

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

Regular Session

2007-2008

Sub. S. B. No. 163

Senator Niehaus

Cosponsors: Senators Cates, Kearney, Austria, Clancy, Schuring, Padgett,
Sawyer, Schaffer

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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, 2151.553, 2151.554,	3
2151.86, 3107.033, 3107.034, 3107.14, 5101.13,	4
5101.132, 5101.134, 5103.03, 5103.0319, 5103.0326,	5
5103.16, 5103.18, 5104.011, 5104.012, 5104.013,	6
5104.09, and 5104.30, to amend, for the purpose of	7
adopting new section numbers as indicated in	8
parentheses sections 2151.553 (2151.552) and	9
2151.554 (2151.553), and to enact new section	10
2151.554 and sections 109.581, 1901.43, 1907.181,	11
2301.10, 3107.062, 5101.32, 5103.0328, and	12
5104.022, and to repeal section 2151.552 of the	13
Revised Code to improve foster caregiver	14
background checks, clarify when a court must order	15
a person to be fingerprinted, establish the	16
retained applicant fingerprint database, modify	17
the notifications that must be given before a	18
child is placed in foster care, and make other	19
changes in the law regarding approval of	20
out-of-home care workers, adoptive parents, foster	21
caregivers, and child day-cares.	22

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

Section 1. That sections 109.57, 109.572, 109.60, 109.99, 23
2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 2151.424, 24
2151.55, 2151.551, 2151.553, 2151.554, 2151.86, 3107.033, 25
3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 5103.03, 26
5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 27
5104.013, 5104.09, and 5104.30 be amended, that sections 2151.553 28
(2151.552) and 2151.554 (2151.553) be amended for the purpose of 29
adopting new section numbers as indicated in parentheses, and that 30
new section 2151.554 and sections 109.581, 1901.43, 1907.181, 31
2301.10, 3107.062, 5101.32, 5103.0328, and 5104.022 of the Revised 32
Code be enacted to read as follows: 33

Sec. 109.57. (A)(1) The superintendent of the bureau of 34
criminal identification and investigation shall procure from 35
wherever procurable and file for record photographs, pictures, 36
descriptions, fingerprints, measurements, and other information 37
that may be pertinent of all persons who have been convicted of 38
committing within this state a felony, any crime constituting a 39
misdemeanor on the first offense and a felony on subsequent 40
offenses, or any misdemeanor described in division (A)(1)(a)1 41
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 42
of all children under eighteen years of age who have been 43
adjudicated delinquent children for committing within this state 44
an act that would be a felony or an offense of violence if 45
committed by an adult or who have been convicted of or pleaded 46
guilty to committing within this state a felony or an offense of 47
violence, and of all well-known and habitual criminals. The person 48
in charge of any county, multicounty, municipal, municipal-county, 49
or multicounty-municipal jail or workhouse, community-based 50
correctional facility, halfway house, alternative residential 51

facility, or state correctional institution and the person in 52
charge of any state institution having custody of a person 53
suspected of having committed a felony, any crime constituting a 54
misdemeanor on the first offense and a felony on subsequent 55
offenses, or any misdemeanor described in division (A)(1)(a), 56
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 57
having custody of a child under eighteen years of age with respect 58
to whom there is probable cause to believe that the child may have 59
committed an act that would be a felony or an offense of violence 60
if committed by an adult shall furnish such material to the 61
superintendent of the bureau. Fingerprints, photographs, or other 62
descriptive information of a child who is under eighteen years of 63
age, has not been arrested or otherwise taken into custody for 64
committing an act that would be a felony or an offense of violence 65
if committed by an adult, has not been adjudicated a delinquent 66
child for committing an act that would be a felony or an offense 67
of violence if committed by an adult, has not been convicted of or 68
pleaded guilty to committing a felony or an offense of violence, 69
who is not in any other category of child specified in this 70
division, and is not a child with respect to whom there is 71
probable cause to believe that the child may have committed an act 72
that would be a felony or an offense of violence if committed by 73
an adult shall not be procured by the superintendent or furnished 74
by any person in charge of any county, multicounty, municipal, 75
municipal-county, or multicounty-municipal jail or workhouse, 76
community-based correctional facility, halfway house, alternative 77
residential facility, or state correctional institution, except as 78
authorized in section 2151.313 of the Revised Code. 79

(2) Every clerk of a court of record in this state, other 80
than the supreme court or a court of appeals, shall send to the 81
superintendent of the bureau a weekly report containing a summary 82
of each case involving a felony, involving any crime constituting 83
a misdemeanor on the first offense and a felony on subsequent 84

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

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

(b) The style and number of the case;

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

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

(e) A statement of the original charge with the section of

the Revised Code that was alleged to be violated; 116

(f) If the person or child was convicted, pleaded guilty, or 117
was adjudicated a delinquent child, the sentence or terms of 118
probation imposed or any other disposition of the offender or the 119
delinquent child. 120

If the offense involved the disarming of a law enforcement 121
officer or an attempt to disarm a law enforcement officer, the 122
clerk shall clearly state that fact in the summary, and the 123
superintendent shall ensure that a clear statement of that fact is 124
placed in the bureau's records. 125

(3) The superintendent shall cooperate with and assist 126
sheriffs, chiefs of police, and other law enforcement officers in 127
the establishment of a complete system of criminal identification 128
and in obtaining fingerprints and other means of identification of 129
all persons arrested on a charge of a felony, any crime 130
constituting a misdemeanor on the first offense and a felony on 131
subsequent offenses, or a misdemeanor described in division 132
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 133
Revised Code and of all children under eighteen years of age 134
arrested or otherwise taken into custody for committing an act 135
that would be a felony or an offense of violence if committed by 136
an adult. The superintendent also shall file for record the 137
fingerprint impressions of all persons confined in a county, 138
multicounty, municipal, municipal-county, or multicounty-municipal 139
jail or workhouse, community-based correctional facility, halfway 140
house, alternative residential facility, or state correctional 141
institution for the violation of state laws and of all children 142
under eighteen years of age who are confined in a county, 143
multicounty, municipal, municipal-county, or multicounty-municipal 144
jail or workhouse, community-based correctional facility, halfway 145
house, alternative residential facility, or state correctional 146
institution or in any facility for delinquent children for 147

committing an act that would be a felony or an offense of violence 148
if committed by an adult, and any other information that the 149
superintendent may receive from law enforcement officials of the 150
state and its political subdivisions. 151

(4) The superintendent shall carry out Chapter 2950. of the 152
Revised Code with respect to the registration of persons who are 153
convicted of or plead guilty to either a sexually oriented offense 154
that is not a registration-exempt sexually oriented offense or a 155
child-victim oriented offense and with respect to all other duties 156
imposed on the bureau under that chapter. 157

(5) The bureau shall perform centralized recordkeeping 158
functions for criminal history records and services in this state 159
for purposes of the national crime prevention and privacy compact 160
set forth in section 109.571 of the Revised Code and is the 161
criminal history record repository as defined in that section for 162
purposes of that compact. The superintendent or the 163
superintendent's designee is the compact officer for purposes of 164
that compact and shall carry out the responsibilities of the 165
compact officer specified in that compact. 166

(B) The superintendent shall prepare and furnish to every 167
county, multicounty, municipal, municipal-county, or 168
multicounty-municipal jail or workhouse, community-based 169
correctional facility, halfway house, alternative residential 170
facility, or state correctional institution and to every clerk of 171
a court in this state specified in division (A)(2) of this section 172
standard forms for reporting the information required under 173
division (A) of this section. The standard forms that the 174
superintendent prepares pursuant to this division may be in a 175
tangible format, in an electronic format, or in both tangible 176
formats and electronic formats. 177

(C) The superintendent may operate a center for electronic, 178
automated, or other data processing for the storage and retrieval 179

of information, data, and statistics pertaining to criminals and 180
to children under eighteen years of age who are adjudicated 181
delinquent children for committing an act that would be a felony 182
or an offense of violence if committed by an adult, criminal 183
activity, crime prevention, law enforcement, and criminal justice, 184
and may establish and operate a statewide communications network 185
to gather and disseminate information, data, and statistics for 186
the use of law enforcement agencies. The superintendent may 187
gather, store, retrieve, and disseminate information, data, and 188
statistics that pertain to children who are under eighteen years 189
of age and that are gathered pursuant to sections 109.57 to 109.61 190
of the Revised Code together with information, data, and 191
statistics that pertain to adults and that are gathered pursuant 192
to those sections. In addition to any other authorized use of 193
information, data, and statistics of that nature, the 194
superintendent or the superintendent's designee may provide and 195
exchange the information, data, and statistics pursuant to the 196
national crime prevention and privacy compact as described in 197
division (A)(5) of this section. 198

(D) The information and materials furnished to the 199
superintendent pursuant to division (A) of this section and 200
information and materials furnished to any board or person under 201
division (F) or (G) of this section are not public records under 202
section 149.43 of the Revised Code. 203

(E) The attorney general shall adopt rules, in accordance 204
with Chapter 119. of the Revised Code, setting forth the procedure 205
by which a person may receive or release information gathered by 206
the superintendent pursuant to division (A) of this section. A 207
reasonable fee may be charged for this service. If a temporary 208
employment service submits a request for a determination of 209
whether a person the service plans to refer to an employment 210
position has been convicted of or pleaded guilty to an offense 211

listed in division (A)(1), (3), (4), (5), or (6) of section 212
109.572 of the Revised Code, the request shall be treated as a 213
single request and only one fee shall be charged. 214

(F)(1) As used in division (F)(2) of this section, "head 215
start agency" means an entity in this state that has been approved 216
to be an agency for purposes of subchapter II of the "Community 217
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 218
as amended. 219

(2)(a) In addition to or in conjunction with any request that 220
is required to be made under section 109.572, 2151.86, 3301.32, 221
3301.541, 3319.39, 3701.881, 5104.012, 5104.013, 5123.081, 222
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 223
education of any school district; the director of mental 224
retardation and developmental disabilities; any county board of 225
mental retardation and developmental disabilities; any entity 226
under contract with a county board of mental retardation and 227
developmental disabilities; the chief administrator of any 228
chartered nonpublic school; the chief administrator of any home 229
health agency; the chief administrator of or person operating any 230
child day-care center, type A family day-care home, or type B 231
family day-care home licensed or certified under Chapter 5104. of 232
the Revised Code; the administrator of any type C family day-care 233
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 234
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 235
general assembly; the chief administrator of any head start 236
agency; or the executive director of a public children services 237
agency may request that the superintendent of the bureau 238
investigate and determine, with respect to any individual who has 239
applied for employment in any position after October 2, 1989, or 240
any individual wishing to apply for employment with a board of 241
education may request, with regard to the individual, whether the 242
bureau has any information gathered under division (A) of this 243

section that pertains to that individual. On receipt of the 244
request, the superintendent shall determine whether that 245
information exists and, upon request of the person, board, or 246
entity requesting information, also shall request from the federal 247
bureau of investigation any criminal records it has pertaining to 248
that individual. The superintendent or the superintendent's 249
designee also may request criminal history records from other 250
states or the federal government pursuant to the national crime 251
prevention and privacy compact set forth in section 109.571 of the 252
Revised Code. Within thirty days of the date that the 253
superintendent receives a request, the superintendent shall send 254
to the board, entity, or person a report of any information that 255
the superintendent determines exists, including information 256
contained in records that have been sealed under section 2953.32 257
of the Revised Code, and, within thirty days of its receipt, shall 258
send the board, entity, or person a report of any information 259
received from the federal bureau of investigation, other than 260
information the dissemination of which is prohibited by federal 261
law. 262

(b) When a board of education is required to receive 263
information under this section as a prerequisite to employment of 264
an individual pursuant to section 3319.39 of the Revised Code, it 265
may accept a certified copy of records that were issued by the 266
bureau of criminal identification and investigation and that are 267
presented by an individual applying for employment with the 268
district in lieu of requesting that information itself. In such a 269
case, the board shall accept the certified copy issued by the 270
bureau in order to make a photocopy of it for that individual's 271
employment application documents and shall return the certified 272
copy to the individual. In a case of that nature, a district only 273
shall accept a certified copy of records of that nature within one 274
year after the date of their issuance by the bureau. 275

(3) The state board of education may request, with respect to 276
any individual who has applied for employment after October 2, 277
1989, in any position with the state board or the department of 278
education, any information that a school district board of 279
education is authorized to request under division (F)(2) of this 280
section, and the superintendent of the bureau shall proceed as if 281
the request has been received from a school district board of 282
education under division (F)(2) of this section. 283

(4) When the superintendent of the bureau receives a request 284
for information under section 3319.291 of the Revised Code, the 285
superintendent shall proceed as if the request has been received 286
from a school district board of education under division (F)(2) of 287
this section. 288

(5) When a recipient of a classroom reading improvement grant 289
paid under section 3301.86 of the Revised Code requests, with 290
respect to any individual who applies to participate in providing 291
any program or service funded in whole or in part by the grant, 292
the information that a school district board of education is 293
authorized to request under division (F)(2)(a) of this section, 294
the superintendent of the bureau shall proceed as if the request 295
has been received from a school district board of education under 296
division (F)(2)(a) of this section. 297

(G) In addition to or in conjunction with any request that is 298
required to be made under section 3701.881, 3712.09, 3721.121, or 299
3722.151 of the Revised Code with respect to an individual who has 300
applied for employment in a position that involves providing 301
direct care to an older adult, the chief administrator of a home 302
health agency, hospice care program, home licensed under Chapter 303
3721. of the Revised Code, adult day-care program operated 304
pursuant to rules adopted under section 3721.04 of the Revised 305
Code, or adult care facility may request that the superintendent 306
of the bureau investigate and determine, with respect to any 307

individual who has applied after January 27, 1997, for employment 308
in a position that does not involve providing direct care to an 309
older adult, whether the bureau has any information gathered under 310
division (A) of this section that pertains to that individual. 311

In addition to or in conjunction with any request that is 312
required to be made under section 173.27 of the Revised Code with 313
respect to an individual who has applied for employment in a 314
position that involves providing ombudsperson services to 315
residents of long-term care facilities or recipients of 316
community-based long-term care services, the state long-term care 317
ombudsperson, ombudsperson's designee, or director of health may 318
request that the superintendent investigate and determine, with 319
respect to any individual who has applied for employment in a 320
position that does not involve providing such ombudsperson 321
services, whether the bureau has any information gathered under 322
division (A) of this section that pertains to that applicant. 323

In addition to or in conjunction with any request that is 324
required to be made under section 173.394 of the Revised Code with 325
respect to an individual who has applied for employment in a 326
position that involves providing direct care to an individual, the 327
chief administrator of a community-based long-term care agency may 328
request that the superintendent investigate and determine, with 329
respect to any individual who has applied for employment in a 330
position that does not involve providing direct care, whether the 331
bureau has any information gathered under division (A) of this 332
section that pertains to that applicant. 333

On receipt of a request under this division, the 334
superintendent shall determine whether that information exists 335
and, on request of the individual requesting information, shall 336
also request from the federal bureau of investigation any criminal 337
records it has pertaining to the applicant. The superintendent or 338
the superintendent's designee also may request criminal history 339

records from other states or the federal government pursuant to 340
the national crime prevention and privacy compact set forth in 341
section 109.571 of the Revised Code. Within thirty days of the 342
date a request is received, the superintendent shall send to the 343
requester a report of any information determined to exist, 344
including information contained in records that have been sealed 345
under section 2953.32 of the Revised Code, and, within thirty days 346
of its receipt, shall send the requester a report of any 347
information received from the federal bureau of investigation, 348
other than information the dissemination of which is prohibited by 349
federal law. 350

(H) Information obtained by a government entity or person 351
under this section is confidential and shall not be released or 352
disseminated. 353

(I) The superintendent may charge a reasonable fee for 354
providing information or criminal records under division (F)(2) or 355
(G) of this section. 356

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 357
section 121.08, 3301.32, 3301.541, or 3319.39, ~~5104.012, or~~ 358
~~5104.013~~ of the Revised Code, a completed form prescribed pursuant 359
to division (C)(1) of this section, and a set of fingerprint 360
impressions obtained in the manner described in division (C)(2) of 361
this section, the superintendent of the bureau of criminal 362
identification and investigation shall conduct a criminal records 363
check in the manner described in division (B) of this section to 364
determine whether any information exists that indicates that the 365
person who is the subject of the request previously has been 366
convicted of or pleaded guilty to any of the following: 367

(a) A violation of section 2903.01, 2903.02, 2903.03, 368
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 369
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 370

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 371
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 372
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 373
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 374
2925.06, or 3716.11 of the Revised Code, felonious sexual 375
penetration in violation of former section 2907.12 of the Revised 376
Code, a violation of section 2905.04 of the Revised Code as it 377
existed prior to July 1, 1996, a violation of section 2919.23 of 378
the Revised Code that would have been a violation of section 379
2905.04 of the Revised Code as it existed prior to July 1, 1996, 380
had the violation been committed prior to that date, or a 381
violation of section 2925.11 of the Revised Code that is not a 382
minor drug possession offense; 383

(b) A violation of an existing or former law of this state, 384
any other state, or the United States that is substantially 385
equivalent to any of the offenses listed in division (A)(1)(a) of 386
this section. 387

(2) On receipt of a request pursuant to section 5123.081 of 388
the Revised Code with respect to an applicant for employment in 389
any position with the department of mental retardation and 390
developmental disabilities, pursuant to section 5126.28 of the 391
Revised Code with respect to an applicant for employment in any 392
position with a county board of mental retardation and 393
developmental disabilities, or pursuant to section 5126.281 of the 394
Revised Code with respect to an applicant for employment in a 395
direct services position with an entity contracting with a county 396
board for employment, a completed form prescribed pursuant to 397
division (C)(1) of this section, and a set of fingerprint 398
impressions obtained in the manner described in division (C)(2) of 399
this section, the superintendent of the bureau of criminal 400
identification and investigation shall conduct a criminal records 401
check. The superintendent shall conduct the criminal records check 402

in the manner described in division (B) of this section to 403
determine whether any information exists that indicates that the 404
person who is the subject of the request has been convicted of or 405
pleaded guilty to any of the following: 406

(a) A violation of section 2903.01, 2903.02, 2903.03, 407
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 408
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 409
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 410
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 411
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 412
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 413
2925.03, or 3716.11 of the Revised Code; 414

(b) An existing or former municipal ordinance or law of this 415
state, any other state, or the United States that is substantially 416
equivalent to any of the offenses listed in division (A)(2)(a) of 417
this section. 418

(3) On receipt of a request pursuant to section 173.27, 419
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 420
completed form prescribed pursuant to division (C)(1) of this 421
section, and a set of fingerprint impressions obtained in the 422
manner described in division (C)(2) of this section, the 423
superintendent of the bureau of criminal identification and 424
investigation shall conduct a criminal records check with respect 425
to any person who has applied for employment in a position for 426
which a criminal records check is required by those sections. The 427
superintendent shall conduct the criminal records check in the 428
manner described in division (B) of this section to determine 429
whether any information exists that indicates that the person who 430
is the subject of the request previously has been convicted of or 431
pleaded guilty to any of the following: 432

(a) A violation of section 2903.01, 2903.02, 2903.03, 433
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 434

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 435
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 436
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 437
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 438
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 439
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 440
2925.22, 2925.23, or 3716.11 of the Revised Code; 441

(b) An existing or former law of this state, any other state, 442
or the United States that is substantially equivalent to any of 443
the offenses listed in division (A)(3)(a) of this section. 444

(4) On receipt of a request pursuant to section 3701.881 of 445
the Revised Code with respect to an applicant for employment with 446
a home health agency as a person responsible for the care, 447
custody, or control of a child, a completed form prescribed 448
pursuant to division (C)(1) of this section, and a set of 449
fingerprint impressions obtained in the manner described in 450
division (C)(2) of this section, the superintendent of the bureau 451
of criminal identification and investigation shall conduct a 452
criminal records check. The superintendent shall conduct the 453
criminal records check in the manner described in division (B) of 454
this section to determine whether any information exists that 455
indicates that the person who is the subject of the request 456
previously has been convicted of or pleaded guilty to any of the 457
following: 458

(a) A violation of section 2903.01, 2903.02, 2903.03, 459
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 460
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 461
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 462
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 463
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 464
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 465
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 466

violation of section 2925.11 of the Revised Code that is not a 467
minor drug possession offense; 468

(b) An existing or former law of this state, any other state, 469
or the United States that is substantially equivalent to any of 470
the offenses listed in division (A)(4)(a) of this section. 471

(5) On receipt of a request pursuant to section 5111.95 or 472
5111.96 of the Revised Code with respect to an applicant for 473
employment with a waiver agency participating in a department of 474
job and family services administered home and community-based 475
waiver program or an independent provider participating in a 476
department administered home and community-based waiver program in 477
a position that involves providing home and community-based waiver 478
services to consumers with disabilities, a completed form 479
prescribed pursuant to division (C)(1) of this section, and a set 480
of fingerprint impressions obtained in the manner described in 481
division (C)(2) of this section, the superintendent of the bureau 482
of criminal identification and investigation shall conduct a 483
criminal records check. The superintendent shall conduct the 484
criminal records check in the manner described in division (B) of 485
this section to determine whether any information exists that 486
indicates that the person who is the subject of the request 487
previously has been convicted of or pleaded guilty to any of the 488
following: 489

(a) A violation of section 2903.01, 2903.02, 2903.03, 490
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 491
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 492
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 493
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 494
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 495
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 496
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 497
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 498

2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 499
Revised Code, felonious sexual penetration in violation of former 500
section 2907.12 of the Revised Code, a violation of section 501
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 502
violation of section 2919.23 of the Revised Code that would have 503
been a violation of section 2905.04 of the Revised Code as it 504
existed prior to July 1, 1996, had the violation been committed 505
prior to that date; 506

(b) An existing or former law of this state, any other state, 507
or the United States that is substantially equivalent to any of 508
the offenses listed in division (A)(5)(a) of this section. 509

(6) On receipt of a request pursuant to section 3701.881 of 510
the Revised Code with respect to an applicant for employment with 511
a home health agency in a position that involves providing direct 512
care to an older adult, a completed form prescribed pursuant to 513
division (C)(1) of this section, and a set of fingerprint 514
impressions obtained in the manner described in division (C)(2) of 515
this section, the superintendent of the bureau of criminal 516
identification and investigation shall conduct a criminal records 517
check. The superintendent shall conduct the criminal records check 518
in the manner described in division (B) of this section to 519
determine whether any information exists that indicates that the 520
person who is the subject of the request previously has been 521
convicted of or pleaded guilty to any of the following: 522

(a) A violation of section 2903.01, 2903.02, 2903.03, 523
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 524
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 525
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 526
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 527
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 528
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 529
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 530

2925.22, 2925.23, or 3716.11 of the Revised Code; 531

(b) An existing or former law of this state, any other state, 532
or the United States that is substantially equivalent to any of 533
the offenses listed in division (A)(6)(a) of this section. 534

(7) When conducting a criminal records check upon a request 535
pursuant to section 3319.39 of the Revised Code for an applicant 536
who is a teacher, in addition to the determination made under 537
division (A)(1) of this section, the superintendent shall 538
determine whether any information exists that indicates that the 539
person who is the subject of the request previously has been 540
convicted of or pleaded guilty to any offense specified in section 541
3319.31 of the Revised Code. 542

(8) On receipt of a request pursuant to section 2151.86 of 543
the Revised Code, a completed form prescribed pursuant to division 544
(C)(1) of this section, and a set of fingerprint impressions 545
obtained in the manner described in division (C)(2) of this 546
section, the superintendent of the bureau of criminal 547
identification and investigation shall conduct a criminal records 548
check in the manner described in division (B) of this section to 549
determine whether any information exists that indicates that the 550
person who is the subject of the request previously has been 551
convicted of or pleaded guilty to any of the following: 552

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 553
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 554
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 555
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 556
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 557
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 558
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 559
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 560
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 561
of the Revised Code, a violation of section 2905.04 of the Revised 562

Code as it existed prior to July 1, 1996, a violation of section 563
2919.23 of the Revised Code that would have been a violation of 564
section 2905.04 of the Revised Code as it existed prior to July 1, 565
1996, had the violation been committed prior to that date, a 566
violation of section 2925.11 of the Revised Code that is not a 567
minor drug possession offense, two or more OVI or OVUAC violations 568
committed within the three years immediately preceding the 569
submission of the application or petition that is the basis of the 570
request, or felonious sexual penetration in violation of former 571
section 2907.12 of the Revised Code; 572

(b) A violation of an existing or former law of this state, 573
any other state, or the United States that is substantially 574
equivalent to any of the offenses listed in division (A)(8)(a) of 575
this section. 576

(9) ~~When conducting a criminal records check on~~ Upon receipt 577
of a request pursuant to section ~~5104.012 or~~ 5104.013 of the 578
Revised Code ~~for a person who is an owner, licensee, or~~ 579
~~administrator of a child day care center or type A family day care~~ 580
~~home, an authorized provider of a certified type B family day care~~ 581
~~home, or an adult residing in a type A or certified type B home,~~ 582
~~or when conducting a criminal records check or a request pursuant~~ 583
~~to section 5104.012 of the Revised Code for a person who is an~~ 584
~~applicant for employment in a center, type A home, or certified~~ 585
~~type B home, the superintendent, in addition to the determination~~ 586
~~made under division (A)(1) of this section, shall, a completed~~ 587
form prescribed pursuant to division (C)(1) of this section, and a 588
set of fingerprint impressions obtained in the manner described in 589
division (C)(2) of this section, the superintendent of the bureau 590
of criminal identification and investigation shall conduct a 591
criminal records check in the manner described in division (B) of 592
this section to determine whether any information exists that 593
indicates that the person who is the subject of the request has 594

been convicted of or pleaded guilty to any of the following: 595

(a) A violation of section 2903.01, 2903.02, 2903.03, 596
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 597
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 598
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 599
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 600
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 601
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 602
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 603
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 604
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, ~~or~~ 2923.01, 2923.12, 605
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 606
3716.11 of the Revised Code, felonious sexual penetration in 607
violation of former section 2907.12 of the Revised Code, a 608
violation of section 2905.04 of the Revised Code as it existed 609
prior to July 1, 1996, a violation of section 2919.23 of the 610
Revised Code that would have been a violation of section 2905.04 611
of the Revised Code as it existed prior to July 1, 1996, had the 612
violation been committed prior to that date, a violation of 613
section 2925.11 of the Revised Code that is not a minor drug 614
possession offense, a violation of section 2923.02 or 2923.03 of 615
the Revised Code that relates to a crime specified in this 616
division ~~or division (A)(1)(a) of this section,~~ or a second 617
violation of section 4511.19 of the Revised Code within five years 618
of the date of application for licensure or certification. 619

(b) A violation of an existing or former law of this state, 620
any other state, or the United States that is substantially 621
equivalent to any of the offenses or violations described in 622
division (A)(9)(a) of this section. 623

