

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 164

Senator Cates

Cosponsors: Senators Niehaus, Austria, Clancy, Schuring

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A B I L L

To amend sections 149.43, 2151.152, 2151.23, 2151.39, 1
3313.64, 5101.29, 5103.031, 5103.032, 5103.035, 2
5103.0312, 5103.0313, 5103.16, 5103.391, 5126.04, 3
5153.122, and 5153.123 and to enact sections 4
5103.23, 5103.231, 5103.232, 5103.233, 5130.234, 5
5103.235, 5103.236, 5103.237, and 5103.238 of the 6
Revised Code relative to training for foster 7
caregivers, the public record status of 8
identifying information of current and prospective 9
foster caregivers, department of job and family 10
services authority to begin the child placement 11
level of care pilot program and petition Congress 12
for expanded usage of Title IV-E funding, and the 13
coordination of the provision of services for 14
foster children with mental retardation or 15
developmental disabilities, and to amend the 16
version of section 149.43 of the Revised Code that 17
is scheduled to take effect September 29, 2007, to 18
maintain the provisions of this act on and after 19
that effective date. 20

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

Section 1. That sections 149.43, 2151.152, 5101.29, 5103.031, 21
5103.032, 5103.035, 5103.0312, 5103.0313, 5103.391, 5126.04, 22
5153.122, and 5153.123 of the Revised Code be amended to read as 23
follows: 24

Sec. 149.43. (A) As used in this section: 25

(1) "Public record" means records kept by any public office, 26
including, but not limited to, state, county, city, village, 27
township, and school district units, and records pertaining to the 28
delivery of educational services by an alternative school in Ohio 29
kept by a nonprofit or for-profit entity operating such 30
alternative school pursuant to section 3313.533 of the Revised 31
Code. "Public record" does not mean any of the following: 32

(a) Medical records; 33

(b) Records pertaining to probation and parole proceedings or 34
to proceedings related to the imposition of community control 35
sanctions and post-release control sanctions; 36

(c) Records pertaining to actions under section 2151.85 and 37
division (C) of section 2919.121 of the Revised Code and to 38
appeals of actions arising under those sections; 39

(d) Records pertaining to adoption proceedings, including the 40
contents of an adoption file maintained by the department of 41
health under section 3705.12 of the Revised Code; 42

(e) Information in a record contained in the putative father 43
registry established by section 3107.062 of the Revised Code, 44
regardless of whether the information is held by the department of 45
job and family services or, pursuant to section 3111.69 of the 46
Revised Code, the office of child support in the department or a 47
child support enforcement agency; 48

(f) Records listed in division (A) of section 3107.42 of the 49

Revised Code or specified in division (A) of section 3107.52 of	50
the Revised Code;	51
(g) Trial preparation records;	52
(h) Confidential law enforcement investigatory records;	53
(i) Records containing information that is confidential under	54
section 2710.03 or 4112.05 of the Revised Code;	55
(j) DNA records stored in the DNA database pursuant to	56
section 109.573 of the Revised Code;	57
(k) Inmate records released by the department of	58
rehabilitation and correction to the department of youth services	59
or a court of record pursuant to division (E) of section 5120.21	60
of the Revised Code;	61
(l) Records maintained by the department of youth services	62
pertaining to children in its custody released by the department	63
of youth services to the department of rehabilitation and	64
correction pursuant to section 5139.05 of the Revised Code;	65
(m) Intellectual property records;	66
(n) Donor profile records;	67
(o) Records maintained by the department of job and family	68
services pursuant to section 3121.894 of the Revised Code;	69
(p) Peace officer, parole officer, prosecuting attorney,	70
assistant prosecuting attorney, correctional employee, youth	71
services employee, firefighter, or EMT residential and familial	72
information;	73
(q) In the case of a county hospital operated pursuant to	74
Chapter 339. of the Revised Code or a municipal hospital operated	75
pursuant to Chapter 749. of the Revised Code, information that	76
constitutes a trade secret, as defined in section 1333.61 of the	77
Revised Code;	78

(r) Information pertaining to the recreational activities of a person under the age of eighteen;	79 80
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	81 82 83 84 85
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	86 87 88 89
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	90 91 92 93 94
(v) Records the release of which is prohibited by state or federal law;	95 96
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	97 98 99
(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;	100 101
(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	102 103 104 105 106 107
<u>(z) Records listed in section 5101.29 of the Revised Code.</u>	108

(2) "Confidential law enforcement investigatory record" means 109
any record that pertains to a law enforcement matter of a 110
criminal, quasi-criminal, civil, or administrative nature, but 111
only to the extent that the release of the record would create a 112
high probability of disclosure of any of the following: 113

(a) The identity of a suspect who has not been charged with 114
the offense to which the record pertains, or of an information 115
source or witness to whom confidentiality has been reasonably 116
promised; 117

(b) Information provided by an information source or witness 118
to whom confidentiality has been reasonably promised, which 119
information would reasonably tend to disclose the source's or 120
witness's identity; 121

(c) Specific confidential investigatory techniques or 122
procedures or specific investigatory work product; 123

(d) Information that would endanger the life or physical 124
safety of law enforcement personnel, a crime victim, a witness, or 125
a confidential information source. 126

(3) "Medical record" means any document or combination of 127
documents, except births, deaths, and the fact of admission to or 128
discharge from a hospital, that pertains to the medical history, 129
diagnosis, prognosis, or medical condition of a patient and that 130
is generated and maintained in the process of medical treatment. 131

(4) "Trial preparation record" means any record that contains 132
information that is specifically compiled in reasonable 133
anticipation of, or in defense of, a civil or criminal action or 134
proceeding, including the independent thought processes and 135
personal trial preparation of an attorney. 136

(5) "Intellectual property record" means a record, other than 137
a financial or administrative record, that is produced or 138
collected by or for faculty or staff of a state institution of 139

higher learning in the conduct of or as a result of study or 140
research on an educational, commercial, scientific, artistic, 141
technical, or scholarly issue, regardless of whether the study or 142
research was sponsored by the institution alone or in conjunction 143
with a governmental body or private concern, and that has not been 144
publicly released, published, or patented. 145

(6) "Donor profile record" means all records about donors or 146
potential donors to a public institution of higher education 147
except the names and reported addresses of the actual donors and 148
the date, amount, and conditions of the actual donation. 149

(7) "Peace officer, parole officer, prosecuting attorney, 150
assistant prosecuting attorney, correctional employee, youth 151
services employee, firefighter, or EMT residential and familial 152
information" means any information that discloses any of the 153
following about a peace officer, parole officer, prosecuting 154
attorney, assistant prosecuting attorney, correctional employee, 155
youth services employee, firefighter, or EMT: 156

(a) The address of the actual personal residence of a peace 157
officer, parole officer, assistant prosecuting attorney, 158
correctional employee, youth services employee, firefighter, or 159
EMT, except for the state or political subdivision in which the 160
peace officer, parole officer, assistant prosecuting attorney, 161
correctional employee, youth services employee, firefighter, or 162
EMT resides; 163

(b) Information compiled from referral to or participation in 164
an employee assistance program; 165

(c) The social security number, the residential telephone 166
number, any bank account, debit card, charge card, or credit card 167
number, or the emergency telephone number of, or any medical 168
information pertaining to, a peace officer, parole officer, 169
prosecuting attorney, assistant prosecuting attorney, correctional 170

employee, youth services employee, firefighter, or EMT; 171

(d) The name of any beneficiary of employment benefits, 172
including, but not limited to, life insurance benefits, provided 173
to a peace officer, parole officer, prosecuting attorney, 174
assistant prosecuting attorney, correctional employee, youth 175
services employee, firefighter, or EMT by the peace officer's, 176
parole officer's, prosecuting attorney's, assistant prosecuting 177
attorney's, correctional employee's, youth services employee's, 178
firefighter's, or EMT's employer; 179

(e) The identity and amount of any charitable or employment 180
benefit deduction made by the peace officer's, parole officer's, 181
prosecuting attorney's, assistant prosecuting attorney's, 182
correctional employee's, youth services employee's, firefighter's, 183
or EMT's employer from the peace officer's, parole officer's, 184
prosecuting attorney's, assistant prosecuting attorney's, 185
correctional employee's, youth services employee's, firefighter's, 186
or EMT's compensation unless the amount of the deduction is 187
required by state or federal law; 188

(f) The name, the residential address, the name of the 189
employer, the address of the employer, the social security number, 190
the residential telephone number, any bank account, debit card, 191
charge card, or credit card number, or the emergency telephone 192
number of the spouse, a former spouse, or any child of a peace 193
officer, parole officer, prosecuting attorney, assistant 194
prosecuting attorney, correctional employee, youth services 195
employee, firefighter, or EMT; 196

(g) A photograph of a peace officer who holds a position or 197
has an assignment that may include undercover or plain clothes 198
positions or assignments as determined by the peace officer's 199
appointing authority. 200

As used in divisions (A)(7) and (B)(5) of this section, 201

"peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A)(7) and (B)(5) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A)(7) and (B)(5) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(5) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(5) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

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(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

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(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

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(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.

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(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

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(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

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(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of time. In order to facilitate broader access to public records, public offices shall maintain public records in a manner that they can be made available for inspection in accordance with this division.

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(2) If any person chooses to obtain a copy of a public record in accordance with division (B)(1) of this section, the public office or person responsible for the public record shall permit that person to choose to have the public record duplicated upon

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paper, upon the same medium upon which the public office or person 264
responsible for the public record keeps it, or upon any other 265
medium upon which the public office or person responsible for the 266
public record determines that it reasonably can be duplicated as 267
an integral part of the normal operations of the public office or 268
person responsible for the public record. When the person seeking 269
the copy makes a choice under this division, the public office or 270
person responsible for the public record shall provide a copy of 271
it in accordance with the choice made by the person seeking the 272
copy. 273

(3) Upon a request made in accordance with division (B)(1) of 274
this section, a public office or person responsible for public 275
records shall transmit a copy of a public record to any person by 276
United States mail within a reasonable period of time after 277
receiving the request for the copy. The public office or person 278
responsible for the public record may require the person making 279
the request to pay in advance the cost of postage and other 280
supplies used in the mailing. 281

Any public office may adopt a policy and procedures that it 282
will follow in transmitting, within a reasonable period of time 283
after receiving a request, copies of public records by United 284
States mail pursuant to this division. A public office that adopts 285
a policy and procedures under this division shall comply with them 286
in performing its duties under this division. 287

In any policy and procedures adopted under this division, a 288
public office may limit the number of records requested by a 289
person that the office will transmit by United States mail to ten 290
per month, unless the person certifies to the office in writing 291
that the person does not intend to use or forward the requested 292
records, or the information contained in them, for commercial 293
purposes. For purposes of this division, "commercial" shall be 294
narrowly construed and does not include reporting or gathering 295

news, reporting or gathering information to assist citizen 296
oversight or understanding of the operation or activities of 297
government, or nonprofit educational research. 298

(4) A public office or person responsible for public records 299
is not required to permit a person who is incarcerated pursuant to 300
a criminal conviction or a juvenile adjudication to inspect or to 301
obtain a copy of any public record concerning a criminal 302
investigation or prosecution or concerning what would be a 303
criminal investigation or prosecution if the subject of the 304
investigation or prosecution were an adult, unless the request to 305
inspect or to obtain a copy of the record is for the purpose of 306
acquiring information that is subject to release as a public 307
record under this section and the judge who imposed the sentence 308
or made the adjudication with respect to the person, or the 309
judge's successor in office, finds that the information sought in 310
the public record is necessary to support what appears to be a 311
justiciable claim of the person. 312

(5) Upon written request made and signed by a journalist on 313
or after December 16, 1999, a public office, or person responsible 314
for public records, having custody of the records of the agency 315
employing a specified peace officer, parole officer, prosecuting 316
attorney, assistant prosecuting attorney, correctional employee, 317
youth services employee, firefighter, or EMT shall disclose to the 318
journalist the address of the actual personal residence of the 319
peace officer, parole officer, prosecuting attorney, assistant 320
prosecuting attorney, correctional employee, youth services 321
employee, firefighter, or EMT and, if the peace officer's, parole 322
officer's, prosecuting attorney's, assistant prosecuting 323
attorney's, correctional employee's, youth services employee's, 324
firefighter's, or EMT's spouse, former spouse, or child is 325
employed by a public office, the name and address of the employer 326
of the peace officer's, parole officer's, prosecuting attorney's, 327

assistant prosecuting attorney's, correctional employee's, youth 328
services employee's, firefighter's, or EMT's spouse, former 329
spouse, or child. The request shall include the journalist's name 330
and title and the name and address of the journalist's employer 331
and shall state that disclosure of the information sought would be 332
in the public interest. 333

As used in division (B)(5) of this section, "journalist" 334
means a person engaged in, connected with, or employed by any news 335
medium, including a newspaper, magazine, press association, news 336
agency, or wire service, a radio or television station, or a 337
similar medium, for the purpose of gathering, processing, 338
transmitting, compiling, editing, or disseminating information for 339
the general public. 340

(C) If a person allegedly is aggrieved by the failure of a 341
public office to promptly prepare a public record and to make it 342
available to the person for inspection in accordance with division 343
(B) of this section, or if a person who has requested a copy of a 344
public record allegedly is aggrieved by the failure of a public 345
office or the person responsible for the public record to make a 346
copy available to the person allegedly aggrieved in accordance 347
with division (B) of this section, the person allegedly aggrieved 348
may commence a mandamus action to obtain a judgment that orders 349
the public office or the person responsible for the public record 350
to comply with division (B) of this section and that awards 351
reasonable attorney's fees to the person that instituted the 352
mandamus action. The mandamus action may be commenced in the court 353
of common pleas of the county in which division (B) of this 354
section allegedly was not complied with, in the supreme court 355
pursuant to its original jurisdiction under Section 2 of Article 356
IV, Ohio Constitution, or in the court of appeals for the 357
appellate district in which division (B) of this section allegedly 358
was not complied with pursuant to its original jurisdiction under 359

