A BILL

To amend sections 2950.034, 5103.13, and 5103.131; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 5103.131 (5103.133) and 5103.132 (5103.134); and to enact new sections 5103.131 and 5103.132 and section 5101.136 of the Revised Code regarding children's crisis care facilities.

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

Section 1. That sections 2950.034, 5103.13, and 5103.131 be amended; sections 5103.131 (5103.133) and 5103.132 (5103.134) be amended for the purpose of adopting new section numbers as indicated in parentheses; and new sections 5103.131 and 5103.132 and section 5101.136 of the Revised Code be enacted to read as follows:

Sec. 2950.034. (A) No person who has been convicted of, is convicted of, has pleaded guilty to, or pleas guilty to a sexually oriented offense or a child-victim oriented offense shall establish a residence or occupy residential premises
within one thousand feet of any school premises or child day-care center premises, or children's crisis care facility premises.

(B) If a person to whom division (A) of this section applies violates division (A) of this section by establishing a residence or occupying residential premises within one thousand feet of any school premises or preschool or child day-care center premises, or children's crisis care facility premises, an owner or lessee of real property that is located within one thousand feet of those school premises or preschool or child day-care center premises, or children's crisis care facility premises, or the prosecuting attorney, village solicitor, city or township director of law, similar chief legal officer of a municipal corporation or township, or official designated as a prosecutor in a municipal corporation that has jurisdiction over the place at which the person establishes the residence or occupies the residential premises in question, has a cause of action for injunctive relief against the person. The plaintiff shall not be required to prove irreparable harm in order to obtain the relief.

(C) As used in this section:

(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code.

(2) "Children's crisis care facility" has the same meaning as in section 5103.13 of the Revised Code.

(3) "Children's crisis care facility premises" means both of the following:

(a) The parcel of real property on which any children's crisis care facility is situated:
(b) Any grounds, play areas, and other facilities of a children's crisis care facility that are regularly used by the children served by the facility.

(4) "Preschool" means any public or private institution or center that provides early childhood instructional or educational services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child day-care setting. "Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child day-care center premises" means all of the following:

(a) Any building in which any preschool or child day-care center activities are conducted if the building has signage that indicates that the building houses a preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(b) The parcel of real property on which a preschool or child day-care center is situated if the parcel of real property has signage that indicates that a preschool or child day-care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(c) Any grounds, play areas, and other facilities of a preschool or child day-care center that are regularly used by the children served by the preschool or child day-care center if
the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child day-care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.

Sec. 5101.136. An employee of a public children services agency or private child placing agency who has placed a preteen in a children's crisis care facility certified under section 5103.13 of the Revised Code shall enter the placement as a respite or transitional stay, as applicable, in the uniform statewide automated child welfare information system, established under section 5101.13 of the Revised Code.

Sec. 5103.13. (A) As used in this section and section 5103.131 and sections 5103.13 to 5103.134 of the Revised Code:

(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;

(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.
(b) "Children's crisis care facility" does not include either of the following:

(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities;

(ii) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody.

(2) "Legal custody" and "permanent custody" have the same meanings as in section 2151.011 of the Revised Code.

(3) "Preteen" means an individual under thirteen years of age.

(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility.

(C)(1) A person seeking to operate a children's crisis care facility shall apply to the director of job and family services to obtain a certificate for the facility.

(2)(a) The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (F)(H) of this section and the person complies with
all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the facility from a requirement to obtain another certificate or license mandated by law.

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section.

(D)(1) No certified children's crisis care facility shall do any of the following:

   (a)(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

   (b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide (2) Provide residential care to a preteen for more than sixty-nine consecutive days;

   (c) Provide (3) Except as provided in division (D) of section 5103.132 of the Revised Code, provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

   (d)(4) Fail to comply with section 2151.86 of the Revised Code.

(2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:
(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;

(b) The preteen's parent or other caretaker is an inpatient in a hospital;

(c) The preteen's parent or other caretaker is incarcerated;

(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.

(E) A certified children's crisis care facility shall do the following:

(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;

(2) Require, if pediatric medical service is provided at the facility, the following:

(a) Medical service to be provided by a qualified, licensed, and insured medical professional;


(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to ensure the parent or caretaker is competent to provide the ongoing care;
(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment.

(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to ensure the parent or caretaker is competent in the basic parenting skills needed to care for the preteen;

(4) Require only a transfer summary for the transfer of a preteen from one certified children's crisis care facility location to another, if the facility has more than one location and the receiving location is licensed under the same license as the transferring location;

(5) Require the facility to have a dedicated and private enclosed space for the purpose of completing required admission paperwork and medical forms.

(F) A certified children's crisis care facility may do the following:

(1) Count administrative staff, interns, and volunteers toward required child staff ratios in an emergency situation for up to three hours if the administrative staff, interns, or volunteers meet the following requirements:

(a) Completed training in the mission of the children's crisis care facility;

(b) Completed training pursuant to Chapter 5101:2-9-03 of the Administrative Code;
(c) Are supervised by facility staff;

(d) Participate in at least monthly face-to-face supervisory conferences.

(2) Use volunteers and contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios.

(G) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of or fails to comply with any of the requirements under this section or ceases to meet any of the certification standards established in rules adopted under division (E) of or (H) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.

(E) (H) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

Sec. 5103.131. (A) As used in this section, "family preservation center" means a certified children's crisis care facility that has as its primary purpose the preservation of families through preteen foster care diversion practices and
programs.