(10) Upon receipt of a request pursuant to section 5153.111 624
of the Revised Code, a completed form prescribed pursuant to 625
division (C)(1) of this section, and a set of fingerprint 626

impressions obtained in the manner described in division (C)(2) of 627
this section, the superintendent of the bureau of criminal 628
identification and investigation shall conduct a criminal records 629
check in the manner described in division (B) of this section to 630
determine whether any information exists that indicates that the 631
person who is the subject of the request previously has been 632
convicted of or pleaded guilty to any of the following: 633

(a) A violation of section 2903.01, 2903.02, 2903.03, 634
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 635
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 636
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 637
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 638
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 639
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 640
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 641
felonious sexual penetration in violation of former section 642
2907.12 of the Revised Code, a violation of section 2905.04 of the 643
Revised Code as it existed prior to July 1, 1996, a violation of 644
section 2919.23 of the Revised Code that would have been a 645
violation of section 2905.04 of the Revised Code as it existed 646
prior to July 1, 1996, had the violation been committed prior to 647
that date, or a violation of section 2925.11 of the Revised Code 648
that is not a minor drug possession offense; 649

(b) A violation of an existing or former law of this state, 650
any other state, or the United States that is substantially 651
equivalent to any of the offenses listed in division (A)(10)(a) of 652
this section. 653

(11) On receipt of a request for a criminal records check 654
from an individual pursuant to section 4749.03 or 4749.06 of the 655
Revised Code, accompanied by a completed copy of the form 656
prescribed in division (C)(1) of this section and a set of 657
fingerprint impressions obtained in a manner described in division 658

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

(12) On receipt of a request pursuant to section 1322.03,
1322.031, or 4763.05 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 a license, permit, or certification from the department of
commerce or a division in the department. 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 violation of section 2913.02, 2913.11,
2913.31, 2913.51, or 2925.03 of the Revised Code; any other
criminal offense involving theft, receiving stolen property,
embezzlement, forgery, fraud, passing bad checks, money
laundering, or drug trafficking, or any criminal offense involving
money or securities, as set forth in Chapters 2909., 2911., 2913.,
2915., 2921., 2923., and 2925. of the Revised Code; or any

existing or former law of this state, any other state, or the 692
United States that is substantially equivalent to those offenses. 693

(13) Not later than thirty days after the date the 694
superintendent receives the request, completed form, and 695
fingerprint impressions, the superintendent shall send the person, 696
board, or entity that made the request any information, other than 697
information the dissemination of which is prohibited by federal 698
law, the superintendent determines exists with respect to the 699
person who is the subject of the request that indicates that the 700
person previously has been convicted of or pleaded guilty to any 701
offense listed or described in division (A)(1), (2), (3), (4), 702
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 703
appropriate. The superintendent shall send the person, board, or 704
entity that made the request a copy of the list of offenses 705
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 706
(9), (10), (11), or (12) of this section, as appropriate. If the 707
request was made under section 3701.881 of the Revised Code with 708
regard to an applicant who may be both responsible for the care, 709
custody, or control of a child and involved in providing direct 710
care to an older adult, the superintendent shall provide a list of 711
the offenses specified in divisions (A)(4) and (6) of this 712
section. 713

(B) The superintendent shall conduct any criminal records 714
check requested under section 121.08, 173.27, 173.394, 1322.03, 715
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 716
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 717
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 718
Revised Code as follows: 719

(1) The superintendent shall review or cause to be reviewed 720
any relevant information gathered and compiled by the bureau under 721
division (A) of section 109.57 of the Revised Code that relates to 722
the person who is the subject of the request, including any 723

relevant information contained in records that have been sealed 724
under section 2953.32 of the Revised Code; 725

(2) If the request received by the superintendent asks for 726
information from the federal bureau of investigation, the 727
superintendent shall request from the federal bureau of 728
investigation any information it has with respect to the person 729
who is the subject of the request, including fingerprint based 730
checks of national crime information databases as described in 42 731
U.S.C. 671 if the request is made pursuant to section 2151.86, 732
5104.012, or 5104.013 of the Revised Code or if any other Revised 733
Code section requires fingerprint based checks of that nature, and 734
shall review or cause to be reviewed any information the 735
superintendent receives from that bureau. 736

(3) The superintendent or the superintendent's designee may 737
request criminal history records from other states or the federal 738
government pursuant to the national crime prevention and privacy 739
compact set forth in section 109.571 of the Revised Code. 740

(C)(1) The superintendent shall prescribe a form to obtain 741
the information necessary to conduct a criminal records check from 742
any person for whom a criminal records check is required by 743
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 744
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 745
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 746
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 747
form that the superintendent prescribes pursuant to this division 748
may be in a tangible format, in an electronic format, or in both 749
tangible and electronic formats. 750

(2) The superintendent shall prescribe standard impression 751
sheets to obtain the fingerprint impressions of any person for 752
whom a criminal records check is required by section 121.08, 753
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 754
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 755

4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 756
5126.281, or 5153.111 of the Revised Code. Any person for whom a 757
records check is required by any of those sections shall obtain 758
the fingerprint impressions at a county sheriff's office, 759
municipal police department, or any other entity with the ability 760
to make fingerprint impressions on the standard impression sheets 761
prescribed by the superintendent. The office, department, or 762
entity may charge the person a reasonable fee for making the 763
impressions. The standard impression sheets the superintendent 764
prescribes pursuant to this division may be in a tangible format, 765
in an electronic format, or in both tangible and electronic 766
formats. 767

(3) Subject to division (D) of this section, the 768
superintendent shall prescribe and charge a reasonable fee for 769
providing a criminal records check requested under section 121.08, 770
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 771
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 772
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 773
5126.281, or 5153.111 of the Revised Code. The person making a 774
criminal records request under ~~section 121.08, 173.27, 173.394,~~ 775
~~1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881,~~ 776
~~3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012,~~ 777
~~5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or~~ 778
~~5153.111 of the Revised Code~~ any of those sections shall pay the 779
fee prescribed pursuant to this division. A person making a 780
request under section 3701.881 of the Revised Code for a criminal 781
records check for an applicant who may be both responsible for the 782
care, custody, or control of a child and involved in providing 783
direct care to an older adult shall pay one fee for the request. 784

(4) The superintendent of the bureau of criminal 785
identification and investigation may prescribe methods of 786
forwarding fingerprint impressions and information necessary to 787

conduct a criminal records check, which methods shall include, but 788
not be limited to, an electronic method. 789

(D) A determination whether any information exists that 790
indicates that a person previously has been convicted of or 791
pleaded guilty to any offense listed or described in division 792
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 793
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 794
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 795
that is made by the superintendent with respect to information 796
considered in a criminal records check in accordance with this 797
section is valid for the person who is the subject of the criminal 798
records check for a period of one year from the date upon which 799
the superintendent makes the determination. During the period in 800
which the determination in regard to a person is valid, if another 801
request under this section is made for a criminal records check 802
for that person, the superintendent shall provide the information 803
that is the basis for the superintendent's initial determination 804
at a lower fee than the fee prescribed for the initial criminal 805
records check. 806

(E) As used in this section: 807

(1) "Criminal records check" means any criminal records check 808
conducted by the superintendent of the bureau of criminal 809
identification and investigation in accordance with division (B) 810
of this section. 811

(2) "Home and community-based waiver services" and "waiver 812
agency" have the same meanings as in section 5111.95 of the 813
Revised Code. 814

(3) "Independent provider" has the same meaning as in section 815
5111.96 of the Revised Code. 816

(4) "Minor drug possession offense" has the same meaning as 817
in section 2925.01 of the Revised Code. 818

(5) "Older adult" means a person age sixty or older. 819

(6) "OVI or OVUAC violation" means a violation of section 820
4511.19 of the Revised Code or a violation of an existing or 821
former law of this state, any other state, or the United States 822
that is substantially equivalent to section 4511.19 of the Revised 823
Code. 824

Sec. 109.581. (A) As used in this section: 825

(1) "Individual" means any person who is required by law to 826
submit fingerprint impressions to a participating entity for a 827
criminal records check. 828

(2) "Participating entity" means a state agency or government 829
agency required by statute to submit fingerprint impressions of an 830
individual for a criminal records check as a condition of 831
licensure, certification, approval for adoption, employment, or 832
volunteer service with the agency. 833

(3) "State agency" has the same meaning as in section 9.23 of 834
the Revised Code. 835

(B) The superintendent of the bureau of criminal 836
identification and investigation shall establish and maintain a 837
retained applicant fingerprint database, separate and apart from 838
all other records maintained by the bureau, to notify a 839
participating entity when an individual who is licensed, 840
certified, approval for adoption, or employed by, or volunteers 841
with, the participating entity and is arrested for, or pleads 842
guilty to or is convicted of, an offense that would disqualify 843
that individual from licensure, certification, approval, or 844
employment by, or volunteering with, the participating entity. 845

(C)(1) A participating entity shall ensure that the 846
superintendent of the bureau of criminal identification and 847
investigation receives fingerprint impressions in a manner 848

prescribed by the bureau in rules adopted under this section prior 849
to an individual being licensed, certified, approved for adoption, 850
or employed by, or beginning volunteer service with, the 851
participating entity. The bureau shall enter information and the 852
fingerprint impressions relating to the individual into the 853
retained applicant fingerprint database within thirty days of 854
receiving the information and impressions. 855

(2) An individual who has submitted fingerprint impressions 856
for licensure, certification, approval for adoption, or employment 857
by, or volunteer service with, a participating entity shall be 858
reprinted for licensure, certification, approval, employment, or 859
volunteer service with another participating entity. If an 860
individual has been reprinted, the superintendent of the bureau of 861
criminal identification and investigation shall update that 862
individual's information accordingly. 863

(3) A participating entity shall notify the bureau of 864
criminal identification and investigation when an individual is no 865
longer licensed, certified, approved for adoption, or employed by, 866
or volunteers with, the participating entity, or the individual is 867
deceased. 868

(D) The superintendent of the bureau of criminal 869
identification and investigation shall promptly notify a 870
participating entity when an individual who is licensed, 871
certified, approved for adoption, or employed by, or volunteers 872
with, a participating entity is arrested for, or pleads guilty to 873
or is convicted of, an offense that would disqualify that 874
individual from licensure, certification, approval, employment, or 875
volunteering with the participating entity. 876

(E)(1) Information contained in the retained applicant 877
fingerprint database, and in the notice described in division (D) 878
of this section, shall be used by the bureau of criminal 879
identification and investigation and the participating entity for 880

the purposes of licensure, certification, approval for adoption, 881
or employment by, or volunteer service with, the participating 882
entity, and such information is otherwise confidential and not a 883
public record under section 149.43 of the Revised Code. 884

(2) No person shall knowingly disseminate or use the 885
information contained in the retained applicant fingerprint 886
database for any purpose that is not authorized by law or by rules 887
adopted pursuant to this section. 888

(3) No person shall knowingly use the information contained 889
in the retained applicant fingerprint database to harass or 890
intimidate another person. 891

(F)(1) Any law enforcement official, or official employed by 892
the participating entity who receives notification under this 893
section, who disseminates, or fails to disseminate, information 894
contained in the retained applicant fingerprint database in good 895
faith compliance with the duties imposed by this section is immune 896
from civil liability relating to that dissemination or failure to 897
disseminate, unless the official's actions were manifestly outside 898
the scope of duties imposed by this section or unless the official 899
acted with malicious purpose, in bad faith, or in a wanton or 900
reckless manner. 901

(2) A participating entity shall not be found negligent per 902
se in a civil action for failure to submit an individual's 903
information or fingerprint impressions to the bureau of criminal 904
identification and investigation in accordance with this section. 905

(G) Not later than six months after the effective date of 906
this section, each participating entity that is a state agency 907
shall adopt rules in accordance with Chapter 119. of the Revised 908
Code to implement this section. The rules shall be consistent with 909
the provisions of this section that are applicable to the 910
participating entity. Prior to the date on which rules adopted by 911

a participating entity under this division take effect, the 912
participating entity may use information provided under this 913
section, notwithstanding the fact that the rules have not taken 914
effect, and the lack of rules does not limit or restrict the 915
participating entity from using information so provided. 916

(H) The superintendent of the bureau of criminal 917
identification and investigation shall adopt rules in accordance 918
with Chapter 119. of the Revised Code necessary to carry out the 919
purposes of this section, including rules regarding all of the 920
following: 921

(1) The establishment and maintenance of the retained 922
applicant fingerprint database; 923

(2) The collection of fingerprint impressions and a 924
reasonable fee for utilizing the database; 925

(3) The expungement of fingerprint impressions and other 926
personal information of individuals who are deceased or are no 927
longer licensed, certified, approved for adoption, or employed by, 928
or volunteer with, a participating entity. 929

Sec. 109.60. (A)(1) The sheriffs of the several counties and 930
the chiefs of police of cities, immediately upon the arrest of any 931
person for any felony, on suspicion of any felony, for a crime 932
constituting a misdemeanor on the first offense and a felony on 933
subsequent offenses, or for any misdemeanor described in division 934
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 935
Revised Code, and immediately upon the arrest or taking into 936
custody of any child under eighteen years of age for committing an 937
act that would be a felony or an offense of violence if committed 938
by an adult or upon probable cause to believe that a child of that 939
age may have committed an act that would be a felony or an offense 940
of violence if committed by an adult, shall take the person's or 941
child's fingerprints, or cause the same to be taken, according to 942

the fingerprint system of identification on the forms furnished by 943
the superintendent of the bureau of criminal identification and 944
investigation, and immediately shall forward copies of the 945
completed forms, any other description that may be required, and 946
the history of the offense committed to the bureau to be 947
classified and filed and to the clerk of the court having 948
jurisdiction over the prosecution of the offense or over the 949
adjudication relative to the act. 950

(2) ~~If~~ Except as provided in division (B) of this section, if 951
a person or child has not been arrested and first appears before a 952
court or magistrate in response to a summons, or if a sheriff or 953
chief of police has not taken, or caused to be taken, a person's 954
or child's fingerprints in accordance with division (A)(1) of this 955
section by the time of the arraignment or first appearance of the 956
person or child, the court shall order the person or child to 957
appear before the sheriff or chief of police within twenty-four 958
hours to have the person's or child's fingerprints taken. The 959
sheriff or chief of police shall take the person's or child's 960
fingerprints, or cause the fingerprints to be taken, according to 961
the fingerprint system of identification on the forms furnished by 962
the superintendent of the bureau of criminal identification and 963
investigation and, immediately after the person's or child's 964
arraignment or first appearance, forward copies of the completed 965
forms, any other description that may be required, and the history 966
of the offense committed to the bureau to be classified and filed 967
and to the clerk of the court. 968

(3) Every court with jurisdiction over a case involving a 969
person or child with respect to whom division (A)(1) or (2) of 970
this section requires a sheriff or chief of police to take the 971
person's or child's fingerprints shall inquire at the time of the 972
person's or child's sentencing or adjudication whether or not the 973
person or child has been fingerprinted pursuant to division (A)(1) 974

or (2) of this section for the original arrest or court appearance 975
upon which the sentence or adjudication is based. If the person or 976
child was not fingerprinted for the original arrest or court 977
appearance upon which the sentence or adjudication is based, the 978
court shall order the person or child to appear before the sheriff 979
or chief of police within twenty-four hours to have the person's 980
or child's fingerprints taken. The sheriff or chief of police 981
shall take the person's or child's fingerprints, or cause the 982
fingerprints to be taken, according to the fingerprint system of 983
identification on the forms furnished by the superintendent of the 984
bureau of criminal identification and investigation and 985
immediately forward copies of the completed forms, any other 986
description that may be required, and the history of the offense 987
committed to the bureau to be classified and filed and to the 988
clerk of the court. 989

(4) If a person or child is in the custody of a law 990
enforcement agency or a detention facility, as defined in section 991
2921.01 of the Revised Code, and the chief law enforcement officer 992
or chief administrative officer of the detention facility 993
discovers that a warrant has been issued or a bill of information 994
has been filed alleging the person or child to have committed an 995
offense or act other than the offense or act for which the person 996
or child is in custody, and the other alleged offense or act is 997
one for which fingerprints are to be taken pursuant to division 998
(A)(1) of this section, the law enforcement agency or detention 999
facility shall take the fingerprints of the person or child, or 1000
cause the fingerprints to be taken, according to the fingerprint 1001
system of identification on the forms furnished by the 1002
superintendent of the bureau of criminal identification and 1003
investigation and immediately forward copies of the completed 1004
forms, any other description that may be required, and the history 1005
of the offense committed to the bureau to be classified and filed 1006
and to the clerk of the court that issued the warrant or with 1007

which the bill of information was filed. 1008

(5) If an accused is found not guilty of the offense charged 1009
or a nolle prosequi is entered in any case, or if any accused 1010
child under eighteen years of age is found not to be a delinquent 1011
child for committing an act that would be a felony or an offense 1012
of violence if committed by an adult or not guilty of the felony 1013
or offense of violence charged or a nolle prosequi is entered in 1014
that case, the fingerprints and description shall be given to the 1015
accused upon the accused's request. 1016

(6) The superintendent shall compare the description received 1017
with those already on file in the bureau, and, if the 1018
superintendent finds that the person arrested or taken into 1019
custody has a criminal record or a record as a delinquent child 1020
for having committed an act that would be a felony or an offense 1021
of violence if committed by an adult or is a fugitive from justice 1022
or wanted by any jurisdiction in this or another state, the United 1023
States, or a foreign country for any offense, the superintendent 1024
at once shall inform the arresting officer, the officer taking the 1025
person into custody, or the chief administrative officer of the 1026
county, multicounty, municipal, municipal-county, or 1027
multicounty-municipal jail or workhouse, community-based 1028
correctional facility, halfway house, alternative residential 1029
facility, or state correctional institution in which the person or 1030
child is in custody of that fact and give appropriate notice to 1031
the proper authorities in the jurisdiction in which the person is 1032
wanted, or, if that jurisdiction is a foreign country, give 1033
appropriate notice to federal authorities for transmission to the 1034
foreign country. The names, under which each person whose 1035
identification is filed is known, shall be alphabetically indexed 1036
by the superintendent. 1037

(B) Division (A) of this section does not apply to a violator 1038
of a city ordinance unless the officers have reason to believe 1039

that the violator is a past offender or the crime is one 1040
constituting a misdemeanor on the first offense and a felony on 1041
subsequent offenses, or unless it is advisable for the purpose of 1042
subsequent identification. This section does not apply to any 1043
child under eighteen years of age who was not arrested or 1044
otherwise taken into custody for committing an act that would be a 1045
felony or an offense of violence if committed by an adult or upon 1046
probable cause to believe that a child of that age may have 1047
committed an act that would be a felony or an offense of violence 1048
if committed by an adult, except as provided in section 2151.313 1049
of the Revised Code. 1050

(C)(1) For purposes of division (C) of this section, a law 1051
enforcement agency shall be considered to have arrested a person 1052
if any law enforcement officer who is employed by, appointed by, 1053
or serves that agency arrests the person. As used in division (C) 1054
of this section: 1055

(a) "Illegal methamphetamine manufacturing laboratory" has 1056
the same meaning as in section 3745.13 of the Revised Code. 1057

(b) "Methamphetamine or a methamphetamine product" means 1058
methamphetamine, any salt, isomer, or salt of an isomer of 1059
methamphetamine, or any compound, mixture, preparation, or 1060
substance containing methamphetamine or any salt, isomer, or salt 1061
of an isomer of methamphetamine. 1062

(2) Each law enforcement agency that, in any calendar year, 1063
arrests any person for a violation of section 2925.04 of the 1064
Revised Code that is based on the manufacture of methamphetamine 1065
or a methamphetamine product, a violation of section 2925.041 of 1066
the Revised Code that is based on the possession of chemicals 1067
sufficient to produce methamphetamine or a methamphetamine 1068
product, or a violation of any other provision of Chapter 2925. or 1069
3719. of the Revised Code that is based on the possession of 1070
chemicals sufficient to produce methamphetamine or a 1071

methamphetamine product shall prepare an annual report covering 1072
the calendar year that contains the information specified in 1073
division (C)(3) of this section relative to all arrests for 1074
violations of those sections committed under those circumstances 1075
during that calendar year and relative to illegal methamphetamine 1076
manufacturing laboratories, dump sites, and chemical caches as 1077
specified in that division and shall send the annual report, not 1078
later than the first day of March in the calendar year following 1079
the calendar year covered by the report, to the bureau of criminal 1080
identification and investigation. 1081

The law enforcement agency shall write any annual report 1082
prepared and filed under this division on the standard forms 1083
furnished by the superintendent of the bureau of criminal 1084
identification and investigation pursuant to division (C)(4) of 1085
this section. The annual report shall be a statistical report, and 1086
nothing in the report or in the information it contains shall 1087
identify, or enable the identification of, any person who was 1088
arrested and whose arrest is included in the information contained 1089
in the report. The annual report in the possession of the bureau 1090
and the information it contains are public records for the purpose 1091
of section 149.43 of the Revised Code. 1092

(3) The annual report prepared and filed by a law enforcement 1093
agency under division (C)(2) of this section shall contain all of 1094
the following information for the calendar year covered by the 1095
report: 1096

(a) The total number of arrests made by the agency in that 1097
calendar year for a violation of section 2925.04 of the Revised 1098
Code that is based on the manufacture of methamphetamine or a 1099
methamphetamine product, a violation of section 2925.041 of the 1100
Revised Code that is based on the possession of chemicals 1101
sufficient to produce methamphetamine or a methamphetamine 1102
product, or a violation of any other provision of Chapter 2925. or 1103

3719. of the Revised Code that is based on the possession of 1104
chemicals sufficient to produce methamphetamine or a 1105
methamphetamine product; 1106

(b) The total number of illegal methamphetamine manufacturing 1107
laboratories at which one or more of the arrests reported under 1108
division (C)(3)(a) of this section occurred, or that were 1109
discovered in that calendar year within the territory served by 1110
the agency but at which none of the arrests reported under 1111
division (C)(3)(a) of this section occurred; 1112

(c) The total number of dump sites and chemical caches that 1113
are, or that are reasonably believed to be, related to illegal 1114
methamphetamine manufacturing and that were discovered in that 1115
calendar year within the territory served by the agency. 1116

(4) The superintendent of the bureau of criminal 1117
identification and investigation shall prepare and furnish to each 1118
law enforcement agency in this state standard forms for making the 1119
annual reports required by division (C)(2) of this section. The 1120
standard forms that the superintendent prepares pursuant to this 1121
division may be in a tangible format, in an electronic format, or 1122
in both a tangible format and an electronic format. 1123

(5) The annual report required by division (C)(2) of this 1124
section is separate from, and in addition to, any report, 1125
materials, or information required under division (A) of this 1126
section or under any other provision of sections 109.57 to 109.62 1127
of the Revised Code. 1128

Sec. 109.99. (A) Whoever violates section 109.26 of the 1129
Revised Code shall be fined not less than five hundred nor more 1130
than ten thousand dollars or be imprisoned not less than one month 1131
nor more than one year, or both. 1132

(B) Whoever violates division (G)(1) of section 109.573 of 1133

the Revised Code is guilty of unlawful disclosure of DNA database information, a misdemeanor of the first degree.

