

As Reported by House Children and Family Services Committee

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**Representatives Metzger, Ford, Harris, Tiberi, O'Brien, Winkler, Hartnett,
Olman, Jerse, Hollister, DePiero, Terwilleger, Britton, Flannery, Winkler,
Calvert**

A B I L L

To amend sections 109.572, 117.13, 121.22, 149.43, 1
305.14, 307.441, 2151.011, 2151.312, 2151.331, 2
2151.34, 2151.353, 2151.411, 2151.414, 2151.418, 3
2151.421, 2151.424, 2151.55, 2151.554, 2151.62, 4
2151.86, 2317.02, 2907.08, 3107.012, 3107.02, 5
3107.13, 3107.14, 3313.472, 3313.64, 3323.01, 6
4731.22, 5101.14, 5101.141, 5101.143, 5103.02, 7
5103.033, 5103.161, 5111.20, 5123.77, 5153.01, 8
5153.131, 5153.16, and 5153.161 and to enact 9
sections 117.191, 307.621, 307.622, 307.623, 10
307.624, 307.625, 307.626, 307.627, 307.628, 11
307.629, 3107.014, 3701.045, 3705.071, 5101.145, 12
5101.146, 5101.147, 5101.148, 5101.149, 5103.034, 13
5103.035, 5103.036, 5103.037, 5153.112, 5153.171, 14
5153.172, 5153.173, and 5153.60 to 5153.78 of the 15
Revised Code to revise the law governing audits of 16
public children services agencies, private child 17
placing agencies, and private noncustodial 18
agencies; to require the establishment in each 19
county or region of a board for the purpose of 20
reviewing deaths of children under age eighteen; 21
to permit a public children services agency to 22
employ legal counsel without the consent of the 23

court of common pleas; to establish rules and 24
procedures for fiscal accountability of child 25
welfare services; to require public children 26
services agencies to hire case workers with 27
undergraduate degrees in certain areas of study; 28
to make changes to the law governing foster care; 29
to require the Department of Job and Family 30
Services to develop a schedule of education 31
programs for assessors; to revise the law 32
governing how reports of child abuse or neglect 33
are maintained; and to establish the Ohio Child 34
Welfare Training program. 35

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

Section 1. That sections 109.572, 117.13, 121.22, 149.43, 36
305.14, 307.441, 2151.011, 2151.312, 2151.331, 2151.34, 2151.353, 37
2151.411, 2151.414, 2151.418, 2151.421, 2151.424, 2151.55, 38
2151.554, 2151.62, 2151.86, 2317.02, 2907.08, 3107.012, 3107.02, 39
3107.13, 3107.14, 3313.472, 3313.64, 3323.01, 4731.22, 5101.14, 40
5101.141, 5101.143, 5103.02, 5103.033, 5103.161, 5111.20, 5123.77, 41
5153.01, 5153.131, 5153.16, and 5153.161 be amended and sections 42
117.191, 307.621, 307.622, 307.623, 307.624, 307.625, 307.626, 43
307.627, 307.628, 307.629, 3107.014, 3701.045, 3705.071, 5101.145, 44
5101.146, 5101.147, 5101.148, 5101.149, 5103.034, 5103.035, 45
5103.036, 5103.037, 5153.112, 5153.171, 5153.172, 5153.173, 46
5153.60, 5153.61, 5153.62, 5153.63, 5153.64, 5153.65, 5153.66, 47
5153.67, 5153.68, 5153.69, 5153.70, 5153.71, 5153.72, 5153.73, 48
5153.74, 5153.75, 5153.76, 5153.77, and 5153.78 of the Revised 49
Code be enacted to read as follows: 50

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 51
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 52

or 5153.111 of the Revised Code, a completed form prescribed 53
pursuant to division (C)(1) of this section, and a set of 54
fingerprint impressions obtained in the manner described in 55
division (C)(2) of this section, the superintendent of the bureau 56
of criminal identification and investigation shall conduct a 57
criminal records check in the manner described in division (B) of 58
this section to determine whether any information exists that 59
indicates that the person who is the subject of the request 60
previously has been convicted of or pleaded guilty to any of the 61
following: 62

(a) A violation of section 2903.01, 2903.02, 2903.03, 63
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 64
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 65
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 66
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 67
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 68
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 69
2925.06, or 3716.11 of the Revised Code, felonious sexual 70
penetration in violation of former section 2907.12 of the Revised 71
Code, a violation of section 2905.04 of the Revised Code as it 72
existed prior to July 1, 1996, a violation of section 2919.23 of 73
the Revised Code that would have been a violation of section 74
2905.04 of the Revised Code as it existed prior to July 1, 1996, 75
had the violation been committed prior to that date, or a 76
violation of section 2925.11 of the Revised Code that is not a 77
minor drug possession offense; 78

(b) A violation of an existing or former law of this state, 79
any other state, or the United States that is substantially 80
equivalent to any of the offenses listed in division (A)(1)(a) of 81
this section. 82

(2) On receipt of a request pursuant to section 5126.28 of 83

the Revised Code with respect to an applicant for employment in 84
any position with a county board of mental retardation and 85
developmental disabilities or pursuant to section 5126.281 of the 86
Revised Code with respect to an applicant for employment in a 87
position with an entity contracting with a county board for 88
employment in a position that involves providing service directly 89
to individuals with mental retardation and developmental 90
disabilities, a completed form prescribed pursuant to division 91
(C)(1) of this section, and a set of fingerprint impressions 92
obtained in the manner described in division (C)(2) of this 93
section, the superintendent of the bureau of criminal 94
identification and investigation shall conduct a criminal records 95
check. The superintendent shall conduct the criminal records check 96
in the manner described in division (B) of this section to 97
determine whether any information exists that indicates that the 98
person who is the subject of the request has been convicted of or 99
pleaded guilty to any of the following: 100

(a) A violation of section 2903.01, 2903.02, 2903.03, 101
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 102
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 103
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 104
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 105
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 106
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 107
3716.11 of the Revised Code; 108

(b) An existing or former law of this state, any other state, 109
or the United States that is substantially equivalent to any of 110
the offenses listed in division (A)(2)(a) of this section. 111

(3) On receipt of a request pursuant to section 173.41, 112
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 113
form prescribed pursuant to division (C)(1) of this section, and a 114
set of fingerprint impressions obtained in the manner described in 115

division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check with respect to any person who has applied
for employment in a position that involves providing direct care
to an older adult. The superintendent shall conduct the criminal
records check in the manner described in division (B) of this
section to determine whether any information exists that indicates
that the person who is the subject of the request previously has
been convicted of or pleaded guilty to any of the following:

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

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

(4) On receipt of a request pursuant to section 3701.881 of
the Revised Code with respect to an applicant for employment with
a home health agency as a person responsible for the care,
custody, or control of a child, a completed form prescribed
pursuant to division (C)(1) of this section, and a set of
fingerprint impressions obtained in the manner described in
division (C)(2) of this section, the superintendent of the bureau
of criminal identification and investigation shall conduct a
criminal records check. The superintendent shall conduct the
criminal records check in the manner described in division (B) of
this section to determine whether any information exists that

indicates that the person who is the subject of the request 148
previously has been convicted of or pleaded guilty to any of the 149
following: 150

(a) A violation of section 2903.01, 2903.02, 2903.03, 151
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 152
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 153
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 154
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 155
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 156
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 157
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 158
violation of section 2925.11 of the Revised Code that is not a 159
minor drug possession offense; 160

(b) An existing or former law of this state, any other state, 161
or the United States that is substantially equivalent to any of 162
the offenses listed in division (A)(4)(a) of this section. 163

(5) On receipt of a request pursuant to section 3701.881 of 164
the Revised Code with respect to an applicant for employment with 165
a home health agency in a position that involves providing direct 166
care to an older adult, a completed form prescribed pursuant to 167
division (C)(1) of this section, and a set of fingerprint 168
impressions obtained in the manner described in division (C)(2) of 169
this section, the superintendent of the bureau of criminal 170
identification and investigation shall conduct a criminal records 171
check. The superintendent shall conduct the criminal records check 172
in the manner described in division (B) of this section to 173
determine whether any information exists that indicates that the 174
person who is the subject of the request previously has been 175
convicted of or pleaded guilty to any of the following: 176

(a) A violation of section 2903.01, 2903.02, 2903.03, 177
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 178

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 179
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 180
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 181
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 182
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 183
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 184
2925.22, 2925.23, or 3716.11 of the Revised Code; 185

(b) An existing or former law of this state, any other state, 186
or the United States that is substantially equivalent to any of 187
the offenses listed in division (A)(5)(a) of this section. 188

(6) When conducting a criminal records check upon a request 189
pursuant to section 3319.39 of the Revised Code for an applicant 190
who is a teacher, in addition to the determination made under 191
division (A)(1) of this section, the superintendent shall 192
determine whether any information exists that indicates that the 193
person who is the subject of the request previously has been 194
convicted of or pleaded guilty to any offense specified in section 195
3319.31 of the Revised Code. 196

(7) When conducting a criminal records check on a request 197
pursuant to section 2151.86 of the Revised Code for a person who 198
is a prospective foster caregiver or who is twelve years old or 199
older and resides in the home of a prospective foster caregiver, 200
the superintendent, in addition to the determination made under 201
division (A)(1) of this section, shall determine whether any 202
information exists that indicates either of the following: 203

(a) That the person has been convicted of or pleaded guilty 204
to a violation of: 205

(i) Section 2909.02 or 2909.03 of the Revised Code; 206

(ii) An existing or former law of this state, any other 207
state, or the United States that is substantially equivalent to 208
section 2909.02 or 2909.03 of the Revised Code. 209

(b) That in the case of a person at least twelve years of age but less than eighteen years of age residing with a prospective foster caregiver, the person has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have been a violation of:

(i) Section 2903.01, 2903.02, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, 2907.05, 2907.06, 2909.02, or 2909.03 of the Revised Code;

(ii) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(7)(b)(i) of this section.

(8) Not later than thirty days after the date the superintendent receives the request, completed form, and fingerprint impressions, the superintendent shall send the person who made the request any information, other than information the dissemination of which is prohibited by federal law, the superintendent determines exists with respect to the person who is the subject of the request that indicates that the person previously has been convicted of or pleaded guilty to any offense listed or described in division (A)(1), (2), (3), (4), ~~or (5)~~, (6), or (7) of this section, as appropriate The superintendent shall send the person who made the request a copy of the list of offenses specified in division (A)(1), (2), (3), (4), ~~or (5)~~, (6), or (7) of this section, as appropriate If the request was made under section 3701.881 of the Revised Code with regard to an applicant who may be both responsible for the care, custody, or control of a child and involved in providing direct care to an older adult, the superintendent shall provide a list of the offenses specified in divisions (A)(4) and (5) of this section.

(B) The superintendent shall conduct any criminal records

check requested under section 173.41, 2151.86, 3301.32, 3301.541, 241
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 242
5104.013, 5126.28, 5126.281, or 5153.111 of the Revised Code as 243
follows: 244

(1) The superintendent shall review or cause to be reviewed 245
any relevant information gathered and compiled by the bureau under 246
division (A) of section 109.57 of the Revised Code that relates to 247
the person who is the subject of the request, including any 248
relevant information contained in records that have been sealed 249
under section 2953.32 of the Revised Code; 250

(2) If the request received by the superintendent asks for 251
information from the federal bureau of investigation, the 252
superintendent shall request from the federal bureau of 253
investigation any information it has with respect to the person 254
who is the subject of the request and shall review or cause to be 255
reviewed any information the superintendent receives from that 256
bureau. 257

(C)(1) The superintendent shall prescribe a form to obtain 258
the information necessary to conduct a criminal records check from 259
any person for whom a criminal records check is required by 260
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 261
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5126.28, 262
5126.281, or 5153.111 of the Revised Code. 263

(2) The superintendent shall prescribe standard impression 264
sheets to obtain the fingerprint impressions of any person for 265
whom a criminal records check is required by section 173.41, 266
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 267
3722.151, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of 268
the Revised Code. Any person for whom a records check is required 269
by any of those sections shall obtain the fingerprint impressions 270
at a county sheriff's office, municipal police department, or any 271

other entity with the ability to make fingerprint impressions on 272
the standard impression sheets prescribed by the superintendent. 273
The office, department, or entity may charge the person a 274
reasonable fee for making the impressions. 275

(3) Subject to division (D) of this section, the 276
superintendent shall prescribe and charge a reasonable fee for 277
providing a criminal records check requested under section 173.41, 278
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 279
3722.151, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of 280
the Revised Code. The person making a criminal records request 281
under section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 282
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 283
5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the 284
fee prescribed pursuant to this division. A person making a 285
request under section 3701.881 of the Revised Code for a criminal 286
records check for an applicant who may be both responsible for the 287
care, custody, or control of a child and involved in providing 288
direct care to an older adult shall pay one fee for the request. 289

(D) A determination whether any information exists that 290
indicates that a person previously has been convicted of or 291
pleaded guilty to any offense listed or described in division 292
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 293
(b), ~~or~~ (A)(5)(a) or (b), (A)(6), or (A)(7)(a) or (b) of this 294
section that is made by the superintendent with respect to 295
information considered in a criminal records check in accordance 296
with this section is valid for the person who is the subject of 297
the criminal records check for a period of one year from the date 298
upon which the superintendent makes the determination. During the 299
period in which the determination in regard to a person is valid, 300
if another request under this section is made for a criminal 301
records check for that person, the superintendent shall provide 302
the information that is the basis for the superintendent's initial 303

determination at a lower fee than the fee prescribed for the 304
initial criminal records check. 305

(E) As used in this section: 306

(1) "Criminal records check" means any criminal records check 307
conducted by the superintendent of the bureau of criminal 308
identification and investigation in accordance with division (B) 309
of this section. 310

(2) "Minor drug possession offense" has the same meaning as 311
in section 2925.01 of the Revised Code. 312

(3) "Older adult" means a person age sixty or older. 313

Sec. 117.13. (A) The costs of audits of state agencies shall 314
be recovered by the auditor of state in the following manner: 315
316

(1) The costs of all audits of state agencies shall be paid 317
to the auditor of state on statements rendered by ~~him~~ the auditor 318
of state. Money so received by the auditor of state shall be paid 319
into the state treasury to the credit of the public audit expense 320
fund--intrastate, which is hereby created, and shall be used to 321
pay costs related to such audits. The costs of all annual and 322
special audits of a state agency shall be charged to the state 323
agency being audited. The costs of all biennial audits of a state 324
agency shall be paid from money appropriated to the department of 325
administrative services for that purpose. The costs of any 326
assistant auditor, employee, or expert employed pursuant to 327
section 117.09 of the Revised Code called upon to testify in any 328
legal proceedings in regard to any audit, or called upon to review 329
or discuss any matter related to any audit, may be charged to the 330
state agency to which the audit relates. 331

(2) The auditor of state shall establish by rule rates to be 332
charged to state agencies or to the department of administrative 333

services for recovering the costs of audits of state agencies. 334

(B) Any (1) Except as provided in division (B)(2) of this 335
section, any costs of an audit of a private institution, 336
association, board, or corporation receiving public money for its 337
use shall be charged to the public office providing the public 338
money in the same manner as costs of an audit of the public 339
office; 340

(2) The costs of an audit of a private child placing agency 341
or private noncustodial agency receiving public money for its use 342
shall be charged to the agency being audited in the same manner as 343
costs of an audit of a public office. 344

(C) The costs of audits of local public offices shall be 345
recovered by the auditor of state in the following manner: 346

(1) The total amount of compensation paid assistant auditors 347
of state, their expenses, the cost of employees assigned to assist 348
the assistant auditors of state, the cost of experts employed 349
pursuant to section 117.09 of the Revised Code, and the cost of 350
typing, reviewing, and copying reports shall be borne by the 351
public office to which such assistant auditors of state are so 352
assigned, except that annual vacation and sick leave of assistant 353
auditors of state, employees, and typists shall be financed from 354
the general revenue fund. The necessary traveling and hotel 355
expenses of the deputy inspectors and supervisors of public 356
offices shall be paid from the state treasury. Assistant auditors 357
of state shall be compensated by the taxing district or other 358
public office audited for activities undertaken pursuant to 359
division (B) of section 117.18 and section 117.24 of the Revised 360
Code. The costs of any assistant auditor, employee, or expert 361
employed pursuant to section 117.09 of the Revised Code called 362
upon to testify in any legal proceedings in regard to any audit, 363
or called upon to review or discuss any matter related to any 364

audit, may be charged to the public office to which the audit
relates.

(2) The auditor of state shall certify the amount of such
compensation, expenses, cost of experts, reviewing, copying, and
typing to the fiscal officer of the local public office audited.
The fiscal officer of the local public office shall forthwith draw
~~his~~ a warrant upon the general fund or other appropriate funds of
the local public office to the order of the auditor of state;
provided, that the auditor of state is authorized to negotiate
with any local public office and, upon agreement between the
auditor of state and the local public office, may adopt a schedule
for payment of the amount due under this section. Money so
received by the auditor of state shall be paid into the state
treasury to the credit of the public audit expense fund--local
government, which is hereby created, and shall be used to pay the
compensation, expense, cost of experts and employees, reviewing,
copying, and typing of reports.

(3) At the conclusion of each audit, or analysis and report
made pursuant to section 117.24 of the Revised Code, the auditor
of state shall furnish the fiscal officer of the local public
office audited a statement showing the total cost of the audit, or
of the audit and the analysis and report, and the percentage of
the total cost chargeable to each fund audited. The fiscal officer
may distribute such total cost to each fund audited in accordance
with its percentage of the total cost.

(4) The auditor of state shall provide each local public
office a statement or certification of the amount due from the
public office for services performed by the auditor of state under
this or any other section of the Revised Code, as well as the date
upon which payment is due to the auditor of state. Any local
public office that does not pay the amount due to the auditor of
state by that date may be assessed by the auditor of state for

interest from the date upon which the payment is due at the rate 397
per annum prescribed by section 5703.47 of the Revised Code. All 398
interest charges assessed by the auditor of state may be collected 399
in the same manner as audit costs pursuant to division (D) of this 400
section. 401

(D) If the auditor of state fails to receive payment for any 402
amount due from a public office for services performed under this 403
or any other section of the Revised Code, ~~he~~ the auditor of state 404
may seek payment through the office of budget and management. Upon 405
certification by the auditor of state to the director of budget 406
and management of any such amount due, the director shall withhold 407
from the public office any amount available, up to and including 408
the amount certified as due, from any funds under ~~his~~ the 409
director's control that belong to or are lawfully payable or due 410
to the public office. The director shall promptly pay the amount 411
withheld to the auditor of state. If the director determines that 412
no funds due and payable to the public office are available or 413
that insufficient amounts of such funds are available to cover the 414
amount due, the director shall withhold and pay to the auditor of 415
state the amounts available and, in the case of a local public 416
office, certify the remaining amount to the county auditor of the 417
county in which the local public office is located. The county 418
auditor shall withhold from the local public office any amount 419
available, up to and including the amount certified as due, from 420
any funds under ~~his~~ the county auditor's control and belonging to 421
or lawfully payable or due to the local public office. The county 422
auditor shall promptly pay any such amount withheld to the auditor 423
of state. 424

Sec. 117.191. When the auditor of state audits a public 425
children services agency, private child placing agency, or private 426
noncustodial agency, all of the following shall apply: 427

(A) On the request of the agency being audited, the auditing team shall consult with a representative of a national nonprofit organization with expertise in child welfare issues and the cost of the consultation shall be included in the cost of the audit; 428
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(B) The audit shall focus on fiscal accountability rather than clinical decision making; 432
433

(C) The auditor of state shall comply with generally accepted governmental auditing standards when conducting the audit. 434
435
436

Sec. 121.22. (A) This section shall be liberally construed to 437
require public officials to take official action and to conduct 438
all deliberations upon official business only in open meetings 439
unless the subject matter is specifically excepted by law. 440

(B) As used in this section: 441

(1) "Public body" means any of the following: 442

(a) Any board, commission, committee, council, or similar 443
decision-making body of a state agency, institution, or authority, 444
and any legislative authority or board, commission, committee, 445
council, agency, authority, or similar decision-making body of any 446
county, township, municipal corporation, school district, or other 447
political subdivision or local public institution; 448

(b) Any committee or subcommittee of a body described in 449
division (B)(1)(a) of this section; 450

(c) A court of jurisdiction of a sanitary district organized 451
wholly for the purpose of providing a water supply for domestic, 452
municipal, and public use when meeting for the purpose of the 453
appointment, removal, or reappointment of a member of the board of 454
directors of such a district pursuant to section 6115.10 of the 455
Revised Code, if applicable, or for any other matter related to 456
such a district other than litigation involving the district. As 457

used in division (B)(1)(c) of this section, "court of
jurisdiction" has the same meaning as "court" in section 6115.01
of the Revised Code.

(2) "Meeting" means any prearranged discussion of the public
business of the public body by a majority of its members.

(3) "Regulated individual" means either of the following:

(a) A student in a state or local public educational
institution;

(b) A person who is, voluntarily or involuntarily, an inmate,
patient, or resident of a state or local institution because of
criminal behavior, mental illness or retardation, disease,
disability, age, or other condition requiring custodial care.

(C) All meetings of any public body are declared to be public
meetings open to the public at all times. A member of a public
body shall be present in person at a meeting open to the public to
be considered present or to vote at the meeting and for purposes
of determining whether a quorum is present at the meeting.

The minutes of a regular or special meeting of any public
body shall be promptly prepared, filed, and maintained and shall
be open to public inspection. The minutes need only reflect the
general subject matter of discussions in executive sessions
authorized under division (G) or (J) of this section.

