necessity for and the safety and 1736
appropriateness of the child's placement; 1737

(2) Determine the extent of compliance with the child's case 1738
plan; 1739

(3) Determine the extent of progress that has been made 1740
toward alleviating or mitigating the causes necessitating the 1741
child's placement in foster care; 1742

(4) Project a likely date by which the child may be safely 1743
returned home or placed for adoption or legal custody. 1744

(K)(1) Whenever the court is required to approve a permanency 1745
plan under this section or section 2151.415 of the Revised Code, 1746
the public children services agency or private child placing 1747
agency that filed the complaint in the case, has custody of the 1748
child, or will be given custody of the child shall develop a 1749
permanency plan for the child. The agency must file the plan with 1750
the court prior to the hearing under this section or section 1751
2151.415 of the Revised Code. 1752

(2) The permanency plan developed by the agency must specify 1753
whether and, if applicable, when the child will be safely returned 1754
home or placed for adoption or legal custody. If the agency 1755
determines that there is a compelling reason why returning the 1756
child home or placing the child for adoption or legal custody is 1757

not in the best interest of the child, the plan shall provide that 1758
the child will be placed in a planned permanent living 1759
arrangement. A permanency plan developed as a result of a 1760
determination made under division (A)(2) of section 2151.419 of 1761
the Revised Code may not include any provision requiring the child 1762
to be returned home. 1763

Sec. 2151.419. (A)(1) Except as provided in division (A)(2) 1764
of this section, at any hearing held pursuant to section 2151.28, 1765
division (E) of section 2151.31, or section 2151.314, 2151.33, or 1766
2151.353 of the Revised Code at which the court removes a child 1767
from the child's home or continues the removal of a child from the 1768
child's home, the court shall determine whether the public 1769
children services agency or private child placing agency that 1770
filed the complaint in the case, removed the child from home, has 1771
custody of the child, or will be given custody of the child has 1772
made reasonable efforts to prevent the removal of the child from 1773
the child's home, to eliminate the continued removal of the child 1774
from the child's home, or to make it possible for the child to 1775
return safely home. The agency shall have the burden of proving 1776
that it has made those reasonable efforts. If the agency removed 1777
the child from home during an emergency in which the child could 1778
not safely remain at home and the agency did not have prior 1779
contact with the child, the court is not prohibited, solely 1780
because the agency did not make reasonable efforts during the 1781
emergency to prevent the removal of the child, from determining 1782
that the agency made those reasonable efforts. In determining 1783
whether reasonable efforts were made, the child's health and 1784
safety shall be paramount. 1785

(2) If any of the following apply, the court shall make a 1786
determination that the agency is not required to make reasonable 1787
efforts to prevent the removal of the child from the child's home, 1788
eliminate the continued removal of the child from the child's 1789

home, and return the child to the child's home: 1790

(a) The parent from whom the child was removed has been 1791
convicted of or pleaded guilty to one of the following: 1792

(i) An offense under section 2903.01, 2903.02, or 2903.03 of 1793
the Revised Code or under an existing or former law of this state, 1794
any other state, or the United States that is substantially 1795
equivalent to an offense described in those sections and the 1796
victim of the offense was a sibling of the child or the victim was 1797
another child who lived in the parent's household at the time of 1798
the offense; 1799

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of 1800
the Revised Code or under an existing or former law of this state, 1801
any other state, or the United States that is substantially 1802
equivalent to an offense described in those sections and the 1803
victim of the offense is the child, a sibling of the child, or 1804
another child who lived in the parent's household at the time of 1805
the offense; 1806

(iii) An offense under division (B)(2) of section 2919.22 of 1807
the Revised Code or under an existing or former law of this state, 1808
any other state, or the United States that is substantially 1809
equivalent to the offense described in that section and the child, 1810
a sibling of the child, or another child who lived in the parent's 1811
household at the time of the offense is the victim of the offense; 1812

(iv) An offense under section 2907.02, 2907.03, 2907.04, 1813
2907.05, or 2907.06 of the Revised Code or under an existing or 1814
former law of this state, any other state, or the United States 1815
that is substantially equivalent to an offense described in those 1816
sections and the victim of the offense is the child, a sibling of 1817
the child, or another child who lived in the parent's household at 1818
the time of the offense; 1819

(v) A conspiracy or attempt to commit, or complicity in 1820

committing, an offense described in division (A)(2)(a)(i) or (iv) 1821
of this section. 1822

(b) The parent from whom the child was removed has repeatedly 1823
withheld medical treatment or food from the child when the parent 1824
has the means to provide the treatment or food. If the parent has 1825
withheld medical treatment in order to treat the physical or 1826
mental illness or defect of the child by spiritual means through 1827
prayer alone, in accordance with the tenets of a recognized 1828
religious body, the court or agency shall comply with the 1829
requirements of division (A)(1) of this section. 1830

(c) The parent from whom the child was removed has placed the 1831
child at substantial risk of harm two or more times due to alcohol 1832
or drug abuse and has rejected treatment two or more times or 1833
refused to participate in further treatment two or more times 1834
after a case plan issued pursuant to section 2151.412 of the 1835
Revised Code requiring treatment of the parent was journalized as 1836
part of a dispositional order issued with respect to the child or 1837
an order was issued by any other court requiring such treatment of 1838
the parent. 1839

(d) The parent from whom the child was removed has abandoned 1840
the child. 1841

(e) The parent from whom the child was removed has had 1842
parental rights involuntarily terminated ~~pursuant to section~~ 1843
~~2151.353, 2151.414, or 2151.415 of the Revised Code~~ with respect 1844
to a sibling of the child pursuant to section 2151.353, 2151.414, 1845
or 2151.415 of the Revised Code or under an existing or former law 1846
of this state, any other state, or the United States that is 1847
substantially equivalent to those sections. 1848

(3) At any hearing in which the court determines whether to 1849
return a child to the child's home, the court may issue an order 1850
that returns the child in situations in which the conditions 1851

described in divisions (A)(2)(a) to (e) of this section are 1852
present. 1853

(B)(1) A court that is required to make a determination as 1854
described in division (A)(1) or (2) of this section shall issue 1855
written findings of fact setting forth the reasons supporting its 1856
determination. If the court makes a written determination under 1857
division (A)(1) of this section, it shall briefly describe in the 1858
findings of fact the relevant services provided by the agency to 1859
the family of the child and why those services did not prevent the 1860
removal of the child from the child's home or enable the child to 1861
return safely home. 1862

(2) If a court issues an order that returns the child to the 1863
child's home in situations in which division (A)(2)(a), (b), (c), 1864
(d), or (e) of this section applies, the court shall issue written 1865
findings of fact setting forth the reasons supporting its 1866
determination. 1867

(C) If the court makes a determination pursuant to division 1868
(A)(2) of this section, the court shall conduct a review hearing 1869
pursuant to section 2151.417 of the Revised Code to approve a 1870
permanency plan with respect to the child, unless the court issues 1871
an order returning the child home pursuant to division (A)(3) of 1872
this section. The hearing to approve the permanency plan may be 1873
held immediately following the court's determination pursuant to 1874
division (A)(2) of this section and shall be held no later than 1875
thirty days following that determination. 1876

Sec. 2151.421. (A)(1)(a) No person described in division 1877
(A)(1)(b) of this section who is acting in an official or 1878
professional capacity and knows, or has reasonable cause to 1879
suspect based on facts that would cause a reasonable person in a 1880
similar position to suspect, that a child under eighteen years of 1881
age or a mentally retarded, developmentally disabled, or 1882

physically impaired child under twenty-one years of age has 1883
suffered or faces a threat of suffering any physical or mental 1884
wound, injury, disability, or condition of a nature that 1885
reasonably indicates abuse or neglect of the child shall fail to 1886
immediately report that knowledge or reasonable cause to suspect 1887
to the entity or persons specified in this division. Except as 1888
provided in section 5120.173 of the Revised Code, the person 1889
making the report shall make it to the public children services 1890
agency or a municipal or county peace officer in the county in 1891
which the child resides or in which the abuse or neglect is 1892
occurring or has occurred. In the circumstances described in 1893
section 5120.173 of the Revised Code, the person making the report 1894
shall make it to the entity specified in that section. 1895

(b) Division (A)(1)(a) of this section applies to any person 1896
who is an attorney; physician, including a hospital intern or 1897
resident; dentist; podiatrist; practitioner of a limited branch of 1898
medicine as specified in section 4731.15 of the Revised Code; 1899
registered nurse; licensed practical nurse; visiting nurse; other 1900
health care professional; licensed psychologist; licensed school 1901
psychologist; independent marriage and family therapist or 1902
marriage and family therapist; speech pathologist or audiologist; 1903
coroner; administrator or employee of a child day-care center; 1904
administrator or employee of a residential camp or child day camp; 1905
administrator or employee of a certified child care agency or 1906
other public or private children services agency; school teacher; 1907
school employee; school authority; person engaged in social work 1908
or the practice of professional counseling; agent of a county 1909
humane society; person, other than a cleric, rendering spiritual 1910
treatment through prayer in accordance with the tenets of a 1911
well-recognized religion; employee of a county department of job 1912
and family services who is a professional and who works with 1913
children and families; superintendent, board member, or employee 1914
of a county board of mental retardation; investigative agent 1915

contracted with by a county board of mental retardation; employee 1916
of the department of mental retardation and developmental 1917
disabilities; employee of a facility or home that provides respite 1918
care in accordance with section 5123.171 of the Revised Code; 1919
employee of a home health agency; employee of an entity that 1920
provides homemaker services; a person performing the duties of an 1921
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1922
or third party employed by a public children services agency to 1923
assist in providing child or family related services. 1924

(2) Except as provided in division (A)(3) of this section, an 1925
attorney or a physician is not required to make a report pursuant 1926
to division (A)(1) of this section concerning any communication 1927
the attorney or physician receives from a client or patient in an 1928
attorney-client or physician-patient relationship, if, in 1929
accordance with division (A) or (B) of section 2317.02 of the 1930
Revised Code, the attorney or physician could not testify with 1931
respect to that communication in a civil or criminal proceeding. 1932

(3) The client or patient in an attorney-client or 1933
physician-patient relationship described in division (A)(2) of 1934
this section is deemed to have waived any testimonial privilege 1935
under division (A) or (B) of section 2317.02 of the Revised Code 1936
with respect to any communication the attorney or physician 1937
receives from the client or patient in that attorney-client or 1938
physician-patient relationship, and the attorney or physician 1939
shall make a report pursuant to division (A)(1) of this section 1940
with respect to that communication, if all of the following apply: 1941

(a) The client or patient, at the time of the communication, 1942
is either a child under eighteen years of age or a mentally 1943
retarded, developmentally disabled, or physically impaired person 1944
under twenty-one years of age. 1945

(b) The attorney or physician knows, or has reasonable cause 1946
to suspect based on facts that would cause a reasonable person in 1947

similar position to suspect, as a result of the communication or 1948
any observations made during that communication, that the client 1949
or patient has suffered or faces a threat of suffering any 1950
physical or mental wound, injury, disability, or condition of a 1951
nature that reasonably indicates abuse or neglect of the client or 1952
patient. 1953

(c) The abuse or neglect does not arise out of the client's 1954
or patient's attempt to have an abortion without the notification 1955
of her parents, guardian, or custodian in accordance with section 1956
2151.85 of the Revised Code. 1957

(4)(a) No cleric and no person, other than a volunteer, 1958
designated by any church, religious society, or faith acting as a 1959
leader, official, or delegate on behalf of the church, religious 1960
society, or faith who is acting in an official or professional 1961
capacity, who knows, or has reasonable cause to believe based on 1962
facts that would cause a reasonable person in a similar position 1963
to believe, that a child under eighteen years of age or a mentally 1964
retarded, developmentally disabled, or physically impaired child 1965
under twenty-one years of age has suffered or faces a threat of 1966
suffering any physical or mental wound, injury, disability, or 1967
condition of a nature that reasonably indicates abuse or neglect 1968
of the child, and who knows, or has reasonable cause to believe 1969
based on facts that would cause a reasonable person in a similar 1970
position to believe, that another cleric or another person, other 1971
than a volunteer, designated by a church, religious society, or 1972
faith acting as a leader, official, or delegate on behalf of the 1973
church, religious society, or faith caused, or poses the threat of 1974
causing, the wound, injury, disability, or condition that 1975
reasonably indicates abuse or neglect shall fail to immediately 1976
report that knowledge or reasonable cause to believe to the entity 1977
or persons specified in this division. Except as provided in 1978
section 5120.173 of the Revised Code, the person making the report 1979

shall make it to the public children services agency or a 1980
municipal or county peace officer in the county in which the child 1981
resides or in which the abuse or neglect is occurring or has 1982
occurred. In the circumstances described in section 5120.173 of 1983
the Revised Code, the person making the report shall make it to 1984
the entity specified in that section. 1985

(b) Except as provided in division (A)(4)(c) of this section, 1986
a cleric is not required to make a report pursuant to division 1987
(A)(4)(a) of this section concerning any communication the cleric 1988
receives from a penitent in a cleric-penitent relationship, if, in 1989
accordance with division (C) of section 2317.02 of the Revised 1990
Code, the cleric could not testify with respect to that 1991
communication in a civil or criminal proceeding. 1992

(c) The penitent in a cleric-penitent relationship described 1993
in division (A)(4)(b) of this section is deemed to have waived any 1994
testimonial privilege under division (C) of section 2317.02 of the 1995
Revised Code with respect to any communication the cleric receives 1996
from the penitent in that cleric-penitent relationship, and the 1997
cleric shall make a report pursuant to division (A)(4)(a) of this 1998
section with respect to that communication, if all of the 1999
following apply: 2000

(i) The penitent, at the time of the communication, is either 2001
a child under eighteen years of age or a mentally retarded, 2002
developmentally disabled, or physically impaired person under 2003
twenty-one years of age. 2004

(ii) The cleric knows, or has reasonable cause to believe 2005
based on facts that would cause a reasonable person in a similar 2006
position to believe, as a result of the communication or any 2007
observations made during that communication, the penitent has 2008
suffered or faces a threat of suffering any physical or mental 2009
wound, injury, disability, or condition of a nature that 2010
reasonably indicates abuse or neglect of the penitent. 2011

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

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

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

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

(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 2075
report shall refer the report to the appropriate public children 2076
services agency. 2077

(2) When a public children services agency receives a report 2078
pursuant to this division or division (A) or (B) of this section, 2079
upon receipt of the report, the public children services agency 2080
shall do both of the following: 2081

(a) Comply with section 2151.422 of the Revised Code; 2082

(b) If the county served by the agency is also served by a 2083
children's advocacy center and the report alleges sexual abuse of 2084
a child or another type of abuse of a child that is specified in 2085
the memorandum of understanding that creates the center as being 2086
within the center's jurisdiction, comply regarding the report with 2087
the protocol and procedures for referrals and investigations, with 2088
the coordinating activities, and with the authority or 2089
responsibility for performing or providing functions, activities, 2090
and services stipulated in the interagency agreement entered into 2091
under section 2151.428 of the Revised Code relative to that 2092
center. 2093

(E) No township, municipal, or county peace officer shall 2094
remove a child about whom a report is made pursuant to this 2095
section from the child's parents, stepparents, or guardian or any 2096
other persons having custody of the child without consultation 2097
with the public children services agency, unless, in the judgment 2098
of the officer, and, if the report was made by physician, the 2099
physician, immediate removal is considered essential to protect 2100
the child from further abuse or neglect. The agency that must be 2101
consulted shall be the agency conducting the investigation of the 2102
report as determined pursuant to section 2151.422 of the Revised 2103
Code. 2104

(F)(1) Except as provided in section 2151.422 of the Revised 2105

Code or in an interagency agreement entered into under section 2106
2151.428 of the Revised Code that applies to the particular 2107
report, the public children services agency shall investigate, 2108
within twenty-four hours, each report of child abuse or child 2109
neglect that is known or reasonably suspected or believed to have 2110
occurred and of a threat of child abuse or child neglect that is 2111
known or reasonably suspected or believed to exist that is 2112
referred to it under this section to determine the circumstances 2113
surrounding the injuries, abuse, or neglect or the threat of 2114
injury, abuse, or neglect, the cause of the injuries, abuse, 2115
neglect, or threat, and the person or persons responsible. The 2116
investigation shall be made in cooperation with the law 2117
enforcement agency and in accordance with the memorandum of 2118
understanding prepared under division (J) of this section. A 2119
representative of the public children services agency shall, at 2120
the time of initial contact with the person subject to the 2121
investigation, inform the person of the specific complaints or 2122
allegations made against the person. The information shall be 2123
given in a manner that is consistent with division (H)(1) of this 2124
section and protects the rights of the person making the report 2125
under this section. 2126

A failure to make the investigation in accordance with the 2127
memorandum is not grounds for, and shall not result in, the 2128
dismissal of any charges or complaint arising from the report or 2129
the suppression of any evidence obtained as a result of the report 2130
and does not give, and shall not be construed as giving, any 2131
rights or any grounds for appeal or post-conviction relief to any 2132
person. The public children services agency shall report each case 2133
to the uniform statewide automated child welfare information 2134
system that the department of job and family services shall 2135
maintain in accordance with section 5101.13 of the Revised Code. 2136
The public children services agency shall submit a report of its 2137
investigation, in writing, to the law enforcement agency. 2138