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

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

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

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

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

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

taken as provided in division (A)(2) of section 109.60 of the 1164
Revised Code. 1165

(B) If the municipal court has jurisdiction over a case 1166
involving a person or child with respect to whom division (A)(1) 1167
or (2) of section 109.60 of the Revised Code requires a sheriff or 1168
chief of police to take the person's or child's fingerprints, the 1169
municipal court shall inquire at the time of the person's or 1170
child's sentencing or adjudication for the crime or act for which 1171
the fingerprints were required to be taken whether or not the 1172
person or child has been fingerprinted pursuant to division (A)(1) 1173
or (2) of section 109.60 of the Revised Code for the original 1174
arrest or court appearance upon which the sentence or adjudication 1175
is based. If a person or child was not fingerprinted for the 1176
original arrest or court appearance, the municipal court shall 1177
order the person or child to appear before the sheriff or chief of 1178
police within twenty-four hours to have the person's or child's 1179
fingerprints taken as provided in division (A)(3) of section 1180
109.60 of the Revised Code. 1181

Sec. 1907.181. (A) If a sheriff or chief of police has not 1182
taken, or caused to be taken, a person's or child's fingerprints 1183
in accordance with division (A)(1) of section 109.60 of the 1184
Revised Code with respect to a crime or act set forth in that 1185
division by the time of the arraignment or first appearance of the 1186
person or child with respect to that crime or act, the county 1187
court shall order the person or child to appear before the sheriff 1188
or chief of police within twenty-four hours of the arraignment or 1189
first appearance to have the person's or child's fingerprints 1190
taken as provided in division (A)(2) of section 109.60 of the 1191
Revised Code. 1192

(B) If the county court has jurisdiction over a case 1193
involving a person or child with respect to whom division (A)(1) 1194

or (2) of section 109.60 of the Revised Code requires a sheriff or 1195
chief of police to take the person's or child's fingerprints, the 1196
county court shall inquire at the time of the person's or child's 1197
sentencing or adjudication for the crime or act for which the 1198
fingerprints were required to be taken whether or not the person 1199
or child has been fingerprinted pursuant to division (A)(1) or (2) 1200
of section 109.60 of the Revised Code for the original arrest or 1201
court appearance upon which the sentence or adjudication is based. 1202
If a person or child was not fingerprinted for the original arrest 1203
or court appearance, the county court shall order the person or 1204
child to appear before the sheriff or chief of police within 1205
twenty-four hours to have the person's or child's fingerprints 1206
taken as provided in division (A)(3) of section 109.60 of the 1207
Revised Code. 1208

Sec. 2151.413. (A) A public children services agency or 1209
private child placing agency that, pursuant to an order of 1210
disposition under division (A)(2) of section 2151.353 of the 1211
Revised Code or under any version of section 2151.353 of the 1212
Revised Code that existed prior to January 1, 1989, is granted 1213
temporary custody of a child who is not abandoned or orphaned may 1214
file a motion in the court that made the disposition of the child 1215
requesting permanent custody of the child. 1216

(B) A public children services agency or private child 1217
placing agency that, pursuant to an order of disposition under 1218
division (A)(2) of section 2151.353 of the Revised Code or under 1219
any version of section 2151.353 of the Revised Code that existed 1220
prior to January 1, 1989, is granted temporary custody of a child 1221
who is orphaned may file a motion in the court that made the 1222
disposition of the child requesting permanent custody of the child 1223
whenever it can show that no relative of the child is able to take 1224
legal custody of the child. 1225

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

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

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

permanency plan for the child under division (K) of section 1258
2151.417 of the Revised Code shall file a motion in the court that 1259
made the determination requesting permanent custody of the child. 1260

(3) An agency shall not file a motion for permanent custody 1261
under division (D)(1) or (2) of this section if any of the 1262
following apply: 1263

(a) The agency documents in the case plan or permanency plan 1264
a compelling reason that permanent custody is not in the best 1265
interest of the child. 1266

(b) If reasonable efforts to return the child to the child's 1267
home are required under section 2151.419 of the Revised Code, the 1268
agency has not provided the services required by the case plan to 1269
the parents of the child or the child to ensure the safe return of 1270
the child to the child's home. 1271

(c) The agency has been granted permanent custody of the 1272
child. 1273

(d) The child has been returned home pursuant to court order 1274
in accordance with division (A)(3) of section 2151.419 of the 1275
Revised Code. 1276

(E) Any agency that files a motion for permanent custody 1277
under this section shall include in the case plan of the child who 1278
is the subject of the motion, a specific plan of the agency's 1279
actions to seek an adoptive family for the child and to prepare 1280
the child for adoption. 1281

(F) The department of job and family services may adopt rules 1282
pursuant to Chapter 119. of the Revised Code that set forth the 1283
time frames for case reviews and for filing a motion requesting 1284
permanent custody under division (D)(1) of this section. 1285

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 1286
section 2151.413 of the Revised Code for permanent custody of a 1287

child, the court shall schedule a hearing and give notice of the 1288
filing of the motion and of the hearing, in accordance with 1289
section 2151.29 of the Revised Code, to all parties to the action 1290
and to the child's guardian ad litem. The notice also shall 1291
contain a full explanation that the granting of permanent custody 1292
permanently divests the parents of their parental rights, a full 1293
explanation of their right to be represented by counsel and to 1294
have counsel appointed pursuant to Chapter 120. of the Revised 1295
Code if they are indigent, and the name and telephone number of 1296
the court employee designated by the court pursuant to section 1297
2151.314 of the Revised Code to arrange for the prompt appointment 1298
of counsel for indigent persons. 1299

The court shall conduct a hearing in accordance with section 1300
2151.35 of the Revised Code to determine if it is in the best 1301
interest of the child to permanently terminate parental rights and 1302
grant permanent custody to the agency that filed the motion. The 1303
adjudication that the child is an abused, neglected, or dependent 1304
child and any dispositional order that has been issued in the case 1305
under section 2151.353 of the Revised Code pursuant to the 1306
adjudication shall not be readjudicated at the hearing and shall 1307
not be affected by a denial of the motion for permanent custody. 1308

(2) The court shall hold the hearing scheduled pursuant to 1309
division (A)(1) of this section not later than one hundred twenty 1310
days after the agency files the motion for permanent custody, 1311
except that, for good cause shown, the court may continue the 1312
hearing for a reasonable period of time beyond the 1313
one-hundred-twenty-day deadline. The court shall issue an order 1314
that grants, denies, or otherwise disposes of the motion for 1315
permanent custody, and journalize the order, not later than two 1316
hundred days after the agency files the motion. 1317

If a motion is made under division (D)(2) of section 2151.413 1318
of the Revised Code and no dispositional hearing has been held in 1319

the case, the court may hear the motion in the dispositional 1320
hearing required by division (B) of section 2151.35 of the Revised 1321
Code. If the court issues an order pursuant to section 2151.353 of 1322
the Revised Code granting permanent custody of the child to the 1323
agency, the court shall immediately dismiss the motion made under 1324
division (D)(2) of section 2151.413 of the Revised Code. 1325

The failure of the court to comply with the time periods set 1326
forth in division (A)(2) of this section does not affect the 1327
authority of the court to issue any order under this chapter and 1328
does not provide any basis for attacking the jurisdiction of the 1329
court or the validity of any order of the court. 1330

(B)(1) Except as provided in division (B)(2) of this section, 1331
the court may grant permanent custody of a child to a movant if 1332
the court determines at the hearing held pursuant to division (A) 1333
of this section, by clear and convincing evidence, that it is in 1334
the best interest of the child to grant permanent custody of the 1335
child to the agency that filed the motion for permanent custody 1336
and that any of the following apply: 1337

(a) The child is not abandoned or orphaned ~~or~~, has not been 1338
in the temporary custody of one or more public children services 1339
agencies or private child placing agencies for twelve or more 1340
months of a consecutive twenty-two-month period ~~ending on or after~~ 1341
March 18, 1999, or has not been in the temporary custody of one or 1342
more public children services agencies or private child placing 1343
agencies for twelve or more months of a consecutive 1344
twenty-two-month period if, as described in division (D)(1) of 1345
section 2151.413 of the Revised Code, the child was previously in 1346
the temporary custody of an equivalent agency in another state, 1347
and the child cannot be placed with either of the child's parents 1348
within a reasonable time or should not be placed with the child's 1349
parents. 1350

(b) The child is abandoned. 1351

(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. 1384

If the court grants permanent custody of a child to a movant 1385
under this division, the court, upon the request of any party, 1386
shall file a written opinion setting forth its findings of fact 1387
and conclusions of law in relation to the proceeding. The court 1388
shall not deny an agency's motion for permanent custody solely 1389
because the agency failed to implement any particular aspect of 1390
the child's case plan. 1391

(D) In determining the best interest of a child at a hearing 1392
held pursuant to division (A) of this section or for the purposes 1393
of division (A)(4) or (5) of section 2151.353 or division (C) of 1394
section 2151.415 of the Revised Code, the court shall consider all 1395
relevant factors, including, but not limited to, the following: 1396

(1) The interaction and interrelationship of the child with 1397
the child's parents, siblings, relatives, foster caregivers and 1398
out-of-home providers, and any other person who may significantly 1399
affect the child; 1400

(2) The wishes of the child, as expressed directly by the 1401
child or through the child's guardian ad litem, with due regard 1402
for the maturity of the child; 1403

(3) The custodial history of the child, including whether the 1404
child has been in the temporary custody of one or more public 1405
children services agencies or private child placing agencies for 1406
twelve or more months of a consecutive twenty-two-month period 1407
~~ending on or after March 18, 1999, or the child has been in the~~ 1408
~~temporary custody of one or more public children services agencies~~ 1409
~~or private child placing agencies for twelve or more months of a~~ 1410
~~consecutive twenty-two-month period and, as described in division~~ 1411
~~(D)(1) of section 2151.413 of the Revised Code, the child was~~ 1412
~~previously in the temporary custody of an equivalent agency in~~ 1413
~~another state;~~ 1414

(4) The child's need for a legally secure permanent placement 1415
and whether that type of placement can be achieved without a grant 1416
of permanent custody to the agency; 1417

(5) Whether any of the factors in divisions (E)(7) to (11) of 1418
this section apply in relation to the parents and child. 1419

For the purposes of this division, a child shall be 1420
considered to have entered the temporary custody of an agency on 1421
the earlier of the date the child is adjudicated pursuant to 1422
section 2151.28 of the Revised Code or the date that is sixty days 1423
after the removal of the child from home. 1424

(E) In determining at a hearing held pursuant to division (A) 1425
of this section or for the purposes of division (A)(4) of section 1426
2151.353 of the Revised Code whether a child cannot be placed with 1427
either parent within a reasonable period of time or should not be 1428
placed with the parents, the court shall consider all relevant 1429
evidence. If the court determines, by clear and convincing 1430
evidence, at a hearing held pursuant to division (A) of this 1431
section or for the purposes of division (A)(4) of section 2151.353 1432
of the Revised Code that one or more of the following exist as to 1433
each of the child's parents, the court shall enter a finding that 1434
the child cannot be placed with either parent within a reasonable 1435
time or should not be placed with either parent: 1436

(1) Following the placement of the child outside the child's 1437
home and notwithstanding reasonable case planning and diligent 1438
efforts by the agency to assist the parents to remedy the problems 1439
that initially caused the child to be placed outside the home, the 1440
parent has failed continuously and repeatedly to substantially 1441
remedy the conditions causing the child to be placed outside the 1442
child's home. In determining whether the parents have 1443
substantially remedied those conditions, the court shall consider 1444
parental utilization of medical, psychiatric, psychological, and 1445
other social and rehabilitative services and material resources 1446

that were made available to the parents for the purpose of 1447
changing parental conduct to allow them to resume and maintain 1448
parental duties. 1449

(2) Chronic mental illness, chronic emotional illness, mental 1450
retardation, physical disability, or chemical dependency of the 1451
parent that is so severe that it makes the parent unable to 1452
provide an adequate permanent home for the child at the present 1453
time and, as anticipated, within one year after the court holds 1454
the hearing pursuant to division (A) of this section or for the 1455
purposes of division (A)(4) of section 2151.353 of the Revised 1456
Code; 1457

(3) The parent committed any abuse as described in section 1458
2151.031 of the Revised Code against the child, caused the child 1459
to suffer any neglect as described in section 2151.03 of the 1460
Revised Code, or allowed the child to suffer any neglect as 1461
described in section 2151.03 of the Revised Code between the date 1462
that the original complaint alleging abuse or neglect was filed 1463
and the date of the filing of the motion for permanent custody; 1464

(4) The parent has demonstrated a lack of commitment toward 1465
the child by failing to regularly support, visit, or communicate 1466
with the child when able to do so, or by other actions showing an 1467
unwillingness to provide an adequate permanent home for the child; 1468

(5) The parent is incarcerated for an offense committed 1469
against the child or a sibling of the child; 1470

(6) The parent has been convicted of or pleaded guilty to an 1471
offense under division (A) or (C) of section 2919.22 or under 1472
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 1473
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1474
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1475
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 1476
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 1477

Revised Code and the child or a sibling of the child was a victim 1478
of the offense or the parent has been convicted of or pleaded 1479
guilty to an offense under section 2903.04 of the Revised Code, a 1480
sibling of the child was the victim of the offense, and the parent 1481
who committed the offense poses an ongoing danger to the child or 1482
a sibling of the child. 1483

(7) The parent has been convicted of or pleaded guilty to one 1484
of the following: 1485

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 1486
the Revised Code or under an existing or former law of this state, 1487
any other state, or the United States that is substantially 1488
equivalent to an offense described in those sections and the 1489
victim of the offense was a sibling of the child or the victim was 1490
another child who lived in the parent's household at the time of 1491
the offense; 1492

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 1493
the Revised Code or under an existing or former law of this state, 1494
any other state, or the United States that is substantially 1495
equivalent to an offense described in those sections and the 1496
victim of the offense is the child, a sibling of the child, or 1497
another child who lived in the parent's household at the time of 1498
the offense; 1499

(c) An offense under division (B)(2) of section 2919.22 of 1500
the Revised Code or under an existing or former law of this state, 1501
any other state, or the United States that is substantially 1502
equivalent to the offense described in that section and the child, 1503
a sibling of the child, or another child who lived in the parent's 1504
household at the time of the offense is the victim of the offense; 1505

(d) An offense under section 2907.02, 2907.03, 2907.04, 1506
2907.05, or 2907.06 of the Revised Code or under an existing or 1507
former law of this state, any other state, or the United States 1508

that is substantially equivalent to an offense described in those 1509
sections and the victim of the offense is the child, a sibling of 1510
the child, or another child who lived in the parent's household at 1511
the time of the offense; 1512

(e) A conspiracy or attempt to commit, or complicity in 1513
committing, an offense described in division (E)(7)(a) or (d) of 1514
this section. 1515

(8) The parent has repeatedly withheld medical treatment or 1516
food from the child when the parent has the means to provide the 1517
treatment or food, and, in the case of withheld medical treatment, 1518
the parent withheld it for a purpose other than to treat the 1519
physical or mental illness or defect of the child by spiritual 1520
means through prayer alone in accordance with the tenets of a 1521
recognized religious body. 1522

(9) The parent has placed the child at substantial risk of 1523
harm two or more times due to alcohol or drug abuse and has 1524
rejected treatment two or more times or refused to participate in 1525
further treatment two or more times after a case plan issued 1526
pursuant to section 2151.412 of the Revised Code requiring 1527
treatment of the parent was journalized as part of a dispositional 1528
order issued with respect to the child or an order was issued by 1529
any other court requiring treatment of the parent. 1530

(10) The parent has abandoned the child. 1531

(11) The parent has had parental rights involuntarily 1532
terminated ~~pursuant to this section or section 2151.353 or~~ 1533
~~2151.415 of the Revised Code~~ with respect to a sibling of the 1534
child pursuant to this section or section 2151.353 or 2151.415 of 1535
the Revised Code or under an existing or former law of this state, 1536
any other state, or the United States that is substantially 1537
equivalent to those sections. 1538

(12) The parent is incarcerated at the time of the filing of 1539

the motion for permanent custody or the dispositional hearing of 1540
the child and will not be available to care for the child for at 1541
least eighteen months after the filing of the motion for permanent 1542
custody or the dispositional hearing. 1543

(13) The parent is repeatedly incarcerated, and the repeated 1544
incarceration prevents the parent from providing care for the 1545
child. 1546

(14) The parent for any reason is unwilling to provide food, 1547
clothing, shelter, and other basic necessities for the child or to 1548
prevent the child from suffering physical, emotional, or sexual 1549
abuse or physical, emotional, or mental neglect. 1550

(15) The parent has committed abuse as described in section 1551
2151.031 of the Revised Code against the child or caused or 1552
allowed the child to suffer neglect as described in section 1553
2151.03 of the Revised Code, and the court determines that the 1554
seriousness, nature, or likelihood of recurrence of the abuse or 1555
neglect makes the child's placement with the child's parent a 1556
threat to the child's safety. 1557

(16) Any other factor the court considers relevant. 1558

(F) The parents of a child for whom the court has issued an 1559
order granting permanent custody pursuant to this section, upon 1560
the issuance of the order, cease to be parties to the action. This 1561
division is not intended to eliminate or restrict any right of the 1562
parents to appeal the granting of permanent custody of their child 1563
to a movant pursuant to this section. 1564

Sec. 2151.417. (A) Any court that issues a dispositional 1565
order pursuant to section 2151.353, 2151.414, or 2151.415 of the 1566
Revised Code may review at any time the child's placement or 1567
custody arrangement, the case plan prepared for the child pursuant 1568
to section 2151.412 of the Revised Code, the actions of the public 1569

children services agency or private child placing agency in 1570
implementing that case plan, the child's permanency plan, if the 1571
child's permanency plan has been approved, and any other aspects 1572
of the child's placement or custody arrangement. In conducting the 1573
review, the court shall determine the appropriateness of any 1574
agency actions, the safety and appropriateness of continuing the 1575
child's placement or custody arrangement, and whether any changes 1576
should be made with respect to the child's permanency plan or 1577
placement or custody arrangement or with respect to the actions of 1578
the agency under the child's placement or custody arrangement. 1579
Based upon the evidence presented at a hearing held after notice 1580
to all parties and the guardian ad litem of the child, the court 1581
may require the agency, the parents, guardian, or custodian of the 1582
child, and the physical custodians of the child to take any 1583
reasonable action that the court determines is necessary and in 1584
the best interest of the child or to discontinue any action that 1585
it determines is not in the best interest of the child. 1586

(B) If a court issues a dispositional order pursuant to 1587
section 2151.353, 2151.414, or 2151.415 of the Revised Code, the 1588
court has continuing jurisdiction over the child as set forth in 1589
division (E)(1) of section 2151.353 of the Revised Code. The court 1590
may amend a dispositional order in accordance with division (E)(2) 1591
of section 2151.353 of the Revised Code at any time upon its own 1592
motion or upon the motion of any interested party. The court shall 1593
comply with section 2151.42 of the Revised Code in amending any 1594
dispositional order pursuant to this division. 1595

(C) Any court that issues a dispositional order pursuant to 1596
section 2151.353, 2151.414, or 2151.415 of the Revised Code shall 1597
hold a review hearing one year after the earlier of the date on 1598
which the complaint in the case was filed or the child was first 1599
placed into shelter care to review the case plan prepared pursuant 1600
to section 2151.412 of the Revised Code and the child's placement 1601

or custody arrangement, to approve or review the permanency plan 1602
for the child, and to make changes to the case plan and placement 1603
or custody arrangement consistent with the permanency plan. The 1604
court shall schedule the review hearing at the time that it holds 1605
the dispositional hearing pursuant to section 2151.35 of the 1606
Revised Code. 1607

The court shall hold a similar review hearing no later than 1608
every twelve months after the initial review hearing until the 1609
child is adopted, returned to the parents, or the court otherwise 1610
terminates the child's placement or custody arrangement, except 1611
that the dispositional hearing held pursuant to section 2151.415 1612
of the Revised Code shall take the place of the first review 1613
hearing to be held under this section. The court shall schedule 1614
each subsequent review hearing at the conclusion of the review 1615
hearing immediately preceding the review hearing to be scheduled. 1616

(D) If, within fourteen days after a written summary of an 1617
administrative review is filed with the court pursuant to section 1618
2151.416 of the Revised Code, the court does not approve the 1619
proposed change to the case plan filed pursuant to division (E) of 1620
section 2151.416 of the Revised Code or a party or the guardian ad 1621
litem requests a review hearing pursuant to division (E) of that 1622
section, the court shall hold a review hearing in the same manner 1623
that it holds review hearings pursuant to division (C) of this 1624
section, except that if a review hearing is required by this 1625
division and if a hearing is to be held pursuant to division (C) 1626
of this section or section 2151.415 of the Revised Code, the 1627
hearing held pursuant to division (C) of this section or section 1628
2151.415 of the Revised Code shall take the place of the review 1629
hearing required by this division. 1630

(E) If a court determines pursuant to section 2151.419 of the 1631
Revised Code that a public children services agency or private 1632
child placing agency is not required to make reasonable efforts to 1633

prevent the removal of a child from the child's home, eliminate 1634
the continued removal of a child from the child's home, and return 1635
the child to the child's home, and the court does not return the 1636
child to the child's home pursuant to division (A)(3) of section 1637
2151.419 of the Revised Code, the court shall hold a review 1638
hearing to approve the permanency plan for the child and, if 1639
appropriate, to make changes to the child's case plan and the 1640
child's placement or custody arrangement consistent with the 1641
permanency plan. The court may hold the hearing immediately 1642
following the determination under section 2151.419 of the Revised 1643
Code and shall hold it no later than thirty days after making that 1644
determination. 1645

(F) The court shall give notice of the review hearings held 1646
pursuant to this section to every interested party, including, but 1647
not limited to, the appropriate agency employees who are 1648
responsible for the child's care and planning, the child's 1649
parents, any person who had guardianship or legal custody of the 1650
child prior to the custody order, the child's guardian ad litem, 1651
and the child. The court shall summon every interested party to 1652
appear at the review hearing and give them an opportunity to 1653
testify and to present other evidence with respect to the child's 1654
custody arrangement, including, but not limited to, the following: 1655
the case plan for the child, the permanency plan, if one exists; 1656
the actions taken by the child's custodian; the need for a change 1657
in the child's custodian or caseworker; and the need for any 1658
specific action to be taken with respect to the child. The court 1659
shall require any interested party to testify or present other 1660
evidence when necessary to a proper determination of the issues 1661
presented at the review hearing. In any review hearing that 1662
pertains to a permanency plan for a child who will not be returned 1663
to the parent, the court shall consider in-state and out-of-state 1664
placement options and the court shall determine whether the 1665
in-state or the out-of-state placement continues to be appropriate 1666

and in the best interests of the child. In any review hearing that 1667
pertains to a permanency plan for a child, the court or a citizens 1668
board appointed by the court pursuant to division (H) of this 1669
section shall consult with the child, in an age-appropriate 1670
manner, regarding the proposed permanency plan for the child. 1671

(G) After the review hearing, the court shall take the 1672
following actions based upon the evidence presented: 1673

(1) If an administrative review has been conducted, determine 1674
whether the conclusions of the review are supported by a 1675
preponderance of the evidence and approve or modify the case plan 1676
based upon that evidence; 1677

(2) If the hearing was held under division (C) or (E) of this 1678
section, approve a permanency plan for the child that specifies 1679
whether and, if applicable, when the child will be safely returned 1680
home or placed for adoption, for legal custody, or in a planned 1681
permanent living arrangement. A permanency plan approved after a 1682
hearing under division (E) of this section shall not include any 1683
provision requiring the child to be returned to the child's home. 1684

(3) If the child is in temporary custody, do all of the 1685
following: 1686

(a) Determine whether the child can and should be returned 1687
home with or without an order for protective supervision; 1688

(b) If the child can and should be returned home with or 1689
without an order for protective supervision, terminate the order 1690
for temporary custody; 1691

(c) If the child cannot or should not be returned home with 1692
an order for protective supervision, determine whether the agency 1693
currently with custody of the child should retain custody or 1694
whether another public children services agency, private child 1695
placing agency, or an individual should be given custody of the 1696
child. 1697

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 1730
subject of the review hearing, and, if that child is not the 1731
subject of a permanent commitment hearing, the parents of the 1732
child. 1733

(J) If the hearing held under this section takes the place of 1734
an administrative review that otherwise would have been held under 1735
section 2151.416 of the Revised Code, the court at the hearing 1736
held under this section shall do all of the following in addition 1737
to any other requirements of this section: 1738

(1) Determine the continued necessity for and the safety and 1739
appropriateness of the child's placement; 1740

(2) Determine the extent of compliance with the child's case 1741
plan; 1742

(3) Determine the extent of progress that has been made 1743
toward alleviating or mitigating the causes necessitating the 1744
child's placement in foster care; 1745

(4) Project a likely date by which the child may be safely 1746
returned home or placed for adoption or legal custody. 1747

(K)(1) Whenever the court is required to approve a permanency 1748
plan under this section or section 2151.415 of the Revised Code, 1749
the public children services agency or private child placing 1750
agency that filed the complaint in the case, has custody of the 1751
child, or will be given custody of the child shall develop a 1752
permanency plan for the child. The agency must file the plan with 1753
the court prior to the hearing under this section or section 1754
2151.415 of the Revised Code. 1755

(2) The permanency plan developed by the agency must specify 1756
whether and, if applicable, when the child will be safely returned 1757
home or placed for adoption or legal custody. If the agency 1758
determines that there is a compelling reason why returning the 1759
child home or placing the child for adoption or legal custody is 1760

not in the best interest of the child, the plan shall provide that 1761
the child will be placed in a planned permanent living 1762
arrangement. A permanency plan developed as a result of a 1763
determination made under division (A)(2) of section 2151.419 of 1764
the Revised Code may not include any provision requiring the child 1765
to be returned home. 1766

Sec. 2151.419. (A)(1) Except as provided in division (A)(2) 1767
of this section, at any hearing held pursuant to section 2151.28, 1768
division (E) of section 2151.31, or section 2151.314, 2151.33, or 1769
2151.353 of the Revised Code at which the court removes a child 1770
from the child's home or continues the removal of a child from the 1771
child's home, the court shall determine whether the public 1772
children services agency or private child placing agency that 1773
filed the complaint in the case, removed the child from home, has 1774
custody of the child, or will be given custody of the child has 1775
made reasonable efforts to prevent the removal of the child from 1776
the child's home, to eliminate the continued removal of the child 1777
from the child's home, or to make it possible for the child to 1778
return safely home. The agency shall have the burden of proving 1779
that it has made those reasonable efforts. If the agency removed 1780
the child from home during an emergency in which the child could 1781
not safely remain at home and the agency did not have prior 1782
contact with the child, the court is not prohibited, solely 1783
because the agency did not make reasonable efforts during the 1784
emergency to prevent the removal of the child, from determining 1785
that the agency made those reasonable efforts. In determining 1786
whether reasonable efforts were made, the child's health and 1787
safety shall be paramount. 1788

(2) If any of the following apply, the court shall make a 1789
determination that the agency is not required to make reasonable 1790
efforts to prevent the removal of the child from the child's home, 1791
eliminate the continued removal of the child from the child's 1792

home, and return the child to the child's home: 1793

(a) The parent from whom the child was removed has been 1794
convicted of or pleaded guilty to one of the following: 1795

(i) An offense under section 2903.01, 2903.02, or 2903.03 of 1796
the Revised Code or under an existing or former law of this state, 1797
any other state, or the United States that is substantially 1798
equivalent to an offense described in those sections and the 1799
victim of the offense was a sibling of the child or the victim was 1800
another child who lived in the parent's household at the time of 1801
the offense; 1802

(ii) An offense under section 2903.11, 2903.12, or 2903.13 of 1803
the Revised Code or under an existing or former law of this state, 1804
any other state, or the United States that is substantially 1805
equivalent to an offense described in those sections and the 1806
victim of the offense is the child, a sibling of the child, or 1807
another child who lived in the parent's household at the time of 1808
the offense; 1809

(iii) An offense under division (B)(2) of section 2919.22 of 1810
the Revised Code or under an existing or former law of this state, 1811
any other state, or the United States that is substantially 1812
equivalent to the offense described in that section and the child, 1813
a sibling of the child, or another child who lived in the parent's 1814
household at the time of the offense is the victim of the offense; 1815

(iv) An offense under section 2907.02, 2907.03, 2907.04, 1816
2907.05, or 2907.06 of the Revised Code or under an existing or 1817
former law of this state, any other state, or the United States 1818
that is substantially equivalent to an offense described in those 1819
sections and the victim of the offense is the child, a sibling of 1820
the child, or another child who lived in the parent's household at 1821
the time of the offense; 1822

(v) A conspiracy or attempt to commit, or complicity in 1823

committing, an offense described in division (A)(2)(a)(i) or (iv) 1824
of this section. 1825

(b) The parent from whom the child was removed has repeatedly 1826
withheld medical treatment or food from the child when the parent 1827
has the means to provide the treatment or food. If the parent has 1828
withheld medical treatment in order to treat the physical or 1829
mental illness or defect of the child by spiritual means through 1830
prayer alone, in accordance with the tenets of a recognized 1831
religious body, the court or agency shall comply with the 1832
requirements of division (A)(1) of this section. 1833

(c) The parent from whom the child was removed has placed the 1834
child at substantial risk of harm two or more times due to alcohol 1835
or drug abuse and has rejected treatment two or more times or 1836
refused to participate in further treatment two or more times 1837
after a case plan issued pursuant to section 2151.412 of the 1838
Revised Code requiring treatment of the parent was journalized as 1839
part of a dispositional order issued with respect to the child or 1840
an order was issued by any other court requiring such treatment of 1841
the parent. 1842

(d) The parent from whom the child was removed has abandoned 1843
the child. 1844

(e) The parent from whom the child was removed has had 1845
parental rights involuntarily terminated ~~pursuant to section~~ 1846
~~2151.353, 2151.414, or 2151.415 of the Revised Code~~ with respect 1847
to a sibling of the child pursuant to section 2151.353, 2151.414, 1848
or 2151.415 of the Revised Code or under an existing or former law 1849
of this state, any other state, or the United States that is 1850
substantially equivalent to those sections. 1851

(3) At any hearing in which the court determines whether to 1852
return a child to the child's home, the court may issue an order 1853
that returns the child in situations in which the conditions 1854

described in divisions (A)(2)(a) to (e) of this section are 1855
present. 1856

(B)(1) A court that is required to make a determination as 1857
described in division (A)(1) or (2) of this section shall issue 1858
written findings of fact setting forth the reasons supporting its 1859
determination. If the court makes a written determination under 1860
division (A)(1) of this section, it shall briefly describe in the 1861
findings of fact the relevant services provided by the agency to 1862
the family of the child and why those services did not prevent the 1863
removal of the child from the child's home or enable the child to 1864
return safely home. 1865

