

**As Reported by the Senate Health, Human Services and Aging
Committee**

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Sub. H. B. No. 332

**Representatives Ford, Barrett, Beatty, Bender, Britton, DePiero, Flannery,
Grendell, Hartnett, Jerse, Metelsky, D. Miller, O'Brien, Patton, Perry, Pringle,
Salerno, Smith, Sullivan, Sulzer, Vesper, Winkler, Metzger, Willamowski,
Jones, Mottley, Carey, Terwilleger, R. Miller, Verich, Allen, Distel, Redfern,
Logan, Roberts, A. Core, Brading, Boyd, Stapleton, Wilson, Healy, Gooding,
Smith, Ogg, Jacobson
Senators Kearns, Hagan, Fingerhut, Spada, Drake, Prentiss**

A B I L L

To amend sections 2151.011, 2151.312, 2151.331, 1
2151.34, 2151.353, 2151.418, 2151.55, 2151.554, 2
2151.62, 2907.08, 3313.64, 5101.14, 5101.141, 3
5103.02, 5103.03, 5103.032, 5103.033, 5123.77, 4
5153.01, 5153.16, and 5153.161, to amend for the 5
purpose of adopting new section numbers as 6
indicated in parentheses sections 2151.418 7
(5103.0318), 5103.031 (5103.13), 5103.032 8
(5103.131), and 5103.033 (5103.0317), and to enact 9
new sections 5103.031, 5103.032, and 5103.033 and 10
sections 5103.034, 5103.035, 5103.036, 5103.037, 11
5103.038, 5103.039, 5103.0310, 5103.0311, 12
5103.0312, 5103.0313, 5103.0314, 5103.0315, 13
5103.0316, and 5103.0326 of the Revised Code to 14
establish preplacement and continuing training 15
requirements for foster caregivers and provide for 16
public children services agencies, private child 17

placing agencies, and private noncustodial 18
agencies to operate training programs and to 19
permit a recommending agency to recommend that a 20
foster home certificate not be renewed under 21
certain circumstances. 22

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

Section 1. That sections 2151.011, 2151.312, 2151.331, 23
2151.34, 2151.353, 2151.418, 2151.55, 2151.554, 2151.62, 2907.08, 24
3313.64, 5101.14, 5101.141, 5103.02, 5103.03, 5103.032, 5103.033, 25
5123.77, 5153.01, 5153.16, and 5153.161 be amended, sections 26
2151.418 (5103.0318), 5103.031 (5103.13), 5103.032 (5103.131), and 27
5103.033 (5103.0317) be amended for the purpose of adopting new 28
section numbers as indicated in parentheses, and new sections 29
5103.031, 5103.032, and 5103.033 and sections 5103.034, 5103.035, 30
5103.036, 5103.037, 5103.038, 5103.039, 5103.0310, 5103.0311, 31
5103.0312, 5103.0313, 5103.0314, 5103.0315, 5103.0316, and 32
5103.0326 of the Revised Code be enacted to read as follows: 33

Sec. 2151.011. (A) As used in the Revised Code: 34

(1) "Juvenile court" means the division of the court of 35
common pleas or a juvenile court separately and independently 36
created having jurisdiction under this chapter. 37

(2) "Juvenile judge" means a judge of a court having 38
jurisdiction under this chapter. 39

(3) "Private child placing agency" means any association, as 40
defined in section 5103.02 of the Revised Code, that is certified 41
~~pursuant to~~ under section 5103.03 of the Revised Code to accept 42
temporary, permanent, or legal custody of children and place the 43
children for either foster care or adoption. 44

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in ~~family~~ certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.

~~(4) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.~~

~~(5) "Certified family foster home" means a family foster home operated by persons holding a certificate in force, issued, as defined in section 5103.02 of the Revised Code, certified under~~

section 5103.03 of the Revised Code. 75

~~(6)~~(5)(a) "Child" means a person who is under eighteen years 76
of age, except as otherwise provided in divisions (B)~~(6)~~(5)(b) to 77
(f) of this section. 78

(b) Subject to division (B)~~(6)~~(5)(c) of this section, any 79
person who violates a federal or state law or municipal ordinance 80
prior to attaining eighteen years of age shall be deemed a "child" 81
irrespective of that person's age at the time the complaint is 82
filed or the hearing on the complaint is held. 83

(c) Any person who, while under eighteen years of age, 84
commits an act that would be a felony if committed by an adult and 85
who is not taken into custody or apprehended for that act until 86
after the person attains twenty-one years of age is not a child in 87
relation to that act. 88

(d) Any person whose case is transferred for criminal 89
prosecution pursuant to division (B) or (C) of section 2151.26 of 90
the Revised Code shall after the transfer be deemed not to be a 91
child in the transferred case. 92

(e) Subject to division (B)~~(6)~~(5)(f) of this section, any 93
person whose case is transferred for criminal prosecution pursuant 94
to division (B) or (C) of section 2151.26 of the Revised Code and 95
who subsequently is convicted of or pleads guilty to a felony in 96
that case shall after the transfer be deemed not to be a child in 97
any case in which the person is alleged to have committed prior to 98
or subsequent to the transfer an act that would be an offense if 99
committed by an adult. Division (B)~~(6)~~(5)(e) of this section 100
applies to a case regardless of whether the prior or subsequent 101
act that is alleged in the case and that would be an offense if 102
committed by an adult allegedly was committed in the same county 103
in which the case was transferred or in another county and 104
regardless of whether the complaint in the case involved was filed 105

in the same county in which the case was transferred or in another 106
county. Division (B)~~(6)~~(5)(e) of this section applies to a case 107
that involves an act committed prior to the transfer only when the 108
prior act alleged in the case has not been disposed of by a 109
juvenile court or trial court. 110

(f) Notwithstanding division (B)~~(6)~~(5)(e) of this section, if 111
a person's case is transferred for criminal prosecution pursuant 112
to division (B) or (C) of section 2151.26 of the Revised Code and 113
if the person subsequently is convicted of or pleads guilty to a 114
felony in that case, thereafter, the person shall be considered a 115
child solely for the following purposes in relation to any act the 116
person subsequently commits that would be an offense if committed 117
by an adult: 118

(i) For purposes of the filing of a complaint alleging that 119
the child is a delinquent child for committing the act that would 120
be an offense if committed by an adult; 121

(ii) For purposes of the juvenile court conducting a hearing 122
under division (B) of section 2151.26 of the Revised Code relative 123
to the complaint described in division (B)~~(6)~~(5)(f)(i) of this 124
section to determine whether division (B)(1) of section 2151.26 of 125
the Revised Code applies and requires that the case be transferred 126
for criminal prosecution to the appropriate court having 127
jurisdiction of the offense. 128

~~(7)~~(6) "Child day camp," "child day-care," "child day-care 129
center," "part-time child day-care center," "type A family 130
day-care home," "certified type B family day-care home," "type B 131
home," "administrator of a child day-care center," "administrator 132
of a type A family day-care home," "in-home aide," and "authorized 133
provider" have the same meanings as in section 5104.01 of the 134
Revised Code. 135

~~(8)~~(7) "Child day-care provider" means an individual who is a 136

child-care staff member or administrator of a child day-care 137
center, a type A family day-care home, or a type B family day-care 138
home, or an in-home aide or an individual who is licensed, is 139
regulated, is approved, operates under the direction of, or 140
otherwise is certified by the department of job and family 141
services, department of mental retardation and developmental 142
disabilities, or the early childhood programs of the department of 143
education. 144

~~(9)~~(8) "Commit" means to vest custody as ordered by the 145
court. 146

~~(10)~~(9) "Counseling" includes both of the following: 147

(a) General counseling services performed by a public 148
children services agency or shelter for victims of domestic 149
violence to assist a child, a child's parents, and a child's 150
siblings in alleviating identified problems that may cause or have 151
caused the child to be an abused, neglected, or dependent child. 152

(b) Psychiatric or psychological therapeutic counseling 153
services provided to correct or alleviate any mental or emotional 154
illness or disorder and performed by a licensed psychiatrist, 155
licensed psychologist, or a person licensed under Chapter 4757. of 156
the Revised Code to engage in social work or professional 157
counseling. 158

~~(11)~~(10) "Custodian" means a person who has legal custody of 159
a child or a public children services agency or private child 160
placing agency that has permanent, temporary, or legal custody of 161
a child. 162

~~(12)~~(11) "Detention" means the temporary care of children 163
pending court adjudication or disposition, or execution of a court 164
order, in a public or private facility designed to physically 165
restrict the movement and activities of children. 166

~~(13)~~(12) "Developmental disability" has the same meaning as 167

in section 5123.01 of the Revised Code. 168

~~(14) "Family foster home" means a private residence in which 169
children are received apart from their parents, guardian, or legal 170
custodian by an individual for hire, gain, or reward for nonsecure 171
care, supervision, or training twenty four hours a day. "Family 172
foster home" does not include babysitting care provided for a 173
child in the home of a person other than the home of the parents, 174
guardian, or legal custodian of the child. 175~~

~~(15) "Foster home" means a family home in which any child is 176
received apart from the child's parents for care, supervision, or 177
training. 178~~

~~(16)~~(13) "Guardian" means a person, association, or 179
corporation that is granted authority by a probate court pursuant 180
to Chapter 2111. of the Revised Code to exercise parental rights 181
over a child to the extent provided in the court's order and 182
subject to the residual parental rights of the child's parents. 183

~~(17)~~(14) "Legal custody" means a legal status that vests in 184
the custodian the right to have physical care and control of the 185
child and to determine where and with whom the child shall live, 186
and the right and duty to protect, train, and discipline the child 187
and to provide the child with food, shelter, education, and 188
medical care, all subject to any residual parental rights, 189
privileges, and responsibilities. An individual granted legal 190
custody shall exercise the rights and responsibilities personally 191
unless otherwise authorized by any section of the Revised Code or 192
by the court. 193

~~(18)~~(15) "Mental illness" and "mentally ill person subject to 194
hospitalization by court order" have the same meanings as in 195
section 5122.01 of the Revised Code. 196

~~(19)~~(16) "Mental injury" means any behavioral, cognitive, 197
emotional, or mental disorder in a child caused by an act or 198

omission that is described in section 2919.22 of the Revised Code 199
and is committed by the parent or other person responsible for the 200
child's care. 201

~~(20)~~(17) "Mentally retarded person" has the same meaning as 202
in section 5123.01 of the Revised Code. 203

~~(21)~~(18) "Nonsecure care, supervision, or training" means 204
care, supervision, or training of a child in a facility that does 205
not confine or prevent movement of the child within the facility 206
or from the facility. 207

~~(22)~~(19) "Organization" means any institution, public, 208
semipublic, or private, and any private association, society, or 209
agency located or operating in the state, incorporated or 210
unincorporated, having among its functions the furnishing of 211
protective services or care for children, or the placement of 212
children in certified foster homes or elsewhere. 213

~~(23)~~(20) "Out-of-home care" means detention facilities, 214
shelter facilities, ~~foster homes~~, certified foster homes, 215
placement in a prospective adoptive home prior to the issuance of 216
a final decree of adoption, organizations, certified 217
organizations, child day-care centers, type A family day-care 218
homes, child day-care provided by type B family day-care home 219
providers and by in-home aides, group home providers, group homes, 220
institutions, state institutions, residential facilities, 221
residential care facilities, residential camps, day camps, 222
hospitals, and medical clinics that are responsible for the care, 223
physical custody, or control of children. 224

~~(24)~~(21) "Out-of-home care child abuse" means any of the 225
following when committed by a person responsible for the care of a 226
child in out-of-home care: 227