(D) This section does not apply to a any of the following:

(1) A grand jury,~~to an i~~

(2) An audit conference conducted by the auditor of state or
independent certified public accountants with officials of the
public office that is the subject of the audit,~~to the i~~

(3) The adult parole authority when its hearings are

conducted at a correctional institution for the sole purpose of 488
interviewing inmates to determine parole or pardon, ~~to the;~~ 489

(4) The organized crime investigations commission established 490
under section 177.01 of the Revised Code, ~~to the;~~ 491

(5) Meetings of a child fatality review board established 492
under section 307.621 of the Revised Code and meetings conducted 493
pursuant to sections 5153.171 to 5153.173 of the Revised Code; 494

(6) The state medical board when determining whether to 495
suspend a certificate without a prior hearing pursuant to division 496
(G) of either section 4730.25 or 4731.22 of the Revised Code, ~~to~~ 497
~~the;~~ 498

(7) The board of nursing when determining whether to suspend 499
a license without a prior hearing pursuant to division (B) of 500
section 4723.181 of the Revised Code, ~~or to the;~~ 501

(8) The executive committee of the emergency response 502
commission when determining whether to issue an enforcement order 503
or request that a civil action, civil penalty action, or criminal 504
action be brought to enforce Chapter 3750. of the Revised Code. 505

(E) The controlling board, the development financing advisory 506
council, the industrial technology and enterprise advisory 507
council, the tax credit authority, or the minority development 508
financing advisory board, when meeting to consider granting 509
assistance pursuant to Chapter 122. or 166. of the Revised Code, 510
in order to protect the interest of the applicant or the possible 511
investment of public funds, by unanimous vote of all board, 512
council, or authority members present, may close the meeting 513
during consideration of the following information confidentially 514
received by the authority, council, or board from the applicant: 515

(1) Marketing plans; 516
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(2) Specific business strategy;	518
(3) Production techniques and trade secrets;	519
(4) Financial projections;	520
(5) Personal financial statements of the applicant or members	521
of the applicant's immediate family, including, but not limited	522
to, tax records or other similar information not open to public	523
inspection.	524
The vote by the authority, council, or board to accept or	525
reject the application, as well as all proceedings of the	526
authority, council, or board not subject to this division, shall	527
be open to the public and governed by this section.	528
(F) Every public body, by rule, shall establish a reasonable	529
method whereby any person may determine the time and place of all	530
regularly scheduled meetings and the time, place, and purpose of	531
all special meetings. A public body shall not hold a special	532
meeting unless it gives at least twenty-four hours' advance notice	533
to the news media that have requested notification, except in the	534
event of an emergency requiring immediate official action. In the	535
event of an emergency, the member or members calling the meeting	536
shall notify the news media that have requested notification	537
immediately of the time, place, and purpose of the meeting.	538
The rule shall provide that any person, upon request and	539
payment of a reasonable fee, may obtain reasonable advance	540
notification of all meetings at which any specific type of public	541
business is to be discussed. Provisions for advance notification	542
may include, but are not limited to, mailing the agenda of	543
meetings to all subscribers on a mailing list or mailing notices	544
in self-addressed, stamped envelopes provided by the person.	545
(G) Except as provided in division (J) of this section, the	546
members of a public body may hold an executive session only after	547

a majority of a quorum of the public body determines, by a roll
call vote, to hold an executive session and only at a regular or
special meeting for the sole purpose of the consideration of any
of the following matters:

(1) To consider the appointment, employment, dismissal,
discipline, promotion, demotion, or compensation of a public
employee or official, or the investigation of charges or
complaints against a public employee, official, licensee, or
regulated individual, unless the public employee, official,
licensee, or regulated individual requests a public hearing.
Except as otherwise provided by law, no public body shall hold an
executive session for the discipline of an elected official for
conduct related to the performance of the elected official's
official duties or for the elected official's removal from office.
If a public body holds an executive session pursuant to division
(G)(1) of this section, the motion and vote to hold that executive
session shall state which one or more of the approved purposes
listed in division (G)(1) of this section are the purposes for
which the executive session is to be held, but need not include
the name of any person to be considered at the meeting.

(2) To consider the purchase of property for public purposes,
or for the sale of property at competitive bidding, if premature
disclosure of information would give an unfair competitive or
bargaining advantage to a person whose personal, private interest
is adverse to the general public interest. No member of a public
body shall use division (G)(2) of this section as a subterfuge for
providing covert information to prospective buyers or sellers. A
purchase or sale of public property is void if the seller or buyer
of the public property has received covert information from a
member of a public body that has not been disclosed to the general
public in sufficient time for other prospective buyers and sellers
to prepare and submit offers.

If the minutes of the public body show that all meetings and deliberations of the public body have been conducted in compliance with this section, any instrument executed by the public body purporting to convey, lease, or otherwise dispose of any right, title, or interest in any public property shall be conclusively presumed to have been executed in compliance with this section insofar as title or other interest of any bona fide purchasers, lessees, or transferees of the property is concerned.

(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action;

(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment;

(5) Matters required to be kept confidential by federal law or regulations or state statutes;

(6) Specialized details of security arrangements if disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

(7) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, to consider trade secrets, as defined in section 1333.61 of the Revised Code.

If a public body holds an executive session to consider any of the matters listed in divisions (G)(2) to (7) of this section, the motion and vote to hold that executive session shall state which one or more of the approved matters listed in those divisions are to be considered at the executive session.

A public body specified in division (B)(1)(c) of this section shall not hold an executive session when meeting for the purposes

specified in that division.

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(H) A resolution, rule, or formal action of any kind is
invalid unless adopted in an open meeting of the public body. A
resolution, rule, or formal action adopted in an open meeting that
results from deliberations in a meeting not open to the public is
invalid unless the deliberations were for a purpose specifically
authorized in division (G) or (J) of this section and conducted at
an executive session held in compliance with this section. A
resolution, rule, or formal action adopted in an open meeting is
invalid if the public body that adopted the resolution, rule, or
formal action violated division (F) of this section.

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(I)(1) Any person may bring an action to enforce this
section. An action under division (I)(1) of this section shall be
brought within two years after the date of the alleged violation
or threatened violation. Upon proof of a violation or threatened
violation of this section in an action brought by any person, the
court of common pleas shall issue an injunction to compel the
members of the public body to comply with its provisions.

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(2)(a) If the court of common pleas issues an injunction
pursuant to division (I)(1) of this section, the court shall order
the public body that it enjoins to pay a civil forfeiture of five
hundred dollars to the party that sought the injunction and shall
award to that party all court costs and, subject to reduction as
described in division (I)(2) of this section, reasonable
attorney's fees. The court, in its discretion, may reduce an award
of attorney's fees to the party that sought the injunction or not
award attorney's fees to that party if the court determines both
of the following:

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(i) That, based on the ordinary application of statutory law
and case law as it existed at the time of violation or threatened
violation that was the basis of the injunction, a well-informed

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public body reasonably would believe that the public body was not 641
violating or threatening to violate this section; 642

(ii) That a well-informed public body reasonably would 643
believe that the conduct or threatened conduct that was the basis 644
of the injunction would serve the public policy that underlies the 645
authority that is asserted as permitting that conduct or 646
threatened conduct. 647

(b) If the court of common pleas does not issue an injunction 648
pursuant to division (I)(1) of this section and the court 649
determines at that time that the bringing of the action was 650
frivolous conduct, as defined in division (A) of section 2323.51 651
of the Revised Code, the court shall award to the public body all 652
court costs and reasonable attorney's fees, as determined by the 653
court. 654

(3) Irreparable harm and prejudice to the party that sought 655
the injunction shall be conclusively and irrebuttably presumed 656
upon proof of a violation or threatened violation of this section. 657

(4) A member of a public body who knowingly violates an 658
injunction issued pursuant to division (I)(1) of this section may 659
be removed from office by an action brought in the court of common 660
pleas for that purpose by the prosecuting attorney or the attorney 661
general. 662

(J)(1) Pursuant to division (C) of section 5901.09 of the 663
Revised Code, a veterans service commission shall hold an 664
executive session for one or more of the following purposes unless 665
an applicant requests a public hearing: 666

(a) Interviewing an applicant for financial assistance under 667
sections 5901.01 to 5901.15 of the Revised Code; 668

(b) Discussing applications, statements, and other documents 669
described in division (B) of section 5901.09 of the Revised Code; 670

(c) Reviewing matters relating to an applicant's request for financial assistance under sections 5901.01 to 5901.15 of the Revised Code.

(2) A veterans service commission shall not exclude an applicant for, recipient of, or former recipient of financial assistance under sections 5901.01 to 5901.15 of the Revised Code, and shall not exclude representatives selected by the applicant, recipient, or former recipient, from a meeting that the commission conducts as an executive session that pertains to the applicant's, recipient's, or former recipient's application for financial assistance.

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

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

(1) "Public record" means any record that is kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, except that "public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings;

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

(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of

health under section 3705.12 of the Revised Code;	701
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 5101.313 of the Revised Code, the division of child support in the department or a child support enforcement agency;	702 703 704 705 706 707
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	708 709 710
(g) Trial preparation records;	711
(h) Confidential law enforcement investigatory records;	712
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	713 714
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	715 716
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	717 718 719 720
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	721 722 723 724
(m) Intellectual property records;	725
(n) Donor profile records;	726
(o) Records maintained by the department of human services pursuant to section 5101.312 of the Revised Code;	727 728
(p) Peace officer residential and familial information;	729

(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;

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

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

(t) Records the release of which is prohibited by state or federal law.

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

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

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

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

(d) Information that would endanger the life or physical

safety of law enforcement personnel, a crime victim, a witness, or a confidential information source. 760
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(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment. 762
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(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney. 767
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(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented. 772
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(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation. 781
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(7) "Peace officer residential and familial information" means information that discloses any of the following: 785
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(a) The address of the actual personal residence of a peace officer, except for the state or political subdivision in which the peace officer resides; 787
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(b) Information compiled from referral to or participation in an employee assistance program;	790 791
(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer;	792 793 794 795
(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer by the peace officer's employer;	796 797 798
(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's employer from the peace officer's compensation unless the amount of the deduction is required by state or federal law;	799 800 801 802
(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer.	803 804 805 806 807 808
As used in divisions (A)(7) and (B)(5) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code, except that "peace officer" does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.	809 810 811 812 813 814
(B)(1) Subject to division (B)(4) of this section, all public records shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(4) of this section, upon request, a public office or person responsible for public records shall make copies available at cost, within a reasonable period of	815 816 817 818 819 820

time. In order to facilitate broader access to public records, 821
public offices shall maintain public records in a manner that they 822
can be made available for inspection in accordance with this 823
division. 824

(2) If any person chooses to obtain a copy of a public record 825
in accordance with division (B)(1) of this section, the public 826
office or person responsible for the public record shall permit 827
that person to choose to have the public record duplicated upon 828
paper, upon the same medium upon which the public office or person 829
responsible for the public record keeps it, or upon any other 830
medium upon which the public office or person responsible for the 831
public record determines that it reasonably can be duplicated as 832
an integral part of the normal operations of the public office or 833
person responsible for the public record. When the person seeking 834
the copy makes a choice under this division, the public office or 835
person responsible for the public record shall provide a copy of 836
it in accordance with the choice made by the person seeking the 837
copy. 838

(3) Upon a request made in accordance with division (B)(1) of 839
this section, a public office or person responsible for public 840
records shall transmit a copy of a public record to any person by 841
United States mail within a reasonable period of time after 842
receiving the request for the copy. The public office or person 843
responsible for the public record may require the person making 844
the request to pay in advance the cost of postage and other 845
supplies used in the mailing. 846

Any public office may adopt a policy and procedures that it 847
will follow in transmitting, within a reasonable period of time 848
after receiving a request, copies of public records by United 849
States mail pursuant to this division. A public office that adopts 850
a policy and procedures under this division shall comply with them 851
in performing its duties under this division. 852

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

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

(5) Upon written request made and signed by a journalist on or after ~~the effective date of this amendment~~ December 16, 1999, a public office, or person responsible for public records, having custody of the records of the agency employing a specified peace officer shall disclose to the journalist the address of the actual personal residence of the peace officer and, if the peace officer's spouse, former spouse, or child is employed by a public

office, the name and address of the employer of the peace 885
officer's spouse, former spouse, or child. The request shall 886
include the journalist's name and title and the name and address 887
of the journalist's employer and shall state that disclosure of 888
the information sought would be in the public interest. 889

As used in division (B)(5) of this section, "journalist" 890
means a person engaged in, connected with, or employed by any news 891
medium, including a newspaper, magazine, press association, news 892
agency, or wire service, a radio or television station, or a 893
similar medium, for the purpose of gathering, processing, 894
transmitting, compiling, editing, or disseminating information for 895
the general public. 896

(C) If a person allegedly is aggrieved by the failure of a 897
public office to promptly prepare a public record and to make it 898
available to the person for inspection in accordance with division 899
(B) of this section, or if a person who has requested a copy of a 900
public record allegedly is aggrieved by the failure of a public 901
office or the person responsible for the public record to make a 902
copy available to the person allegedly aggrieved in accordance 903
with division (B) of this section, the person allegedly aggrieved 904
may commence a mandamus action to obtain a judgment that orders 905
the public office or the person responsible for the public record 906
to comply with division (B) of this section and that awards 907
reasonable attorney's fees to the person that instituted the 908
mandamus action. The mandamus action may be commenced in the court 909
of common pleas of the county in which division (B) of this 910
section allegedly was not complied with, in the supreme court 911
pursuant to its original jurisdiction under Section 2 of Article 912
IV, Ohio Constitution, or in the court of appeals for the 913
appellate district in which division (B) of this section allegedly 914
was not complied with pursuant to its original jurisdiction under 915
Section 3 of Article IV, Ohio Constitution. 916

(D) Chapter 1347. of the Revised Code does not limit the 917
provisions of this section. 918

(E)(1) The bureau of motor vehicles may adopt rules pursuant 919
to Chapter 119. of the Revised Code to reasonably limit the number 920
of bulk commercial special extraction requests made by a person 921
for the same records or for updated records during a calendar 922
year. The rules may include provisions for charges to be made for 923
bulk commercial special extraction requests for the actual cost of 924
the bureau, plus special extraction costs, plus ten per cent. The 925
bureau may charge for expenses for redacting information, the 926
release of which is prohibited by law. 927

(2) As used in divisions (B)(3) and (E)(1) of this section: 928

(a) "Actual cost" means the cost of depleted supplies, 929
records storage media costs, actual mailing and alternative 930
delivery costs, or other transmitting costs, and any direct 931
equipment operating and maintenance costs, including actual costs 932
paid to private contractors for copying services. 933

(b) "Bulk commercial special extraction request" means a 934
request for copies of a record for information in a format other 935
than the format already available, or information that cannot be 936
extracted without examination of all items in a records series, 937
class of records, or data base by a person who intends to use or 938
forward the copies for surveys, marketing, solicitation, or resale 939
for commercial purposes. "Bulk commercial special extraction 940
request" does not include a request by a person who gives 941
assurance to the bureau that the person making the request does 942
not intend to use or forward the requested copies for surveys, 943
marketing, solicitation, or resale for commercial purposes. 944

(c) "Commercial" means profit-seeking production, buying, or 945
selling of any good, service, or other product. 946

(d) "Special extraction costs" means the cost of the time 947

spent by the lowest paid employee competent to perform the task, 948
the actual amount paid to outside private contractors employed by 949
the bureau, or the actual cost incurred to create computer 950
programs to make the special extraction. "Special extraction 951
costs" include any charges paid to a public agency for computer or 952
records services. 953

(3) For purposes of divisions (E)(1) and (2) of this section, 954
"commercial surveys, marketing, solicitation, or resale" shall be 955
narrowly construed and does not include reporting or gathering 956
news, reporting or gathering information to assist citizen 957
oversight or understanding of the operation or activities of 958
government, or nonprofit educational research. 959

Sec. 305.14. (A) The court of common pleas, upon the 960
application of the prosecuting attorney and the board of county 961
commissioners, may authorize the board to employ legal counsel to 962
assist the prosecuting attorney, the board, or any other county 963
officer in any matter of public business coming before such board 964
or officer, and in the prosecution or defense of any action or 965
proceeding in which such board or officer is a party or has an 966
interest, in its official capacity. 967

(B) The board of county commissioners may also employ legal 968
counsel, as provided in section 309.09 of the Revised Code, to 969
represent it in any matter of public business coming before such 970
board, and in the prosecution or defense of any action or 971
proceeding in which such board is a party or has an interest, in 972
its official capacity. 973

(C) Notwithstanding division (A) of this section and except 974
as provided in division (D) of this section, a county board of 975
mental retardation and developmental disabilities or a public 976
children services agency may, without the authorization of the 977
court of common pleas, employ legal counsel to advise it or to 978

represent it or any of its members or employees in any matter of 979
public business coming before the board or agency or in the 980
prosecution or defense of any action or proceeding in which the 981
board or agency in its official capacity, or a board or agency 982
member or employee in ~~his~~ the member's or employee's official 983
capacity, is a party or has an interest, ~~except that in.~~ 984

(D)(1) In any legal proceeding in which the prosecuting 985
attorney is fully able to perform ~~his~~ the prosecuting attorney's 986
statutory duty to represent the county board of mental retardation 987
and developmental disabilities or public children services agency 988
without conflict of interest, the board or agency shall employ 989
other counsel only with the written consent of the prosecuting 990
attorney. In any legal proceeding in which the prosecuting 991
attorney is unable, for any reason, to represent the board or 992
agency, ~~he~~ the prosecuting attorney shall so notify the board or 993
agency, and the board or agency may then employ counsel for the 994
proceeding without further permission from any authority. 995

(2) A public children services agency that receives money 996
from the county general revenue fund must obtain the permission of 997
the board of county commissioners of the county served by the 998
agency before employing counsel under division (C) of this 999
section. 1000

Sec. 307.441. (A) The board of county commissioners of each 1001
county may procure a policy or policies of insurance insuring the 1002
county recorder and the clerk of the court of common pleas and 1003
their deputies against liability on account of errors or omissions 1004
unknowingly made by them and for which they may be held liable. 1005

The policy or policies of insurance shall be in an amount of 1006
not less than fifty thousand dollars. 1007

(B) The board of county commissioners of each county may 1008
procure a policy or policies of insurance insuring the sheriff and 1009

his deputies against liability arising from the performance of 1010
their official duties. 1011

(C) The board of county commissioners of each county may 1012
procure a policy or policies of insurance insuring the prosecuting 1013
attorney and assistant prosecuting attorneys against liability 1014
arising from the performance of their official duties. 1015

(D) The board of county commissioners of each county may 1016
procure a policy or policies of insurance insuring the coroner, 1017
county engineer, county auditor, each county commissioner, and the 1018
county treasurer and their assistants against liability arising 1019
from the performance of their official duties. 1020

(E) The board of county commissioners of each county may 1021
procure a policy or policies of insurance insuring any county 1022
employee against liability arising from the performance of his 1023
official duties. 1024

(F) If the board of county commissioners of any county 1025
procures a policy or policies of insurance insuring any county 1026
official against liability arising from the performance of ~~his~~ the 1027
county official's official duties as provided by divisions (A) to 1028
(D) of this section, it shall not refuse to procure a policy or 1029
policies of insurance insuring any other county official as 1030
authorized in those divisions, if such policy or policies are 1031
reasonably available. 1032

(G) The board of county commissioners of any county may 1033
procure a policy or policies of insurance insuring the county 1034
director of job and family services, county department of job and 1035
family services employees, or foster ~~parents~~ caregivers associated 1036
with the county department of job and family services, against 1037
liability arising from the performance of their official duties. 1038

(H) The board of county commissioners of each county may 1039
procure a policy or policies of insurance insuring the county 1040

public defender and the members of the county public defender 1041
commission against liability arising from the performance of their 1042
official duties. A joint board of county commissioners formed 1043
pursuant to section 120.23 of the Revised Code may, in accordance 1044
with the agreement of the participating boards of county 1045
commissioners, procure a policy or policies of insurance insuring 1046
the joint county public defender and the members of the joint 1047
county public defender commission against liability arising from 1048
the performance of their official duties. 1049

(I) The board of county commissioners of each county may 1050
procure a policy or policies of insurance insuring the judges of 1051
the court of common pleas and any county court in the county, and 1052
the employees of those courts, against liability arising from the 1053
performance of their official duties. 1054

Sec. 307.621. A board of county commissioners shall appoint a 1055
health commissioner of the board of health of a city or general 1056
health district that is entirely or partially located in the 1057
county in which the board of county commissioners is located to 1058
establish a child fatality review board to review the deaths of 1059
children under eighteen years of age. The boards of county 1060
commissioners of two or more counties may, by adopting a joint 1061
resolution passed by a majority of the members of each 1062
participating board of county commissioners, create a regional 1063
child fatality review board to serve all participating counties. 1064
The joint resolution shall appoint, for each county participating 1065
as part of the regional review board, one health commissioner from 1066
a board of health of a city or general health district located at 1067
least in part in each county. The health commissioners appointed 1068
shall select one of their number as the health commissioner to 1069
establish the regional review board. The regional review board 1070
shall be established in the same manner as provided for single 1071

county review boards. 1072

In any county that has a body acting as a child fatality review board on the effective date of this section, the board of county commissioners of that county, in lieu of having a health commissioner establish a child fatality review board, shall appoint that body to function as the child fatality review board for the county. The body shall have the same duties, obligations, and protections as a child fatality review board appointed by a health commissioner. The board of county commissioners or an individual designated by the board shall convene the body as required by section 307.624 of the Revised Code. 1073
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Sec. 307.622. (A) The health commissioner of the board of health of a city or a general health district who is appointed under section 307.621 of the Revised Code to establish the child fatality review board shall select six members to serve on the child fatality review board along with the commissioner. The review board shall consist of the following: 1083
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(1) A county coroner or designee; 1089