(2) The public children services agency shall make any 2139
recommendations to the county prosecuting attorney or city 2140
director of law that it considers necessary to protect any 2141
children that are brought to its attention. 2142

(G)(1)(a) Except as provided in division (H)(3) of this 2143
section, anyone or any hospital, institution, school, health 2144
department, or agency participating in the making of reports under 2145
division (A) of this section, anyone or any hospital, institution, 2146
school, health department, or agency participating in good faith 2147
in the making of reports under division (B) of this section, and 2148
anyone participating in good faith in a judicial proceeding 2149
resulting from the reports, shall be immune from any civil or 2150
criminal liability for injury, death, or loss to person or 2151
property that otherwise might be incurred or imposed as a result 2152
of the making of the reports or the participation in the judicial 2153
proceeding. 2154

(b) Notwithstanding section 4731.22 of the Revised Code, the 2155
physician-patient privilege shall not be a ground for excluding 2156
evidence regarding a child's injuries, abuse, or neglect, or the 2157
cause of the injuries, abuse, or neglect in any judicial 2158
proceeding resulting from a report submitted pursuant to this 2159
section. 2160

(2) In any civil or criminal action or proceeding in which it 2161
is alleged and proved that participation in the making of a report 2162
under this section was not in good faith or participation in a 2163
judicial proceeding resulting from a report made under this 2164
section was not in good faith, the court shall award the 2165
prevailing party reasonable attorney's fees and costs and, if a 2166
civil action or proceeding is voluntarily dismissed, may award 2167
reasonable attorney's fees and costs to the party against whom the 2168
civil action or proceeding is brought. 2169

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2170

section, a report made under this section is confidential. The 2171
information provided in a report made pursuant to this section and 2172
the name of the person who made the report shall not be released 2173
for use, and shall not be used, as evidence in any civil action or 2174
proceeding brought against the person who made the report. In a 2175
criminal proceeding, the report is admissible in evidence in 2176
accordance with the Rules of Evidence and is subject to discovery 2177
in accordance with the Rules of Criminal Procedure. 2178

(2) No person shall permit or encourage the unauthorized 2179
dissemination of the contents of any report made under this 2180
section. 2181

(3) A person who knowingly makes or causes another person to 2182
make a false report under division (B) of this section that 2183
alleges that any person has committed an act or omission that 2184
resulted in a child being an abused child or a neglected child is 2185
guilty of a violation of section 2921.14 of the Revised Code. 2186

(4) If a report is made pursuant to division (A) or (B) of 2187
this section and the child who is the subject of the report dies 2188
for any reason at any time after the report is made, but before 2189
the child attains eighteen years of age, the public children 2190
services agency or municipal or county peace officer to which the 2191
report was made or referred, on the request of the child fatality 2192
review board, shall submit a summary sheet of information 2193
providing a summary of the report to the review board of the 2194
county in which the deceased child resided at the time of death. 2195
On the request of the review board, the agency or peace officer 2196
may, at its discretion, make the report available to the review 2197
board. If the county served by the public children services agency 2198
is also served by a children's advocacy center and the report of 2199
alleged sexual abuse of a child or another type of abuse of a 2200
child is specified in the memorandum of understanding that creates 2201
the center as being within the center's jurisdiction, the agency 2202

or center shall perform the duties and functions specified in this 2203
division in accordance with the interagency agreement entered into 2204
under section 2151.428 of the Revised Code relative to that 2205
advocacy center. 2206

(5) A public children services agency shall advise a person 2207
alleged to have inflicted abuse or neglect on a child who is the 2208
subject of a report made pursuant to this section, including a 2209
report alleging sexual abuse of a child or another type of abuse 2210
of a child referred to a children's advocacy center pursuant to an 2211
interagency agreement entered into under section 2151.428 of the 2212
Revised Code, in writing of the disposition of the investigation. 2213
The agency shall not provide to the person any information that 2214
identifies the person who made the report, statements of 2215
witnesses, or police or other investigative reports. 2216

(I) Any report that is required by this section, other than a 2217
report that is made to the state highway patrol as described in 2218
section 5120.173 of the Revised Code, shall result in protective 2219
services and emergency supportive services being made available by 2220
the public children services agency on behalf of the children 2221
about whom the report is made, in an effort to prevent further 2222
neglect or abuse, to enhance their welfare, and, whenever 2223
possible, to preserve the family unit intact. The agency required 2224
to provide the services shall be the agency conducting the 2225
investigation of the report pursuant to section 2151.422 of the 2226
Revised Code. 2227

(J)(1) Each public children services agency shall prepare a 2228
memorandum of understanding that is signed by all of the 2229
following: 2230

(a) If there is only one juvenile judge in the county, the 2231
juvenile judge of the county or the juvenile judge's 2232
representative; 2233

(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 2264
officials is not grounds for, and shall not result in, the 2265
dismissal of any charges or complaint arising from any reported 2266
case of abuse or neglect or the suppression of any evidence 2267
obtained as a result of any reported child abuse or child neglect 2268
and does not give, and shall not be construed as giving, any 2269
rights or any grounds for appeal or post-conviction relief to any 2270
person. 2271

(3) A memorandum of understanding shall include all of the 2272
following: 2273

(a) The roles and responsibilities for handling emergency and 2274
nonemergency cases of abuse and neglect; 2275

(b) Standards and procedures to be used in handling and 2276
coordinating investigations of reported cases of child abuse and 2277
reported cases of child neglect, methods to be used in 2278
interviewing the child who is the subject of the report and who 2279
allegedly was abused or neglected, and standards and procedures 2280
addressing the categories of persons who may interview the child 2281
who is the subject of the report and who allegedly was abused or 2282
neglected. 2283

(4) If a public children services agency participated in the 2284
execution of a memorandum of understanding under section 2151.426 2285
of the Revised Code establishing a children's advocacy center, the 2286
agency shall incorporate the contents of that memorandum in the 2287
memorandum prepared pursuant to this section. 2288

(5) The clerk of the court of common pleas in the county may 2289
sign the memorandum of understanding prepared under division 2290
(J)(1) of this section. If the clerk signs the memorandum of 2291
understanding, the clerk shall execute all relevant 2292
responsibilities as required of officials specified in the 2293
memorandum. 2294

(K)(1) Except as provided in division (K)(4) of this section, 2295
a person who is required to make a report pursuant to division (A) 2296
of this section may make a reasonable number of requests of the 2297
public children services agency that receives or is referred the 2298
report, or of the children's advocacy center that is referred the 2299
report if the report is referred to a children's advocacy center 2300
pursuant to an interagency agreement entered into under section 2301
2151.428 of the Revised Code, to be provided with the following 2302
information: 2303

(a) Whether the agency or center has initiated an 2304
investigation of the report; 2305

(b) Whether the agency or center is continuing to investigate 2306
the report; 2307

(c) Whether the agency or center is otherwise involved with 2308
the child who is the subject of the report; 2309

(d) The general status of the health and safety of the child 2310
who is the subject of the report; 2311

(e) Whether the report has resulted in the filing of a 2312
complaint in juvenile court or of criminal charges in another 2313
court. 2314

(2) A person may request the information specified in 2315
division (K)(1) of this section only if, at the time the report is 2316
made, the person's name, address, and telephone number are 2317
provided to the person who receives the report. 2318

When a municipal or county peace officer or employee of a 2319
public children services agency receives a report pursuant to 2320
division (A) or (B) of this section the recipient of the report 2321
shall inform the person of the right to request the information 2322
described in division (K)(1) of this section. The recipient of the 2323
report shall include in the initial child abuse or child neglect 2324
report that the person making the report was so informed and, if 2325

provided at the time of the making of the report, shall include 2326
the person's name, address, and telephone number in the report. 2327

Each request is subject to verification of the identity of 2328
the person making the report. If that person's identity is 2329
verified, the agency shall provide the person with the information 2330
described in division (K)(1) of this section a reasonable number 2331
of times, except that the agency shall not disclose any 2332
confidential information regarding the child who is the subject of 2333
the report other than the information described in those 2334
divisions. 2335

(3) A request made pursuant to division (K)(1) of this 2336
section is not a substitute for any report required to be made 2337
pursuant to division (A) of this section. 2338

(4) If an agency other than the agency that received or was 2339
referred the report is conducting the investigation of the report 2340
pursuant to section 2151.422 of the Revised Code, the agency 2341
conducting the investigation shall comply with the requirements of 2342
division (K) of this section. 2343

(L) The director of job and family services shall adopt rules 2344
in accordance with Chapter 119. of the Revised Code to implement 2345
this section. The department of job and family services may enter 2346
into a plan of cooperation with any other governmental entity to 2347
aid in ensuring that children are protected from abuse and 2348
neglect. The department shall make recommendations to the attorney 2349
general that the department determines are necessary to protect 2350
children from child abuse and child neglect. 2351

(M)(1) As used in this division: 2352

(a) "Out-of-home care" includes a nonchartered nonpublic 2353
school if the alleged child abuse or child neglect, or alleged 2354
threat of child abuse or child neglect, described in a report 2355
received by a public children services agency allegedly occurred 2356

in or involved the nonchartered nonpublic school and the alleged 2357
perpetrator named in the report holds a certificate, permit, or 2358
license issued by the state board of education under section 2359
3301.071 or Chapter 3319. of the Revised Code. 2360

(b) "Administrator, director, or other chief administrative 2361
officer" means the superintendent of the school district if the 2362
out-of-home care entity subject to a report made pursuant to this 2363
section is a school operated by the district. 2364

(2) No later than the end of the day following the day on 2365
which a public children services agency receives a report of 2366
alleged child abuse or child neglect, or a report of an alleged 2367
threat of child abuse or child neglect, that allegedly occurred in 2368
or involved an out-of-home care entity, the agency shall provide 2369
written notice of the allegations contained in and the person 2370
named as the alleged perpetrator in the report to the 2371
administrator, director, or other chief administrative officer of 2372
the out-of-home care entity that is the subject of the report 2373
unless the administrator, director, or other chief administrative 2374
officer is named as an alleged perpetrator in the report. If the 2375
administrator, director, or other chief administrative officer of 2376
an out-of-home care entity is named as an alleged perpetrator in a 2377
report of alleged child abuse or child neglect, or a report of an 2378
alleged threat of child abuse or child neglect, that allegedly 2379
occurred in or involved the out-of-home care entity, the agency 2380
shall provide the written notice to the owner or governing board 2381
of the out-of-home care entity that is the subject of the report. 2382
The agency shall not provide witness statements or police or other 2383
investigative reports. 2384

(3) No later than three days after the day on which a public 2385
children services agency that conducted the investigation as 2386
determined pursuant to section 2151.422 of the Revised Code makes 2387
a disposition of an investigation involving a report of alleged 2388

child abuse or child neglect, or a report of an alleged threat of 2389
child abuse or child neglect, that allegedly occurred in or 2390
involved an out-of-home care entity, the agency shall send written 2391
notice of the disposition of the investigation to the 2392
administrator, director, or other chief administrative officer and 2393
the owner or governing board of the out-of-home care entity. The 2394
agency shall not provide witness statements or police or other 2395
investigative reports. 2396

Sec. 2151.424. (A) If a child has been placed in a certified 2397
foster home or is in the custody of a relative of the child, other 2398
than a parent of the child, a court, prior to conducting any 2399
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 2400
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 2401
or 2151.417 of the Revised Code with respect to the child, shall 2402
notify the foster caregiver or relative of the date, time, and 2403
place of the hearing. At the hearing, the foster caregiver or 2404
relative ~~may~~ shall have the right to present evidence. 2405

(B) If a public children services agency or private child 2406
placing agency has permanent custody of a child and a petition to 2407
adopt the child has been filed under Chapter 3107. of the Revised 2408
Code, the agency, prior to conducting a review under section 2409
2151.416 of the Revised Code, or a court, prior to conducting a 2410
hearing under division (E)(2) or (3) of section 2151.412 or 2411
section 2151.416 or 2151.417 of the Revised Code, shall notify the 2412
prospective adoptive parent of the date, time, and place of the 2413
review or hearing. At the review or hearing, the prospective 2414
adoptive parent ~~may~~ shall have the right to present evidence. 2415

(C) The notice and the opportunity to present evidence do not 2416
make the foster caregiver, relative, or prospective adoptive 2417
parent a party in the action or proceeding pursuant to which the 2418
review or hearing is conducted. 2419

Sec. 2151.55. ~~When~~ (A) Subject to division (B) of this 2420
section, when a private or governmental entity intends to place a 2421
child in a certified foster home in a county other than the county 2422
in which the child resided at the time of being removed from home, 2423
a representative of the placing entity shall orally communicate 2424
the intended placement to the foster caregiver with whom the child 2425
is to be placed and, if the child will attend the schools of the 2426
district in which the certified foster home is located, a 2427
representative of the school district's board of education. 2428

2429
(B) When a private or governmental entity intends to place a 2430
child in a certified foster home, regardless of whether the 2431
certified foster home is in the county in which the child resided 2432
at the time of being removed from home or is in any other county, 2433
and either the child has been determined by a court, a public 2434
children services agency, a private child placing agency, or a 2435
governmental entity with authority to place the child to be an 2436
exceptional behavioral needs child or the child has been 2437
adjudicated a delinquent child for committing an act that if 2438
committed by an adult would be a felony, a representative of the 2439
placing entity, prior to the placement, shall communicate in 2440
writing the intended placement to the foster caregiver with whom 2441
the child is to be placed and to all of the following persons: 2442

(1) The superintendent of each board of education of a school 2443
district that has schools within the specified geographical 2444
notification area; 2445

(2) The appointing or hiring officer of each chartered 2446
nonpublic school or each other school that is located within the 2447
specified geographical notification area and that is not operated 2448
by a board of education described in division (B)(1) of this 2449
section; 2450

(3) The sheriff of each county that includes any portion of 2451
the specified geographical notification area; 2452

(4) The chief of police, marshal, or other chief law 2453
enforcement officer of the municipal corporation in which the 2454
foster home is located or, if the foster home is located in an 2455
unincorporated area, the constable or chief of the police 2456
department or police district police force of the township in 2457
which the foster home is located. 2458

(C) As used in this section: 2459

(1) "Exceptional behavioral needs child" means a child who 2460
presents severe emotional or behavioral management problems, 2461
including, but not limited to, a child who displays a high degree 2462
of impulsive and acting-out behavior toward themselves or others 2463
that often is characterized by verbal and physical aggression, a 2464
child who has multiple and severe psychiatric, emotional, and 2465
behavioral management problems ranging from personality disorders 2466
to aggression toward animals, others, and self, or sexual 2467
acting-out, or a child who poses an ongoing danger to self or 2468
others documented by one or more of the following licensed 2469
professionals: 2470

(a) A psychiatrist; 2471

(b) A licensed psychologist or licensed school psychologist, 2472
both as defined in section 4732.01 of the Revised Code; 2473

(c) A person licensed under Chapter 4757. of the Revised Code 2474
to engage in the practice of social work; 2475

(d) A person licensed under Chapter 4757. of the Revised Code 2476
to engage in the practice of professional counseling; 2477

(e) A person licensed under Chapter 4757. of the Revised Code 2478
as an independent marriage and family therapist or a marriage and 2479
family therapist. 2480

(2) "Specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of section 2950.11 of the Revised Code to be given to the persons identified in divisions (A)(2) to (8) of that section, except that any references made in a rule so adopted to a specific proximity to an offender's or delinquent child's residential premises shall be considered for purposes of division (B) of this section to be references to the same specific proximity to the premises of the foster home.

Sec. 2151.551. During the oral communication described in division (A) of section 2151.55 of the Revised Code and in the written communication described in division (B) of that section, the representative of the placing entity shall do the following:

(A) Discuss safety and well-being concerns regarding the child and, if the child attends school, the students, teachers, and personnel of the school;

(B) Provide the following information:

(1) A brief description of the reasons the child was removed from home;

(2) Services the child is receiving;

(3) The name of the contact person for the placing entity that is directly responsible for monitoring the child's placement;

(4) The telephone number of the placing entity and, if the child is in the temporary, permanent, or legal custody of a private or government entity other than the placing entity, the telephone number of the entity with custody;

(5) The previous school district attended by the child;

(6) The last known address of the child's parents.