(a) Engaging in sexual activity with a child in the person's 228
care; 229

(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;	230 231 232
(c) Use of restraint procedures on a child that cause injury or pain;	233 234
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	235 236 237
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.	238 239 240 241 242
(25) <u>(22)</u> "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	243 244 245
(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	246 247 248
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	249 250 251 252
(c) Failure to develop a process for all of the following:	253
(i) Administration of prescription drugs or psychotropic drugs for the child;	254 255
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	256 257
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the	258 259

drug.	260
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	261 262 263
(e) Confinement of the child to a locked room without monitoring by staff;	264 265
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	266 267
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	268 269 270
(26) (23) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	271 272 273 274 275 276
(27) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	277 278
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	279 280 281
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	282 283 284 285
(28) (24) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public	286 287 288 289

children services agency or a private child placing agency.	290
(29) (25) "Person responsible for a child's care in	291
out-of-home care" means any of the following:	292
(a) Any foster parent, in-home aide, or provider;	293
(b) Any administrator, employee, or agent of any of the	294
following: a public or private detention facility; shelter	295
facility; organization; certified organization; child day-care	296
center; type A family day-care home; certified type B family	297
day-care home; group home; institution; state institution;	298
residential facility; residential care facility; residential camp;	299
day camp; hospital; or medical clinic;	300
(c) Any other person who performs a similar function with	301
respect to, or has a similar relationship to, children.	302
(30) (26) "Physically impaired" means having one or more of	303
the following conditions that substantially limit one or more of	304
an individual's major life activities, including self-care,	305
receptive and expressive language, learning, mobility, and	306
self-direction:	307
(a) A substantial impairment of vision, speech, or hearing;	308
(b) A congenital orthopedic impairment;	309
(c) An orthopedic impairment caused by disease, rheumatic	310
fever or any other similar chronic or acute health problem, or	311
amputation or another similar cause.	312
(31) (27) "Placement for adoption" means the arrangement by a	313
public children services agency or a private child placing agency	314
with a person for the care and adoption by that person of a child	315
of whom the agency has permanent custody.	316
(32) (28) "Placement in foster care" means the arrangement by	317
a public children services agency or a private child placing	318
agency for the out-of-home care of a child of whom the agency has	319

temporary custody or permanent custody. 320

~~(33)~~(29) "Planned permanent living arrangement" means an 321
order of a juvenile court pursuant to which both of the following 322
apply: 323

(a) The court gives legal custody of a child to a public 324
children services agency or a private child placing agency without 325
the termination of parental rights. 326

(b) The order permits the agency to make an appropriate 327
placement of the child and to enter into a written agreement with 328
a foster care provider or with another person or agency with whom 329
the child is placed. 330

(30) "Practice of social work" and "practice of professional 331
counseling" have the same meanings as in section 4757.01 of the 332
Revised Code. 333

~~(34)~~(31) "Probation" means a legal status created by court 334
order following an adjudication that a child is a delinquent 335
child, a juvenile traffic offender, or an unruly child, whereby 336
the child is permitted to remain in the parent's, guardian's, or 337
custodian's home subject to supervision, or under the supervision 338
of any agency designated by the court and returned to the court 339
for violation of probation at any time during the period of 340
probation. 341

~~(35)~~(32) "Protective supervision" means an order of 342
disposition pursuant to which the court permits an abused, 343
neglected, dependent, unruly, or delinquent child or a juvenile 344
traffic offender to remain in the custody of the child's parents, 345
guardian, or custodian and stay in the child's home, subject to 346
any conditions and limitations upon the child, the child's 347
parents, guardian, or custodian, or any other person that the 348
court prescribes, including supervision as directed by the court 349
for the protection of the child. 350

~~(36)~~(33) "Psychiatrist" has the same meaning as in section 351
5122.01 of the Revised Code. 352

~~(37)~~(34) "Psychologist" has the same meaning as in section 353
4732.01 of the Revised Code. 354

~~(38)~~(35) "Residential camp" means a program in which the 355
care, physical custody, or control of children is accepted 356
overnight for recreational or recreational and educational 357
purposes. 358

~~(39)~~(36) "Residential care facility" means an institution, 359
residence, or facility that is licensed by the department of 360
mental health under section 5119.22 of the Revised Code and that 361
provides care for a child. 362

~~(40)~~(37) "Residential facility" means a home or facility that 363
is licensed by the department of mental retardation and 364
developmental disabilities under section 5123.19 of the Revised 365
Code and in which a child with a developmental disability resides. 366

~~(41)~~(38) "Residual parental rights, privileges, and 367
responsibilities" means those rights, privileges, and 368
responsibilities remaining with the natural parent after the 369
transfer of legal custody of the child, including, but not 370
necessarily limited to, the privilege of reasonable visitation, 371
consent to adoption, the privilege to determine the child's 372
religious affiliation, and the responsibility for support. 373

~~(42)~~(39) "Secure correctional facility" means a facility 374
under the direction of the department of youth services that is 375
designed to physically restrict the movement and activities of 376
children and used for the placement of children after adjudication 377
and disposition. 378

~~(43)~~(40) "Sexual activity" has the same meaning as in section 379
2907.01 of the Revised Code. 380

~~(44)~~(41) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(45)~~(42) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(46)~~(43) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

Sec. 2151.312. (A) Except as provided in divisions (B) and (F) of this section, a child alleged to be or adjudicated a delinquent child, an unruly child, or a juvenile traffic offender may be held only in the following places:

(1) A certified ~~family~~ foster home or a home approved by the court;

(2) A facility operated by a certified child welfare agency;

(3) Any other suitable place designated by the court.

(B) In addition to the places listed in division (A) of this section, a child alleged to be or adjudicated a delinquent child may be held in a detention home or center for delinquent children that is under the direction or supervision of the court or other public authority or of a private agency and approved by the court.

(C)(1) Except as provided under division (C)(1) of section

2151.311 of the Revised Code or division (A)(6) of section 410
2151.356 of the Revised Code, a child alleged to be or adjudicated 411
a neglected child, an abused child, a dependent child, an unruly 412
child, or a juvenile traffic offender may not be held in any of 413
the following facilities: 414

(a) A state correctional institution, county, multicounty, or 415
municipal jail or workhouse, or other place in which an adult 416
convicted of crime, under arrest, or charged with a crime is held. 417

(b) A secure correctional facility. 418

(2) Except as provided under sections 2151.56 to 2151.61 and 419
division (A)(6) of section 2151.356 of the Revised Code and 420
division (C)(3) of this section, a child alleged to be or 421
adjudicated an unruly child or a juvenile traffic offender may not 422
be held for more than twenty-four hours in a detention home. A 423
child alleged to be or adjudicated a neglected child, an abused 424
child, or a dependent child shall not be held in a detention home. 425

(3) A child who is alleged to be or who is adjudicated an 426
unruly child and who is taken into custody on a Saturday, Sunday, 427
or legal holiday, as listed in section 1.14 of the Revised Code, 428
may be held in a detention home until the next succeeding day that 429
is not a Saturday, Sunday, or legal holiday. 430

(D) Except as provided in division (F) of this section or in 431
division (C) of section 2151.311, in division (C)(2) of section 432
5139.06 and section 5120.162, or in division (B) of section 433
5120.16 of the Revised Code, a child who is alleged to be or is 434
adjudicated a delinquent child may not be held in a state 435
correctional institution, county, multicounty, or municipal jail 436
or workhouse, or other place where an adult convicted of crime, 437
under arrest, or charged with crime is held. 438

(E) Unless the detention is pursuant to division (F) of this 439
section or division (C) of section 2151.311, division (C)(2) of 440

section 5139.06 and section 5120.162, or division (B) of section 441
5120.16 of the Revised Code, the official in charge of the 442
institution, jail, workhouse, or other facility shall inform the 443
court immediately when a child, who is or appears to be under the 444
age of eighteen years, is received at the facility, and shall 445
deliver the child to the court upon request or transfer the child 446
to a detention facility designated by the court. 447

(F) If a case is transferred to another court for criminal 448
prosecution pursuant to section 2151.26 of the Revised Code, the 449
child may be transferred for detention pending the criminal 450
prosecution in a jail or other facility in accordance with the law 451
governing the detention of persons charged with crime. Any child 452
so held shall be confined in a manner that keeps the child beyond 453
the range of touch of all adult detainees. The child shall be 454
supervised at all times during the detention. 455

Sec. 2151.331. A child alleged to be or adjudicated an 456
abused, neglected, dependent, or unruly child or a juvenile 457
traffic offender may be detained after a complaint is filed in a 458
certified ~~family~~ foster home for a period not exceeding sixty days 459
or until the final disposition of the case, whichever comes first. 460
The court also may arrange with a public children services agency 461
or private child placing agency to receive, or with a private 462
noncustodial agency for temporary care of, the child within the 463
jurisdiction of the court. A child alleged to be or adjudicated an 464
unruly child also may be assigned to an alternative diversion 465
program established by the court for a period not exceeding sixty 466
days after a complaint is filed or until final disposition of the 467
case, whichever comes first. 468

If the court arranges for the board of a child temporarily 469
detained in a certified ~~family~~ foster home or arranges for the 470
board of a child through a private child placing agency, the board 471

of county commissioners shall pay a reasonable sum, which the 472
court shall fix, for the board of the child. In order to have 473
certified ~~family~~ foster homes available for service, an agreed 474
monthly subsidy may be paid in addition to a fixed rate per day 475
for care of a child actually residing in the certified ~~family~~ 476
foster home. 477

Sec. 2151.34. A child who is alleged to be or adjudicated a 478
delinquent child may be confined in a place of juvenile detention 479
for a period not to exceed ninety days, during which time a social 480
history may be prepared to include court record, family history, 481
personal history, school and attendance records, and any other 482
pertinent studies and material that will be of assistance to the 483
juvenile court in its disposition of the charges against that 484
juvenile offender. 485

Upon the advice and recommendation of the judge, the board of 486
county commissioners shall provide, by purchase, lease, 487
construction, or otherwise, a place to be known as a detention 488
home that shall be within a convenient distance of the juvenile 489
court and shall not be used for the confinement of adults charged 490
with criminal offenses and in which delinquent children may be 491
detained until final disposition. Upon the joint advice and 492
recommendation of the juvenile judges of two or more adjoining or 493
neighboring counties, the boards of county commissioners of the 494
counties shall form themselves into a joint board and proceed to 495
organize a district for the establishment and support of a 496
detention home for the use of the juvenile courts of those 497
counties, in which delinquent children may be detained until final 498
disposition, by using a site or buildings already established in 499
one of the counties or by providing for the purchase of a site and 500
the erection of the necessary buildings on the site. 501

A child who is adjudicated to be a juvenile traffic offender 502

for having committed a violation of division (A) of section 503
4511.19 of the Revised Code or of a municipal ordinance that is 504
substantially comparable to that division may be confined in a 505
detention home or district detention home pursuant to division 506
(A)(6) of section 2151.356 of the Revised Code, provided the child 507
is kept separate and apart from alleged delinquent children. 508

The county or district detention home shall be maintained as 509
provided in sections 2151.01 to 2151.54 of the Revised Code. In 510
any county in which there is no detention home or that is not 511
served by a district detention home, the board of county 512
commissioners shall provide funds for the boarding of such 513
children temporarily in private homes. Children who are alleged to 514
be or have been adjudicated delinquent children may be detained 515
after a complaint is filed in the detention home until final 516
disposition of their cases or in certified ~~family~~ foster homes or 517
in any other home approved by the court, if any are available, for 518
a period not exceeding sixty days or until final disposition of 519
their cases, whichever comes first. The court also may arrange 520
with any public children services agency or private child placing 521
agency to receive, or private noncustodial agency for temporary 522
care of, the children within the jurisdiction of the court. A 523
district detention home approved for such purpose by the 524
department of youth services under section 5139.281 of the Revised 525
Code may receive children committed to its temporary custody under 526
section 2151.355 of the Revised Code and provide the care, 527
treatment, and training required. 528

If a detention home is established as an agency of the court 529
or a district detention home is established by the courts of 530
several counties as provided in this section, it shall be 531
furnished and carried on, as far as possible, as a family home in 532
charge of a superintendent or matron in a nonpunitive neutral 533
atmosphere. The judge, or the directing board of a district 534

detention home, may appoint a superintendent, a matron, and other
necessary employees for the home and fix their salaries. During
the school year, when possible, a comparable educational program
with competent and trained staff shall be provided for those
children of school age. A sufficient number of trained
recreational personnel shall be included among the staff to assure
wholesome and profitable leisure-time activities. Medical and
mental health services shall be made available to ensure the
courts all possible treatment facilities shall be given to those
children placed under their care. In the case of a county
detention home, the salaries shall be paid in the same manner as
is provided by section 2151.13 of the Revised Code for other
employees of the court, and the necessary expenses incurred in
maintaining the detention home shall be paid by the county. In the
case of a district detention home, the salaries and the necessary
expenses incurred in maintaining the district detention home shall
be paid as provided in sections 2151.341 to 2151.3415 of the
Revised Code.

If the court arranges for the board of children temporarily
detained in ~~family~~ certified foster homes or arranges for the
board of those children through any private child placing agency,
a reasonable sum to be fixed by the court for the board of those
children shall be paid by the county. In order to have ~~family~~
certified foster homes available for service, an agreed monthly
subsidy may be paid and a fixed rate per day for care of children
actually residing in the ~~family~~ certified foster home.