(2) The chief of police of a police department or the sheriff that serves the greatest population in the county or region or a designee of the chief or sheriff; 1090
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(3) The executive director of a public children services agency or designee; 1093
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(4) A public health official or designee; 1095

(5) The executive director of a board of alcohol, drug addiction, and mental health services or designee; 1096
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(6) A physician who holds a certificate issued pursuant to Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery, 1098
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1100

specializes in pediatric or family medicine, and currently 1101
practices pediatric or family medicine. 1102

(B) The majority of the members of a review board may invite 1103
additional members to serve on the board. The additional members 1104
invited under this division shall serve for a period of time 1105
determined by a majority of the members described in division (A) 1106
of this section. An additional member shall have the same 1107
authority, duties, and responsibilities as members described in 1108
division (A) of this section. 1109

(C) A vacancy in a child fatality review board shall be 1110
filled in the same manner as the original appointment. 1111

(D) A child fatality review board member shall not receive 1112
any compensation for, and shall not be paid for any expenses 1113
incurred pursuant to, fulfilling the member's duties on the board 1114
unless compensation for, or payment for expenses incurred pursuant 1115
to, those duties is received pursuant to a member's regular 1116
employment. 1117

Sec. 307.623. The purpose of the child fatality review board 1118
is to decrease the incidence of preventable child deaths by doing 1119
all of the following: 1120

(A) PROMOTING COOPERATION, COLLABORATION, AND COMMUNICATION 1121
BETWEEN ALL GROUPS, PROFESSIONS, AGENCIES, OR ENTITIES THAT SERVE 1122
FAMILIES AND CHILDREN; 1123

(B) MAINTAINING A COMPREHENSIVE DATABASE OF ALL CHILD DEATHS 1124
THAT OCCUR IN THE COUNTY OR REGION SERVED BY THE CHILD FATALITY 1125
REVIEW BOARD IN ORDER TO DEVELOP AN UNDERSTANDING OF THE CAUSES 1126
AND INCIDENCE OF THOSE DEATHS; 1127

(C) RECOMMENDING AND DEVELOPING PLANS FOR IMPLEMENTING LOCAL 1128
SERVICE AND PROGRAM CHANGES and changes to the groups, 1129
professions, agencies, or entities that serve families and 1130

children that MIGHT PREVENT CHILD DEATHS; 1131

(D) ADVISING THE DEPARTMENT OF HEALTH OF AGGREGATE DATA, 1132

TRENDS, AND PATTERNS CONCERNING CHILD DEATHS. 1133

Sec. 307.624. The board of county commissioners, or if a 1134
regional child fatality review board is established, the group of 1135
health commissioners appointed to select the health commissioner 1136
to establish the regional review board, shall designate either the 1137
health commissioner that establishes the review board or a 1138
representative of the health commissioner to convene meetings and 1139
be the chairperson of the review board. If a regional review board 1140
includes a county with more than one health district, the regional 1141
review board meeting shall be convened in that county. If more 1142
than one of the counties participating on the regional review 1143
board has more than one health district, the person convening the 1144
meeting shall select one of the counties with more than one health 1145
district as the county in which to convene the meeting. The person 1146
designated to convene the review board shall convene it at least 1147
once a year to review, in accordance with this section and the 1148
rules adopted by the department of health under section 3701.045 1149
of the Revised Code, the deaths of all children under eighteen 1150
years of age who, at the time of death, were residents of the 1151
county or, if a regional review board, one of the participating 1152
counties. 1153

Sec. 307.625. A child fatality review board may not conduct a 1154
review of the death of a child described in section 307.624 of the 1155
Revised Code while an investigation of the death or prosecution of 1156
a person for causing the death is pending unless the prosecuting 1157
attorney agrees to allow the review. The law enforcement agency 1158
conducting the criminal investigation, on the conclusion of the 1159
investigation, and the prosecuting attorney prosecuting the case, 1160
on the conclusion of the prosecution, shall notify the chairperson 1161

of the review board of the conclusion. 1162

Sec. 307.626. (A) By the first day of April of each year, the person convening the child fatality review board shall prepare and submit to the Ohio department of health a report that includes all of the following information with respect to each child death that was reviewed by the review board in the previous calendar year: 1163
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(1) The cause of death; 1168
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(2) Factors contributing to death; 1170

(3) Age; 1171

(4) Sex; 1172

(5) Race; 1173

(6) The geographic location of death; 1174

(7) The year of death. 1175

The report shall specify the number of child deaths that have not been reviewed since the effective date of this section. 1176
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The report may include RECOMMENDATIONS FOR ACTIONS THAT MIGHT PREVENT OTHER DEATHS, as well as any other information the review board determines should be included. 1178
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(B) Reports prepared under this section shall be considered public records under section 149.43 of the Revised Code. 1181
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Sec. 307.627. (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual; public children services agency, private child placing agency, or agency that provides services specifically to individuals or families; law enforcement agency; or other public or private entity that provided services to a child whose death is 1183
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being reviewed by a child fatality review board, on the request of 1189
the review board, shall submit to the review board a summary sheet 1190
of information. With respect to a request made to a health care 1191
entity, the summary sheet shall contain only information available 1192
and reasonably drawn from the child's medical record created by 1193
the health care entity. With respect to a request made to any 1194
other individual or entity, the summary shall contain only 1195
information available and reasonably drawn from any record 1196
involving the child that the individual or entity develops in the 1197
normal course of business. On the request of the review board, an 1198
individual or entity may, at the individual or entity's 1199
discretion, make any additional information, documents, or reports 1200
available to the review board. For purposes of the review, the 1201
review board shall have access to confidential information 1202
PROVIDED TO THE REVIEW BOARD UNDER THIS DIVISION OR DIVISION 1203
(H)(4) OF SECTION 2151.421 OF THE REVISED CODE, and each member of 1204
the review board shall preserve the confidentiality of that 1205
information. 1206

(B) Notwithstanding division (A) of this section, no person, 1207
entity, law enforcement agency, or prosecuting attorney shall 1208
provide any information regarding the death of a child to a child 1209
fatality review board while an investigation of the death or 1210
prosecution of a person for causing the death is pending unless 1211
the prosecuting attorney has agreed pursuant to section 307.625 of 1212
the Revised Code to allow review of the death. 1213

Sec. 307.628. (A) An individual or public or private entity 1214
providing information, documents, or reports to a child fatality 1215
review board is immune from any civil liability for injury, death, 1216
or loss to person or property that otherwise might be incurred or 1217
imposed as a result of providing the information, documents, or 1218
reports to the review board. 1219

(B) Each member of a review board is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the review board. 1220
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Sec. 307.629. (A) Except as provided in sections 5153.171 to 5153.173 of the Revised Code, any information, document, or report presented to a child fatality review board, ALL STATEMENTS MADE BY review board MEMBERS DURING MEETINGS OF THE REVIEW board, AND ALL WORK PRODUCTS OF THE REVIEW board, OTHER THAN THE REPORT PREPARED PURSUANT TO SECTION 307.626 OF THE REVISED CODE, ARE confidential and shall be used by the review board and its members only in the exercise of the proper functions of the review board. 1224
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(B) No person shall permit or encourage the unauthorized dissemination of the confidential information described in division (A) of this section. 1232
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(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree. 1235
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Sec. 2151.011. (A) As used in the Revised Code: 1237

(1) "Juvenile court" means the division of the court of common pleas or a juvenile court separately and independently created having jurisdiction under this chapter. 1238
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(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter. 1241
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(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified pursuant to section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption. 1243
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(4) "Private noncustodial agency" means any person, 1248

organization, association, or society certified by the department 1249
of job and family services that does not accept temporary or 1250
permanent legal custody of children, that is privately operated in 1251
this state, and that does one or more of the following: 1252

(a) Receives and cares for children for two or more 1253
consecutive weeks; 1254

(b) Participates in the placement of children in ~~family~~ 1255
certified foster homes; 1256

(c) Provides adoption services in conjunction with a public 1257
children services agency or private child placing agency. 1258

(B) As used in this chapter: 1259

(1) "Adequate parental care" means the provision by a child's 1260
parent or parents, guardian, or custodian of adequate food, 1261
clothing, and shelter to ensure the child's health and physical 1262
safety and the provision by a child's parent or parents of 1263
specialized services warranted by the child's physical or mental 1264
needs. 1265

(2) "Adult" means an individual who is eighteen years of age 1266
or older. 1267

(3) "Agreement for temporary custody" means a voluntary 1268
agreement authorized by section 5103.15 of the Revised Code that 1269
transfers the temporary custody of a child to a public children 1270
services agency or a private child placing agency. 1271

(4) ~~"Babysitting care" means care provided for a child while~~ 1272
~~the parents, guardian, or legal custodian of the child are~~ 1273
~~temporarily away.~~ 1274

(5) "Certified ~~family~~ foster home" means a ~~family~~ foster home 1275
~~operated by persons holding a certificate in force, issued, as~~ 1276
defined in section 5103.02 of the Revised Code, certified under 1277
section 5103.03 of the Revised Code. 1278

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

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

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

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

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

county. Division (B)~~(6)~~(5)(e) of this section applies to a case 1310
that involves an act committed prior to the transfer only when the 1311
prior act alleged in the case has not been disposed of by a 1312
juvenile court or trial court. 1313

(f) Notwithstanding division (B)~~(6)~~(5)(e) of this section, if 1314
a person's case is transferred for criminal prosecution pursuant 1315
to division (B) or (C) of section 2151.26 of the Revised Code and 1316
if the person subsequently is convicted of or pleads guilty to a 1317
felony in that case, thereafter, the person shall be considered a 1318
child solely for the following purposes in relation to any act the 1319
person subsequently commits that would be an offense if committed 1320
by an adult: 1321

(i) For purposes of the filing of a complaint alleging that 1322
the child is a delinquent child for committing the act that would 1323
be an offense if committed by an adult; 1324

(ii) For purposes of the juvenile court conducting a hearing 1325
under division (B) of section 2151.26 of the Revised Code relative 1326
to the complaint described in division (B)~~(6)~~(5)(f)(i) of this 1327
section to determine whether division (B)(1) of section 2151.26 of 1328
the Revised Code applies and requires that the case be transferred 1329
for criminal prosecution to the appropriate court having 1330
jurisdiction of the offense. 1331

~~(7)~~(6) "Child day camp," "child day-care," "child day-care 1332
center," "part-time child day-care center," "type A family 1333
day-care home," "certified type B family day-care home," "type B 1334
home," "administrator of a child day-care center," "administrator 1335
of a type A family day-care home," "in-home aide," and "authorized 1336
provider" have the same meanings as in section 5104.01 of the 1337
Revised Code. 1338

~~(8)~~(7) "Child day-care provider" means an individual who is a 1339
child-care staff member or administrator of a child day-care 1340

center, a type A family day-care home, or a type B family day-care 1341
home, or an in-home aide or an individual who is licensed, is 1342
regulated, is approved, operates under the direction of, or 1343
otherwise is certified by the department of job and family 1344
services, department of mental retardation and developmental 1345
disabilities, or the early childhood programs of the department of 1346
education. 1347

~~(9)~~(8) "Commit" means to vest custody as ordered by the 1348
court. 1349

~~(10)~~(9) "Counseling" includes both of the following: 1350

(a) General counseling services performed by a public 1351
children services agency or shelter for victims of domestic 1352
violence to assist a child, a child's parents, and a child's 1353
siblings in alleviating identified problems that may cause or have 1354
caused the child to be an abused, neglected, or dependent child. 1355

(b) Psychiatric or psychological therapeutic counseling 1356
services provided to correct or alleviate any mental or emotional 1357
illness or disorder and performed by a licensed psychiatrist, 1358
licensed psychologist, or a person licensed under Chapter 4757. of 1359
the Revised Code to engage in social work or professional 1360
counseling. 1361

~~(11)~~(10) "Custodian" means a person who has legal custody of 1362
a child or a public children services agency or private child 1363
placing agency that has permanent, temporary, or legal custody of 1364
a child. 1365

~~(12)~~(11) "Detention" means the temporary care of children 1366
pending court adjudication or disposition, or execution of a court 1367
order, in a public or private facility designed to physically 1368
restrict the movement and activities of children. 1369

~~(13)~~(12) "Developmental disability" has the same meaning as 1370
in section 5123.01 of the Revised Code. 1371

~~(14)~~ "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.

~~(15)~~(13) "Foster home caregiver" means a family home in which
any child is received apart from the child's parents for care,
supervision, or training has the same meaning as in section
5103.02 of the Revised Code.

~~(16)~~(14) "Guardian" means a person, association, or
corporation that is granted authority by a probate court pursuant
to Chapter 2111. of the Revised Code to exercise parental rights
over a child to the extent provided in the court's order and
subject to the residual parental rights of the child's parents.

~~(17)~~(15) "Legal custody" means a legal status that vests in
the custodian the right to have physical care and control of the
child and to determine where and with whom the child shall live,
and the right and duty to protect, train, and discipline the child
and to provide the child with food, shelter, education, and
medical care, all subject to any residual parental rights,
privileges, and responsibilities. An individual granted legal
custody shall exercise the rights and responsibilities personally
unless otherwise authorized by any section of the Revised Code or
by the court.

~~(18)~~(16) "Mental illness" and "mentally ill person subject to
hospitalization by court order" have the same meanings as in
section 5122.01 of the Revised Code.

~~(19)~~(17) "Mental injury" means any behavioral, cognitive,
emotional, or mental disorder in a child caused by an act or

omission that is described in section 2919.22 of the Revised Code 1403
and is committed by the parent or other person responsible for the 1404
child's care. 1405

~~(20)~~(18) "Mentally retarded person" has the same meaning as 1406
in section 5123.01 of the Revised Code. 1407

~~(21)~~(19) "Nonsecure care, supervision, or training" means 1408
care, supervision, or training of a child in a facility that does 1409
not confine or prevent movement of the child within the facility 1410
or from the facility. 1411

~~(22)~~(20) "Organization" means any institution, public, 1412
semipublic, or private, and any private association, society, or 1413
agency located or operating in the state, incorporated or 1414
unincorporated, having among its functions the furnishing of 1415
protective services or care for children, or the placement of 1416
children in certified foster homes or elsewhere. 1417

~~(23)~~(21) "Out-of-home care" means detention facilities, 1418
shelter facilities, ~~foster homes~~, certified foster homes, 1419
placement in a prospective adoptive home prior to the issuance of 1420
a final decree of adoption, organizations, certified 1421
organizations, child day-care centers, type A family day-care 1422
homes, child day-care provided by type B family day-care home 1423
providers and by in-home aides, group home providers, group homes, 1424
institutions, state institutions, residential facilities, 1425
residential care facilities, residential camps, day camps, 1426
hospitals, and medical clinics that are responsible for the care, 1427
physical custody, or control of children. 1428

~~(24)~~(22) "Out-of-home care child abuse" means any of the 1429
following when committed by a person responsible for the care of a 1430
child in out-of-home care: 1431

(a) Engaging in sexual activity with a child in the person's 1432
care; 1433

(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;	1434 1435 1436
(c) Use of restraint procedures on a child that cause injury or pain;	1437 1438
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;	1439 1440 1441
(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.	1442 1443 1444 1445 1446
(25) (23) "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:	1447 1448 1449
(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;	1450 1451 1452
(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;	1453 1454 1455 1456
(c) Failure to develop a process for all of the following:	1457
(i) Administration of prescription drugs or psychotropic drugs for the child;	1458 1459
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	1460 1461
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the	1462 1463

drug. 1464

(d) Failure to provide proper or necessary subsistence, 1465
education, medical care, or other individualized care necessary 1466
for the health or well-being of the child; 1467

(e) Confinement of the child to a locked room without 1468
monitoring by staff; 1469

(f) Failure to provide ongoing security for all prescription 1470
and nonprescription medication; 1471

(g) Isolation of a child for a period of time when there is 1472
substantial risk that the isolation, if continued, will impair or 1473
retard the mental health or physical well-being of the child. 1474

~~(26)~~(24) "Permanent custody" means a legal status that vests 1475
in a public children services agency or a private child placing 1476
agency, all parental rights, duties, and obligations, including 1477
the right to consent to adoption, and divests the natural parents 1478
or adoptive parents of all parental rights, privileges, and 1479
obligations, including all residual rights and obligations. 1480

~~(27)~~ "Planned permanent living arrangement" means an order of 1481
a juvenile court pursuant to which both of the following apply: 1482

~~(a)~~ The court gives legal custody of a child to a public 1483
children services agency or a private child placing agency without 1484
the termination of parental rights. 1485

~~(b)~~ The order permits the agency to make an appropriate 1486
placement of the child and to enter into a written agreement with 1487
a foster care provider or with another person or agency with whom 1488
the child is placed. 1489

~~(28)~~(25) "Permanent surrender" means the act of the parents 1490
or, if a child has only one parent, of the parent of a child, by a 1491
voluntary agreement authorized by section 5103.15 of the Revised 1492
Code, to transfer the permanent custody of the child to a public 1493

children services agency or a private child placing agency.	1494
(29) (26) "Person responsible for a child's care in	1495
out-of-home care" means any of the following:	1496
(a) Any foster parent <u>caregiver</u> , in-home aide, or provider;	1497
(b) Any administrator, employee, or agent of any of the	1498
following: a public or private detention facility; shelter	1499
facility; organization; certified organization; child day-care	1500
center; type A family day-care home; certified type B family	1501
day-care home; group home; institution; state institution;	1502
residential facility; residential care facility; residential camp;	1503
day camp; hospital; or medical clinic;	1504
(c) Any other person who performs a similar function with	1505
respect to, or has a similar relationship to, children.	1506
(30) (27) "Physically impaired" means having one or more of	1507
the following conditions that substantially limit one or more of	1508
an individual's major life activities, including self-care,	1509
receptive and expressive language, learning, mobility, and	1510
self-direction:	1511
(a) A substantial impairment of vision, speech, or hearing;	1512
(b) A congenital orthopedic impairment;	1513
(c) An orthopedic impairment caused by disease, rheumatic	1514
fever or any other similar chronic or acute health problem, or	1515
amputation or another similar cause.	1516
(31) (28) "Placement for adoption" means the arrangement by a	1517
public children services agency or a private child placing agency	1518
with a person for the care and adoption by that person of a child	1519
of whom the agency has permanent custody.	1520
(32) (29) "Placement in foster care" means the arrangement by	1521
a public children services agency or a private child placing	1522
agency for the out-of-home care of a child of whom the agency has	1523

temporary custody or permanent custody. 1524

~~(33)~~(30) "Planned permanent living arrangement" means an 1525
order of a juvenile court pursuant to which both of the following 1526
apply: 1527

(a) The court gives legal custody of a child to a public 1528
children services agency or a private child placing agency without 1529
the termination of parental rights. 1530

(b) The order permits the agency to make an appropriate 1531
placement of the child and to enter into a written agreement with 1532
a foster care provider or with another person or agency with whom 1533
the child is placed. 1534

(31) "Practice of social work" and "practice of professional 1535
counseling" have the same meanings as in section 4757.01 of the 1536
Revised Code. 1537

~~(34)~~(32) "Probation" means a legal status created by court 1538
order following an adjudication that a child is a delinquent 1539
child, a juvenile traffic offender, or an unruly child, whereby 1540
the child is permitted to remain in the parent's, guardian's, or 1541
custodian's home subject to supervision, or under the supervision 1542
of any agency designated by the court and returned to the court 1543
for violation of probation at any time during the period of 1544
probation. 1545

~~(35)~~(33) "Protective supervision" means an order of 1546
disposition pursuant to which the court permits an abused, 1547
neglected, dependent, unruly, or delinquent child or a juvenile 1548
traffic offender to remain in the custody of the child's parents, 1549
guardian, or custodian and stay in the child's home, subject to 1550
any conditions and limitations upon the child, the child's 1551
parents, guardian, or custodian, or any other person that the 1552
court prescribes, including supervision as directed by the court 1553
for the protection of the child. 1554

(36) (34) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	1555 1556
(37) (35) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	1557 1558
(38) (36) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	1559 1560 1561 1562
(39) (37) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.	1563 1564 1565 1566
(40) (38) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.	1567 1568 1569 1570
(41) (39) "Residual parental rights, privileges, and responsibilities" means those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.	1571 1572 1573 1574 1575 1576 1577
(42) (40) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.	1578 1579 1580 1581 1582
(43) (41) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.	1583 1584

~~(44)~~(42) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

~~(45)~~(43) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

~~(46)~~(44) "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 1614
2151.356 of the Revised Code, a child alleged to be or adjudicated 1615
a neglected child, an abused child, a dependent child, an unruly 1616
child, or a juvenile traffic offender may not be held in any of 1617
the following facilities: 1618

(a) A state correctional institution, county, multicounty, or 1619
municipal jail or workhouse, or other place in which an adult 1620
convicted of crime, under arrest, or charged with a crime is held. 1621

(b) A secure correctional facility. 1622

(2) Except as provided under sections 2151.56 to 2151.61 and 1623
division (A)(6) of section 2151.356 of the Revised Code and 1624
division (C)(3) of this section, a child alleged to be or 1625
adjudicated an unruly child or a juvenile traffic offender may not 1626
be held for more than twenty-four hours in a detention home. A 1627
child alleged to be or adjudicated a neglected child, an abused 1628
child, or a dependent child shall not be held in a detention home. 1629

(3) A child who is alleged to be or who is adjudicated an 1630
unruly child and who is taken into custody on a Saturday, Sunday, 1631
or legal holiday, as listed in section 1.14 of the Revised Code, 1632
may be held in a detention home until the next succeeding day that 1633
is not a Saturday, Sunday, or legal holiday. 1634