(C) If the representative of the placing entity is providing 2510
the written communication described in division (B) of section 2511
2151.55 of the Revised Code, in addition to the discussion and 2512
provision of information required under divisions (A) and (B) of 2513
this section, in the written communication the representative 2514
shall provide the child's name and age, the address of the 2515
certified foster home in which the child is being placed, the name 2516
and a telephone number of a contact person at that home, and a 2517
statement that the home is a treatment foster home, provide a 2518
brief description of the facts supporting the determination that 2519
the child is an exceptional behavioral needs child or of the facts 2520
and circumstances of the act resulting in the delinquent child 2521
adjudication, and discuss safety and well-being concerns with 2522
respect to the child and the community. 2523

Sec. 2151.552. ~~No later than five days after~~ If a child who 2524
is described in division (A) of section 2151.55 of the Revised 2525
Code and about whom any oral communication is required under that 2526
division is enrolled in school in the district described in that 2527
section division, not later than five days after the child is so 2528
enrolled, the placing entity shall provide in writing the 2529
information described in division (B) of section 2151.551 of the 2530
Revised Code to the school district and the child's foster 2531
caregiver. 2532

Sec. 2151.553. Each school district board of education shall 2533
implement a procedure for receiving the information described in 2534
section 2151.552 of the Revised Code in a written notice provided 2535
under that section, and for receiving the discussions and 2536
information described in section 2151.551 of the Revised Code in a 2537
written notice provided under division (B) of section 2151.55 of 2538
the Revised Code. The procedure implemented under this section 2539
regarding the discussions and information described in section 2540

2151.551 of the Revised Code in a written notice provided under 2541
division (B) of section 2151.55 of the Revised Code shall contain 2542
safeguards to ensure the confidentiality of the information 2543
provided. 2544

Sec. 2151.554. ~~When~~ (A) Subject to division (B) of this 2545
section, when a private or governmental entity places a child who 2546
has been adjudicated to be an unruly or delinquent child in a 2547
certified foster home in a county other than the county in which 2548
the child resided at the time of being removed from home, the 2549
placing entity shall provide the following information in writing 2550
to the juvenile court of the county in which the certified foster 2551
home is located: 2552

~~(A)(1)~~ (1) The information listed in divisions ~~(B)(2)(3)~~ to 2553
~~(4)(5)~~ of section 2151.551 of the Revised Code; 2554

~~(B)(2)~~ (2) A brief description of the facts supporting the 2555
adjudication that the child is unruly or delinquent; 2556

~~(C)(3)~~ (3) The name and address of the foster caregiver; 2557

~~(D)(4)~~ (4) Safety and well-being concerns with respect to the 2558
child and community. 2559

(B) When a private or governmental entity places a child who 2560
has been adjudicated an unruly child or delinquent child in a 2561
certified foster home, regardless of whether the certified foster 2562
home is in the county in which the child resided at the time of 2563
being removed from home or is in any other county, and either the 2564
child has been determined by a court, a public children services 2565
agency, a private child placing agency, or a governmental entity 2566
with authority to place the child to be an exceptional behavioral 2567
needs child or the child has been adjudicated a delinquent child 2568
for committing an act that if committed by an adult would be a 2569
felony, the placing entity shall provide the information specified 2570

in divisions (A)(1) to (4) of this section to the juvenile court 2571
of the county in which the certified foster home is located, 2572
unless that juvenile court is the court of jurisdiction in the 2573
child's case. 2574

(C) As used in this section, "exceptional behavioral needs 2575
child" has the same meaning as in section 2151.55 of the Revised 2576
Code. 2577

Sec. 2151.555. (A) Any information, document, written or oral 2578
statement, or report provided by a private or governmental entity 2579
pursuant to division (B) of section 2151.55 or division (B) of 2580
section 2151.554 of the Revised Code is confidential and is not a 2581
public record open to public inspection under section 149.43 of 2582
the Revised Code. 2583

(B) No person shall permit or encourage the unauthorized 2584
dissemination of the confidential information described in 2585
division (A) of this section, except pursuant to a court order as 2586
provided by law. 2587

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 2588
entity that appoints or employs any person responsible for a 2589
child's care in out-of-home care shall request the superintendent 2590
of BCII to conduct a criminal records check with respect to any 2591
person who is under final consideration for appointment or 2592
employment as a person responsible for a child's care in 2593
out-of-home care, except that section 3319.39 of the Revised Code 2594
shall apply instead of this section if the out-of-home care entity 2595
is a public school, educational service center, or chartered 2596
nonpublic school. 2597

(2) ~~The~~ At the times specified in this division, the 2598
administrative director of an agency, or attorney, who arranges an 2599
adoption for a prospective adoptive parent shall request the 2600

superintendent of BCII to conduct a criminal records check with 2601
respect to that prospective adoptive parent and a criminal records 2602
check with respect to all persons eighteen years of age or older 2603
who reside with the prospective adoptive parent. The 2604
administrative director or attorney shall request a criminal 2605
records check pursuant to this division at the time of the initial 2606
home study, every four years after the initial home study at the 2607
time of an update, and at the time that an adoptive home study is 2608
completed as a new home study. 2609

(3) Before a recommending agency submits a recommendation to 2610
the department of job and family services on whether the 2611
department should issue a certificate to a foster home under 2612
section 5103.03 of the Revised Code, and every four years 2613
thereafter prior to a recertification under that section, the 2614
administrative director of the agency shall request that the 2615
superintendent of BCII conduct a criminal records check with 2616
respect to the prospective foster caregiver and a criminal records 2617
check with respect to all other persons eighteen years of age or 2618
older who reside with the foster caregiver. 2619

(B)(1) If a person subject to a criminal records check under 2620
division (A)(1) of this section does not present proof that the 2621
person has been a resident of this state for the five-year period 2622
immediately prior to the date upon which the criminal records 2623
check is requested or does not provide evidence that within that 2624
five-year period the superintendent of BCII has requested 2625
information about the person from the federal bureau of 2626
investigation in a criminal records check, the appointing or 2627
hiring officer, ~~administrative director, or attorney~~ shall request 2628
that the superintendent of BCII obtain information from the 2629
federal bureau of investigation as a part of the criminal records 2630
check, including fingerprint based checks of national crime 2631
information databases as described in 42 U.S.C. 671. If ~~the a~~ 2632

person subject to ~~the~~ a criminal records check under division 2633
(A)(1) of this section presents proof that the person has been a 2634
resident of this state for that five-year period, the appointing 2635
or hiring officer, ~~director,~~ or attorney may request that the 2636
superintendent of BCII include information from the federal bureau 2637
of investigation in the criminal records check, including 2638
fingerprint based checks of national crime information databases 2639
as described in 42 U.S.C. 671. 2640

When the administrative director of an agency, or attorney, 2641
who arranges an adoption for a prospective parent requests, at the 2642
time of the initial home study, a criminal records check for a 2643
person pursuant to division (A)(2) of this section, the 2644
administrative director or attorney shall request that the 2645
superintendent of BCII obtain information from the federal bureau 2646
of investigation as part of the criminal records check, including 2647
fingerprint based checks of national crime information databases 2648
as described in 42 U.S.C. 671, for the person subject to the 2649
criminal records check. In all other cases in which the 2650
administrative director of an agency, or attorney, who arranges an 2651
adoption for a prospective parent requests a criminal records 2652
check for a person pursuant to division (A)(2) of this section, 2653
the administrative director or attorney may request that the 2654
superintendent of BCII include information from the federal bureau 2655
of investigation in the criminal records check, including 2656
fingerprint based checks of national crime information databases 2657
as described in 42 U.S.C. 671. 2658

When the administrative director of a recommending agency 2659
requests, before submitting a recommendation to the department of 2660
job and family services on whether the department should issue a 2661
certificate to a foster home under section 5103.03 of the Revised 2662
Code, a criminal records check for a person pursuant to division 2663
(A)(3) of this section, the administrative director shall request 2664

that the superintendent of BCII obtain information from the 2665
federal bureau of investigation as part of a criminal records 2666
check, including fingerprint based checks of national crime 2667
information databases as described in 42 U.S.C. 671, for the 2668
person subject to the criminal records check. In all other cases 2669
in which the administrative director of a recommending agency 2670
requests a criminal records check for a person pursuant to 2671
division (A)(3) of this section, the administrative director may 2672
request that the superintendent of BCII include information from 2673
the federal bureau of investigation in the criminal records check, 2674
including fingerprint based checks of national crime information 2675
databases as described in 42 U.S.C. 671. 2676

(2) An appointing or hiring officer, administrative director, 2677
or attorney required by division (A) of this section to request a 2678
criminal records check shall provide to each person subject to a 2679
criminal records check a copy of the form prescribed pursuant to 2680
division (C)(1) of section 109.572 of the Revised Code and a 2681
standard impression sheet to obtain fingerprint impressions 2682
prescribed pursuant to division (C)(2) of section 109.572 of the 2683
Revised Code, obtain the completed form and impression sheet from 2684
the person, and forward the completed form and impression sheet to 2685
the superintendent of BCII at the time the criminal records check 2686
is requested. 2687

Any person subject to a criminal records check who receives 2688
pursuant to this division a copy of the form prescribed pursuant 2689
to division (C)(1) of section 109.572 of the Revised Code and a 2690
copy of an impression sheet prescribed pursuant to division (C)(2) 2691
of that section and who is requested to complete the form and 2692
provide a set of fingerprint impressions shall complete the form 2693
or provide all the information necessary to complete the form and 2694
shall provide the impression sheet with the impressions of the 2695
person's fingerprints. If a person subject to a criminal records 2696

check, upon request, fails to provide the information necessary to 2697
complete the form or fails to provide impressions of the person's 2698
fingerprints, the appointing or hiring officer shall not appoint 2699
or employ the person as a person responsible for a child's care in 2700
out-of-home care, a probate court may not issue a final decree of 2701
adoption or an interlocutory order of adoption making the person 2702
an adoptive parent, and the department of job and family services 2703
shall not issue a certificate authorizing the prospective foster 2704
caregiver to operate a foster home. 2705

(C)(1) No appointing or hiring officer shall appoint or 2706
employ a person as a person responsible for a child's care in 2707
out-of-home care, the department of job and family services shall 2708
not issue a certificate under section 5103.03 of the Revised Code 2709
authorizing a prospective foster caregiver to operate a foster 2710
home, and no probate court shall issue a final decree of adoption 2711
or an interlocutory order of adoption making a person an adoptive 2712
parent if the person or, in the case of a prospective foster 2713
caregiver or prospective adoptive parent, any person eighteen 2714
years of age or older who resides with the prospective foster 2715
caregiver or prospective adoptive parent previously has been 2716
convicted of or pleaded guilty to any of the ~~following~~ violations 2717
described in division (A)(8) of section 109.572 of the Revised 2718
Code, unless the person meets rehabilitation standards established 2719
in rules adopted under division (F) of this section+. 2720

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 2721
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 2722
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 2723
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 2724
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,~~ 2725
~~2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,~~ 2726
~~2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,~~ 2727
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 2728

~~violation of section 2905.04 of the Revised Code as it existed 2729
prior to July 1, 1996, a violation of section 2919.23 of the 2730
Revised Code that would have been a violation of section 2905.04 2731
of the Revised Code as it existed prior to July 1, 1996, had the 2732
violation been committed prior to that date, a violation of 2733
section 2925.11 of the Revised Code that is not a minor drug 2734
possession offense, or felonious sexual penetration in violation 2735
of former section 2907.12 of the Revised Code; 2736~~

~~(b) A violation of an existing or former law of this state, 2737
any other state, or the United States that is substantially 2738
equivalent to any of the offenses described in division (C)(1)(a) 2739
of this section. 2740~~

(2) The appointing or hiring officer may appoint or employ a 2741
person as a person responsible for a child's care in out-of-home 2742
care conditionally until the criminal records check required by 2743
this section is completed and the officer receives the results of 2744
the criminal records check. If the results of the criminal records 2745
check indicate that, pursuant to division (C)(1) of this section, 2746
the person subject to the criminal records check does not qualify 2747
for appointment or employment, the officer shall release the 2748
person from appointment or employment. 2749

(3) Prior to certification or recertification under section 2750
5103.03 of the Revised Code, the prospective foster caregiver 2751
subject to a criminal records check under division (A)(3) of this 2752
section shall notify the recommending agency of the revocation of 2753
any foster home license, certificate, or other similar 2754
authorization in another state occurring within the five years 2755
prior to the date of application to become a foster caregiver in 2756
this state. The failure of a prospective foster caregiver to 2757
notify the recommending agency of any revocation of that type in 2758
another state that occurred within that five-year period shall be 2759
grounds for denial of the person's foster home application or the 2760

revocation of the person's foster home certification, whichever is 2761
applicable. If a person has had a revocation in another state 2762
within the five years prior to the date of the application, the 2763
department of job and family services shall not issue a foster 2764
home certificate to the prospective foster caregiver. 2765

(D) The appointing or hiring officer, administrative 2766
director, or attorney shall pay to the bureau of criminal 2767
identification and investigation the fee prescribed pursuant to 2768
division (C)(3) of section 109.572 of the Revised Code for each 2769
criminal records check conducted in accordance with that section 2770
upon a request pursuant to division (A) of this section. The 2771
officer, director, or attorney may charge the person subject to 2772
the criminal records check a fee for the costs the officer, 2773
director, or attorney incurs in obtaining the criminal records 2774
check. A fee charged under this division shall not exceed the 2775
amount of fees the officer, director, or attorney pays for the 2776
criminal records check. If a fee is charged under this division, 2777
the officer, director, or attorney shall notify the person who is 2778
the applicant at the time of the person's initial application for 2779
appointment or employment, an adoption to be arranged, or a 2780
certificate to operate a foster home of the amount of the fee and 2781
that, unless the fee is paid, the person who is the applicant will 2782
not be considered for appointment or employment or as an adoptive 2783
parent or foster caregiver. 2784

(E) The report of any criminal records check conducted by the 2785
bureau of criminal identification and investigation in accordance 2786
with section 109.572 of the Revised Code and pursuant to a request 2787
made under division (A) of this section is not a public record for 2788
the purposes of section 149.43 of the Revised Code and shall not 2789
be made available to any person other than the following: 2790

(1) The person who is the subject of the criminal records 2791
check or the person's representative; ~~the~~ 2792

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

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

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

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

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

109.572 of the Revised Code. 2825

(H) The department of job and family services may waive the 2826
requirement that a criminal records check based on fingerprints be 2827
conducted for an adult resident of a prospective adoptive or 2828
foster home or the home of a foster caregiver if the recommending 2829
agency documents to the department's satisfaction that the adult 2830
resident is physically unable to comply with the fingerprinting 2831
requirement and poses no danger to foster children or adoptive 2832
children who may be placed in the home. In such cases, the 2833
recommending or approving agency shall request that the bureau of 2834
criminal identification and investigation conduct a criminal 2835
records check using the person's name and social security number. 2836

(I) As used in this section: 2837

(1) "Children's hospital" means any of the following: 2838

(a) A hospital registered under section 3701.07 of the 2839
Revised Code that provides general pediatric medical and surgical 2840
care, and in which at least seventy-five per cent of annual 2841
inpatient discharges for the preceding two calendar years were 2842
individuals less than eighteen years of age; 2843

(b) A distinct portion of a hospital registered under section 2844
3701.07 of the Revised Code that provides general pediatric 2845
medical and surgical care, has a total of at least one hundred 2846
fifty registered pediatric special care and pediatric acute care 2847
beds, and in which at least seventy-five per cent of annual 2848
inpatient discharges for the preceding two calendar years were 2849
individuals less than eighteen years of age; 2850

(c) A distinct portion of a hospital, if the hospital is 2851
registered under section 3701.07 of the Revised Code as a 2852
children's hospital and the children's hospital meets all the 2853
requirements of division (I)~~(3)~~(1)(a) of this section. 2854

(2) "Criminal records check" has the same meaning as in 2855

section 109.572 of the Revised Code. 2856

~~(3) "Minor drug possession offense" has the same meaning as
in section 2925.01 of the Revised Code.~~ 2857
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~~(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. 2859
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~~(5)~~(4) "Person subject to a criminal records check" means the
following: 2865
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(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; 2867
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(b) A prospective adoptive parent; 2870

(c) A prospective foster caregiver; 2871

(d) A person eighteen years old or older who resides with a
prospective foster caregiver or a prospective adoptive parent. 2872
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~~(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. 2874
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~~(7)~~(6) "Superintendent of BCII" means the superintendent of
the bureau of criminal identification and investigation. 2878
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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 2880
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person or child with respect to that crime or act, the court of 2885
common pleas shall order the person or child to appear before the 2886
sheriff or chief of police within twenty-four hours of the 2887
arraignment or first appearance to have the person's or child's 2888
fingerprints taken as provided in division (A)(2) of section 2889
109.60 of the Revised Code. 2890

(B) If the court of common pleas has jurisdiction over a case 2891
involving a person or child with respect to whom division (A)(1) 2892
or (2) of section 109.60 of the Revised Code requires a sheriff or 2893
chief of police to take the person's or child's fingerprints, the 2894
court of common pleas shall inquire at the time of the person's or 2895
child's sentencing or adjudication for the crime or act for which 2896
the fingerprints were required to be taken whether or not the 2897
person or child has been fingerprinted pursuant to division (A)(1) 2898
or (2) of section 109.60 of the Revised Code for the original 2899
arrest or court appearance upon which the sentence or adjudication 2900
is based. If a person or child was not fingerprinted for the 2901
original arrest or court appearance, the court of common pleas 2902
shall order the person or child to appear before the sheriff or 2903
chief of police within twenty-four hours to have the person's or 2904
child's fingerprints taken as provided in division (A)(3) of 2905
section 109.60 of the Revised Code. 2906

Sec. 3107.033. Not later than January 1, 2008, the director 2907
of job and family services shall adopt rules in accordance with 2908
Chapter 119. of the Revised Code specifying both of the following: 2909