Sec. 2151.353. (A) If a child is adjudicated an abused,
neglected, or dependent child, the court may make any of the
following orders of disposition:

- (1) Place the child in protective supervision;
- (2) Commit the child to the temporary custody of a public

children services agency, a private child placing agency, either
parent, a relative residing within or outside the state, or a
probation officer for placement in a certified ~~family~~ foster home
or in any other home approved by the court;

(3) Award legal custody of the child to either parent or to
any other person who, prior to the dispositional hearing, files a
motion requesting legal custody of the child;

(4) Commit the child to the permanent custody of a public
children services agency or private child placing agency, if the
court determines in accordance with division (E) of section
2151.414 of the Revised Code that the child cannot be placed with
one of the child's parents within a reasonable time or should not
be placed with either parent and determines in accordance with
division (D) of section 2151.414 of the Revised Code that the
permanent commitment is in the best interest of the child. If the
court grants permanent custody under this division, the court,
upon the request of any party, shall file a written opinion
setting forth its findings of fact and conclusions of law in
relation to the proceeding.

(5) Place the child in a planned permanent living arrangement
with a public children services agency or private child placing
agency, if a public children services agency or private child
placing agency requests the court to place the child in a planned
permanent living arrangement and if the court finds, by clear and
convincing evidence, that a planned permanent living arrangement
is in the best interest of the child and that one of the following
exists:

(a) The child, because of physical, mental, or psychological
problems or needs, is unable to function in a family-like setting
and must remain in residential or institutional care.

(b) The parents of the child have significant physical,

mental, or psychological problems and are unable to care for the 597
child because of those problems, adoption is not in the best 598
interest of the child, as determined in accordance with division 599
(D) of section 2151.414 of the Revised Code, and the child retains 600
a significant and positive relationship with a parent or relative. 601

(c) The child is sixteen years of age or older, has been 602
counseled on the permanent placement options available to the 603
child, is unwilling to accept or unable to adapt to a permanent 604
placement, and is in an agency program preparing the child for 605
independent living. 606

(6) Order the removal from the child's home until further 607
order of the court of the person who committed abuse as described 608
in section 2151.031 of the Revised Code against the child, who 609
caused or allowed the child to suffer neglect as described in 610
section 2151.03 of the Revised Code, or who is the parent, 611
guardian, or custodian of a child who is adjudicated a dependent 612
child and order any person not to have contact with the child or 613
the child's siblings. 614

(B) No order for permanent custody or temporary custody of a 615
child or the placement of a child in a planned permanent living 616
arrangement shall be made pursuant to this section unless the 617
complaint alleging the abuse, neglect, or dependency contains a 618
prayer requesting permanent custody, temporary custody, or the 619
placement of the child in a planned permanent living arrangement 620
as desired, the summons served on the parents of the child 621
contains as is appropriate a full explanation that the granting of 622
an order for permanent custody permanently divests them of their 623
parental rights, a full explanation that an adjudication that the 624
child is an abused, neglected, or dependent child may result in an 625
order of temporary custody that will cause the removal of the 626
child from their legal custody until the court terminates the 627
order of temporary custody or permanently divests the parents of 628

their parental rights, or a full explanation that the granting of
an order for a planned permanent living arrangement will result in
the removal of the child from their legal custody if any of the
conditions listed in divisions (A)(5)(a) to (c) of this section
are found to exist, and the summons served on the parents contains
a full explanation of their right to be represented by counsel and
to have counsel appointed pursuant to Chapter 120. of the Revised
Code if they are indigent.

If after making disposition as authorized by division (A)(2)
of this section, a motion is filed that requests permanent custody
of the child, the court may grant permanent custody of the child
to the movant in accordance with section 2151.414 of the Revised
Code.

(C) If the court issues an order for protective supervision
pursuant to division (A)(1) of this section, the court may place
any reasonable restrictions upon the child, the child's parents,
guardian, or custodian, or any other person, including, but not
limited to, any of the following:

(1) Order a party, within forty-eight hours after the
issuance of the order, to vacate the child's home indefinitely or
for a specified period of time;

(2) Order a party, a parent of the child, or a physical
custodian of the child to prevent any particular person from
having contact with the child;

(3) Issue an order restraining or otherwise controlling the
conduct of any person which conduct would not be in the best
interest of the child.

(D) As part of its dispositional order, the court shall
journalize a case plan for the child. The journalized case plan
shall not be changed except as provided in section 2151.412 of the
Revised Code.

(E)(1) The court shall retain jurisdiction over any child for 660
whom the court issues an order of disposition pursuant to division 661
(A) of this section or pursuant to section 2151.414 or 2151.415 of 662
the Revised Code until the child attains the age of eighteen years 663
if the child is not mentally retarded, developmentally disabled, 664
or physically impaired, the child attains the age of twenty-one 665
years if the child is mentally retarded, developmentally disabled, 666
or physically impaired, or the child is adopted and a final decree 667
of adoption is issued, except that the court may retain 668
jurisdiction over the child and continue any order of disposition 669
under division (A) of this section or under section 2151.414 or 670
2151.415 of the Revised Code for a specified period of time to 671
enable the child to graduate from high school or vocational 672
school. The court shall make an entry continuing its jurisdiction 673
under this division in the journal. 674

(2) Any public children services agency, any private child 675
placing agency, the department of job and family services, or any 676
party, other than any parent whose parental rights with respect to 677
the child have been terminated pursuant to an order issued under 678
division (A)(4) of this section, by filing a motion with the 679
court, may at any time request the court to modify or terminate 680
any order of disposition issued pursuant to division (A) of this 681
section or section 2151.414 or 2151.415 of the Revised Code. The 682
court shall hold a hearing upon the motion as if the hearing were 683
the original dispositional hearing and shall give all parties to 684
the action and the guardian ad litem notice of the hearing 685
pursuant to the Juvenile Rules. If applicable, the court shall 686
comply with section 2151.42 of the Revised Code. 687

(F) Any temporary custody order issued pursuant to division 688
(A) of this section shall terminate one year after the earlier of 689
the date on which the complaint in the case was filed or the child 690
was first placed into shelter care, except that, upon the filing 691

of a motion pursuant to section 2151.415 of the Revised Code, the
temporary custody order shall continue and not terminate until the
court issues a dispositional order under that section.

(G)(1) No later than one year after the earlier of the date
the complaint in the case was filed or the child was first placed
in shelter care, a party may ask the court to extend an order for
protective supervision for six months or to terminate the order. A
party requesting extension or termination of the order shall file
a written request for the extension or termination with the court
and give notice of the proposed extension or termination in
writing before the end of the day after the day of filing it to
all parties and the child's guardian ad litem. If a public
children services agency or private child placing agency requests
termination of the order, the agency shall file a written status
report setting out the facts supporting termination of the order
at the time it files the request with the court. If no party
requests extension or termination of the order, the court shall
notify the parties that the court will extend the order for six
months or terminate it and that it may do so without a hearing
unless one of the parties requests a hearing. All parties and the
guardian ad litem shall have seven days from the date a notice is
sent pursuant to this division to object to and request a hearing
on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court
shall schedule a hearing to be held no later than thirty days
after the request is received by the court. The court shall give
notice of the date, time, and location of the hearing to all
parties and the guardian ad litem. At the hearing, the court shall
determine whether extension or termination of the order is in the
child's best interest. If termination is in the child's best
interest, the court shall terminate the order. If extension is in
the child's best interest, the court shall extend the order for

six months. 724

(b) If it does not receive a timely request for a hearing, 725
the court may extend the order for six months or terminate it 726
without a hearing and shall journalize the order of extension or 727
termination not later than fourteen days after receiving the 728
request for extension or termination or after the date the court 729
notifies the parties that it will extend or terminate the order. 730
If the court does not extend or terminate the order, it shall 731
schedule a hearing to be held no later than thirty days after the 732
expiration of the applicable fourteen-day time period and give 733
notice of the date, time, and location of the hearing to all 734
parties and the child's guardian ad litem. At the hearing, the 735
court shall determine whether extension or termination of the 736
order is in the child's best interest. If termination is in the 737
child's best interest, the court shall terminate the order. If 738
extension is in the child's best interest, the court shall issue 739
an order extending the order for protective supervision six 740
months. 741

(2) If the court grants an extension of the order for 742
protective supervision pursuant to division (G)(1) of this 743
section, a party may, prior to termination of the extension, file 744
with the court a request for an additional extension of six months 745
or for termination of the order. The court and the parties shall 746
comply with division (G)(1) of this section with respect to 747
extending or terminating the order. 748

(3) If a court grants an extension pursuant to division 749
(G)(2) of this section, the court shall terminate the order for 750
protective supervision at the end of the extension. 751

(H) The court shall not issue a dispositional order pursuant 752
to division (A) of this section that removes a child from the 753
child's home unless the court complies with section 2151.419 of 754

the Revised Code and includes in the dispositional order the findings of fact required by that section.

(I) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:

(1) Notice and a copy of the motion or application;

(2) The grounds for the motion or application;

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;

(4) An opportunity to be represented by counsel at the hearing.

(J) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following:

(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;

(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.

The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.

Sec. 2151.55. When a private or governmental entity intends

to place a child in a certified foster home in a county other than 784
the county in which the child resided at the time of being removed 785
from home, a representative of the placing entity shall orally 786
communicate the intended placement to the foster caregiver with 787
whom the child is to be placed and, if the child will attend the 788
schools of the district in which the certified foster home is 789
located, a representative of the school district's board of 790
education. 791

Sec. 2151.554. When a private or governmental entity places a 792
child who has been adjudicated to be an unruly or delinquent child 793
in a certified foster home in a county other than the county in 794
which the child resided at the time of being removed from home, 795
the placing entity shall provide the following information in 796
writing to the juvenile court of the county in which the certified 797
foster home is located: 798

(A) The information listed in divisions (B)(2) to (4) of 799
section 2151.551 of the Revised Code; 800

(B) A brief description of the facts supporting the 801
adjudication that the child is unruly or delinquent; 802

(C) The name and address of the foster caregiver; 803

(D) Safety and well-being concerns with respect to the child 804
and community. 805

Sec. 2151.62. (A) This section applies only to a child who is 806
or previously has been adjudicated a delinquent child for an act 807
to which any of the following applies: 808

(1) It is a violation of section 2903.01, 2903.02, 2903.03, 809
2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 810
of the Revised Code; 811

(2) It is a violation of section 2923.01 of the Revised Code 812

and involved an attempt to commit aggravated murder or murder; 813

(3) It would be a felony if committed by an adult and the 814
court determined that the child, if an adult, would be guilty of a 815
specification found in section 2941.141, 2941.144, or 2941.145 of 816
the Revised Code or in another section of the Revised Code that 817
relates to the possession or use of a firearm, as defined in 818
section 2923.11 of the Revised Code, during the commission of the 819
act for which the child was adjudicated a delinquent child. 820

(B)(1) Except as provided in division (E) of this section, a 821
public children services agency, private child placing agency, 822
private noncustodial agency, or court, the department of youth 823
services, or another private or government entity shall not place 824
a child in a certified foster home until it provides the foster 825
caregivers with all of the following: 826

(a) A written report describing the child's social history; 827

(b) A written report describing all the acts committed by the 828
child the entity knows of that resulted in the child being 829
adjudicated a delinquent child and the disposition made by the 830
court, unless the records pertaining to the acts have been sealed 831
pursuant to section 2151.358 of the Revised Code; 832

(c) A written report describing any other violent act 833
committed by the child of which the entity is aware; 834

(d) The substantial and material conclusions and 835
recommendations of any psychiatric or psychological examination 836
conducted on the child or, if no psychological or psychiatric 837
examination of the child is available, the substantial and 838
material conclusions and recommendations of an examination to 839
detect mental and emotional disorders conducted in compliance with 840
the requirements of Chapter 4757. of the Revised Code by an 841
independent social worker, social worker, professional clinical 842
counselor, or professional counselor licensed under that chapter. 843

The entity shall not provide any part of a psychological, 844
psychiatric, or mental and emotional disorder examination to the 845
foster caregivers other than the substantial and material 846
conclusions. 847

(2) Notwithstanding section 2151.358 of the Revised Code, if 848
records of an adjudication that a child is a delinquent child have 849
been sealed pursuant to that section and an entity knows the 850
records have been sealed, the entity shall provide the foster 851
caregivers a written statement that the records of a prior 852
adjudication have been sealed. 853

(C) The entity that places the child in a certified foster 854
home shall conduct a psychological examination of the child, 855
except that the entity is not required to conduct the examination 856
if such an examination was conducted no more than one year prior 857
to the child's placement. No later than sixty days after placing 858
the child, the entity shall provide the foster caregiver a written 859
report detailing the substantial and material conclusions and 860
recommendations of the examination conducted pursuant to this 861
division. 862

(D)(1) Except as provided in divisions (D)(2) and (3) of this 863
section, the expenses of conducting the examinations and preparing 864
the reports and assessment required by division (B) or (C) of this 865
section shall be paid by the entity that places the child in the 866
certified foster home. 867

(2) When a juvenile court grants temporary or permanent 868
custody of a child pursuant to any section of the Revised Code, 869
including section 2151.33, 2151.353, 2151.354, or 2151.355 of the 870
Revised Code, to a public children services agency or private 871
child placing agency, the court shall provide the agency the 872
information described in division (B) of this section, pay the 873
expenses of preparing that information, and, if a new examination 874

is required to be conducted, pay the expenses of conducting the
examination described in division (C) of this section. On receipt
of the information described in division (B) of this section, the
agency shall provide to the court written acknowledgment that the
agency received the information. The court shall keep the
acknowledgment and provide a copy to the agency. On the motion of
the agency, the court may terminate the order granting temporary
or permanent custody of the child to that agency, if the court
does not provide the information described in division (B) of this
section.