(D) Except as provided in division (F) of this section or in 1635
division (C) of section 2151.311, in division (C)(2) of section 1636
5139.06 and section 5120.162, or in division (B) of section 1637
5120.16 of the Revised Code, a child who is alleged to be or is 1638
adjudicated a delinquent child may not be held in a state 1639
correctional institution, county, multicounty, or municipal jail 1640
or workhouse, or other place where an adult convicted of crime, 1641
under arrest, or charged with crime is held. 1642

(E) Unless the detention is pursuant to division (F) of this 1643
section or division (C) of section 2151.311, division (C)(2) of 1644

section 5139.06 and section 5120.162, or division (B) of section 1645
5120.16 of the Revised Code, the official in charge of the 1646
institution, jail, workhouse, or other facility shall inform the 1647
court immediately when a child, who is or appears to be under the 1648
age of eighteen years, is received at the facility, and shall 1649
deliver the child to the court upon request or transfer the child 1650
to a detention facility designated by the court. 1651

(F) If a case is transferred to another court for criminal 1652
prosecution pursuant to section 2151.26 of the Revised Code, the 1653
child may be transferred for detention pending the criminal 1654
prosecution in a jail or other facility in accordance with the law 1655
governing the detention of persons charged with crime. Any child 1656
so held shall be confined in a manner that keeps the child beyond 1657
the range of touch of all adult detainees. The child shall be 1658
supervised at all times during the detention. 1659

Sec. 2151.331. A child alleged to be or adjudicated an 1660
abused, neglected, dependent, or unruly child or a juvenile 1661
traffic offender may be detained after a complaint is filed in a 1662
certified ~~family~~ foster home for a period not exceeding sixty days 1663
or until the final disposition of the case, whichever comes first. 1664
The court also may arrange with a public children services agency 1665
or private child placing agency to receive, or with a private 1666
noncustodial agency for temporary care of, the child within the 1667
jurisdiction of the court. A child alleged to be or adjudicated an 1668
unruly child also may be assigned to an alternative diversion 1669
program established by the court for a period not exceeding sixty 1670
days after a complaint is filed or until final disposition of the 1671
case, whichever comes first. 1672

If the court arranges for the board of a child temporarily 1673
detained in a certified ~~family~~ foster home or arranges for the 1674
board of a child through a private child placing agency, the board 1675

of county commissioners shall pay a reasonable sum, which the 1676
court shall fix, for the board of the child. In order to have 1677
certified ~~family~~ foster homes available for service, an agreed 1678
monthly subsidy may be paid in addition to a fixed rate per day 1679
for care of a child actually residing in the certified ~~family~~ 1680
foster home. 1681

Sec. 2151.34. A child who is alleged to be or adjudicated a 1682
delinquent child may be confined in a place of juvenile detention 1683
for a period not to exceed ninety days, during which time a social 1684
history may be prepared to include court record, family history, 1685
personal history, school and attendance records, and any other 1686
pertinent studies and material that will be of assistance to the 1687
juvenile court in its disposition of the charges against that 1688
juvenile offender. 1689

Upon the advice and recommendation of the judge, the board of 1690
county commissioners shall provide, by purchase, lease, 1691
construction, or otherwise, a place to be known as a detention 1692
home that shall be within a convenient distance of the juvenile 1693
court and shall not be used for the confinement of adults charged 1694
with criminal offenses and in which delinquent children may be 1695
detained until final disposition. Upon the joint advice and 1696
recommendation of the juvenile judges of two or more adjoining or 1697
neighboring counties, the boards of county commissioners of the 1698
counties shall form themselves into a joint board and proceed to 1699
organize a district for the establishment and support of a 1700
detention home for the use of the juvenile courts of those 1701
counties, in which delinquent children may be detained until final 1702
disposition, by using a site or buildings already established in 1703
one of the counties or by providing for the purchase of a site and 1704
the erection of the necessary buildings on the site. 1705

A child who is adjudicated to be a juvenile traffic offender 1706

for having committed a violation of division (A) of section 1707
4511.19 of the Revised Code or of a municipal ordinance that is 1708
substantially comparable to that division may be confined in a 1709
detention home or district detention home pursuant to division 1710
(A)(6) of section 2151.356 of the Revised Code, provided the child 1711
is kept separate and apart from alleged delinquent children. 1712

The county or district detention home shall be maintained as 1713
provided in sections 2151.01 to 2151.54 of the Revised Code. In 1714
any county in which there is no detention home or that is not 1715
served by a district detention home, the board of county 1716
commissioners shall provide funds for the boarding of such 1717
children temporarily in private homes. Children who are alleged to 1718
be or have been adjudicated delinquent children may be detained 1719
after a complaint is filed in the detention home until final 1720
disposition of their cases or in certified ~~family~~ foster homes or 1721
in any other home approved by the court, if any are available, for 1722
a period not exceeding sixty days or until final disposition of 1723
their cases, whichever comes first. The court also may arrange 1724
with any public children services agency or private child placing 1725
agency to receive, or private noncustodial agency for temporary 1726
care of, the children within the jurisdiction of the court. A 1727
district detention home approved for such purpose by the 1728
department of youth services under section 5139.281 of the Revised 1729
Code may receive children committed to its temporary custody under 1730
section 2151.355 of the Revised Code and provide the care, 1731
treatment, and training required. 1732

If a detention home is established as an agency of the court 1733
or a district detention home is established by the courts of 1734
several counties as provided in this section, it shall be 1735
furnished and carried on, as far as possible, as a family home in 1736
charge of a superintendent or matron in a nonpunitive neutral 1737
atmosphere. The judge, or the directing board of a district 1738

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 1801
child because of those problems, adoption is not in the best 1802
interest of the child, as determined in accordance with division 1803
(D) of section 2151.414 of the Revised Code, and the child retains 1804
a significant and positive relationship with a parent or relative. 1805

(c) The child is sixteen years of age or older, has been 1806
counseled on the permanent placement options available to the 1807
child, is unwilling to accept or unable to adapt to a permanent 1808
placement, and is in an agency program preparing the child for 1809
independent living. 1810

(6) Order the removal from the child's home until further 1811
order of the court of the person who committed abuse as described 1812
in section 2151.031 of the Revised Code against the child, who 1813
caused or allowed the child to suffer neglect as described in 1814
section 2151.03 of the Revised Code, or who is the parent, 1815
guardian, or custodian of a child who is adjudicated a dependent 1816
child and order any person not to have contact with the child or 1817
the child's siblings. 1818

(B) No order for permanent custody or temporary custody of a 1819
child or the placement of a child in a planned permanent living 1820
arrangement shall be made pursuant to this section unless the 1821
complaint alleging the abuse, neglect, or dependency contains a 1822
prayer requesting permanent custody, temporary custody, or the 1823
placement of the child in a planned permanent living arrangement 1824
as desired, the summons served on the parents of the child 1825
contains as is appropriate a full explanation that the granting of 1826
an order for permanent custody permanently divests them of their 1827
parental rights, a full explanation that an adjudication that the 1828
child is an abused, neglected, or dependent child may result in an 1829
order of temporary custody that will cause the removal of the 1830
child from their legal custody until the court terminates the 1831
order of temporary custody or permanently divests the parents of 1832

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 1864
whom the court issues an order of disposition pursuant to division 1865
(A) of this section or pursuant to section 2151.414 or 2151.415 of 1866
the Revised Code until the child attains the age of eighteen years 1867
if the child is not mentally retarded, developmentally disabled, 1868
or physically impaired, the child attains the age of twenty-one 1869
years if the child is mentally retarded, developmentally disabled, 1870
or physically impaired, or the child is adopted and a final decree 1871
of adoption is issued, except that the court may retain 1872
jurisdiction over the child and continue any order of disposition 1873
under division (A) of this section or under section 2151.414 or 1874
2151.415 of the Revised Code for a specified period of time to 1875
enable the child to graduate from high school or vocational 1876
school. The court shall make an entry continuing its jurisdiction 1877
under this division in the journal. 1878

(2) Any public children services agency, any private child 1879
placing agency, the department of job and family services, or any 1880
party, other than any parent whose parental rights with respect to 1881
the child have been terminated pursuant to an order issued under 1882
division (A)(4) of this section, by filing a motion with the 1883
court, may at any time request the court to modify or terminate 1884
any order of disposition issued pursuant to division (A) of this 1885
section or section 2151.414 or 2151.415 of the Revised Code. The 1886
court shall hold a hearing upon the motion as if the hearing were 1887
the original dispositional hearing and shall give all parties to 1888
the action and the guardian ad litem notice of the hearing 1889
pursuant to the Juvenile Rules. If applicable, the court shall 1890
comply with section 2151.42 of the Revised Code. 1891

(F) Any temporary custody order issued pursuant to division 1892
(A) of this section shall terminate one year after the earlier of 1893
the date on which the complaint in the case was filed or the child 1894
was first placed into shelter care, except that, upon the filing 1895

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. 1928

(b) If it does not receive a timely request for a hearing, 1929
the court may extend the order for six months or terminate it 1930
without a hearing and shall journalize the order of extension or 1931
termination not later than fourteen days after receiving the 1932
request for extension or termination or after the date the court 1933
notifies the parties that it will extend or terminate the order. 1934
If the court does not extend or terminate the order, it shall 1935
schedule a hearing to be held no later than thirty days after the 1936
expiration of the applicable fourteen-day time period and give 1937
notice of the date, time, and location of the hearing to all 1938
parties and the child's guardian ad litem. At the hearing, the 1939
court shall determine whether extension or termination of the 1940
order is in the child's best interest. If termination is in the 1941
child's best interest, the court shall terminate the order. If 1942
extension is in the child's best interest, the court shall issue 1943
an order extending the order for protective supervision six 1944
months. 1945

(2) If the court grants an extension of the order for 1946
protective supervision pursuant to division (G)(1) of this 1947
section, a party may, prior to termination of the extension, file 1948
with the court a request for an additional extension of six months 1949
or for termination of the order. The court and the parties shall 1950
comply with division (G)(1) of this section with respect to 1951
extending or terminating the order. 1952

(3) If a court grants an extension pursuant to division 1953
(G)(2) of this section, the court shall terminate the order for 1954
protective supervision at the end of the extension. 1955

(H) The court shall not issue a dispositional order pursuant 1956
to division (A) of this section that removes a child from the 1957
child's home unless the court complies with section 2151.419 of 1958

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. 2151.411. (A) A parent of a child whose marriage to the

other parent of the child has not been terminated by divorce, 1988
dissolution of marriage, or annulment, a parent who has parental 1989
rights and responsibilities for the care of a child and is the 1990
residential parent and legal custodian of the child, a guardian 1991
who has custody of a child, or any other custodian of a child is 1992
charged with the control of the child and shall have the power to 1993
exercise parental control and authority over the child. 1994

(B) If a child is adjudicated a delinquent child and placed 1995
on probation, if a parent of the child whose marriage to the other 1996
parent of the child has not been terminated by divorce, 1997
dissolution of marriage, or annulment or the parent who has 1998
parental rights and responsibilities for the care of the child and 1999
is the residential parent and legal custodian of the child was 2000
notified prior to the adjudication hearing of the provisions of 2001
this division and of the possibility that the provisions may be 2002
applied to the parent, and if the court finds at the hearing that 2003
the parent has failed or neglected to subject the child to 2004
reasonable parental control and authority and that that parent's 2005
failure or neglect is the proximate cause of the act or acts of 2006
the child upon which the delinquent child adjudication is based, 2007
the court may require that parent to enter into a recognizance 2008
with sufficient surety, in an amount of not more than five hundred 2009
dollars, conditioned upon the faithful discharge of the conditions 2010
of probation of the child. If the child then commits a second act 2011
and is adjudicated a delinquent child for the commission of the 2012
second act or violates the conditions of probation and if the 2013
court finds at the hearing that the failure or neglect of a parent 2014
of the child whose marriage to the other parent of the child has 2015
not been terminated by divorce, dissolution of marriage, or 2016
annulment or the parent who has parental rights and 2017
responsibilities for the care of the child and is the residential 2018
parent and legal custodian of the child to subject the child to 2019

reasonable parental control and authority or faithfully to 2020
discharge the conditions of probation of the child on the part of 2021
that parent is the proximate cause of the act or acts of the child 2022
upon which the second delinquent child adjudication is based or 2023
upon which the child is found to have violated the conditions of 2024
the child's probation, the court may declare all or a part of the 2025
recognizance forfeited. The proceeds of the forfeited recognizance 2026
shall be used to pay any damages caused by the child, and the 2027
proceeds of the forfeited recognizance remaining after the payment 2028
of any damages shall be paid into the county treasury. 2029

(C)(1) If a child is adjudicated a delinquent child, the 2030
court may issue an order requiring either parent or both parents 2031
of the child whose marriage to the other parent of the child has 2032
not been terminated by divorce, dissolution of marriage, or 2033
annulment, the parent who has parental rights and responsibilities 2034
for the care of the child and is the residential parent and legal 2035
custodian of the child, or the guardian or other custodian of the 2036
child to exercise appropriate and necessary control and authority 2037
over the child to ensure that the child complies with the terms 2038
and conditions of probation imposed upon the child, treatment or 2039
testing that the child is required to take part in, and the terms 2040
of any other order of disposition that the court imposed upon the 2041
child pursuant to section 2151.355 of the Revised Code. The court 2042
shall give a copy of the order to the child and to the parent, 2043
guardian, or custodian who is the subject of the order and shall 2044
notify that parent, guardian, or custodian that a willful failure 2045
to comply with the order is contempt of court. If the court 2046
determines that any parent, guardian, or custodian willfully has 2047
failed to comply with an order issued pursuant to division (C)(1) 2048
of this section, it may punish the parent, guardian, or custodian 2049
for contempt of court or take other action that it determines is 2050
necessary to ensure that the child will comply with the terms and 2051

conditions of the order of disposition made pursuant to section 2052
2151.355 of the Revised Code. 2053

(2)(a) If a child is adjudicated a delinquent child and is 2054
granted probation under division (A)(2) of section 2151.355 of the 2055
Revised Code, the court that places the child on probation shall 2056
provide the written notice described in division (C)(2)(b) of this 2057
section to the following individuals: 2058

(i) To each parent of the child whose marriage to the other 2059
parent of the child has not been terminated by divorce, 2060
dissolution of marriage, or annulment; 2061

(ii) To the parent of the child who has parental rights and 2062
responsibilities for the care of the child and who is the 2063
residential parent and legal custodian of the child and, if the 2064
court knows or is able to determine through the exercise of 2065
reasonable diligence the identity and residence address of the 2066
parent of the child who does not have parental rights and 2067
responsibilities for the care of the child and who is not the 2068
residential parent and legal custodian of the child, to that 2069
parent; 2070

(iii) To the guardian who has custody of the child; 2071

(iv) To the other custodian of the child. 2072

(b) The court that places the child on probation shall 2073
provide the appropriate individuals described in division 2074
(C)(2)(a) of this section with a written notice that informs them 2075
that authorized probation officers who are engaged within the 2076
scope of their supervisory duties or responsibilities may conduct 2077
searches as described in division (L) of section 2151.355 of the 2078
Revised Code during the period of probation if they have 2079
reasonable grounds to believe that the child is not abiding by the 2080
law or otherwise is not complying with the conditions of the 2081
child's probation. The notice shall specifically state that a 2082

permissible search might extend to a motor vehicle, another item 2083
of tangible or intangible personal property, or a place of 2084
residence or other real property in which a notified parent, 2085
guardian, or custodian has a right, title, or interest and that 2086
the parent, guardian, or custodian expressly or impliedly permits 2087
the child to use, occupy, or possess. 2088

(D) The provisions of this section dealing with the failure 2089
or neglect of parents to subject a child to reasonable parental 2090
control and authority are in addition to and not in substitution 2091
for any other provision of this chapter dealing with the failure 2092
or neglect of a person to exercise parental control or authority 2093
over a child. The provisions of division (B) of this section do 2094
not apply to foster ~~parents~~ caregivers. 2095

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 2096
section 2151.413 of the Revised Code for permanent custody of a 2097
child, the court shall schedule a hearing and give notice of the 2098
filing of the motion and of the hearing, in accordance with 2099
section 2151.29 of the Revised Code, to all parties to the action 2100
and to the child's guardian ad litem. The notice also shall 2101
contain a full explanation that the granting of permanent custody 2102
permanently divests the parents of their parental rights, a full 2103
explanation of their right to be represented by counsel and to 2104
have counsel appointed pursuant to Chapter 120. of the Revised 2105
Code if they are indigent, and the name and telephone number of 2106
the court employee designated by the court pursuant to section 2107
2151.314 of the Revised Code to arrange for the prompt appointment 2108
of counsel for indigent persons. 2109

The court shall conduct a hearing in accordance with section 2110
2151.35 of the Revised Code to determine if it is in the best 2111
interest of the child to permanently terminate parental rights and 2112
grant permanent custody to the agency that filed the motion. The 2113

adjudication that the child is an abused, neglected, or dependent child and any dispositional order that has been issued in the case under section 2151.353 of the Revised Code pursuant to the adjudication shall not be readjudicated at the hearing and shall not be affected by a denial of the motion for permanent custody.

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

If a motion is made under division (D)(2) of section 2151.413 of the Revised Code and no dispositional hearing has been held in the case, the court may hear the motion in the dispositional hearing required by division (B) of section 2151.35 of the Revised Code. If the court issues an order pursuant to section 2151.353 of the Revised Code granting permanent custody of the child to the agency, the court shall immediately dismiss the motion made under division (D)(2) of section 2151.413 of the Revised Code.

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

(B)(1) Except as provided in division (B)(2) of this section, the court may grant permanent custody of a child to a movant if the court determines at the hearing held pursuant to division (A) of this section, by clear and convincing evidence, that it is in

the best interest of the child to grant permanent custody of the
child to the agency that filed the motion for permanent custody
and that any of the following apply:

(a) The child is not abandoned or orphaned or has not been in
the temporary custody of one or more public children services
agencies or private child placing agencies for twelve or more
months of a consecutive twenty-two month period ending on or after
March 18, 1999, and the child cannot be placed with either of the
child's parents within a reasonable time or should not be placed
with the child's parents.

(b) The child is abandoned.

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

(d) The child has been in the temporary custody of one or
more public children services agencies or private child placing
agencies for twelve or more months of a consecutive twenty-two
month period ending on or after March 18, 1999.

For the purposes of division (B)(1) of this section, a child
shall be considered to have entered the temporary custody of an
agency on the earlier of the date the child is adjudicated
pursuant to section 2151.28 of the Revised Code or the date that
is sixty days after the removal of the child from home.

(2) With respect to a motion made pursuant to division (D)(2)
of section 2151.413 of the Revised Code, the court shall grant
permanent custody of the child to the movant if the court
determines in accordance with division (E) of this section that
the child cannot be placed with one of the child's parents within
a reasonable time or should not be placed with either parent and
determines in accordance with division (D) of this section that
permanent custody is in the child's best interest.