(A) The manner in which a home study is to be conducted and 2911
the information and documents to be included in a home study 2912
report, which shall include, pursuant to section 3107.034 of the 2913
Revised Code, a summary report of a search of the uniform 2914
statewide automated child welfare information system established 2915

in section 5101.13 of the Revised Code and a report of a check of 2916
a central registry of another state if a request for a check of a 2917
central registry of another state is required under division (A) 2918
of section 3107.034 of the Revised Code; 2919

(B) A procedure under which a person whose application for 2920
adoption has been denied as a result of a search of the uniform 2921
statewide automated child welfare information system established 2922
in section 5101.13 of the Revised Code as part of the home study 2923
may appeal the denial to the agency that employed the assessor who 2924
filed the report. 2925

Sec. 3107.034. (A) Whenever a prospective adoptive parent or 2926
a person eighteen years of age or older who resides with a 2927
prospective adoptive parent has resided in another state within 2928
the five-year period immediately prior to the date on which a 2929
criminal records check is requested for the person under division 2930
(A) of section 2151.86 of the Revised Code, the administrative 2931
director of an agency, or attorney, who arranges the adoption for 2932
the prospective adoptive parent shall request a check of the 2933
central registry of abuse and neglect of this state from the 2934
department of job and family services regarding the prospective 2935
adoptive parent or the person eighteen years of age or older who 2936
resides with the prospective adoptive parent to enable the agency 2937
or attorney to check any child abuse and neglect registry 2938
maintained by that other state. The administrative director or 2939
attorney shall make the request and shall review the results of 2940
the check before a final decree of adoption or an interlocutory 2941
order of adoption making the person an adoptive parent may be 2942
made. Information received pursuant to the request shall be 2943
considered for purposes of this chapter as if it were a summary 2944
report required under section 3107.033 of the Revised Code. The 2945
department of job and family services shall comply with any 2946
request to check the central registry that is similar to the 2947

request described in this division and that is received from any 2948
other state. 2949

(B) The summary report of a search of the uniform statewide 2950
automated child welfare information system established in section 2951
5101.13 of the Revised Code that is required under section 2952
3107.033 of the Revised Code shall contain, if applicable, a 2953
chronological list of abuse and neglect determinations or 2954
allegations of which the person seeking to adopt is subject and in 2955
regards to which a public children services agency has done one of 2956
the following: 2957

(1) Determined that abuse or neglect occurred; 2958

(2) Initiated an investigation, and the investigation is 2959
ongoing; 2960

(3) Initiated an investigation and the agency was unable to 2961
determine whether abuse or neglect occurred. 2962

~~(B)~~(C) The summary report required under section 3107.033 of 2963
the Revised Code shall not contain any of the following: 2964

(1) An abuse and neglect determination of which the person 2965
seeking to adopt is subject and in regards to which a public 2966
children services agency determined that abuse or neglect did not 2967
occur; 2968

(2) Information or reports the dissemination of which is 2969
prohibited by, or interferes with eligibility under, the "Child 2970
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 2971
5101 et seq., as amended; 2972

(3) The name of the person who or entity that made, or 2973
participated in the making of, the report of abuse or neglect. 2974

~~(C)~~(D)(1) An application for adoption may be denied based on 2975
a summary report containing the information described under 2976
division ~~(A)~~(B)(1) of this section, when considered within the 2977

totality of the circumstances. An application that is denied may 2978
be appealed using the procedure adopted pursuant to division (B) 2979
of section 3107.033 of the Revised Code. 2980

(2) An application for adoption shall not be denied solely 2981
based on a summary report containing the information described 2982
under division ~~(A)~~(B)(2) or (3) of this section. 2983

Sec. 3107.066. (A) Notwithstanding the provisions of the 2984
versions of former sections 3107.06 and 3107.07 of the Revised 2985
Code that, pursuant to Section 5 of Am. Sub. H.B. 419 of the 121st 2986
general assembly, apply regarding a putative father's consent to 2987
the adoption of any child born prior to January 1, 1997, on and 2988
after the effective date of this section, both of the following 2989
apply: 2990

(1) The references in division (F)(4) of former section 2991
3107.06 of the Revised Code to the department of human services 2992
are repealed, and division (F)(4) of that former section shall be 2993
considered as reading, and shall be applicable, as follows: "Has 2994
filed an objection to the adoption with the agency having custody 2995
of the minor at any time before the placement of the minor in the 2996
home of the petitioner, or with the probate court within thirty 2997
days of the filing of a petition to adopt the minor or its 2998
placement in the home of the petitioner, whichever occurs first." 2999

(2) The references in division (B) of former section 3107.07 3000
of the Revised Code to the department of human services are 3001
repealed, and division (B) of that former section shall be 3002
considered as reading, and shall be applicable, as follows: "The 3003
putative father of a minor if the putative father fails to file an 3004
objection with the court or the agency having custody of the minor 3005
as provided in division (F)(4) of section 3107.06 of the Revised 3006
Code, or files an objection with the court or agency and the court 3007
finds, after proper service of notice and hearing, that he is not 3008

the father of the minor, or that he has willfully abandoned or 3009
failed to care for and support the minor, or abandoned the mother 3010
of the minor during her pregnancy and up to the time of her 3011
surrender of the minor, or its placement in the home of the 3012
petitioner, whichever occurs first." 3013

(B) As used in this section: 3014

(1) "Former section 3107.06 of the Revised Code" means the 3015
version of that section that was in effect immediately prior to 3016
September 18, 1996, and that was amended by Am. Sub. H.B. 419 of 3017
the 121st general assembly. 3018

(2) "Former section 3107.07 of the Revised Code" means the 3019
version of that section that was in effect immediately prior to 3020
September 18, 1996, and that was amended by Am. Sub. H.B. 419 of 3021
the 121st general assembly. 3022

Sec. 3107.14. (A) The petitioner and the person sought to be 3023
adopted shall appear at the hearing on the petition, unless the 3024
presence of either is excused by the court for good cause shown. 3025

(B) The court may continue the hearing from time to time to 3026
permit further observation, investigation, or consideration of any 3027
facts or circumstances affecting the granting of the petition, and 3028
may examine the petitioners separate and apart from each other. 3029

(C) If, at the conclusion of the hearing, the court finds 3030
that the required consents have been obtained or excused and that 3031
the adoption is in the best interest of the person sought to be 3032
adopted as supported by the evidence, it may issue, subject to 3033
division (C)(1)(a) of section 2151.86, section 3107.064, and 3034
division (E) of section 3107.09 of the Revised Code, and any other 3035
limitations specified in this chapter, a final decree of adoption 3036
or an interlocutory order of adoption, which by its own terms 3037
automatically becomes a final decree of adoption on a date 3038

specified in the order, which, except as provided in division (B) 3039
of section 3107.13 of the Revised Code, shall not be less than six 3040
months or more than one year from the date of issuance of the 3041
order, unless sooner vacated by the court for good cause shown. In 3042
determining whether the adoption is in the best interest of the 3043
person sought to be adopted, the court shall not consider the age 3044
of the petitioner if the petitioner is old enough to adopt as 3045
provided by section 3107.03 of the Revised Code. 3046

In an interlocutory order of adoption, the court shall 3047
provide for observation, investigation, and a further report on 3048
the adoptive home during the interlocutory period. 3049

(D) If the requirements for a decree under division (C) of 3050
this section have not been satisfied or the court vacates an 3051
interlocutory order of adoption, or if the court finds that a 3052
person sought to be adopted was placed in the home of the 3053
petitioner in violation of law, the court shall dismiss the 3054
petition and may determine the agency or person to have temporary 3055
or permanent custody of the person, which may include the agency 3056
or person that had custody prior to the filing of the petition or 3057
the petitioner, if the court finds it is in the best interest of 3058
the person as supported by the evidence, or if the person is a 3059
minor, the court may certify the case to the juvenile court of the 3060
county where the minor is then residing for appropriate action and 3061
disposition. 3062

(E) The issuance of a final decree or interlocutory order of 3063
adoption for an adult adoption under division (A)(4) of section 3064
3107.02 of the Revised Code shall not disqualify that adult for 3065
services under section 2151.82 or 2151.83 of the Revised Code. 3066

Sec. 5101.13. (A) The department of job and family services 3067
shall establish and maintain a uniform statewide automated child 3068
welfare information system in accordance with the requirements of 3069

42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 3070
guidelines. The information system shall contain records regarding 3071
any of the following: 3072

(1) Investigations of children and families, and children's 3073
care in out-of-home care, in accordance with sections 2151.421 and 3074
5153.16 of the Revised Code; 3075

(2) Care and treatment provided to children and families; 3076

(3) Any other information related to children and families 3077
that state or federal law, regulation, or rule requires the 3078
department or a public children services agency to maintain. 3079

(B) The department shall plan implementation of the 3080
information system on a county-by-county basis and shall finalize 3081
statewide implementation by all public children services agencies 3082
as described in section 5153.02 of the Revised Code not later than 3083
January 1, 2008. 3084

(C) The department shall promptly notify all public children 3085
services agencies of the initiation and completion of statewide 3086
implementation of the statewide information system established 3087
under division (A) of this section. 3088

(D) "Out-of-home care" has the same meaning as in section 3089
2151.011 of the Revised Code. 3090

Sec. 5101.132. (A) Information contained in the information 3091
system established and maintained under section 5101.13 of the 3092
Revised Code may be accessed only as follows: 3093

~~(A)(1)~~ The department of job and family services ~~and~~, a 3094
public children services agency, a title IV-E agency, a 3095
prosecuting attorney, a private child placing agency, and a 3096
private noncustodial agency may access the information when either 3097
of the following is the case: 3098

~~(1)(a)~~ The access is directly connected with assessment, 3099

investigation, or services regarding a child or family; 3100

~~(2)~~(b) The access is permitted by state or federal law, rule, 3101
or regulation. 3102

~~(B)~~(2) A person may access the information in a manner, to 3103
the extent, and for the purposes authorized by rules adopted by 3104
the department. 3105

(B) As used in this section, "title IV-E agency" means a 3106
public children services agency or a public entity with which the 3107
department of job and family services has a title IV-E subgrant 3108
agreement in effect. 3109

Sec. 5101.134. (A) Notwithstanding any provision of the 3110
Revised Code that requires confidentiality of information that is 3111
contained in the uniform statewide automated child welfare 3112
information system established in section 5101.13 of the Revised 3113
Code, the department of job and family services shall adopt rules 3114
in accordance with Chapter 119. of the Revised Code regarding a 3115
private child placing agency's or private noncustodial agency's 3116
access, data entry, and use of information in the uniform 3117
statewide automated child welfare information system. 3118

(B)(1) The department of job and family services may adopt 3119
rules in accordance with section 111.15 of the Revised Code, as if 3120
they were internal management rules, as necessary to carry out the 3121
purposes of sections 5101.13 to 5101.133 of the Revised Code. 3122

(2) The department may adopt rules in accordance with Chapter 3123
119. of the Revised Code as necessary to carry out the purposes of 3124
division ~~(B)~~(A)(2) of section 5101.132 of the Revised Code. 3125

(C) Public children services agencies shall implement and use 3126
the information system established pursuant to section 5101.13 of 3127
the Revised Code in accordance with rules adopted by the 3128
department. 3129

Sec. 5101.32. (A) The department of job and family services 3130
shall work with the superintendent of the bureau of criminal 3131
identification and investigation to develop procedures and formats 3132
necessary to produce the notices described in division (D) of 3133
section 109.581 of the Revised Code in a format that is acceptable 3134
for use by the department. The department may adopt rules in 3135
accordance with section 111.15 of the Revised Code, as if they 3136
were internal management rules, necessary for such collaboration. 3137

(B) In addition to the rules required by division (G) of 3138
section 109.581 of the Revised Code, the department of job and 3139
family services may adopt rules in accordance with Chapter 119. of 3140
the Revised Code necessary for utilizing the information received 3141
pursuant to section 109.581 of the Revised Code. 3142

Sec. 5103.03. (A) The director of job and family services 3143
shall adopt rules as necessary for the adequate and competent 3144
management of institutions or associations. 3145

(B)(1) Except for facilities under the control of the 3146
department of youth services, places of detention for children 3147
established and maintained pursuant to sections 2152.41 to 2152.44 3148
of the Revised Code, and child day-care centers subject to Chapter 3149
5104. of the Revised Code, the department of job and family 3150
services every two years shall pass upon the fitness of every 3151
institution and association that receives, or desires to receive 3152
and care for children, or places children in private homes. 3153

(2) When the department of job and family services is 3154
satisfied as to the care given such children, and that the 3155
requirements of the statutes and rules covering the management of 3156
such institutions and associations are being complied with, it 3157
shall issue to the institution or association a certificate to 3158
that effect. A certificate is valid for two years, unless sooner 3159

revoked by the department. When determining whether an institution 3160
or association meets a particular requirement for certification, 3161
the department may consider the institution or association to have 3162
met the requirement if the institution or association shows to the 3163
department's satisfaction that it has met a comparable requirement 3164
to be accredited by a nationally recognized accreditation 3165
organization. 3166

(3) The department may issue a temporary certificate valid 3167
for less than one year authorizing an institution or association 3168
to operate until minimum requirements have been met. 3169

(4) An institution or association that knowingly makes a 3170
false statement that is included as a part of certification under 3171
this section is guilty of the offense of falsification under 3172
section 2921.13 of the Revised Code and the department shall not 3173
certify that institution or association. 3174

(5) The department shall not issue a certificate to a 3175
prospective foster home or prospective specialized foster home 3176
pursuant to this section if the prospective foster home or 3177
prospective specialized foster home operates as a type A family 3178
day-care home pursuant to Chapter 5104. of the Revised Code. The 3179
department shall not issue a certificate to a prospective 3180
specialized foster home if the prospective specialized foster home 3181
operates a type B family day-care home pursuant to Chapter 5104. 3182
of the Revised Code. 3183

(C) The department may revoke a certificate if it finds that 3184
the institution or association is in violation of law or rule. No 3185
juvenile court shall commit a child to an association or 3186
institution that is required to be certified under this section if 3187
its certificate has been revoked or, if after revocation, the date 3188
of reissue is less than fifteen months prior to the proposed 3189
commitment. 3190

(D) Every two years, on a date specified by the department, 3191
each institution or association desiring certification or 3192
recertification shall submit to the department a report showing 3193
its condition, management, competency to care adequately for the 3194
children who have been or may be committed to it or to whom it 3195
provides care or services, the system of visitation it employs for 3196
children placed in private homes, and other information the 3197
department requires. 3198

(E) The department shall, not less than once each year, send 3199
a list of certified institutions and associations to each juvenile 3200
court and certified association or institution. 3201

(F) No person shall receive children or receive or solicit 3202
money on behalf of such an institution or association not so 3203
certified or whose certificate has been revoked. 3204

(G)(1) The director may delegate by rule any duties imposed 3205
on it by this section to inspect and approve family foster homes 3206
and specialized foster homes to public children services agencies, 3207
private child placing agencies, or private noncustodial agencies. 3208

(2) The director shall adopt rules that require a foster 3209
caregiver or other individual certified to operate a foster home 3210
under this section to notify the recommending agency that the 3211
foster caregiver or other individual is certified to operate a 3212
type B family day-care home under Chapter 5104. of the Revised 3213
Code. 3214

(H) If the director of job and family services determines 3215
that an institution or association that cares for children is 3216
operating without a certificate, the director may petition the 3217
court of common pleas in the county in which the institution or 3218
association is located for an order enjoining its operation. The 3219
court shall grant injunctive relief upon a showing that the 3220
institution or association is operating without a certificate. 3221

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

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

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

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

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

prior to July 1, 1996, a violation of section 2919.23 of the 3253
Revised Code that would have been a violation of section 2905.04 3254
of the Revised Code as it existed prior to July 1, 1996, had the 3255
violation been committed prior to that date, a violation of 3256
section 2925.11 of the Revised Code that is not a minor drug 3257
possession offense, a violation of section 2923.01 of the Revised 3258
Code that involved an attempt to commit aggravated murder or 3259
murder, an OVI or OVUAC violation if the person previously was 3260
convicted of or pleaded guilty to one or more OVI or OVUAC 3261
violations within the three years immediately preceding the 3262
current violation, or felonious sexual penetration in violation of 3263
former section 2907.12 of the Revised Code; 3264

(2) An offense that would be a felony if committed by an 3265
adult and the court determined that the child, if an adult, would 3266
be guilty of a specification found in section 2941.141, 2941.144, 3267
or 2941.145 of the Revised Code or in another section of the 3268
Revised Code that relates to the possession or use of a firearm, 3269
as defined in section 2923.11 of the Revised Code, during the 3270
commission of the act for which the child was adjudicated a 3271
delinquent child; 3272

(3) A violation of an existing or former law of this state, 3273
any other state, or the United States that is substantially 3274
equivalent to any of the offenses described in division (A)(1) or 3275
(2) of this section. 3276

(B) If a recommending agency learns that a foster caregiver 3277
has failed to comply with division (A) of this section, it shall 3278
notify the department of job and family services and the 3279
department shall revoke the foster caregiver's foster home 3280
certificate. 3281

(C) As used in this section, "OVI or OVUAC violation" means a 3282
violation of section 4511.19 of the Revised Code or a violation of 3283
an existing or former law of this state, any other state, or the 3284

United States that is substantially equivalent to section 4511.19 3285
of the Revised Code. 3286