Section 3 of Article IV, Ohio Constitution.	360
(D) Chapter 1347. of the Revised Code does not limit the provisions of this section.	361 362
(E)(1) The bureau of motor vehicles may adopt rules pursuant to Chapter 119. of the Revised Code to reasonably limit the number of bulk commercial special extraction requests made by a person for the same records or for updated records during a calendar year. The rules may include provisions for charges to be made for bulk commercial special extraction requests for the actual cost of the bureau, plus special extraction costs, plus ten per cent. The bureau may charge for expenses for redacting information, the release of which is prohibited by law.	363 364 365 366 367 368 369 370 371
(2) As used in divisions (B)(3) and (E)(1) of this section:	372
(a) "Actual cost" means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.	373 374 375 376 377
(b) "Bulk commercial special extraction request" means a request for copies of a record for information in a format other than the format already available, or information that cannot be extracted without examination of all items in a records series, class of records, or data base by a person who intends to use or forward the copies for surveys, marketing, solicitation, or resale for commercial purposes. "Bulk commercial special extraction request" does not include a request by a person who gives assurance to the bureau that the person making the request does not intend to use or forward the requested copies for surveys, marketing, solicitation, or resale for commercial purposes.	378 379 380 381 382 383 384 385 386 387 388
(c) "Commercial" means profit-seeking production, buying, or selling of any good, service, or other product.	389 390

(d) "Special extraction costs" means the cost of the time 391
spent by the lowest paid employee competent to perform the task, 392
the actual amount paid to outside private contractors employed by 393
the bureau, or the actual cost incurred to create computer 394
programs to make the special extraction. "Special extraction 395
costs" include any charges paid to a public agency for computer or 396
records services. 397

(3) For purposes of divisions (E)(1) and (2) of this section, 398
"commercial surveys, marketing, solicitation, or resale" shall be 399
narrowly construed and does not include reporting or gathering 400
news, reporting or gathering information to assist citizen 401
oversight or understanding of the operation or activities of 402
government, or nonprofit educational research. 403

Sec. 2151.152. The juvenile judge may enter into an agreement 404
with the department of job and family services pursuant to section 405
5101.11 of the Revised Code for the purpose of reimbursing the 406
court for foster care maintenance costs and associated 407
administrative and training costs incurred on behalf of a child 408
eligible who is either of the following: 409

(A) Eligible for payments under Title IV-E of the "Social 410
Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980) and who is in 411
the temporary or permanent custody of the court or subject to a 412
disposition issued under division (A)(5) of section 2151.354 or 413
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 414
Code; 415

(B) Determined to be at serious risk of removal from the home 416
and for whom the court has undertaken a plan of reasonable efforts 417
to prevent such removal. The 418

The agreement shall govern the responsibilities and duties 419
the court shall perform in providing services to the child. 420

Sec. 5101.29. When contained in a record held by the 421
department of job and family services or a county agency, the 422
following are not public records for purposes of section 149.43 of 423
the Revised Code: 424

(A) Names and other identifying information regarding 425
children enrolled in or attending a child day-care center or home 426
subject to licensure, certification, or registration under Chapter 427
5104. of the Revised Code; 428

(B) Names and other identifying information regarding 429
children placed with an institution or association certified under 430
section 5103.03 of the Revised Code; 431

(C) Names and other identifying information regarding a 432
person who makes an oral or written complaint regarding an 433
institution, association, child day-care center, or home subject 434
to licensure, certification, or registration to the department or 435
other state or county entity responsible for enforcing Chapter 436
5103. or 5104. of the Revised Code; 437

(D) Names, documentation, and other identifying information 438
regarding a foster caregiver or a prospective foster caregiver, 439
including the foster caregiver application for certification under 440
section 5103.03 of the Revised Code and the home study conducted 441
pursuant to section 5103.0324 of the Revised Code. 442

Sec. 5103.031. Except as provided in section 5103.033 of the 443
Revised Code, the department of job and family services may not 444
issue a certificate under section 5103.03 of the Revised Code to a 445
foster home unless the prospective foster caregiver successfully 446
completes the following amount of preplacement training through a 447
preplacement training program approved by the department of job 448
and family services under section 5103.038 of the Revised Code or 449
preplacement training provided under division (B) of section 450

5103.30 of the Revised Code: 451

(A) If the foster home is a family foster home, at least 452
~~twenty-four~~ thirty-six hours; 453

(B) If the foster home is a specialized foster home, at least 454
thirty-six hours. 455

Sec. 5103.032. (A) Except as provided in divisions ~~(B)~~, (C), 456
~~and~~ (D), and (E) of this section and in section 5103.033 of the 457
Revised Code and subject to division (B) of this section, the 458
department of job and family services may not renew a foster home 459
certificate under section 5103.03 of the Revised Code unless the 460
foster caregiver successfully completes the following amount of 461
continuing training in accordance with the foster caregiver's 462
needs assessment and continuing training plan developed and 463
implemented under section 5103.035 of the Revised Code: 464

(1) If the foster home is a family foster home, at least 465
forty hours in the preceding two-year period; 466

(2) If the foster home is a specialized foster home, at least 467
sixty hours in the preceding two-year period. 468

The continuing training required by this section shall comply 469
with rules the department adopts pursuant to section 5103.0316 of 470
the Revised Code. 471

(B) A foster caregiver may fulfill up to twenty per cent of 472
the required amount of continuing training described in division 473
(A) of this section by teaching one or more training classes for 474
other foster caregivers or by providing mentorship services to 475
other foster caregivers. The department of job and family services 476
shall adopt rules in accordance with Chapter 119. of the Revised 477
Code as necessary for the qualification of foster caregivers to 478
provide training or mentorship services to other foster 479
caregivers. 480

(C) At the beginning of a foster caregiver's two-year 481
certification period, a public children services agency, private 482
child placing agency, or private noncustodial agency acting as a 483
recommending agency for a foster caregiver holding a certificate 484
issued under section 5103.03 of the Revised Code for a family 485
foster home or specialized foster home may waive up to eight hours 486
of continuing training the foster caregiver is otherwise required 487
by division (A) of this section to complete in that two-year 488
certification period if all of the following apply: 489

(1) The foster caregiver has held a certificate issued under 490
section 5103.03 of the Revised Code for a family foster home or 491
specialized foster home for at least two years; 492

(2) The foster caregiver has provided foster care for at 493
least ninety days of the twelve months preceding the date the 494
agency issues the waiver; 495

(3) The foster caregiver has not violated any requirements 496
governing certification of foster homes during the twelve months 497
preceding the date the agency issues the waiver; 498

(4) The foster caregiver has complied in full with the needs 499
assessment and continuing training plan developed for the foster 500
caregiver under section 5103.035 of the Revised Code for the 501
preceding certification period. 502

~~(C)~~(D) Each recommending agency shall establish and implement 503
a policy regarding good cause for a foster caregiver's failure to 504
complete the continuing training in accordance with division (A) 505
of this section. If the foster caregiver complies with the policy, 506
as determined by the agency, the department may renew the foster 507
caregiver's foster home certificate. The agency shall submit the 508
policy to the department and provide a copy to each foster home 509
the agency recommends for certification or renewal. The policy 510
shall include the following: 511

(1) What constitutes good cause, including documented 512
illness, critical emergencies, and lack of accessible training 513
programs; 514

(2) Procedures for developing a scheduled corrective action 515
plan that provides for prompt completion of the continuing 516
training; 517

(3) Procedures for recommending revocation of the foster home 518
certificate if the foster caregiver fails to comply with the 519
corrective action plan. 520

~~(D)~~(E) A foster caregiver shall be given an additional amount 521
of time within which the foster caregiver must complete the 522
continuing training required under division (A) of this section in 523
accordance with rules adopted by the department of job and family 524
services if either of the following applies: 525

(1) The foster caregiver has served in active duty outside 526
this state with a branch of the armed forces of the United States 527
for more than thirty days in the preceding two-year period. 528

(2) The foster caregiver has served in active duty as a 529
member of the Ohio organized militia, as defined in section 530
5923.01 of the Revised Code, for more than thirty days in the 531
preceding two-year period and that active duty relates to either 532
an emergency in or outside of this state or to military duty in or 533
outside of this state. 534

Sec. 5103.035. A public children services agency, private 535
child placing agency, or private noncustodial agency acting as a 536
recommending agency for a foster caregiver shall develop and 537
implement a written needs assessment and continuing training plan 538
for the foster caregiver. Each needs assessment and continuing 539
training plan shall satisfy all of the following requirements: 540

(A) Be effective for the two-year period the foster 541

caregiver's certificate is in effect; 542

(B) Be appropriate for the type of foster home the foster 543
caregiver operates; 544

(C) Require the foster caregiver to successfully complete the 545
training required by the department in rules adopted pursuant to 546
section 5103.0316 of the Revised Code and any other courses the 547
agency considers appropriate; 548

(D) Include criteria the agency is to use to determine 549
whether the foster caregiver has successfully completed the 550
courses; 551

(E) Guarantee that the courses the foster caregiver is 552
required to complete are available to the foster caregiver at 553
reasonable times and places; 554

(F) Specify the number of hours of continuing training, if 555
any, the foster caregiver may complete by teaching one or more 556
training classes to other foster caregivers or by providing 557
mentoring services to other foster caregivers pursuant to division 558
(B) of section 5103.032 of the Revised Code; 559

(G) Specify the number of hours of continuing training, if 560
any, the agency will waive pursuant to division ~~(B)~~(C) of section 561
5103.032 of the Revised Code. 562

Sec. 5103.0312. A public children services agency, private 563
child placing agency, or private noncustodial agency acting as a 564
recommending agency for a foster caregiver shall ~~pay~~ reimburse the 565
foster caregiver ~~a stipend to reimburse the foster caregiver in a~~ 566
lump sum for attending a preplacement ~~or continuing~~ training 567
program operated under section 5103.034 or 5103.30 of the Revised 568
Code and shall pay the foster caregiver a stipend to reimburse the 569
foster caregiver for attending a continuing training program 570
operated under section 5103.034 or 5103.30 of the Revised Code. 571

The amount of the lump sum payment and the stipend rate shall be 572
based on a stipend rate established by the department of job and 573
family services. ~~The stipend rate and~~ shall be the same regardless 574
of the type of recommending agency from which the foster caregiver 575
seeks a recommendation. The department shall, pursuant to rules 576
adopted under section 5103.0316 of the Revised Code, reimburse the 577
recommending agency for ~~stipend~~ payments it makes in accordance 578
with this section. No payment shall be made to an individual for 579
attending a preplacement training program ~~if the individual fails~~ 580
~~to obtain a foster home certificate under section 5103.03 of the~~ 581
Revised Code until a child has been placed in the individual's 582
home. 583

Sec. 5103.0313. Except as provided in section 5103.303 of the 584
Revised Code, the department of job and family services shall 585
compensate a private child placing agency or private noncustodial 586
agency for the cost of procuring or operating preplacement and 587
continuing training programs approved by the department of job and 588
family services under section 5103.038 of the Revised Code for 589
prospective foster caregivers and foster caregivers who are 590
recommended for initial certification or recertification by the 591
agency. 592

The compensation shall be paid to the agency in the form of 593
an allowance to reimburse the agency for ~~each hour~~ the minimum 594
required amount of preplacement and continuing training provided 595
or received under section 5103.031 or 5103.032 of the Revised 596
Code. 597

Sec. 5103.391. The director of job and family services shall 598
appoint all of the following to serve on the Ohio child welfare 599
training program steering committee: 600

(A) Employees of the department of job and family services; 601

(B) One representative of each of the regional training 602
centers established under section 5103.42 of the Revised Code; 603

(C) One representative of a statewide organization that 604
represents the interests of public children services agencies; 605

(D) One representative of the Ohio child welfare training 606
program coordinator; 607

(E) Two current foster caregivers certified by the department 608
of job and family services under section 5103.03 of the Revised 609
Code; 610

(F) Employees of public children services agencies. 611

Sec. 5126.04. (A) Each county board of mental retardation and 612
developmental disabilities shall plan and set priorities based on 613
available resources for the provision of facilities, programs, and 614
other services to meet the needs of county residents who are 615
individuals with mental retardation and other developmental 616
disabilities, former residents of the county residing in state 617
institutions or placed under purchase of service agreements under 618
section 5123.18 of the Revised Code, and children subject to a 619
determination made pursuant to section 121.38 of the Revised Code. 620

Each county board shall assess the facility and service needs 621
of the individuals with mental retardation and other developmental 622
disabilities who are residents of the county or former residents 623
of the county residing in state institutions or placed under 624
purchase of service agreements under section 5123.18 of the 625
Revised Code. 626

Each county board shall require individual habilitation or 627
service plans for individuals with mental retardation and other 628
developmental disabilities who are being served or who have been 629
determined eligible for services and are awaiting the provision of 630
services. Each board shall ensure that methods of having their 631

service needs evaluated are available. 632

(B)(1) If a foster child is receiving services from a county board of mental retardation and developmental disabilities and that child is placed in a different county, the agency that placed the child, immediately upon placement, shall inform the county board in the new county all of the following: 633
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(a) That a foster child has been placed in that county; 638