(C) In making the determinations required by this section or 2175
division (A)(4) of section 2151.353 of the Revised Code, a court 2176
shall not consider the effect the granting of permanent custody to 2177
the agency would have upon any parent of the child. A written 2178
report of the guardian ad litem of the child shall be submitted to 2179
the court prior to or at the time of the hearing held pursuant to 2180
division (A) of this section or section 2151.35 of the Revised 2181
Code but shall not be submitted under oath. 2182

If the court grants permanent custody of a child to a movant 2183
under this division, the court, upon the request of any party, 2184
shall file a written opinion setting forth its findings of fact 2185
and conclusions of law in relation to the proceeding. The court 2186
shall not deny an agency's motion for permanent custody solely 2187
because the agency failed to implement any particular aspect of 2188
the child's case plan. 2189

(D) In determining the best interest of a child at a hearing 2190
held pursuant to division (A) of this section or for the purposes 2191
of division (A)(4) or (5) of section 2151.353 or division (C) of 2192
section 2151.415 of the Revised Code, the court shall consider all 2193
relevant factors, including, but not limited to, the following: 2194

(1) The interaction and interrelationship of the child with 2195
the child's parents, siblings, relatives, foster ~~parents~~ 2196
caregivers and out-of-home providers, and any other person who may 2197
significantly affect the child; 2198

(2) The wishes of the child, as expressed directly by the 2199
child or through the child's guardian ad litem, with due regard 2200
for the maturity of the child; 2201

(3) The custodial history of the child, including whether the 2202
child has been in the temporary custody of one or more public 2203
children services agencies or private child placing agencies for 2204
twelve or more months of a consecutive twenty-two month period 2205

ending on or after March 18, 1999; 2206

(4) The child's need for a legally secure permanent placement 2207
and whether that type of placement can be achieved without a grant 2208
of permanent custody to the agency; 2209

(5) Whether any of the factors in divisions (E)(7) to (11) of 2210
this section apply in relation to the parents and child. 2211

For the purposes of this division, a child shall be 2212
considered to have entered the temporary custody of an agency on 2213
the earlier of the date the child is adjudicated pursuant to 2214
section 2151.28 of the Revised Code or the date that is sixty days 2215
after the removal of the child from home. 2216

(E) In determining at a hearing held pursuant to division (A) 2217
of this section or for the purposes of division (A)(4) of section 2218
2151.353 of the Revised Code whether a child cannot be placed with 2219
either parent within a reasonable period of time or should not be 2220
placed with the parents, the court shall consider all relevant 2221
evidence. If the court determines, by clear and convincing 2222
evidence, at a hearing held pursuant to division (A) of this 2223
section or for the purposes of division (A)(4) of section 2151.353 2224
of the Revised Code that one or more of the following exist as to 2225
each of the child's parents, the court shall enter a finding that 2226
the child cannot be placed with either parent within a reasonable 2227
time or should not be placed with either parent: 2228

(1) Following the placement of the child outside the child's 2229
home and notwithstanding reasonable case planning and diligent 2230
efforts by the agency to assist the parents to remedy the problems 2231
that initially caused the child to be placed outside the home, the 2232
parent has failed continuously and repeatedly to substantially 2233
remedy the conditions causing the child to be placed outside the 2234
child's home. In determining whether the parents have 2235
substantially remedied those conditions, the court shall consider 2236

parental utilization of medical, psychiatric, psychological, and 2237
other social and rehabilitative services and material resources 2238
that were made available to the parents for the purpose of 2239
changing parental conduct to allow them to resume and maintain 2240
parental duties. 2241

(2) Chronic mental illness, chronic emotional illness, mental 2242
retardation, physical disability, or chemical dependency of the 2243
parent that is so severe that it makes the parent unable to 2244
provide an adequate permanent home for the child at the present 2245
time and, as anticipated, within one year after the court holds 2246
the hearing pursuant to division (A) of this section or for the 2247
purposes of division (A)(4) of section 2151.353 of the Revised 2248
Code; 2249

(3) The parent committed any abuse as described in section 2250
2151.031 of the Revised Code against the child, caused the child 2251
to suffer any neglect as described in section 2151.03 of the 2252
Revised Code, or allowed the child to suffer any neglect as 2253
described in section 2151.03 of the Revised Code between the date 2254
that the original complaint alleging abuse or neglect was filed 2255
and the date of the filing of the motion for permanent custody; 2256

(4) The parent has demonstrated a lack of commitment toward 2257
the child by failing to regularly support, visit, or communicate 2258
with the child when able to do so, or by other actions showing an 2259
unwillingness to provide an adequate permanent home for the child; 2260

(5) The parent is incarcerated for an offense committed 2261
against the child or a sibling of the child; 2262

(6) The parent has been convicted of or pleaded guilty to an 2263
offense under division (A) or (C) of section 2919.22 or under 2264
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2265
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2266
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2267

2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2268
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 2269
Revised Code and the child or a sibling of the child was a victim 2270
of the offense or the parent has been convicted of or pleaded 2271
guilty to an offense under section 2903.04 of the Revised Code, a 2272
sibling of the child was the victim of the offense, and the parent 2273
who committed the offense poses an ongoing danger to the child or 2274
a sibling of the child. 2275

(7) The parent has been convicted of or pleaded guilty to one 2276
of the following: 2277

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 2278
the Revised Code or under an existing or former law of this state, 2279
any other state, or the United States that is substantially 2280
equivalent to an offense described in those sections and the 2281
victim of the offense was a sibling of the child or the victim was 2282
another child who lived in the parent's household at the time of 2283
the offense; 2284

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 2285
the Revised Code or under an existing or former law of this state, 2286
any other state, or the United States that is substantially 2287
equivalent to an offense described in those sections and the 2288
victim of the offense is the child, a sibling of the child, or 2289
another child who lived in the parent's household at the time of 2290
the offense; 2291

(c) An offense under division (B)(2) of section 2919.22 of 2292
the Revised Code or under an existing or former law of this state, 2293
any other state, or the United States that is substantially 2294
equivalent to the offense described in that section and the child, 2295
a sibling of the child, or another child who lived in the parent's 2296
household at the time of the offense is the victim of the offense; 2297

(d) An offense under section 2907.02, 2907.03, 2907.04, 2298

2907.05, or 2907.06 of the Revised Code or under an existing or
former law of this state, any other state, or the United States
that is substantially equivalent to an offense described in those
sections and the victim of the offense is the child, a sibling of
the child, or another child who lived in the parent's household at
the time of the offense;

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

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

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

(10) The parent has abandoned the child.

(11) The parent has had parental rights involuntarily
terminated pursuant to this section or section 2151.353, ~~2151.414,~~
or 2151.415 of the Revised Code with respect to a sibling of the
child.

(12) The parent is incarcerated at the time of the filing of
the motion for permanent custody or the dispositional hearing of

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

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

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

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

(16) Any other factor the court considers relevant.

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

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

certification for any certified foster home ~~or family foster home~~. 2360
2361

Sec. 2151.421. (A)(1)(a) No person described in division 2362
(A)(1)(b) of this section who is acting in an official or 2363
professional capacity and knows or suspects that a child under 2364
eighteen years of age or a mentally retarded, developmentally 2365
disabled, or physically impaired child under twenty-one years of 2366
age has suffered or faces a threat of suffering any physical or 2367
mental wound, injury, disability, or condition of a nature that 2368
reasonably indicates abuse or neglect of the child, shall fail to 2369
immediately report that knowledge or suspicion to the public 2370
children services agency or a municipal or county peace officer in 2371
the county in which the child resides or in which the abuse or 2372
neglect is occurring or has occurred. 2373

(b) Division (A)(1)(a) of this section applies to any person 2374
who is an attorney; physician, including a hospital intern or 2375
resident; dentist; podiatrist; practitioner of a limited branch of 2376
medicine as specified in section 4731.15 of the Revised Code; 2377
registered nurse; licensed practical nurse; visiting nurse; other 2378
health care professional; licensed psychologist; licensed school 2379
psychologist; speech pathologist or audiologist; coroner; 2380
administrator or employee of a child day-care center; 2381
administrator or employee of a residential camp or child day camp; 2382
administrator or employee of a certified child care agency or 2383
other public or private children services agency; school teacher; 2384
school employee; school authority; person engaged in social work 2385
or the practice of professional counseling; or a person rendering 2386
spiritual treatment through prayer in accordance with the tenets 2387
of a well-recognized religion. 2388

(2) An attorney or a physician is not required to make a 2389
report pursuant to division (A)(1) of this section concerning any 2390

communication the attorney or physician receives from a client or 2391
patient in an attorney-client or physician-patient relationship, 2392
if, in accordance with division (A) or (B) of section 2317.02 of 2393
the Revised Code, the attorney or physician could not testify with 2394
respect to that communication in a civil or criminal proceeding, 2395
except that the client or patient is deemed to have waived any 2396
testimonial privilege under division (A) or (B) of section 2317.02 2397
of the Revised Code with respect to that communication and the 2398
attorney or physician shall make a report pursuant to division 2399
(A)(1) of this section with respect to that communication, if all 2400
of the following apply: 2401

(a) The client or patient, at the time of the communication, 2402
is either a child under eighteen years of age or a mentally 2403
retarded, developmentally disabled, or physically impaired person 2404
under twenty-one years of age. 2405

(b) The attorney or physician knows or suspects, as a result 2406
of the communication or any observations made during that 2407
communication, that the client or patient has suffered or faces a 2408
threat of suffering any physical or mental wound, injury, 2409
disability, or condition of a nature that reasonably indicates 2410
abuse or neglect of the client or patient. 2411

(c) The attorney-client or physician-patient relationship 2412
does not arise out of the client's or patient's attempt to have an 2413
abortion without the notification of her parents, guardian, or 2414
custodian in accordance with section 2151.85 of the Revised Code. 2415

(B) Anyone, who knows or suspects that a child under eighteen 2416
years of age or a mentally retarded, developmentally disabled, or 2417
physically impaired person under twenty-one years of age has 2418
suffered or faces a threat of suffering any physical or mental 2419
wound, injury, disability, or other condition of a nature that 2420
reasonably indicates abuse or neglect of the child, may report or 2421

cause reports to be made of that knowledge or suspicion to the 2422
public children services agency or to a municipal or county peace 2423
officer. 2424

(C) Any report made pursuant to division (A) or (B) of this 2425
section shall be made forthwith either by telephone or in person 2426
and shall be followed by a written report, if requested by the 2427
receiving agency or officer. The written report shall contain: 2428

(1) The names and addresses of the child and the child's 2429
parents or the person or persons having custody of the child, if 2430
known; 2431

(2) The child's age and the nature and extent of the child's 2432
known or suspected injuries, abuse, or neglect or of the known or 2433
suspected threat of injury, abuse, or neglect, including any 2434
evidence of previous injuries, abuse, or neglect; 2435

(3) Any other information that might be helpful in 2436
establishing the cause of the known or suspected injury, abuse, or 2437
neglect or of the known or suspected threat of injury, abuse, or 2438
neglect. 2439

Any person, who is required by division (A) of this section 2440
to report known or suspected child abuse or child neglect, may 2441
take or cause to be taken color photographs of areas of trauma 2442
visible on a child and, if medically indicated, cause to be 2443
performed radiological examinations of the child. 2444

(D)(1) Upon the receipt of a report concerning the possible 2445
abuse or neglect of a child or the possible threat of abuse or 2446
neglect of a child, the municipal or county peace officer who 2447
receives the report shall refer the report to the appropriate 2448
public children services agency. 2449

(2) On receipt of a report pursuant to this division or 2450
division (A) or (B) of this section, the public children services 2451

agency shall comply with section 2151.422 of the Revised Code. 2452

(E) No township, municipal, or county peace officer shall 2453
remove a child about whom a report is made pursuant to this 2454
section from the child's parents, stepparents, or guardian or any 2455
other persons having custody of the child without consultation 2456
with the public children services agency, unless, in the judgment 2457
of the officer, and, if the report was made by physician, the 2458
physician, immediate removal is considered essential to protect 2459
the child from further abuse or neglect. The agency that must be 2460
consulted shall be the agency conducting the investigation of the 2461
report as determined pursuant to section 2151.422 of the Revised 2462
Code. 2463

(F)(1) Except as provided in section 2151.422 of the Revised 2464
Code, the public children services agency shall investigate, 2465
within twenty-four hours, each report of known or suspected child 2466
abuse or child neglect and of a known or suspected threat of child 2467
abuse or child neglect that is referred to it under this section 2468
to determine the circumstances surrounding the injuries, abuse, or 2469
neglect or the threat of injury, abuse, or neglect, the cause of 2470
the injuries, abuse, neglect, or threat, and the person or persons 2471
responsible. The investigation shall be made in cooperation with 2472
the law enforcement agency and in accordance with the memorandum 2473
of understanding prepared under division (J) of this section. A 2474
failure to make the investigation in accordance with the 2475
memorandum is not grounds for, and shall not result in, the 2476
dismissal of any charges or complaint arising from the report or 2477
the suppression of any evidence obtained as a result of the report 2478
and does not give, and shall not be construed as giving, any 2479
rights or any grounds for appeal or post-conviction relief to any 2480
person. The public children services agency shall report each case 2481
to a central registry which the department of job and family 2482
services shall maintain in order to determine whether prior 2483

reports have been made in other counties concerning the child or 2484
other principals in the case. The public children services agency 2485
shall submit a report of its investigation, in writing, to the law 2486
enforcement agency. 2487

(2) The public children services agency shall make any 2488
recommendations to the county prosecuting attorney or city 2489
director of law that it considers necessary to protect any 2490
children that are brought to its attention. 2491

(G)(1)(a) Except as provided in division (H)(3) of this 2492
section, anyone or any hospital, institution, school, health 2493
department, or agency participating in the making of reports under 2494
division (A) of this section, anyone or any hospital, institution, 2495
school, health department, or agency participating in good faith 2496
in the making of reports under division (B) of this section, and 2497
anyone participating in good faith in a judicial proceeding 2498
resulting from the reports, shall be immune from any civil or 2499
criminal liability for injury, death, or loss to person or 2500
property that otherwise might be incurred or imposed as a result 2501
of the making of the reports or the participation in the judicial 2502
proceeding. 2503

(b) Notwithstanding section 4731.22 of the Revised Code, the 2504
physician-patient privilege shall not be a ground for excluding 2505
evidence regarding a child's injuries, abuse, or neglect, or the 2506
cause of the injuries, abuse, or neglect in any judicial 2507
proceeding resulting from a report submitted pursuant to this 2508
section. 2509

(2) In any civil or criminal action or proceeding in which it 2510
is alleged and proved that participation in the making of a report 2511
under this section was not in good faith or participation in a 2512
judicial proceeding resulting from a report made under this 2513
section was not in good faith, the court shall award the 2514

prevailing party reasonable attorney's fees and costs and, if a
civil action or proceeding is voluntarily dismissed, may award
reasonable attorney's fees and costs to the party against whom the
civil action or proceeding is brought.

(H)(1) Except as provided in divisions (H)(4), (M), and (N)
of this section, a report made under this section is confidential.
The information provided in a report made pursuant to this section
and the name of the person who made the report shall not be
released for use, and shall not be used, as evidence in any civil
action or proceeding brought against the person who made the
report. In a criminal proceeding, the report is admissible in
evidence in accordance with the Rules of Evidence and is subject
to discovery in accordance with the Rules of Criminal Procedure.

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

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

(4) If a report is made pursuant to division (A) or (B) of
this section and the child who is the subject of the report dies
for any reason at any time after the report is made, but before
the child attains eighteen years of age, the public children
services agency or municipal or county peace officer to which the
report was made or referred, on the request of the child fatality
review board, shall submit a summary sheet of information
providing a summary of the report to the review board of the
county in which the deceased child resided at the time of death.
On the request of the review board, the agency or peace officer

may, at its discretion, make the report available to the review board. 2546
2547

(5) A public children services agency shall advise a person 2548
alleged to have inflicted abuse or neglect on a child who is the 2549
subject of a report made pursuant to this section in writing of 2550
the disposition of the investigation. The agency shall not provide 2551
to the person any information that identifies the person who made 2552
the report, statements of witnesses, or police or other 2553
investigative reports. 2554

(I) Any report that is required by this section shall result 2555
in protective services and emergency supportive services being 2556
made available by the public children services agency on behalf of 2557
the children about whom the report is made, in an effort to 2558
prevent further neglect or abuse, to enhance their welfare, and, 2559
whenever possible, to preserve the family unit intact. The agency 2560
required to provide the services shall be the agency conducting 2561
the investigation of the report pursuant to section 2151.422 of 2562
the Revised Code. 2563

(J)(1) Each public children services agency shall prepare a 2564
memorandum of understanding that is signed by all of the 2565
following: 2566

(a) If there is only one juvenile judge in the county, the 2567
juvenile judge of the county or the juvenile judge's 2568
representative; 2569

(b) If there is more than one juvenile judge in the county, a 2570
juvenile judge or the juvenile judges' representative selected by 2571
the juvenile judges or, if they are unable to do so for any 2572
reason, the juvenile judge who is senior in point of service or 2573
the senior juvenile judge's representative; 2574

(c) The county peace officer; 2575

(d) All chief municipal peace officers within the county; 2576

(e) Other law enforcement officers handling child abuse and neglect cases in the county;	2577 2578
(f) The prosecuting attorney of the county;	2579
(g) If the public children services agency is not the county department of job and family services, the county department of job and family services.	2580 2581 2582
(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to follow the procedure set forth in the memorandum by the concerned officials is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or child neglect and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person.	2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601
(3) A memorandum of understanding shall include all of the following:	2602 2603
(a) The roles and responsibilities for handling emergency and nonemergency cases of abuse and neglect;	2604 2605
(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of child abuse and	2606 2607

reported cases of child neglect, methods to be used in 2608
interviewing the child who is the subject of the report and who 2609
allegedly was abused or neglected, and standards and procedures 2610
addressing the categories of persons who may interview the child 2611
who is the subject of the report and who allegedly was abused or 2612
neglected. 2613

(K)(1) Except as provided in division (K)(4) of this section, 2614
a person who is required to make a report pursuant to division (A) 2615
of this section may make a reasonable number of requests of the 2616
public children services agency that receives or is referred the 2617
report to be provided with the following information: 2618
2619

(a) Whether the agency has initiated an investigation of the 2620
report; 2621

(b) Whether the agency is continuing to investigate the 2622
report; 2623

(c) Whether the agency is otherwise involved with the child 2624
who is the subject of the report; 2625

(d) The general status of the health and safety of the child 2626
who is the subject of the report; 2627

(e) Whether the report has resulted in the filing of a 2628
complaint in juvenile court or of criminal charges in another 2629
court. 2630

(2) A person may request the information specified in 2631
division (K)(1) of this section only if, at the time the report is 2632
made, the person's name, address, and telephone number are 2633
provided to the person who receives the report. 2634

When a municipal or county peace officer or employee of a 2635
public children services agency receives a report pursuant to 2636
division (A) or (B) of this section the recipient of the report 2637

shall inform the person of the right to request the information 2638
described in division (K)(1) of this section. The recipient of the 2639
report shall include in the initial child abuse or child neglect 2640
report that the person making the report was so informed and, if 2641
provided at the time of the making of the report, shall include 2642
the person's name, address, and telephone number in the report. 2643
2644

Each request is subject to verification of the identity of 2645
the person making the report. If that person's identity is 2646
verified, the agency shall provide the person with the information 2647
described in division (K)(1) of this section a reasonable number 2648
of times, except that the agency shall not disclose any 2649
confidential information regarding the child who is the subject of 2650
the report other than the information described in those 2651
divisions. 2652

(3) A request made pursuant to division (K)(1) of this 2653
section is not a substitute for any report required to be made 2654
pursuant to division (A) of this section. 2655

(4) If an agency other than the agency that received or was 2656
referred the report is conducting the investigation of the report 2657
pursuant to section 2151.422 of the Revised Code, the agency 2658
conducting the investigation shall comply with the requirements of 2659
division (K) of this section. 2660

(L) The director of job and family services shall adopt rules 2661
in accordance with Chapter 119. of the Revised Code to implement 2662
this section. The department of job and family services may enter 2663
into a plan of cooperation with any other governmental entity to 2664
aid in ensuring that children are protected from abuse and 2665
neglect. The department shall make recommendations to the attorney 2666
general that the department determines are necessary to protect 2667
children from child abuse and child neglect. 2668

(M) No later than the end of the day following the day on 2669
which a public children services agency receives a report of 2670
alleged child abuse or child neglect, or a report of an alleged 2671
threat of child abuse or child neglect, that allegedly occurred in 2672
or involved an out-of-home care entity, the agency shall provide 2673
written notice of the allegations contained in and the person 2674
named as the alleged perpetrator in the report to the 2675
administrator, director, or other chief administrative officer of 2676
the out-of-home care entity that is the subject of the report 2677
unless the administrator, director, or other chief administrative 2678
officer is named as an alleged perpetrator in the report. If the 2679
administrator, director, or other chief administrative officer of 2680
an out-of-home care entity is named as an alleged perpetrator in a 2681
report of alleged child abuse or child neglect, or a report of an 2682
alleged threat of child abuse or child neglect, that allegedly 2683
occurred in or involved the out-of-home care entity, the agency 2684
shall provide the written notice to the owner or governing board 2685
of the out-of-home care entity that is the subject of the report. 2686
The agency shall not provide witness statements or police or other 2687
investigative reports. 2688

(N) No later than three days after the day on which a public 2689
children services agency that conducted the investigation as 2690
determined pursuant to section 2151.422 of the Revised Code makes 2691
a disposition of an investigation involving a report of alleged 2692
child abuse or child neglect, or a report of an alleged threat of 2693
child abuse or child neglect, that allegedly occurred in or 2694
involved an out-of-home care entity, the agency shall send written 2695
notice of the disposition of the investigation to the 2696
administrator, director, or other chief administrative officer and 2697
the owner or governing board of the out-of-home care entity. The 2698
agency shall not provide witness statements or police or other 2699
investigative reports. 2700

Sec. 2151.424. (A) If a child has been placed in a certified 2701
foster home or is in the custody of a relative of the child, other 2702
than a parent of the child, a court, prior to conducting any 2703
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 2704
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 2705
or 2151.417 of the Revised Code with respect to the child, shall 2706
notify the foster caregiver or relative of the date, time, and 2707
place of the hearing. At the hearing, the foster caregiver or 2708
relative may present evidence. 2709

(B) If a public children services agency or private child 2710
placing agency has permanent custody of a child and a petition to 2711
adopt the child has been filed under Chapter 3107. of the Revised 2712
Code, the agency, prior to conducting a review under section 2713
2151.416 of the Revised Code, or a court, prior to conducting a 2714
hearing under division (E)(2) or (3) of section 2151.412 or 2715
section 2151.416 or 2151.417 of the Revised Code, shall notify the 2716
prospective adoptive parent of the date, time, and place of the 2717
review or hearing. At the review or hearing, the prospective 2718
adoptive parent may present evidence. 2719

(C) The notice and the opportunity to present evidence do not 2720
make the foster caregiver, relative, or prospective adoptive 2721
parent a party in the action or proceeding pursuant to which the 2722
review or hearing is conducted. 2723

Sec. 2151.55. When a private or governmental entity intends 2724
to place a child in a certified foster home in a county other than 2725
the county in which the child resided at the time of being removed 2726
from home, a representative of the placing entity shall orally 2727
communicate the intended placement to the foster caregiver with 2728
whom the child is to be placed and, if the child will attend the 2729
schools of the district in which the certified foster home is 2730

located, a representative of the school district's board of 2731
education. 2732

Sec. 2151.554. When a private or governmental entity places a 2733
child who has been adjudicated to be an unruly or delinquent child 2734
in a certified foster home in a county other than the county in 2735
which the child resided at the time of being removed from home, 2736
the placing entity shall provide the following information in 2737
writing to the juvenile court of the county in which the certified 2738
foster home is located: 2739

(A) The information listed in divisions (B)(2) to (4) of 2740
section 2151.551 of the Revised Code; 2741

(B) A brief description of the facts supporting the 2742
adjudication that the child is unruly or delinquent; 2743

(C) The name and address of the foster caregiver; 2744

(D) Safety and well-being concerns with respect to the child 2745
and community. 2746

Sec. 2151.62. (A) This section applies only to a child who is 2747
or previously has been adjudicated a delinquent child for an act 2748
to which any of the following applies: 2749

(1) It is a violation of section 2903.01, 2903.02, 2903.03, 2750
2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 2751
of the Revised Code; 2752