(3) If one of the following entities is placing a child in a
certified foster home with the assistance of or by contracting
with a public children services agency, private child placing
agency, or a private noncustodial agency, the entity shall provide
the agency with the information described in division (B) of this
section, pay the expenses of preparing that information, and, if a
new examination is required to be conducted, pay the expenses of
conducting the examination described in division (C) of this
section:

(a) The department of youth services if the placement is
pursuant to any section of the Revised Code including section
2151.38, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised
Code;

(b) A juvenile court with temporary or permanent custody of a
child pursuant to section 2151.354 or 2151.355 of the Revised
Code;

(c) A public children services agency or private child
placing agency with temporary or permanent custody of the child.

The agency receiving the information described in division
(B) of this section shall provide the entity described in division
(D)(3)(a) to (c) of this section that sent the information written

acknowledgment that the agency received the information and 906
provided it to the foster caregivers. The entity shall keep the 907
acknowledgment and provide a copy to the agency. An entity that 908
places a child in a certified foster home with the assistance of 909
or by contracting with an agency remains responsible to provide 910
the information described in division (B) of this section to the 911
foster caregivers unless the entity receives written 912
acknowledgment that the agency provided the information. 913

(E) If a child is placed in a certified foster home as a 914
result of an emergency removal of the child from home pursuant to 915
division (D) of section 2151.31 of the Revised Code, an emergency 916
change in the child's case plan pursuant to division (E)(3) of 917
section 2151.412 of the Revised Code, or an emergency placement by 918
the department of youth services pursuant to this chapter or 919
Chapter 5139. of the Revised Code, the entity that places the 920
child in the certified foster home shall provide the information 921
described in division (B) of this section no later than ninety-six 922
hours after the child is placed in the certified foster home. 923

(F) On receipt of the information described in divisions (B) 924
and (C) of this section, the foster caregiver shall provide to the 925
entity that places the child in the foster caregiver's home a 926
written acknowledgment that the foster caregiver received the 927
information. The entity shall keep the acknowledgment and provide 928
a copy to the foster caregiver. 929

(G) No person employed by an entity subject to this section 930
and made responsible by that entity for the child's placement in a 931
certified foster home shall fail to provide the foster caregivers 932
with the information required by divisions (B) and (C) of this 933
section. 934

(H) It is not a violation of any duty of confidentiality 935
provided for in the Revised Code or a code of professional 936

responsibility for a person or government entity to provide the 937
substantial and material conclusions and recommendations of a 938
psychiatric or psychological examination, or an examination to 939
detect mental and emotional disorders, in accordance with division 940
(B)(1)(d) or (C) of this section. 941

Sec. 2907.08. (A) No person, for the purpose of sexually 942
arousing or gratifying the person's self, shall commit trespass or 943
otherwise surreptitiously invade the privacy of another, to spy or 944
eavesdrop upon another. 945

(B) No person, for the purpose of sexually arousing or 946
gratifying the person's self, shall commit trespass or otherwise 947
surreptitiously invade the privacy of another to photograph the 948
other person in a state of nudity. 949

(C) No person, for the purpose of sexually arousing or 950
gratifying the person's self, shall commit trespass or otherwise 951
surreptitiously invade the privacy of another to photograph the 952
other person in a state of nudity if the other person is a minor. 953

(D) No person, for the purpose of sexually arousing or 954
gratifying the person's self, shall commit trespass or otherwise 955
surreptitiously invade the privacy of another to photograph the 956
other person in a state of nudity if the other person is a minor 957
and any of the following applies: 958

(1) The offender is the minor's natural or adoptive parent, 959
stepparent, guardian, or custodian, or person in loco parentis of 960
the minor. 961

(2) The minor is in custody of law or is a patient in a 962
hospital or other institution, and the offender has supervisory or 963
disciplinary authority over the minor. 964

(3) The offender is a teacher, administrator, coach, or other 965
person in authority employed by or serving in a school for which 966

the state board of education prescribes minimum standards pursuant 967
to division (D) of section 3301.07 of the Revised Code, the minor 968
is enrolled in or attends that school, and the offender is not 969
enrolled in and does not attend that school. 970

(4) The offender is a teacher, administrator, coach, or other 971
person in authority employed by or serving in an institution of 972
higher education, and the minor is enrolled in or attends that 973
institution. 974

(5) The offender is a caregiver, administrator, or other 975
person in authority employed by or serving in a child day-care 976
center, type A family day-care home, or type B family day-care 977
home, and the minor is enrolled in or attends that center or home. 978

(6) The offender is the minor's athletic or other type of 979
coach, is the minor's instructor, is the leader of a scouting 980
troop of which the minor is a member, provides babysitting care 981
for the minor, or is a person with temporary or occasional 982
disciplinary control over the minor. 983

(E)(1) Whoever violates this section is guilty of voyeurism. 984

(2) A violation of division (A) of this section is a 985
misdemeanor of the third degree. 986

(3) A violation of division (B) of this section is a 987
misdemeanor of the second degree. 988

(4) A violation of division (C) of this section is a 989
misdemeanor of the first degree. 990

(5) A violation of division (D) of this section is a felony 991
of the fifth degree. 992

(F) As used in this section: 993

(1) "Institution of higher education" means a state 994
institution of higher education as defined in section 3345.031 of 995
the Revised Code, a private nonprofit college or university 996

located in this state that possesses a certificate of 997
authorization issued by the Ohio board of regents pursuant to 998
Chapter 1713. of the Revised Code, or a school certified under 999
Chapter 3332. of the Revised Code. 1000

(2) "Child day-care center," "type A family day-care home," 1001
and "type B family day-care home" have the same meanings as in 1002
section 5104.01 of the Revised Code. 1003

(3) "Babysitting care" ~~has the same meaning as in section~~ 1004
~~2151.011 of the Revised Code~~ means care provided for a child while 1005
the parents, guardian, or legal custodian of the child are 1006
temporarily away. 1007

Sec. 3313.64. (A) As used in this section and in section 1008
3313.65 of the Revised Code: 1009

(1) "Parent" means either parent, unless the parents are 1010
separated or divorced or their marriage has been dissolved or 1011
annulled, in which case "parent" means the parent who is the 1012
residential parent and legal custodian of the child. When a child 1013
is in the legal custody of a government agency or a person other 1014
than the child's natural or adoptive parent, "parent" means the 1015
parent with residual parental rights, privileges, and 1016
responsibilities. When a child is in the permanent custody of a 1017
government agency or a person other than the child's natural or 1018
adoptive parent, "parent" means the parent who was divested of 1019
parental rights and responsibilities for the care of the child and 1020
the right to have the child live with the parent and be the legal 1021
custodian of the child and all residual parental rights, 1022
privileges, and responsibilities. 1023

(2) "Legal custody," "permanent custody," and "residual 1024
parental rights, privileges, and responsibilities" have the same 1025
meanings as in section 2151.011 of the Revised Code. 1026

(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, ~~family~~ 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, or
sections 5103.20 to 5103.28 of the Revised Code.

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

occurs: 1057

(a) An agency to which the child has been permanently 1058
committed or surrendered enters into an agreement with a person 1059
pursuant to section 5103.16 of the Revised Code for the care and 1060
adoption of the child. 1061

(b) The child's natural parent places the child pursuant to 1062
section 5103.16 of the Revised Code with a person who will care 1063
for and adopt the child. 1064

(7) "Handicapped preschool child" means a handicapped child, 1065
as defined by division (A) of section 3323.01 of the Revised Code, 1066
who is at least three years of age but is not of compulsory school 1067
age, as defined in section 3321.01 of the Revised Code, and who is 1068
not currently enrolled in kindergarten. 1069

(8) "Child," unless otherwise indicated, includes handicapped 1070
preschool children. 1071

(B) Except as otherwise provided in section 3321.01 of the 1072
Revised Code for admittance to kindergarten and first grade, a 1073
child who is at least five but under twenty-two years of age and 1074
any handicapped preschool child shall be admitted to school as 1075
provided in this division. 1076

(1) A child shall be admitted to the schools of the school 1077
district in which the child's parent resides. 1078

(2) A child who does not reside in the district where the 1079
child's parent resides shall be admitted to the schools of the 1080
district in which the child resides if any of the following 1081
applies: 1082

(a) The child is in the legal or permanent custody of a 1083
government agency or a person other than the child's natural or 1084
adoptive parent. 1085

(b) The child resides in a home. 1086

(c) The child requires special education.	1087
(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:	1088 1089 1090 1091 1092 1093
(a) The placement for adoption has been terminated.	1094
(b) Another school district is required to admit the child under division (B)(1) of this section.	1095 1096
Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.	1097 1098 1099 1100 1101
(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as follows:	1102 1103 1104 1105 1106
(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, tuition shall be paid in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.	1107 1108 1109 1110 1111
(2) Except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:	1112 1113 1114 1115
(a) The district in which the child's parent resided at the	1116

time the court removed the child from home or at the time the 1117
court vested legal or permanent custody of the child in the person 1118
or government agency, whichever occurred first; ~~or~~ 1119

(b) If the parent's residence at the time the court removed 1120
the child from home or placed the child in the legal or permanent 1121
custody of the person or government agency is unknown, tuition 1122
shall be paid by the district in which the child resided at the 1123
time the child was removed from home or placed in legal or 1124
permanent custody, whichever occurred first; ~~or~~ 1125

(c) If a school district cannot be established under division 1126
(C)(2)(a) or (b) of this section, tuition shall be paid by the 1127
district determined as required by section 2151.357 of the Revised 1128
Code by the court at the time it vests custody of the child in the 1129
person or government agency-; 1130

(d) If at the time the court removed the child from home or 1131
vested legal or permanent custody of the child in the person or 1132
government agency, whichever occurred first, one parent was in a 1133
residential or correctional facility or a juvenile residential 1134
placement and the other parent, if living and not in such a 1135
facility or placement, was not known to reside in this state, 1136
tuition shall be paid by the district determined under division 1137
(D) of section 3313.65 of the Revised Code as the district 1138
required to pay any tuition while the parent was in such facility 1139
or placement. 1140

(3) If the child is not in the permanent or legal custody of 1141
a government agency or person other than the child's parent and 1142
the child resides in a home, tuition shall be paid by one of the 1143
following: 1144

(a) The school district in which the child's parent resides; 1145

(b) If the child's parent is not a resident of this state, 1146
the home in which the child resides. 1147

(D) Tuition required to be paid under divisions (C)(2) and 1148
(3)(a) of this section shall be computed in accordance with 1149
section 3317.08 of the Revised Code. Tuition required to be paid 1150
under division (C)(3)(b) of this section shall be computed in 1151
accordance with section 3317.081 of the Revised Code. If a home 1152
fails to pay the tuition required by division (C)(3)(b) of this 1153
section, the board of education providing the education may 1154
recover in a civil action the tuition and the expenses incurred in 1155
prosecuting the action, including court costs and reasonable 1156
attorney's fees. If the prosecuting attorney or city director of 1157
law represents the board in such action, costs and reasonable 1158
attorney's fees awarded by the court, based upon the prosecuting 1159
attorney's, director's, or one of their designee's time spent 1160
preparing and presenting the case, shall be deposited in the 1161
county or city general fund. 1162

(E) A board of education may enroll a child free of any 1163
tuition obligation for a period not to exceed sixty days, on the 1164
sworn statement of an adult resident of the district that the 1165
resident has initiated legal proceedings for custody of the child. 1166

(F) In the case of any individual entitled to attend school 1167
under this division, no tuition shall be charged by the school 1168
district of attendance and no other school district shall be 1169
required to pay tuition for the individual's attendance. 1170
Notwithstanding division (B), (C), or (E) of this section: 1171

(1) All persons at least eighteen but under twenty-two years 1172
of age who live apart from their parents, support themselves by 1173
their own labor, and have not successfully completed the high 1174
school curriculum or the individualized education program 1175
developed for the person by the high school pursuant to section 1176
3323.08 of the Revised Code, are entitled to attend school in the 1177
district in which they reside. 1178

(2) Any child under eighteen years of age who is married is 1179
entitled to attend school in the child's district of residence. 1180