(2) If a court issues an order that returns the child to the 1866
child's home in situations in which division (A)(2)(a), (b), (c), 1867
(d), or (e) of this section applies, the court shall issue written 1868
findings of fact setting forth the reasons supporting its 1869
determination. 1870

(C) If the court makes a determination pursuant to division 1871
(A)(2) of this section, the court shall conduct a review hearing 1872
pursuant to section 2151.417 of the Revised Code to approve a 1873
permanency plan with respect to the child, unless the court issues 1874
an order returning the child home pursuant to division (A)(3) of 1875
this section. The hearing to approve the permanency plan may be 1876
held immediately following the court's determination pursuant to 1877
division (A)(2) of this section and shall be held no later than 1878
thirty days following that determination. 1879

Sec. 2151.421. (A)(1)(a) No person described in division 1880
(A)(1)(b) of this section who is acting in an official or 1881
professional capacity and knows, or has reasonable cause to 1882
suspect based on facts that would cause a reasonable person in a 1883
similar position to suspect, that a child under eighteen years of 1884
age or a mentally retarded, developmentally disabled, or 1885

physically impaired child under twenty-one years of age has 1886
suffered or faces a threat of suffering any physical or mental 1887
wound, injury, disability, or condition of a nature that 1888
reasonably indicates abuse or neglect of the child shall fail to 1889
immediately report that knowledge or reasonable cause to suspect 1890
to the entity or persons specified in this division. Except as 1891
provided in section 5120.173 of the Revised Code, the person 1892
making the report shall make it to the public children services 1893
agency or a municipal or county peace officer in the county in 1894
which the child resides or in which the abuse or neglect is 1895
occurring or has occurred. In the circumstances described in 1896
section 5120.173 of the Revised Code, the person making the report 1897
shall make it to the entity specified in that section. 1898

(b) Division (A)(1)(a) of this section applies to any person 1899
who is an attorney; physician, including a hospital intern or 1900
resident; dentist; podiatrist; practitioner of a limited branch of 1901
medicine as specified in section 4731.15 of the Revised Code; 1902
registered nurse; licensed practical nurse; visiting nurse; other 1903
health care professional; licensed psychologist; licensed school 1904
psychologist; independent marriage and family therapist or 1905
marriage and family therapist; speech pathologist or audiologist; 1906
coroner; administrator or employee of a child day-care center; 1907
administrator or employee of a residential camp or child day camp; 1908
administrator or employee of a certified child care agency or 1909
other public or private children services agency; school teacher; 1910
school employee; school authority; person engaged in social work 1911
or the practice of professional counseling; agent of a county 1912
humane society; person, other than a cleric, rendering spiritual 1913
treatment through prayer in accordance with the tenets of a 1914
well-recognized religion; employee of a county department of job 1915
and family services who is a professional and who works with 1916
children and families; superintendent, board member, or employee 1917
of a county board of mental retardation; investigative agent 1918

contracted with by a county board of mental retardation; employee 1919
of the department of mental retardation and developmental 1920
disabilities; employee of a facility or home that provides respite 1921
care in accordance with section 5123.171 of the Revised Code; 1922
employee of a home health agency; employee of an entity that 1923
provides homemaker services; a person performing the duties of an 1924
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1925
or third party employed by a public children services agency to 1926
assist in providing child or family related services. 1927

(2) Except as provided in division (A)(3) of this section, an 1928
attorney or a physician is not required to make a report pursuant 1929
to division (A)(1) of this section concerning any communication 1930
the attorney or physician receives from a client or patient in an 1931
attorney-client or physician-patient relationship, if, in 1932
accordance with division (A) or (B) of section 2317.02 of the 1933
Revised Code, the attorney or physician could not testify with 1934
respect to that communication in a civil or criminal proceeding. 1935

(3) The client or patient in an attorney-client or 1936
physician-patient relationship described in division (A)(2) of 1937
this section is deemed to have waived any testimonial privilege 1938
under division (A) or (B) of section 2317.02 of the Revised Code 1939
with respect to any communication the attorney or physician 1940
receives from the client or patient in that attorney-client or 1941
physician-patient relationship, and the attorney or physician 1942
shall make a report pursuant to division (A)(1) of this section 1943
with respect to that communication, if all of the following apply: 1944

(a) The client or patient, at the time of the communication, 1945
is either a child under eighteen years of age or a mentally 1946
retarded, developmentally disabled, or physically impaired person 1947
under twenty-one years of age. 1948

(b) The attorney or physician knows, or has reasonable cause 1949
to suspect based on facts that would cause a reasonable person in 1950

similar position to suspect, as a result of the communication or 1951
any observations made during that communication, that the client 1952
or patient has suffered or faces a threat of suffering any 1953
physical or mental wound, injury, disability, or condition of a 1954
nature that reasonably indicates abuse or neglect of the client or 1955
patient. 1956

(c) The abuse or neglect does not arise out of the client's 1957
or patient's attempt to have an abortion without the notification 1958
of her parents, guardian, or custodian in accordance with section 1959
2151.85 of the Revised Code. 1960

(4)(a) No cleric and no person, other than a volunteer, 1961
designated by any church, religious society, or faith acting as a 1962
leader, official, or delegate on behalf of the church, religious 1963
society, or faith who is acting in an official or professional 1964
capacity, who knows, or has reasonable cause to believe based on 1965
facts that would cause a reasonable person in a similar position 1966
to believe, that a child under eighteen years of age or a mentally 1967
retarded, developmentally disabled, or physically impaired child 1968
under twenty-one years of age has suffered or faces a threat of 1969
suffering any physical or mental wound, injury, disability, or 1970
condition of a nature that reasonably indicates abuse or neglect 1971
of the child, and who knows, or has reasonable cause to believe 1972
based on facts that would cause a reasonable person in a similar 1973
position to believe, that another cleric or another person, other 1974
than a volunteer, designated by a church, religious society, or 1975
faith acting as a leader, official, or delegate on behalf of the 1976
church, religious society, or faith caused, or poses the threat of 1977
causing, the wound, injury, disability, or condition that 1978
reasonably indicates abuse or neglect shall fail to immediately 1979
report that knowledge or reasonable cause to believe to the entity 1980
or persons specified in this division. Except as provided in 1981
section 5120.173 of the Revised Code, the person making the report 1982

shall make it to the public children services agency or a 1983
municipal or county peace officer in the county in which the child 1984
resides or in which the abuse or neglect is occurring or has 1985
occurred. In the circumstances described in section 5120.173 of 1986
the Revised Code, the person making the report shall make it to 1987
the entity specified in that section. 1988

(b) Except as provided in division (A)(4)(c) of this section, 1989
a cleric is not required to make a report pursuant to division 1990
(A)(4)(a) of this section concerning any communication the cleric 1991
receives from a penitent in a cleric-penitent relationship, if, in 1992
accordance with division (C) of section 2317.02 of the Revised 1993
Code, the cleric could not testify with respect to that 1994
communication in a civil or criminal proceeding. 1995

(c) The penitent in a cleric-penitent relationship described 1996
in division (A)(4)(b) of this section is deemed to have waived any 1997
testimonial privilege under division (C) of section 2317.02 of the 1998
Revised Code with respect to any communication the cleric receives 1999
from the penitent in that cleric-penitent relationship, and the 2000
cleric shall make a report pursuant to division (A)(4)(a) of this 2001
section with respect to that communication, if all of the 2002
following apply: 2003

(i) The penitent, at the time of the communication, is either 2004
a child under eighteen years of age or a mentally retarded, 2005
developmentally disabled, or physically impaired person under 2006
twenty-one years of age. 2007

(ii) The cleric knows, or has reasonable cause to believe 2008
based on facts that would cause a reasonable person in a similar 2009
position to believe, as a result of the communication or any 2010
observations made during that communication, the penitent has 2011
suffered or faces a threat of suffering any physical or mental 2012
wound, injury, disability, or condition of a nature that 2013
reasonably indicates abuse or neglect of the penitent. 2014

(iii) The abuse or neglect does not arise out of the 2015
penitent's attempt to have an abortion performed upon a child 2016
under eighteen years of age or upon a mentally retarded, 2017
developmentally disabled, or physically impaired person under 2018
twenty-one years of age without the notification of her parents, 2019
guardian, or custodian in accordance with section 2151.85 of the 2020
Revised Code. 2021

(d) Divisions (A)(4)(a) and (c) of this section do not apply 2022
in a cleric-penitent relationship when the disclosure of any 2023
communication the cleric receives from the penitent is in 2024
violation of the sacred trust. 2025

(e) As used in divisions (A)(1) and (4) of this section, 2026
"cleric" and "sacred trust" have the same meanings as in section 2027
2317.02 of the Revised Code. 2028

(B) Anyone who knows, or has reasonable cause to suspect 2029
based on facts that would cause a reasonable person in similar 2030
circumstances to suspect, that a child under eighteen years of age 2031
or a mentally retarded, developmentally disabled, or physically 2032
impaired person under twenty-one years of age has suffered or 2033
faces a threat of suffering any physical or mental wound, injury, 2034
disability, or other condition of a nature that reasonably 2035
indicates abuse or neglect of the child may report or cause 2036
reports to be made of that knowledge or reasonable cause to 2037
suspect to the entity or persons specified in this division. 2038
Except as provided in section 5120.173 of the Revised Code, a 2039
person making a report or causing a report to be made under this 2040
division shall make it or cause it to be made to the public 2041
children services agency or to a municipal or county peace 2042
officer. In the circumstances described in section 5120.173 of the 2043
Revised Code, a person making a report or causing a report to be 2044
made under this division shall make it or cause it to be made to 2045
the entity specified in that section. 2046

(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 2078
report shall refer the report to the appropriate public children 2079
services agency. 2080

(2) When a public children services agency receives a report 2081
pursuant to this division or division (A) or (B) of this section, 2082
upon receipt of the report, the public children services agency 2083
shall do both of the following: 2084

(a) Comply with section 2151.422 of the Revised Code; 2085

(b) If the county served by the agency is also served by a 2086
children's advocacy center and the report alleges sexual abuse of 2087
a child or another type of abuse of a child that is specified in 2088
the memorandum of understanding that creates the center as being 2089
within the center's jurisdiction, comply regarding the report with 2090
the protocol and procedures for referrals and investigations, with 2091
the coordinating activities, and with the authority or 2092
responsibility for performing or providing functions, activities, 2093
and services stipulated in the interagency agreement entered into 2094
under section 2151.428 of the Revised Code relative to that 2095
center. 2096

(E) No township, municipal, or county peace officer shall 2097
remove a child about whom a report is made pursuant to this 2098
section from the child's parents, stepparents, or guardian or any 2099
other persons having custody of the child without consultation 2100
with the public children services agency, unless, in the judgment 2101
of the officer, and, if the report was made by physician, the 2102
physician, immediate removal is considered essential to protect 2103
the child from further abuse or neglect. The agency that must be 2104
consulted shall be the agency conducting the investigation of the 2105
report as determined pursuant to section 2151.422 of the Revised 2106
Code. 2107

(F)(1) Except as provided in section 2151.422 of the Revised 2108

Code or in an interagency agreement entered into under section 2109
2151.428 of the Revised Code that applies to the particular 2110
report, the public children services agency shall investigate, 2111
within twenty-four hours, each report of child abuse or child 2112
neglect that is known or reasonably suspected or believed to have 2113
occurred and of a threat of child abuse or child neglect that is 2114
known or reasonably suspected or believed to exist that is 2115
referred to it under this section to determine the circumstances 2116
surrounding the injuries, abuse, or neglect or the threat of 2117
injury, abuse, or neglect, the cause of the injuries, abuse, 2118
neglect, or threat, and the person or persons responsible. The 2119
investigation shall be made in cooperation with the law 2120
enforcement agency and in accordance with the memorandum of 2121
understanding prepared under division (J) of this section. A 2122
representative of the public children services agency shall, at 2123
the time of initial contact with the person subject to the 2124
investigation, inform the person of the specific complaints or 2125
allegations made against the person. The information shall be 2126
given in a manner that is consistent with division (H)(1) of this 2127
section and protects the rights of the person making the report 2128
under this section. 2129

A failure to make the investigation in accordance with the 2130
memorandum is not grounds for, and shall not result in, the 2131
dismissal of any charges or complaint arising from the report or 2132
the suppression of any evidence obtained as a result of the report 2133
and does not give, and shall not be construed as giving, any 2134
rights or any grounds for appeal or post-conviction relief to any 2135
person. The public children services agency shall report each case 2136
to the uniform statewide automated child welfare information 2137
system that the department of job and family services shall 2138
maintain in accordance with section 5101.13 of the Revised Code. 2139
The public children services agency shall submit a report of its 2140
investigation, in writing, to the law enforcement agency. 2141

(2) The public children services agency shall make any 2142
recommendations to the county prosecuting attorney or city 2143
director of law that it considers necessary to protect any 2144
children that are brought to its attention. 2145

(G)(1)(a) Except as provided in division (H)(3) of this 2146
section, anyone or any hospital, institution, school, health 2147
department, or agency participating in the making of reports under 2148
division (A) of this section, anyone or any hospital, institution, 2149
school, health department, or agency participating in good faith 2150
in the making of reports under division (B) of this section, and 2151
anyone participating in good faith in a judicial proceeding 2152
resulting from the reports, shall be immune from any civil or 2153
criminal liability for injury, death, or loss to person or 2154
property that otherwise might be incurred or imposed as a result 2155
of the making of the reports or the participation in the judicial 2156
proceeding. 2157

(b) Notwithstanding section 4731.22 of the Revised Code, the 2158
physician-patient privilege shall not be a ground for excluding 2159
evidence regarding a child's injuries, abuse, or neglect, or the 2160
cause of the injuries, abuse, or neglect in any judicial 2161
proceeding resulting from a report submitted pursuant to this 2162
section. 2163

(2) In any civil or criminal action or proceeding in which it 2164
is alleged and proved that participation in the making of a report 2165
under this section was not in good faith or participation in a 2166
judicial proceeding resulting from a report made under this 2167
section was not in good faith, the court shall award the 2168
prevailing party reasonable attorney's fees and costs and, if a 2169
civil action or proceeding is voluntarily dismissed, may award 2170
reasonable attorney's fees and costs to the party against whom the 2171
civil action or proceeding is brought. 2172

(H)(1) Except as provided in divisions (H)(4) and (M) of this 2173

section, a report made under this section is confidential. The 2174
information provided in a report made pursuant to this section and 2175
the name of the person who made the report shall not be released 2176
for use, and shall not be used, as evidence in any civil action or 2177
proceeding brought against the person who made the report. In a 2178
criminal proceeding, the report is admissible in evidence in 2179
accordance with the Rules of Evidence and is subject to discovery 2180
in accordance with the Rules of Criminal Procedure. 2181

(2) No person shall permit or encourage the unauthorized 2182
dissemination of the contents of any report made under this 2183
section. 2184

(3) A person who knowingly makes or causes another person to 2185
make a false report under division (B) of this section that 2186
alleges that any person has committed an act or omission that 2187
resulted in a child being an abused child or a neglected child is 2188
guilty of a violation of section 2921.14 of the Revised Code. 2189

(4) If a report is made pursuant to division (A) or (B) of 2190
this section and the child who is the subject of the report dies 2191
for any reason at any time after the report is made, but before 2192
the child attains eighteen years of age, the public children 2193
services agency or municipal or county peace officer to which the 2194
report was made or referred, on the request of the child fatality 2195
review board, shall submit a summary sheet of information 2196
providing a summary of the report to the review board of the 2197
county in which the deceased child resided at the time of death. 2198
On the request of the review board, the agency or peace officer 2199
may, at its discretion, make the report available to the review 2200
board. If the county served by the public children services agency 2201
is also served by a children's advocacy center and the report of 2202
alleged sexual abuse of a child or another type of abuse of a 2203
child is specified in the memorandum of understanding that creates 2204
the center as being within the center's jurisdiction, the agency 2205

or center shall perform the duties and functions specified in this 2206
division in accordance with the interagency agreement entered into 2207
under section 2151.428 of the Revised Code relative to that 2208
advocacy center. 2209

(5) A public children services agency shall advise a person 2210
alleged to have inflicted abuse or neglect on a child who is the 2211
subject of a report made pursuant to this section, including a 2212
report alleging sexual abuse of a child or another type of abuse 2213
of a child referred to a children's advocacy center pursuant to an 2214
interagency agreement entered into under section 2151.428 of the 2215
Revised Code, in writing of the disposition of the investigation. 2216
The agency shall not provide to the person any information that 2217
identifies the person who made the report, statements of 2218
witnesses, or police or other investigative reports. 2219

(I) Any report that is required by this section, other than a 2220
report that is made to the state highway patrol as described in 2221
section 5120.173 of the Revised Code, shall result in protective 2222
services and emergency supportive services being made available by 2223
the public children services agency on behalf of the children 2224
about whom the report is made, in an effort to prevent further 2225
neglect or abuse, to enhance their welfare, and, whenever 2226
possible, to preserve the family unit intact. The agency required 2227
to provide the services shall be the agency conducting the 2228
investigation of the report pursuant to section 2151.422 of the 2229
Revised Code. 2230

(J)(1) Each public children services agency shall prepare a 2231
memorandum of understanding that is signed by all of the 2232
following: 2233

(a) If there is only one juvenile judge in the county, the 2234
juvenile judge of the county or the juvenile judge's 2235
representative; 2236

(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 2267
officials is not grounds for, and shall not result in, the 2268
dismissal of any charges or complaint arising from any reported 2269
case of abuse or neglect or the suppression of any evidence 2270
obtained as a result of any reported child abuse or child neglect 2271
and does not give, and shall not be construed as giving, any 2272
rights or any grounds for appeal or post-conviction relief to any 2273
person. 2274

(3) A memorandum of understanding shall include all of the 2275
following: 2276

(a) The roles and responsibilities for handling emergency and 2277
nonemergency cases of abuse and neglect; 2278

(b) Standards and procedures to be used in handling and 2279
coordinating investigations of reported cases of child abuse and 2280
reported cases of child neglect, methods to be used in 2281
interviewing the child who is the subject of the report and who 2282
allegedly was abused or neglected, and standards and procedures 2283
addressing the categories of persons who may interview the child 2284
who is the subject of the report and who allegedly was abused or 2285
neglected. 2286

(4) If a public children services agency participated in the 2287
execution of a memorandum of understanding under section 2151.426 2288
of the Revised Code establishing a children's advocacy center, the 2289
agency shall incorporate the contents of that memorandum in the 2290
memorandum prepared pursuant to this section. 2291

(5) The clerk of the court of common pleas in the county may 2292
sign the memorandum of understanding prepared under division 2293
(J)(1) of this section. If the clerk signs the memorandum of 2294
understanding, the clerk shall execute all relevant 2295
responsibilities as required of officials specified in the 2296
memorandum. 2297

(K)(1) Except as provided in division (K)(4) of this section, 2298
a person who is required to make a report pursuant to division (A) 2299
of this section may make a reasonable number of requests of the 2300
public children services agency that receives or is referred the 2301
report, or of the children's advocacy center that is referred the 2302
report if the report is referred to a children's advocacy center 2303
pursuant to an interagency agreement entered into under section 2304
2151.428 of the Revised Code, to be provided with the following 2305
information: 2306

(a) Whether the agency or center has initiated an 2307
investigation of the report; 2308

(b) Whether the agency or center is continuing to investigate 2309
the report; 2310

(c) Whether the agency or center is otherwise involved with 2311
the child who is the subject of the report; 2312

(d) The general status of the health and safety of the child 2313
who is the subject of the report; 2314

(e) Whether the report has resulted in the filing of a 2315
complaint in juvenile court or of criminal charges in another 2316
court. 2317

(2) A person may request the information specified in 2318
division (K)(1) of this section only if, at the time the report is 2319
made, the person's name, address, and telephone number are 2320
provided to the person who receives the report. 2321

When a municipal or county peace officer or employee of a 2322
public children services agency receives a report pursuant to 2323
division (A) or (B) of this section the recipient of the report 2324
shall inform the person of the right to request the information 2325
described in division (K)(1) of this section. The recipient of the 2326
report shall include in the initial child abuse or child neglect 2327
report that the person making the report was so informed and, if 2328

provided at the time of the making of the report, shall include 2329
the person's name, address, and telephone number in the report. 2330

Each request is subject to verification of the identity of 2331
the person making the report. If that person's identity is 2332
verified, the agency shall provide the person with the information 2333
described in division (K)(1) of this section a reasonable number 2334
of times, except that the agency shall not disclose any 2335
confidential information regarding the child who is the subject of 2336
the report other than the information described in those 2337
divisions. 2338

(3) A request made pursuant to division (K)(1) of this 2339
section is not a substitute for any report required to be made 2340
pursuant to division (A) of this section. 2341

(4) If an agency other than the agency that received or was 2342
referred the report is conducting the investigation of the report 2343
pursuant to section 2151.422 of the Revised Code, the agency 2344
conducting the investigation shall comply with the requirements of 2345
division (K) of this section. 2346

(L) The director of job and family services shall adopt rules 2347
in accordance with Chapter 119. of the Revised Code to implement 2348
this section. The department of job and family services may enter 2349
into a plan of cooperation with any other governmental entity to 2350
aid in ensuring that children are protected from abuse and 2351
neglect. The department shall make recommendations to the attorney 2352
general that the department determines are necessary to protect 2353
children from child abuse and child neglect. 2354

(M)(1) As used in this division: 2355

(a) "Out-of-home care" includes a nonchartered nonpublic 2356
school if the alleged child abuse or child neglect, or alleged 2357
threat of child abuse or child neglect, described in a report 2358
received by a public children services agency allegedly occurred 2359

in or involved the nonchartered nonpublic school and the alleged 2360
perpetrator named in the report holds a certificate, permit, or 2361
license issued by the state board of education under section 2362
3301.071 or Chapter 3319. of the Revised Code. 2363

(b) "Administrator, director, or other chief administrative 2364
officer" means the superintendent of the school district if the 2365
out-of-home care entity subject to a report made pursuant to this 2366
section is a school operated by the district. 2367

(2) No later than the end of the day following the day on 2368
which a public children services agency receives a report of 2369
alleged child abuse or child neglect, or a report of an alleged 2370
threat of child abuse or child neglect, that allegedly occurred in 2371
or involved an out-of-home care entity, the agency shall provide 2372
written notice of the allegations contained in and the person 2373
named as the alleged perpetrator in the report to the 2374
administrator, director, or other chief administrative officer of 2375
the out-of-home care entity that is the subject of the report 2376
unless the administrator, director, or other chief administrative 2377
officer is named as an alleged perpetrator in the report. If the 2378
administrator, director, or other chief administrative officer of 2379
an out-of-home care entity is named as an alleged perpetrator in a 2380
report of alleged child abuse or child neglect, or a report of an 2381
alleged threat of child abuse or child neglect, that allegedly 2382
occurred in or involved the out-of-home care entity, the agency 2383
shall provide the written notice to the owner or governing board 2384
of the out-of-home care entity that is the subject of the report. 2385
The agency shall not provide witness statements or police or other 2386
investigative reports. 2387

(3) No later than three days after the day on which a public 2388
children services agency that conducted the investigation as 2389
determined pursuant to section 2151.422 of the Revised Code makes 2390
a disposition of an investigation involving a report of alleged 2391

child abuse or child neglect, or a report of an alleged threat of 2392
child abuse or child neglect, that allegedly occurred in or 2393
involved an out-of-home care entity, the agency shall send written 2394
notice of the disposition of the investigation to the 2395
administrator, director, or other chief administrative officer and 2396
the owner or governing board of the out-of-home care entity. The 2397
agency shall not provide witness statements or police or other 2398
investigative reports. 2399

Sec. 2151.424. (A) If a child has been placed in a certified 2400
foster home or is in the custody of a relative of the child, other 2401
than a parent of the child, a court, prior to conducting any 2402
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 2403
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 2404
or 2151.417 of the Revised Code with respect to the child, shall 2405
notify the foster caregiver or relative of the date, time, and 2406
place of the hearing. At the hearing, the foster caregiver or 2407
relative ~~may~~ shall have the right to present evidence. 2408

(B) If a public children services agency or private child 2409
placing agency has permanent custody of a child and a petition to 2410
adopt the child has been filed under Chapter 3107. of the Revised 2411
Code, the agency, prior to conducting a review under section 2412
2151.416 of the Revised Code, or a court, prior to conducting a 2413
hearing under division (E)(2) or (3) of section 2151.412 or 2414
section 2151.416 or 2151.417 of the Revised Code, shall notify the 2415
prospective adoptive parent of the date, time, and place of the 2416
review or hearing. At the review or hearing, the prospective 2417
adoptive parent ~~may~~ shall have the right to present evidence. 2418

(C) The notice and the opportunity to present evidence do not 2419
make the foster caregiver, relative, or prospective adoptive 2420
parent a party in the action or proceeding pursuant to which the 2421
review or hearing is conducted. 2422

Sec. 2151.55. (A) When a private or governmental entity 2423
intends to place a child in a certified foster home in a county 2424
other than the county in which the child resided at the time of 2425
being removed from home, a representative of the placing entity, 2426
prior to the placement, shall orally communicate in writing the 2427
intended placement to the foster caregiver with whom the child is 2428
to be placed and, if the child will attend the schools of the 2429
district in which the certified foster home is located, a 2430
representative of the school district's board of education to all 2431
of the following persons: 2432

(1) The superintendent of each board of education of a school 2433
district that has schools within the specified geographical 2434
notification area; 2435

(2) The appointing or hiring officer of each chartered 2436
nonpublic school or each other school that is located within the 2437
specified geographical notification area and that is not operated 2438
by a board of education described in division (A)(1) of this 2439
section; 2440

(3) The sheriff of each county that includes any portion of 2441
the specified geographical notification area; 2442

(4) The chief of police, marshal, or other chief law 2443
enforcement officer of the municipal corporation in which the 2444
foster home is located or, if the foster home is located in an 2445
unincorporated area, the constable or chief of the police 2446
department or police district police force of the township in 2447
which the foster home is located. 2448

(B) As used in division (A) of this section, "specified 2449
geographical notification area" means the geographic area or areas 2450
within which the attorney general, by rule adopted under section 2451
2950.13 of the Revised Code, requires the notice described in 2452
division (B) of section 2950.11 of the Revised Code to be given to 2453

the persons identified in divisions (A)(2) to (8) of that section, 2454
except that any references made in a rule so adopted to a specific 2455
proximity to an offender's or delinquent child's residential 2456
premises shall be considered for purposes of division (A) of this 2457
section to be references to the same specific proximity to the 2458
premises of the foster home. 2459

Sec. 2151.551. ~~During~~ In the ~~oral~~ written communication 2460
described in section 2151.55 of the Revised Code, the 2461
representative of the placing entity shall do the following: 2462

(A) Discuss safety and well-being concerns regarding the 2463
child and, if the child attends school, the students, teachers, 2464
and personnel of the school; 2465

(B) Provide the following information: 2466

(1) The child's name and age; 2467

(2) A brief description of the reasons the child was removed 2468
from home; 2469

~~(2)~~(3) Services the child is receiving; 2470

~~(3)~~(4) The name of the contact person for the placing entity 2471
that is directly responsible for monitoring the child's placement; 2472

~~(4)~~(5) The telephone number of the placing entity and, if the 2473
child is in the temporary, permanent, or legal custody of a 2474
private or government entity other than the placing entity, the 2475
telephone number of the entity with custody; 2476

~~(5)~~(6) The previous school district attended by the child; 2477

~~(6)~~(7) The last known address of the child's parents. 2478

(C) If the child has been classified treatment level III or 2479
has been adjudicated a delinquent child for committing an act that 2480
if committed by an adult would be a felony, in addition to the 2481
discussion and provision of information required under divisions 2482

(A) and (B) of this section, provide the address of the certified foster home, the name and a telephone number of a contact person at that home, and a statement that the home is a treatment foster home, provide a brief description of the facts supporting the classification of the child as treatment level III or of the facts and circumstances of the act resulting in the delinquent child adjudication, and discuss safety and well-being concerns with respect to the child and the community.