(2) It is a violation of section 2923.01 of the Revised Code 2753
and involved an attempt to commit aggravated murder or murder; 2754

(3) It would be a felony if committed by an adult and the 2755
court determined that the child, if an adult, would be guilty of a 2756
specification found in section 2941.141, 2941.144, or 2941.145 of 2757
the Revised Code or in another section of the Revised Code that 2758

relates to the possession or use of a firearm, as defined in 2759
section 2923.11 of the Revised Code, during the commission of the 2760
act for which the child was adjudicated a delinquent child. 2761

(B)(1) Except as provided in division (E) of this section, a 2762
public children services agency, private child placing agency, 2763
private noncustodial agency, or court, the department of youth 2764
services, or another private or government entity shall not place 2765
a child in a certified foster home until it provides the foster 2766
caregivers with all of the following: 2767

(a) A written report describing the child's social history; 2768

(b) A written report describing all the acts committed by the 2769
child the entity knows of that resulted in the child being 2770
adjudicated a delinquent child and the disposition made by the 2771
court, unless the records pertaining to the acts have been sealed 2772
pursuant to section 2151.358 of the Revised Code; 2773

(c) A written report describing any other violent act 2774
committed by the child of which the entity is aware; 2775

(d) The substantial and material conclusions and 2776
recommendations of any psychiatric or psychological examination 2777
conducted on the child or, if no psychological or psychiatric 2778
examination of the child is available, the substantial and 2779
material conclusions and recommendations of an examination to 2780
detect mental and emotional disorders conducted in compliance with 2781
the requirements of Chapter 4757. of the Revised Code by an 2782
independent social worker, social worker, professional clinical 2783
counselor, or professional counselor licensed under that chapter. 2784
The entity shall not provide any part of a psychological, 2785
psychiatric, or mental and emotional disorder examination to the 2786
foster caregivers other than the substantial and material 2787
conclusions. 2788

(2) Notwithstanding section 2151.358 of the Revised Code, if 2789

records of an adjudication that a child is a delinquent child have 2790
been sealed pursuant to that section and an entity knows the 2791
records have been sealed, the entity shall provide the foster 2792
caregivers a written statement that the records of a prior 2793
adjudication have been sealed. 2794

(C) The entity that places the child in a certified foster 2795
home shall conduct a psychological examination of the child, 2796
except that the entity is not required to conduct the examination 2797
if such an examination was conducted no more than one year prior 2798
to the child's placement. No later than sixty days after placing 2799
the child, the entity shall provide the foster caregiver a written 2800
report detailing the substantial and material conclusions and 2801
recommendations of the examination conducted pursuant to this 2802
division. 2803

(D)(1) Except as provided in divisions (D)(2) and (3) of this 2804
section, the expenses of conducting the examinations and preparing 2805
the reports and assessment required by division (B) or (C) of this 2806
section shall be paid by the entity that places the child in the 2807
certified foster home. 2808

(2) When a juvenile court grants temporary or permanent 2809
custody of a child pursuant to any section of the Revised Code, 2810
including section 2151.33, 2151.353, 2151.354, or 2151.355 of the 2811
Revised Code, to a public children services agency or private 2812
child placing agency, the court shall provide the agency the 2813
information described in division (B) of this section, pay the 2814
expenses of preparing that information, and, if a new examination 2815
is required to be conducted, pay the expenses of conducting the 2816
examination described in division (C) of this section. On receipt 2817
of the information described in division (B) of this section, the 2818
agency shall provide to the court written acknowledgment that the 2819
agency received the information. The court shall keep the 2820
acknowledgment and provide a copy to the agency. On the motion of 2821

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
provided it to the foster caregivers. The entity shall keep the
acknowledgment and provide a copy to the agency. An entity that
places a child in a certified foster home with the assistance of
or by contracting with an agency remains responsible to provide
the information described in division (B) of this section to the

foster caregivers unless the entity receives written 2853
acknowledgment that the agency provided the information. 2854

(E) If a child is placed in a certified foster home as a 2855
result of an emergency removal of the child from home pursuant to 2856
division (D) of section 2151.31 of the Revised Code, an emergency 2857
change in the child's case plan pursuant to division (E)(3) of 2858
section 2151.412 of the Revised Code, or an emergency placement by 2859
the department of youth services pursuant to this chapter or 2860
Chapter 5139. of the Revised Code, the entity that places the 2861
child in the certified foster home shall provide the information 2862
described in division (B) of this section no later than ninety-six 2863
hours after the child is placed in the certified foster home. 2864

(F) On receipt of the information described in divisions (B) 2865
and (C) of this section, the foster caregiver shall provide to the 2866
entity that places the child in the foster caregiver's home a 2867
written acknowledgment that the foster caregiver received the 2868
information. The entity shall keep the acknowledgment and provide 2869
a copy to the foster caregiver. 2870

(G) No person employed by an entity subject to this section 2871
and made responsible by that entity for the child's placement in a 2872
certified foster home shall fail to provide the foster caregivers 2873
with the information required by divisions (B) and (C) of this 2874
section. 2875

(H) It is not a violation of any duty of confidentiality 2876
provided for in the Revised Code or a code of professional 2877
responsibility for a person or government entity to provide the 2878
substantial and material conclusions and recommendations of a 2879
psychiatric or psychological examination, or an examination to 2880
detect mental and emotional disorders, in accordance with division 2881
(B)(1)(d) or (C) of this section. 2882

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 2883

entity that appoints or employs any person responsible for a 2884
child's care in out-of-home care shall request the superintendent 2885
of ~~the bureau of criminal identification and investigation~~ BCII to 2886
conduct a criminal records check with respect to any ~~applicant~~ 2887
~~person who has applied to the entity~~ is under final consideration 2888
for appointment or employment as a person responsible for a 2889
child's care in out-of-home care. ~~The~~ 2890

(2) The administrative director of any entity that designates 2891
~~a person as an agency, or attorney, who arranges an adoption for a~~ 2892
~~prospective adoptive parent or as a prospective foster parent~~ 2893
shall request the superintendent of BCII to conduct a criminal 2894
records check with respect to that ~~person. If the applicant,~~ 2895
~~prospective adoptive parent, or prospective foster parent.~~ 2896

(3) Before a recommending agency submits a recommendation to 2898
the department of job and family services on whether the 2899
department should issue a certificate to a foster home under 2900
section 5103.03 of the Revised Code, the administrative director 2901
of the agency shall request that the superintendent of BCII 2902
conduct a criminal records check with respect to the prospective 2903
foster caregiver and all other persons twelve years of age or 2904
older who reside with the foster caregiver. 2905

(B) If a person subject to a criminal records check does not 2906
present proof that the ~~applicant or prospective adoptive or foster~~ 2907
~~parent~~ person has been a resident of this state for the five-year 2908
period immediately prior to the date upon which the criminal 2909
records check is requested or does not provide evidence that 2910
within that five-year period the superintendent of BCII has 2911
requested information about the ~~applicant or prospective adoptive~~ 2912
~~or foster parent~~ person from the federal bureau of investigation 2913
in a criminal records check, the appointing or hiring officer ~~or,~~ 2914

administrative director, or attorney shall request that the 2915
superintendent of BCII obtain information from the federal bureau 2916
of investigation as a part of the criminal records check. If the 2917
~~applicant, prospective adoptive parent, or prospective foster~~ 2918
~~parent~~ person subject to the criminal records check presents proof 2919
that the ~~applicant or prospective adoptive or foster parent~~ person 2920
has been a resident of this state for that five-year period, the 2921
~~appointing or hiring officer, director, or administrator~~ attorney 2922
may request that the superintendent of BCII include information 2923
from the federal bureau of investigation in the criminal records 2924
check. 2925

~~(2) Any person~~ An appointing or hiring officer, 2926
administrative director, or attorney required by division (A)~~(1)~~ 2927
of this section to request a criminal records check shall provide 2928
to each ~~applicant, prospective adoptive parent, or prospective~~ 2929
~~foster parent~~ person subject to a criminal records check a copy of 2930
the form prescribed pursuant to division (C)(1) of section 109.572 2931
of the Revised Code and a standard impression sheet to obtain 2932
fingerprint impressions prescribed pursuant to division (C)(2) of 2933
section 109.572 of the Revised Code, obtain the completed form and 2934
impression sheet from ~~each applicant, prospective adoptive parent,~~ 2935
~~or prospective foster parent~~ the person, and forward the completed 2936
form and impression sheet to the superintendent of ~~the bureau of~~ 2937
~~criminal identification and investigation~~ BCII at the time the 2938
~~person requests a criminal records check pursuant to division~~ 2939
~~(A)(1) of this section~~ is requested. 2940

~~(3) Any applicant, prospective adoptive parent, or~~ 2941
~~prospective foster parent~~ person subject to a criminal records 2942
check who receives pursuant to this division ~~(A)(2) of this~~ 2943
~~section~~ a copy of the form prescribed pursuant to division (C)(1) 2944
of section 109.572 of the Revised Code and a copy of an impression 2945
sheet prescribed pursuant to division (C)(2) of that section and 2946

who is requested to complete the form and provide a set of 2947
fingerprint impressions shall complete the form or provide all the 2948
information necessary to complete the form and shall provide the 2949
impression sheet with the impressions of the ~~applicant's or~~ 2950
~~prospective adoptive or foster parent's~~ person's fingerprints. If 2951
~~an applicant, prospective adoptive parent, or prospective foster~~ 2952
~~parent~~ a person subject to a criminal records check, upon request, 2953
fails to provide the information necessary to complete the form or 2954
fails to provide impressions of the ~~applicant's or prospective~~ 2955
~~adoptive or foster parent's~~ person's fingerprints, the entity 2956
appointing or hiring officer shall not appoint or employ ~~that~~ 2957
~~applicant for any position for which a criminal records check is~~ 2958
~~required by division (A)(1) of this section~~ the person as a person 2959
responsible for a child's care in out-of-home care, a probate 2960
court may not issue a final decree of adoption or an interlocutory 2961
order of adoption making the person an adoptive parent, and the 2962
department of job and family services shall not consider the 2963
~~prospective adoptive parent or~~ issue a certificate authorizing the 2964
~~prospective foster parent as an adoptive parent or~~ caregiver to 2965
operate a foster parent home. 2966

~~(B)(C)~~(1) No entity appointing or hiring officer shall 2967
appoint or employ a person as a person responsible for a child's 2968
care in out-of-home care ~~or permit a person to become an adoptive~~ 2969
~~parent or foster~~ and no probate court shall issue a final decree 2970
of adoption or an interlocutory order of adoption making a person 2971
an adoptive parent if the person previously has been convicted of 2972
or pleaded guilty to any of the following, unless the person meets 2973
rehabilitation standards established in rules adopted under 2974
division ~~(E)(F)~~ of this section: 2975

(a) A violation of section 2903.01, 2903.02, 2903.03, 2976
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2977
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2978

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2979
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2980
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2981
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2982
2925.06, or 3716.11 of the Revised Code, a violation of section 2983
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2984
violation of section 2919.23 of the Revised Code that would have 2985
been a violation of section 2905.04 of the Revised Code as it 2986
existed prior to July 1, 1996, had the violation been committed 2987
prior to that date, a violation of section 2925.11 of the Revised 2988
Code that is not a minor drug possession offense, or felonious 2989
sexual penetration in violation of former section 2907.12 of the 2990
Revised Code; 2991

(b) A violation of an existing or former law of this state, 2992
any other state, or the United States that is substantially 2993
equivalent to any of the offenses described in division 2994
~~(B)~~(C)(1)(a) of this section. 2995

(2) ~~An~~ The department of job and family services shall not 2996
issue a certificate under section 5103.03 of the Revised Code 2997
authorizing a prospective foster caregiver to operate a foster 2998
home if the department has been notified that the foster caregiver 2999
or any person eighteen years of age or older who resides with the 3000
foster caregiver has been convicted of or pleaded guilty to a 3001
violation of one of the following offenses, unless the foster 3002
caregiver or other person meets rehabilitation standards 3003
established in rules adopted under division (F) of this section: 3004

(a) Any offense listed in division (C)(1)(a) of this section 3005
or section 2909.02 or 2909.03 of the Revised Code; 3006

(b) An existing or former law of this state, any other state, 3007
or the United States that is substantially equivalent to any 3008
offense listed in division (C)(1)(a) of this section or section 3009

2909.02 or 2909.03 of the Revised Code. 3010

(3) The department of job and family services may deny a foster home certificate on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the prospective foster caregiver has been convicted of or pleaded guilty to an offense described in division (C)(2)(a) or (b) of this section or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have been a violation of: 3011
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(a) Section 2903.01, 2903.02, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, 2907.05, 2907.06, 2909.02, or 2909.03 of the Revised Code; 3019
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(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (C)(3)(a) of this section. 3022
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(4) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care entity may employ an applicant conditionally until the criminal records check required by this section is completed and the entity officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(C)(1) of this section, the applicant person subject to the criminal records check does not qualify for appointment or employment, the entity officer shall release the applicant person from appointment or employment. 3025
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~~(C)(1)(D)~~ The out-of-home care entity appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division 3035
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(A)~~(1)~~ of this section. The officer, director, or attorney 3041

~~(2) An out of home care entity may charge an applicant,~~ 3042
~~prospective adoptive parent, or prospective foster parent the~~ 3043
~~person subject to the criminal records check~~ a fee for the costs 3044
~~it~~ the officer, director, or attorney incurs in obtaining a the 3045
criminal records check ~~under this section~~. A fee charged under 3046
this division shall not exceed the amount of fees the ~~entity~~ 3047
officer, director, or attorney pays ~~under division (C)(1) of this~~ 3048
~~section~~ for the criminal records check. If a fee is charged under 3049
this division, the ~~entity~~ officer, director, or attorney shall 3050
notify the person who is the applicant, ~~prospective adoptive~~ 3051
~~parent, or prospective foster parent~~ at the time of the person's 3052
initial application for appointment or employment ~~or for becoming~~ 3053
~~an adoptive parent, an adoption to be arranged, or a certificate~~ 3054
~~to operate a foster parent home~~ of the amount of the fee and that, 3055
unless the fee is paid, the ~~entity~~ person who is the applicant 3056
will not ~~consider the person~~ be considered for appointment or 3057
employment or as an adoptive parent or foster ~~parent~~ caregiver. 3058

~~(D)~~(E) The report of any criminal records check conducted by 3059
the bureau of criminal identification and investigation in 3060
accordance with section 109.572 of the Revised Code and pursuant 3061
to a request made under division (A)~~(1)~~ of this section is not a 3062
public record for the purposes of section 149.43 of the Revised 3063
Code and shall not be made available to any person other than the 3064
~~applicant, prospective adoptive parent, or prospective foster~~ 3065
~~parent~~ person who is the subject of the criminal records check or 3066
the ~~applicant's or prospective adoptive or foster parent's~~ 3067
person's representative; the ~~entity~~ appointing or hiring officer, 3068
administrative director, or attorney requesting the criminal 3069
records check or ~~its~~ the officer's, director's, or attorney's 3070
representative; the department of job and family services or a 3071
county department of job and family services; and any court, 3072

hearing officer, or other necessary individual involved in a case 3073
dealing with the denial of employment ~~to the applicant or the~~ 3074
~~denial of consideration as an adoptive parent, a final decree of~~ 3075
adoption or interlocutory order of adoption, or a foster parent 3076
home certificate. 3077

~~(E)~~(F) The director of job and family services shall adopt 3078
rules ~~pursuant to~~ in accordance with Chapter 119. of the Revised 3079
Code to implement this section. The rules shall include 3080
rehabilitation standards a person who has been convicted of or 3081
pleaded guilty to an offense listed in division ~~(B)~~(C)(1) or (2) 3082
of this section must meet for an entity appointing or hiring 3083
officer to appoint or employ the person as a person responsible 3084
for a child's care in out-of-home care ~~or permit the person to~~ 3085
~~become an adoptive parent or foster parent, a probate court to~~ 3086
issue a final decree of adoption or interlocutory order of 3087
adoption making the person an adoptive parent, or the department 3088
to issue a certificate authorizing the prospective foster 3089
caregiver to operate a foster home. 3090

~~(F)~~ Any person (G) An appointing or hiring officer, 3091
administrative director, or attorney required by division (A)~~(1)~~ 3092
of this section to request a criminal records check shall inform 3093
each person who is the applicant, at the time of the person's 3094
initial application for appointment or employment ~~with an entity~~ 3095
~~as a person responsible for a child's care in out of home care or~~ 3096
~~the person's initial application for becoming an adoptive parent,~~ 3097
an adoption to be arranged, or a foster parent home certificate, 3098
that the person subject to the criminal records check is required 3099
to provide a set of impressions of the person's fingerprints and 3100
that a criminal records check is required to be conducted and 3101
satisfactorily completed in accordance with section 109.572 of the 3102
Revised Code ~~if the person comes under final consideration for~~ 3103
~~appointment or employment as a precondition to employment for that~~ 3104

~~position or if the person is to be given final consideration as an~~ 3105
~~adoptive parent or foster parent.~~ 3106

~~(G)~~(H) As used in this section: 3107

(1) ~~"Applicant" means a person who is under final~~ 3108
~~consideration for appointment or employment as a person~~ 3109
~~responsible for a child's care in out of home care.~~ 3110

~~(2) "Person responsible for a child's care in out of home~~ 3111
~~care" has the same meaning as in section 2151.011 of the Revised~~ 3112
~~Code, except that it does not include a prospective employee of~~ 3113
~~the department of youth services or a person responsible for a~~ 3114
~~child's care in a hospital or medical clinic other than a~~ 3115
~~children's hospital.~~ 3116

~~(3)~~ "Children's hospital" means any of the following: 3117

(a) A hospital registered under section 3701.07 of the 3118
Revised Code that provides general pediatric medical and surgical 3119
care, and in which at least seventy-five per cent of annual 3120
inpatient discharges for the preceding two calendar years were 3121
individuals less than eighteen years of age; 3122

(b) A distinct portion of a hospital registered under section 3123
3701.07 of the Revised Code that provides general pediatric 3124
medical and surgical care, has a total of at least one hundred 3125
fifty registered pediatric special care and pediatric acute care 3126
beds, and in which at least seventy-five per cent of annual 3127
inpatient discharges for the preceding two calendar years were 3128
individuals less than eighteen years of age; 3129

(c) A distinct portion of a hospital, if the hospital is 3130
registered under section 3701.07 of the Revised Code as a 3131
children's hospital and the children's hospital meets all the 3132
requirements of division ~~(G)~~(H)(3)(a) of this section. 3133

~~(4)~~(2) "Criminal records check" has the same meaning as in 3134

section 109.572 of the Revised Code. 3135

~~(5)~~(3) "Minor drug possession offense" has the same meaning 3136
as in section 2925.01 of the Revised Code. 3137

(4) "Person responsible for a child's care in out-of-home 3138
care" has the same meaning as in section 2151.011 of the Revised 3139
Code, except that it does not include a prospective employee of 3140
the department of youth services or a person responsible for a 3141
child's care in a hospital or medical clinic other than a 3142
children's hospital. 3143

(5) "Person subject to a criminal records check" means the 3144
following: 3145

(a) A person who is under final consideration for appointment 3146
or employment as a person responsible for a child's care in 3147
out-of-home care; 3148

(b) A prospective adoptive parent; 3149

(c) A prospective foster caregiver; 3150

(d) A person twelve years old or older who resides with a 3151
prospective foster caregiver. 3152

(6) "Recommending agency" means a public children services 3153
agency, private child placing agency, or private noncustodial 3154
agency to which the department of job and family services has 3155
delegated a duty to inspect and approve foster homes. 3156

(7) "Superintendent of BCII" means the superintendent of the 3157
bureau of criminal identification and investigation. 3158

Sec. 2317.02. The following persons shall not testify in 3159
certain respects: 3160

(A) An attorney, concerning a communication made to the 3161
attorney by a client in that relation or the attorney's advice to 3162
a client, except that the attorney may testify by express consent 3163

of the client or, if the client is deceased, by the express
consent of the surviving spouse or the executor or administrator
of the estate of the deceased client and except that, if the
client voluntarily testifies or is deemed by section 2151.421 of
the Revised Code to have waived any testimonial privilege under
this division, the attorney may be compelled to testify on the
same subject;

(B)(1) A physician or a dentist concerning a communication
made to the physician or dentist by a patient in that relation or
the physician's or dentist's advice to a patient, except as
otherwise provided in this division, division (B)(2), and division
(B)(3) of this section, and except that, if the patient is deemed
by section 2151.421 of the Revised Code to have waived any
testimonial privilege under this division, the physician may be
compelled to testify on the same subject.