(3) A child is entitled to attend school in the district in 1181
which either of the child's parents is employed if the child has a 1182
medical condition that may require emergency medical attention. 1183
The parent of a child entitled to attend school under division 1184
(F)(3) of this section shall submit to the board of education of 1185
the district in which the parent is employed a statement from the 1186
child's physician certifying that the child's medical condition 1187
may require emergency medical attention. The statement shall be 1188
supported by such other evidence as the board may require. 1189

(4) Any child residing with a person other than the child's 1190
parent is entitled, for a period not to exceed twelve months, to 1191
attend school in the district in which that person resides if the 1192
child's parent files an affidavit with the superintendent of the 1193
district in which the person with whom the child is living resides 1194
stating all of the following: 1195

(a) That the parent is serving outside of the state in the 1196
armed services of the United States; 1197

(b) That the parent intends to reside in the district upon 1198
returning to this state; 1199

(c) The name and address of the person with whom the child is 1200
living while the parent is outside the state. 1201

(5) Any child under the age of twenty-two years who, after 1202
the death of a parent, resides in a school district other than the 1203
district in which the child attended school at the time of the 1204
parent's death is entitled to continue to attend school in the 1205
district in which the child attended school at the time of the 1206
parent's death for the remainder of the school year, subject to 1207
approval of that district board. 1208

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

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

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

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

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

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

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to

attend school under division (F)(6) or (7) of this section may 1240
attend without tuition obligation. A student attending a school 1241
under division (F)(6) or (7) of this section shall be eligible to 1242
participate in interscholastic athletics under the auspices of 1243
that school, provided the board of education of the school 1244
district where the student's parent resides, by a formal action, 1245
releases the student to participate in interscholastic athletics 1246
at the school where the student is attending, and provided the 1247
student receives any authorization required by a public agency or 1248
private organization of which the school district is a member 1249
exercising authority over interscholastic sports. 1250

(8) A child whose parent is a full-time employee of a city, 1251
local, or exempted village school district, or of an educational 1252
service center, may be admitted to the schools of the district 1253
where the child's parent is employed, or in the case of a child 1254
whose parent is employed by an educational service center, in the 1255
district that serves the location where the parent's job is 1256
primarily located, provided the district board of education 1257
establishes such an admission policy by resolution adopted by a 1258
majority of its members. Any such policy shall take effect on the 1259
first day of the school year and the effective date of any 1260
amendment or repeal may not be prior to the first day of the 1261
subsequent school year. The policy shall be uniformly applied to 1262
all such children and shall provide for the admission of any such 1263
child upon request of the parent. No child may be admitted under 1264
this policy after the first day of classes of any school year. 1265

(9) A child who is with the child's parent under the care of 1266
a shelter for victims of domestic violence, as defined in section 1267
3113.33 of the Revised Code, is entitled to attend school free in 1268
the district in which the child is with the child's parent, and no 1269
other school district shall be required to pay tuition for the 1270
child's attendance in that school district. 1271

The enrollment of a child in a school district under this 1272
division shall not be denied due to a delay in the school 1273
district's receipt of any records required under section 3313.672 1274
of the Revised Code or any other records required for enrollment. 1275
Any days of attendance and any credits earned by a child while 1276
enrolled in a school district under this division shall be 1277
transferred to and accepted by any school district in which the 1278
child subsequently enrolls. The state board of education shall 1279
adopt rules to ensure compliance with this division. 1280

(10) Any child under the age of twenty-two years whose parent 1281
has moved out of the school district after the commencement of 1282
classes in the child's senior year of high school is entitled, 1283
subject to the approval of that district board, to attend school 1284
in the district in which the child attended school at the time of 1285
the parental move for the remainder of the school year and for one 1286
additional semester or equivalent term. A district board may also 1287
adopt a policy specifying extenuating circumstances under which a 1288
student may continue to attend school under division (F)(10) of 1289
this section for an additional period of time in order to 1290
successfully complete the high school curriculum for the 1291
individualized education program developed for the student by the 1292
high school pursuant to section 3323.08 of the Revised Code. 1293

(11) As used in this division, "grandparent" means a parent 1294
of a parent of a child. A child under the age of twenty-two years 1295
who is in the custody of the child's parent, resides with a 1296
grandparent, and does not require special education is entitled to 1297
attend the schools of the district in which the child's 1298
grandparent resides, provided that, prior to such attendance in 1299
any school year, the board of education of the school district in 1300
which the child's grandparent resides and the board of education 1301
of the school district in which the child's parent resides enter 1302
into a written agreement specifying that good cause exists for 1303

such attendance, describing the nature of this good cause, and
consenting to such attendance.

In lieu of a consent form signed by a parent, a board of
education may request the grandparent of a child attending school
in the district in which the grandparent resides pursuant to
division (F)(11) of this section to complete any consent form
required by the district, including any authorization required by
sections 3313.712, 3313.713, and 3313.716 of the Revised Code.
Upon request, the grandparent shall complete any consent form
required by the district. A school district shall not incur any
liability solely because of its receipt of a consent form from a
grandparent in lieu of a parent.

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

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

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

(b) The superintendents of both districts enter into a
written agreement that consents to the attendance and specifies

that the purpose of such attendance is to protect the student's 1335
physical or mental well-being or to deal with other extenuating 1336
circumstances deemed appropriate by the superintendents. 1337

While an agreement is in effect under this division for a 1338
student who is not receiving special education under Chapter 3323. 1339
of the Revised Code and notwithstanding Chapter 3327. of the 1340
Revised Code, the board of education of neither school district 1341
involved in the agreement is required to provide transportation 1342
for the student to and from the school where the student attends. 1343

A student attending a school of a district pursuant to this 1344
division shall be allowed to participate in all student 1345
activities, including interscholastic athletics, at the school 1346
where the student is attending on the same basis as any student 1347
who has always attended the schools of that district while of 1348
compulsory school age. 1349

(G) A board of education, after approving admission, may 1350
waive tuition for students who will temporarily reside in the 1351
district and who are either of the following: 1352

(1) Residents or domiciliaries of a foreign nation who 1353
request admission as foreign exchange students; 1354

(2) Residents or domiciliaries of the United States but not 1355
of Ohio who request admission as participants in an exchange 1356
program operated by a student exchange organization. 1357

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1358
3327.04, and 3327.06 of the Revised Code, a child may attend 1359
school or participate in a special education program in a school 1360
district other than in the district where the child is entitled to 1361
attend school under division (B) of this section. 1362

(I) This division does not apply to a child receiving special 1363
education. 1364

A school district required to pay tuition pursuant to 1365
division (C)(2) or (3) of this section or section 3313.65 of the 1366
Revised Code shall have an amount deducted under division (F) of 1367
section 3317.023 of the Revised Code equal to its own tuition rate 1368
for the same period of attendance. A school district entitled to 1369
receive tuition pursuant to division (C)(2) or (3) of this section 1370
or section 3313.65 of the Revised Code shall have an amount 1371
credited under division (F) of section 3317.023 of the Revised 1372
Code equal to its own tuition rate for the same period of 1373
attendance. If the tuition rate credited to the district of 1374
attendance exceeds the rate deducted from the district required to 1375
pay tuition, the department of education shall pay the district of 1376
attendance the difference from amounts deducted from all 1377
districts' payments under division (F) of section 3317.023 of the 1378
Revised Code but not credited to other school districts under such 1379
division and from appropriations made for such purpose. The 1380
treasurer of each school district shall, by the fifteenth day of 1381
January and July, furnish the superintendent of public instruction 1382
a report of the names of each child who attended the district's 1383
schools under divisions (C)(2) and (3) of this section or section 1384
3313.65 of the Revised Code during the preceding six calendar 1385
months, the duration of the attendance of those children, the 1386
school district responsible for tuition on behalf of the child, 1387
and any other information that the superintendent requires. 1388

Upon receipt of the report the superintendent, pursuant to 1389
division (F) of section 3317.023 of the Revised Code, shall deduct 1390
each district's tuition obligations under divisions (C)(2) and (3) 1391
of this section or section 3313.65 of the Revised Code and pay to 1392
the district of attendance that amount plus any amount required to 1393
be paid by the state. 1394

(J) In the event of a disagreement, the superintendent of 1395
public instruction shall determine the school district in which 1396

the parent resides. 1397

(K) Nothing in this section requires or authorizes, or shall 1398
be construed to require or authorize, the admission to a public 1399
school in this state of a pupil who has been permanently excluded 1400
from public school attendance by the superintendent of public 1401
instruction pursuant to sections 3301.121 and 3313.662 of the 1402
Revised Code. 1403

Sec. 5101.14. (A) Within available funds, the department of 1404
job and family services shall make payments to the counties within 1405
thirty days after the beginning of each calendar quarter for a 1406
part of their costs for services to children performed pursuant to 1407
Chapter 5153. of the Revised Code. 1408

Funds provided to the county under this section shall be 1409
deposited into the children services fund created pursuant to 1410
section 5101.144 of the Revised Code. 1411

(B)(1) The funds distributed under this section shall be used 1412
for the following: 1413

(a) Home-based services to children and families; 1414

(b) Protective services to children; 1415

(c) To find, develop, and approve adoptive homes; 1416

(d) Short-term, out-of-home care and treatment for children; 1417

(e) Costs for the care of a child who resides with a 1418
caretaker relative, other than the child's parent, and is in the 1419
legal custody of a public children services agency pursuant to a 1420
voluntary temporary custody agreement entered into under division 1421
(A) of section 5103.15 of the Revised Code or in the legal custody 1422
of a public children services agency or the caretaker relative 1423
pursuant to an allegation or adjudication of abuse, neglect, or 1424
dependency made under Chapter 2151. of the Revised Code; 1425

(f) Other services a public children services agency 1426
considers necessary to protect children from abuse, neglect, or 1427
dependency. 1428

(2) No funds distributed under this section shall be used for 1429
the costs of maintaining a child in a children's home owned and 1430
operated by the county. 1431

(C) In each fiscal year, the amount of funds available for 1432
distribution under this section shall be allocated to counties as 1433
follows: 1434

(1) If the amount is less than the amount initially 1435
appropriated for the immediately preceding fiscal year, each 1436
county shall receive an amount equal to the percentage of the 1437
funding it received in the immediately preceding fiscal year, 1438
exclusive of any releases from or additions to the allocation or 1439
any sanctions imposed under this section; 1440

(2) If the amount is equal to the amount initially 1441
appropriated for the immediately preceding fiscal year, each 1442
county shall receive an amount equal to the amount it received in 1443
the preceding fiscal year, exclusive of any releases from or 1444
additions to the allocation or any sanctions imposed under this 1445
section; 1446

(3) If the amount is greater than the amount initially 1447
appropriated for the immediately preceding fiscal year, each 1448
county shall receive the amount determined under division (C)(2) 1449
of this section as a base allocation, plus a percentage of the 1450
amount that exceeds the amount initially appropriated for the 1451
immediately preceding fiscal year. The amount exceeding the amount 1452
initially appropriated in the immediately preceding fiscal year 1453
shall be allocated to the counties as follows: 1454

(a) Twelve per cent divided equally among all counties; 1455

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state;

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state.

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the United States office of management and budget and revised by the United States secretary of health and human services in accordance with section 673 of the "Community Services Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended.

(D) The director of job and family services may adopt rules as necessary for the allocation of funds under this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code.

(E)(1) As used in this division, "services to children" includes only children's protective services, home-based services to children and families, ~~family~~ foster home services, residential treatment services, adoptive services, and independent living services.

(2) Except as otherwise provided in this section, the allocation of funds for a fiscal year to a county under this section shall be reduced by the department if in the preceding calendar year the total amount expended for services to children from local funds and funds distributed to the county under section 5101.46 of the Revised Code was less than the total expended from those sources in the second preceding calendar year. The reduction shall be equal to the difference between the total expended in the preceding calendar year and the total expended in the second preceding calendar year.