Sec. ~~2151.553~~ 2151.552. Each school district board of education shall implement a procedure for receiving the information described in section ~~2151.552~~ 2151.551 of the Revised Code. The procedure implemented under this section shall contain safeguards to ensure the confidentiality of the information provided.

Sec. ~~2151.554~~ 2151.553. When a private or governmental entity places a child who has been adjudicated to be an unruly or delinquent child in a certified foster home ~~in a county other than the county in which the child resided at the time of being removed from home~~, the placing entity shall provide the following information in writing to the juvenile court of the county in which the certified foster home is located, unless that juvenile court is the court of jurisdiction in the child's case:

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

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

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

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

Sec. 2151.554. (A) Any information, document, written or oral statement, or report provided by a private or governmental entity pursuant to sections 2151.55 to 2151.553 of the Revised Code is confidential and is not a public record open to public inspection under section 149.43 of the Revised Code.

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

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

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

(3) Before a recommending agency submits a recommendation to 2543
the department of job and family services on whether the 2544
department should issue a certificate to a foster home under 2545
section 5103.03 of the Revised Code, and every four years 2546
thereafter prior to a recertification under that section, the 2547
administrative director of the agency shall request that the 2548
superintendent of BCII conduct a criminal records check with 2549
respect to the prospective foster caregiver and a criminal records 2550
check with respect to all other persons eighteen years of age or 2551
older who reside with the foster caregiver. 2552

(B)(1) If a person subject to a criminal records check under 2553
division (A)(1) of this section does not present proof that the 2554
person has been a resident of this state for the five-year period 2555
immediately prior to the date upon which the criminal records 2556
check is requested or does not provide evidence that within that 2557
five-year period the superintendent of BCII has requested 2558
information about the person from the federal bureau of 2559
investigation in a criminal records check, the appointing or 2560
hiring officer, ~~administrative director, or attorney~~ shall request 2561
that the superintendent of BCII obtain information from the 2562
federal bureau of investigation as a part of the criminal records 2563
check, including fingerprint based checks of national crime 2564
information databases as described in 42 U.S.C. 671. If ~~the a~~ 2565
person subject to ~~the a~~ criminal records check under division 2566
(A)(1) of this section presents proof that the person has been a 2567
resident of this state for that five-year period, the appointing 2568
or hiring officer, director, or attorney may request that the 2569
superintendent of BCII include information from the federal bureau 2570
of investigation in the criminal records check, including 2571
fingerprint based checks of national crime information databases 2572
as described in 42 U.S.C. 671. 2573

When the administrative director of an agency, or attorney, 2574

who arranges an adoption for a prospective parent requests, at the 2575
time of the initial home study, a criminal records check for a 2576
person pursuant to division (A)(2) of this section, the 2577
administrative director or attorney shall request that the 2578
superintendent of BCII obtain information from the federal bureau 2579
of investigation as part of the criminal records check, including 2580
fingerprint based checks of national crime information databases 2581
as described in 42 U.S.C. 671, for the person subject to the 2582
criminal records check. In all other cases in which the 2583
administrative director of an agency, or attorney, who arranges an 2584
adoption for a prospective parent requests a criminal records 2585
check for a person pursuant to division (A)(2) of this section, 2586
the administrative director or attorney may request that the 2587
superintendent of BCII include information from the federal bureau 2588
of investigation in the criminal records check, including 2589
fingerprint based checks of national crime information databases 2590
as described in 42 U.S.C. 671. 2591

When the administrative director of a recommending agency 2592
requests, before submitting a recommendation to the department of 2593
job and family services on whether the department should issue a 2594
certificate to a foster home under section 5103.03 of the Revised 2595
Code, a criminal records check for a person pursuant to division 2596
(A)(3) of this section, the administrative director shall request 2597
that the superintendent of BCII obtain information from the 2598
federal bureau of investigation as part of a criminal records 2599
check, including fingerprint based checks of national crime 2600
information databases as described in 42 U.S.C. 671, for the 2601
person subject to the criminal records check. In all other cases 2602
in which the administrative director of a recommending agency 2603
requests a criminal records check for a person pursuant to 2604
division (A)(3) of this section, the administrative director may 2605
request that the superintendent of BCII include information from 2606
the federal bureau of investigation in the criminal records check, 2607

including fingerprint based checks of national crime information 2608
databases as described in 42 U.S.C. 671. 2609

(2) An appointing or hiring officer, administrative director, 2610
or attorney required by division (A) of this section to request a 2611
criminal records check shall provide to each person subject to a 2612
criminal records check a copy of the form prescribed pursuant to 2613
division (C)(1) of section 109.572 of the Revised Code and a 2614
standard impression sheet to obtain fingerprint impressions 2615
prescribed pursuant to division (C)(2) of section 109.572 of the 2616
Revised Code, obtain the completed form and impression sheet from 2617
the person, and forward the completed form and impression sheet to 2618
the superintendent of BCII at the time the criminal records check 2619
is requested. 2620

Any person subject to a criminal records check who receives 2621
pursuant to this division a copy of the form prescribed pursuant 2622
to division (C)(1) of section 109.572 of the Revised Code and a 2623
copy of an impression sheet prescribed pursuant to division (C)(2) 2624
of that section and who is requested to complete the form and 2625
provide a set of fingerprint impressions shall complete the form 2626
or provide all the information necessary to complete the form and 2627
shall provide the impression sheet with the impressions of the 2628
person's fingerprints. If a person subject to a criminal records 2629
check, upon request, fails to provide the information necessary to 2630
complete the form or fails to provide impressions of the person's 2631
fingerprints, the appointing or hiring officer shall not appoint 2632
or employ the person as a person responsible for a child's care in 2633
out-of-home care, a probate court may not issue a final decree of 2634
adoption or an interlocutory order of adoption making the person 2635
an adoptive parent, and the department of job and family services 2636
shall not issue a certificate authorizing the prospective foster 2637
caregiver to operate a foster home. 2638

(C)(1) No appointing or hiring officer shall appoint or 2639

employ a person as a person responsible for a child's care in 2640
out-of-home care, the department of job and family services shall 2641
not issue a certificate under section 5103.03 of the Revised Code 2642
authorizing a prospective foster caregiver to operate a foster 2643
home, and no probate court shall issue a final decree of adoption 2644
or an interlocutory order of adoption making a person an adoptive 2645
parent if the person or, in the case of a prospective foster 2646
caregiver or prospective adoptive parent, any person eighteen 2647
years of age or older who resides with the prospective foster 2648
caregiver or prospective adoptive parent previously has been 2649
convicted of or pleaded guilty to any of the ~~following violations~~ 2650
described in division (A)(8) of section 109.572 of the Revised 2651
Code, unless the person meets rehabilitation standards established 2652
in rules adopted under division (F) of this section~~:-~~. 2653

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 2654
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 2655
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 2656
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 2657
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,~~ 2658
~~2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,~~ 2659
~~2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,~~ 2660
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 2661
~~violation of section 2905.04 of the Revised Code as it existed~~ 2662
~~prior to July 1, 1996, a violation of section 2919.23 of the~~ 2663
~~Revised Code that would have been a violation of section 2905.04~~ 2664
~~of the Revised Code as it existed prior to July 1, 1996, had the~~ 2665
~~violation been committed prior to that date, a violation of~~ 2666
~~section 2925.11 of the Revised Code that is not a minor drug~~ 2667
~~possession offense, or felonious sexual penetration in violation~~ 2668
~~of former section 2907.12 of the Revised Code;~~ 2669

~~(b) A violation of an existing or former law of this state,~~ 2670
~~any other state, or the United States that is substantially~~ 2671

~~equivalent to any of the offenses described in division (C)(1)(a)~~ 2672
~~of this section.~~ 2673

(2) The appointing or hiring officer may appoint or employ a 2674
person as a person responsible for a child's care in out-of-home 2675
care conditionally until the criminal records check required by 2676
this section is completed and the officer receives the results of 2677
the criminal records check. If the results of the criminal records 2678
check indicate that, pursuant to division (C)(1) of this section, 2679
the person subject to the criminal records check does not qualify 2680
for appointment or employment, the officer shall release the 2681
person from appointment or employment. 2682

(3) Prior to certification or recertification under section 2683
5103.03 of the Revised Code, the prospective foster caregiver 2684
subject to a criminal records check under division (A)(3) of this 2685
section shall notify the recommending agency of the revocation of 2686
any foster home license, certificate, or other similar 2687
authorization in another state occurring within the five years 2688
prior to the date of application to become a foster caregiver in 2689
this state. The failure of a prospective foster caregiver to 2690
notify the recommending agency of any revocation of that type in 2691
another state that occurred within that five-year period shall be 2692
grounds for denial of the person's foster home application or the 2693
revocation of the person's foster home certification, whichever is 2694
applicable. If a person has had a revocation in another state 2695
within the five years prior to the date of the application, the 2696
department of job and family services shall not issue a foster 2697
home certificate to the prospective foster caregiver. 2698

(D) The appointing or hiring officer, administrative 2699
director, or attorney shall pay to the bureau of criminal 2700
identification and investigation the fee prescribed pursuant to 2701
division (C)(3) of section 109.572 of the Revised Code for each 2702
criminal records check conducted in accordance with that section 2703

upon a request pursuant to division (A) of this section. The 2704
officer, director, or attorney may charge the person subject to 2705
the criminal records check a fee for the costs the officer, 2706
director, or attorney incurs in obtaining the criminal records 2707
check. A fee charged under this division shall not exceed the 2708
amount of fees the officer, director, or attorney pays for the 2709
criminal records check. If a fee is charged under this division, 2710
the officer, director, or attorney shall notify the person who is 2711
the applicant at the time of the person's initial application for 2712
appointment or employment, an adoption to be arranged, or a 2713
certificate to operate a foster home of the amount of the fee and 2714
that, unless the fee is paid, the person who is the applicant will 2715
not be considered for appointment or employment or as an adoptive 2716
parent or foster caregiver. 2717

(E) The report of any criminal records check conducted by the 2718
bureau of criminal identification and investigation in accordance 2719
with section 109.572 of the Revised Code and pursuant to a request 2720
made under division (A) of this section is not a public record for 2721
the purposes of section 149.43 of the Revised Code and shall not 2722
be made available to any person other than the following: 2723

(1) The person who is the subject of the criminal records 2724
check or the person's representative; ~~the~~ 2725

(2) The appointing or hiring officer, administrative 2726
director, or attorney requesting the criminal records check or the 2727
officer's, director's, or attorney's representative; ~~the~~ 2728

(3) The department of job and family services ~~or, a county~~ 2729
department of job and family services, or a public children 2730
services agency; and any 2731

(4) Any court, hearing officer, or other necessary individual 2732
involved in a case dealing with the denial of employment, a final 2733
decree of adoption or interlocutory order of adoption, or a foster 2734

home certificate. 2735

(F) The director of job and family services shall adopt rules 2736
in accordance with Chapter 119. of the Revised Code to implement 2737
this section. The rules shall include rehabilitation standards a 2738
person who has been convicted of or pleaded guilty to an offense 2739
listed in division ~~(C)(1) of this section~~ (A)(8) of section 2740
109.572 of the Revised Code must meet for an appointing or hiring 2741
officer to appoint or employ the person as a person responsible 2742
for a child's care in out-of-home care, a probate court to issue a 2743
final decree of adoption or interlocutory order of adoption making 2744
the person an adoptive parent, or the department to issue a 2745
certificate authorizing the prospective foster caregiver to 2746
operate a foster home or not revoke a foster home certificate for 2747
a violation specified in section 5103.0328 of the Revised Code. 2748

(G) An appointing or hiring officer, administrative director, 2749
or attorney required by division (A) of this section to request a 2750
criminal records check shall inform each person who is the 2751
applicant, at the time of the person's initial application for 2752
appointment or employment, an adoption to be arranged, or a foster 2753
home certificate, that the person subject to the criminal records 2754
check is required to provide a set of impressions of the person's 2755
fingerprints and that a criminal records check is required to be 2756
conducted and satisfactorily completed in accordance with section 2757
109.572 of the Revised Code. 2758

(H) The department of job and family services may waive the 2759
requirement that a criminal records check based on fingerprints be 2760
conducted for an adult resident of a prospective adoptive or 2761
foster home or the home of a foster caregiver if the recommending 2762
agency documents to the department's satisfaction that the adult 2763
resident is physically unable to comply with the fingerprinting 2764
requirement and poses no danger to foster children or adoptive 2765
children who may be placed in the home. In such cases, the 2766

recommending or approving agency shall request that the bureau of 2767
criminal identification and investigation conduct a criminal 2768
records check using the person's name and social security number. 2769

(I) As used in this section: 2770

(1) "Children's hospital" means any of the following: 2771

(a) A hospital registered under section 3701.07 of the 2772
Revised Code that provides general pediatric medical and surgical 2773
care, and in which at least seventy-five per cent of annual 2774
inpatient discharges for the preceding two calendar years were 2775
individuals less than eighteen years of age; 2776

(b) A distinct portion of a hospital registered under section 2777
3701.07 of the Revised Code that provides general pediatric 2778
medical and surgical care, has a total of at least one hundred 2779
fifty registered pediatric special care and pediatric acute care 2780
beds, and in which at least seventy-five per cent of annual 2781
inpatient discharges for the preceding two calendar years were 2782
individuals less than eighteen years of age; 2783

(c) A distinct portion of a hospital, if the hospital is 2784
registered under section 3701.07 of the Revised Code as a 2785
children's hospital and the children's hospital meets all the 2786
requirements of division (I)~~(3)~~(1)(a) of this section. 2787

(2) "Criminal records check" has the same meaning as in 2788
section 109.572 of the Revised Code. 2789

~~(3) "Minor drug possession offense" has the same meaning as~~ 2790
~~in section 2925.01 of the Revised Code.~~ 2791

~~(4)~~ "Person responsible for a child's care in out-of-home 2792
care" has the same meaning as in section 2151.011 of the Revised 2793
Code, except that it does not include a prospective employee of 2794
the department of youth services or a person responsible for a 2795
child's care in a hospital or medical clinic other than a 2796

children's hospital. 2797

~~(5)~~(4) "Person subject to a criminal records check" means the 2798
following: 2799

(a) A person who is under final consideration for appointment 2800
or employment as a person responsible for a child's care in 2801
out-of-home care; 2802

(b) A prospective adoptive parent; 2803

(c) A prospective foster caregiver; 2804

(d) A person eighteen years old or older who resides with a 2805
prospective foster caregiver or a prospective adoptive parent. 2806

~~(6)~~(5) "Recommending agency" means a public children services 2807
agency, private child placing agency, or private noncustodial 2808
agency to which the department of job and family services has 2809
delegated a duty to inspect and approve foster homes. 2810

~~(7)~~(6) "Superintendent of BCII" means the superintendent of 2811
the bureau of criminal identification and investigation. 2812

Sec. 2301.10. (A) If a sheriff or chief of police has not 2813
taken, or caused to be taken, a person's or child's fingerprints 2814
in accordance with division (A)(1) of section 109.60 of the 2815
Revised Code with respect to a crime or act set forth in that 2816
division by the time of the arraignment or first appearance of the 2817
person or child with respect to that crime or act, the court of 2818
common pleas shall order the person or child to appear before the 2819
sheriff or chief of police within twenty-four hours of the 2820
arraignment or first appearance to have the person's or child's 2821
fingerprints taken as provided in division (A)(2) of section 2822
109.60 of the Revised Code. 2823

(B) If the court of common pleas has jurisdiction over a case 2824
involving a person or child with respect to whom division (A)(1) 2825
or (2) of section 109.60 of the Revised Code requires a sheriff or 2826

chief of police to take the person's or child's fingerprints, the 2827
court of common pleas shall inquire at the time of the person's or 2828
child's sentencing or adjudication for the crime or act for which 2829
the fingerprints were required to be taken whether or not the 2830
person or child has been fingerprinted pursuant to division (A)(1) 2831
or (2) of section 109.60 of the Revised Code for the original 2832
arrest or court appearance upon which the sentence or adjudication 2833
is based. If a person or child was not fingerprinted for the 2834
original arrest or court appearance, the court of common pleas 2835
shall order the person or child to appear before the sheriff or 2836
chief of police within twenty-four hours to have the person's or 2837
child's fingerprints taken as provided in division (A)(3) of 2838
section 109.60 of the Revised Code. 2839

Sec. 3107.033. Not later than January 1, 2008, the director 2840
of job and family services shall adopt rules in accordance with 2841
Chapter 119. of the Revised Code specifying both of the following: 2842
2843

(A) The manner in which a home study is to be conducted and 2844
the information and documents to be included in a home study 2845
report, which shall include, pursuant to section 3107.034 of the 2846
Revised Code, a summary report of a search of the uniform 2847
statewide automated child welfare information system established 2848
in section 5101.13 of the Revised Code and a report of a check of 2849
a central registry of another state if a request for a check of a 2850
central registry of another state is required under division (A) 2851
of section 3107.034 of the Revised Code; 2852

(B) A procedure under which a person whose application for 2853
adoption has been denied as a result of a search of the uniform 2854
statewide automated child welfare information system established 2855
in section 5101.13 of the Revised Code as part of the home study 2856
may appeal the denial to the agency that employed the assessor who 2857

filed the report. 2858

Sec. 3107.034. (A) Whenever a prospective adoptive parent or 2859
a person eighteen years of age or older who resides with a 2860
prospective adoptive parent has resided in another state within 2861
the five-year period immediately prior to the date on which a 2862
criminal records check is requested for the person under division 2863
(A) of section 2151.86 of the Revised Code, the administrative 2864
director of an agency, or attorney, who arranges the adoption for 2865
the prospective adoptive parent shall request a check of the 2866
central registry of abuse and neglect of this state from the 2867
department of job and family services regarding the prospective 2868
adoptive parent or the person eighteen years of age or older who 2869
resides with the prospective adoptive parent to enable the agency 2870
or attorney to check any child abuse and neglect registry 2871
maintained by that other state. The administrative director or 2872
attorney shall make the request and shall review the results of 2873
the check before a final decree of adoption or an interlocutory 2874
order of adoption making the person an adoptive parent may be 2875
made. Information received pursuant to the request shall be 2876
considered for purposes of this chapter as if it were a summary 2877
report required under section 3107.033 of the Revised Code. The 2878
department of job and family services shall comply with any 2879
request to check the central registry that is similar to the 2880
request described in this division and that is received from any 2881
other state. 2882

(B) The summary report of a search of the uniform statewide 2883
automated child welfare information system established in section 2884
5101.13 of the Revised Code that is required under section 2885
3107.033 of the Revised Code shall contain, if applicable, a 2886
chronological list of abuse and neglect determinations or 2887
allegations of which the person seeking to adopt is subject and in 2888
regards to which a public children services agency has done one of 2889

the following: 2890

(1) Determined that abuse or neglect occurred; 2891

(2) Initiated an investigation, and the investigation is 2892
ongoing; 2893

(3) Initiated an investigation and the agency was unable to 2894
determine whether abuse or neglect occurred. 2895

~~(B)~~(C) The summary report required under section 3107.033 of 2896
the Revised Code shall not contain any of the following: 2897

(1) An abuse and neglect determination of which the person 2898
seeking to adopt is subject and in regards to which a public 2899
children services agency determined that abuse or neglect did not 2900
occur; 2901

(2) Information or reports the dissemination of which is 2902
prohibited by, or interferes with eligibility under, the "Child 2903
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 2904
5101 et seq., as amended; 2905

(3) The name of the person who or entity that made, or 2906
participated in the making of, the report of abuse or neglect. 2907

~~(C)~~(D)(1) An application for adoption may be denied based on 2908
a summary report containing the information described under 2909
division ~~(A)~~(B)(1) of this section, when considered within the 2910
totality of the circumstances. An application that is denied may 2911
be appealed using the procedure adopted pursuant to division (B) 2912
of section 3107.033 of the Revised Code. 2913

(2) An application for adoption shall not be denied solely 2914
based on a summary report containing the information described 2915
under division ~~(A)~~(B)(2) or (3) of this section. 2916

Sec. 3107.062. (A) Notwithstanding the provisions of the 2917
versions of former sections 3107.06 and 3107.07 of the Revised 2918

Code that, pursuant to Section 5 of Am. Sub. H.B. 419 of the 121st 2919
general assembly, apply regarding a putative father's consent to 2920
the adoption of any child born prior to January 1, 1997, on and 2921
after the effective date of this section, both of the following 2922
apply: 2923

(1) The references in division (F)(4) of former section 2924
3107.06 of the Revised Code to the department of human services 2925
are repealed, and division (F)(4) of that former section shall be 2926
considered as reading, and shall be applicable, as follows: "Has 2927
filed an objection to the adoption with the agency having custody 2928
of the minor at any time before the placement of the minor in the 2929
home of the petitioner, or with the probate court within thirty 2930
days of the filing of a petition to adopt the minor or its 2931
placement in the home of the petitioner, whichever occurs first." 2932

(2) The references in division (B) of former section 3107.07 2933
of the Revised Code to the department of human services are 2934
repealed, and division (B) of that former section shall be 2935
considered as reading, and shall be applicable, as follows: "The 2936
putative father of a minor if the putative father fails to file an 2937
objection with the court or the agency having custody of the minor 2938
as provided in division (F)(4) of section 3107.06 of the Revised 2939
Code, or files an objection with the court or agency and the court 2940
finds, after proper service of notice and hearing, that he is not 2941
the father of the minor, or that he has willfully abandoned or 2942
failed to care for and support the minor, or abandoned the mother 2943
of the minor during her pregnancy and up to the time of her 2944
surrender of the minor, or its placement in the home of the 2945
petitioner, whichever occurs first." 2946

(B) As used in this section: 2947

(1) "Former section 3107.06 of the Revised Code" means the 2948
version of that section that was in effect immediately prior to 2949
September 18, 1996, and that was amended by Am. Sub. H.B. 419 of 2950

the 121st general assembly. 2951

(2) "Former section 3107.07 of the Revised Code" means the 2952
version of that section that was in effect immediately prior to 2953
September 18, 1996, and that was amended by Am. Sub. H.B. 419 of 2954
the 121st general assembly. 2955

Sec. 3107.14. (A) The petitioner and the person sought to be 2956
adopted shall appear at the hearing on the petition, unless the 2957
presence of either is excused by the court for good cause shown. 2958

(B) The court may continue the hearing from time to time to 2959
permit further observation, investigation, or consideration of any 2960
facts or circumstances affecting the granting of the petition, and 2961
may examine the petitioners separate and apart from each other. 2962

(C) If, at the conclusion of the hearing, the court finds 2963
that the required consents have been obtained or excused and that 2964
the adoption is in the best interest of the person sought to be 2965
adopted as supported by the evidence, it may issue, subject to 2966
division (C)(1)(a) of section 2151.86, section 3107.064, and 2967
division (E) of section 3107.09 of the Revised Code, and any other 2968
limitations specified in this chapter, a final decree of adoption 2969
or an interlocutory order of adoption, which by its own terms 2970
automatically becomes a final decree of adoption on a date 2971
specified in the order, which, except as provided in division (B) 2972
of section 3107.13 of the Revised Code, shall not be less than six 2973
months or more than one year from the date of issuance of the 2974
order, unless sooner vacated by the court for good cause shown. In 2975
determining whether the adoption is in the best interest of the 2976
person sought to be adopted, the court shall not consider the age 2977
of the petitioner if the petitioner is old enough to adopt as 2978
provided by section 3107.03 of the Revised Code. 2979

In an interlocutory order of adoption, the court shall 2980
provide for observation, investigation, and a further report on 2981

the adoptive home during the interlocutory period. 2982

(D) If the requirements for a decree under division (C) of 2983
this section have not been satisfied or the court vacates an 2984
interlocutory order of adoption, or if the court finds that a 2985
person sought to be adopted was placed in the home of the 2986
petitioner in violation of law, the court shall dismiss the 2987
petition and may determine the agency or person to have temporary 2988
or permanent custody of the person, which may include the agency 2989
or person that had custody prior to the filing of the petition or 2990
the petitioner, if the court finds it is in the best interest of 2991
the person as supported by the evidence, or if the person is a 2992
minor, the court may certify the case to the juvenile court of the 2993
county where the minor is then residing for appropriate action and 2994
disposition. 2995

(E) The issuance of a final decree or interlocutory order of 2996
adoption for an adult adoption under division (A)(4) of section 2997
3107.02 of the Revised Code shall not disqualify that adult for 2998
services under section 2151.82 or 2151.83 of the Revised Code. 2999

Sec. 5101.13. (A) The department of job and family services 3000
shall establish and maintain a uniform statewide automated child 3001
welfare information system in accordance with the requirements of 3002
42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 3003
guidelines. The information system shall contain records regarding 3004
any of the following: 3005

(1) Investigations of children and families, and children's 3006
care in out-of-home care, in accordance with sections 2151.421 and 3007
5153.16 of the Revised Code; 3008

(2) Care and treatment provided to children and families; 3009

(3) Any other information related to children and families 3010
that state or federal law, regulation, or rule requires the 3011

department or a public children services agency to maintain. 3012

(B) The department shall plan implementation of the 3013
information system on a county_by_county basis and shall finalize 3014
statewide implementation by all public children services agencies 3015
as described in section 5153.02 of the Revised Code not later than 3016
January 1, 2008. 3017

(C) The department shall promptly notify all public children 3018
services agencies of the initiation and completion of statewide 3019
implementation of the statewide information system established 3020
under division (A) of this section. 3021

(D) "Out-of-home care" has the same meaning as in section 3022
2151.011 of the Revised Code. 3023

Sec. 5101.132. (A) Information contained in the information 3024
system established and maintained under section 5101.13 of the 3025
Revised Code may be accessed only as follows: 3026