The testimonial privilege established under this division
does not apply, and a physician or dentist may testify or may be
compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery
provisions of the Rules of Civil Procedure in connection with a
civil action, or in connection with a claim under Chapter 4123. of
the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal
representative of the patient gives express consent;

(ii) If the patient is deceased, the spouse of the patient or
the executor or administrator of the patient's estate gives
express consent;

(iii) If a medical claim, dental claim, chiropractic claim,
or optometric claim, as defined in section 2305.11 of the Revised
Code, an action for wrongful death, any other type of civil
action, or a claim under Chapter 4123. of the Revised Code is

filed by the patient, the personal representative of the estate of 3195
the patient if deceased, or the patient's guardian or other legal 3196
representative. 3197

(b) In any criminal action concerning any test or the results 3198
of any test that determines the presence or concentration of 3199
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 3200
patient's blood, breath, urine, or other bodily substance at any 3201
time relevant to the criminal offense in question. 3202

(c) In any criminal action against a physician or dentist. In 3203
such an action, the testimonial privilege established under this 3204
division does not prohibit the admission into evidence, in 3205
accordance with the Rules of Evidence, of a patient's medical or 3206
dental records or other communications between a patient and the 3207
physician or dentist that are related to the action and obtained 3208
by subpoena, search warrant, or other lawful means. A court that 3209
permits or compels a physician or dentist to testify in such an 3210
action or permits the introduction into evidence of patient 3211
records or other communications in such an action shall require 3212
that appropriate measures be taken to ensure that the 3213
confidentiality of any patient named or otherwise identified in 3214
the records is maintained. Measures to ensure confidentiality that 3215
may be taken by the court include sealing its records or deleting 3216
specific information from its records. 3217

(2)(a) If any law enforcement officer submits a written 3218
statement to a health care provider that states that an official 3219
criminal investigation has begun regarding a specified person or 3220
that a criminal action or proceeding has been commenced against a 3221
specified person, that requests the provider to supply to the 3222
officer copies of any records the provider possesses that pertain 3223
to any test or the results of any test administered to the 3224
specified person to determine the presence or concentration of 3225
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 3226

person's blood, breath, or urine at any time relevant to the 3227
criminal offense in question, and that conforms to section 3228
2317.022 of the Revised Code, the provider, except to the extent 3229
specifically prohibited by any law of this state or of the United 3230
States, shall supply to the officer a copy of any of the requested 3231
records the provider possesses. If the health care provider does 3232
not possess any of the requested records, the provider shall give 3233
the officer a written statement that indicates that the provider 3234
does not possess any of the requested records. 3235

(b) If a health care provider possesses any records of the 3236
type described in division (B)(2)(a) of this section regarding the 3237
person in question at any time relevant to the criminal offense in 3238
question, in lieu of personally testifying as to the results of 3239
the test in question, the custodian of the records may submit a 3240
certified copy of the records, and, upon its submission, the 3241
certified copy is qualified as authentic evidence and may be 3242
admitted as evidence in accordance with the Rules of Evidence. 3243
Division (A) of section 2317.422 of the Revised Code does not 3244
apply to any certified copy of records submitted in accordance 3245
with this division. Nothing in this division shall be construed to 3246
limit the right of any party to call as a witness the person who 3247
administered the test to which the records pertain, the person 3248
under whose supervision the test was administered, the custodian 3249
of the records, the person who made the records, or the person 3250
under whose supervision the records were made. 3251

(3)(a) If the testimonial privilege described in division 3252
(B)(1) of this section does not apply as provided in division 3253
(B)(1)(a)(iii) of this section, a physician or dentist may be 3254
compelled to testify or to submit to discovery under the Rules of 3255
Civil Procedure only as to a communication made to the physician 3256
or dentist by the patient in question in that relation, or the 3257
physician's or dentist's advice to the patient in question, that 3258

related causally or historically to physical or mental injuries 3259
that are relevant to issues in the medical claim, dental claim, 3260
chiropractic claim, or optometric claim, action for wrongful 3261
death, other civil action, or claim under Chapter 4123. of the 3262
Revised Code. 3263

(b) If the testimonial privilege described in division (B)(1) 3264
of this section does not apply to a physician or dentist as 3265
provided in division (B)(1)(b) of this section, the physician or 3266
dentist, in lieu of personally testifying as to the results of the 3267
test in question, may submit a certified copy of those results, 3268
and, upon its submission, the certified copy is qualified as 3269
authentic evidence and may be admitted as evidence in accordance 3270
with the Rules of Evidence. Division (A) of section 2317.422 of 3271
the Revised Code does not apply to any certified copy of results 3272
submitted in accordance with this division. Nothing in this 3273
division shall be construed to limit the right of any party to 3274
call as a witness the person who administered the test in 3275
question, the person under whose supervision the test was 3276
administered, the custodian of the results of the test, the person 3277
who compiled the results, or the person under whose supervision 3278
the results were compiled. 3279

(4)(a) As used in divisions (B)(1) to (3) of this section, 3280
"communication" means acquiring, recording, or transmitting any 3281
information, in any manner, concerning any facts, opinions, or 3282
statements necessary to enable a physician or dentist to diagnose, 3283
treat, prescribe, or act for a patient. A "communication" may 3284
include, but is not limited to, any medical or dental, office, or 3285
hospital communication such as a record, chart, letter, 3286
memorandum, laboratory test and results, x-ray, photograph, 3287
financial statement, diagnosis, or prognosis. 3288

(b) As used in division (B)(2) of this section, "health care 3289
provider" has the same meaning as in section 3729.01 of the 3290

Revised Code. 3291

(5) Divisions (B)(1), (2), (3), and (4) of this section apply 3292
to doctors of medicine, doctors of osteopathic medicine, doctors 3293
of podiatry, and dentists. 3294

(6) Nothing in divisions (B)(1) to (5) of this section 3295
affects, or shall be construed as affecting, the immunity from 3296
civil liability conferred by section 307.628 or 2305.33 of the 3297
Revised Code upon physicians who report an employee's use of a 3298
drug of abuse, or a condition of an employee other than one 3299
involving the use of a drug of abuse, to the employer of the 3300
employee in accordance with division (B) of that section. As used 3301
in division (B)(6) of this section, "employee," "employer," and 3302
"physician" have the same meanings as in section 2305.33 of the 3303
Revised Code. 3304

(C) A member of the clergy, rabbi, priest, or regularly 3305
ordained, accredited, or licensed minister of an established and 3306
legally cognizable church, denomination, or sect, when the member 3307
of the clergy, rabbi, priest, or minister remains accountable to 3308
the authority of that church, denomination, or sect, concerning a 3309
confession made, or any information confidentially communicated, 3310
to the member of the clergy, rabbi, priest, or minister for a 3311
religious counseling purpose in the member of the clergy's, 3312
rabbi's, priest's, or minister's professional character; however, 3313
the member of the clergy, rabbi, priest, or minister may testify 3314
by express consent of the person making the communication, except 3315
when the disclosure of the information is in violation of a sacred 3316
trust. 3317

(D) Husband or wife, concerning any communication made by one 3318
to the other, or an act done by either in the presence of the 3319
other, during coverture, unless the communication was made, or act 3320
done, in the known presence or hearing of a third person competent 3321

to be a witness; and such rule is the same if the marital relation
has ceased to exist. 3322
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(E) A person who assigns a claim or interest, concerning any
matter in respect to which the person would not, if a party, be
permitted to testify; 3324
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(F) A person who, if a party, would be restricted under
section 2317.03 of the Revised Code, when the property or thing is
sold or transferred by an executor, administrator, guardian,
trustee, heir, devisee, or legatee, shall be restricted in the
same manner in any action or proceeding concerning the property or
thing. 3327
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(G)(1) A school guidance counselor who holds a valid educator
license from the state board of education as provided for in
section 3319.22 of the Revised Code, a person licensed under
Chapter 4757. of the Revised Code as a professional clinical
counselor, professional counselor, social worker, or independent
social worker, or registered under Chapter 4757. of the Revised
Code as a social work assistant concerning a confidential
communication received from a client in that relation or the
person's advice to a client unless any of the following applies: 3333
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(a) The communication or advice indicates clear and present
danger to the client or other persons. For the purposes of this
division, cases in which there are indications of present or past
child abuse or neglect of the client constitute a clear and
present danger. 3342
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(b) The client gives express consent to the testimony. 3347

(c) If the client is deceased, the surviving spouse or the
executor or administrator of the estate of the deceased client
gives express consent. 3348
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(d) The client voluntarily testifies, in which case the 3351

school guidance counselor or person licensed or registered under 3352
Chapter 4757. of the Revised Code may be compelled to testify on 3353
the same subject. 3354

(e) The court in camera determines that the information 3355
communicated by the client is not germane to the counselor-client 3356
or social worker-client relationship. 3357

(f) A court, in an action brought against a school, its 3358
administration, or any of its personnel by the client, rules after 3359
an in-camera inspection that the testimony of the school guidance 3360
counselor is relevant to that action. 3361

(2) Nothing in division (G)(1) of this section shall relieve 3362
a school guidance counselor or a person licensed or registered 3363
under Chapter 4757. of the Revised Code from the requirement to 3364
report information concerning child abuse or neglect under section 3365
2151.421 of the Revised Code. 3366

(H) A mediator acting under a mediation order issued under 3367
division (A) of section 3109.052 of the Revised Code or otherwise 3368
issued in any proceeding for divorce, dissolution, legal 3369
separation, annulment, or the allocation of parental rights and 3370
responsibilities for the care of children, in any action or 3371
proceeding, other than a criminal, delinquency, child abuse, child 3372
neglect, or dependent child action or proceeding, that is brought 3373
by or against either parent who takes part in mediation in 3374
accordance with the order and that pertains to the mediation 3375
process, to any information discussed or presented in the 3376
mediation process, to the allocation of parental rights and 3377
responsibilities for the care of the parents' children, or to the 3378
awarding of visitation rights in relation to their children. 3379

(I) A communications assistant, acting within the scope of 3380
the communication assistant's authority, when providing 3381
telecommunications relay service pursuant to section 4931.35 of 3382

the Revised Code or Title II of the "Communications Act of 1934," 3383
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 3384
made through a telecommunications relay service. 3385

Nothing in this section shall limit any immunity or privilege 3386
granted under federal law or regulation. Nothing in this section 3387
shall limit the obligation of a communications assistant to 3388
divulge information or testify when mandated by federal law or 3389
regulation or pursuant to subpoena in a criminal proceeding. 3390

Sec. 2907.08. (A) No person, for the purpose of sexually 3391
arousing or gratifying the person's self, shall commit trespass or 3392
otherwise surreptitiously invade the privacy of another, to spy or 3393
eavesdrop upon another. 3394

(B) No person, for the purpose of sexually arousing or 3395
gratifying the person's self, shall commit trespass or otherwise 3396
surreptitiously invade the privacy of another to photograph the 3397
other person in a state of nudity. 3398

(C) No person, for the purpose of sexually arousing or 3399
gratifying the person's self, shall commit trespass or otherwise 3400
surreptitiously invade the privacy of another to photograph the 3401
other person in a state of nudity if the other person is a minor. 3402

(D) No person, for the purpose of sexually arousing or 3403
gratifying the person's self, shall commit trespass or otherwise 3404
surreptitiously invade the privacy of another to photograph the 3405
other person in a state of nudity if the other person is a minor 3406
and any of the following applies: 3407

(1) The offender is the minor's natural or adoptive parent, 3408
stepparent, guardian, or custodian, or person in loco parentis of 3409
the minor. 3410

(2) The minor is in custody of law or is a patient in a 3411
hospital or other institution, and the offender has supervisory or 3412

disciplinary authority over the minor.	3413
(3) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, the minor is enrolled in or attends that school, and the offender is not enrolled in and does not attend that school.	3414 3415 3416 3417 3418 3419
(4) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in an institution of higher education, and the minor is enrolled in or attends that institution.	3420 3421 3422 3423
(5) The offender is a caregiver, administrator, or other person in authority employed by or serving in a child day-care center, type A family day-care home, or type B family day-care home, and the minor is enrolled in or attends that center or home.	3424 3425 3426 3427
(6) The offender is the minor's athletic or other type of coach, is the minor's instructor, is the leader of a scouting troop of which the minor is a member, provides babysitting care for the minor, or is a person with temporary or occasional disciplinary control over the minor.	3428 3429 3430 3431 3432
(E)(1) Whoever violates this section is guilty of voyeurism.	3433
(2) A violation of division (A) of this section is a misdemeanor of the third degree.	3434 3435
(3) A violation of division (B) of this section is a misdemeanor of the second degree.	3436 3437
(4) A violation of division (C) of this section is a misdemeanor of the first degree.	3438 3439
(5) A violation of division (D) of this section is a felony of the fifth degree.	3440 3441
(F) As used in this section:	3442

(1) "Institution of higher education" means a state 3443
institution of higher education as defined in section 3345.031 of 3444
the Revised Code, a private nonprofit college or university 3445
located in this state that possesses a certificate of 3446
authorization issued by the Ohio board of regents pursuant to 3447
Chapter 1713. of the Revised Code, or a school certified under 3448
Chapter 3332. of the Revised Code. 3449

(2) "Child day-care center," "type A family day-care home," 3450
and "type B family day-care home" have the same meanings as in 3451
section 5104.01 of the Revised Code. 3452

(3) "Babysitting care" ~~has the same meaning as in section~~ 3453
~~2151.011 of the Revised Code~~ means care provided for a child while 3454
the parents, guardian, or legal custodian of the child is 3455
temporarily away. 3456

Sec. 3107.012. (A) Except as provided in division (B) of this 3457
section, only an individual who meets all of the following 3458
requirements may perform the duties of an assessor under sections 3459
3107.031, 3107.082, 3107.09, 3107.12, 5103.036, and 5103.152 of 3460
the Revised Code: 3461

(1) The individual must be in the employ of, appointed by, or 3462
under contract with a court, public children services agency, 3463
private child placing agency, or private noncustodial agency; 3464

(2) The individual must be one of the following: 3465

(a) A professional counselor or social worker licensed under 3466
Chapter 4757. of the Revised Code; 3467

(b) A psychologist licensed under Chapter 4732. of the 3468
Revised Code; 3469

(c) A student working to earn a post-secondary degree who 3470
conducts assessor's duties under the supervision of a professional 3471
counselor or social worker licensed under Chapter 4757. of the 3472

Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code; 3473
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(d) A civil service employee engaging in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (A)(5) of section 4757.41 of the Revised Code. 3475
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(3) The individual must complete education programs in accordance with rules adopted under section 3107.013 of the Revised Code. 3478
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(B) An individual in the employ of, appointed by, or under contract with a court prior to September 18, 1996, to conduct adoption investigations of prospective adoptive parents may perform the duties of an assessor under sections 3107.031, 3107.082, 3107.09, 3107.12, 5103.036, and 5103.152 of the Revised Code if the individual complies with division (A)(3) of this section regardless of whether the individual meets the requirement of division (A)(2) of this section. 3481
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(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption. 3489
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Sec. 3107.014. The department of job and family services shall develop a schedule of education programs that meet the requirements established in rules adopted pursuant to section 3107.013 of the Revised Code. The schedule shall include enough programs to provide all agencies equal access to the programs. The department shall distribute the schedule to all agencies. 3496
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Sec. 3107.02. (A) Any minor may be adopted. 3502

(B) An adult may be adopted under any of the following 3503
conditions: 3504

(1) If ~~he~~ the adult is totally and permanently disabled; 3505

(2) If ~~he~~ the adult is determined to be a mentally retarded 3506
person as defined in section 5123.01 of the Revised Code; 3507

(3) If ~~he~~ the adult had established a child-foster ~~parent~~ 3508
caregiver or child-stepparent relationship with the petitioners as 3509
a minor, and ~~he~~ the adult consents to the adoption. 3510

(C) When proceedings to adopt a minor are initiated by the 3511
filing of a petition, and the eighteenth birthday of the minor 3512
occurs prior to the decision of the court, the court shall require 3513
the person who is to be adopted to submit a written statement of 3514
consent or objection to the adoption. If an objection is 3515
submitted, the petition shall be dismissed, and if a consent is 3516
submitted, the court shall proceed with the case, and may issue an 3517
interlocutory order or final decree of adoption. 3518

Sec. 3107.13. (A) A final decree of adoption shall not be 3519
issued and an interlocutory order of adoption does not become 3520
final, until the person to be adopted has lived in the adoptive 3521
home for at least six months after placement by an agency, or for 3522
at least six months after the department of job and family 3523
services or the court has been informed of the placement of the 3524
person with the petitioner, and the department or court has had an 3525
opportunity to observe or investigate the adoptive home, or in the 3526
case of adoption by a stepparent, until at least six months after 3527
the filing of the petition, or until the child has lived in the 3528
home for at least six months. 3529

(B) In the case of a foster ~~parent~~ caregiver adopting a 3530
foster child or person adopting a child to whom the person is 3531
related, the court shall apply the amount of time the child lived 3532

in the foster ~~parent's~~ caregiver's or relative's home prior to the 3533
date the foster ~~parent~~ caregiver or relative files the petition to 3534
adopt the child toward the six-month waiting period established by 3535
division (A) of this section. 3536

Sec. 3107.14. (A) The petitioner and the person sought to be 3537
adopted shall appear at the hearing on the petition, unless the 3538
presence of either is excused by the court for good cause shown. 3539

(B) The court may continue the hearing from time to time to 3540
permit further observation, investigation, or consideration of any 3541
facts or circumstances affecting the granting of the petition, and 3542
may examine the petitioners separate and apart from each other. 3543

(C) If, at the conclusion of the hearing, the court finds 3544
that the required consents have been obtained or excused and that 3545
the adoption is in the best interest of the person sought to be 3546
adopted as supported by the evidence, it may issue, subject to 3547
division ~~(D)~~(C)(1) of section 2151.86, section 3107.064, and 3548
division (E) of section 3107.09 of the Revised Code, and any other 3549
limitations specified in this chapter, a final decree of adoption 3550
or an interlocutory order of adoption, which by its own terms 3551
automatically becomes a final decree of adoption on a date 3552
specified in the order, which, except as provided in division (B) 3553
of section 3107.13 of the Revised Code, shall not be less than six 3554
months or more than one year from the date of issuance of the 3555
order, unless sooner vacated by the court for good cause shown. In 3556
determining whether the adoption is in the best interest of the 3557
person sought to be adopted, the court shall not consider the age 3558
of the petitioner if the petitioner is old enough to adopt as 3559
provided by section 3107.03 of the Revised Code. 3560

In an interlocutory order of adoption, the court shall 3561
provide for observation, investigation, and a further report on 3562
the adoptive home during the interlocutory period. 3563

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

Sec. 3313.472. The board of education of each city, exempted village, local, and joint vocational school district shall adopt a policy on parental involvement in the schools of the district. The policy shall be designed to build consistent and effective communication between the parents and foster caregivers of students enrolled in the district and the teachers and administrators assigned to the schools their children or foster children attend. The policy shall provide the opportunity for parents and foster caregivers to be actively involved in their children's or foster children's education and to be informed of the following:

(A) The importance of the involvement of parents and foster caregivers in directly affecting the success of their children's or foster children's educational efforts;

(B) How and when to assist their children or foster children in and support their children's or foster children's classroom learning activities;

(C) Techniques, strategies, and skills to use at home to

improve their children's or foster children's academic success and 3595
to support their children's or foster children's academic efforts 3596
at school and their children's or foster children's development as 3597
future responsible adult members of society. 3598

Sec. 3313.64. (A) As used in this section and in section 3599
3313.65 of the Revised Code: 3600

(1) "Parent" means either parent, unless the parents are 3601
separated or divorced or their marriage has been dissolved or 3602
annulled, in which case "parent" means the parent who is the 3603
residential parent and legal custodian of the child. When a child 3604
is in the legal custody of a government agency or a person other 3605
than the child's natural or adoptive parent, "parent" means the 3606
parent with residual parental rights, privileges, and 3607
responsibilities. When a child is in the permanent custody of a 3608
government agency or a person other than the child's natural or 3609
adoptive parent, "parent" means the parent who was divested of 3610
parental rights and responsibilities for the care of the child and 3611
the right to have the child live with the parent and be the legal 3612
custodian of the child and all residual parental rights, 3613
privileges, and responsibilities. 3614

(2) "Legal custody," "permanent custody," and "residual 3615
parental rights, privileges, and responsibilities" have the same 3616
meanings as in section 2151.011 of the Revised Code. 3617

(3) "School district" or "district" means a city, local, or 3618
exempted village school district and excludes any school operated 3619
in an institution maintained by the department of youth services. 3620

(4) Except as used in division (C)(2) of this section, "home" 3621
means a home, institution, ~~family~~ foster home, group home, or 3622
other residential facility in this state that receives and cares 3623
for children, to which any of the following applies: 3624

- (a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services. 3625
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- (b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 3628
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- (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. 3631
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- (d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 3634
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- (5) "Agency" means all of the following: 3636
- (a) A public children services agency; 3637
- (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; 3638
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- (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. 3644
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- (6) A child is placed for adoption if either of the following occurs: 3647
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- (a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 3649
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- (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care 3653
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for and adopt the child. 3655

(7) "Handicapped preschool child" means a handicapped child, 3656
as defined by division (A) of section 3323.01 of the Revised Code, 3657
who is at least three years of age but is not of compulsory school 3658
age, as defined in section 3321.01 of the Revised Code, and who is 3659
not currently enrolled in kindergarten. 3660

(8) "Child," unless otherwise indicated, includes handicapped 3661
preschool children. 3662

(B) Except as otherwise provided in section 3321.01 of the 3663
Revised Code for admittance to kindergarten and first grade, a 3664
child who is at least five but under twenty-two years of age and 3665
any handicapped preschool child shall be admitted to school as 3666
provided in this division. 3667

(1) A child shall be admitted to the schools of the school 3668
district in which the child's parent resides. 3669

(2) A child who does not reside in the district where the 3670
child's parent resides shall be admitted to the schools of the 3671
district in which the child resides if any of the following 3672
applies: 3673

(a) The child is in the legal or permanent custody of a 3674
government agency or a person other than the child's natural or 3675
adoptive parent. 3676

(b) The child resides in a home. 3677

(c) The child requires special education. 3678

(3) A child who is not entitled under division (B)(2) of this 3679
section to be admitted to the schools of the district where the 3680
child resides and who is residing with a resident of this state 3681
with whom the child has been placed for adoption shall be admitted 3682
to the schools of the district where the child resides unless 3683
either of the following applies: 3684

(a) The placement for adoption has been terminated. 3685

(b) Another school district is required to admit the child 3686
under division (B)(1) of this section. 3687

Division (B) of this section does not prohibit the board of 3688
education of a school district from placing a handicapped child 3689
who resides in the district in a special education program outside 3690
of the district or its schools in compliance with Chapter 3323. of 3691
the Revised Code. 3692