(b) The name and other identifying information of the foster child; 639
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(c) The name of the foster child's previous county of residence; 641
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(d) That the foster child was receiving services from the county board of mental retardation and developmental disabilities in the previous county. 643
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(2) Upon receiving the notice described in division (B)(1) of this section or otherwise learning that the child was receiving services from a county board of mental retardation and developmental disabilities in the previous county, the county board in the new county shall communicate with the county board of the previous county to determine which county shall provide services for the foster child. 646
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If the two county boards are unable to reach an agreement within five days of the child's placement, the county board in the new county shall send notice to the Ohio department of mental retardation and developmental disabilities of the failure to agree. The department shall decide which county board shall provide services for the foster child within five days of receiving notice that the county boards could not reach an agreement. 653
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(C) The department of mental retardation and developmental 661

disabilities may adopt rules in accordance with Chapter 119. of 662
the Revised Code as necessary to implement this section. To the 663
extent that rules adopted under this section apply to the 664
identification and placement of handicapped children under Chapter 665
3323. of the Revised Code, the rules shall be consistent with the 666
standards and procedures established under sections 3323.03 to 667
3323.05 of the Revised Code. 668

~~(C)~~(D) The responsibility or authority of a county board to 669
provide services under this chapter does not affect the 670
responsibility of any other entity of state or local government to 671
provide services to individuals with mental retardation and 672
developmental disabilities. 673

~~(D)~~(E) On or before the first day of February prior to a 674
school year, a county board of mental retardation and 675
developmental disabilities may elect not to participate during 676
that school year in the provision of or contracting for 677
educational services for children ages six through twenty-one 678
years of age, provided that on or before that date the board gives 679
notice of this election to the superintendent of public 680
instruction, each school district in the county, and the 681
educational service center serving the county. If a board makes 682
this election, it shall not have any responsibility for or 683
authority to provide educational services that school year for 684
children ages six through twenty-one years of age. If a board does 685
not make an election for a school year in accordance with this 686
division, the board shall be deemed to have elected to participate 687
during that school year in the provision of or contracting for 688
educational services for children ages six through twenty-one 689
years of age. 690

~~(E)~~(F) If a county board of mental retardation and 691
developmental disabilities elects to provide educational services 692
during a school year to individuals six through twenty-one years 693

of age who are multiply handicapped, the board may provide these 694
services to individuals who are appropriately identified and 695
determined eligible pursuant to Chapter 3323. of the Revised Code, 696
and in accordance with applicable rules of the state board of 697
education. The county board may also provide related services to 698
individuals six through twenty-one years of age who have one or 699
more disabling conditions, in accordance with section 3317.20 and 700
Chapter 3323. of the Revised Code and applicable rules of the 701
state board of education. 702

Sec. 5153.122. Each PCSA caseworker hired after January 1, 703
2007, shall complete at least one hundred two hours of in-service 704
training during the first year of the caseworker's continuous 705
employment as a PCSA caseworker, except that the executive 706
director of the public children services agency may waive the 707
training requirement for a school of social work graduate who 708
participated in the university partnership program described in 709
division (D) of section 5101.141 of the Revised Code. The training 710
shall consist of courses in recognizing, accepting reports of, and 711
preventing child abuse, neglect, and dependency; assessing child 712
safety; assessing risks; interviewing persons; investigating 713
cases; intervening; providing services to children and their 714
families; the importance of and need for accurate data; 715
preparation for court; maintenance of case record information; and 716
other topics relevant to child abuse, neglect, and dependency. The 717
training shall also include courses in the legal duties of PCSA 718
caseworkers to protect the constitutional and statutory rights of 719
children and families from the initial time of contact during 720
investigation through treatment that shall include instruction 721
regarding parents' rights and the limitations that the Fourth 722
Amendment to the United States Constitution places upon 723
caseworkers and their investigations. 724

After a PCSA caseworker's first year of continuous employment 725

as a PCSA caseworker, the caseworker annually shall complete 726
thirty-six hours of training in areas relevant to the caseworker's 727
assigned duties. 728

During the first two years of continuous employment as a PCSA 729
caseworker, each PCSA caseworker shall complete at least twelve 730
hours of training in recognizing the signs of domestic violence 731
and its relationship to child abuse as established in rules the 732
director of job and family services shall adopt pursuant to 733
Chapter 119. of the Revised Code. The twelve hours may be in 734
addition to the ~~ninety hours~~ of training required during the 735
caseworker's first year of employment or part of the ~~thirty-six~~ 736
~~hours~~ of training required during the second year of employment. 737

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 738
at least sixty hours of in-service training during the first year 739
of the supervisor's continuous employment as a PCSA caseworker 740
supervisor. The training shall include courses in screening 741
reports of child abuse, neglect, or dependency. After a PCSA 742
caseworker supervisor's first year of continuous employment as a 743
PCSA caseworker supervisor, the supervisor annually shall complete 744
thirty hours of training in areas relevant to the supervisor's 745
assigned duties. During the first two years of continuous 746
employment as a PCSA caseworker supervisor, each PCSA caseworker 747
supervisor shall complete at least twelve hours of training in 748
recognizing the signs of domestic violence and its relationship to 749
child abuse as established in rules the director of job and family 750
services shall adopt pursuant to Chapter 119. of the Revised Code. 751
The twelve hours may be in addition to the ~~sixty hours~~ of training 752
required during the supervisor's first year of employment or part 753
of the ~~thirty hours~~ of training required during the second year of 754
employment. 755

Section 2. That existing sections 149.43, 2151.152, 5101.29, 756

5103.031, 5103.032, 5103.035, 5103.0312, 5103.0313, 5103.391, 757
5126.04, 5153.122, and 5153.123 of the Revised Code are hereby 758
repealed. 759

Section 3. That the version of section 149.43 of the Revised 760
Code that is scheduled to take effect September 29, 2007, be 761
amended to read as follows: 762

Sec. 149.43. (A) As used in this section: 763

(1) "Public record" means records kept by any public office, 764
including, but not limited to, state, county, city, village, 765
township, and school district units, and records pertaining to the 766
delivery of educational services by an alternative school in this 767
state kept by the nonprofit or for-profit entity operating the 768
alternative school pursuant to section 3313.533 of the Revised 769
Code. "Public record" does not mean any of the following: 770

(a) Medical records; 771

(b) Records pertaining to probation and parole proceedings or 772
to proceedings related to the imposition of community control 773
sanctions and post-release control sanctions; 774

(c) Records pertaining to actions under section 2151.85 and 775
division (C) of section 2919.121 of the Revised Code and to 776
appeals of actions arising under those sections; 777

(d) Records pertaining to adoption proceedings, including the 778
contents of an adoption file maintained by the department of 779
health under section 3705.12 of the Revised Code; 780

(e) Information in a record contained in the putative father 781
registry established by section 3107.062 of the Revised Code, 782
regardless of whether the information is held by the department of 783
job and family services or, pursuant to section 3111.69 of the 784
Revised Code, the office of child support in the department or a 785

child support enforcement agency;	786
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	787 788 789
(g) Trial preparation records;	790
(h) Confidential law enforcement investigatory records;	791
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	792 793
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	794 795
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	796 797 798 799
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	800 801 802 803
(m) Intellectual property records;	804
(n) Donor profile records;	805
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	806 807
(p) Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information;	808 809 810 811
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that	812 813 814

constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

(r) Information pertaining to the recreational activities of a person under the age of eighteen;

(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;

(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;

(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;

(v) Records the release of which is prohibited by state or federal law;

(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;

(x) Information reported and evaluations conducted pursuant to section 3701.072 of the Revised Code;

(y) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from

financial assistance from the agency; 845

(z) Records listed in section 5101.29 of the Revised Code. 846

(2) "Confidential law enforcement investigatory record" means 847
any record that pertains to a law enforcement matter of a 848
criminal, quasi-criminal, civil, or administrative nature, but 849
only to the extent that the release of the record would create a 850
high probability of disclosure of any of the following: 851

(a) The identity of a suspect who has not been charged with 852
the offense to which the record pertains, or of an information 853
source or witness to whom confidentiality has been reasonably 854
promised; 855

(b) Information provided by an information source or witness 856
to whom confidentiality has been reasonably promised, which 857
information would reasonably tend to disclose the source's or 858
witness's identity; 859

(c) Specific confidential investigatory techniques or 860
procedures or specific investigatory work product; 861

(d) Information that would endanger the life or physical 862
safety of law enforcement personnel, a crime victim, a witness, or 863
a confidential information source. 864

(3) "Medical record" means any document or combination of 865
documents, except births, deaths, and the fact of admission to or 866
discharge from a hospital, that pertains to the medical history, 867
diagnosis, prognosis, or medical condition of a patient and that 868
is generated and maintained in the process of medical treatment. 869

(4) "Trial preparation record" means any record that contains 870
information that is specifically compiled in reasonable 871
anticipation of, or in defense of, a civil or criminal action or 872
proceeding, including the independent thought processes and 873
personal trial preparation of an attorney. 874

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT residential and familial information" means any information that discloses any of the following about a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT:

(a) The address of the actual personal residence of a peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT, except for the state or political subdivision in which the peace officer, parole officer, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, or EMT resides;

(b) Information compiled from referral to or participation in an employee assistance program;

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card

number, or the emergency telephone number of, or any medical 906
information pertaining to, a peace officer, parole officer, 907
prosecuting attorney, assistant prosecuting attorney, correctional 908
employee, youth services employee, firefighter, or EMT; 909

(d) The name of any beneficiary of employment benefits, 910
including, but not limited to, life insurance benefits, provided 911
to a peace officer, parole officer, prosecuting attorney, 912
assistant prosecuting attorney, correctional employee, youth 913
services employee, firefighter, or EMT by the peace officer's, 914
parole officer's, prosecuting attorney's, assistant prosecuting 915
attorney's, correctional employee's, youth services employee's, 916
firefighter's, or EMT's employer; 917

(e) The identity and amount of any charitable or employment 918
benefit deduction made by the peace officer's, parole officer's, 919
prosecuting attorney's, assistant prosecuting attorney's, 920
correctional employee's, youth services employee's, firefighter's, 921
or EMT's employer from the peace officer's, parole officer's, 922
prosecuting attorney's, assistant prosecuting attorney's, 923
correctional employee's, youth services employee's, firefighter's, 924
or EMT's compensation unless the amount of the deduction is 925
required by state or federal law; 926

(f) The name, the residential address, the name of the 927
employer, the address of the employer, the social security number, 928
the residential telephone number, any bank account, debit card, 929
charge card, or credit card number, or the emergency telephone 930
number of the spouse, a former spouse, or any child of a peace 931
officer, parole officer, prosecuting attorney, assistant 932
prosecuting attorney, correctional employee, youth services 933
employee, firefighter, or EMT; 934

(g) A photograph of a peace officer who holds a position or 935
has an assignment that may include undercover or plain clothes 936
positions or assignments as determined by the peace officer's 937

appointing authority. 938

As used in divisions (A)(7) and (B)(9) of this section, 939
"peace officer" has the same meaning as in section 109.71 of the 940
Revised Code and also includes the superintendent and troopers of 941
the state highway patrol; it does not include the sheriff of a 942
county or a supervisory employee who, in the absence of the 943
sheriff, is authorized to stand in for, exercise the authority of, 944
and perform the duties of the sheriff. 945

As used in divisions (A)(7) and (B)(5) of this section, 946
"correctional employee" means any employee of the department of 947
rehabilitation and correction who in the course of performing the 948
employee's job duties has or has had contact with inmates and 949
persons under supervision. 950

As used in divisions (A)(7) and (B)(5) of this section, 951
"youth services employee" means any employee of the department of 952
youth services who in the course of performing the employee's job 953
duties has or has had contact with children committed to the 954
custody of the department of youth services. 955

As used in divisions (A)(7) and (B)(9) of this section, 956
"firefighter" means any regular, paid or volunteer, member of a 957
lawfully constituted fire department of a municipal corporation, 958
township, fire district, or village. 959

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 960
means EMTs-basic, EMTs-I, and paramedics that provide emergency 961
medical services for a public emergency medical service 962
organization. "Emergency medical service organization," 963
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 964
section 4765.01 of the Revised Code. 965

(8) "Information pertaining to the recreational activities of 966
a person under the age of eighteen" means information that is kept 967
in the ordinary course of business by a public office, that 968

pertains to the recreational activities of a person under the age 969
of eighteen years, and that discloses any of the following: 970

(a) The address or telephone number of a person under the age 971
of eighteen or the address or telephone number of that person's 972
parent, guardian, custodian, or emergency contact person; 973

(b) The social security number, birth date, or photographic 974
image of a person under the age of eighteen; 975

(c) Any medical record, history, or information pertaining to 976
a person under the age of eighteen; 977

(d) Any additional information sought or required about a 978
person under the age of eighteen for the purpose of allowing that 979
person to participate in any recreational activity conducted or 980
sponsored by a public office or to use or obtain admission 981
privileges to any recreational facility owned or operated by a 982
public office. 983

(9) "Community control sanction" has the same meaning as in 984
section 2929.01 of the Revised Code. 985

(10) "Post-release control sanction" has the same meaning as 986
in section 2967.01 of the Revised Code. 987

(11) "Redaction" means obscuring or deleting any information 988
that is exempt from the duty to permit public inspection or 989
copying from an item that otherwise meets the definition of a 990
"record" in section 149.011 of the Revised Code. 991

(12) "Designee" and "elected official" have the same meanings 992
as in section 109.43 of the Revised Code. 993

(B)(1) Upon request and subject to division (B)(8) of this 994
section, all public records responsive to the request shall be 995
promptly prepared and made available for inspection to any person 996
at all reasonable times during regular business hours. Subject to 997
division (B)(8) of this section, upon request, a public office or 998

person responsible for public records shall make copies of the 999
requested public record available at cost and within a reasonable 1000
period of time. If a public record contains information that is 1001
exempt from the duty to permit public inspection or to copy the 1002
public record, the public office or the person responsible for the 1003
public record shall make available all of the information within 1004
the public record that is not exempt. When making that public 1005
record available for public inspection or copying that public 1006
record, the public office or the person responsible for the public 1007
record shall notify the requester of any redaction or make the 1008
redaction plainly visible. A redaction shall be deemed a denial of 1009
a request to inspect or copy the redacted information, except if 1010
federal or state law authorizes or requires a public office to 1011
make the redaction. 1012