~~(A)~~(1) The department of job and family services ~~and~~, a 3027
public children services agency, a title IV-E agency, a 3028
prosecuting attorney, a private child placing agency, and a 3029
private noncustodial agency may access the information when either 3030
of the following is the case: 3031

~~(1)~~(a) The access is directly connected with assessment, 3032
investigation, or services regarding a child or family; 3033

~~(2)~~(b) The access is permitted by state or federal law, rule, 3034
or regulation. 3035

~~(B)~~(2) A person may access the information in a manner, to 3036
the extent, and for the purposes authorized by rules adopted by 3037
the department. 3038

(B) As used in this section, "title IV-E agency" means a 3039
public children services agency or a public entity with which the 3040
department of job and family services has a title IV-E subgrant 3041

agreement in effect. 3042

Sec. 5101.134. (A) Notwithstanding any provision of the 3043
Revised Code that requires confidentiality of information that is 3044
contained in the uniform statewide automated child welfare 3045
information system established in section 5101.13 of the Revised 3046
Code, the department of job and family services shall adopt rules 3047
in accordance with Chapter 119. of the Revised Code regarding a 3048
private child placing agency's or private noncustodial agency's 3049
access, data entry, and use of information in the uniform 3050
statewide automated child welfare information system. 3051

(B)(1) The department of job and family services may adopt 3052
rules in accordance with section 111.15 of the Revised Code, as if 3053
they were internal management rules, as necessary to carry out the 3054
purposes of sections 5101.13 to 5101.133 of the Revised Code. 3055

(2) The department may adopt rules in accordance with Chapter 3056
119. of the Revised Code as necessary to carry out the purposes of 3057
division ~~(B)~~(A)(2) of section 5101.132 of the Revised Code. 3058

(C) Public children services agencies shall implement and use 3059
the information system established pursuant to section 5101.13 of 3060
the Revised Code in accordance with rules adopted by the 3061
department. 3062

Sec. 5101.32. (A) The department of job and family services 3063
shall work with the superintendent of the bureau of criminal 3064
identification and investigation to develop procedures and formats 3065
necessary to produce the notices described in division (D) of 3066
section 109.581 of the Revised Code in a format that is acceptable 3067
for use by the department. The department may adopt rules in 3068
accordance with section 111.15 of the Revised Code, as if they 3069
were internal management rules, necessary for such collaboration. 3070

(B) In addition to the rules required by division (G) of 3071

section 109.581 of the Revised Code, the department of job and 3072
family services may adopt rules in accordance with Chapter 119. of 3073
the Revised Code necessary for utilizing the information received 3074
pursuant to section 109.581 of the Revised Code. 3075

Sec. 5103.03. (A) The director of job and family services 3076
shall adopt rules as necessary for the adequate and competent 3077
management of institutions or associations. 3078

(B)(1) Except for facilities under the control of the 3079
department of youth services, places of detention for children 3080
established and maintained pursuant to sections 2152.41 to 2152.44 3081
of the Revised Code, and child day-care centers subject to Chapter 3082
5104. of the Revised Code, the department of job and family 3083
services every two years shall pass upon the fitness of every 3084
institution and association that receives, or desires to receive 3085
and care for children, or places children in private homes. 3086

(2) When the department of job and family services is 3087
satisfied as to the care given such children, and that the 3088
requirements of the statutes and rules covering the management of 3089
such institutions and associations are being complied with, it 3090
shall issue to the institution or association a certificate to 3091
that effect. A certificate is valid for two years, unless sooner 3092
revoked by the department. When determining whether an institution 3093
or association meets a particular requirement for certification, 3094
the department may consider the institution or association to have 3095
met the requirement if the institution or association shows to the 3096
department's satisfaction that it has met a comparable requirement 3097
to be accredited by a nationally recognized accreditation 3098
organization. 3099

(3) The department may issue a temporary certificate valid 3100
for less than one year authorizing an institution or association 3101
to operate until minimum requirements have been met. 3102

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

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

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

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

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

(F) No person shall receive children or receive or solicit 3135
money on behalf of such an institution or association not so 3136
certified or whose certificate has been revoked. 3137

(G)(1) The director may delegate by rule any duties imposed 3138
on it by this section to inspect and approve family foster homes 3139
and specialized foster homes to public children services agencies, 3140
private child placing agencies, or private noncustodial agencies. 3141

(2) The director shall adopt rules that require a foster 3142
caregiver or other individual certified to operate a foster home 3143
under this section to notify the recommending agency that the 3144
foster caregiver or other individual is certified to operate a 3145
type B family day-care home under Chapter 5104. of the Revised 3146
Code. 3147

(H) If the director of job and family services determines 3148
that an institution or association that cares for children is 3149
operating without a certificate, the director may petition the 3150
court of common pleas in the county in which the institution or 3151
association is located for an order enjoining its operation. The 3152
court shall grant injunctive relief upon a showing that the 3153
institution or association is operating without a certificate. 3154

(I) If both of the following are the case, the director of 3155
job and family services may petition the court of common pleas of 3156
any county in which an institution or association that holds a 3157
certificate under this section operates for an order, and the 3158
court may issue an order, preventing the institution or 3159
association from receiving additional children into its care or an 3160
order removing children from its care: 3161

(1) The department has evidence that the life, health, or 3162
safety of one or more children in the care of the institution or 3163
association is at imminent risk. 3164

(2) The department has issued a proposed adjudication order 3165

pursuant to Chapter 119. of the Revised Code to deny renewal of or 3166
revoke the certificate of the institution or association. 3167

Sec. 5103.0319. (A) No foster caregiver or prospective foster 3168
caregiver shall fail to notify the recommending agency that 3169
recommended or is recommending the foster caregiver or prospective 3170
foster caregiver for certification in writing if a person at least 3171
twelve years of age but less than eighteen years of age residing 3172
with the foster caregiver or prospective foster caregiver has been 3173
convicted of or pleaded guilty to any of the following or has been 3174
adjudicated to be a delinquent child for committing an act that if 3175
committed by an adult would have constituted such a violation: 3176

(1) A violation of section 2903.01, 2903.02, 2903.03, 3177
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3178
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3179
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3180
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3181
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3182
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3183
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 3184
violation of section 2905.04 of the Revised Code as it existed 3185
prior to July 1, 1996, a violation of section 2919.23 of the 3186
Revised Code that would have been a violation of section 2905.04 3187
of the Revised Code as it existed prior to July 1, 1996, had the 3188
violation been committed prior to that date, a violation of 3189
section 2925.11 of the Revised Code that is not a minor drug 3190
possession offense, a violation of section 2923.01 of the Revised 3191
Code that involved an attempt to commit aggravated murder or 3192
murder, an OVI or OVUAC violation if the person previously was 3193
convicted of or pleaded guilty to one or more OVI or OVUAC 3194
violations within the three years immediately preceding the 3195
current violation, or felonious sexual penetration in violation of 3196
former section 2907.12 of the Revised Code; 3197

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

(3) 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 described in division (A)(1) or (2) of this section.

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

(C) As used in this section, "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

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

(B) The department of job and family services may revoke the certification of any foster caregiver who has not cared for one or

more foster children in the foster caregiver's home within the 3229
preceding twelve months. Prior to the revocation of any 3230
certification pursuant to this division, the recommending agency 3231
shall have the opportunity to provide good cause for the 3232
department to continue the certification and not revoke the 3233
certification. If the department decides to revoke the 3234
certification, the department shall notify the recommending agency 3235
that the certification will be revoked. 3236

Sec. 5103.0328. (A) Not later than ninety-six hours after 3237
receiving notice from the superintendent of the bureau of criminal 3238
identification and investigation pursuant to section 109.581 of 3239
the Revised Code that a foster caregiver has been convicted of or 3240
pleaded guilty to any foster caregiver-disqualifying offense, and 3241
not later than ninety-six hours after learning in any other manner 3242
that a foster caregiver has been convicted of or pleaded guilty to 3243
any foster caregiver-disqualifying offense, the department of job 3244
and family services shall provide notice of that conviction or 3245
guilty plea to the recommending agency relative to the foster 3246
caregiver. 3247

(B) If a recommending agency receives notice from the 3248
department of job and family services pursuant to division (A) of 3249
this section that a foster caregiver has been convicted of or 3250
pleaded guilty to any foster caregiver-disqualifying offense, or 3251
if a recommending agency learns in any other manner that a foster 3252
caregiver has been convicted of or pleaded guilty to any foster 3253
caregiver-disqualifying offense, the recommending agency shall 3254
assess the foster caregiver's overall situation for safety 3255
concerns and forward any recommendations, if applicable, for 3256
revoking the foster caregiver's certificate to the department for 3257
the department's review for possible revocation. 3258

(C) As used in this section, "foster caregiver-disqualifying 3259

offense" means any offense or violation listed or described in 3260
division (C)(1)(a) or (b) of section 2151.86 of the Revised Code. 3261

Sec. 5103.16. (A) ~~Pursuant to section 5103.18 of the Revised~~ 3262
~~Code and except~~ Except as otherwise provided in this section, no 3263
child shall be placed or accepted for placement under any written 3264
or oral agreement or understanding that transfers or surrenders 3265
the legal rights, powers, or duties of the legal parent, parents, 3266
or guardian of the child into the temporary or permanent custody 3267
of any association or institution that is not certified by the 3268
department of job and family services under section 5103.03 of the 3269
Revised Code, without the written consent of the office in the 3270
department that oversees the interstate compact on placement of 3271
children established under section 5103.20 of the Revised Code, or 3272
by a commitment of a juvenile court, or by a commitment of a 3273
probate court as provided in this section. A child may be placed 3274
temporarily without written consent or court commitment with 3275
persons related by blood or marriage or in a legally licensed 3276
boarding home. 3277

(B)(1) Associations and institutions certified under section 3278
5103.03 of the Revised Code for the purpose of placing children in 3279
free foster homes or for legal adoption shall keep a record of the 3280
temporary and permanent surrenders of children. This record shall 3281
be available for separate statistics, which shall include a copy 3282
of an official birth record and all information concerning the 3283
social, mental, and medical history of the children that will aid 3284
in an intelligent disposition of the children in case that becomes 3285
necessary because the parents or guardians fail or are unable to 3286
reassume custody. 3287

(2) No child placed on a temporary surrender with an 3288
association or institution shall be placed permanently in a foster 3289
home or for legal adoption. All surrendered children who are 3290

placed permanently in foster homes or for adoption shall have been 3291
permanently surrendered, and a copy of the permanent surrender 3292
shall be a part of the separate record kept by the association or 3293
institution. 3294

(C) Any agreement or understanding to transfer or surrender 3295
the legal rights, powers, or duties of the legal parent or parents 3296
and place a child with a person seeking to adopt the child under 3297
this section shall be construed to contain a promise by the person 3298
seeking to adopt the child to pay the expenses listed in divisions 3299
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 3300
if the person seeking to adopt the child refuses to accept 3301
placement of the child, to pay the temporary costs of routine 3302
maintenance and medical care for the child in a hospital, foster 3303
home, or other appropriate place for up to thirty days or until 3304
other custody is established for the child, as provided by law, 3305
whichever is less. 3306

(D) No child shall be placed or received for adoption or with 3307
intent to adopt unless placement is made by a public children 3308
services agency, an institution or association that is certified 3309
by the department of job and family services under section 5103.03 3310
of the Revised Code to place children for adoption, or custodians 3311
in another state or foreign country, or unless all of the 3312
following criteria are met: 3313

(1) Prior to the placement and receiving of the child, the 3314
parent or parents of the child personally have applied to, and 3315
appeared before, the probate court of the county in which the 3316
parent or parents reside, or in which the person seeking to adopt 3317
the child resides, for approval of the proposed placement 3318
specified in the application and have signed and filed with the 3319
court a written statement showing that the parent or parents are 3320
aware of their right to contest the decree of adoption subject to 3321
the limitations of section 3107.16 of the Revised Code; 3322

(2) The court ordered an independent home study of the 3323
proposed placement to be conducted as provided in section 3107.031 3324
of the Revised Code, and after completion of the home study, the 3325
court determined that the proposed placement is in the best 3326
interest of the child; 3327

(3) The court has approved of record the proposed placement. 3328

In determining whether a custodian has authority to place 3329
children for adoption under the laws of a foreign country, the 3330
probate court shall determine whether the child has been released 3331
for adoption pursuant to the laws of the country in which the 3332
child resides, and if the release is in a form that satisfies the 3333
requirements of the immigration and naturalization service of the 3334
United States department of justice for purposes of immigration to 3335
this country pursuant to section 101(b)(1)(F) of the "Immigration 3336
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 3337
(b)(1)(F), as amended or reenacted. 3338

If the parent or parents of the child are deceased or have 3339
abandoned the child, as determined under division (A) of section 3340
3107.07 of the Revised Code, the application for approval of the 3341
proposed adoptive placement may be brought by the relative seeking 3342
to adopt the child, or by the department, board, or organization 3343
not otherwise having legal authority to place the orphaned or 3344
abandoned child for adoption, but having legal custody of the 3345
orphaned or abandoned child, in the probate court of the county in 3346
which the child is a resident, or in which the department, board, 3347
or organization is located, or where the person or persons with 3348
whom the child is to be placed reside. Unless the parent, parents, 3349
or guardian of the person of the child personally have appeared 3350
before the court and applied for approval of the placement, notice 3351
of the hearing on the application shall be served on the parent, 3352
parents, or guardian. 3353

The consent to placement, surrender, or adoption executed by 3354

a minor parent before a judge of the probate court or an 3355
authorized deputy or referee of the court, whether executed within 3356
or outside the confines of the court, is as valid as though 3357
executed by an adult. A consent given as above before an employee 3358
of a children services agency that is licensed as provided by law, 3359
is equally effective, if the consent also is accompanied by an 3360
affidavit executed by the witnessing employee or employees to the 3361
effect that the legal rights of the parents have been fully 3362
explained to the parents, prior to the execution of any consent, 3363
and that the action was done after the birth of the child. 3364

If the court approves a placement, the prospective adoptive 3365
parent with whom the child is placed has care, custody, and 3366
control of the child pending further order of the court. 3367

(E) This section does not apply to an adoption by a 3368
stepparent, a grandparent, or a guardian. 3369

Sec. 5103.18. (A)~~(1)~~ Prior to ~~placement~~ certification or 3370
recertification as a foster home under section ~~5103.16~~ 5103.03 of 3371
the Revised Code, ~~an association or institution certified to place~~ 3372
~~a child into a foster home~~ a recommending agency shall ~~include~~ 3373
obtain a summary report of a search of the uniform statewide 3374
automated child welfare information system, ~~established in~~ under 3375
section 5101.13 of the Revised Code ~~with records required under~~ 3376
~~division (B)(1) of section 5103.16 of the Revised Code,~~ from an 3377
entity listed in section 5101.132 of the Revised Code. 3378

(2) Whenever a prospective foster parent or any other person 3379
eighteen years of age or older who resides with a prospective 3380
foster parent has resided in another state within the five-year 3381
period immediately prior to the date on which a criminal records 3382
check is requested for the person under division (A) of section 3383
2151.86 of the Revised Code, the recommending agency shall request 3384
a check of the central registry of abuse and neglect of this state 3385

from the department of job and family services regarding the 3386
prospective foster parent or the person eighteen years of age or 3387
older who resides with the prospective foster parent to enable the 3388
agency to check any child abuse and neglect registry maintained by 3389
that other state. The recommending agency shall make the request 3390
and shall review the results of the check before the prospective 3391
foster parent may be finally approved for placement of a child. 3392
Information received pursuant to such a request shall be 3393
considered for purposes of this chapter as if it were a summary 3394
report required under division (A) of this section. The department 3395
of job and family services shall comply with any request to check 3396
the central registry that is similar to the request described in 3397
this division and that is received from any other state. 3398

(B)(1) The summary report required under division (A) of this 3399
section shall contain, if applicable, a chronological list of 3400
abuse and neglect determinations or allegations of which a person 3401
seeking to become a foster caregiver of a child is subject and in 3402
regards to which a public children services agency has done one of 3403
the following: 3404

(a) Determined that abuse or neglect occurred; 3405

(b) Initiated an investigation, and the investigation is 3406
ongoing; 3407

(c) Initiated an investigation, and the agency was unable to 3408
determine whether abuse or neglect occurred. 3409

(2) The summary report required under division (A) of this 3410
section shall not contain any of the following: 3411

(a) An abuse and neglect determination of which a person 3412
seeking to become a foster caregiver of a child is subject and in 3413
regards to which a public children services agency determined that 3414
abuse or neglect did not occur; 3415

(b) Information or reports the dissemination of which is 3416

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;

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

(C)(1) A foster ~~placement~~ home certification or recertification 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.

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

(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.

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

- (1) Submission of a site plan and descriptive plan of 3447
operation to demonstrate how the center proposes to meet the 3448
requirements of this chapter and rules adopted pursuant to this 3449
chapter for the initial license application; 3450
- (2) Standards for ensuring that the physical surroundings of 3451
the center are safe and sanitary including, but not limited to, 3452
the physical environment, the physical plant, and the equipment of 3453
the center; 3454
- (3) Standards for the supervision, care, and discipline of 3455
children receiving child care or publicly funded child care in the 3456
center; 3457
- (4) Standards for a program of activities, and for play 3458
equipment, materials, and supplies, to enhance the development of 3459
each child; however, any educational curricula, philosophies, and 3460
methodologies that are developmentally appropriate and that 3461
enhance the social, emotional, intellectual, and physical 3462
development of each child shall be permissible. As used in this 3463
division, "program" does not include instruction in religious or 3464
moral doctrines, beliefs, or values that is conducted at child 3465
day-care centers owned and operated by churches and does include 3466
methods of disciplining children at child day-care centers. 3467
- (5) Admissions policies and procedures, health care policies 3468
and procedures, including, but not limited to, procedures for the 3469
isolation of children with communicable diseases, first aid and 3470
emergency procedures, procedures for discipline and supervision of 3471
children, standards for the provision of nutritious meals and 3472
snacks, and procedures for screening children and employees, 3473
including, but not limited to, any necessary physical examinations 3474
and immunizations; 3475
- (6) Methods for encouraging parental participation in the 3476
center and methods for ensuring that the rights of children, 3477

parents, and employees are protected and that responsibilities of 3478
parents and employees are met; 3479

(7) Procedures for ensuring the safety and adequate 3480
supervision of children traveling off the premises of the center 3481
while under the care of a center employee; 3482

(8) Procedures for record keeping, organization, and 3483
administration; 3484

(9) Procedures for issuing, renewing, denying, and revoking a 3485
license that are not otherwise provided for in Chapter 119. of the 3486
Revised Code; 3487

(10) Inspection procedures; 3488

(11) Procedures and standards for setting initial and renewal 3489
license application fees; 3490

(12) Procedures for receiving, recording, and responding to 3491
complaints about centers; 3492

(13) Procedures for enforcing section 5104.04 of the Revised 3493
Code; 3494

(14) A standard requiring the inclusion, on and after July 1, 3495
1987, of a current department of job and family services toll-free 3496
telephone number on each center provisional license or license 3497
which any person may use to report a suspected violation by the 3498
center of this chapter or rules adopted pursuant to this chapter; 3499

(15) Requirements for the training of administrators and 3500
child-care staff members in first aid, in prevention, recognition, 3501
and management of communicable diseases, and in child abuse 3502
recognition and prevention. Training requirements for child 3503
day-care centers adopted under this division shall be consistent 3504
with divisions (B)(6) and (C)(1) of this section. 3505

(16) Procedures to be used by licensees for checking the 3506
references of potential employees of centers and procedures to be 3507

used by the director for checking the references of applicants for 3508
licenses to operate centers; 3509

(17) Standards providing for the special needs of children 3510
who are handicapped or who require treatment for health conditions 3511
while the child is receiving child care or publicly funded child 3512
care in the center; 3513

(18) A procedure for reporting of injuries of children that 3514
occur at the center; 3515

(19) Any other procedures and standards necessary to carry 3516
out this chapter. 3517

(B)(1) The child day-care center shall have, for each child 3518
for whom the center is licensed, at least thirty-five square feet 3519
of usable indoor floor space wall-to-wall regularly available for 3520
the child care operation exclusive of any parts of the structure 3521
in which the care of children is prohibited by law or by rules 3522
adopted by the board of building standards. The minimum of 3523
thirty-five square feet of usable indoor floor space shall not 3524
include hallways, kitchens, storage areas, or any other areas that 3525
are not available for the care of children, as determined by the 3526
director, in meeting the space requirement of this division, and 3527
bathrooms shall be counted in determining square footage only if 3528
they are used exclusively by children enrolled in the center, 3529
except that the exclusion of hallways, kitchens, storage areas, 3530
bathrooms not used exclusively by children enrolled in the center, 3531
and any other areas not available for the care of children from 3532
the minimum of thirty-five square feet of usable indoor floor 3533
space shall not apply to: 3534

(a) Centers licensed prior to or on September 1, 1986, that 3535
continue under licensure after that date; 3536

(b) Centers licensed prior to or on September 1, 1986, that 3537
are issued a new license after that date solely due to a change of 3538

ownership of the center. 3539

(2) The child day-care center shall have on the site a safe 3540
outdoor play space which is enclosed by a fence or otherwise 3541
protected from traffic or other hazards. The play space shall 3542
contain not less than sixty square feet per child using such space 3543
at any one time, and shall provide an opportunity for supervised 3544
outdoor play each day in suitable weather. The director may exempt 3545
a center from the requirement of this division, if an outdoor play 3546
space is not available and if all of the following are met: 3547

(a) The center provides an indoor recreation area that has 3548
not less than sixty square feet per child using the space at any 3549
one time, that has a minimum of one thousand four hundred forty 3550
square feet of space, and that is separate from the indoor space 3551
required under division (B)(1) of this section. 3552

(b) The director has determined that there is regularly 3553
available and scheduled for use a conveniently accessible and safe 3554
park, playground, or similar outdoor play area for play or 3555
recreation. 3556

(c) The children are closely supervised during play and while 3557
traveling to and from the area. 3558

The director also shall exempt from the requirement of this 3559
division a child day-care center that was licensed prior to 3560
September 1, 1986, if the center received approval from the 3561
director prior to September 1, 1986, to use a park, playground, or 3562
similar area, not connected with the center, for play or 3563
recreation in lieu of the outdoor space requirements of this 3564
section and if the children are closely supervised both during 3565
play and while traveling to and from the area and except if the 3566
director determines upon investigation and inspection pursuant to 3567
section 5104.04 of the Revised Code and rules adopted pursuant to 3568
that section that the park, playground, or similar area, as well 3569

as access to and from the area, is unsafe for the children. 3570

(3) The child day-care center shall have at least two 3571
responsible adults available on the premises at all times when 3572
seven or more children are in the center. The center shall 3573
organize the children in the center in small groups, shall provide 3574
child-care staff to give continuity of care and supervision to the 3575
children on a day-by-day basis, and shall ensure that no child is 3576
left alone or unsupervised. Except as otherwise provided in 3577
division (E) of this section, the maximum number of children per 3578
child-care staff member and maximum group size, by age category of 3579
children, are as follows: 3580

	Maximum Number of		3581
	Children Per	Maximum	3582
Age Category	Child-Care	Group	3583
of Children	Staff Member	Size	3584
(a) Infants:			3585
(i) Less than twelve			3586
months old	5:1, or		3587
	12:2 if two		3588
	child-care		3589
	staff members		3590
	are in the room	12	3591
(ii) At least twelve			3592
months old, but			3593
less than eighteen			3594
months old	6:1	12	3595
(b) Toddlers:			3596
(i) At least eighteen			3597
months old, but			3598
less than thirty			3599
months old	7:1	14	3600
(ii) At least thirty months			3601

old, but less than			3602
three years old	8:1	16	3603
(c) Preschool			3604
children:			3605
(i) Three years old	12:1	24	3606
(ii) Four years old and			3607
five years old who			3608
are not school			3609
children	14:1	28	3610
(d) School children:			3611
(i) A child who is			3612
enrolled in or is			3613
eligible to be			3614
enrolled in a grade			3615
of kindergarten			3616
or above, but			3617
is less than			3618
eleven years old	18:1	36	3619
(ii) Eleven through fourteen			3620
years old	20:1	40	3621
Except as otherwise provided in division (E) of this section,			3622
the maximum number of children per child-care staff member and			3623
maximum group size requirements of the younger age group shall			3624
apply when age groups are combined.			3625
(4)(a) The child day-care center administrator shall show the			3626
director both of the following:			3627
(i) Evidence of at least high school graduation or			3628
certification of high school equivalency by the state board of			3629
education or the appropriate agency of another state;			3630
(ii) Evidence of having completed at least two years of			3631
training in an accredited college, university, or technical			3632
college, including courses in child development or early childhood			3633

education, or at least two years of experience in supervising and 3634
giving daily care to children attending an organized group 3635
program. 3636

(b) In addition to the requirements of division (B)(4)(a) of 3637
this section, any administrator employed or designated on or after 3638
September 1, 1986, shall show evidence of, and any administrator 3639
employed or designated prior to September 1, 1986, shall show 3640
evidence within six years after such date of, at least one of the 3641
following: 3642

(i) Two years of experience working as a child-care staff 3643
member in a center and at least four courses in child development 3644
or early childhood education from an accredited college, 3645
university, or technical college, except that a person who has two 3646
years of experience working as a child-care staff member in a 3647
particular center and who has been promoted to or designated as 3648
administrator of that center shall have one year from the time the 3649
person was promoted to or designated as administrator to complete 3650
the required four courses; 3651

(ii) Two years of training, including at least four courses 3652
in child development or early childhood education from an 3653
accredited college, university, or technical college; 3654

(iii) A child development associate credential issued by the 3655
national child development associate credentialing commission; 3656

(iv) An associate or higher degree in child development or 3657
early childhood education from an accredited college, technical 3658
college, or university, or a license designated for teaching in an 3659
associate teaching position in a preschool setting issued by the 3660
state board of education. 3661

(5) All child-care staff members of a child day-care center 3662
shall be at least eighteen years of age, and shall furnish the 3663
director evidence of at least high school graduation or 3664

certification of high school equivalency by the state board of 3665
education or the appropriate agency of another state or evidence 3666
of completion of a training program approved by the department of 3667
job and family services or state board of education, except as 3668
follows: 3669

(a) A child-care staff member may be less than eighteen years 3670
of age if the staff member is either of the following: 3671

(i) A graduate of a two-year vocational child-care training 3672
program approved by the state board of education; 3673

(ii) A student enrolled in the second year of a vocational 3674
child-care training program approved by the state board of 3675
education which leads to high school graduation, provided that the 3676
student performs the student's duties in the child day-care center 3677
under the continuous supervision of an experienced child-care 3678
staff member, receives periodic supervision from the vocational 3679
child-care training program teacher-coordinator in the student's 3680
high school, and meets all other requirements of this chapter and 3681
rules adopted pursuant to this chapter. 3682

(b) A child-care staff member shall be exempt from the 3683
educational requirements of this division if the staff member: 3684

(i) Prior to January 1, 1972, was employed or designated by a 3685
child day-care center and has been continuously employed since 3686
either by the same child day-care center employer or at the same 3687
child day-care center; or 3688

(ii) Is a student enrolled in the second year of a vocational 3689
child-care training program approved by the state board of 3690
education which leads to high school graduation, provided that the 3691
student performs the student's duties in the child day-care center 3692
under the continuous supervision of an experienced child-care 3693
staff member, receives periodic supervision from the vocational 3694
child-care training program teacher-coordinator in the student's 3695

high school, and meets all other requirements of this chapter and 3696
rules adopted pursuant to this chapter. 3697

(6) Every child care staff member of a child day-care center 3698
annually shall complete fifteen hours of inservice training in 3699
child development or early childhood education, child abuse 3700
recognition and prevention, first aid, and in prevention, 3701
recognition, and management of communicable diseases, until a 3702
total of forty-five hours of training has been completed, unless 3703
the staff member furnishes one of the following to the director: 3704

(a) Evidence of an associate or higher degree in child 3705
development or early childhood education from an accredited 3706
college, university, or technical college; 3707

(b) A license designated for teaching in an associate 3708
teaching position in a preschool setting issued by the state board 3709
of education; 3710

(c) Evidence of a child development associate credential; 3711

(d) Evidence of a preprimary credential from the American 3712
Montessori society or the association Montessori ~~international~~ 3713
internationale. For the purposes of division (B)(6) of this 3714
section, "hour" means sixty minutes. 3715

(7) The administrator of each child day-care center shall 3716
prepare at least once annually and for each group of children at 3717
the center a roster of names and telephone numbers of parents, 3718
custodians, or guardians of each group of children attending the 3719
center and upon request shall furnish the roster for each group to 3720
the parents, custodians, or guardians of the children in that 3721
group. The administrator may prepare a roster of names and 3722
telephone numbers of all parents, custodians, or guardians of 3723
children attending the center and upon request shall furnish the 3724
roster to the parents, custodians, or guardians of the children 3725
who attend the center. The administrator shall not include in any 3726

roster the name or telephone number of any parent, custodian, or guardian who requests the administrator not to include the parent's, custodian's, or guardian's name or number and shall not furnish any roster to any person other than a parent, custodian, or guardian of a child who attends the center.