Sec. 5103.0326. (A) A recommending agency may recommend that 3287
the department of job and family services not renew a foster home 3288
certificate under section 5103.03 of the Revised Code if the 3289
foster caregiver refused to accept the placement of any children 3290
into the foster home during the current certification period. 3291
Based on the agency's recommendation, the department may refuse to 3292
renew a foster home certificate. 3293

(B) The department of job and family services may revoke the 3294
certification of any foster caregiver who has not cared for one or 3295
more foster children in the foster caregiver's home within the 3296
preceding twelve months. Prior to the revocation of any 3297
certification pursuant to this division, the recommending agency 3298
shall have the opportunity to provide good cause for the 3299
department to continue the certification and not revoke the 3300
certification. If the department decides to revoke the 3301
certification, the department shall notify the recommending agency 3302
that the certification will be revoked. 3303

Sec. 5103.0328. (A) Not later than ninety-six hours after 3304
receiving notice from the superintendent of the bureau of criminal 3305
identification and investigation pursuant to section 109.581 of 3306
the Revised Code that a foster caregiver has been convicted of or 3307
pleaded guilty to any foster caregiver-disqualifying offense, and 3308
not later than ninety-six hours after learning in any other manner 3309
that a foster caregiver has been convicted of or pleaded guilty to 3310
any foster caregiver-disqualifying offense, the department of job 3311
and family services shall provide notice of that conviction or 3312
guilty plea to the recommending agency relative to the foster 3313
caregiver. 3314

(B) If a recommending agency receives notice from the 3315
department of job and family services pursuant to division (A) of 3316
this section that a foster caregiver has been convicted of or 3317
pleaded guilty to any foster caregiver-disqualifying offense, or 3318
if a recommending agency learns in any other manner that a foster 3319
caregiver has been convicted of or pleaded guilty to any foster 3320
caregiver-disqualifying offense, the recommending agency shall 3321
assess the foster caregiver's overall situation for safety 3322
concerns and forward any recommendations, if applicable, for 3323
revoking the foster caregiver's certificate to the department for 3324
the department's review for possible revocation. 3325

(C) As used in this section, "foster caregiver-disqualifying 3326
offense" means any offense or violation listed or described in 3327
division (C)(1)(a) or (b) of section 2151.86 of the Revised Code. 3328

Sec. 5103.16. ~~(A) Pursuant to section 5103.18 of the Revised~~ 3329
~~Code and except~~ Except as otherwise provided in this section, no 3330
child shall be placed or accepted for placement under any written 3331
or oral agreement or understanding that transfers or surrenders 3332
the legal rights, powers, or duties of the legal parent, parents, 3333
or guardian of the child into the temporary or permanent custody 3334
of any association or institution that is not certified by the 3335
department of job and family services under section 5103.03 of the 3336
Revised Code, without the written consent of the office in the 3337
department that oversees the interstate compact on placement of 3338
children established under section 5103.20 of the Revised Code, or 3339
by a commitment of a juvenile court, or by a commitment of a 3340
probate court as provided in this section. A child may be placed 3341
temporarily without written consent or court commitment with 3342
persons related by blood or marriage or in a legally licensed 3343
boarding home. 3344

(B)(1) Associations and institutions certified under section 3345

5103.03 of the Revised Code for the purpose of placing children in 3346
free foster homes or for legal adoption shall keep a record of the 3347
temporary and permanent surrenders of children. This record shall 3348
be available for separate statistics, which shall include a copy 3349
of an official birth record and all information concerning the 3350
social, mental, and medical history of the children that will aid 3351
in an intelligent disposition of the children in case that becomes 3352
necessary because the parents or guardians fail or are unable to 3353
reassume custody. 3354

(2) No child placed on a temporary surrender with an 3355
association or institution shall be placed permanently in a foster 3356
home or for legal adoption. All surrendered children who are 3357
placed permanently in foster homes or for adoption shall have been 3358
permanently surrendered, and a copy of the permanent surrender 3359
shall be a part of the separate record kept by the association or 3360
institution. 3361

(C) Any agreement or understanding to transfer or surrender 3362
the legal rights, powers, or duties of the legal parent or parents 3363
and place a child with a person seeking to adopt the child under 3364
this section shall be construed to contain a promise by the person 3365
seeking to adopt the child to pay the expenses listed in divisions 3366
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 3367
if the person seeking to adopt the child refuses to accept 3368
placement of the child, to pay the temporary costs of routine 3369
maintenance and medical care for the child in a hospital, foster 3370
home, or other appropriate place for up to thirty days or until 3371
other custody is established for the child, as provided by law, 3372
whichever is less. 3373

(D) No child shall be placed or received for adoption or with 3374
intent to adopt unless placement is made by a public children 3375
services agency, an institution or association that is certified 3376
by the department of job and family services under section 5103.03 3377

of the Revised Code to place children for adoption, or custodians 3378
in another state or foreign country, or unless all of the 3379
following criteria are met: 3380

(1) Prior to the placement and receiving of the child, the 3381
parent or parents of the child personally have applied to, and 3382
appeared before, the probate court of the county in which the 3383
parent or parents reside, or in which the person seeking to adopt 3384
the child resides, for approval of the proposed placement 3385
specified in the application and have signed and filed with the 3386
court a written statement showing that the parent or parents are 3387
aware of their right to contest the decree of adoption subject to 3388
the limitations of section 3107.16 of the Revised Code; 3389

(2) The court ordered an independent home study of the 3390
proposed placement to be conducted as provided in section 3107.031 3391
of the Revised Code, and after completion of the home study, the 3392
court determined that the proposed placement is in the best 3393
interest of the child; 3394

(3) The court has approved of record the proposed placement. 3395

In determining whether a custodian has authority to place 3396
children for adoption under the laws of a foreign country, the 3397
probate court shall determine whether the child has been released 3398
for adoption pursuant to the laws of the country in which the 3399
child resides, and if the release is in a form that satisfies the 3400
requirements of the immigration and naturalization service of the 3401
United States department of justice for purposes of immigration to 3402
this country pursuant to section 101(b)(1)(F) of the "Immigration 3403
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 3404
(b)(1)(F), as amended or reenacted. 3405

If the parent or parents of the child are deceased or have 3406
abandoned the child, as determined under division (A) of section 3407
3107.07 of the Revised Code, the application for approval of the 3408

proposed adoptive placement may be brought by the relative seeking 3409
to adopt the child, or by the department, board, or organization 3410
not otherwise having legal authority to place the orphaned or 3411
abandoned child for adoption, but having legal custody of the 3412
orphaned or abandoned child, in the probate court of the county in 3413
which the child is a resident, or in which the department, board, 3414
or organization is located, or where the person or persons with 3415
whom the child is to be placed reside. Unless the parent, parents, 3416
or guardian of the person of the child personally have appeared 3417
before the court and applied for approval of the placement, notice 3418
of the hearing on the application shall be served on the parent, 3419
parents, or guardian. 3420

The consent to placement, surrender, or adoption executed by 3421
a minor parent before a judge of the probate court or an 3422
authorized deputy or referee of the court, whether executed within 3423
or outside the confines of the court, is as valid as though 3424
executed by an adult. A consent given as above before an employee 3425
of a children services agency that is licensed as provided by law, 3426
is equally effective, if the consent also is accompanied by an 3427
affidavit executed by the witnessing employee or employees to the 3428
effect that the legal rights of the parents have been fully 3429
explained to the parents, prior to the execution of any consent, 3430
and that the action was done after the birth of the child. 3431

If the court approves a placement, the prospective adoptive 3432
parent with whom the child is placed has care, custody, and 3433
control of the child pending further order of the court. 3434

(E) This section does not apply to an adoption by a 3435
stepparent, a grandparent, or a guardian. 3436

Sec. 5103.18. (A) (1) Prior to placement certification or 3437
recertification as a foster home under section 5103.16 5103.03 of 3438
the Revised Code, ~~an association or institution certified to place~~ 3439

~~a child into a foster home a recommending agency shall include~~ 3440
~~obtain~~ a summary report of a search of the uniform statewide 3441
~~automated child welfare information system, established in under~~ 3442
~~section 5101.13 of the Revised Code with records required under~~ 3443
~~division (B)(1) of section 5103.16 of the Revised Code, from an~~ 3444
~~entity listed in section 5101.132 of the Revised Code.~~ 3445

(2) Whenever a prospective foster parent or any other person 3446
eighteen years of age or older who resides with a prospective 3447
foster parent has resided in another state within the five-year 3448
period immediately prior to the date on which a criminal records 3449
check is requested for the person under division (A) of section 3450
2151.86 of the Revised Code, the recommending agency shall request 3451
a check of the central registry of abuse and neglect of this state 3452
from the department of job and family services regarding the 3453
prospective foster parent or the person eighteen years of age or 3454
older who resides with the prospective foster parent to enable the 3455
agency to check any child abuse and neglect registry maintained by 3456
that other state. The recommending agency shall make the request 3457
and shall review the results of the check before the prospective 3458
foster parent may be finally approved for placement of a child. 3459
Information received pursuant to such a request shall be 3460
considered for purposes of this chapter as if it were a summary 3461
report required under division (A) of this section. The department 3462
of job and family services shall comply with any request to check 3463
the central registry that is similar to the request described in 3464
this division and that is received from any other state. 3465

(B)(1) The summary report required under division (A) of this 3466
section shall contain, if applicable, a chronological list of 3467
abuse and neglect determinations or allegations of which a person 3468
seeking to become a foster caregiver of a child is subject and in 3469
regards to which a public children services agency has done one of 3470
the following: 3471

(a) Determined that abuse or neglect occurred;	3472
(b) Initiated an investigation, and the investigation is ongoing;	3473 3474
(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.	3475 3476
(2) The summary report required under division (A) of this section shall not contain any of the following:	3477 3478
(a) An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur;	3479 3480 3481 3482
(b) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;	3483 3484 3485 3486
(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.	3487 3488
(C)(1) A foster placement <u>home certification or recertification</u> may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.	3489 3490 3491 3492
(2) A foster placement <u>home certification or recertification</u> shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.	3493 3494 3495 3496
(D) Not later than January 1, 2008, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.	3497 3498 3499 3500

Sec. 5104.011. (A) The director of job and family services 3501
shall adopt rules pursuant to Chapter 119. of the Revised Code 3502
governing the operation of child day-care centers, including, but 3503
not limited to, parent cooperative centers, part-time centers, 3504
drop-in centers, and school child centers, which rules shall 3505
reflect the various forms of child care and the needs of children 3506
receiving child care or publicly funded child care and shall 3507
include specific rules for school child care centers that are 3508
developed in consultation with the department of education. The 3509
rules shall not require an existing school facility that is in 3510
compliance with applicable building codes to undergo an additional 3511
building code inspection or to have structural modifications. The 3512
rules shall include the following: 3513

(1) Submission of a site plan and descriptive plan of 3514
operation to demonstrate how the center proposes to meet the 3515
requirements of this chapter and rules adopted pursuant to this 3516
chapter for the initial license application; 3517

(2) Standards for ensuring that the physical surroundings of 3518
the center are safe and sanitary including, but not limited to, 3519
the physical environment, the physical plant, and the equipment of 3520
the center; 3521

(3) Standards for the supervision, care, and discipline of 3522
children receiving child care or publicly funded child care in the 3523
center; 3524

(4) Standards for a program of activities, and for play 3525
equipment, materials, and supplies, to enhance the development of 3526
each child; however, any educational curricula, philosophies, and 3527
methodologies that are developmentally appropriate and that 3528
enhance the social, emotional, intellectual, and physical 3529
development of each child shall be permissible. As used in this 3530
division, "program" does not include instruction in religious or 3531

moral doctrines, beliefs, or values that is conducted at child	3532
day-care centers owned and operated by churches and does include	3533
methods of disciplining children at child day-care centers.	3534
(5) Admissions policies and procedures, health care policies	3535
and procedures, including, but not limited to, procedures for the	3536
isolation of children with communicable diseases, first aid and	3537
emergency procedures, procedures for discipline and supervision of	3538
children, standards for the provision of nutritious meals and	3539
snacks, and procedures for screening children and employees,	3540
including, but not limited to, any necessary physical examinations	3541
and immunizations;	3542
(6) Methods for encouraging parental participation in the	3543
center and methods for ensuring that the rights of children,	3544
parents, and employees are protected and that responsibilities of	3545
parents and employees are met;	3546
(7) Procedures for ensuring the safety and adequate	3547
supervision of children traveling off the premises of the center	3548
while under the care of a center employee;	3549
(8) Procedures for record keeping, organization, and	3550
administration;	3551
(9) Procedures for issuing, renewing, denying, and revoking a	3552
license that are not otherwise provided for in Chapter 119. of the	3553
Revised Code;	3554
(10) Inspection procedures;	3555
(11) Procedures and standards for setting initial and renewal	3556
license application fees;	3557
(12) Procedures for receiving, recording, and responding to	3558
complaints about centers;	3559
(13) Procedures for enforcing section 5104.04 of the Revised	3560
Code;	3561

(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;

(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.

(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;

(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;

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

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

(B)(1) The child day-care center shall have, for each child for whom the center is licensed, at least thirty-five square feet of usable indoor floor space wall-to-wall regularly available for the child care operation exclusive of any parts of the structure in which the care of children is prohibited by law or by rules adopted by the board of building standards. The minimum of thirty-five square feet of usable indoor floor space shall not include hallways, kitchens, storage areas, or any other areas that

are not available for the care of children, as determined by the 3593
director, in meeting the space requirement of this division, and 3594
bathrooms shall be counted in determining square footage only if 3595
they are used exclusively by children enrolled in the center, 3596
except that the exclusion of hallways, kitchens, storage areas, 3597
bathrooms not used exclusively by children enrolled in the center, 3598
and any other areas not available for the care of children from 3599
the minimum of thirty-five square feet of usable indoor floor 3600
space shall not apply to: 3601

(a) Centers licensed prior to or on September 1, 1986, that 3602
continue under licensure after that date; 3603

(b) Centers licensed prior to or on September 1, 1986, that 3604
are issued a new license after that date solely due to a change of 3605
ownership of the center. 3606

(2) The child day-care center shall have on the site a safe 3607
outdoor play space which is enclosed by a fence or otherwise 3608
protected from traffic or other hazards. The play space shall 3609
contain not less than sixty square feet per child using such space 3610
at any one time, and shall provide an opportunity for supervised 3611
outdoor play each day in suitable weather. The director may exempt 3612
a center from the requirement of this division, if an outdoor play 3613
space is not available and if all of the following are met: 3614

(a) The center provides an indoor recreation area that has 3615
not less than sixty square feet per child using the space at any 3616
one time, that has a minimum of one thousand four hundred forty 3617
square feet of space, and that is separate from the indoor space 3618
required under division (B)(1) of this section. 3619

(b) The director has determined that there is regularly 3620
available and scheduled for use a conveniently accessible and safe 3621
park, playground, or similar outdoor play area for play or 3622
recreation. 3623

(c) The children are closely supervised during play and while 3624
traveling to and from the area. 3625

The director also shall exempt from the requirement of this 3626
division a child day-care center that was licensed prior to 3627
September 1, 1986, if the center received approval from the 3628
director prior to September 1, 1986, to use a park, playground, or 3629
similar area, not connected with the center, for play or 3630
recreation in lieu of the outdoor space requirements of this 3631
section and if the children are closely supervised both during 3632
play and while traveling to and from the area and except if the 3633
director determines upon investigation and inspection pursuant to 3634
section 5104.04 of the Revised Code and rules adopted pursuant to 3635
that section that the park, playground, or similar area, as well 3636
as access to and from the area, is unsafe for the children. 3637

(3) The child day-care center shall have at least two 3638
responsible adults available on the premises at all times when 3639
seven or more children are in the center. The center shall 3640
organize the children in the center in small groups, shall provide 3641
child-care staff to give continuity of care and supervision to the 3642
children on a day-by-day basis, and shall ensure that no child is 3643
left alone or unsupervised. Except as otherwise provided in 3644
division (E) of this section, the maximum number of children per 3645
child-care staff member and maximum group size, by age category of 3646
children, are as follows: 3647

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			3652
(i) Less than twelve			3653
months old	5:1, or		3654
	12:2 if two		3655

	child-care		3656
	staff members		3657
	are in the room	12	3658
(ii) At least twelve			3659
months old, but			3660
less than eighteen			3661
months old	6:1	12	3662
(b) Toddlers:			3663
(i) At least eighteen			3664
months old, but			3665
less than thirty			3666
months old	7:1	14	3667
(ii) At least thirty months			3668
old, but less than			3669
three years old	8:1	16	3670
(c) Preschool			3671
children:			3672
(i) Three years old	12:1	24	3673
(ii) Four years old and			3674
five years old who			3675
are not school			3676
children	14:1	28	3677
(d) School children:			3678
(i) A child who is			3679
enrolled in or is			3680
eligible to be			3681
enrolled in a grade			3682
of kindergarten			3683
or above, but			3684
is less than			3685
eleven years old	18:1	36	3686
(ii) Eleven through fourteen			3687
years old	20:1	40	3688

Except as otherwise provided in division (E) of this section, 3689
the maximum number of children per child-care staff member and 3690
maximum group size requirements of the younger age group shall 3691
apply when age groups are combined. 3692