The determination of whether the amount expended for services 1487
to children was less in the preceding calendar year than in the 1488
second preceding calendar year shall not include a difference due 1489
to any of the following factors to the extent that the difference 1490
does not exceed the amount attributable to that factor: 1491

(a) An across-the-board reduction in the county budget as a 1492
whole; 1493

(b) A reduced or failed levy specifically earmarked for 1494
children services; 1495

(c) A reduced allocation of funds to the county under section 1496
5101.24 of the Revised Code; 1497

(d) The closure of, or a reduction in the operating capacity 1498
of, a children's home owned and operated by the county. 1499

(3) Funds withheld under this division may be reallocated by 1500
the department to other counties. The department may grant whole 1501
or partial waivers of the provisions of this division. 1502

(F) Children who are in the temporary or permanent custody of 1503
a certified public or private nonprofit agency or institution, or 1504
who are in adoptions subsidized under division (B) of section 1505
5153.163 of the Revised Code are eligible for medical assistance 1506
through the medical assistance program established under section 1507
5111.01 of the Revised Code. 1508

(G) Within ninety days after the end of each fiscal year, 1509
each county shall return any unspent funds to the department. 1510

(H) The department shall prepare an annual report detailing 1511
on a county-by-county basis the services provided with funds 1512
distributed under this section. The report shall be submitted to 1513
the general assembly by the thirtieth day of September each year 1514
and also shall be made available to the public. 1515

(I) In accordance with Chapter 119. of the Revised Code, the 1516

director shall adopt, and may amend and rescind, rules prescribing 1517
reports on expenditures to be submitted by the counties as 1518
necessary for the implementation of this section. 1519

Sec. 5101.141. (A) The department of job and family services 1520
shall act as the single state agency to administer federal 1521
payments for foster care and adoption assistance made pursuant to 1522
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 1523
670 (1980), as amended. The director of job and family services 1524
shall adopt rules to implement this authority. Internal management 1525
rules governing financial and administrative requirements 1526
applicable to public children services agencies shall be adopted 1527
in accordance with section 111.15 of the Revised Code. Rules 1528
establishing eligibility, program participation, and other 1529
requirements shall be adopted in accordance with Chapter 119. of 1530
the Revised Code. A public children services agency to which the 1531
department distributes Title IV-E funds shall administer the funds 1532
in accordance with those rules. 1533

(B)(1) The county, on behalf of each child eligible for 1534
foster care maintenance payments under Title IV-E of the "Social 1535
Security Act," shall make payments to cover the cost of providing 1536
all of the following: 1537

(a) The child's food, clothing, shelter, daily supervision, 1538
and school supplies; 1539

(b) The child's personal incidentals; 1540

(c) Reasonable travel to the child's home for visitation. 1541

(2) In addition to payments made under division (B)(1) of 1542
this section, the county may, on behalf of each child eligible for 1543
foster care maintenance payments under Title IV-E of the "Social 1544
Security Act," make payments to cover the cost of providing the 1545
following: 1546

(a) Liability insurance with respect to the child;	1547
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	1548 1549 1550
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more family <u>certified</u> foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in division <u>divisions</u> (B)(1) and (2) of this section.	1551 1552 1553 1554 1555 1556 1557 1558 1559
(C) To the extent that either foster care maintenance payments under division (B) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	1560 1561 1562 1563 1564 1565
(D) The department shall distribute to public children services agencies that incur and report such expenditures federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than two per cent of the federal financial participation received. The funds withheld shall be in addition to any administration and training cost for which the department is reimbursed through its own cost allocation plan.	1566 1567 1568 1569 1570 1571 1572 1573 1574
(E) All federal funds received by a county pursuant to this section shall be deposited into the county's children services fund created pursuant to section 5101.144 of the Revised Code.	1575 1576 1577

(F) The department shall periodically publish and distribute 1578
the maximum amounts that the department will reimburse public 1579
children services agencies for making payments on behalf of 1580
children eligible for foster care maintenance payments. 1581

(G) The department, by and through its director, is hereby 1582
authorized to develop, participate in the development of, 1583
negotiate, and enter into one or more interstate compacts on 1584
behalf of this state with agencies of any other states, for the 1585
provision of medical assistance and other social services to 1586
children in relation to whom all of the following apply: 1587

(1) They have special needs. 1588

(2) This state or another state that is a party to the 1589
interstate compact is providing adoption assistance on their 1590
behalf. 1591

(3) They move into this state from another state or move out 1592
of this state to another state. 1593

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 1594
Revised Code: 1595

(A) "~~Institution Association~~" or "~~association institution~~" 1596
includes any incorporated or unincorporated organization, society, 1597
association, or agency, public or private, that receives or cares 1598
for children for two or more consecutive weeks; any individual 1599
who, for hire, gain, or reward, receives or cares for children for 1600
two or more consecutive weeks, unless the individual is related to 1601
them by blood or marriage; and any individual not in the regular 1602
employ of a court, or of an institution or association certified 1603
in accordance with section 5103.03 of the Revised Code, who in any 1604
manner becomes a party to the placing of children in foster homes, 1605
unless the individual is related to such children by blood or 1606
marriage, or is the appointed guardian of such children; provided, 1607

that any organization, society, association, school, agency, child 1608
guidance center, detention or rehabilitation facility, or 1609
children's clinic licensed, regulated, approved, operated under 1610
the direction of, or otherwise certified by the department of 1611
education, a local board of education, the department of youth 1612
services, the department of mental health, or the department of 1613
mental retardation and developmental disabilities, or any 1614
individual who provides care for only a single-family group, 1615
placed there by their parents or other relative having custody, 1616
shall not be considered as being within the purview of these 1617
sections. 1618

(B) ~~"Family foster home" has the same meaning as in section~~ 1619
~~2151.011 of the Revised Code means a foster home that is not a~~ 1620
~~specialized foster home.~~ 1621

(C) "Foster home" means a private residence in which children 1622
are received apart from their parents, guardian, or legal 1623
custodian, by an individual reimbursed for providing the children 1624
nonsecure care, supervision, or training twenty-four hours a day. 1625
"Foster home" does not include care provided for a child in the 1626
home of a person other than the child's parent, guardian, or legal 1627
custodian while the parent, guardian, or legal custodian is 1628
temporarily away. Family foster homes and specialized foster homes 1629
are types of foster homes. 1630

(D) "Medically fragile foster home" means a foster home that 1631
provides specialized medical services designed to meet the needs 1632
of children with intensive health care needs who meet all of the 1633
following criteria: 1634

(1) Under rules adopted by the department of job and family 1635
services governing payment under Chapter 5111. of the Revised Code 1636
for long-term care services, the children require a skilled level 1637
of care. 1638

(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions. 1639
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(3) The children require the services of a registered nurse on a daily basis. 1642
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(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded. 1644
1645
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(E) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home: 1647
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(1) Issue a certificate; 1652

(2) Deny a certificate; 1653

(3) Renew a certificate; 1654

(4) Deny renewal of a certificate; 1655

(5) Revoke a certificate. 1656

(F) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 1657
1658

(G) "Treatment foster home" means a family foster home that incorporates special ~~psychological or medical treatment~~ rehabilitative services designed to ~~care for~~ treat the specific needs of the children received in the ~~family~~ foster home and that receives and cares for children who are emotionally or behaviorally disturbed, ~~medically fragile requiring special medical treatment due to physical ailment or condition~~ chemically dependent, mentally retarded, ~~or~~ developmentally disabled, or who otherwise have exceptional needs. 1659
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Sec. 5103.03. The director of job and family services shall 1668
adopt rules as necessary for the adequate and competent management 1669
of institutions or associations. Except for facilities under the 1670
control of the department of youth services, places of detention 1671
for children established and maintained pursuant to sections 1672
2151.34 to 2151.3415 of the Revised Code, and child day-care 1673
centers subject to Chapter 5104. of the Revised Code, the 1674
department of job and family services every two years shall pass 1675
upon the fitness of every institution and association that 1676
receives, or desires to receive and care for children, or places 1677
children in private homes. 1678

When the department of job and family services is satisfied 1679
as to the care given such children, and that the requirements of 1680
the statutes and rules covering the management of such 1681
institutions and associations are being complied with, it shall 1682
issue to the institution or association a certificate to that 1683
effect. A certificate is valid for two years, unless sooner 1684
revoked by the department. When determining whether an institution 1685
or association meets a particular requirement for certification, 1686
the department may consider the institution or association to have 1687
met the requirement if the institution or association shows to the 1688
department's satisfaction that it has met a comparable requirement 1689
to be accredited by a nationally recognized accreditation 1690
organization. 1691

The department may issue a temporary certificate valid for 1692
less than one year authorizing an institution or association to 1693
operate until minimum requirements have been met. 1694

The department may revoke a certificate if it finds that the 1695
institution or association is in violation of law or rule. No 1696
juvenile court shall commit a child to an association or 1697
institution that is required to be certified under this section if 1698

its certificate has been revoked or, if after revocation, the date
of reissue is less than fifteen months prior to the proposed
commitment.

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

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

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

The director may delegate by rule any duties imposed on it by
this section to inspect and approve family foster homes and
~~treatment~~ specialized foster homes to public children services
agencies, private child placing agencies, or private noncustodial
agencies.

Sec. 5103.031. (A) Except as provided in section 5103.033 of
the Revised Code, the department of job and family services may
not issue a certificate under section 5103.03 of the Revised Code
to a foster home unless the foster caregiver successfully
completes the following amount of preplacement training through a
preplacement training program operated under section 5103.034 of
the Revised Code:

(1) If the foster home is a family foster home, at least

<u>twelve hours;</u>	1729
(2) <u>If the foster home is a specialized foster home, at least</u>	1730
<u>thirty-six hours.</u>	1731
(B) <u>No child may be placed in a family foster home unless the</u>	1732
<u>foster caregiver completes at least twelve additional hours of</u>	1733
<u>preplacement training through a preplacement training program</u>	1734
<u>operated under section 5103.034 of the Revised Code.</u>	1735
Sec. 5103.032. (A) <u>Except as provided in divisions (B) and</u>	1736
<u>(C) of this section and in section 5103.033 of the Revised Code,</u>	1737
<u>the department of job and family services may not renew a foster</u>	1738
<u>home certificate under section 5103.03 of the Revised Code unless</u>	1739
<u>the foster caregiver successfully completes the following amount</u>	1740
<u>of continuing training in accordance with the foster caregiver's</u>	1741
<u>needs assessment and continuing training plan developed and</u>	1742
<u>implemented under section 5103.035 of the Revised Code:</u>	1743
(1) <u>If the foster home is a family foster home, at least</u>	1744
<u>twenty hours each year;</u>	1745
(2) <u>If the foster home is a specialized foster home, at least</u>	1746
<u>thirty hours each year.</u>	1747
(B) <u>A public children services agency, private child placing</u>	1748
<u>agency, or private noncustodial agency acting as a recommending</u>	1749
<u>agency for a foster caregiver holding a certificate issued under</u>	1750
<u>section 5103.03 of the Revised Code for a family foster home may</u>	1751
<u>waive up to four hours of continuing training the foster caregiver</u>	1752
<u>is otherwise required by division (A) of this section to complete</u>	1753
<u>in a year if all of the following apply:</u>	1754
(1) <u>The foster caregiver has provided foster care for at</u>	1755
<u>least two years;</u>	1756
(2) <u>The foster caregiver has provided foster care for at</u>	1757
<u>least ninety days of the twelve months preceding the date the</u>	1758

<u>agency issues the waiver;</u>	1759
<u>(3) The foster caregiver has not violated any requirements governing certification of foster homes during the twelve months preceding the date the agency issues the waiver;</u>	1760
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<u>(4) The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under section 5103.035 of the Revised Code.</u>	1763
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	1765
<u>(C) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with division (A) of this section. If the foster caregiver complies with the policy, as determined by the agency, the department may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal. The policy shall include the following:</u>	1766
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<u>(1) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs;</u>	1775
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<u>(2) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training;</u>	1778
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<u>(3) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.</u>	1781
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Sec. 5103.033. <u>The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section</u>	1784
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5103.15 of the Revised Code regarding a child who was less than 1789
six months of age on the date the agreement was executed if the 1790
foster caregiver successfully completes the following amount of 1791
training: 1792

(A) For an initial certificate, at least twelve hours of 1793
preplacement training through a preplacement training program 1794
operated under section 5103.034 of the Revised Code; 1795

(B) For renewal of a certificate, at least twelve hours each 1796
year of continuing training in accordance with the foster 1797
caregiver's needs assessment and continuing training plan 1798
developed and implemented under section 5103.034 of the Revised 1799
Code. 1800

Sec. 5103.034. A public children services agency, private 1801
child placing agency, or private noncustodial agency operating a 1802
preplacement training program or continuing training program 1803
approved by the department of job and family services under 1804
section 5103.038 of the Revised Code shall make the program 1805
available to foster caregivers. The agency shall make the programs 1806
available without regard to the type of recommending agency from 1807
which a foster caregiver seeks a recommendation and without charge 1808
to the foster caregiver. 1809

Sec. 5103.035. A public children services agency, private 1810
child placing agency, or private noncustodial agency acting as a 1811
recommending agency for a foster caregiver holding a certificate 1812
issued under section 5103.03 of the Revised Code shall develop and 1813
implement a written needs assessment and continuing training plan 1814
for the foster caregiver. Each needs assessment and continuing 1815
training plan shall satisfy all of the following requirements: 1816

(A) Be effective for the two-year period the foster 1817
caregiver's certificate is in effect; 1818