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

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

(3)(a) Any parent who is the residential parent and legal custodian of a child enrolled in a child day-care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the

purposes of contacting their children, evaluating the care 3759
provided by the center, evaluating the premises of the center, or 3760
for other purposes approved by the director. A parent of a child 3761
enrolled in a child day-care center who is not the child's 3762
residential parent shall be permitted unlimited access to the 3763
center during its hours of operation for those purposes under the 3764
same terms and conditions under which the residential parent of 3765
that child is permitted access to the center for those purposes. 3766
However, the access of the parent who is not the residential 3767
parent is subject to any agreement between the parents and, to the 3768
extent described in division (C)(3)(b) of this section, is subject 3769
to any terms and conditions limiting the right of access of the 3770
parent who is not the residential parent, as described in division 3771
(I) of section 3109.051 of the Revised Code, that are contained in 3772
a parenting time order or decree issued under that section, 3773
section 3109.12 of the Revised Code, or any other provision of the 3774
Revised Code. 3775

(b) If a parent who is the residential parent of a child has 3776
presented the administrator or the administrator's designee with a 3777
copy of a parenting time order that limits the terms and 3778
conditions under which the parent who is not the residential 3779
parent is to have access to the center, as described in division 3780
(I) of section 3109.051 of the Revised Code, the parent who is not 3781
the residential parent shall be provided access to the center only 3782
to the extent authorized in the order. If the residential parent 3783
has presented such an order, the parent who is not the residential 3784
parent shall be permitted access to the center only in accordance 3785
with the most recent order that has been presented to the 3786
administrator or the administrator's designee by the residential 3787
parent or the parent who is not the residential parent. 3788

(c) Upon entering the premises pursuant to division (C)(3)(a) 3789
or (b) of this section, the parent who is the residential parent 3790

and legal custodian, the parent who is not the residential parent, 3791
or the custodian or guardian shall notify the administrator or the 3792
administrator's designee of the parent's, custodian's, or 3793
guardian's presence. 3794

(D) The director of job and family services, in addition to 3795
the rules adopted under division (A) of this section, shall adopt 3796
rules establishing minimum requirements for child day-care 3797
centers. The rules shall include, but not be limited to, the 3798
requirements set forth in divisions (B) and (C) of this section. 3799
Except as provided in section 5104.07 of the Revised Code, the 3800
rules shall not change the square footage requirements of division 3801
(B)(1) or (2) of this section; the maximum number of children per 3802
child-care staff member and maximum group size requirements of 3803
division (B)(3) of this section; the educational and experience 3804
requirements of division (B)(4) of this section; the age, 3805
educational, and experience requirements of division (B)(5) of 3806
this section; the number of inservice training hours required 3807
under division (B)(6) of this section; or the requirement for at 3808
least annual preparation of a roster for each group of children of 3809
names and telephone numbers of parents, custodians, or guardians 3810
of each group of children attending the center that must be 3811
furnished upon request to any parent, custodian, or guardian of 3812
any child in that group required under division (B)(7) of this 3813
section; however, the rules shall provide procedures for 3814
determining compliance with those requirements. 3815

(E)(1) When age groups are combined, the maximum number of 3816
children per child-care staff member shall be determined by the 3817
age of the youngest child in the group, except that when no more 3818
than one child thirty months of age or older receives services in 3819
a group in which all the other children are in the next older age 3820
group, the maximum number of children per child-care staff member 3821
and maximum group size requirements of the older age group 3822

established under division (B)(3) of this section shall apply. 3823

(2) The maximum number of toddlers or preschool children per 3824
child-care staff member in a room where children are napping shall 3825
be twice the maximum number of children per child-care staff 3826
member established under division (B)(3) of this section if all 3827
the following criteria are met: 3828

(a) At least one child-care staff member is present in the 3829
room. 3830

(b) Sufficient child-care staff members are on the child 3831
day-care center premises to meet the maximum number of children 3832
per child-care staff member requirements established under 3833
division (B)(3) of this section. 3834

(c) Naptime preparations are complete and all napping 3835
children are resting or sleeping on cots. 3836

(d) The maximum number established under division (E)(2) of 3837
this section is in effect for no more than one and one-half hours 3838
during a twenty-four-hour day. 3839

(F) The director of job and family services shall adopt rules 3840
pursuant to Chapter 119. of the Revised Code governing the 3841
operation of type A family day-care homes, including, but not 3842
limited to, parent cooperative type A homes, part-time type A 3843
homes, drop-in type A homes, and school child type A homes, which 3844
shall reflect the various forms of child care and the needs of 3845
children receiving child care. The rules shall include the 3846
following: 3847

(1) Submission of a site plan and descriptive plan of 3848
operation to demonstrate how the type A home proposes to meet the 3849
requirements of this chapter and rules adopted pursuant to this 3850
chapter for the initial license application; 3851

(2) Standards for ensuring that the physical surroundings of 3852

the type A home are safe and sanitary, including, but not limited 3853
to, the physical environment, the physical plant, and the 3854
equipment of the type A home; 3855

(3) Standards for the supervision, care, and discipline of 3856
children receiving child care or publicly funded child care in the 3857
type A home; 3858

(4) Standards for a program of activities, and for play 3859
equipment, materials, and supplies, to enhance the development of 3860
each child; however, any educational curricula, philosophies, and 3861
methodologies that are developmentally appropriate and that 3862
enhance the social, emotional, intellectual, and physical 3863
development of each child shall be permissible; 3864

(5) Admissions policies and procedures, health care policies 3865
and procedures, including, but not limited to, procedures for the 3866
isolation of children with communicable diseases, first aid and 3867
emergency procedures, procedures for discipline and supervision of 3868
children, standards for the provision of nutritious meals and 3869
snacks, and procedures for screening children and employees, 3870
including, but not limited to, any necessary physical examinations 3871
and immunizations; 3872

(6) Methods for encouraging parental participation in the 3873
type A home and methods for ensuring that the rights of children, 3874
parents, and employees are protected and that the responsibilities 3875
of parents and employees are met; 3876

(7) Procedures for ensuring the safety and adequate 3877
supervision of children traveling off the premises of the type A 3878
home while under the care of a type A home employee; 3879

(8) Procedures for record keeping, organization, and 3880
administration; 3881

(9) Procedures for issuing, renewing, denying, and revoking a 3882
license that are not otherwise provided for in Chapter 119. of the 3883

Revised Code;	3884
(10) Inspection procedures;	3885
(11) Procedures and standards for setting initial and renewal license application fees;	3886 3887
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	3888 3889
(13) Procedures for enforcing section 5104.04 of the Revised Code;	3890 3891
(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;	3892 3893 3894 3895 3896 3897
(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;	3898 3899 3900 3901
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of applicants for licenses to operate type A homes;	3902 3903 3904 3905
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	3906 3907 3908 3909
(18) Standards for the maximum number of children per child-care staff member;	3910 3911
(19) Requirements for the amount of usable indoor floor space for each child;	3912 3913

(20) Requirements for safe outdoor play space;	3914
(21) Qualifications and training requirements for administrators and for child-care staff members;	3915 3916
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	3917 3918 3919
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	3920 3921
(24) Any other procedures and standards necessary to carry out this chapter.	3922 3923
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	3924 3925 3926
(1) The rules shall include procedures <u>all of the following:</u>	3927
<u>(a) Procedures</u> , standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	3928 3929 3930
(a) <u>(i)</u> Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker parent is a grandchild, child, niece, nephew, or sibling of the provider;	3931 3932 3933 3934 3935
(b) <u>(ii)</u> Persons who provide child care for eligible children all of whom are the children of the same caretaker parent-;	3936 3937
The rules shall require, and shall include procedures <u>(b) Procedures</u> for the director to ensure, that type B family day-care homes that receive a limited certification provide child care to children in a safe and sanitary manner;	3938 3939 3940 3941
<u>(c) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified</u>	3942 3943

as a foster home under section 5103.03 of the Revised Code. With 3944

With regard to providers who apply for limited certification, 3945
a provider shall be granted a provisional limited certification on 3946
signing a declaration under oath attesting that the provider meets 3947
the standards for limited certification. Such provisional limited 3948
certifications shall remain in effect for no more than sixty 3949
calendar days and shall entitle the provider to offer publicly 3950
funded child care during the provisional period. Except as 3951
otherwise provided in division (G)(1) of this section, section 3952
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 3953
section 5104.11 of the Revised Code, prior to the expiration of 3954
the provisional limited certificate, a county department of job 3955
and family services shall inspect the home and shall grant limited 3956
certification to the provider if the provider meets the 3957
requirements of this division. Limited certificates remain valid 3958
for two years unless earlier revoked. Except as otherwise provided 3959
in division (G)(1) of this section, providers operating under 3960
limited certification shall be inspected annually. 3961

If a provider is a person described in division (G)(1)(a)(i) 3962
of this section or a person described in division (G)(1)(~~b~~)(a)(ii) 3963
of this section who is a friend of the caretaker parent, the 3964
provider and the caretaker parent may verify in writing to the 3965
county department of job and family services that minimum health 3966
and safety requirements are being met in the home. Except as 3967
otherwise provided in section 5104.013 or 5104.09 or in division 3968
(A)(2) of section 5104.11 of the Revised Code, if such 3969
verification is provided, the county shall waive any inspection 3970
required by this chapter and grant limited certification to the 3971
provider. 3972

(2) The rules shall provide for safeguarding the health, 3973
safety, and welfare of children receiving child care or publicly 3974
funded child care in a certified type B home and shall include the 3975

following:	3976
(a) Standards for ensuring that the type B home and the	3977
physical surroundings of the type B home are safe and sanitary,	3978
including, but not limited to, physical environment, physical	3979
plant, and equipment;	3980
(b) Standards for the supervision, care, and discipline of	3981
children receiving child care or publicly funded child care in the	3982
home;	3983
(c) Standards for a program of activities, and for play	3984
equipment, materials, and supplies to enhance the development of	3985
each child; however, any educational curricula, philosophies, and	3986
methodologies that are developmentally appropriate and that	3987
enhance the social, emotional, intellectual, and physical	3988
development of each child shall be permissible;	3989
(d) Admission policies and procedures, health care, first aid	3990
and emergency procedures, procedures for the care of sick	3991
children, procedures for discipline and supervision of children,	3992
nutritional standards, and procedures for screening children and	3993
authorized providers, including, but not limited to, any necessary	3994
physical examinations and immunizations;	3995
(e) Methods of encouraging parental participation and	3996
ensuring that the rights of children, parents, and authorized	3997
providers are protected and the responsibilities of parents and	3998
authorized providers are met;	3999
(f) Standards for the safe transport of children when under	4000
the care of authorized providers;	4001
(g) Procedures for issuing, renewing, denying, refusing to	4002
renew, or revoking certificates;	4003
(h) Procedures for the inspection of type B family day care	4004
homes that require, at a minimum, that each type B family day care	4005

home be inspected prior to certification to ensure that the home 4006
is safe and sanitary; 4007

(i) Procedures for record keeping and evaluation; 4008

(j) Procedures for receiving, recording, and responding to 4009
complaints; 4010

(k) Standards providing for the special needs of children who 4011
are handicapped or who receive treatment for health conditions 4012
while the child is receiving child care or publicly funded child 4013
care in the type B home; 4014

(l) Requirements for the amount of usable indoor floor space 4015
for each child; 4016

(m) Requirements for safe outdoor play space; 4017

(n) Qualification and training requirements for authorized 4018
providers; 4019

(o) Procedures for granting a parent who is the residential 4020
parent and legal custodian, or a custodian or guardian access to 4021
the type B home during its hours of operation; 4022

(p) Requirements for the type B home to notify parents with 4023
children in the type B home that the type B home is also certified 4024
as a foster home under section 5103.03 of the Revised Code; 4025

(q) Any other procedures and standards necessary to carry out 4026
this chapter. 4027

(H) The director shall adopt rules pursuant to Chapter 119. 4028
of the Revised Code governing the certification of in-home aides. 4029
The rules shall include procedures, standards, and other necessary 4030
provisions for granting limited certification to in-home aides who 4031
provide child care for eligible children who are 4032
great-grandchildren, grandchildren, nieces, nephews, or siblings 4033
of the in-home aide or for eligible children whose caretaker 4034
parent is a grandchild, child, niece, nephew, or sibling of the 4035

in-home aide. The rules shall require, and shall include 4036
procedures for the director to ensure, that in-home aides that 4037
receive a limited certification provide child care to children in 4038
a safe and sanitary manner. The rules shall provide for 4039
safeguarding the health, safety, and welfare of children receiving 4040
publicly funded child care in their own home and shall include the 4041
following: 4042

(1) Standards for ensuring that the child's home and the 4043
physical surroundings of the child's home are safe and sanitary, 4044
including, but not limited to, physical environment, physical 4045
plant, and equipment; 4046

(2) Standards for the supervision, care, and discipline of 4047
children receiving publicly funded child care in their own home; 4048

(3) Standards for a program of activities, and for play 4049
equipment, materials, and supplies to enhance the development of 4050
each child; however, any educational curricula, philosophies, and 4051
methodologies that are developmentally appropriate and that 4052
enhance the social, emotional, intellectual, and physical 4053
development of each child shall be permissible; 4054

(4) Health care, first aid, and emergency procedures, 4055
procedures for the care of sick children, procedures for 4056
discipline and supervision of children, nutritional standards, and 4057
procedures for screening children and in-home aides, including, 4058
but not limited to, any necessary physical examinations and 4059
immunizations; 4060

(5) Methods of encouraging parental participation and 4061
ensuring that the rights of children, parents, and in-home aides 4062
are protected and the responsibilities of parents and in-home 4063
aides are met; 4064

(6) Standards for the safe transport of children when under 4065
the care of in-home aides; 4066

(7) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	4067 4068
(8) Procedures for inspection of homes of children receiving publicly funded child care in their own homes;	4069 4070
(9) Procedures for record keeping and evaluation;	4071
(10) Procedures for receiving, recording, and responding to complaints;	4072 4073
(11) Qualifications and training requirements for in-home aides;	4074 4075
(12) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving publicly funded child care in the child's own home;	4076 4077 4078 4079
(13) Any other procedures and standards necessary to carry out this chapter.	4080 4081
(I) To the extent that any rules adopted for the purposes of this section require a health care professional to perform a physical examination, the rules shall include as a health care professional a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife.	4082 4083 4084 4085 4086
(J)(1) The director of job and family services shall do all of the following:	4087 4088
(a) Send <u>Provide or make available in either paper or electronic form</u> to each licensee notice of proposed rules governing the licensure of child day-care centers and type A homes;	4089 4090 4091 4092
(b) Give public notice of hearings regarding the rules to each licensee at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;	4093 4094 4095
(c) At least thirty days before the effective date of a rule,	4096

provide, in either paper or electronic form, a copy of the adopted 4097
rule to each licensee. 4098

(2) The director shall do all of the following: 4099

(a) Send to each county director of job and family services a 4100
notice of proposed rules governing the certification of type B 4101
family homes and in-home aides that includes an internet web site 4102
address where the proposed rules can be viewed; 4103

(b) Give public notice of hearings regarding the proposed 4104
rules not less than thirty days in advance; 4105

(c) Provide to each county director of job and family 4106
services an electronic copy of each adopted rule at least 4107
forty-five days prior to the rule's effective date. 4108

(3) The county director of job and family services shall ~~send~~ 4109
~~copies of proposed rules~~ provide or make available in either paper 4110
or electronic form to each authorized provider and in-home aide 4111
copies of proposed rules and shall give public notice of hearings 4112
regarding the rules to each authorized provider and in-home aide 4113
at least thirty days prior to the date of the public hearing, in 4114
accordance with section 119.03 of the Revised Code. At least 4115
thirty days before the effective date of a rule, the county 4116
director of job and family services shall provide, in either paper 4117
or electronic form, copies of the adopted rule to each authorized 4118
provider and in-home aide. 4119

(4) Additional copies of proposed and adopted rules shall be 4120
made available by the director of job and family services to the 4121
public on request at no charge. 4122

(5) The director of job and family services shall recommend 4123
standards for imposing sanctions on persons and entities that are 4124
licensed or certified under this chapter and that violate any 4125
provision of this chapter. The standards shall be based on the 4126
scope and severity of the violations. The director shall provide 4127

copies of the recommendations to the governor, the speaker and 4128
minority leader of the house of representatives, and the president 4129
and minority leader of the senate and, on request, shall make 4130
copies available to the public. 4131

(6) The director of job and family services shall adopt rules 4132
pursuant to Chapter 119. of the Revised Code that establish 4133
standards for the training of individuals whom any county 4134
department of job and family services employs, with whom any 4135
county department of job and family services contracts, or with 4136
whom the director of job and family services contracts, to inspect 4137
or investigate type B family day-care homes pursuant to section 4138
5104.11 of the Revised Code. The department shall provide training 4139
in accordance with those standards for individuals in the 4140
categories described in this division. 4141

(K) The director of job and family services shall review all 4142
rules adopted pursuant to this chapter at least once every seven 4143
years. 4144

(L) Notwithstanding any provision of the Revised Code, the 4145
director of job and family services shall not regulate in any way 4146
under this chapter or rules adopted pursuant to this chapter, 4147
instruction in religious or moral doctrines, beliefs, or values. 4148

Sec. 5104.012. (A)(1) The At the times specified in this 4149
division, the administrator of a child day-care center or a type A 4150
family day-care home ~~and the provider of a certified type B family~~ 4151
~~day-care home~~ shall request the superintendent of the bureau of 4152
criminal identification and investigation to conduct a criminal 4153
records check with respect to any applicant who has applied to the 4154
center, or type A home, ~~or certified type B home~~ for employment as 4155
a person responsible for the care, custody, or control of a child. 4156
~~If the applicant does not present proof that the applicant has~~ 4157
~~been a resident of this state for the five year period immediately~~ 4158

~~prior to the date upon which the criminal records check is~~ 4159
~~requested or does not provide evidence that within that five year~~ 4160
~~period the superintendent has requested information about the~~ 4161
~~applicant from the federal bureau of investigation in a criminal~~ 4162
~~records check~~ 4163

The administrator shall request a criminal records check 4164
pursuant to this division at the time of the applicant's initial 4165
application for employment and every four years thereafter at the 4166
time of a license renewal. When the administrator requests 4167
pursuant to this division a criminal records check for an 4168
applicant at the time of the applicant's initial application for 4169
employment, the administrator ~~or provider~~ shall request that the 4170
superintendent obtain information from the federal bureau of 4171
investigation as a part of the criminal records check for the 4172
applicant. ~~If the applicant presents proof that the applicant has~~ 4173
~~been a resident of this state for that five year period, the~~ 4174
~~administrator or provider may request that the superintendent~~ 4175
~~include information from the federal bureau of investigation in~~ 4176
~~the criminal records check, including fingerprint based checks of~~ 4177
~~national crime information databases as described in 42 U.S.C.~~ 4178
~~671, for the person subject to the criminal records check. In all~~ 4179
~~other cases in which the administrator requests a criminal records~~ 4180
~~check for an applicant pursuant to this division, the~~ 4181
~~administrator may request that the superintendent include~~ 4182
~~information from the federal bureau of investigation in the~~ 4183
~~criminal records check, including fingerprint based checks of~~ 4184
~~national crime information databases as described in 42 U.S.C.~~ 4185
~~671.~~ 4186

(2) A person required by division (A)(1) of this section to 4187
request a criminal records check shall provide to each applicant a 4188
copy of the form prescribed pursuant to division (C)(1) of section 4189
109.572 of the Revised Code, provide to each applicant a standard 4190

impression sheet to obtain fingerprint impressions prescribed 4191
pursuant to division (C)(2) of section 109.572 of the Revised 4192
Code, obtain the completed form and impression sheet from each 4193
applicant, and forward the completed form and impression sheet to 4194
the superintendent of the bureau of criminal identification and 4195
investigation at the time the person requests a criminal records 4196
check pursuant to division (A)(1) of this section. On and after 4197
the effective date of this amendment, the administrator of a child 4198
day-care center or a type A family day-care home shall review the 4199
results of the criminal records check before the applicant has 4200
sole responsibility for the care, custody, or control of any 4201
child. 4202

(3) An applicant who receives pursuant to division (A)(2) of 4203
this section a copy of the form prescribed pursuant to division 4204
(C)(1) of section 109.572 of the Revised Code and a copy of an 4205
impression sheet prescribed pursuant to division (C)(2) of that 4206
section and who is requested to complete the form and provide a 4207
set of fingerprint impressions shall complete the form or provide 4208
all the information necessary to complete the form and shall 4209
provide the impression sheet with the impressions of the 4210
applicant's fingerprints. If an applicant, upon request, fails to 4211
provide the information necessary to complete the form or fails to 4212
provide impressions of the applicant's fingerprints, the center,
or type A home, or type B home shall not employ that applicant for 4214
any position for which a criminal records check is required by 4215
division (A)(1) of this section. 4216

(B)(1) Except as provided in rules adopted under division (E) 4217
of this section, no child day-care center, or type A family 4218
day-care home, ~~or certified type B family day-care home~~ shall 4219
employ or contract with another entity for the services of a 4220
person as a person responsible for the care, custody, or control 4221
of a child if the person previously has been convicted of or 4222

pleaded guilty to any of the following: 4223

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 4224
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 4225
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 4226
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 4227
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~ 4228
~~2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,~~ 4229
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,~~ 4230
~~2925.06, or 3716.11 of the Revised Code, a violation of section~~ 4231
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, a~~ 4232
~~violation of section 2919.23 of the Revised Code that would have~~ 4233
~~been a violation of section 2905.04 of the Revised Code as it~~ 4234
~~existed prior to July 1, 1996, had the violation occurred prior to~~ 4235
~~that date, a violation of section 2925.11 of the Revised Code that~~ 4236
~~is not a minor drug possession offense, or felonious sexual~~ 4237
~~penetration in violation of former section 2907.12 of the Revised~~ 4238
~~Code:~~ 4239

~~(b) A violation of an existing or former law of this state,~~ 4240
~~any other state, or the United States that is substantially~~ 4241
~~equivalent to any of the offenses or violations described in~~ 4242
~~division (B)(1)(a) of this section violations described in~~ 4243
~~division (A)(9) of section 109.572 of the Revised Code.~~ 4244

(2) A child day-care center, or type A family day-care home, 4245
~~or certified type B family day-care home~~ may employ an applicant 4246
conditionally until the criminal records check required by this 4247
section is completed and the center or home receives the results 4248
of the criminal records check. If the results of the criminal 4249
records check indicate that, pursuant to division (B)(1) of this 4250
section, the applicant does not qualify for employment, the center 4251
or home shall release the applicant from employment. 4252

(C)(1) Each child day-care center, and type A family day-care 4253
~~home, and certified type B family day-care home~~ shall pay to the 4254

bureau of criminal identification and investigation the fee 4255
prescribed pursuant to division (C)(3) of section 109.572 of the 4256
Revised Code for each criminal records check conducted in 4257
accordance with that section upon the request pursuant to division 4258
(A)(1) of this section of the administrator or provider of the 4259
center or home. 4260

(2) A child day-care center, and type A family day-care home, 4261
~~and certified type B family day-care home~~ may charge an applicant 4262
a fee for the costs it incurs in obtaining a criminal records 4263
check under this section. A fee charged under this division shall 4264
not exceed the amount of fees the center or home pays under 4265
division (C)(1) of this section. If a fee is charged under this 4266
division, the center or home shall notify the applicant at the 4267
time of the applicant's initial application for employment of the 4268
amount of the fee and that, unless the fee is paid, the center, or 4269
~~type A home, or type B home~~ will not consider the applicant for 4270
employment. 4271

(D) The report of any criminal records check conducted by the 4272
bureau of criminal identification and investigation in accordance 4273
with section 109.572 of the Revised Code and pursuant to a request 4274
under division (A)(1) of this section is not a public record for 4275
the purposes of section 149.43 of the Revised Code and shall not 4276
be made available to any person other than the applicant who is 4277
the subject of the criminal records check or the applicant's 4278
representative; the center, or type A home, ~~or certified type B~~ 4279
~~home~~ requesting the criminal records check or its representative; 4280
the department of job and family services or a county department 4281
of job and family services; and any court, hearing officer, or 4282
other necessary individual involved in a case dealing with the 4283
denial of employment to the applicant. 4284

(E) The director of job and family services shall adopt rules 4285
pursuant to Chapter 119. of the Revised Code to implement this 4286

section, including rules specifying circumstances under which a 4287
center or home may hire a person who has been convicted of an 4288
offense listed in division (B)(1) of this section but who meets 4289
standards in regard to rehabilitation set by the department. 4290