(4)(a) The child day-care center administrator shall show the 3693
director both of the following: 3694

(i) Evidence of at least high school graduation or 3695
certification of high school equivalency by the state board of 3696
education or the appropriate agency of another state; 3697

(ii) Evidence of having completed at least two years of 3698
training in an accredited college, university, or technical 3699
college, including courses in child development or early childhood 3700
education, or at least two years of experience in supervising and 3701
giving daily care to children attending an organized group 3702
program. 3703

(b) In addition to the requirements of division (B)(4)(a) of 3704
this section, any administrator employed or designated on or after 3705
September 1, 1986, shall show evidence of, and any administrator 3706
employed or designated prior to September 1, 1986, shall show 3707
evidence within six years after such date of, at least one of the 3708
following: 3709

(i) Two years of experience working as a child-care staff 3710
member in a center and at least four courses in child development 3711
or early childhood education from an accredited college, 3712
university, or technical college, except that a person who has two 3713
years of experience working as a child-care staff member in a 3714
particular center and who has been promoted to or designated as 3715
administrator of that center shall have one year from the time the 3716
person was promoted to or designated as administrator to complete 3717
the required four courses; 3718

(ii) Two years of training, including at least four courses 3719

in child development or early childhood education from an 3720
accredited college, university, or technical college; 3721

(iii) A child development associate credential issued by the 3722
national child development associate credentialing commission; 3723

(iv) An associate or higher degree in child development or 3724
early childhood education from an accredited college, technical 3725
college, or university, or a license designated for teaching in an 3726
associate teaching position in a preschool setting issued by the 3727
state board of education. 3728

(5) All child-care staff members of a child day-care center 3729
shall be at least eighteen years of age, and shall furnish the 3730
director evidence of at least high school graduation or 3731
certification of high school equivalency by the state board of 3732
education or the appropriate agency of another state or evidence 3733
of completion of a training program approved by the department of 3734
job and family services or state board of education, except as 3735
follows: 3736

(a) A child-care staff member may be less than eighteen years 3737
of age if the staff member is either of the following: 3738

(i) A graduate of a two-year vocational child-care training 3739
program approved by the state board of education; 3740

(ii) A student enrolled in the second year of a vocational 3741
child-care training program approved by the state board of 3742
education which leads to high school graduation, provided that the 3743
student performs the student's duties in the child day-care center 3744
under the continuous supervision of an experienced child-care 3745
staff member, receives periodic supervision from the vocational 3746
child-care training program teacher-coordinator in the student's 3747
high school, and meets all other requirements of this chapter and 3748
rules adopted pursuant to this chapter. 3749

(b) A child-care staff member shall be exempt from the 3750

educational requirements of this division if the staff member: 3751

(i) Prior to January 1, 1972, was employed or designated by a 3752
child day-care center and has been continuously employed since 3753
either by the same child day-care center employer or at the same 3754
child day-care center; or 3755

(ii) Is a student enrolled in the second year of a vocational 3756
child-care training program approved by the state board of 3757
education which leads to high school graduation, provided that the 3758
student performs the student's duties in the child day-care center 3759
under the continuous supervision of an experienced child-care 3760
staff member, receives periodic supervision from the vocational 3761
child-care training program teacher-coordinator in the student's 3762
high school, and meets all other requirements of this chapter and 3763
rules adopted pursuant to this chapter. 3764

(6) Every child care staff member of a child day-care center 3765
annually shall complete fifteen hours of inservice training in 3766
child development or early childhood education, child abuse 3767
recognition and prevention, first aid, and in prevention, 3768
recognition, and management of communicable diseases, until a 3769
total of forty-five hours of training has been completed, unless 3770
the staff member furnishes one of the following to the director: 3771

(a) Evidence of an associate or higher degree in child 3772
development or early childhood education from an accredited 3773
college, university, or technical college; 3774

(b) A license designated for teaching in an associate 3775
teaching position in a preschool setting issued by the state board 3776
of education; 3777

(c) Evidence of a child development associate credential; 3778

(d) Evidence of a preprimary credential from the American 3779
Montessori society or the association Montessori ~~international~~ 3780
internationale. For the purposes of division (B)(6) of this 3781

section, "hour" means sixty minutes. 3782

(7) The administrator of each child day-care center shall 3783
prepare at least once annually and for each group of children at 3784
the center a roster of names and telephone numbers of parents, 3785
custodians, or guardians of each group of children attending the 3786
center and upon request shall furnish the roster for each group to 3787
the parents, custodians, or guardians of the children in that 3788
group. The administrator may prepare a roster of names and 3789
telephone numbers of all parents, custodians, or guardians of 3790
children attending the center and upon request shall furnish the 3791
roster to the parents, custodians, or guardians of the children 3792
who attend the center. The administrator shall not include in any 3793
roster the name or telephone number of any parent, custodian, or 3794
guardian who requests the administrator not to include the 3795
parent's, custodian's, or guardian's name or number and shall not 3796
furnish any roster to any person other than a parent, custodian, 3797
or guardian of a child who attends the center. 3798

(C)(1) Each child day-care center shall have on the center 3799
premises and readily available at all times at least one 3800
child-care staff member who has completed a course in first aid 3801
and in prevention, recognition, and management of communicable 3802
diseases which is approved by the state department of health and a 3803
staff member who has completed a course in child abuse recognition 3804
and prevention training which is approved by the department of job 3805
and family services. 3806

(2) The administrator of each child day-care center shall 3807
maintain enrollment, health, and attendance records for all 3808
children attending the center and health and employment records 3809
for all center employees. The records shall be confidential, 3810
except as otherwise provided in division (B)(7) of this section 3811
and except that they shall be disclosed by the administrator to 3812
the director upon request for the purpose of administering and 3813

enforcing this chapter and rules adopted pursuant to this chapter. 3814
Neither the center nor the licensee, administrator, or employees 3815
of the center shall be civilly or criminally liable in damages or 3816
otherwise for records disclosed to the director by the 3817
administrator pursuant to this division. It shall be a defense to 3818
any civil or criminal charge based upon records disclosed by the 3819
administrator to the director that the records were disclosed 3820
pursuant to this division. 3821

(3)(a) Any parent who is the residential parent and legal 3822
custodian of a child enrolled in a child day-care center and any 3823
custodian or guardian of such a child shall be permitted unlimited 3824
access to the center during its hours of operation for the 3825
purposes of contacting their children, evaluating the care 3826
provided by the center, evaluating the premises of the center, or 3827
for other purposes approved by the director. A parent of a child 3828
enrolled in a child day-care center who is not the child's 3829
residential parent shall be permitted unlimited access to the 3830
center during its hours of operation for those purposes under the 3831
same terms and conditions under which the residential parent of 3832
that child is permitted access to the center for those purposes. 3833
However, the access of the parent who is not the residential 3834
parent is subject to any agreement between the parents and, to the 3835
extent described in division (C)(3)(b) of this section, is subject 3836
to any terms and conditions limiting the right of access of the 3837
parent who is not the residential parent, as described in division 3838
(I) of section 3109.051 of the Revised Code, that are contained in 3839
a parenting time order or decree issued under that section, 3840
section 3109.12 of the Revised Code, or any other provision of the 3841
Revised Code. 3842

(b) If a parent who is the residential parent of a child has 3843
presented the administrator or the administrator's designee with a 3844
copy of a parenting time order that limits the terms and 3845

conditions under which the parent who is not the residential 3846
parent is to have access to the center, as described in division 3847
(I) of section 3109.051 of the Revised Code, the parent who is not 3848
the residential parent shall be provided access to the center only 3849
to the extent authorized in the order. If the residential parent 3850
has presented such an order, the parent who is not the residential 3851
parent shall be permitted access to the center only in accordance 3852
with the most recent order that has been presented to the 3853
administrator or the administrator's designee by the residential 3854
parent or the parent who is not the residential parent. 3855

(c) Upon entering the premises pursuant to division (C)(3)(a) 3856
or (b) of this section, the parent who is the residential parent 3857
and legal custodian, the parent who is not the residential parent, 3858
or the custodian or guardian shall notify the administrator or the 3859
administrator's designee of the parent's, custodian's, or 3860
guardian's presence. 3861

(D) The director of job and family services, in addition to 3862
the rules adopted under division (A) of this section, shall adopt 3863
rules establishing minimum requirements for child day-care 3864
centers. The rules shall include, but not be limited to, the 3865
requirements set forth in divisions (B) and (C) of this section. 3866
Except as provided in section 5104.07 of the Revised Code, the 3867
rules shall not change the square footage requirements of division 3868
(B)(1) or (2) of this section; the maximum number of children per 3869
child-care staff member and maximum group size requirements of 3870
division (B)(3) of this section; the educational and experience 3871
requirements of division (B)(4) of this section; the age, 3872
educational, and experience requirements of division (B)(5) of 3873
this section; the number of inservice training hours required 3874
under division (B)(6) of this section; or the requirement for at 3875
least annual preparation of a roster for each group of children of 3876
names and telephone numbers of parents, custodians, or guardians 3877

of each group of children attending the center that must be 3878
furnished upon request to any parent, custodian, or guardian of 3879
any child in that group required under division (B)(7) of this 3880
section; however, the rules shall provide procedures for 3881
determining compliance with those requirements. 3882

(E)(1) When age groups are combined, the maximum number of 3883
children per child-care staff member shall be determined by the 3884
age of the youngest child in the group, except that when no more 3885
than one child thirty months of age or older receives services in 3886
a group in which all the other children are in the next older age 3887
group, the maximum number of children per child-care staff member 3888
and maximum group size requirements of the older age group 3889
established under division (B)(3) of this section shall apply. 3890

(2) The maximum number of toddlers or preschool children per 3891
child-care staff member in a room where children are napping shall 3892
be twice the maximum number of children per child-care staff 3893
member established under division (B)(3) of this section if all 3894
the following criteria are met: 3895

(a) At least one child-care staff member is present in the 3896
room. 3897

(b) Sufficient child-care staff members are on the child 3898
day-care center premises to meet the maximum number of children 3899
per child-care staff member requirements established under 3900
division (B)(3) of this section. 3901

(c) Naptime preparations are complete and all napping 3902
children are resting or sleeping on cots. 3903

(d) The maximum number established under division (E)(2) of 3904
this section is in effect for no more than one and one-half hours 3905
during a twenty-four-hour day. 3906

(F) The director of job and family services shall adopt rules 3907
pursuant to Chapter 119. of the Revised Code governing the 3908

operation of type A family day-care homes, including, but not 3909
limited to, parent cooperative type A homes, part-time type A 3910
homes, drop-in type A homes, and school child type A homes, which 3911
shall reflect the various forms of child care and the needs of 3912
children receiving child care. The rules shall include the 3913
following: 3914

(1) Submission of a site plan and descriptive plan of 3915
operation to demonstrate how the type A home proposes to meet the 3916
requirements of this chapter and rules adopted pursuant to this 3917
chapter for the initial license application; 3918

(2) Standards for ensuring that the physical surroundings of 3919
the type A home are safe and sanitary, including, but not limited 3920
to, the physical environment, the physical plant, and the 3921
equipment of the type A home; 3922

(3) Standards for the supervision, care, and discipline of 3923
children receiving child care or publicly funded child care in the 3924
type A home; 3925

(4) Standards for a program of activities, and for play 3926
equipment, materials, and supplies, to enhance the development of 3927
each child; however, any educational curricula, philosophies, and 3928
methodologies that are developmentally appropriate and that 3929
enhance the social, emotional, intellectual, and physical 3930
development of each child shall be permissible; 3931

(5) Admissions policies and procedures, health care policies 3932
and procedures, including, but not limited to, procedures for the 3933
isolation of children with communicable diseases, first aid and 3934
emergency procedures, procedures for discipline and supervision of 3935
children, standards for the provision of nutritious meals and 3936
snacks, and procedures for screening children and employees, 3937
including, but not limited to, any necessary physical examinations 3938
and immunizations; 3939

(6) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	3940 3941 3942 3943
(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	3944 3945 3946
(8) Procedures for record keeping, organization, and administration;	3947 3948
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	3949 3950 3951
(10) Inspection procedures;	3952
(11) Procedures and standards for setting initial and renewal license application fees;	3953 3954
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	3955 3956
(13) Procedures for enforcing section 5104.04 of the Revised Code;	3957 3958
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant this chapter;	3959 3960 3961 3962 3963 3964
(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;	3965 3966 3967 3968
(16) Procedures to be used by licensees for checking the	3969

references of potential employees of type A homes and procedures	3970
to be used by the director for checking the references of	3971
applicants for licenses to operate type A homes;	3972
(17) Standards providing for the special needs of children	3973
who are handicapped or who require treatment for health conditions	3974
while the child is receiving child care or publicly funded child	3975
care in the type A home;	3976
(18) Standards for the maximum number of children per	3977
child-care staff member;	3978
(19) Requirements for the amount of usable indoor floor space	3979
for each child;	3980
(20) Requirements for safe outdoor play space;	3981
(21) Qualifications and training requirements for	3982
administrators and for child-care staff members;	3983
(22) Procedures for granting a parent who is the residential	3984
parent and legal custodian, or a custodian or guardian access to	3985
the type A home during its hours of operation;	3986
(23) Standards for the preparation and distribution of a	3987
roster of parents, custodians, and guardians;	3988
(24) Any other procedures and standards necessary to carry	3989
out this chapter.	3990
(G) The director of job and family services shall adopt rules	3991
pursuant to Chapter 119. of the Revised Code governing the	3992
certification of type B family day-care homes.	3993
(1) The rules shall include procedures <u>all of the following:</u>	3994
<u>(a) Procedures</u> , standards, and other necessary provisions for	3995
granting limited certification to type B family day-care homes	3996
that are operated by the following adult providers:	3997
(a) <u>(i)</u> Persons who provide child care for eligible children	3998

who are great-grandchildren, grandchildren, nieces, nephews, or 3999
siblings of the provider or for eligible children whose caretaker 4000
parent is a grandchild, child, niece, nephew, or sibling of the 4001
provider; 4002

~~(b)(ii)~~ Persons who provide child care for eligible children 4003
all of whom are the children of the same caretaker parent; 4004

~~The rules shall require, and shall include procedures (b)~~ 4005
Procedures for the director to ensure, that type B ~~family day care~~ 4006
homes that receive a limited certification provide child care to 4007
children in a safe and sanitary manner; 4008

(c) Requirements for the type B home to notify parents with 4009
children in the type B home that the type B home is also certified 4010
as a foster home under section 5103.03 of the Revised Code. With 4011

With regard to providers who apply for limited certification, 4012
a provider shall be granted a provisional limited certification on 4013
signing a declaration under oath attesting that the provider meets 4014
the standards for limited certification. Such provisional limited 4015
certifications shall remain in effect for no more than sixty 4016
calendar days and shall entitle the provider to offer publicly 4017
funded child care during the provisional period. Except as 4018
otherwise provided in division (G)(1) of this section, section 4019
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 4020
section 5104.11 of the Revised Code, prior to the expiration of 4021
the provisional limited certificate, a county department of job 4022
and family services shall inspect the home and shall grant limited 4023
certification to the provider if the provider meets the 4024
requirements of this division. Limited certificates remain valid 4025
for two years unless earlier revoked. Except as otherwise provided 4026
in division (G)(1) of this section, providers operating under 4027
limited certification shall be inspected annually. 4028

If a provider is a person described in division (G)(1)(a)(i) 4029

of this section or a person described in division (G)(1)~~(b)~~(a)(ii) 4030
of this section who is a friend of the caretaker parent, the 4031
provider and the caretaker parent may verify in writing to the 4032
county department of job and family services that minimum health 4033
and safety requirements are being met in the home. Except as 4034
otherwise provided in section 5104.013 or 5104.09 or in division 4035
(A)(2) of section 5104.11 of the Revised Code, if such 4036
verification is provided, the county shall waive any inspection 4037
required by this chapter and grant limited certification to the 4038
provider. 4039

(2) The rules shall provide for safeguarding the health, 4040
safety, and welfare of children receiving child care or publicly 4041
funded child care in a certified type B home and shall include the 4042
following: 4043

(a) Standards for ensuring that the type B home and the 4044
physical surroundings of the type B home are safe and sanitary, 4045
including, but not limited to, physical environment, physical 4046
plant, and equipment; 4047

(b) Standards for the supervision, care, and discipline of 4048
children receiving child care or publicly funded child care in the 4049
home; 4050

(c) Standards for a program of activities, and for play 4051
equipment, materials, and supplies to enhance the development of 4052
each child; however, any educational curricula, philosophies, and 4053
methodologies that are developmentally appropriate and that 4054
enhance the social, emotional, intellectual, and physical 4055
development of each child shall be permissible; 4056