(B) Be appropriate for the type of foster home the foster caregiver operates; 1819
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(C) Require the foster caregiver to successfully complete the courses each continuing training program must provide as specified in section 5103.0310 or 5103.0311 of the Revised Code, as appropriate, and any other courses the agency considers appropriate; 1821
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(D) Include criteria the agency is to use to determine whether the foster caregiver has successfully completed the courses; 1826
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(E) Guarantee that the courses the foster caregiver is required to complete are available to the foster caregiver at reasonable times and places; 1829
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(F) Specify whether the agency will waive any of the hours of continuing training the foster caregiver is required by section 5103.032 of the Revised Code to complete annually if the foster caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the agency shall state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed four, that the agency will waive. 1832
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Sec. 5103.036. For the purpose of determining whether a foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained pursuant to a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code regardless of whether the agency operated the preplacement training program or continuing training program. The agency may require that the foster caregiver successfully complete additional training as a condition of the 1840
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agency recommending that the department of job and family services 1849
certify or recertify the foster caregiver's foster home under 1850
section 5103.03 of the Revised Code. 1851

Sec. 5103.037. The department of job and family services, in 1852
consultation with the departments of youth services, mental 1853
health, education, mental retardation and developmental 1854
disabilities, and alcohol and drug addiction services, shall 1855
develop a model design of a preplacement training program for 1856
foster caregivers seeking an initial certificate under section 1857
5103.03 of the Revised Code and a model design of a continuing 1858
training program for foster caregivers seeking renewal of a 1859
certificate under that section. The model design of a preplacement 1860
training program shall comply with section 5103.039 of the Revised 1861
Code. The model design of a continuing training program shall 1862
comply with section 5103.0310 of the Revised Code. The department 1863
of job and family services shall make the model designs available 1864
to public children services agencies, private child placing 1865
agencies, and private noncustodial agencies. 1866

Sec. 5103.038. (A) Every other year by a date specified in 1867
rules adopted under section 5103.0316 of the Revised Code, each 1868
public children services agency, private child placing agency, and 1869
private noncustodial agency that seeks to operate a preplacement 1870
training program or continuing training program under section 1871
5103.034 of the Revised Code shall submit to the department of job 1872
and family services a proposal outlining the program. The proposal 1873
may be the same as, a modification of, or different from, a model 1874
design developed under section 5103.037 of the Revised Code. The 1875
proposal shall include a budget for the program regarding the cost 1876
associated with trainers, obtaining sites at which the training is 1877
provided, and the administration of the training. The budget shall 1878

be consistent with rules adopted under section 5103.0316 of the 1879
Revised Code governing the department of job and family services' 1880
reimbursement of public children services agencies, private child 1881
placing agencies, and private noncustodial agencies under section 1882
5103.0313 of the Revised Code. 1883

(B) Not later than thirty days after receiving a proposal 1884
under division (A) of this section, the department shall either 1885
approve or disapprove the proposed program. The department shall 1886
approve a proposed preplacement training program if it complies 1887
with section 5103.039 or 5103.0310 of the Revised Code, as 1888
appropriate, and, in the case of a proposal submitted by an agency 1889
operating a preplacement training program at the time the proposal 1890
is submitted, the department is satisfied with the agency's 1891
operation of the program. The department shall approve a proposed 1892
continuing training program if it complies with section 5103.0310 1893
or 5103.0311 of the Revised Code, as appropriate, and, in the case 1894
of a proposal submitted by an agency operating a continuing 1895
training program at the time the proposal is submitted, the 1896
department is satisfied with the agency's operation of the 1897
program. The department shall disapprove a proposed program if the 1898
program's budget is not consistent with rules adopted under 1899
section 5103.0316 of the Revised Code governing the department's 1900
reimbursement of public children services agencies, private child 1901
placing agencies, and private noncustodial agencies under section 1902
5103.0313 of the Revised Code. If the department disapproves a 1903
proposal, it shall provide the reason for disapproval to the 1904
agency that submitted the proposal and advise the agency of how to 1905
revise the proposal so that the department can approve it. 1906

(C) The department's approval under division (B) of this 1907
section of a proposed preplacement training program or continuing 1908
training program is valid only for two years following the year 1909
the proposal for the program is submitted to the department under 1910

<u>division (A) of this section.</u>	1911
<u>Sec. 5103.039. Except for preplacement training programs</u>	1912
<u>described in section 5103.0311 of the Revised Code, a preplacement</u>	1913
<u>training program shall consist of courses in the role of foster</u>	1914
<u>caregivers as a part of the care and treatment of foster children.</u>	1915
<u>A foster caregiver shall complete all of the courses, which shall</u>	1916
<u>address all of the following:</u>	1917
<u>(A) The legal rights and responsibilities of foster</u>	1918
<u>caregivers;</u>	1919
<u>(B) Public children services agencies, private child placing</u>	1920
<u>agencies, and private noncustodial agencies' policies and</u>	1921
<u>procedures regarding foster caregivers;</u>	1922
<u>(C) The department of job and family services' requirements</u>	1923
<u>for certifying foster homes;</u>	1924
<u>(D) The effects placement, separation, and attachment issues</u>	1925
<u>have on children, their families, and foster caregivers;</u>	1926
<u>(E) Foster caregivers' involvement in permanency planning for</u>	1927
<u>children and their families;</u>	1928
<u>(F) The effects of physical abuse, sexual abuse, emotional</u>	1929
<u>abuse, neglect, and substance abuse on normal human growth and</u>	1930
<u>development;</u>	1931
<u>(G) Behavior management techniques;</u>	1932
<u>(H) Effects of caregiving on children's families;</u>	1933
<u>(I) Cultural issues in placement;</u>	1934
<u>(J) Prevention, recognition, and management of communicable</u>	1935
<u>diseases;</u>	1936
<u>(K) Community health and social services available to</u>	1937
<u>children and their families;</u>	1938

<u>(L) Cardiopulmonary resuscitation and first aid;</u>	1939
<u>(M) The substance of section 2151.62 of the Revised Code. A</u>	1940
<u>course addressing section 2151.62 of the Revised Code shall be not</u>	1941
<u>less than one hour long.</u>	1942
<u>(N) In the case of a preplacement training program for a</u>	1943
<u>foster caregiver seeking certification for a specialized foster</u>	1944
<u>home, additional issues specific to the types of children placed</u>	1945
<u>in specialized foster homes, including physical restraint</u>	1946
<u>techniques and the appropriate use of physical restraints and up</u>	1947
<u>to eight hours of special education surrogate parent training.</u>	1948
Sec. 5103.0310. <u>Except for a continuing training program</u>	1949
<u>described in section 5103.0311 of the Revised Code, a continuing</u>	1950
<u>training program shall consist of courses that a foster caregiver</u>	1951
<u>must complete and that address at least all of the following:</u>	1952
<u>(A) Parents and foster caregivers as part of child protection</u>	1953
<u>teams;</u>	1954
<u>(B) The dynamics of child abuse and neglect and recognizing</u>	1955
<u>and preventing child abuse and neglect;</u>	1956
<u>(C) The effect of child abuse and neglect on child</u>	1957
<u>development;</u>	1958
<u>(D) How foster caregivers should work with children and their</u>	1959
<u>families regarding placement, separation, and attachment issues;</u>	1960
	1961
<u>(E) Behavior management techniques;</u>	1962
<u>(F) Foster caregivers' working with children's families;</u>	1963
<u>(G) Effects of caregiving on children's families;</u>	1964
<u>(H) Caring for children who have been sexually abused;</u>	1965
<u>(I) Cultural competency;</u>	1966

<u>(J) Substance abuse and dependency;</u>	1967
<u>(K) Symptoms of mental illness and learning disorders;</u>	1968
<u>(L) Developmentally appropriate activities for children;</u>	1969
<u>(M) In the case of a continuing training program for a foster caregiver seeking recertification of a specialized foster home,</u>	1970
<u>additional issues specific to the types of children placed in</u>	1971
<u>specialized foster homes, including physical restraint techniques</u>	1972
<u>and the appropriate use of physical restraints and up to eight</u>	1973
<u>hours of special education surrogate parent training.</u>	1974
	1975
Sec. 5103.0311. (A) <u>A preplacement training program for</u>	1976
<u>foster caregivers described in section 5103.033 of the Revised</u>	1977
<u>Code shall consist of courses that address all of the following:</u>	1978
<u>(1) The legal rights and responsibilities of foster</u>	1979
<u>caregivers;</u>	1980
<u>(2) The policies and procedures of public children services</u>	1981
<u>agencies, private child placing agencies, and private noncustodial</u>	1982
<u>agencies regarding foster caregivers;</u>	1983
<u>(3) The department of job and family services' requirements</u>	1984
<u>for certifying foster homes;</u>	1985
<u>(4) Infant care;</u>	1986
<u>(5) Cardiopulmonary RESUSCITATION and first aid;</u>	1987
<u>(6) Early childhood development.</u>	1988
<u>(B) A continuing training program for foster caregivers</u>	1989
<u>described in section 5103.033 of the Revised Code shall consist of</u>	1990
<u>courses that address both of the following:</u>	1991
<u>(1) Infant care;</u>	1992
<u>(2) Early childhood development, including developmentally</u>	1993
<u>appropriate activities.</u>	1994

Sec. 5103.0312. The department of job and family services shall pay foster caregivers who have been issued a foster home certificate and had at least one foster child placed in their home for attending training courses pursuant to a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code. The payment shall be based on a per diem rate established by the department. The payment to foster caregivers shall be the same regardless of the type of recommending agency from which a foster caregiver seeks a recommendation. The department shall pay a foster caregiver for attending preplacement training courses during the first month a foster child is placed in the foster caregiver's home.

Sec. 5103.0313. The department of job and family services shall reimburse a public children services agency, private child placing agency, or private noncustodial agency for the cost to the agency of providing training to a foster caregiver through a preplacement training program or continuing training program operated under section 5103.034 of the Revised Code. The reimbursement shall be on a per diem basis and limited to the cost associated with the trainer, obtaining a site at which the training is provided, and the administration of the training. A reimbursement rate shall be the same regardless of whether the training program is operated by a public children services agency, private child placing agency, or private noncustodial agency.

Sec. 5103.0314. The department of job and family services shall not reimburse a recommending agency for the cost of any training the agency requires a foster caregiver to undergo as a condition of the agency recommending the department certify or recertify the foster caregiver's foster home under section 5103.03 of the Revised Code if the training is in addition to the training

required by section 5103.031 or 5103.032 of the Revised Code. 2025

Sec. 5103.0315. The department of job and family services 2026
shall seek federal financial participation for the cost of making 2027
payments under section 5103.0312 of the Revised Code and 2028
reimbursements under section 5103.0313 of the Revised Code. The 2029
department shall notify the governor, president of the senate, 2030
minority leader of the senate, speaker of the house of 2031
representatives, and minority leader of the house of 2032
representatives of any proposed federal legislation that endangers 2033
the federal financial participation. 2034

Sec. 5103.0316. Not later than ninety days after the 2035
effective date of this section, the department of job and family 2036
services shall adopt rules in accordance with Chapter 119. of the 2037
Revised Code as necessary for the efficient administration of 2038
sections 5103.031 to 5103.0316 of the Revised Code. The rules 2039
shall provide for all of the following: 2040

(A) For the purpose of section 5103.038 of the Revised Code, 2041
the date by which a public children services agency, private child 2042
placing agency, or private noncustodial agency that seeks to 2043
operate a preplacement training program or continuing training 2044
program under section 5103.034 of the Revised Code must submit to 2045
the department a proposal outlining the program; 2046

(B) Requirements governing the department's reimbursement of 2047
public children services agencies, private child placing agencies, 2048
and private noncustodial agencies under section 5103.0313 of the 2049
Revised Code; 2050

(C) Any other matter the department considers appropriate. 2051

Sec. ~~5103.033~~ 5103.0317. A family foster home may not receive 2052
more than five children apart from their parents, guardian, or 2053

custodian, except in order to accommodate a sibling group or the 2054
remaining members of a sibling group. 2055

Sec. ~~2151.418~~ 5103.0318. Any foster home ~~or family foster~~ 2056
~~home~~ shall be considered to be a residential use of property for 2057
purposes of municipal, county, and township zoning and shall be a 2058
permitted use in all zoning districts in which residential uses 2059
are permitted. No municipal, county, or township zoning regulation 2060
shall require a conditional permit or any other special exception 2061
certification for any foster home ~~or family foster home~~. 2062

Sec. 5103.0326. A recommending agency may recommend that the 2063
department of job and family services not renew a foster home 2064
certificate under section 5103.03 of the Revised Code if the 2065
foster caregiver refused to accept the placement of any children 2066
into the foster home during the current certification period. 2067
Based on the agency's recommendation, the department may refuse to 2068
renew a foster home certificate. 2069