(B)(1) A person who holds an active license to operate a children's crisis care facility under section 5103.13 of the Revised Code may apply to the director of job and family services to obtain a certificate as a family preservation center under this section.

(2)(a) The director shall certify the person's family preservation center if the center complies with all of the requirements imposed under this section and all of the rules adopted under division (E) of this section.

(b) The director shall not issue a waiver to a person of compliance with any of the requirements imposed under this section or any of the rules adopted under division (E) of this section.

(C) A certified family preservation center shall do the following:

(1) Obtain and maintain accreditation under the commission on accreditation of rehabilitation facilities or the council on accreditation for children and family services;

(2) Obtain and maintain certification by the Ohio department of mental health and addiction services;

(3) Provide family preservation programs using evidence-based practices, including all of the following:

(a) Family case management;

(b) Service referral and linkage;

(c) Parent education;

(d) Trauma screening and healing-centered interventions.
(D) The director of job and family services may suspend or revoke a family preservation center's certificate pursuant to Chapter 119. of the Revised Code if the center violates or fails to comply with division (C) of this section or any of the rules adopted under division (E) of this section.

(E) Not later than ninety days after the effective date of this section, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of family preservation centers.

Sec. 5103.132. (A) As used in this section:

(1) "Infant" means a child who is less than one year of age.

(2) "Residential infant care center" means a certified children's crisis care facility that has as its primary purpose the provision of all of the following:

(a) Medical assistance for infants affected by addiction;

(b) Residential services;

(c) The preservation of families through preteen foster care diversion practices and programs.

(B)(1) A person who holds an active license to operate a children's crisis care facility under section 5103.13 of the Revised Code may apply to the director of job and family services to obtain a certificate as a residential infant care center under this section.

(2)(a) The director shall certify the person's residential infant care center if the center complies with all of the requirements imposed under this section and all of the rules adopted under division (G) of this section.
(b) The director shall not issue a waiver to a person of compliance with any of the requirements imposed under this section or any of the rules adopted under division (G) of this section.

(C) An infant is eligible to be placed in a residential infant care center if one of the following applies:

(1) The infant was born drug exposed and requires additional care.

(2) The infant's parent or caretaker requires additional education and support services regarding care for the infant.

(3) A public children services agency or private child placing agency requires additional time to determine placement of the infant.

(D) A residential infant care center may provide residential care to an infant for up to ninety consecutive days if a public children services agency or private child placing agency placed the infant in the center.

(E) A residential infant care center shall do the following:

(1) If using medication to treat drug exposed infants, comply with both of the following:

   (a) Hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code;

   (b) Employ a pediatrician or neonatologist as a medical director who is qualified and authorized under Chapter 4731. of the Revised Code to prescribe necessary medications.
(2) Comply, except as otherwise provided in this section and section 5103.13 of the Revised Code, with all requirements under Chapter 5101:2-9-02 of the Administrative Code;

(3) Develop a plan of safe care for an infant born drug exposed as follows:
   (a) Assist with the health and substance use disorder treatment needs of the infant and affected family or caregiver;
   (b) Develop and implement a program to monitor, support, and connect affected families or caregivers through the provision of and referral to appropriate services for the infant and affected family or caregiver.

(4) Develop and implement a program for parents and caregivers that, either individually or in a group setting, does both of the following:
   (a) Teaches parenting skills, bonding, and caring for the infant's special needs;
   (b) Allows for the program to be completed prior to the infant's discharge.

(5) Require all child-care staff, interns, and volunteers to do the following:
   (a) Complete training for infant care and the provision of nonjudgmental care to affected family and caregivers;
   (b) Provide to the center the following health records:
      (i) Immunization records or the results of a blood titer test proving immunity to measles, mumps, rubella, and pertussis;
      (ii) For proof of immunity to chickenpox, provide to the center the following:
(I) Immunization records;

(II) The results of a blood titer test proving immunity to chickenpox;

(III) A signed statement from a physician verifying the occurrence of past chickenpox infection.

(iii) The negative results of a tuberculin test taken at the center's request prior to commencing employment, volunteering, or internship at the center.

(6) Require both of the following:

(a) Child-care staff to be twenty-one years of age or older with a high school diploma or a certificate of high school equivalence;

(b) Volunteers and interns to be eighteen years of age or older.

(7) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 of the Revised Code;

(8) Employ registered nurses, patient care assistants, or licensed professional nurses to meet required child staff ratios;

(9) Require the center's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following:

(a) Provide wraparound services to affected family and caregivers;

(b) Coordinate and cooperate with any transferring hospital, public children services agency, and private child
placing agency;

   (c) Refer affected families or caregivers to appropriate services for support and aftercare;

   (d) Follow up with affected families and caregivers following the infant's discharge.

   (F) The director of job and family services may suspend or revoke a residential infant care center's certificate pursuant to Chapter 119. of the Revised Code if the center violates or fails to comply with any of the requirements imposed under this section or any of the rules adopted under division (G) of this section.

   (G) Not later than ninety days after the effective date of this section, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of residential infant care centers.


Sec. 5103.132–5103.134. (A) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code.

   (B) A children's crisis care facility that has as its primary purpose the provision of residential and other care to infants who are born drug exposed and that regularly maintains
on its premises schedule II controlled substances, as defined in section 3719.01 of the Revised Code, may do both of the following:

(1) Maintain firearms at the facility;

(2) Permit security personnel to bear firearms while on the grounds of the facility.

Section 2. That existing sections 2950.034, 5103.13, 5103.131, and 5103.132 of the Revised Code are hereby repealed.