(d) Admission policies and procedures, health care, first aid 4057
and emergency procedures, procedures for the care of sick 4058
children, procedures for discipline and supervision of children, 4059
nutritional standards, and procedures for screening children and 4060

authorized providers, including, but not limited to, any necessary	4061
physical examinations and immunizations;	4062
(e) Methods of encouraging parental participation and	4063
ensuring that the rights of children, parents, and authorized	4064
providers are protected and the responsibilities of parents and	4065
authorized providers are met;	4066
(f) Standards for the safe transport of children when under	4067
the care of authorized providers;	4068
(g) Procedures for issuing, renewing, denying, refusing to	4069
renew, or revoking certificates;	4070
(h) Procedures for the inspection of type B family day care	4071
homes that require, at a minimum, that each type B family day care	4072
home be inspected prior to certification to ensure that the home	4073
is safe and sanitary;	4074
(i) Procedures for record keeping and evaluation;	4075
(j) Procedures for receiving, recording, and responding to	4076
complaints;	4077
(k) Standards providing for the special needs of children who	4078
are handicapped or who receive treatment for health conditions	4079
while the child is receiving child care or publicly funded child	4080
care in the type B home;	4081
(l) Requirements for the amount of usable indoor floor space	4082
for each child;	4083
(m) Requirements for safe outdoor play space;	4084
(n) Qualification and training requirements for authorized	4085
providers;	4086
(o) Procedures for granting a parent who is the residential	4087
parent and legal custodian, or a custodian or guardian access to	4088
the type B home during its hours of operation;	4089

(p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code; 4090
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(q) Any other procedures and standards necessary to carry out this chapter. 4093
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(H) The director shall adopt rules pursuant to Chapter 119. 4095
of the Revised Code governing the certification of in-home aides. 4096
The rules shall include procedures, standards, and other necessary 4097
provisions for granting limited certification to in-home aides who 4098
provide child care for eligible children who are 4099
great-grandchildren, grandchildren, nieces, nephews, or siblings 4100
of the in-home aide or for eligible children whose caretaker 4101
parent is a grandchild, child, niece, nephew, or sibling of the 4102
in-home aide. The rules shall require, and shall include 4103
procedures for the director to ensure, that in-home aides that 4104
receive a limited certification provide child care to children in 4105
a safe and sanitary manner. The rules shall provide for 4106
safeguarding the health, safety, and welfare of children receiving 4107
publicly funded child care in their own home and shall include the 4108
following: 4109

(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; 4110
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(2) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home; 4114
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(3) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical 4116
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development of each child shall be permissible;	4121
(4) Health care, first aid, and emergency procedures,	4122
procedures for the care of sick children, procedures for	4123
discipline and supervision of children, nutritional standards, and	4124
procedures for screening children and in-home aides, including,	4125
but not limited to, any necessary physical examinations and	4126
immunizations;	4127
(5) Methods of encouraging parental participation and	4128
ensuring that the rights of children, parents, and in-home aides	4129
are protected and the responsibilities of parents and in-home	4130
aides are met;	4131
(6) Standards for the safe transport of children when under	4132
the care of in-home aides;	4133
(7) Procedures for issuing, renewing, denying, refusing to	4134
renew, or revoking certificates;	4135
(8) Procedures for inspection of homes of children receiving	4136
publicly funded child care in their own homes;	4137
(9) Procedures for record keeping and evaluation;	4138
(10) Procedures for receiving, recording, and responding to	4139
complaints;	4140
(11) Qualifications and training requirements for in-home	4141
aides;	4142
(12) Standards providing for the special needs of children	4143
who are handicapped or who receive treatment for health conditions	4144
while the child is receiving publicly funded child care in the	4145
child's own home;	4146
(13) Any other procedures and standards necessary to carry	4147
out this chapter.	4148
(I) To the extent that any rules adopted for the purposes of	4149
this section require a health care professional to perform a	4150

physical examination, the rules shall include as a health care 4151
professional a physician assistant, a clinical nurse specialist, a 4152
certified nurse practitioner, or a certified nurse-midwife. 4153

(J)(1) The director of job and family services shall do all 4154
of the following: 4155

(a) ~~Send~~ Provide or make available in either paper or 4156
electronic form to each licensee notice of proposed rules 4157
governing the licensure of child day-care centers and type A 4158
homes; 4159

(b) Give public notice of hearings regarding the rules to 4160
each licensee at least thirty days prior to the date of the public 4161
hearing, in accordance with section 119.03 of the Revised Code; 4162
4163

(c) At least thirty days before the effective date of a rule, 4164
provide, in either paper or electronic form, a copy of the adopted 4165
rule to each licensee. 4166

(2) The director shall do all of the following: 4167

(a) Send to each county director of job and family services a 4168
notice of proposed rules governing the certification of type B 4169
family homes and in-home aides that includes an internet web site 4170
address where the proposed rules can be viewed; 4171

(b) Give public notice of hearings regarding the proposed 4172
rules not less than thirty days in advance; 4173

(c) Provide to each county director of job and family 4174
services an electronic copy of each adopted rule at least 4175
forty-five days prior to the rule's effective date. 4176

(3) The county director of job and family services shall ~~send~~ 4177
~~copies of proposed rules~~ provide or make available in either paper 4178
or electronic form to each authorized provider and in-home aide 4179
copies of proposed rules and shall give public notice of hearings 4180

regarding the rules to each authorized provider and in-home aide 4181
at least thirty days prior to the date of the public hearing, in 4182
accordance with section 119.03 of the Revised Code. At least 4183
thirty days before the effective date of a rule, the county 4184
director of job and family services shall provide, in either paper 4185
or electronic form, copies of the adopted rule to each authorized 4186
provider and in-home aide. 4187

(4) Additional copies of proposed and adopted rules shall be 4188
made available by the director of job and family services to the 4189
public on request at no charge. 4190

(5) The director of job and family services shall recommend 4191
standards for imposing sanctions on persons and entities that are 4192
licensed or certified under this chapter and that violate any 4193
provision of this chapter. The standards shall be based on the 4194
scope and severity of the violations. The director shall provide 4195
copies of the recommendations to the governor, the speaker and 4196
minority leader of the house of representatives, and the president 4197
and minority leader of the senate and, on request, shall make 4198
copies available to the public. 4199

(6) The director of job and family services shall adopt rules 4200
pursuant to Chapter 119. of the Revised Code that establish 4201
standards for the training of individuals whom any county 4202
department of job and family services employs, with whom any 4203
county department of job and family services contracts, or with 4204
whom the director of job and family services contracts, to inspect 4205
or investigate type B family day-care homes pursuant to section 4206
5104.11 of the Revised Code. The department shall provide training 4207
in accordance with those standards for individuals in the 4208
categories described in this division. 4209

(K) The director of job and family services shall review all 4210
rules adopted pursuant to this chapter at least once every seven 4211
years. 4212

(L) Notwithstanding any provision of the Revised Code, the 4213
director of job and family services shall not regulate in any way 4214
under this chapter or rules adopted pursuant to this chapter, 4215
instruction in religious or moral doctrines, beliefs, or values. 4216

Sec. 5104.012. (A)(1) ~~The~~ At the times specified in this 4217
division, the administrator of a child day-care center or a type A 4218
family day-care home ~~and the provider of a certified type B family~~ 4219
~~day-care home~~ shall request the superintendent of the bureau of 4220
criminal identification and investigation to conduct a criminal 4221
records check with respect to any applicant who has applied to the 4222
center, or type A home, ~~or certified type B home~~ for employment as 4223
a person responsible for the care, custody, or control of a child. 4224
~~If the applicant does not present proof that the applicant has~~ 4225
~~been a resident of this state for the five year period immediately~~ 4226
~~prior to the date upon which the criminal records check is~~ 4227
~~requested or does not provide evidence that within that five year~~ 4228
~~period the superintendent has requested information about the~~ 4229
~~applicant from the federal bureau of investigation in a criminal~~ 4230
~~records check~~ 4231

The administrator shall request a criminal records check 4232
pursuant to this division at the time of the applicant's initial 4233
application for employment and every four years thereafter at the 4234
time of a license renewal. When the administrator requests 4235
pursuant to this division a criminal records check for an 4236
applicant at the time of the applicant's initial application for 4237
employment, the administrator ~~or provider~~ shall request that the 4238
superintendent obtain information from the federal bureau of 4239
investigation as a part of the criminal records check for the 4240
applicant. ~~If the applicant presents proof that the applicant has~~ 4241
~~been a resident of this state for that five year period, the~~ 4242
~~administrator or provider may request that the superintendent~~ 4243
~~include information from the federal bureau of investigation in~~ 4244

the criminal records check, including fingerprint based checks of 4245
national crime information databases as described in 42 U.S.C. 4246
671, for the person subject to the criminal records check. In all 4247
other cases in which the administrator requests a criminal records 4248
check for an applicant pursuant to this division, the 4249
administrator may request that the superintendent include 4250
information from the federal bureau of investigation in the 4251
criminal records check, including fingerprint based checks of 4252
national crime information databases as described in 42 U.S.C. 4253
671. 4254

(2) A person required by division (A)(1) of this section to 4255
request a criminal records check shall provide to each applicant a 4256
copy of the form prescribed pursuant to division (C)(1) of section 4257
109.572 of the Revised Code, provide to each applicant a standard 4258
impression sheet to obtain fingerprint impressions prescribed 4259
pursuant to division (C)(2) of section 109.572 of the Revised 4260
Code, obtain the completed form and impression sheet from each 4261
applicant, and forward the completed form and impression sheet to 4262
the superintendent of the bureau of criminal identification and 4263
investigation at the time the person requests a criminal records 4264
check pursuant to division (A)(1) of this section. On and after 4265
the effective date of this amendment, the administrator of a child 4266
day-care center or a type A family day-care home shall review the 4267
results of the criminal records check before the applicant has 4268
sole responsibility for the care, custody, or control of any 4269
child. 4270

(3) An applicant who receives pursuant to division (A)(2) of 4271
this section a copy of the form prescribed pursuant to division 4272
(C)(1) of section 109.572 of the Revised Code and a copy of an 4273
impression sheet prescribed pursuant to division (C)(2) of that 4274
section and who is requested to complete the form and provide a 4275
set of fingerprint impressions shall complete the form or provide 4276

all the information necessary to complete the form and shall 4277
provide the impression sheet with the impressions of the 4278
applicant's fingerprints. If an applicant, upon request, fails to 4279
provide the information necessary to complete the form or fails to 4280
provide impressions of the applicant's fingerprints, the center,
or type A home, ~~or type B home~~ shall not employ that applicant for 4282
any position for which a criminal records check is required by 4283
division (A)(1) of this section. 4284

(B)(1) Except as provided in rules adopted under division (E) 4285
of this section, no child day-care center, or type A family 4286
day-care home, ~~or certified type B family day care home~~ shall 4287
employ or contract with another entity for the services of a 4288
person as a person responsible for the care, custody, or control 4289
of a child if the person previously has been convicted of or 4290
pleaded guilty to any of the ~~following~~: 4291

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 4292
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 4293
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 4294
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 4295
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~ 4296
~~2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,~~ 4297
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,~~ 4298
~~2925.06, or 3716.11 of the Revised Code, a violation of section~~ 4299
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, a~~ 4300
~~violation of section 2919.23 of the Revised Code that would have~~ 4301
~~been a violation of section 2905.04 of the Revised Code as it~~ 4302
~~existed prior to July 1, 1996, had the violation occurred prior to~~ 4303
~~that date, a violation of section 2925.11 of the Revised Code that~~ 4304
~~is not a minor drug possession offense, or felonious sexual~~ 4305
~~penetration in violation of former section 2907.12 of the Revised~~ 4306
~~Code;~~ 4307

~~(b) A violation of an existing or former law of this state,~~ 4308

~~any other state, or the United States that is substantially~~ 4309
~~equivalent to any of the offenses or violations described in~~ 4310
~~division (B)(1)(a) of this section~~ violations described in 4311
division (A)(9) of section 109.572 of the Revised Code. 4312

(2) A child day-care center, or type A family day-care home, 4313
~~or certified type B family day-care home~~ may employ an applicant 4314
conditionally until the criminal records check required by this 4315
section is completed and the center or home receives the results 4316
of the criminal records check. If the results of the criminal 4317
records check indicate that, pursuant to division (B)(1) of this 4318
section, the applicant does not qualify for employment, the center 4319
or home shall release the applicant from employment. 4320

(C)(1) Each child day-care center, and type A family day-care 4321
~~home, and certified type B family day-care home~~ shall pay to the 4322
bureau of criminal identification and investigation the fee 4323
prescribed pursuant to division (C)(3) of section 109.572 of the 4324
Revised Code for each criminal records check conducted in 4325
accordance with that section upon the request pursuant to division 4326
(A)(1) of this section of the administrator or provider of the 4327
center or home. 4328

(2) A child day-care center, and type A family day-care home, 4329
~~and certified type B family day-care home~~ may charge an applicant 4330
a fee for the costs it incurs in obtaining a criminal records 4331
check under this section. A fee charged under this division shall 4332
not exceed the amount of fees the center or home pays under 4333
division (C)(1) of this section. If a fee is charged under this 4334
division, the center or home shall notify the applicant at the 4335
time of the applicant's initial application for employment of the 4336
amount of the fee and that, unless the fee is paid, the center, or 4337
~~type A home, or type B home~~ will not consider the applicant for 4338
employment. 4339

(D) The report of any criminal records check conducted by the 4340

bureau of criminal identification and investigation in accordance 4341
with section 109.572 of the Revised Code and pursuant to a request 4342
under division (A)(1) of this section is not a public record for 4343
the purposes of section 149.43 of the Revised Code and shall not 4344
be made available to any person other than the applicant who is 4345
the subject of the criminal records check or the applicant's 4346
representative; the center, or type A home, ~~or certified type B~~ 4347
~~home~~ requesting the criminal records check or its representative; 4348
the department of job and family services or a county department 4349
of job and family services; and any court, hearing officer, or 4350
other necessary individual involved in a case dealing with the 4351
denial of employment to the applicant. 4352

(E) The director of job and family services shall adopt rules 4353
pursuant to Chapter 119. of the Revised Code to implement this 4354
section, including rules specifying circumstances under which a 4355
center or home may hire a person who has been convicted of an 4356
offense listed in division (B)(1) of this section but who meets 4357
standards in regard to rehabilitation set by the department. 4358

(F) Any person required by division (A)(1) of this section to 4359
request a criminal records check shall inform each person, at the 4360
time of the person's initial application for employment, that the 4361
person is required to provide a set of impressions of the person's 4362
fingerprints and that a criminal records check is required to be 4363
conducted and satisfactorily completed in accordance with section 4364
109.572 of the Revised Code if the person comes under final 4365
consideration for appointment or employment as a precondition to 4366
employment for that position. 4367

(G) As used in this section: 4368

(1) "Applicant" means a person who is under final 4369
consideration for appointment to or employment in a position with 4370
a child day-care center, or a type A family day-care home, ~~or a~~ 4371
~~certified type B family day care home~~ as a person responsible for 4372

the care, custody, or control of a child; an in-home aide 4373
certified pursuant to section 5104.12 of the Revised Code; or any 4374
person who would serve in any position with a child day-care 4375
center, or a type A family day-care home, ~~or a certified type B~~ 4376
~~family day-care home~~ as a person responsible for the care, 4377
custody, or control of a child pursuant to a contract with another 4378
entity. 4379

(2) "Criminal records check" has the same meaning as in 4380
section 109.572 of the Revised Code. 4381

~~(3) "Minor drug possession offense" has the same meaning as~~ 4382
~~in section 2925.01 of the Revised Code.~~ 4383

Sec. 5104.013. (A)(1) ~~The~~ At the times specified in division 4384
(A)(3) of this section, the director of job and family services, 4385
as part of the process of licensure of child day-care centers and 4386
type A family day-care homes, shall request the superintendent of 4387
the bureau of criminal identification and investigation to conduct 4388
a criminal records check with respect to the following persons: 4389

(a) Any owner, licensee, or administrator of a child day-care 4390
center; 4391

(b) Any owner, licensee, or administrator of a type A family 4392
day-care home and any person eighteen years of age or older who 4393
resides in a type A family day-care home. 4394

(2) ~~The~~ At the times specified in division (A)(3) of this 4395
section, the director of a county department of job and family 4396
services, as part of the process of certification of type B family 4397
day-care homes, shall request the superintendent of the bureau of 4398
criminal identification and investigation to conduct a criminal 4399
records check with respect to any authorized provider of a 4400
certified type B family day-care home and any person eighteen 4401
years of age or older who resides in a certified type B family 4402

day-care home. 4403

~~(3) If the owner, licensee, administrator, or person eighteen years of age or older who is the subject of a criminal records check pursuant to division (A)(1) of this section, or the authorized provider or person eighteen years of age or older who is the subject of a criminal records check pursuant to division (A)(2) of this section, does not present proof that the owner, licensee, administrator, authorized provider, or person has been a resident of this state for the five year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five year period the superintendent of the bureau of criminal identification and investigation has requested information about the owner, licensee, administrator, authorized provider, or person from the federal bureau of investigation in a criminal records check~~ The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every four years thereafter at the time of a license renewal. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every four years thereafter at the time of a certification renewal. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the owner, licensee, administrator, authorized provider, or person presents proof that the owner, licensee, 4404
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~~administrator, authorized provider, or person has been a resident 4436
of this state for that five year period, the director may request 4437
that the superintendent include information from the federal 4438
bureau of investigation in the criminal records check person, 4439
including fingerprint based checks of national crime information 4440
databases as described in 42 U.S.C. 671 for the person subject to 4441
the criminal records check. In all other cases in which the 4442
director of job and family services or the director of a county 4443
department of job and family services requests a criminal records 4444
check for an applicant pursuant to division (A)(1) or (2) of this 4445
section, the director may request that the superintendent include 4446
information from the federal bureau of investigation in the 4447
criminal records check, including fingerprint based checks of 4448
national crime information databases as described in 42 U.S.C. 4449
671. 4450~~