(2) To facilitate broader access to public records, a public 1013
office or the person responsible for public records shall organize 1014
and maintain public records in a manner that they can be made 1015
available for inspection or copying in accordance with division 1016
(B) of this section. A public office also shall have available a 1017
copy of its current records retention schedule at a location 1018
readily available to the public. If a requester makes an ambiguous 1019
or overly broad request or has difficulty in making a request for 1020
copies or inspection of public records under this section such 1021
that the public office or the person responsible for the requested 1022
public record cannot reasonably identify what public records are 1023
being requested, the public office or the person responsible for 1024
the requested public record may deny the request but shall provide 1025
the requester with an opportunity to revise the request by 1026
informing the requester of the manner in which records are 1027
maintained by the public office and accessed in the ordinary 1028
course of the public office's or person's duties. 1029

(3) If a request is ultimately denied, in part or in whole, 1030

the public office or the person responsible for the requested 1031
public record shall provide the requester with an explanation, 1032
including legal authority, setting forth why the request was 1033
denied. If the initial request was provided in writing, the 1034
explanation also shall be provided to the requester in writing. 1035
The explanation shall not preclude the public office or the person 1036
responsible for the requested public record from relying upon 1037
additional reasons or legal authority in defending an action 1038
commenced under division (C) of this section. 1039

(4) Unless specifically required or authorized by state or 1040
federal law or in accordance with division (B) of this section, no 1041
public office or person responsible for public records may limit 1042
or condition the availability of public records by requiring 1043
disclosure of the requester's identity or the intended use of the 1044
requested public record. Any requirement that the requester 1045
disclose the requestor's identity or the intended use of the 1046
requested public record constitutes a denial of the request. 1047

(5) A public office or person responsible for public records 1048
may ask a requester to make the request in writing, may ask for 1049
the requester's identity, and may inquire about the intended use 1050
of the information requested, but may do so only after disclosing 1051
to the requester that a written request is not mandatory and that 1052
the requester may decline to reveal the requester's identity or 1053
the intended use and when a written request or disclosure of the 1054
identity or intended use would benefit the requester by enhancing 1055
the ability of the public office or person responsible for public 1056
records to identify, locate, or deliver the public records sought 1057
by the requester. 1058

(6) If any person chooses to obtain a copy of a public record 1059
in accordance with division (B) of this section, the public office 1060
or person responsible for the public record may require that 1061
person to pay in advance the cost involved in providing the copy 1062

of the public record in accordance with the choice made by the 1063
person seeking the copy under this division. The public office or 1064
the person responsible for the public record shall permit that 1065
person to choose to have the public record duplicated upon paper, 1066
upon the same medium upon which the public office or person 1067
responsible for the public record keeps it, or upon any other 1068
medium upon which the public office or person responsible for the 1069
public record determines that it reasonably can be duplicated as 1070
an integral part of the normal operations of the public office or 1071
person responsible for the public record. When the person seeking 1072
the copy makes a choice under this division, the public office or 1073
person responsible for the public record shall provide a copy of 1074
it in accordance with the choice made by the person seeking the 1075
copy. Nothing in this section requires a public office or person 1076
responsible for the public record to allow the person seeking a 1077
copy of the public record to make the copies of the public record. 1078

(7) Upon a request made in accordance with division (B) of 1079
this section and subject to division (B)(6) of this section, a 1080
public office or person responsible for public records shall 1081
transmit a copy of a public record to any person by United States 1082
mail or by any other means of delivery or transmission within a 1083
reasonable period of time after receiving the request for the 1084
copy. The public office or person responsible for the public 1085
record may require the person making the request to pay in advance 1086
the cost of postage if the copy is transmitted by United States 1087
mail or the cost of delivery if the copy is transmitted other than 1088
by United States mail, and to pay in advance the costs incurred 1089
for other supplies used in the mailing, delivery, or transmission. 1090

Any public office may adopt a policy and procedures that it 1091
will follow in transmitting, within a reasonable period of time 1092
after receiving a request, copies of public records by United 1093
States mail or by any other means of delivery or transmission 1094

pursuant to this division. A public office that adopts a policy 1095
and procedures under this division shall comply with them in 1096
performing its duties under this division. 1097

In any policy and procedures adopted under this division, a 1098
public office may limit the number of records requested by a 1099
person that the office will transmit by United States mail to ten 1100
per month, unless the person certifies to the office in writing 1101
that the person does not intend to use or forward the requested 1102
records, or the information contained in them, for commercial 1103
purposes. For purposes of this division, "commercial" shall be 1104
narrowly construed and does not include reporting or gathering 1105
news, reporting or gathering information to assist citizen 1106
oversight or understanding of the operation or activities of 1107
government, or nonprofit educational research. 1108

(8) A public office or person responsible for public records 1109
is not required to permit a person who is incarcerated pursuant to 1110
a criminal conviction or a juvenile adjudication to inspect or to 1111
obtain a copy of any public record concerning a criminal 1112
investigation or prosecution or concerning what would be a 1113
criminal investigation or prosecution if the subject of the 1114
investigation or prosecution were an adult, unless the request to 1115
inspect or to obtain a copy of the record is for the purpose of 1116
acquiring information that is subject to release as a public 1117
record under this section and the judge who imposed the sentence 1118
or made the adjudication with respect to the person, or the 1119
judge's successor in office, finds that the information sought in 1120
the public record is necessary to support what appears to be a 1121
justiciable claim of the person. 1122

(9) Upon written request made and signed by a journalist on 1123
or after December 16, 1999, a public office, or person responsible 1124
for public records, having custody of the records of the agency 1125
employing a specified peace officer, parole officer, prosecuting 1126

attorney, assistant prosecuting attorney, correctional employee, 1127
youth services employee, firefighter, or EMT shall disclose to the 1128
journalist the address of the actual personal residence of the 1129
peace officer, parole officer, prosecuting attorney, assistant 1130
prosecuting attorney, correctional employee, youth services 1131
employee, firefighter, or EMT and, if the peace officer's, parole 1132
officer's, prosecuting attorney's, assistant prosecuting 1133
attorney's, correctional employee's, youth services employee's, 1134
firefighter's, or EMT's spouse, former spouse, or child is 1135
employed by a public office, the name and address of the employer 1136
of the peace officer's, parole officer's, prosecuting attorney's, 1137
assistant prosecuting attorney's, correctional employee's, youth 1138
services employee's, firefighter's, or EMT's spouse, former 1139
spouse, or child. The request shall include the journalist's name 1140
and title and the name and address of the journalist's employer 1141
and shall state that disclosure of the information sought would be 1142
in the public interest. 1143

As used in this division, "journalist" means a person engaged 1144
in, connected with, or employed by any news medium, including a 1145
newspaper, magazine, press association, news agency, or wire 1146
service, a radio or television station, or a similar medium, for 1147
the purpose of gathering, processing, transmitting, compiling, 1148
editing, or disseminating information for the general public. 1149

(C)(1) If a person allegedly is aggrieved by the failure of a 1150
public office or the person responsible for public records to 1151
promptly prepare a public record and to make it available to the 1152
person for inspection in accordance with division (B) of this 1153
section or by any other failure of a public office or the person 1154
responsible for public records to comply with an obligation in 1155
accordance with division (B) of this section, the person allegedly 1156
aggrieved may commence a mandamus action to obtain a judgment that 1157
orders the public office or the person responsible for the public 1158

record to comply with division (B) of this section, that awards 1159
court costs and reasonable attorney's fees to the person that 1160
instituted the mandamus action, and, if applicable, that includes 1161
an order fixing statutory damages under division (C)(1) of this 1162
section. The mandamus action may be commenced in the court of 1163
common pleas of the county in which division (B) of this section 1164
allegedly was not complied with, in the supreme court pursuant to 1165
its original jurisdiction under Section 2 of Article IV, Ohio 1166
Constitution, or in the court of appeals for the appellate 1167
district in which division (B) of this section allegedly was not 1168
complied with pursuant to its original jurisdiction under Section 1169
3 of Article IV, Ohio Constitution. 1170

If a requestor transmits a written request by hand delivery 1171
or certified mail to inspect or receive copies of any public 1172
record in a manner that fairly describes the public record or 1173
class of public records to the public office or person responsible 1174
for the requested public records, except as otherwise provided in 1175
this section, the requestor shall be entitled to recover the 1176
amount of statutory damages set forth in this division if a court 1177
determines that the public office or the person responsible for 1178
public records failed to comply with an obligation in accordance 1179
with division (B) of this section. 1180

The amount of statutory damages shall be fixed at one hundred 1181
dollars for each business day during which the public office or 1182
person responsible for the requested public records failed to 1183
comply with an obligation in accordance with division (B) of this 1184
section, beginning with the day on which the requester files a 1185
mandamus action to recover statutory damages, up to a maximum of 1186
one thousand dollars. The award of statutory damages shall not be 1187
construed as a penalty, but as compensation for injury arising 1188
from lost use of the requested information. The existence of this 1189
injury shall be conclusively presumed. The award of statutory 1190

damages shall be in addition to all other remedies authorized by 1191
this section. 1192

The court may reduce an award of statutory damages or not 1193
award statutory damages if the court determines both of the 1194
following: 1195

(a) That, based on the ordinary application of statutory law 1196
and case law as it existed at the time of the conduct or 1197
threatened conduct of the public office or person responsible for 1198
the requested public records that allegedly constitutes a failure 1199
to comply with an obligation in accordance with division (B) of 1200
this section and that was the basis of the mandamus action, a 1201
well-informed public office or person responsible for the 1202
requested public records reasonably would believe that the conduct 1203
or threatened conduct of the public office or person responsible 1204
for the requested public records did not constitute a failure to 1205
comply with an obligation in accordance with division (B) of this 1206
section; 1207

(b) That a well-informed public office or person responsible 1208
for the requested public records reasonably would believe that the 1209
conduct or threatened conduct of the public office or person 1210
responsible for the requested public records would serve the 1211
public policy that underlies the authority that is asserted as 1212
permitting that conduct or threatened conduct. 1213

(2)(a) If the court issues a writ of mandamus that orders the 1214
public office or the person responsible for the public record to 1215
comply with division (B) of this section and determines that the 1216
circumstances described in division (C)(1) of this section exist, 1217
the court shall determine and award to the relator all court 1218
costs. 1219

(b) If the court renders a judgment that orders the public 1220
office or the person responsible for the public record to comply 1221

with division (B) of this section, the court may award reasonable attorney's fees subject to reduction as described in division (C)(2)(c) of this section. The court shall award reasonable attorney's fees, subject to reduction as described in division (C)(2)(c) of this section when either of the following applies:

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(c) Court costs and reasonable attorney's fees awarded under this section shall be construed as remedial and not punitive. Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. The court may reduce an award of attorney's fees to the relator or not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to

comply with an obligation in accordance with division (B) of this section; 1254
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(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records as described in division (C)(2)(c)(i) of this section would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 1256
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(D) Chapter 1347. of the Revised Code does not limit the provisions of this section. 1263
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(E)(1) To ensure that all employees of public offices are appropriately educated about a public office's obligations under division (B) of this section, all elected officials or their appropriate designees shall attend training approved by the attorney general as provided in section 109.43 of the Revised Code. In addition, all public offices shall adopt a public records policy in compliance with this section for responding to public records requests. In adopting a public records policy under this division, a public office may obtain guidance from the model public records policy developed and provided to the public office by the attorney general under section 109.43 of the Revised Code. Except as otherwise provided in this section, the policy may not limit the number of public records that the public office will make available to a single person, may not limit the number of public records that it will make available during a fixed period of time, and may not establish a fixed period of time before it will respond to a request for inspection or copying of public records, unless that period is less than eight hours. 1265
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(2) The public office shall distribute the public records policy adopted by the public office under division (E)(1) of this section to the employee of the public office who is the records 1283
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custodian or records manager or otherwise has custody of the 1286
records of that office. The public office shall require that 1287
employee to acknowledge receipt of the copy of the public records 1288
policy. The public office shall create a poster that describes its 1289
public records policy and shall post the poster in a conspicuous 1290
place in the public office and in all locations where the public 1291
office has branch offices. The public office may post its public 1292
records policy on the internet web site of the public office if 1293
the public office maintains an internet web site. A public office 1294
that has established a manual or handbook of its general policies 1295
and procedures for all employees of the public office shall 1296
include the public records policy of the public office in the 1297
manual or handbook. 1298

(F)(1) The bureau of motor vehicles may adopt rules pursuant 1299
to Chapter 119. of the Revised Code to reasonably limit the number 1300
of bulk commercial special extraction requests made by a person 1301
for the same records or for updated records during a calendar 1302
year. The rules may include provisions for charges to be made for 1303
bulk commercial special extraction requests for the actual cost of 1304
the bureau, plus special extraction costs, plus ten per cent. The 1305
bureau may charge for expenses for redacting information, the 1306
release of which is prohibited by law. 1307

(2) As used in division (F)(1) of this section: 1308

(a) "Actual cost" means the cost of depleted supplies, 1309
records storage media costs, actual mailing and alternative 1310
delivery costs, or other transmitting costs, and any direct 1311
equipment operating and maintenance costs, including actual costs 1312
paid to private contractors for copying services. 1313

(b) "Bulk commercial special extraction request" means a 1314
request for copies of a record for information in a format other 1315
than the format already available, or information that cannot be 1316
extracted without examination of all items in a records series, 1317

class of records, or data base by a person who intends to use or 1318
forward the copies for surveys, marketing, solicitation, or resale 1319
for commercial purposes. "Bulk commercial special extraction 1320
request" does not include a request by a person who gives 1321
assurance to the bureau that the person making the request does 1322
not intend to use or forward the requested copies for surveys, 1323
marketing, solicitation, or resale for commercial purposes. 1324