Sec. ~~5103.031~~ 5103.13. (A) As used in this section, "HIV" has 2070
the same meaning as in section 3701.24 of the Revised Code. 2071

(B) The director of job and family services shall provide, by 2072
rules adopted pursuant to Chapter 119. of the Revised Code, for 2073
the licensure of crisis nurseries as either type A or type B 2074
crisis nurseries. The rules shall specify that a license shall not 2075
be issued to an applicant for licensure as a crisis nursery if the 2076
conditions at any of its facilities would jeopardize the health or 2077
safety of the children to whom it provides care. 2078

(C) A type A crisis nursery shall provide temporary shelter 2079
and other care for not more than twenty children at one time. Each 2080
child shall be under age six and drug-exposed, HIV-infected, or 2081
referred by a public children services agency. No child shall 2082

receive shelter or other care from a particular type A crisis 2083
nursery for a period exceeding sixty days. 2084

(D) A type B crisis nursery shall provide, without charging a 2085
fee, temporary services and care to children under age thirteen 2086
who are abused and neglected, at high risk of abuse and neglect, 2087
or members of families receiving child protective services. A type 2088
B crisis nursery shall also provide referrals to support services. 2089
No child shall receive services or care from a type B crisis 2090
nursery for more than thirty days in any year. 2091

Sec. ~~5103.032~~ 5103.131. The department of job and family 2092
services may apply to the United States secretary of health and 2093
human services for a federal grant under the "Temporary Child Care 2094
for Children With Disabilities and Crisis Nurseries Act," 100 2095
Stat. 907 (1986), 42 U.S.C. 5117, to assist type B crisis 2096
nurseries licensed under section ~~5103.031~~ 5103.13 of the Revised 2097
Code in providing temporary services and care to minors. 2098

Sec. 5123.77. (A) Pending ~~his~~ removal to an institution, a 2099
person taken into custody or ordered to be institutionalized 2100
pursuant to this chapter may be held in ~~his~~ the person's home, a 2101
~~family certified~~ foster home, licensed rest or nursing home, a 2102
county home, or a facility used for detention, but ~~he~~ the person 2103
shall be kept separate from persons charged with or convicted of 2104
penal offenses. 2105

(B) Whenever any person is taken into custody under this 2106
chapter, the person in charge of the institution or facility in 2107
which that person is temporarily held under division (A) of this 2108
section immediately shall notify that person's legal guardian, 2109
spouse, or next of kin and ~~his~~ the person's counsel, if such can 2110
be ascertained. 2111

Sec. 5153.01. (A) As used in the Revised Code, "public children services agency" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by this chapter for a county.

(B) As used in this chapter:

~~(1) "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away.~~

~~(2) "Certified family foster home" means a family foster home operated by a person holding a certificate issued pursuant to, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code that is in full force and effect.~~

~~(3)(2) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.~~

~~(4)(3) "Child" means any person under eighteen years of age or a mentally or physically handicapped person, as defined by rule adopted by the director of job and family services, under twenty-one years of age.~~

~~(5)(4) "Executive director" means the person charged with the responsibility of administering the powers and duties of a public children services agency appointed pursuant to section 5153.10 of the Revised Code.~~

~~(6) "Family foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian by an individual for hire, gain, or reward for nonsecure care, supervision, or training twenty four hours a day. "Family foster home" does not include babysitting care provided for a~~

~~child in the home of a person other than the home of the parents,
guardian, or legal custodian of the child.~~ 2142
2143

~~(7) "Foster home" means a family home in which any child is
received, apart from the child's parents, for care, supervision,
or training.~~ 2144
2145
2146

~~(8)~~(5) "Organization" means any public, semipublic, or 2147
private institution, including maternity homes and day nurseries, 2148
and any private association, society, or agency, located or 2149
operating in this state, incorporated or unincorporated, having 2150
among its functions the furnishing of protective services or care 2151
for children or the placement of children in certified foster 2152
homes or elsewhere. 2153

Sec. 5153.16. (A) Except as provided in section 2151.422 of 2154
the Revised Code, in accordance with rules of the department of 2155
job and family services, and on behalf of children in the county 2156
whom the public children services agency considers to be in need 2157
of public care or protective services, the public children 2158
services agency shall do all of the following: 2159

(1) Make an investigation concerning any child alleged to be 2160
an abused, neglected, or dependent child; 2161

(2) Enter into agreements with the parent, guardian, or other 2162
person having legal custody of any child, or with the department 2163
of job and family services, department of mental health, 2164
department of mental retardation and developmental disabilities, 2165
other department, any certified organization within or outside the 2166
county, or any agency or institution outside the state, having 2167
legal custody of any child, with respect to the custody, care, or 2168
placement of any child, or with respect to any matter, in the 2169
interests of the child, provided the permanent custody of a child 2170
shall not be transferred by a parent to the public children 2171

services agency without the consent of the juvenile court;	2172
	2173
(3) Accept custody of children committed to the public	2174
children services agency by a court exercising juvenile	2175
jurisdiction;	2176
(4) Provide such care as the public children services agency	2177
considers to be in the best interests of any child adjudicated to	2178
be an abused, neglected, or dependent child the agency finds to be	2179
in need of public care or service;	2180
(5) Provide social services to any unmarried girl adjudicated	2181
to be an abused, neglected, or dependent child who is pregnant	2182
with or has been delivered of a child;	2183
(6) Make available to the bureau for children with medical	2184
handicaps of the department of health at its request any	2185
information concerning a crippled child found to be in need of	2186
treatment under sections 3701.021 to 3701.028 of the Revised Code	2187
who is receiving services from the public children services	2188
agency;	2189
(7) Provide temporary emergency care for any child considered	2190
by the public children services agency to be in need of such care,	2191
without agreement or commitment;	2192
(8) Find family <u>certified</u> foster homes, within or outside the	2193
county, for the care of children, including handicapped children	2194
from other counties attending special schools in the county;	2195
	2196
(9) Subject to the approval of the board of county	2197
commissioners and the state department of job and family services,	2198
establish and operate a training school or enter into an agreement	2199
with any municipal corporation or other political subdivision of	2200
the county respecting the operation, acquisition, or maintenance	2201
of any children's home, training school, or other institution for	2202

the care of children maintained by such municipal corporation or 2203
political subdivision; 2204

(10) Acquire and operate a county children's home, establish, 2205
maintain, and operate a receiving home for the temporary care of 2206
children, or procure family certified foster homes for this 2207
purpose; 2208

(11) Enter into an agreement with the trustees of any 2209
district children's home, respecting the operation of the district 2210
children's home in cooperation with the other county boards in the 2211
district; 2212

(12) Cooperate with, make its services available to, and act 2213
as the agent of persons, courts, the department of job and family 2214
services, the department of health, and other organizations within 2215
and outside the state, in matters relating to the welfare of 2216
children, except that the public children services agency shall 2217
not be required to provide supervision of or other services 2218
related to the exercise of companionship or visitation rights 2219
granted pursuant to section 3109.051, 3109.11, or 3109.12 of the 2220
Revised Code unless a juvenile court, pursuant to Chapter 2151. of 2221
the Revised Code, or a common pleas court, pursuant to division 2222
(E)(6) of section 3113.31 of the Revised Code, requires the 2223
provision of supervision or other services related to the exercise 2224
of the companionship or visitation rights; 2225

(13) Make investigations at the request of any superintendent 2226
of schools in the county or the principal of any school concerning 2227
the application of any child adjudicated to be an abused, 2228
neglected, or dependent child for release from school, where such 2229
service is not provided through a school attendance department; 2230
2231

(14) Administer funds provided under Title IV-E of the 2232
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 2233

amended, in accordance with rules adopted under section 5101.141	2234
of the Revised Code;	2235
(15) In addition to administering Title IV-E adoption	2236
assistance funds, enter into agreements to make adoption	2237
assistance payments under section 5153.163 of the Revised Code;	2238
(16) Implement a system of risk assessment, in accordance	2239
with rules adopted by the director of job and family services, to	2240
assist the public children services agency in determining the risk	2241
of abuse or neglect to a child;	2242
(17) Enter into a plan of cooperation with the board of	2243
county commissioners under section 307.983 of the Revised Code and	2244
comply with the partnership agreement the board enters into under	2245
section 307.98 of the Revised Code and contracts the board enters	2246
into under sections 307.981 and 307.982 of the Revised Code that	2247
affect the public children services agency;	2248
(18) Make reasonable efforts to prevent the removal of an	2249
alleged or adjudicated abused, neglected, or dependent child from	2250
the child's home, eliminate the continued removal of the child	2251
from the child's home, or make it possible for the child to return	2252
home safely, except that reasonable efforts of that nature are not	2253
required when a court has made a determination under division	2254
(A)(2) of section 2151.419 of the Revised Code;	2255
(19) Make reasonable efforts to place the child in a timely	2256
manner in accordance with the permanency plan approved under	2257
division (E) of section 2151.417 of the Revised Code and to	2258
complete whatever steps are necessary to finalize the permanent	2259
placement of the child.	2260
(B) The public children services agency shall use the system	2261
implemented pursuant to division (B)(16) of this section in	2262
connection with an investigation undertaken pursuant to division	2263
(F)(1) of section 2151.421 of the Revised Code and may use the	2264

system at any other time the agency is involved with any child 2265
when the agency determines that risk assessment is necessary. 2266

(C) Except as provided in section 2151.422 of the Revised 2267
Code, in accordance with rules of the director of job and family 2268
services, and on behalf of children in the county whom the public 2269
children services agency considers to be in need of public care or 2270
protective services, the public children services agency may do 2271
the following: 2272

(1) Provide or find, with other child serving systems, 2273
~~treatment~~ specialized foster care for the care of children in a 2274
~~treatment~~ specialized foster home, as defined in section 5103.02 2275
of the Revised Code, certified under section 5103.03 of the 2276
Revised Code; 2277

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 2278
this section, contract with the following for the purpose of 2279
assisting the agency with its duties: 2280

(i) County departments of job and family services; 2281

(ii) Boards of alcohol, drug addiction, and mental health 2282
services; 2283

(iii) County boards of mental retardation and developmental 2284
disabilities; 2285

(iv) Regional councils of political subdivisions established 2286
under Chapter 167. of the Revised Code; 2287

(v) Private and government providers of services; 2288

(vi) Managed care organizations and prepaid health plans. 2289

(b) A public children services agency contract under division 2290
(C)(2)(a) of this section regarding the agency's duties under 2291
section 2151.421 of the Revised Code may not provide for the 2292
entity under contract with the agency to perform any service not 2293
authorized by the department's rules. 2294

(c) Only a county children services board appointed under 2295
section 5153.03 of the Revised Code that is a public children 2296
services agency may contract under division (C)(2)(a) of this 2297
section. If an entity specified in division (B) or (C) of section 2298
5153.02 of the Revised Code is the public children services agency 2299
for a county, the board of county commissioners may enter into 2300
contracts pursuant to section 307.982 of the Revised Code 2301
regarding the agency's duties. 2302

Sec. 5153.161. Care provided by the public children services 2303
agency under division (A)(4) of section 5153.16 of the Revised 2304
Code shall be provided by the agency, by its own means or through 2305
other available resources, in the child's own home, in the home of 2306
a relative, or in a certified ~~family~~ foster home, any other home 2307
approved by the court, receiving home, school, hospital, 2308
convalescent home, or other public or private institution within 2309
or outside the county or state. 2310

Section 2. That existing sections 2151.011, 2151.312, 2311
2151.331, 2151.34, 2151.353, 2151.418, 2151.55, 2151.554, 2151.62, 2312
2907.08, 3313.64, 5101.14, 5101.141, 5103.02, 5103.03, 5103.031, 2313
5103.032, 5103.033, 5123.77, 5153.01, 5153.16, and 5153.161 of the 2314
Revised Code are hereby repealed. 2315

Section 3. Section 5103.031 of the Revised Code does not 2316
apply to a foster home, as defined in section 5103.02 of the 2317
Revised Code, holding a valid certificate issued under section 2318
5103.03 of the Revised Code on January 1, 2001. 2319

Section 4. Section 5153.161 of the Revised Code is presented 2321
in this act as a composite of the section as amended by both Am. 2322
Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, 2323

with the new language of neither of the acts shown in capital 2324
letters. This is in recognition of the principle stated in 2325
division (B) of section 1.52 of the Revised Code that such 2326
amendments are to be harmonized where not substantively 2327
irreconcilable and constitutes a legislative finding that such is 2328
the resulting version in effect prior to the effective date of 2329
this act. 2330

Section 5. Sections 1, 2, 3, and 4 of this act shall take 2331
effect January 1, 2001. 2332