(4) The director of job and family services shall review the 4451
results of a criminal records check subsequent to a request made 4452
pursuant to divisions (A)(1) and (3) of this section prior to 4453
approval of a license. The director of a county department of job 4454
and family services shall review the results of a criminal records 4455
check subsequent to a request made pursuant to divisions (A)(2) 4456
and (3) of this section prior to approval of certification. 4457

(B) The director of job and family services or the director 4458
of a county department of job and family services shall provide to 4459
each person for whom a criminal records check is required under 4460
this section a copy of the form prescribed pursuant to division 4461
(C)(1) of section 109.572 of the Revised Code and a standard 4462
impression sheet to obtain fingerprint impressions prescribed 4463
pursuant to division (C)(2) of that section, obtain the completed 4464
form and impression sheet from that person, and forward the 4465
completed form and impression sheet to the superintendent of the 4466
bureau of criminal identification and investigation. 4467

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

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

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that~~

~~is not a minor drug possession offense, or felonious sexual
penetration in violation of former section 2907.12 of the Revised
Code.~~

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

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

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

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

(E) Each child day-care center, type A family day-care home, 4531
and type B family day-care home shall pay to the bureau of 4532
criminal identification and investigation the fee prescribed 4533
pursuant to division (C)(3) of section 109.572 of the Revised Code 4534
for each criminal records check conducted in accordance with that 4535
section upon a request made pursuant to division (A) of this 4536
section. 4537

(F) The report of any criminal records check conducted by the 4538
bureau of criminal identification and investigation in accordance 4539
with section 109.572 of the Revised Code and pursuant to a request 4540
made under division (A) of this section is not a public record for 4541
the purposes of section 149.43 of the Revised Code and shall not 4542
be made available to any person other than the person who is the 4543
subject of the criminal records check or the person's 4544
representative, the director of job and family services, the 4545
director of a county department of job and family services, the 4546
center, type A home, or type B home involved, and any court, 4547
hearing officer, or other necessary individual involved in a case 4548
dealing with a denial of licensure or certification related to the 4549
criminal records check. 4550

(G) The director of job and family services shall adopt rules 4551
pursuant to Chapter 119. of the Revised Code to implement this 4552
section, including rules specifying exceptions to the prohibition 4553
in division (D) of this section for persons who have been 4554
convicted of an offense listed in that division but who meet 4555
standards in regard to rehabilitation set by the department. 4556

(H) As used in this section+ 4557

~~(1) "Criminal, "criminal~~ records check" has the same meaning 4558
as in section 109.572 of the Revised Code. 4559

~~(2) "Minor drug possession offense" has the same meaning as 4560
in section 2925.01 of the Revised Code. 4561~~

Sec. 5104.022. The department of job and family services 4562
shall not license a prospective type A family day-care home if 4563
that prospective family day-care home is certified to be a foster 4564
home or specialized foster home pursuant to Chapter 5103. of the 4565
Revised Code. A county department of job and family services shall 4566
not certify a prospective type B family day-care home if that 4567
prospective family day-care home is certified to be a specialized 4568
foster home pursuant to Chapter 5103. of the Revised Code. 4569

Sec. 5104.09. (A)(1) Except as provided in rules adopted 4570
pursuant to division (D) of this section+ 4571

~~(a) No, no individual who has been convicted of or pleaded~~ 4572
~~guilty to a violation described in division (A)(9) of section~~ 4573
~~109.572 of the Revised Code, a violation of section 2903.01,~~ 4574
~~2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16,~~ 4575
~~2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05,~~ 4576
~~2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07,~~ 4577
~~2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31,~~ 4578
~~2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.04,~~ 4579
~~2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2917.01, 2917.02,~~ 4580
~~2917.03, 2917.31, 2919.12, 2919.24, 2919.25, 2921.03, 2921.34, or~~ 4581
~~2921.35, 2923.12, 2923.13, 2923.161, 2919.22, 2925.02, 2925.03,~~ 4582
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 4583
~~violation of section 2925.11 of the Revised Code that is not a~~ 4584
~~minor drug possession offense, as defined in section 2925.01 of~~ 4585
~~the Revised Code, felonious sexual penetration in violation of~~ 4586
~~former section 2907.12 of the Revised Code, or a violation of an~~ 4587
~~existing or former law or ordinance of any municipal corporation,~~ 4588
~~this state, any other state, or the United States that is~~ 4589
~~substantially equivalent to any of those violations shall be~~ 4590
~~certified as an in-home aide or be employed in any capacity in or~~ 4591
~~own or operate a child day care center, type A family day care~~ 4592

~~home, type B family day care home, or certified type B family
day care home.~~ 4593
4594

~~(b) No individual who has been convicted of or pleaded guilty 4595
to a violation of section 2913.02, 2913.03, 2913.04, 2913.041, 4596
2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33, 4597
2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 4598
2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or 4599
2923.01 of the Revised Code, a violation of section 2923.02 or 4600
2923.03 of the Revised Code that relates to a crime specified in 4601
this division or division (A)(1)(a) of this section, a second 4602
violation of section 4511.19 of the Revised Code within five years 4603
of the date of operation of the child day care center or family 4604
day care home, or two violations of section 4511.19 of the Revised 4605
Code during operation of the center or home, or a violation of an 4606
existing or former law of this state, any other state, or the 4607
United States that is substantially equivalent to any of those 4608
violations shall be certified as an in-home aide or be employed in 4609
any capacity in or own or operate a child day-care center, type A 4610
family day-care home, type B family day-care home, or certified 4611
type B family day-care home. 4612~~

(2) Each employee of a child day-care center and type A home 4613
and every person eighteen years of age or older residing in a type 4614
A home shall sign a statement on forms prescribed by the director 4615
of job and family services attesting to the fact that the employee 4616
or resident person has not been convicted of or pleaded guilty to 4617
any offense set forth in division (A)(1)(a) of this section and 4618
that no child has been removed from the employee's or resident 4619
person's home pursuant to section 2151.353 of the Revised Code. 4620
Each licensee of a type A home shall sign a statement on a form 4621
prescribed by the director attesting to the fact that no person 4622
who resides at the type A home and who is under the age of 4623
eighteen has been adjudicated a delinquent child for committing a 4624

violation of any section listed in division (A)(1)~~(a)~~ of this 4625
section. The statements shall be kept on file at the center or 4626
type A home. 4627

(3) Each in-home aide and every person eighteen years of age 4628
or older residing in a certified type B home shall sign a 4629
statement on forms prescribed by the director of job and family 4630
services attesting that the aide or resident person has not been 4631
convicted of or pleaded guilty to any offense set forth in 4632
division (A)(1)~~(a)~~ of this section and that no child has been 4633
removed from the aide's or resident person's home pursuant to 4634
section 2151.353 of the Revised Code. Each authorized provider 4635
shall sign a statement on forms prescribed by the director 4636
attesting that the provider has not been convicted of or pleaded 4637
guilty to any offense set forth in division (A)(1)~~(a) or (b)~~ of 4638
this section and that no child has been removed from the 4639
provider's home pursuant to section 2151.353 of the Revised Code. 4640
Each authorized provider shall sign a statement on a form 4641
prescribed by the director attesting to the fact that no person 4642
who resides at the certified type B home and who is under the age 4643
of eighteen has been adjudicated a delinquent child for committing 4644
a violation of any section listed in division (A)(1)~~(a)~~ of this 4645
section. The statements shall be kept on file at the county 4646
department of job and family services. 4647

(4) Each administrator and licensee of a center or type A 4648
home shall sign a statement on a form prescribed by the director 4649
of job and family services attesting that the administrator or 4650
licensee has not been convicted of or pleaded guilty to any 4651
offense set forth in division (A)(1)~~(a) or (b)~~ of this section and 4652
that no child has been removed from the administrator's or 4653
licensee's home pursuant to section 2151.353 of the Revised Code. 4654
The statement shall be kept on file at the center or type A home. 4655

(B) No in-home aide, no administrator, licensee, authorized 4656

provider, or employee of a center, type A home, or certified type 4657
B home, and no person eighteen years of age or older residing in a 4658
type A home or certified type B home shall withhold information 4659
from, or falsify information on, any statement required pursuant 4660
to division (A)(2), (3), or (4) of this section. 4661

(C) No administrator, licensee, or child-care staff member 4662
shall discriminate in the enrollment of children in a child 4663
day-care center upon the basis of race, color, religion, sex, or 4664
national origin. 4665

(D) The director of job and family services shall adopt rules 4666
pursuant to Chapter 119. of the Revised Code to implement this 4667
section, including rules specifying exceptions to the prohibition 4668
in division (A)~~(1)~~ of this section for persons who have been 4669
convicted of an offense listed in that division but meet 4670
rehabilitation standards set by the department. 4671

Sec. 5104.30. (A) The department of job and family services 4672
is hereby designated as the state agency responsible for 4673
administration and coordination of federal and state funding for 4674
publicly funded child care in this state. Publicly funded child 4675
care shall be provided to the following: 4676

(1) Recipients of transitional child care as provided under 4677
section 5104.34 of the Revised Code; 4678

(2) Participants in the Ohio works first program established 4679
under Chapter 5107. of the Revised Code; 4680

(3) Individuals who would be participating in the Ohio works 4681
first program if not for a sanction under section 5107.16 of the 4682
Revised Code and who continue to participate in a work activity, 4683
developmental activity, or alternative work activity pursuant to 4684
an assignment under section 5107.42 of the Revised Code; 4685

(4) A family receiving publicly funded child care on October 4686

1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

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

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

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

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

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

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

the federal funds received for a fiscal year may be expended for 4718
administrative costs. 4719

(3) The department shall allocate and use at least four per 4720
cent of the federal funds for the following: 4721

(a) Activities designed to provide comprehensive consumer 4722
education to parents and the public; 4723

(b) Activities that increase parental choice; 4724

(c) Activities, including child care resource and referral 4725
services, designed to improve the quality, and increase the 4726
supply, of child care. 4727

(4) The department shall ensure that the federal funds will 4728
be used only to supplement, and will not be used to supplant, 4729
federal, state, and local funds available on the effective date of 4730
the child care block grant act for publicly funded child care and 4731
related programs. A county department of job and family services 4732
may purchase child care from funds obtained through any other 4733
means. 4734

(D) The department shall encourage the development of 4735
suitable child care throughout the state, especially in areas with 4736
high concentrations of recipients of public assistance and 4737
families with low incomes. The department shall encourage the 4738
development of suitable child care designed to accommodate the 4739
special needs of migrant workers. On request, the department, 4740
through its employees or contracts with state or community child 4741
care resource and referral service organizations, shall provide 4742
consultation to groups and individuals interested in developing 4743
child care. The department of job and family services may enter 4744
into interagency agreements with the department of education, the 4745
board of regents, the department of development, and other state 4746
agencies and entities whenever the cooperative efforts of the 4747
other state agencies and entities are necessary for the department 4748

of job and family services to fulfill its duties and 4749
responsibilities under this chapter. 4750

The department shall develop and maintain a registry of 4751
persons providing child care. The director shall adopt rules 4752
pursuant to Chapter 119. of the Revised Code establishing 4753
procedures and requirements for the registry's administration. 4754

(E)(1) The director shall adopt rules in accordance with 4755
Chapter 119. of the Revised Code establishing both of the 4756
following: 4757

(a) Reimbursement ceilings for providers of publicly funded 4758
child care; 4759

(b) A procedure for reimbursing and paying providers of 4760
publicly funded child care. 4761

(2) In establishing reimbursement ceilings under division 4762
(E)(1)(a) of this section, the director shall do all of the 4763
following: 4764

(a) Use the information obtained under division (B)(3) of 4765
section 5104.04 of the Revised Code; 4766

(b) Establish an enhanced reimbursement ceiling for providers 4767
who provide child care for caretaker parents who work 4768
nontraditional hours; 4769

(c) For a type B family day-care home provider that has 4770
received limited certification pursuant to rules adopted under 4771
division (G)(1) of section 5104.011 of the Revised Code, establish 4772
a reimbursement ceiling that is the following: 4773

(i) If the provider is a person described in division 4774
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 4775
per cent of the reimbursement ceiling that applies to a type B 4776
family day-care home certified by the same county department of 4777
job and family services pursuant to section 5104.11 of the Revised 4778

Code;	4779
(ii) If the provider is a person described in division	4780
(G)(1) (b) <u>(a)(ii)</u> of section 5104.011 of the Revised Code, sixty	4781
per cent of the reimbursement ceiling that applies to a type B	4782
family day-care home certified by the same county department	4783
pursuant to section 5104.11 of the Revised Code.	4784
(3) In establishing reimbursement ceilings under division	4785
(E)(1)(a) of this section, the director may establish different	4786
reimbursement ceilings based on any of the following:	4787
(a) Geographic location of the provider;	4788
(b) Type of care provided;	4789
(c) Age of the child served;	4790
(d) Special needs of the child served;	4791
(e) Whether the expanded hours of service are provided;	4792
(f) Whether weekend service is provided;	4793
(g) Whether the provider has exceeded the minimum	4794
requirements of state statutes and rules governing child care;	4795
(h) Any other factors the director considers appropriate.	4796
Section 2. That existing sections 109.57, 109.572, 109.60,	4797
109.99, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421,	4798
2151.424, 2151.55, 2151.551, 2151.552, 2151.553, 2151.554,	4799
2151.86, 3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134,	4800
5103.03, 5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011,	4801
5104.012, 5104.013, 5104.09, and 5104.30 of the Revised Code are	4802
hereby repealed.	4803
Section 3. (A) In addition to the actions authorized by	4804
section 5101.24 of the Revised Code, not later than thirty days	4805
after the effective date of this act, the Director of Job and	4806

Family Services shall convene a work group to study and make 4807
recommendations to the Director regarding both of the following: 4808

(1) Support for positive child and family outcomes offered to 4809
public children services agencies, private child placing agencies, 4810
and private noncustodial agencies by the Department of Job and 4811
Family Services; 4812

(2) The establishment of fines and sanctions for public 4813
children services agencies, private child placing agencies, and 4814
private noncustodial agencies that do not comply with foster care 4815
related laws or rules. 4816

(B) The work group shall include representatives of public 4817
children services agencies, private child placing agencies, 4818
private noncustodial agencies, the Ohio Family Care Association, 4819
the Ohio Association of Child Caring Agencies, the Public Children 4820
Services Association of Ohio, the Ohio Job and Family Services 4821
Directors' Association, the County Commissioners' Association of 4822
Ohio, foster caregivers, and current and former foster children. 4823

(C) The work group shall prepare a report that contains 4824
recommendations regarding Department support for local agencies 4825
and the establishment of fines and sanctions either in law, rule, 4826
or both. The work group shall submit the report not later than 4827
June 30, 2008, to the Director. The Director shall review the 4828
recommendations and create an executive summary of the 4829
recommendations and submit the summary to the Governor, the 4830
Speaker of the House of Representatives, and the President of the 4831
Senate. The work group shall cease to exist upon submission of the 4832
executive summary. 4833

Section 4. Until the Uniform Statewide Automated Child 4834
Welfare Information System established under section 5101.13 of 4835
the Revised Code is implemented statewide by all public children 4836
services agencies as described in section 5153.02 of the Revised 4837

Code, agencies or persons required to include a summary report 4838
pursuant to section 3107.033 or 5103.18 of the Revised Code shall 4839
request a check of the Ohio Central Registry of Abuse and Neglect 4840
from the Department of Job and Family Services regarding any 4841
prospective foster parent and any person eighteen years of age or 4842
older who resides with the prospective foster parent or regarding 4843
any prospective adoptive parent and any person eighteen years of 4844
age or older who resides with the prospective adoptive parent, 4845
whichever is applicable, to enable the agency or person to check 4846
any child abuse and neglect registry maintained by any state in 4847
which the prospective foster parent, the prospective adoptive 4848
parent, or the person eighteen years of age or older who resided 4849
with the prospective foster parent or prospective adoptive parent 4850
has resided in the preceding five years. After the Uniform 4851
Statewide Automated Child Welfare Information System established 4852
under section 5101.13 of the Revised Code is implemented statewide 4853
by all public children services agencies as described in section 4854
5153.02 of the Revised Code, all private agencies, as defined in 4855
section 5103.02 of the Revised Code, shall request a check of that 4856
System by the Department of Job and Family Services until the 4857
private agency can access the System and conduct its own search. 4858

Section 5. Section 109.572 of the Revised Code is presented 4859
in this act as a composite of the section as amended by both Am. 4860
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 4861
Section 2151.86 of the Revised Code is presented in this act as a 4862
composite of the section as amended by both Am. Sub. H.B. 106 and 4863
Am. Sub. H.B. 117 of the 125th General Assembly. The General 4864
Assembly, applying the principle stated in division (B) of section 4865
1.52 of the Revised Code that amendments are to be harmonized if 4866
reasonably capable of simultaneous operation, finds that the 4867
composites are the resulting versions of the sections in effect 4868
prior to the effective date of the sections as presented in this 4869
act. 4870