(c) "Commercial" means profit-seeking production, buying, or 1325
selling of any good, service, or other product. 1326

(d) "Special extraction costs" means the cost of the time 1327
spent by the lowest paid employee competent to perform the task, 1328
the actual amount paid to outside private contractors employed by 1329
the bureau, or the actual cost incurred to create computer 1330
programs to make the special extraction. "Special extraction 1331
costs" include any charges paid to a public agency for computer or 1332
records services. 1333

(3) For purposes of divisions (F)(1) and (2) of this section, 1334
"surveys, marketing, solicitation, or resale for commercial 1335
purposes" shall be narrowly construed and does not include 1336
reporting or gathering news, reporting or gathering information to 1337
assist citizen oversight or understanding of the operation or 1338
activities of government, or nonprofit educational research. 1339

Section 4. That the existing version of section 149.43 of the 1340
Revised Code that is scheduled to take effect September 29, 2007, 1341
is hereby repealed. 1342

Section 5. Sections 3 and 4 of this act shall take effect 1343
September 29, 2007. 1344

Section 6. (A) The Ohio Department of Job and Family Services 1345
shall develop, implement, and oversee use of a Child Placement 1346

Level of Care Tool on a pilot basis. The Department shall 1347
implement the pilot program in Cuyahoga County and not more than 1348
nine additional counties selected by the Department. The pilot 1349
program shall be developed by the participating counties and must 1350
be acceptable to all participating counties. A selected county 1351
must agree to participate in the pilot program. 1352

(B) The pilot program shall begin not later than July 1, 1353
2008, and end not later than December 31, 2009. The length of the 1354
program shall not include any time expended in preparation for 1355
implementation or any post-pilot program evaluation activity. 1356

(C)(1) The Ohio Department of Job and Family Services shall 1357
designate a person to independently evaluate the pilot program to 1358
rate the program's success in the following areas: 1359

(a) Placement stability, length of stay, and other outcomes 1360
for children; 1361

(b) Cost; 1362

(c) Worker satisfaction; 1363

(d) Any other criteria the Department determines will be 1364
useful in the consideration of statewide implementation. 1365

(2) The evaluation design shall include: 1366

(a) A comparison of data to historical outcomes or control 1367
counties; 1368

(b) A retrospective data review of Cuyahoga County's use of 1369
the tool; 1370

(c) A prospective data evaluation in each of the ten pilot 1371
counties. 1372

(D) The Ohio Department of Mental Health shall conduct a 1373
study of a sample of the children placed using the Child Placement 1374
Level of Care Tool, which shall run concurrent with the Ohio 1375
Department of Job and Family Services Child Placement Level of 1376

Care Tool pilot program. This study shall evaluate outcomes from 1377
the initial and regular administration of the Ohio Scales Tool and 1378
changes in the level of children's functioning over time. The Ohio 1379
Department of Mental Health shall seek maximum federal financial 1380
participation to conduct the Ohio Scales Tool evaluation. Upon 1381
completion of the study, the Ohio Department of Mental Health 1382
shall send a copy of the results of the study to the independent 1383
evaluator designated under division (C) of this section. 1384

(E) The independent evaluator of the Child Placement Level of 1385
Care Tool designated under division (C) of this section shall 1386
compare the evaluation of the Child Placement Level of Care Tool 1387
conducted pursuant to division (C) of this section to the study of 1388
the Ohio Scales Tool conducted under division (D) of this section. 1389
The comparison should focus on analyzing any correlations between 1390
the placement stability outcomes associated with the Level of Care 1391
Tool and the behavioral health level of functioning outcomes 1392
associated with the Ohio Scales Tool. The independent evaluator 1393
shall send a copy of the evaluator's initial evaluation of the 1394
Child Placement Level of Care Tool, the Ohio Department of Mental 1395
Health study, and the comparison to the Ohio Department of Job and 1396
Family Services. 1397

(F) The Ohio Department of Job and Family Services may adopt 1398
rules in accordance with section 111.15 of the Revised Code, as if 1399
they were internal management rules, as necessary to carry out the 1400
purposes of this section. The Department shall seek maximum 1401
federal financial participation to support the pilot and the 1402
evaluation. 1403

(G) As used in this section: 1404

(1) "Child Placement Level of Care Tool" means an assessment 1405
tool to be developed by the participating counties to assess a 1406
child's placement needs when a child must be removed from the 1407
child's own home and cannot be placed with a relative or kin that 1408

includes assessing a child's behavior, history, psychological 1409
state, and the involvement of service systems. 1410

(2) "Ohio Scales Tool" means the Ohio Youth Problems, 1411
Functioning, and Satisfaction Scales used by the Ohio Department 1412
of Mental Health to measure outcomes for youth ages five to 1413
eighteen who receive mental health services. 1414

Section 7. The Ohio Department of Job and Family Services may 1415
seek federal approval through the United States Department of 1416
Health and Human Services to include within funding under Title 1417
IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 1418
(1980) an additional category of foster care certification, and 1419
simplified standards for that certification, for placements in 1420
which the child has an existing relationship with the foster 1421
caregiver. 1422

Section 8. The Ohio Department of Job and Family Services 1423
shall partner with the Ohio Department of Mental Retardation and 1424
Developmental Disabilities to offer joint cross system briefings 1425
to better educate the professionals of both systems for more 1426
effective service delivery for dually involved children and 1427
families. The joint cross system briefings shall be conducted 1428
regularly for one year after the effective date of this act, and 1429
shall serve as a platform for conducting forums and developing 1430
training curriculums for foster caregivers that care for mentally 1431
retarded and developmentally disabled children. 1432

Section 9. That sections 2151.23, 2151.39, 3313.64, and 1433
5103.16 be amended and sections 5103.23, 5103.231, 5103.232, 1434
5103.233, 5103.234, 5103.235, 5103.236, 5103.237, and 5103.238 of 1435
the Revised Code be enacted to read as follows: 1436

Sec. 2151.23. (A) The juvenile court has exclusive original 1437

jurisdiction under the Revised Code as follows: 1438

(1) Concerning any child who on or about the date specified 1439
in the complaint, indictment, or information is alleged to have 1440
violated section 2151.87 of the Revised Code or an order issued 1441
under that section or to be a juvenile traffic offender or a 1442
delinquent, unruly, abused, neglected, or dependent child and, 1443
based on and in relation to the allegation pertaining to the 1444
child, concerning the parent, guardian, or other person having 1445
care of a child who is alleged to be an unruly or delinquent child 1446
for being an habitual or chronic truant; 1447

(2) Subject to divisions (G) and (V) of section 2301.03 of 1448
the Revised Code, to determine the custody of any child not a ward 1449
of another court of this state; 1450

(3) To hear and determine any application for a writ of 1451
habeas corpus involving the custody of a child; 1452

(4) To exercise the powers and jurisdiction given the probate 1453
division of the court of common pleas in Chapter 5122. of the 1454
Revised Code, if the court has probable cause to believe that a 1455
child otherwise within the jurisdiction of the court is a mentally 1456
ill person subject to hospitalization by court order, as defined 1457
in section 5122.01 of the Revised Code; 1458

(5) To hear and determine all criminal cases charging adults 1459
with the violation of any section of this chapter; 1460

(6) To hear and determine all criminal cases in which an 1461
adult is charged with a violation of division (C) of section 1462
2919.21, division (B)(1) of section 2919.22, section 2919.222, 1463
division (B) of section 2919.23, or section 2919.24 of the Revised 1464
Code, provided the charge is not included in an indictment that 1465
also charges the alleged adult offender with the commission of a 1466
felony arising out of the same actions that are the basis of the 1467
alleged violation of division (C) of section 2919.21, division 1468

(B)(1) of section 2919.22, section 2919.222, division (B) of	1469
section 2919.23, or section 2919.24 of the Revised Code;	1470
(7) Under the interstate compact on juveniles in section	1471
2151.56 of the Revised Code;	1472
(8) Concerning any child who is to be taken into custody	1473
pursuant to section 2151.31 of the Revised Code, upon being	1474
notified of the intent to take the child into custody and the	1475
reasons for taking the child into custody;	1476
(9) To hear and determine requests for the extension of	1477
temporary custody agreements, and requests for court approval of	1478
permanent custody agreements, that are filed pursuant to section	1479
5103.15 of the Revised Code;	1480
(10) To hear and determine applications for consent to marry	1481
pursuant to section 3101.04 of the Revised Code;	1482
(11) Subject to divisions (G) and (V) of section 2301.03 of	1483
the Revised Code, to hear and determine a request for an order for	1484
the support of any child if the request is not ancillary to an	1485
action for divorce, dissolution of marriage, annulment, or legal	1486
separation, a criminal or civil action involving an allegation of	1487
domestic violence, or an action for support brought under Chapter	1488
3115. of the Revised Code;	1489
(12) Concerning an action commenced under section 121.38 of	1490
the Revised Code;	1491
(13) To hear and determine violations of section 3321.38 of	1492
the Revised Code;	1493
(14) To exercise jurisdiction and authority over the parent,	1494
guardian, or other person having care of a child alleged to be a	1495
delinquent child, unruly child, or juvenile traffic offender,	1496
based on and in relation to the allegation pertaining to the	1497
child;	1498

(15) To conduct the hearings, and to make the determinations, 1499
adjudications, and orders authorized or required under sections 1500
2152.82 to 2152.85 and Chapter 2950. of the Revised Code regarding 1501
a child who has been adjudicated a delinquent child and to refer 1502
the duties conferred upon the juvenile court judge under sections 1503
2152.82 to 2152.85 and Chapter 2950. of the Revised Code to 1504
magistrates appointed by the juvenile court judge in accordance 1505
with Juvenile Rule 40. 1506

(B) Except as provided in divisions (G) and (I) of section 1507
2301.03 of the Revised Code, the juvenile court has original 1508
jurisdiction under the Revised Code: 1509

(1) To hear and determine all cases of misdemeanors charging 1510
adults with any act or omission with respect to any child, which 1511
act or omission is a violation of any state law or any municipal 1512
ordinance; 1513

(2) To determine the paternity of any child alleged to have 1514
been born out of wedlock pursuant to sections 3111.01 to 3111.18 1515
of the Revised Code; 1516

(3) Under the uniform interstate family support act in 1517
Chapter 3115. of the Revised Code; 1518

(4) To hear and determine an application for an order for the 1519
support of any child, if the child is not a ward of another court 1520
of this state; 1521

(5) To hear and determine an action commenced under section 1522
3111.28 of the Revised Code; 1523

(6) To hear and determine a motion filed under section 1524
3119.961 of the Revised Code; 1525

(7) To receive filings under section 3109.74 of the Revised 1526
Code, and to hear and determine actions arising under sections 1527
3109.51 to 3109.80 of the Revised Code. 1528

(8) To enforce an order for the return of a child made under 1529
the Hague Convention on the Civil Aspects of International Child 1530
Abduction pursuant to section 3127.32 of the Revised Code; 1531

(9) To grant any relief normally available under the laws of 1532
this state to enforce a child custody determination made by a 1533
court of another state and registered in accordance with section 1534
3127.35 of the Revised Code. 1535

(C) The juvenile court, except as to juvenile courts that are 1536
a separate division of the court of common pleas or a separate and 1537
independent juvenile court, has jurisdiction to hear, determine, 1538
and make a record of any action for divorce or legal separation 1539
that involves the custody or care of children and that is filed in 1540
the court of common pleas and certified by the court of common 1541
pleas with all the papers filed in the action to the juvenile 1542
court for trial, provided that no certification of that nature 1543
shall be made to any juvenile court unless the consent of the 1544
juvenile judge first is obtained. After a certification of that 1545
nature is made and consent is obtained, the juvenile court shall 1546
proceed as if the action originally had been begun in that court, 1547
except as to awards for spousal support or support due and unpaid 1548
at the time of certification, over which the juvenile court has no 1549
jurisdiction. 1550

(D) The juvenile court, except as provided in divisions (G) 1551
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1552
to hear and determine all matters as to custody and support of 1553
children duly certified by the court of common pleas to the 1554
juvenile court after a divorce decree has been granted, including 1555
jurisdiction to modify the judgment and decree of the court of 1556
common pleas as the same relate to the custody and support of 1557
children. 1558

(E) The juvenile court, except as provided in divisions (G) 1559
and (I) of section 2301.03 of the Revised Code, has jurisdiction 1560

to hear and determine the case of any child certified to the court 1561
by any court of competent jurisdiction if the child comes within 1562
the jurisdiction of the juvenile court as defined by this section. 1563

(F)(1) The juvenile court shall exercise its jurisdiction in 1564
child custody matters in accordance with sections 3109.04~~7~~ and 1565
3127.01 to 3127.53~~7~~ of the Revised Code and, as applicable, 1566
sections 5103.20 to 5103.22 or 5103.23 to 5103.238 of the Revised 1567
Code. 1568

(2) The juvenile court shall exercise its jurisdiction in 1569
child support matters in accordance with section 3109.05 of the 1570
Revised Code. 1571

(G) Any juvenile court that makes or modifies an order for 1572
child support shall comply with Chapters 3119., 3121., 3123., and 1573
3125. of the Revised Code. If any person required to pay child 1574
support under an order made by a juvenile court on or after April 1575
15, 1985, or modified on or after December 1, 1986, is found in 1576
contempt of court for failure to make support payments under the 1577
order, the court that makes the finding, in addition to any other 1578
penalty or remedy imposed, shall assess all court costs arising 1579
out of the contempt proceeding against the person and require the 1580
person to pay any reasonable attorney's fees of any adverse party, 1581
as determined by the court, that arose in relation to the act of 1582
contempt. 1583