(F) Any person required by division (A)(1) of this section to 4291
request a criminal records check shall inform each person, at the 4292
time of the person's initial application for employment, that the 4293
person is required to provide a set of impressions of the person's 4294
fingerprints and that a criminal records check is required to be 4295
conducted and satisfactorily completed in accordance with section 4296
109.572 of the Revised Code if the person comes under final 4297
consideration for appointment or employment as a precondition to 4298
employment for that position. 4299

(G) As used in this section: 4300

(1) "Applicant" means a person who is under final 4301
consideration for appointment to or employment in a position with 4302
a child day-care center, or a type A family day-care home, ~~or a~~ 4303
~~certified type B family day-care home~~ as a person responsible for 4304
the care, custody, or control of a child; an in-home aide 4305
certified pursuant to section 5104.12 of the Revised Code; or any 4306
person who would serve in any position with a child day-care 4307
center, or a type A family day-care home, ~~or a certified type B~~ 4308
~~family day-care home~~ as a person responsible for the care, 4309
custody, or control of a child pursuant to a contract with another 4310
entity. 4311

(2) "Criminal records check" has the same meaning as in 4312
section 109.572 of the Revised Code. 4313

~~(3) "Minor drug possession offense" has the same meaning as~~ 4314
~~in section 2925.01 of the Revised Code.~~ 4315

Sec. 5104.013. (A)(1) The At the times specified in division 4316

(A)(3) of this section, the director of job and family services, 4317
as part of the process of licensure of child day-care centers and 4318
type A family day-care homes, shall request the superintendent of 4319
the bureau of criminal identification and investigation to conduct 4320
a criminal records check with respect to the following persons: 4321

(a) Any owner, licensee, or administrator of a child day-care 4322
center; 4323

(b) Any owner, licensee, or administrator of a type A family 4324
day-care home and any person eighteen years of age or older who 4325
resides in a type A family day-care home. 4326

(2) ~~The~~ At the times specified in division (A)(3) of this 4327
section, the director of a county department of job and family 4328
services, as part of the process of certification of type B family 4329
day-care homes, shall request the superintendent of the bureau of 4330
criminal identification and investigation to conduct a criminal 4331
records check with respect to any authorized provider of a 4332
certified type B family day-care home and any person eighteen 4333
years of age or older who resides in a certified type B family 4334
day-care home. 4335

(3) ~~If the owner, licensee, administrator, or person eighteen~~ 4336
~~years of age or older who is the subject of a criminal records~~ 4337
~~check pursuant to division (A)(1) of this section, or the~~ 4338
~~authorized provider or person eighteen years of age or older who~~ 4339
~~is the subject of a criminal records check pursuant to division~~ 4340
~~(A)(2) of this section, does not present proof that the owner,~~ 4341
~~licensee, administrator, authorized provider, or person has been a~~ 4342
~~resident of this state for the five year period immediately prior~~ 4343
~~to the date upon which the criminal records check is requested or~~ 4344
~~does not provide evidence that within that five year period the~~ 4345
~~superintendent of the bureau of criminal identification and~~ 4346
~~investigation has requested information about the owner, licensee,~~ 4347
~~administrator, authorized provider, or person from the federal~~ 4348

~~bureau of investigation in a criminal records check~~ The director 4349
~~of job and family services shall request a criminal records check~~ 4350
~~pursuant to division (A)(1) of this section at the time of the~~ 4351
~~initial application for licensure and every four years thereafter~~ 4352
~~at the time of a license renewal. The director of a county~~ 4353
~~department of job and family services shall request a criminal~~ 4354
~~records check pursuant to division (A)(2) of this section at the~~ 4355
~~time of the initial application for certification and every four~~ 4356
~~years thereafter at the time of a certification renewal. When the~~ 4357
~~director of job and family services or the director of a county~~ 4358
~~department of job and family services requests pursuant to~~ 4359
~~division (A)(1) or (2) of this section a criminal records check~~ 4360
~~for a person at the time of the person's initial application for~~ 4361
~~licensure or certification~~, the director shall request that the 4362
~~superintendent of the bureau of criminal identification and~~ 4363
~~investigation~~ obtain information from the federal bureau of 4364
investigation as a part of the criminal records check for the 4365
applicant. ~~If the owner, licensee, administrator, authorized~~ 4366
~~provider, or person presents proof that the owner, licensee,~~ 4367
~~administrator, authorized provider, or person has been a resident~~ 4368
~~of this state for that five year period, the director may request~~ 4369
~~that the superintendent include information from the federal~~ 4370
~~bureau of investigation in the criminal records check~~ person, 4371
including fingerprint based checks of national crime information 4372
databases as described in 42 U.S.C. 671 for the person subject to 4373
the criminal records check. In all other cases in which the 4374
director of job and family services or the director of a county 4375
department of job and family services requests a criminal records 4376
check for an applicant pursuant to division (A)(1) or (2) of this 4377
section, the director may request that the superintendent include 4378
information from the federal bureau of investigation in the 4379
criminal records check, including fingerprint based checks of 4380
national crime information databases as described in 42 U.S.C. 4381

671. 4382

(4) The director of job and family services shall review the 4383
results of a criminal records check subsequent to a request made 4384
pursuant to divisions (A)(1) and (3) of this section prior to 4385
approval of a license. The director of a county department of job 4386
and family services shall review the results of a criminal records 4387
check subsequent to a request made pursuant to divisions (A)(2) 4388
and (3) of this section prior to approval of certification. 4389

(B) The director of job and family services or the director 4390
of a county department of job and family services shall provide to 4391
each person for whom a criminal records check is required under 4392
this section a copy of the form prescribed pursuant to division 4393
(C)(1) of section 109.572 of the Revised Code and a standard 4394
impression sheet to obtain fingerprint impressions prescribed 4395
pursuant to division (C)(2) of that section, obtain the completed 4396
form and impression sheet from that person, and forward the 4397
completed form and impression sheet to the superintendent of the 4398
bureau of criminal identification and investigation. 4399

(C) A person who receives pursuant to division (B) of this 4400
section a copy of the form and standard impression sheet described 4401
in that division and who is requested to complete the form and 4402
provide a set of fingerprint impressions shall complete the form 4403
or provide all the information necessary to complete the form and 4404
shall provide the impression sheet with the impressions of the 4405
person's fingerprints. If the person, upon request, fails to 4406
provide the information necessary to complete the form or fails to 4407
provide impressions of the person's fingerprints, the director may 4408
consider the failure as a reason to deny licensure or 4409
certification. 4410

(D)~~(1)~~ Except as provided in rules adopted under division (G) 4411
of this section, the director of job and family services shall not 4412
grant a license to a child day-care center or type A family - 4413

day-care home and a county director of job and family services 4414
shall not certify a type B family day-care home if a person for 4415
whom a criminal records check was required in connection with the 4416
center or home previously has been convicted of or pleaded guilty 4417
to any of the following: 4418

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 4419
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 4420
~~2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,~~ 4421
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,~~ 4422
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01,~~ 4423
~~2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25,~~ 4424
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05,~~ 4425
~~2925.06, or 3716.11 of the Revised Code, a violation of section~~ 4426
~~2905.04 as it existed prior to July 1, 1996, a violation of~~ 4427
~~section 2919.23 of the Revised Code that would have been a~~ 4428
~~violation of section 2905.04 of the Revised Code as it existed~~ 4429
~~prior to July 1, 1996, had the violation been committed prior to~~ 4430
~~that date, a violation of section 2925.11 of the Revised Code that~~ 4431
~~is not a minor drug possession offense, or felonious sexual~~ 4432
~~penetration in violation of former section 2907.12 of the Revised~~ 4433
~~Code:~~ 4434

~~(b) A violation of an existing or former law of this state,~~ 4435
~~any other state, or the United States that is substantially~~ 4436
~~equivalent to any of the offenses or violations described in~~ 4437
~~division (D)(1)(a) of this section.~~ 4438

~~(2) In addition to the prohibition described in division~~ 4439
~~(D)(1) of this section, and except as provided in rules adopted~~ 4440
~~under division (G) of this section, the director shall not grant a~~ 4441
~~license to a child day care center or type A family day care home~~ 4442
~~and a county director shall not certify a type B family day care~~ 4443
~~home if an owner, licensee, or administrator of a child day care~~ 4444
~~center or type A family day care home or an authorized provider of~~ 4445

~~a certified type B family day care home previously has been~~ 4446
~~convicted of or pleaded guilty to any of the following:~~ 4447

~~(a) A violation of section 2913.02, 2913.03, 2913.04,~~ 4448
~~2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32,~~ 4449
~~2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,~~ 4450
~~2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11,~~ 4451
~~2921.13, or 2923.01 of the Revised Code, a violation of section~~ 4452
~~2923.02 or 2923.03 of the Revised Code that relates to a crime~~ 4453
~~specified in this division or division (D)(1) of this section, or~~ 4454
~~a second violation of section 4511.19 of the Revised Code within~~ 4455
~~five years of the date of application for licensure or~~ 4456
~~certification.~~ 4457

~~(b) A violation of an existing or former law of this state,~~ 4458
~~any other state, or the United States that is substantially~~ 4459
~~equivalent to any of the offenses or violations described in~~ 4460
~~division (D)(2)(a) of this section violations described in~~ 4461
~~division (A)(9) of section 109.572 of the Revised Code.~~ 4462

(E) Each child day-care center, type A family day-care home, 4463
and type B family day-care home shall pay to the bureau of 4464
criminal identification and investigation the fee prescribed 4465
pursuant to division (C)(3) of section 109.572 of the Revised Code 4466
for each criminal records check conducted in accordance with that 4467
section upon a request made pursuant to division (A) of this 4468
section. 4469

(F) The report of any criminal records check conducted by the 4470
bureau of criminal identification and investigation in accordance 4471
with section 109.572 of the Revised Code and pursuant to a request 4472
made under division (A) of this section is not a public record for 4473
the purposes of section 149.43 of the Revised Code and shall not 4474
be made available to any person other than the person who is the 4475
subject of the criminal records check or the person's 4476
representative, the director of job and family services, the 4477

director of a county department of job and family services, the 4478
center, type A home, or type B home involved, and any court, 4479
hearing officer, or other necessary individual involved in a case 4480
dealing with a denial of licensure or certification related to the 4481
criminal records check. 4482

(G) The director of job and family services shall adopt rules 4483
pursuant to Chapter 119. of the Revised Code to implement this 4484
section, including rules specifying exceptions to the prohibition 4485
in division (D) of this section for persons who have been 4486
convicted of an offense listed in that division but who meet 4487
standards in regard to rehabilitation set by the department. 4488

(H) As used in this section:- 4489

~~(1) "Criminal, "criminal records check" has the same meaning~~ 4490
as in section 109.572 of the Revised Code. 4491

~~(2) "Minor drug possession offense" has the same meaning as~~ 4492
~~in section 2925.01 of the Revised Code.~~ 4493

Sec. 5104.022. The department of job and family services 4494
shall not license a prospective type A family day-care home if 4495
that prospective family day-care home is certified to be a foster 4496
home or specialized foster home pursuant to Chapter 5103. of the 4497
Revised Code. A county department of job and family services shall 4498
not certify a prospective type B family day-care home if that 4499
prospective family day-care home is certified to be a specialized 4500
foster home pursuant to Chapter 5103. of the Revised Code. 4501

Sec. 5104.09. (A)(1) Except as provided in rules adopted 4502
pursuant to division (D) of this section:- 4503

~~(a) No, no~~ individual who has been convicted of or pleaded 4504
guilty to a violation described in division (A)(9) of section 4505
109.572 of the Revised Code, a violation of section ~~2903.01,~~ 4506
~~2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16,~~ 4507

~~2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.04, 2905.05,~~ 4508
~~2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07,~~ 4509
~~2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31,~~ 4510
~~2907.32, 2907.321, 2907.322, 2907.323,~~ 2909.02, 2909.03, 2909.04, 4511
2909.05, ~~2911.01, 2911.02, 2911.11, 2911.12,~~ 2917.01, 2917.02, 4512
2917.03, 2917.31, ~~2919.12, 2919.24, 2919.25,~~ 2921.03, 2921.34, or 4513
~~2921.35, 2923.12, 2923.13, 2923.161, 2919.22, 2925.02, 2925.03,~~ 4514
~~2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a~~ 4515
~~violation of section 2925.11 of the Revised Code that is not a~~ 4516
~~minor drug possession offense, as defined in section 2925.01 of~~ 4517
~~the Revised Code, felonious sexual penetration in violation of~~ 4518
~~former section 2907.12 of the Revised Code,~~ or a violation of an 4519
existing or former law or ordinance of any municipal corporation, 4520
this state, any other state, or the United States that is 4521
substantially equivalent to any of those violations ~~shall be~~ 4522
~~certified as an in home aide or be employed in any capacity in or~~ 4523
~~own or operate a child day care center, type A family day care~~ 4524
~~home, type B family day care home, or certified type B family~~ 4525
~~day care home.~~ 4526

~~(b) No individual who has been convicted of or pleaded guilty~~ 4527
~~to a violation of section 2913.02, 2913.03, 2913.04, 2913.041,~~ 4528
~~2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2913.33,~~ 4529
~~2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441,~~ 4530
~~2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 2921.13, or~~ 4531
~~2923.01 of the Revised Code, a violation of section 2923.02 or~~ 4532
~~2923.03 of the Revised Code that relates to a crime specified in~~ 4533
~~this division or division (A)(1)(a) of this section, a second~~ 4534
~~violation of section 4511.19 of the Revised Code within five years~~ 4535
~~of the date of operation of the child day care center or family~~ 4536
~~day care home, or two violations of section 4511.19 of the Revised~~ 4537
~~Code during operation of the center or home, or a violation of an~~ 4538
~~existing or former law of this state, any other state, or the~~ 4539
~~United States that is substantially equivalent to any of those~~ 4540

~~violations~~ shall be certified as an in-home aide or be employed in 4541
any capacity in or own or operate a child day-care center, type A 4542
family day-care home, type B family day-care home, or certified 4543
type B family day-care home. 4544

(2) Each employee of a child day-care center and type A home 4545
and every person eighteen years of age or older residing in a type 4546
A home shall sign a statement on forms prescribed by the director 4547
of job and family services attesting to the fact that the employee 4548
or resident person has not been convicted of or pleaded guilty to 4549
any offense set forth in division (A)(1)~~(a)~~ of this section and 4550
that no child has been removed from the employee's or resident 4551
person's home pursuant to section 2151.353 of the Revised Code. 4552
Each licensee of a type A home shall sign a statement on a form 4553
prescribed by the director attesting to the fact that no person 4554
who resides at the type A home and who is under the age of 4555
eighteen has been adjudicated a delinquent child for committing a 4556
violation of any section listed in division (A)(1)~~(a)~~ of this 4557
section. The statements shall be kept on file at the center or 4558
type A home. 4559

(3) Each in-home aide and every person eighteen years of age 4560
or older residing in a certified type B home shall sign a 4561
statement on forms prescribed by the director of job and family 4562
services attesting that the aide or resident person has not been 4563
convicted of or pleaded guilty to any offense set forth in 4564
division (A)(1)~~(a)~~ of this section and that no child has been 4565
removed from the aide's or resident person's home pursuant to 4566
section 2151.353 of the Revised Code. Each authorized provider 4567
shall sign a statement on forms prescribed by the director 4568
attesting that the provider has not been convicted of or pleaded 4569
guilty to any offense set forth in division (A)(1)~~(a) or (b)~~ of 4570
this section and that no child has been removed from the 4571
provider's home pursuant to section 2151.353 of the Revised Code. 4572

Each authorized provider shall sign a statement on a form 4573
prescribed by the director attesting to the fact that no person 4574
who resides at the certified type B home and who is under the age 4575
of eighteen has been adjudicated a delinquent child for committing 4576
a violation of any section listed in division (A)(1)~~(a)~~ of this 4577
section. The statements shall be kept on file at the county 4578
department of job and family services. 4579

(4) Each administrator and licensee of a center or type A 4580
home shall sign a statement on a form prescribed by the director 4581
of job and family services attesting that the administrator or 4582
licensee has not been convicted of or pleaded guilty to any 4583
offense set forth in division (A)(1)~~(a)~~ ~~or (b)~~ of this section and 4584
that no child has been removed from the administrator's or 4585
licensee's home pursuant to section 2151.353 of the Revised Code. 4586
The statement shall be kept on file at the center or type A home. 4587

(B) No in-home aide, no administrator, licensee, authorized 4588
provider, or employee of a center, type A home, or certified type 4589
B home, and no person eighteen years of age or older residing in a 4590
type A home or certified type B home shall withhold information 4591
from, or falsify information on, any statement required pursuant 4592
to division (A)(2), (3), or (4) of this section. 4593

(C) No administrator, licensee, or child-care staff member 4594
shall discriminate in the enrollment of children in a child 4595
day-care center upon the basis of race, color, religion, sex, or 4596
national origin. 4597

(D) The director of job and family services shall adopt rules 4598
pursuant to Chapter 119. of the Revised Code to implement this 4599
section, including rules specifying exceptions to the prohibition 4600
in division (A)~~(1)~~ of this section for persons who have been 4601
convicted of an offense listed in that division but meet 4602
rehabilitation standards set by the department. 4603

Sec. 5104.30. (A) The department of job and family services 4604
is hereby designated as the state agency responsible for 4605
administration and coordination of federal and state funding for 4606
publicly funded child care in this state. Publicly funded child 4607
care shall be provided to the following: 4608

(1) Recipients of transitional child care as provided under 4609
section 5104.34 of the Revised Code; 4610

(2) Participants in the Ohio works first program established 4611
under Chapter 5107. of the Revised Code; 4612

(3) Individuals who would be participating in the Ohio works 4613
first program if not for a sanction under section 5107.16 of the 4614
Revised Code and who continue to participate in a work activity, 4615
developmental activity, or alternative work activity pursuant to 4616
an assignment under section 5107.42 of the Revised Code; 4617

(4) A family receiving publicly funded child care on October 4618
1, 1997, until the family's income reaches one hundred fifty per 4619
cent of the federal poverty line; 4620

(5) Subject to available funds, other individuals determined 4621
eligible in accordance with rules adopted under section 5104.38 of 4622
the Revised Code. 4623

The department shall apply to the United States department of 4624
health and human services for authority to operate a coordinated 4625
program for publicly funded child care, if the director of job and 4626
family services determines that the application is necessary. For 4627
purposes of this section, the department of job and family 4628
services may enter into agreements with other state agencies that 4629
are involved in regulation or funding of child care. The 4630
department shall consider the special needs of migrant workers 4631
when it administers and coordinates publicly funded child care and 4632
shall develop appropriate procedures for accommodating the needs 4633

of migrant workers for publicly funded child care. 4634

(B) The department of job and family services shall 4635
distribute state and federal funds for publicly funded child care, 4636
including appropriations of state funds for publicly funded child 4637
care and appropriations of federal funds available under the child 4638
care block grant act, Title IV-A, and Title XX. The department may 4639
use any state funds appropriated for publicly funded child care as 4640
the state share required to match any federal funds appropriated 4641
for publicly funded child care. 4642

(C) In the use of federal funds available under the child 4643
care block grant act, all of the following apply: 4644

(1) The department may use the federal funds to hire staff to 4645
prepare any rules required under this chapter and to administer 4646
and coordinate federal and state funding for publicly funded child 4647
care. 4648

(2) Not more than five per cent of the aggregate amount of 4649
the federal funds received for a fiscal year may be expended for 4650
administrative costs. 4651

(3) The department shall allocate and use at least four per 4652
cent of the federal funds for the following: 4653

(a) Activities designed to provide comprehensive consumer 4654
education to parents and the public; 4655

(b) Activities that increase parental choice; 4656

(c) Activities, including child care resource and referral 4657
services, designed to improve the quality, and increase the 4658
supply, of child care. 4659

(4) The department shall ensure that the federal funds will 4660
be used only to supplement, and will not be used to supplant, 4661
federal, state, and local funds available on the effective date of 4662
the child care block grant act for publicly funded child care and 4663

related programs. A county department of job and family services 4664
may purchase child care from funds obtained through any other 4665
means. 4666

(D) The department shall encourage the development of 4667
suitable child care throughout the state, especially in areas with 4668
high concentrations of recipients of public assistance and 4669
families with low incomes. The department shall encourage the 4670
development of suitable child care designed to accommodate the 4671
special needs of migrant workers. On request, the department, 4672
through its employees or contracts with state or community child 4673
care resource and referral service organizations, shall provide 4674
consultation to groups and individuals interested in developing 4675
child care. The department of job and family services may enter 4676
into interagency agreements with the department of education, the 4677
board of regents, the department of development, and other state 4678
agencies and entities whenever the cooperative efforts of the 4679
other state agencies and entities are necessary for the department 4680
of job and family services to fulfill its duties and 4681
responsibilities under this chapter. 4682

The department shall develop and maintain a registry of 4683
persons providing child care. The director shall adopt rules 4684
pursuant to Chapter 119. of the Revised Code establishing 4685
procedures and requirements for the registry's administration. 4686

(E)(1) The director shall adopt rules in accordance with 4687
Chapter 119. of the Revised Code establishing both of the 4688
following: 4689

(a) Reimbursement ceilings for providers of publicly funded 4690
child care; 4691

(b) A procedure for reimbursing and paying providers of 4692
publicly funded child care. 4693

(2) In establishing reimbursement ceilings under division 4694

(E)(1)(a) of this section, the director shall do all of the 4695
following: 4696

(a) Use the information obtained under division (B)(3) of 4697
section 5104.04 of the Revised Code; 4698

(b) Establish an enhanced reimbursement ceiling for providers 4699
who provide child care for caretaker parents who work 4700
nontraditional hours; 4701

(c) For a type B family day-care home provider that has 4702
received limited certification pursuant to rules adopted under 4703
division (G)(1) of section 5104.011 of the Revised Code, establish 4704
a reimbursement ceiling that is the following: 4705

(i) If the provider is a person described in division 4706
(G)(1)(a)(i) of section 5104.011 of the Revised Code, seventy-five 4707
per cent of the reimbursement ceiling that applies to a type B 4708
family day-care home certified by the same county department of 4709
job and family services pursuant to section 5104.11 of the Revised 4710
Code; 4711

(ii) If the provider is a person described in division 4712
(G)(1)(~~b~~)(a)(ii) of section 5104.011 of the Revised Code, sixty 4713
per cent of the reimbursement ceiling that applies to a type B 4714
family day-care home certified by the same county department 4715
pursuant to section 5104.11 of the Revised Code. 4716

(3) In establishing reimbursement ceilings under division 4717
(E)(1)(a) of this section, the director may establish different 4718
reimbursement ceilings based on any of the following: 4719

(a) Geographic location of the provider; 4720

(b) Type of care provided; 4721

(c) Age of the child served; 4722

(d) Special needs of the child served; 4723

(e) Whether the expanded hours of service are provided; 4724

(f) Whether weekend service is provided; 4725

(g) Whether the provider has exceeded the minimum 4726
requirements of state statutes and rules governing child care; 4727

(h) Any other factors the director considers appropriate. 4728

Section 2. That existing sections 109.57, 109.572, 109.60, 4729
109.99, 2151.413, 2151.414, 2151.417, 2151.419, 2151.421, 4730
2151.424, 2151.55, 2151.551, 2151.553, 2151.554, 2151.86, 4731
3107.033, 3107.034, 3107.14, 5101.13, 5101.132, 5101.134, 5103.03, 4732
5103.0319, 5103.0326, 5103.16, 5103.18, 5104.011, 5104.012, 4733
5104.013, 5104.09, and 5104.30 and section 2151.552 of the Revised 4734
Code are hereby repealed. 4735

Section 3. (A) In addition to the actions authorized by 4736
section 5101.24 of the Revised Code, not later than thirty days 4737
after the effective date of this act, the Director of Job and 4738
Family Services shall convene a work group to study and make 4739
recommendations to the Director regarding both of the following: 4740

(1) Support for positive child and family outcomes offered to 4741
public children services agencies, private child placing agencies, 4742
and private noncustodial agencies by the Department of Job and 4743
Family Services; 4744

(2) The establishment of fines and sanctions for public 4745
children services agencies, private child placing agencies, and 4746
private noncustodial agencies that do not comply with foster care 4747
related laws or rules. 4748

(B) The work group shall include representatives of public 4749
children services agencies, private child placing agencies, 4750
private noncustodial agencies, the Ohio Family Care Association, 4751
the Ohio Association of Child Caring Agencies, the Public Children 4752
Services Association of Ohio, the Ohio Job and Family Services 4753
Directors' Association, the County Commissioners' Association of 4754

Ohio, foster caregivers, and current and former foster children. 4755

(C) The work group shall prepare a report that contains 4756
recommendations regarding Department support for local agencies 4757
and the establishment of fines and sanctions either in law, rule, 4758
or both. The work group shall submit the report not later than 4759
June 30, 2008, to the Director. The Director shall review the 4760
recommendations and create an executive summary of the 4761
recommendations and submit the summary to the Governor, the 4762
Speaker of the House of Representatives, and the President of the 4763
Senate. The work group shall cease to exist upon submission of the 4764
executive summary. 4765

Section 4. Until the Uniform Statewide Automated Child 4766
Welfare Information System established under section 5101.13 of 4767
the Revised Code is implemented statewide by all public children 4768
services agencies as described in section 5153.02 of the Revised 4769
Code, agencies or persons required to include a summary report 4770
pursuant to section 3107.033 or 5103.18 of the Revised Code shall 4771
request a check of the Ohio Central Registry of Abuse and Neglect 4772
from the Department of Job and Family Services regarding any 4773
prospective foster parent and any person eighteen years of age or 4774
older who resides with the prospective foster parent or regarding 4775
any prospective adoptive parent and any person eighteen years of 4776
age or older who resides with the prospective adoptive parent, 4777
whichever is applicable, to enable the agency or person to check 4778
any child abuse and neglect registry maintained by any state in 4779
which the prospective foster parent, the prospective adoptive 4780
parent, or the person eighteen years of age or older who resided 4781
with the prospective foster parent or prospective adoptive parent 4782
has resided in the preceding five years. After the Uniform 4783
Statewide Automated Child Welfare Information System established 4784
under section 5101.13 of the Revised Code is implemented statewide 4785
by all public children services agencies as described in section 4786

5153.02 of the Revised Code, all private agencies, as defined in 4787
section 5103.02 of the Revised Code, shall request a check of that 4788
System by the Department of Job and Family Services until the 4789
private agency can access the System and conduct its own search. 4790

Section 5. Section 109.572 of the Revised Code is presented 4791
in this act as a composite of the section as amended by both Am. 4792
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 4793
Section 2151.86 of the Revised Code is presented in this act as a 4794
composite of the section as amended by both Am. Sub. H.B. 106 and 4795
Am. Sub. H.B. 117 of the 125th General Assembly. The General 4796
Assembly, applying the principle stated in division (B) of section 4797
1.52 of the Revised Code that amendments are to be harmonized if 4798
reasonably capable of simultaneous operation, finds that the 4799
composites are the resulting versions of the sections in effect 4800
prior to the effective date of the sections as presented in this 4801
act. 4802