(H) If a child who is charged with an act that would be an 1584
offense if committed by an adult was fourteen years of age or 1585
older and under eighteen years of age at the time of the alleged 1586
act and if the case is transferred for criminal prosecution 1587
pursuant to section 2152.12 of the Revised Code, the juvenile 1588
court does not have jurisdiction to hear or determine the case 1589
subsequent to the transfer. The court to which the case is 1590
transferred for criminal prosecution pursuant to that section has 1591
jurisdiction subsequent to the transfer to hear and determine the 1592

case in the same manner as if the case originally had been 1593
commenced in that court, including, but not limited to, 1594
jurisdiction to accept a plea of guilty or another plea authorized 1595
by Criminal Rule 11 or another section of the Revised Code and 1596
jurisdiction to accept a verdict and to enter a judgment of 1597
conviction pursuant to the Rules of Criminal Procedure against the 1598
child for the commission of the offense that was the basis of the 1599
transfer of the case for criminal prosecution, whether the 1600
conviction is for the same degree or a lesser degree of the 1601
offense charged, for the commission of a lesser-included offense, 1602
or for the commission of another offense that is different from 1603
the offense charged. 1604

(I) If a person under eighteen years of age allegedly commits 1605
an act that would be a felony if committed by an adult and if the 1606
person is not taken into custody or apprehended for that act until 1607
after the person attains twenty-one years of age, the juvenile 1608
court does not have jurisdiction to hear or determine any portion 1609
of the case charging the person with committing that act. In those 1610
circumstances, divisions (A) and (B) of section 2152.12 of the 1611
Revised Code do not apply regarding the act, and the case charging 1612
the person with committing the act shall be a criminal prosecution 1613
commenced and heard in the appropriate court having jurisdiction 1614
of the offense as if the person had been eighteen years of age or 1615
older when the person committed the act. All proceedings 1616
pertaining to the act shall be within the jurisdiction of the 1617
court having jurisdiction of the offense, and that court has all 1618
the authority and duties in the case that it has in other criminal 1619
cases in that court. 1620

Sec. 2151.39. No person, association or agency, public or 1621
private, of another state, incorporated or otherwise, shall place 1622
a child in a family home or with an agency or institution within 1623
the boundaries of this state, either for temporary or permanent 1624

care or custody or for adoption, unless such person or association 1625
has furnished the department of job and family services with a 1626
medical and social history of the child, pertinent information 1627
about the family, agency, association, or institution in this 1628
state with whom the sending party desires to place the child, and 1629
any other information or financial guaranty required by the 1630
department to determine whether the proposed placement will meet 1631
the needs of the child. The department may require the party 1632
desiring the placement to agree to promptly receive and remove 1633
from the state a child brought into the state whose placement has 1634
not proven satisfactorily responsive to the needs of the child at 1635
any time until the child is adopted, reaches majority, becomes 1636
self-supporting or is discharged with the concurrence of the 1637
department. All placements proposed to be made in this state by a 1638
party located in a state which is a party to the interstate 1639
compact ~~on~~ for the placement of children shall be made according 1640
to the provisions of sections 5103.20 to 5103.22 of the Revised 1641
Code, or, if the interstate compact on the placement of children 1642
is in effect in this state, all placements proposed to be made in 1643
this state by a party located in a state that is a party to that 1644
compact shall be made according to the provisions of sections 1645
5103.23 to 5103.238 of the Revised Code. 1646

Sec. 3313.64. (A) As used in this section and in section 1647
3313.65 of the Revised Code: 1648

(1)(a) Except as provided in division (A)(1)(b) of this 1649
section, "parent" means either parent, unless the parents are 1650
separated or divorced or their marriage has been dissolved or 1651
annulled, in which case "parent" means the parent who is the 1652
residential parent and legal custodian of the child. When a child 1653
is in the legal custody of a government agency or a person other 1654
than the child's natural or adoptive parent, "parent" means the 1655
parent with residual parental rights, privileges, and 1656

responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and the right to have the child live with the parent and be the legal custodian of the child and all residual parental rights, privileges, and responsibilities.

(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.

(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.

(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.

(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a

person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39~~7~~ of the Revised Code or, as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.238 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.

(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(8) "Child," unless otherwise indicated, includes handicapped preschool children. 1718
1719

(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 1720
1721
1722
1723

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division. 1724
1725
1726
1727
1728

(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 1729
1730

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 1731
1732
1733
1734

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 1735
1736
1737

(b) The child resides in a home. 1738

(c) The child requires special education. 1739

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies: 1740
1741
1742
1743
1744
1745

(a) The placement for adoption has been terminated. 1746

(b) Another school district is required to admit the child 1747

under division (B)(1) of this section. 1748

Division (B) of this section does not prohibit the board of 1749
education of a school district from placing a handicapped child 1750
who resides in the district in a special education program outside 1751
of the district or its schools in compliance with Chapter 3323. of 1752
the Revised Code. 1753

(C) A district shall not charge tuition for children admitted 1754
under division (B)(1) or (3) of this section. If the district 1755
admits a child under division (B)(2) of this section, tuition 1756
shall be paid to the district that admits the child as follows: 1757

(1) If the child receives special education in accordance 1758
with Chapter 3323. of the Revised Code, the school district of 1759
residence, as defined in section 3323.01 of the Revised Code, 1760
shall pay tuition for the child in accordance with section 1761
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 1762
regardless of who has custody of the child or whether the child 1763
resides in a home. 1764

(2) For a child that does not receive special education in 1765
accordance with Chapter 3323. of the Revised Code, except as 1766
otherwise provided in division (C)(2)(d) of this section, if the 1767
child is in the permanent or legal custody of a government agency 1768
or person other than the child's parent, tuition shall be paid by: 1769

(a) The district in which the child's parent resided at the 1770
time the court removed the child from home or at the time the 1771
court vested legal or permanent custody of the child in the person 1772
or government agency, whichever occurred first; 1773

(b) If the parent's residence at the time the court removed 1774
the child from home or placed the child in the legal or permanent 1775
custody of the person or government agency is unknown, tuition 1776
shall be paid by the district in which the child resided at the 1777
time the child was removed from home or placed in legal or 1778

permanent custody, whichever occurred first; 1779

(c) If a school district cannot be established under division 1780
(C)(2)(a) or (b) of this section, tuition shall be paid by the 1781
district determined as required by section 2151.362 of the Revised 1782
Code by the court at the time it vests custody of the child in the 1783
person or government agency; 1784

(d) If at the time the court removed the child from home or 1785
vested legal or permanent custody of the child in the person or 1786
government agency, whichever occurred first, one parent was in a 1787
residential or correctional facility or a juvenile residential 1788
placement and the other parent, if living and not in such a 1789
facility or placement, was not known to reside in this state, 1790
tuition shall be paid by the district determined under division 1791
(D) of section 3313.65 of the Revised Code as the district 1792
required to pay any tuition while the parent was in such facility 1793
or placement; 1794

(e) If the court has modified its order as to which district 1795
is responsible to bear the cost of educating the child pursuant to 1796
division (A)(2) of section 2151.362 of the Revised Code, the 1797
district determined to be responsible for that cost in the order 1798
so modified. 1799

(3) If the child is not in the permanent or legal custody of 1800
a government agency or person other than the child's parent and 1801
the child resides in a home, tuition shall be paid by one of the 1802
following: 1803

(a) The school district in which the child's parent resides; 1804

(b) If the child's parent is not a resident of this state, 1805
the home in which the child resides. 1806

(D) Tuition required to be paid under divisions (C)(2) and 1807
(3)(a) of this section shall be computed in accordance with 1808
section 3317.08 of the Revised Code. Tuition required to be paid 1809

under division (C)(3)(b) of this section shall be computed in 1810
accordance with section 3317.081 of the Revised Code. If a home 1811
fails to pay the tuition required by division (C)(3)(b) of this 1812
section, the board of education providing the education may 1813
recover in a civil action the tuition and the expenses incurred in 1814
prosecuting the action, including court costs and reasonable 1815
attorney's fees. If the prosecuting attorney or city director of 1816
law represents the board in such action, costs and reasonable 1817
attorney's fees awarded by the court, based upon the prosecuting 1818
attorney's, director's, or one of their designee's time spent 1819
preparing and presenting the case, shall be deposited in the 1820
county or city general fund. 1821

(E) A board of education may enroll a child free of any 1822
tuition obligation for a period not to exceed sixty days, on the 1823
sworn statement of an adult resident of the district that the 1824
resident has initiated legal proceedings for custody of the child. 1825

(F) In the case of any individual entitled to attend school 1826
under this division, no tuition shall be charged by the school 1827
district of attendance and no other school district shall be 1828
required to pay tuition for the individual's attendance. 1829
Notwithstanding division (B), (C), or (E) of this section: 1830

(1) All persons at least eighteen but under twenty-two years 1831
of age who live apart from their parents, support themselves by 1832
their own labor, and have not successfully completed the high 1833
school curriculum or the individualized education program 1834
developed for the person by the high school pursuant to section 1835
3323.08 of the Revised Code, are entitled to attend school in the 1836
district in which they reside. 1837

(2) Any child under eighteen years of age who is married is 1838
entitled to attend school in the child's district of residence. 1839

(3) A child is entitled to attend school in the district in 1840

which either of the child's parents is employed if the child has a 1841
medical condition that may require emergency medical attention. 1842
The parent of a child entitled to attend school under division 1843
(F)(3) of this section shall submit to the board of education of 1844
the district in which the parent is employed a statement from the 1845
child's physician certifying that the child's medical condition 1846
may require emergency medical attention. The statement shall be 1847
supported by such other evidence as the board may require. 1848

(4) Any child residing with a person other than the child's 1849
parent is entitled, for a period not to exceed twelve months, to 1850
attend school in the district in which that person resides if the 1851
child's parent files an affidavit with the superintendent of the 1852
district in which the person with whom the child is living resides 1853
stating all of the following: 1854

(a) That the parent is serving outside of the state in the 1855
armed services of the United States; 1856

(b) That the parent intends to reside in the district upon 1857
returning to this state; 1858

(c) The name and address of the person with whom the child is 1859
living while the parent is outside the state. 1860

(5) Any child under the age of twenty-two years who, after 1861
the death of a parent, resides in a school district other than the 1862
district in which the child attended school at the time of the 1863
parent's death is entitled to continue to attend school in the 1864
district in which the child attended school at the time of the 1865
parent's death for the remainder of the school year, subject to 1866
approval of that district board. 1867

(6) A child under the age of twenty-two years who resides 1868
with a parent who is having a new house built in a school district 1869
outside the district where the parent is residing is entitled to 1870
attend school for a period of time in the district where the new 1871

house is being built. In order to be entitled to such attendance, 1872
the parent shall provide the district superintendent with the 1873
following: 1874

(a) A sworn statement explaining the situation, revealing the 1875
location of the house being built, and stating the parent's 1876
intention to reside there upon its completion; 1877

(b) A statement from the builder confirming that a new house 1878
is being built for the parent and that the house is at the 1879
location indicated in the parent's statement. 1880

(7) A child under the age of twenty-two years residing with a 1881
parent who has a contract to purchase a house in a school district 1882
outside the district where the parent is residing and who is 1883
waiting upon the date of closing of the mortgage loan for the 1884
purchase of such house is entitled to attend school for a period 1885
of time in the district where the house is being purchased. In 1886
order to be entitled to such attendance, the parent shall provide 1887
the district superintendent with the following: 1888

(a) A sworn statement explaining the situation, revealing the 1889
location of the house being purchased, and stating the parent's 1890
intent to reside there; 1891

(b) A statement from a real estate broker or bank officer 1892
confirming that the parent has a contract to purchase the house, 1893
that the parent is waiting upon the date of closing of the 1894
mortgage loan, and that the house is at the location indicated in 1895
the parent's statement. 1896

The district superintendent shall establish a period of time 1897
not to exceed ninety days during which the child entitled to 1898
attend school under division (F)(6) or (7) of this section may 1899
attend without tuition obligation. A student attending a school 1900
under division (F)(6) or (7) of this section shall be eligible to 1901
participate in interscholastic athletics under the auspices of 1902

that school, provided the board of education of the school 1903
district where the student's parent resides, by a formal action, 1904
releases the student to participate in interscholastic athletics 1905
at the school where the student is attending, and provided the 1906
student receives any authorization required by a public agency or 1907
private organization of which the school district is a member 1908
exercising authority over interscholastic sports. 1909

(8) A child whose parent is a full-time employee of a city, 1910
local, or exempted village school district, or of an educational 1911
service center, may be admitted to the schools of the district 1912
where the child's parent is employed, or in the case of a child 1913
whose parent is employed by an educational service center, in the 1914
district that serves the location where the parent's job is 1915
primarily located, provided the district board of education 1916
establishes such an admission policy by resolution adopted by a 1917
majority of its members. Any such policy shall take effect on the 1918
first day of the school year and the effective date of any 1919
amendment or repeal may not be prior to the first day of the 1920
subsequent school year. The policy shall be uniformly applied to 1921
all such children and shall provide for the admission of any such 1922
child upon request of the parent. No child may be admitted under 1923
this policy after the first day of classes of any school year. 1924

(9) A child who is with the child's parent under the care of 1925
a shelter for victims of domestic violence, as defined in section 1926
3113.33 of the Revised Code, is entitled to attend school free in 1927
the district in which the child is with the child's parent, and no 1928
other school district shall be required to pay tuition for the 1929
child's attendance in that school district. 1930

The enrollment of a child in a school district under this 1931
division shall not be denied due to a delay in the school 1932
district's receipt of any records required under section 3313.672 1933
of the Revised Code or any other records required for enrollment. 1934

Any days of attendance and any credits earned by a child while 1935
enrolled in a school district under this division shall be 1936
transferred to and accepted by any school district in which the 1937
child subsequently enrolls. The state board of education shall 1938
adopt rules to ensure compliance with this division. 1939

(10) Any child under the age of twenty-two years whose parent 1940
has moved out of the school district after the commencement of 1941
classes in the child's senior year of high school is entitled, 1942
subject to the approval of that district board, to attend school 1943
in the district in which the child attended school at the time of 1944
the parental move for the remainder of the school year and for one 1945
additional semester or equivalent term. A district board may also 1946
adopt a policy specifying extenuating circumstances under which a 1947
student may continue to attend school under division (F)(10) of 1948
this section for an additional period of time in order to 1949
successfully complete the high school curriculum for the 1950
individualized education program developed for the student by the 1951
high school pursuant to section 3323.08 of the Revised Code. 1952

(11) As used in this division, "grandparent" means a parent 1953
of a parent of a child. A child under the age of twenty-two years 1954
who is in the custody of the child's parent, resides with a 1955
grandparent, and does not require special education is entitled to 1956
attend the schools of the district in which the child's 1957
grandparent resides, provided that, prior to such attendance in 1958
any school year, the board of education of the school district in 1959
which the child's grandparent resides and the board of education 1960
of the school district in which the child's parent resides enter 1961
into a written agreement specifying that good cause exists for 1962
such attendance, describing the nature of this good cause, and 1963
consenting to such attendance. 1964

In lieu of a consent form signed by a parent, a board of 1965
education may request the grandparent of a child attending school 1966

in the district in which the grandparent resides pursuant to 1967
division (F)(11) of this section to complete any consent form 1968
required by the district, including any authorization required by 1969
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 1970
Code. Upon request, the grandparent shall complete any consent 1971
form required by the district. A school district shall not incur 1972
any liability solely because of its receipt of a consent form from 1973
a grandparent in lieu of a parent. 1974

Division (F)(11) of this section does not create, and shall 1975
not be construed as creating, a new cause of action or substantive 1976
legal right against a school district, a member of a board of 1977
education, or an employee of a school district. This section does 1978
not affect, and shall not be construed as affecting, any 1979
immunities from defenses to tort liability created or recognized 1980
by Chapter 2744. of the Revised Code for a school district, 1981
member, or employee. 1982

(12) A child under the age of twenty-two years is entitled to 1983
attend school in a school district other than the district in 1984
which the child is entitled to attend school under division (B), 1985
(C), or (E) of this section provided that, prior to such 1986
attendance in any school year, both of the following occur: 1987

(a) The superintendent of the district in which the child is 1988
entitled to attend school under division (B), (C), or (E) of this 1989
section contacts the superintendent of another district for 1990
purposes of this division; 1991

(b) The superintendents of both districts enter into a 1992
written agreement that consents to the attendance and specifies 1993
that the purpose of such attendance is to protect the student's 1994
physical or mental well-being or to deal with other extenuating 1995
circumstances deemed appropriate by the superintendents. 1996

While an agreement is in effect under this division for a 1997

student who is not receiving special education under Chapter 3323. 1998
of the Revised Code and notwithstanding Chapter 3327. of the 1999
Revised Code, the board of education of neither school district 2000
involved in the agreement is required to provide transportation 2001
for the student to and from the school where the student attends. 2002

A student attending a school of a district pursuant to this 2003
division shall be allowed to participate in all student 2004
activities, including interscholastic athletics, at the school 2005
where the student is attending on the same basis as any student 2006
who has always attended the schools of that district while of 2007
compulsory school age. 2008

(13) All school districts shall comply with the 2009
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 2010
seq., for the education of homeless children. Each city, local, 2011
and exempted village school district shall comply with the 2012
requirements of that act governing the provision of a free, 2013
appropriate public education, including public preschool, to each 2014
homeless child. 2015

When a child loses permanent housing and becomes a homeless 2016
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 2017
such a homeless person changes temporary living arrangements, the 2018
child's parent or guardian shall have the option of enrolling the 2019
child in either of the following: 2020

(a) The child's school of origin, as defined in 42 U.S.C.A. 2021
11432(g)(3)(C); 2022

(b) The school that is operated by the school district in 2023
which the shelter where the child currently resides is located and 2024
that serves the geographic area in which the shelter is located. 2025

(14) A child under the age of twenty-two years who resides 2026
with a person other than the child's parent is entitled to attend 2027
school in the school district in which that person resides if both 2028

of the following apply: 2029

(a) That person has been appointed, through a military power 2030
of attorney executed under section 574(a) of the "National Defense 2031
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 2032
U.S.C. 1044b, or through a comparable document necessary to 2033
complete a family care plan, as the parent's agent for the care, 2034
custody, and control of the child while the parent is on active 2035
duty as a member of the national guard or a reserve unit of the 2036
armed forces of the United States or because the parent is a 2037
member of the armed forces of the United States and is on a duty 2038
assignment away from the parent's residence. 2039

(b) The military power of attorney or comparable document 2040
includes at least the authority to enroll the child in school. 2041

The entitlement to attend school in the district in which the 2042
parent's agent under the military power of attorney or comparable 2043
document resides applies until the end of the school year in which 2044
the military power of attorney or comparable document expires. 2045

(G) A board of education, after approving admission, may 2046
waive tuition for students who will temporarily reside in the 2047
district and who are either of the following: 2048

(1) Residents or domiciliaries of a foreign nation who 2049
request admission as foreign exchange students; 2050

(2) Residents or domiciliaries of the United States but not 2051
of Ohio who request admission as participants in an exchange 2052
program operated by a student exchange organization. 2053

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 2054
3327.04, and 3327.06 of the Revised Code, a child may attend 2055
school or participate in a special education program in a school 2056
district other than in the district where the child is entitled to 2057
attend school under division (B) of this section. 2058

(I)(1) Notwithstanding anything to the contrary in this 2059
section or section 3313.65 of the Revised Code, a child under 2060
twenty-two years of age may attend school in the school district 2061
in which the child, at the end of the first full week of October 2062
of the school year, was entitled to attend school as otherwise 2063
provided under this section or section 3313.65 of the Revised 2064
Code, if at that time the child was enrolled in the schools of the 2065
district but since that time the child or the child's parent has 2066
relocated to a new address located outside of that school district 2067
and within the same county as the child's or parent's address 2068
immediately prior to the relocation. The child may continue to 2069
attend school in the district, and at the school to which the 2070
child was assigned at the end of the first full week of October of 2071
the current school year, for the balance of the school year. 2072
Division (I)(1) of this section applies only if both of the 2073
following conditions are satisfied: 2074

(a) The board of education of the school district in which 2075
the child was entitled to attend school at the end of the first 2076
full week in October and of the district to which the child or 2077
child's parent has relocated each has adopted a policy to enroll 2078
children described in division (I)(1) of this section. 2079

(b) The child's parent provides written notification of the 2080
relocation outside of the school district to the superintendent of 2081
each of the two school districts. 2082

(2) At the beginning of the school year following the school 2083
year in which the child or the child's parent relocated outside of 2084
the school district as described in division (I)(1) of this 2085
section, the child is not entitled to attend school in the school 2086
district under that division. 2087

(3) Any person or entity owing tuition to the school district 2088
on behalf of the child at the end of the first full week in 2089
October, as provided in division (C) of this section, shall 2090

continue to owe such tuition to the district for the child's 2091
attendance under division (I)(1) of this section for the lesser of 2092
the balance of the school year or the balance of the time that the 2093
child attends school in the district under division (I)(1) of this 2094
section. 2095

(4) A pupil who may attend school in the district under 2096
division (I)(1) of this section shall be entitled to 2097
transportation services pursuant to an agreement between the 2098
district and the district in which the child or child's parent has 2099
relocated unless the districts have not entered into such 2100
agreement, in which case the child shall be entitled to 2101
transportation services in the same manner as a pupil attending 2102
school in the district under interdistrict open enrollment as 2103
described in division (H) of section 3313.981 of the Revised Code, 2104
regardless of whether the district has adopted an open enrollment 2105
policy as described in division (B)(1)(b) or (c) of section 2106
3313.98 of the Revised Code. 2107

(J) This division does not apply to a child receiving special 2108
education. 2109

A school district required to pay tuition pursuant to 2110
division (C)(2) or (3) of this section or section 3313.65 of the 2111
Revised Code shall have an amount deducted under division (F) of 2112
section 3317.023 of the Revised Code equal to its own tuition rate 2113
for the same period of attendance. A school district entitled to 2114
receive tuition pursuant to division (C)(2) or (3) of this section 2115
or section 3313.65 of the Revised Code shall have an amount 2116
credited under division (F) of section 3317.023 of the Revised 2117
Code equal to its own tuition rate for the same period of 2118
attendance. If the tuition rate credited to the district of 2119
attendance exceeds the rate deducted from the district required to 2120
pay tuition, the department of education shall pay the district of 2121
attendance the difference from amounts deducted from all 2122

districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code.

(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school

in the district in which the child's parent lived before being 2155
called to active duty or ordered to a temporary duty assignment 2156
outside of the district, as long as the child's parent continues 2157
to be a resident of that district, and regardless of where the 2158
child lives as a result of the parent's active duty status or 2159
temporary duty assignment. However, the district is not 2160
responsible for providing transportation for the child if the 2161
child lives outside of the district as a result of the parent's 2162
active duty status or temporary duty assignment. 2163

Sec. 5103.16. (A) Pursuant to section 5103.18 of the Revised 2164
Code and except as otherwise provided in this section, no child 2165
shall be placed or accepted for placement under any written or 2166
oral agreement or understanding that transfers or surrenders the 2167
legal rights, powers, or duties of the legal parent, parents, or 2168
guardian of the child into the temporary or permanent custody of 2169
any association or institution that is not certified by the 2170
department of job and family services under section 5103.03 of the 2171
Revised Code, without the written consent of the office in the 2172
department that oversees the interstate compact ~~on~~ for placement 2173
of children established under section 5103.20 of the Revised Code 2174
or the interstate compact on the placement of children established 2175
under section 5103.23 of the Revised Code, as applicable, or by a 2176
commitment of a juvenile court, or by a commitment of a probate 2177
court as provided in this section. A child may be placed 2178
temporarily without written consent or court commitment with 2179
persons related by blood or marriage or in a legally licensed 2180
boarding home. 2181

(B)(1) Associations and institutions certified under section 2182
5103.03 of the Revised Code for the purpose of placing children in 2183
free foster homes or for legal adoption shall keep a record of the 2184
temporary and permanent surrenders of children. This record shall 2185
be available for separate statistics, which shall include a copy 2186

of an official birth record and all information concerning the 2187
social, mental, and medical history of the children that will aid 2188
in an intelligent disposition of the children in case that becomes 2189
necessary because the parents or guardians fail or are unable to 2190
reassume custody. 2191

(2) No child placed on a temporary surrender with an 2192
association or institution shall be placed permanently in a foster 2193
home or for legal adoption. All surrendered children who are 2194
placed permanently in foster homes or for adoption shall have been 2195
permanently surrendered, and a copy of the permanent surrender 2196
shall be a part of the separate record kept by the association or 2197
institution. 2198

(C) Any agreement or understanding to transfer or surrender 2199
the legal rights, powers, or duties of the legal parent or parents 2200
and place a child with a person seeking to adopt the child under 2201
this section shall be construed to contain a promise by the person 2202
seeking to adopt the child to pay the expenses listed in divisions 2203
(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 2204
if the person seeking to adopt the child refuses to accept 2205
placement of the child, to pay the temporary costs of routine 2206
maintenance and medical care for the child in a hospital, foster 2207
home, or other appropriate place for up to thirty days or until 2208
other custody is established for the child, as provided by law, 2209
whichever is less. 2210

(D) No child shall be placed or received for adoption or with 2211
intent to adopt unless placement is made by a public children 2212
services agency, an institution or association that is certified 2213
by the department of job and family services under section 5103.03 2214
of the Revised Code to place children for adoption, or custodians 2215
in another state or foreign country, or unless all of the 2216
following criteria are met: 2217

(1) Prior to the placement and receiving of the child, the 2218

parent or parents of the child personally have applied to, and 2219
appeared before, the probate court of the county in which the 2220
parent or parents reside, or in which the person seeking to adopt 2221
the child resides, for approval of the proposed placement 2222
specified in the application and have signed and filed with the 2223
court a written statement showing that the parent or parents are 2224
aware of their right to contest the decree of adoption subject to 2225
the limitations of section 3107.16 of the Revised Code; 2226

(2) The court ordered an independent home study of the 2227
proposed placement to be conducted as provided in section 3107.031 2228
of the Revised Code, and after completion of the home study, the 2229
court determined that the proposed placement is in the best 2230
interest of the child; 2231

(3) The court has approved of record the proposed placement. 2232

In determining whether a custodian has authority to place 2233
children for adoption under the laws of a foreign country, the 2234
probate court shall determine whether the child has been released 2235
for adoption pursuant to the laws of the country in which the 2236
child resides, and if the release is in a form that satisfies the 2237
requirements of the immigration and naturalization service of the 2238
United States department of justice for purposes of immigration to 2239
this country pursuant to section 101(b)(1)(F) of the "Immigration 2240
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 2241
(b)(1)(F), as amended or reenacted. 2242

If the parent or parents of the child are deceased or have 2243
abandoned the child, as determined under division (A) of section 2244
3107.07 of the Revised Code, the application for approval of the 2245
proposed adoptive placement may be brought by the relative seeking 2246
to adopt the child, or by the department, board, or organization 2247
not otherwise having legal authority to place the orphaned or 2248
abandoned child for adoption, but having legal custody of the 2249
orphaned or abandoned child, in the probate court of the county in 2250

which the child is a resident, or in which the department, board, 2251
or organization is located, or where the person or persons with 2252
whom the child is to be placed reside. Unless the parent, parents, 2253
or guardian of the person of the child personally have appeared 2254
before the court and applied for approval of the placement, notice 2255
of the hearing on the application shall be served on the parent, 2256
parents, or guardian. 2257

The consent to placement, surrender, or adoption executed by 2258
a minor parent before a judge of the probate court or an 2259
authorized deputy or referee of the court, whether executed within 2260
or outside the confines of the court, is as valid as though 2261
executed by an adult. A consent given as above before an employee 2262
of a children services agency that is licensed as provided by law, 2263
is equally effective, if the consent also is accompanied by an 2264
affidavit executed by the witnessing employee or employees to the 2265
effect that the legal rights of the parents have been fully 2266
explained to the parents, prior to the execution of any consent, 2267
and that the action was done after the birth of the child. 2268

If the court approves a placement, the prospective adoptive 2269
parent with whom the child is placed has care, custody, and 2270
control of the child pending further order of the court. 2271

(E) This section does not apply to an adoption by a 2272
stepparent, a grandparent, or a guardian. 2273

Sec. 5103.23. The interstate compact on the placement of 2274
children is hereby enacted into law and entered into with all 2275
other jurisdictions legally joining therein in form substantially 2276
as follows: 2277

Article I. Purpose and Policy. 2278

It is the purpose and policy of the party states to cooperate 2279
with each other in the interstate placement of children to the end 2280

that: 2281

(A) Each child requiring placement shall receive the maximum opportunity to be placed in a suitable environment and with persons or institutions having appropriate qualifications and facilities to provide a necessary and desirable degree and type of care. 2282
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(B) The appropriate authorities in a state where a child is to be placed may have full opportunity to ascertain the circumstances of the proposed placement, thereby promoting full compliance with applicable requirements for the protection of the child. 2287
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(C) The proper authorities of the state from which the placement is made may obtain the most complete information on the basis of which to evaluate a projected placement before it is made. 2292
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(D) Appropriate jurisdictional arrangements for the care of children will be promoted. 2296
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Article II. Definitions. 2298

As used in this compact: 2299

(A) "Child" means a person who, by reason of minority, is legally subject to parental, guardianship or similar control. 2300
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(B) "Sending agency" means a party state, officer or employee thereof; a subdivision of a party state, or officer or employee thereof; a court of a party state; a person, corporation, association, charitable agency, or other entity which sends, brings, or causes to be sent or brought any child to another party state. 2302
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(C) "Receiving state" means the state to which a child is sent, brought, or caused to be sent or brought, whether by public authorities or private persons or agencies, and whether for 2308
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placement with state or local public authorities or for placement 2311
with private agencies or persons. 2312

(D) "Placement" means the arrangement for the care of a child 2313
in a family free or boarding home, or in a child-caring agency or 2314
institution but does not include any institution caring for the 2315
mentally ill, mentally defective, or epileptic, or any institution 2316
primarily educational in character, and any hospital or other 2317
medical facility. 2318

Article III. Conditions for Placement. 2319

(A) No sending agency shall send, bring, or cause to be sent 2320
or brought into any other party state any child for placement in 2321
foster care or as a preliminary to a possible adoption unless the 2322
sending agency shall comply with each and every requirement set 2323
forth in this article and with the applicable laws of the 2324
receiving state governing the placement of children therein. 2325

(B) Prior to sending, bringing or causing any child to be 2326
sent or brought into a receiving state for placement in foster 2327
care or as a preliminary to a possible adoption, the sending 2328
agency shall furnish the appropriate public authorities in the 2329
receiving state written notice of the intention to send, bring, or 2330
place the child in the receiving state. The notice shall contain: 2331

(1) The name, date and place of the birth of the child; 2332

(2) The identity and address or addresses of the parents or 2333
legal guardian; 2334

(3) The name and address of the person, agency, or 2335
institution to or with which the sending agency proposes to send, 2336
bring, or place the child; 2337

(4) A full statement of the reasons for such proposed action 2338
and evidence of the authority pursuant to which the placement is 2339
proposed to be made. 2340

(C) Any public officer or agency in a receiving state which 2341
is in receipt of a notice pursuant to division (B) of this article 2342
may request of the sending agency, or any other appropriate 2343
officer or agency of or in the sending agency's state, and shall 2344
be entitled to receive therefrom, such supporting or additional 2345
information as it may deem necessary under the circumstances to 2346
carry out the purpose and policy of this compact. 2347

(D) The child shall not be sent, brought, or cause caused to 2348
be sent or brought into the receiving state until the appropriate 2349
public authorities in the receiving state shall notify the sending 2350
agency, in writing, to the effect that the proposed placement does 2351
not appear to be contrary to the interests of the child. 2352

Article IV. Penalty for Illegal Placement. 2353

The sending, bringing, or causing to be sent or brought into 2354
any receiving state of a child in violation of the terms of this 2355
compact shall constitute a violation of the laws respecting the 2356
placement of children of both the state in which the sending 2357
agency is located or from which it sends or brings the child and 2358
of the receiving state. Such violation may be punished or 2359
subjected to penalty in either jurisdiction in accordance with its 2360
laws. In addition to liability for any such punishment or penalty, 2361
any such violation shall constitute full and sufficient grounds 2362
for the suspension or revocation of any license, permit, or other 2363
legal authorization held by the sending agency which empowers or 2364
allows it to place, or care for children. 2365

Article V. Retention of Jurisdiction. 2366

(A) The sending agency shall retain jurisdiction over the 2367
child sufficient to determine all matters in relation to the 2368
custody, supervision, care, treatment and disposition of the child 2369
which it would have had if the child had remained in the sending 2370
agency's state, until the child is adopted, reaches majority, 2371

becomes self-supporting or is discharged with the concurrence of 2372
the appropriate authority in the receiving state. Such 2373
jurisdiction shall also include the power to effect or cause the 2374
return of the child or its transfer to another location and 2375
custody pursuant to law. The sending agency shall continue to have 2376
financial responsibility for support and maintenance of the child 2377
during the period of the placement. Nothing contained herein shall 2378
defeat a claim of jurisdiction by a receiving state sufficient to 2379
deal with an act of delinquency or crime committed therein. 2380

(B) When the sending agency is a public agency, it may enter 2381
into an agreement with an authorized public or private agency in 2382
the receiving state providing for the performance of one or more 2383
services in respect of such case by the latter as agent for the 2384
sending agency. 2385

(C) Nothing in this compact shall be construed to prevent a 2386
private charitable agency authorized to place children in the 2387
receiving state from performing services or acting as agent in 2388
that state for a private charitable agency of the sending state; 2389
nor to prevent the agency in the receiving state from discharging 2390
financial responsibility for the support and maintenance of a 2391
child who has been placed on behalf of the sending agency without 2392
relieving the responsibility set forth in paragraph (A) hereof. 2393

Article VI. Institutional Care of Delinquent Children. 2394

A child adjudicated delinquent may be placed in an 2395
institution in another party jurisdiction pursuant to this compact 2396
but no such placement shall be made unless the child is given a 2397
court hearing on notice to the parent or guardian with opportunity 2398
to be heard prior to his being sent to such other party 2399
jurisdiction for institutional care and the court finds that: 2400

(A) Equivalent facilities for the child are not available in 2401
the sending agency's jurisdiction; and 2402

(B) Institutional care in the other jurisdiction is in the 2403
best interest of the child and will not produce undue hardship. 2404

Article VII. Compact Administrator. 2405

The executive head of each jurisdiction party to this compact 2406
shall designate an officer who shall be general coordinator of 2407
activities under this compact in his jurisdiction and who, acting 2408
jointly with like officers of other party jurisdictions, shall 2409
have power to promulgate rules and regulations to carry out more 2410
effectively the terms and provisions of this compact. 2411

Article VIII. Limitations. 2412

This compact shall not apply to: 2413

(A) The sending or bringing of a child into a receiving state 2414
by his parent, step-parent, grandparent, adult brother or sister, 2415
adult uncle or aunt, or his guardian and leaving the child with 2416
any such relative or non-agency guardian in the receiving state. 2417

(B) Any placement, sending or bringing of a child into a 2418
receiving state pursuant to any other interstate compact to which 2419
both the state from which the child is sent or brought and the 2420
receiving state are party, or to any other agreement between said 2421
states which has the force of law. 2422

Article IX. Enactment and Withdrawal. 2423

This compact shall be open to joinder by any state, territory 2424
or possession of the United States, the District of Columbia, the 2425
Commonwealth of Puerto Rico, and, with the consent of congress, 2426
the government of Canada, or any province thereof. It shall become 2427
effective with respect to any such jurisdiction when such 2428
jurisdiction has enacted the same into law. Withdrawal from this 2429
compact shall be by the enactment of a statute repealing the same, 2430
but shall not take effect until two years after the effective date 2431
of such statute and until written notice of the withdrawal has 2432

been given by the withdrawing state to the governor of each other 2433
party jurisdiction. Withdrawal of a party state shall not affect 2434
the rights, duties and obligations under this compact of any 2435
sending agency therein with respect to a placement made prior to 2436
the effective date of withdrawal. 2437

Article X. Construction and Severability. 2438

The provisions of this compact shall be liberally construed 2439
to effectuate the purposes thereof. The provisions of this compact 2440
shall be severable and if any phrase, clause, sentence or 2441
provision of this compact is declared to be contrary to the 2442
constitution of any party state or of the United States or the 2443
applicability thereof to any government, agency, person, or 2444
circumstance is held invalid, the validity of the remainder of 2445
this compact and the applicability thereof to any government, 2446
agency, person or circumstance shall not be affected thereby. If 2447
this compact shall be held contrary to the constitution of any 2448
state party thereto, the compact shall remain in full force and 2449
effect as to the state affected as to all severable matters. 2450

Sec. 5103.231. Financial responsibility for any child placed 2451
pursuant to the provisions of the interstate compact on the 2452
placement of children shall be determined in accordance with the 2453
provisions of Article V of section 5103.23 of the Revised Code. 2454
However, in the event of parental or complete default of 2455
performance thereunder, the provisions of laws fixing 2456
responsibility for the support of children also may be invoked. 2457

Sec. 5103.232. The "appropriate public authorities" as used 2458
in Article III of the interstate compact on the placement of 2459
department of job and family services and that department shall 2460
receive and act with reference to notices required by said Article 2461
III. 2462

Sec. 5103.233. As used in paragraph (A) of Article V of the interstate compact on the placement of children, the phrase "appropriate authority in the receiving state" with reference to this state shall mean the department of job and family services. 2463
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Sec. 5103.234. The officers and agencies of this state and its subdivisions having authority to place children are hereby empowered to enter into agreements with appropriate officers or agencies of or in other party states pursuant to paragraph (B) of Article V of the interstate compact on the placement of children. Any such agreement which contains a financial commitment or imposes a financial obligation on this state is subject to the approval of the director of budget and management. Any such agreement which contains a financial commitment or imposes a financial obligation on any subdivision of this state shall not be binding unless it has the approval in writing of the chief local fiscal officer. 2467
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Sec. 5103.235. Any requirements for visitation, inspection, or supervision of children, homes, institutions, or other agencies in another party state which may apply under Chapter 5103. of the Revised Code shall be deemed to be met if performed pursuant to an agreement entered into by appropriate officers or agencies of this state or a subdivision thereof as contemplated by paragraph (B) of Article V of the interstate compact on the placement of children. 2479
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Sec. 5103.236. Any court having jurisdiction to place delinquent children may place such a child in an institution in another state pursuant to Article VI of the interstate compact on the placement of children and shall retain jurisdiction as provided in Article V thereof. 2486
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Sec. 5103.237. As used in Article VII of the interstate 2491

compact on the placement of children, the term "executive head" 2492
means the governor. The Governor is hereby authorized to appoint a 2493
compact administrator in accordance with the terms of said Article 2494
VII. 2495

Sec. 5103.238. Nothing contained in this chapter shall be 2496
construed to effect a voluntary or court ordered termination of 2497
parental rights occurring before January 1, 1976. 2498

Section 10. That existing sections 2151.23, 2151.39, 3313.64, 2499
and 5103.16 of the Revised Code are hereby repealed. 2500

Section 11. Sections 5103.23 to 5103.238 and the amendments 2501
to sections 2151.23, 2151.39, 3313.64, and 5103.16 of the Revised 2502
Code shall continue in effect until the Interstate Compact for the 2503
Placement of Children contained in sections 5103.20 to 5103.22 of 2504
the Revised Code becomes effective as described in Article XIV of 2505
that Compact, at which time sections 5103.23 to 5103.238 and the 2506
amendments made by this act to sections 2151.23, 2151.39, 3313.64, 2507
and 5103.16 of the Revised Code no longer apply. 2508

Section 12. The enactment of the Interstate Compact on the 2509
Placement of Children in Section 8 of this act is a continuation 2510
of the interstate compact of the same name that was repealed in 2511
Am. Sub. S.B. 238 of the 126th General Assembly but remains in 2512
effect according to Article IX of that Compact. 2513

Section 13. Section 149.43 of the Revised Code is presented 2514
in Section 3 of this act as a composite of the section as amended 2515
by both Sub. H.B. 9 and Sub. H.B. 141 of the 126th General 2516
Assembly. Section 3313.64 of the Revised Code is presented in this 2517
act as a composite of the section as amended by Am. Sub. H.B. 137, 2518
Am. Sub. H.B. 530, Sub. S.B. 164, and Am. Sub. S.B. 238 of the 2519
126th General Assembly. The General Assembly, applying the 2520

principle stated in division (B) of section 1.52 of the Revised	2521
Code that amendments are to be harmonized if reasonably capable of	2522
simultaneous operation, finds that the composites are the	2523
resulting versions of the sections in effect prior to the	2524
effective date of the sections as presented in this act.	2525