(C) A district shall not charge tuition for children admitted 3693
under division (B)(1) or (3) of this section. If the district 3694
admits a child under division (B)(2) of this section, tuition 3695
shall be paid to the district that admits the child as follows: 3696
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(1) If the child receives special education in accordance 3698
with Chapter 3323. of the Revised Code, tuition shall be paid in 3699
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 3700
the Revised Code regardless of who has custody of the child or 3701
whether the child resides in a home. 3702

(2) Except as otherwise provided in division (C)(2)(d) of 3703
this section, if the child is in the permanent or legal custody of 3704
a government agency or person other than the child's parent, 3705
tuition shall be paid by: 3706

(a) The district in which the child's parent resided at the 3707
time the court removed the child from home or at the time the 3708
court vested legal or permanent custody of the child in the person 3709
or government agency, whichever occurred first; ~~or~~ 3710

(b) If the parent's residence at the time the court removed 3711
the child from home or placed the child in the legal or permanent 3712
custody of the person or government agency is unknown, tuition 3713
shall be paid by the district in which the child resided at the 3714

time the child was removed from home or placed in legal or 3715
permanent custody, whichever occurred first; ~~or~~ 3716

(c) If a school district cannot be established under division 3717
(C)(2)(a) or (b) of this section, tuition shall be paid by the 3718
district determined as required by section 2151.357 of the Revised 3719
Code by the court at the time it vests custody of the child in the 3720
person or government agency~~;~~ 3721

(d) If at the time the court removed the child from home or 3722
vested legal or permanent custody of the child in the person or 3723
government agency, whichever occurred first, one parent was in a 3724
residential or correctional facility or a juvenile residential 3725
placement and the other parent, if living and not in such a 3726
facility or placement, was not known to reside in this state, 3727
tuition shall be paid by the district determined under division 3728
(D) of section 3313.65 of the Revised Code as the district 3729
required to pay any tuition while the parent was in such facility 3730
or placement. 3731

(3) If the child is not in the permanent or legal custody of 3732
a government agency or person other than the child's parent and 3733
the child resides in a home, tuition shall be paid by one of the 3734
following: 3735

(a) The school district in which the child's parent resides; 3736

(b) If the child's parent is not a resident of this state, 3737
the home in which the child resides. 3738

(D) Tuition required to be paid under divisions (C)(2) and 3739
(3)(a) of this section shall be computed in accordance with 3740
section 3317.08 of the Revised Code. Tuition required to be paid 3741
under division (C)(3)(b) of this section shall be computed in 3742
accordance with section 3317.081 of the Revised Code. If a home 3743
fails to pay the tuition required by division (C)(3)(b) of this 3744
section, the board of education providing the education may 3745

recover in a civil action the tuition and the expenses incurred in 3746
prosecuting the action, including court costs and reasonable 3747
attorney's fees. If the prosecuting attorney or city director of 3748
law represents the board in such action, costs and reasonable 3749
attorney's fees awarded by the court, based upon the prosecuting 3750
attorney's, director's, or one of their designee's time spent 3751
preparing and presenting the case, shall be deposited in the 3752
county or city general fund. 3753

(E) A board of education may enroll a child free of any 3754
tuition obligation for a period not to exceed sixty days, on the 3755
sworn statement of an adult resident of the district that the 3756
resident has initiated legal proceedings for custody of the child. 3757

(F) In the case of any individual entitled to attend school 3758
under this division, no tuition shall be charged by the school 3759
district of attendance and no other school district shall be 3760
required to pay tuition for the individual's attendance. 3761
Notwithstanding division (B), (C), or (E) of this section: 3762

(1) All persons at least eighteen but under twenty-two years 3763
of age who live apart from their parents, support themselves by 3764
their own labor, and have not successfully completed the high 3765
school curriculum or the individualized education program 3766
developed for the person by the high school pursuant to section 3767
3323.08 of the Revised Code, are entitled to attend school in the 3768
district in which they reside. 3769

(2) Any child under eighteen years of age who is married is 3770
entitled to attend school in the child's district of residence. 3771

(3) A child is entitled to attend school in the district in 3772
which either of the child's parents is employed if the child has a 3773
medical condition that may require emergency medical attention. 3774
The parent of a child entitled to attend school under division 3775
(F)(3) of this section shall submit to the board of education of 3776

the district in which the parent is employed a statement from the
child's physician certifying that the child's medical condition
may require emergency medical attention. The statement shall be
supported by such other evidence as the board may require.

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

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

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

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

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

(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 attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics

at the school where the student is attending, and provided the 3838
student receives any authorization required by a public agency or 3839
private organization of which the school district is a member 3840
exercising authority over interscholastic sports. 3841

(8) A child whose parent is a full-time employee of a city, 3842
local, or exempted village school district, or of an educational 3843
service center, may be admitted to the schools of the district 3844
where the child's parent is employed, or in the case of a child 3845
whose parent is employed by an educational service center, in the 3846
district that serves the location where the parent's job is 3847
primarily located, provided the district board of education 3848
establishes such an admission policy by resolution adopted by a 3849
majority of its members. Any such policy shall take effect on the 3850
first day of the school year and the effective date of any 3851
amendment or repeal may not be prior to the first day of the 3852
subsequent school year. The policy shall be uniformly applied to 3853
all such children and shall provide for the admission of any such 3854
child upon request of the parent. No child may be admitted under 3855
this policy after the first day of classes of any school year. 3856

(9) A child who is with the child's parent under the care of 3857
a shelter for victims of domestic violence, as defined in section 3858
3113.33 of the Revised Code, is entitled to attend school free in 3859
the district in which the child is with the child's parent, and no 3860
other school district shall be required to pay tuition for the 3861
child's attendance in that school district. 3862

The enrollment of a child in a school district under this 3863
division shall not be denied due to a delay in the school 3864
district's receipt of any records required under section 3313.672 3865
of the Revised Code or any other records required for enrollment. 3866
Any days of attendance and any credits earned by a child while 3867
enrolled in a school district under this division shall be 3868
transferred to and accepted by any school district in which the 3869

child subsequently enrolls. The state board of education shall 3870
adopt rules to ensure compliance with this division. 3871

(10) Any child under the age of twenty-two years whose parent 3872
has moved out of the school district after the commencement of 3873
classes in the child's senior year of high school is entitled, 3874
subject to the approval of that district board, to attend school 3875
in the district in which the child attended school at the time of 3876
the parental move for the remainder of the school year and for one 3877
additional semester or equivalent term. A district board may also 3878
adopt a policy specifying extenuating circumstances under which a 3879
student may continue to attend school under division (F)(10) of 3880
this section for an additional period of time in order to 3881
successfully complete the high school curriculum for the 3882
individualized education program developed for the student by the 3883
high school pursuant to section 3323.08 of the Revised Code. 3884

(11) As used in this division, "grandparent" means a parent 3885
of a parent of a child. A child under the age of twenty-two years 3886
who is in the custody of the child's parent, resides with a 3887
grandparent, and does not require special education is entitled to 3888
attend the schools of the district in which the child's 3889
grandparent resides, provided that, prior to such attendance in 3890
any school year, the board of education of the school district in 3891
which the child's grandparent resides and the board of education 3892
of the school district in which the child's parent resides enter 3893
into a written agreement specifying that good cause exists for 3894
such attendance, describing the nature of this good cause, and 3895
consenting to such attendance. 3896

In lieu of a consent form signed by a parent, a board of 3897
education may request the grandparent of a child attending school 3898
in the district in which the grandparent resides pursuant to 3899
division (F)(11) of this section to complete any consent form 3900
required by the district, including any authorization required by 3901

sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 3902
Upon request, the grandparent shall complete any consent form 3903
required by the district. A school district shall not incur any 3904
liability solely because of its receipt of a consent form from a 3905
grandparent in lieu of a parent. 3906

Division (F)(11) of this section does not create, and shall 3907
not be construed as creating, a new cause of action or substantive 3908
legal right against a school district, a member of a board of 3909
education, or an employee of a school district. This section does 3910
not affect, and shall not be construed as affecting, any 3911
immunities from defenses to tort liability created or recognized 3912
by Chapter 2744. of the Revised Code for a school district, 3913
member, or employee. 3914

(12) A child under the age of twenty-two years is entitled to 3915
attend school in a school district other than the district in 3916
which the child is entitled to attend school under division (B), 3917
(C), or (E) of this section provided that, prior to such 3918
attendance in any school year, both of the following occur: 3919

(a) The superintendent of the district in which the child is 3920
entitled to attend school under division (B), (C), or (E) of this 3921
section contacts the superintendent of another district for 3922
purposes of this division; 3923

(b) The superintendents of both districts enter into a 3924
written agreement that consents to the attendance and specifies 3925
that the purpose of such attendance is to protect the student's 3926
physical or mental well-being or to deal with other extenuating 3927
circumstances deemed appropriate by the superintendents. 3928

While an agreement is in effect under this division for a 3929
student who is not receiving special education under Chapter 3323. 3930
of the Revised Code and notwithstanding Chapter 3327. of the 3931
Revised Code, the board of education of neither school district 3932

involved in the agreement is required to provide transportation 3933
for the student to and from the school where the student attends. 3934

A student attending a school of a district pursuant to this 3935
division shall be allowed to participate in all student 3936
activities, including interscholastic athletics, at the school 3937
where the student is attending on the same basis as any student 3938
who has always attended the schools of that district while of 3939
compulsory school age. 3940

(G) A board of education, after approving admission, may 3941
waive tuition for students who will temporarily reside in the 3942
district and who are either of the following: 3943

(1) Residents or domiciliaries of a foreign nation who 3944
request admission as foreign exchange students; 3945

(2) Residents or domiciliaries of the United States but not 3946
of Ohio who request admission as participants in an exchange 3947
program operated by a student exchange organization. 3948

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3949
3327.04, and 3327.06 of the Revised Code, a child may attend 3950
school or participate in a special education program in a school 3951
district other than in the district where the child is entitled to 3952
attend school under division (B) of this section. 3953

(I) This division does not apply to a child receiving special 3954
education. 3955

A school district required to pay tuition pursuant to 3956
division (C)(2) or (3) of this section or section 3313.65 of the 3957
Revised Code shall have an amount deducted under division (F) of 3958
section 3317.023 of the Revised Code equal to its own tuition rate 3959
for the same period of attendance. A school district entitled to 3960
receive tuition pursuant to division (C)(2) or (3) of this section 3961
or section 3313.65 of the Revised Code shall have an amount 3962

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

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

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

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

Sec. 3323.01. As used in this chapter and Chapter 3321. of 3995
the Revised Code: 3996

(A) "Handicapped child" means a person under twenty-two years 3997
of age who is developmentally handicapped, hearing handicapped, 3998
speech handicapped, visually disabled, severe behavior 3999
handicapped, orthopedically handicapped, multihandicapped, other 4000
health handicapped, specific learning disabled, autistic, or 4001
traumatic brain injured, and by reason thereof requires special 4002
education. 4003

(B) "Special education program" means the required related 4004
services and instruction specifically designed to meet the unique 4005
needs of a handicapped child, including classroom instruction, 4006
home instruction, and instruction in hospitals and institutions 4007
and in other settings. 4008

(C) "Related services" means transportation, and such 4009
developmental, corrective, and other supportive services as may be 4010
required to assist a handicapped child to benefit from special 4011
education, including the early identification and assessment of 4012
handicapped conditions in children, speech pathology and 4013
audiology, psychological services, occupational and physical 4014
therapy, physical education, recreation, counseling services 4015
including rehabilitative counseling, and medical services, except 4016
that such medical services shall be for diagnostic and evaluation 4017
purposes only. 4018

(D) "Appropriate public education" means special education 4019
and related services that: 4020

(1) Are provided at public expense and under public 4021
supervision; 4022

(2) Meet the standards of the state board of education; 4023

(3) Include an appropriate preschool, elementary, or 4024

secondary education;	4025
(4) Are provided in conformity with the individualized education program required under this chapter.	4026 4027
(E) "Individualized education program" means a written statement for each handicapped child designed to meet the unique needs of a handicapped child, which statement shall include:	4028 4029 4030
(1) A statement of the present levels of educational performance of such child;	4031 4032
(2) A statement of annual goals, including short-term instructional objectives;	4033 4034
(3) A statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs;	4035 4036 4037
(4) A statement of the transition services needed for such child beginning no later than age sixteen and annually thereafter (and, when determined appropriate for such child, beginning at age fourteen or younger), including, when appropriate, a statement of the interagency responsibilities and linkages before the student leaves the school setting;	4038 4039 4040 4041 4042 4043
(5) The projected date for initiation and anticipated duration of such services;	4044 4045
(6) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved, and whether current placement is appropriate.	4046 4047 4048 4049
(F) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, other than a school district or an agency administered by the department of mental retardation and developmental disabilities, that provides or seeks	4050 4051 4052 4053 4054

to provide special education or related services to handicapped
children.

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(G) "School district" means a city, local, or exempted
village school district.

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(H) "Parents" means either parent. If the parents are
separated or divorced, "parent" means the parent who is the
residential parent and legal custodian of the handicapped child.
Except as used in division (I) of this section and in sections
3323.09 and 3323.141 of the Revised Code, "parents" includes a
child's guardian ~~or~~, custodian, or foster caregiver. This
definition does not apply to Chapter 3321. of the Revised Code.

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(I) As used in sections 3323.09, 3323.091, 3323.13, and
3323.14 of the Revised Code, "school district of residence" means:

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(1) The school district in which the child's parents reside;

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(2) If the school district specified in division (I)(1) of
this section cannot be determined, the last school district in
which the child's parents are known to have resided if the
parents' whereabouts are unknown;

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(3) If the school district specified in division (I)(2) of
this section cannot be determined, the school district determined
by the court under section 2151.357 of the Revised Code, or if no
district has been so determined, the school district as determined
by the probate court of the county in which the child resides. The
school district of residence that had been established under this
section on December 12, 1983, shall remain the child's school
district of residence unless a district of residence can be
determined under division (I)(1) or (2) of this section.

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(4) Notwithstanding divisions (I)(1) to (3) of this section,
if a school district is required by section 3313.65 of the Revised
Code to pay tuition for a child, that district shall be the

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child's school district of residence. 4085

(J) "County MR/DD board" means a county board of mental 4086
retardation and developmental disabilities. 4087

(K) "Handicapped preschool child" means a handicapped child 4088
who is at least three years of age but is not of compulsory school 4089
age, as defined under section 3321.01 of the Revised Code, and who 4090
is not currently enrolled in kindergarten. 4091

(L) "Transition services" means a coordinated set of 4092
activities for a student, designed within an outcome-oriented 4093
process, that: 4094

(1) Promotes movement from school to post-school activities, 4095
including post-secondary education; vocational training; 4096
integrated employment, including supported employment; continuing 4097
and adult education; adult services; independent living; and 4098
community participation; 4099

(2) Is based upon the individual student's needs, including 4100
taking into account the student's preferences and interests; 4101

(3) Includes instruction, community experiences, the 4102
development of employment and other post-school adult living 4103
objectives, and, when appropriate, acquisition of daily living 4104
skills and functional vocational evaluation. 4105

(M) "Visual disability" for any individual means that one of 4106
the following applies to the individual: 4107

(1) The individual has a visual acuity of 20/200 or less in 4108
the better eye with correcting lenses or has a limited field of 4109
vision in the better eye such that the widest diameter subtends an 4110
angular distance of no greater than twenty degrees. 4111

(2) The individual has a medically indicated expectation of 4112
meeting the requirements of division (M)(1) of this section over a 4113
period of time. 4114

(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.

(N) "Student with a visual disability" means any person under twenty-two years of age who has a visual disability.

(O) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.

Sec. 3701.045. (A) The department of health, in consultation with the children's trust fund board established under section 3109.15 of the Revised Code and any bodies acting as child fatality review boards on the effective date of this section, shall adopt rules in accordance with Chapter 119. of the Revised Code that establish a procedure for child fatality review boards to follow in conducting a review of the death of a child. The rules shall do all of the following:

(1) Establish the format for the annual reports required by section 307.626 of the Revised Code;

(2) Establish guidelines for a child fatality review board to follow in compiling statistics for annual reports so that the reports do not contain any information that would permit any person's identity to be ascertained from a report;

(3) ESTABLISH GUIDELINES FOR A CHILD FATALITY REVIEW BOARD TO FOLLOW IN CREATING AND MAINTAINING THE COMPREHENSIVE DATABASE OF CHILD DEATHS REQUIRED BY SECTION 307.623 OF THE REVISED CODE, INCLUDING PROVISIONS ESTABLISHING UNIFORM RECORD-KEEPING PROCEDURES;

(4) Establish guidelines, materials, and training to help

educate members of child fatality review boards about the purpose 4145
of the review process and the confidentiality of the information 4146
described in section 307.629 of the Revised Code and to make them 4147
aware that such information is not a public record under section 4148
149.43 of the Revised Code. 4149

(B) On or before the thirtieth day of September of each year, 4150
the department of health and the children's trust fund board 4151
jointly shall prepare and publish a report organizing and setting 4152
forth the data in all the reports provided by child fatality 4153
review boards in their annual reports for the previous calendar 4154
year and recommending any changes to law and policy that might 4155
prevent future deaths. The department and the children's trust 4156
fund board jointly shall provide a copy of the report to the 4157
governor, the speaker of the house of representatives, the 4158
president of the senate, the minority leaders of the house of 4159
representatives and the senate, each county or regional child 4160
fatality review board, and each county or regional family and 4161
children first council. 4162

Sec. 3705.071. On receipt of a death certificate of a person 4163
who was under eighteen years of age at death, the local registrar 4164
of vital statistics shall determine the county in which the person 4165
resided at the time of death. If the county of residence was other 4166
than the county in which the person died, the registrar, after 4167
registering the certificate and no later than four weeks after 4168
receiving it, shall make a copy of the certificate and send it to 4169
the local registrar of vital statistics of the county in which the 4170
person resided at the time of death. 4171

Sec. 4731.22. (A) The state medical board, by an affirmative 4172
vote of not fewer than six of its members, may revoke or may 4173
refuse to grant a certificate to a person found by the board to 4174
have committed fraud during the administration of the examination 4175

for a certificate to practice or to have committed fraud, 4176
misrepresentation, or deception in applying for or securing any 4177
certificate to practice or certificate of registration issued by 4178
the board. 4179

(B) The board, by an affirmative vote of not fewer than six 4180
members, shall, to the extent permitted by law, limit, revoke, or 4181
suspend an individual's certificate to practice, refuse to 4182
register an individual, refuse to reinstate a certificate, or 4183
reprimand or place on probation the holder of a certificate for 4184
one or more of the following reasons: 4185

(1) Permitting one's name or one's certificate to practice or 4186
certificate of registration to be used by a person, group, or 4187
corporation when the individual concerned is not actually 4188
directing the treatment given; 4189

(2) Failure to maintain minimal standards applicable to the 4190
selection or administration of drugs, or failure to employ 4191
acceptable scientific methods in the selection of drugs or other 4192
modalities for treatment of disease; 4193

(3) Selling, giving away, personally furnishing, prescribing, 4194
or administering drugs for other than legal and legitimate 4195
therapeutic purposes or a plea of guilty to, a judicial finding of 4196
guilt of, or a judicial finding of eligibility for treatment in 4197
lieu of conviction of, a violation of any federal or state law 4198
regulating the possession, distribution, or use of any drug; 4199

4200

(4) Willfully betraying a professional confidence. 4201

For purposes of this division, "willfully betraying a 4202
professional confidence" does not include providing any 4203
information, documents, or reports to a child fatality review 4204
board under sections 307.621 to 307.629 of the Revised Code and 4205

does not include the making of a report of an employee's use of a drug of abuse, or a report of a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee as described in division (B) of section 2305.33 of the Revised Code. Nothing in this division affects the immunity from civil liability conferred by that section upon a physician who makes either type of report in accordance with division (B) of that section. As used in this division, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code.

(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	4238 4239 4240
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a felony;	4241 4242 4243
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	4244 4245 4246
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor committed in the course of practice;	4247 4248 4249
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	4250 4251 4252
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for treatment in lieu of conviction for, a misdemeanor involving moral turpitude;	4253 4254 4255
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	4256 4257 4258
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	4259 4260
(16) Failure to pay license renewal fees specified in this chapter;	4261 4262
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	4263 4264 4265 4266
(18) Subject to section 4731.226 of the Revised Code,	4267

violation of any provision of a code of ethics of the American 4268
medical association, the American osteopathic association, the 4269
American podiatric medical association, or any other national 4270
professional organizations that the board specifies by rule. The 4271
state medical board shall obtain and keep on file current copies 4272
of the codes of ethics of the various national professional 4273
organizations. The individual whose certificate is being suspended 4274
or revoked shall not be found to have violated any provision of a 4275
code of ethics of an organization not appropriate to the 4276
individual's profession. 4277

For purposes of this division, a "provision of a code of 4278
ethics of a national professional organization" does not include 4279
any provision that would preclude the making of a report by a 4280
physician of an employee's use of a drug of abuse, or of a 4281
condition of an employee other than one involving the use of a 4282
drug of abuse, to the employer of the employee as described in 4283
division (B) of section 2305.33 of the Revised Code. Nothing in 4284
this division affects the immunity from civil liability conferred 4285
by that section upon a physician who makes either type of report 4286
in accordance with division (B) of that section. As used in this 4287
division, "employee," "employer," and "physician" have the same 4288
meanings as in section 2305.33 of the Revised Code. 4289

(19) Inability to practice according to acceptable and 4290
prevailing standards of care by reason of mental illness or 4291
physical illness, including, but not limited to, physical 4292
deterioration that adversely affects cognitive, motor, or 4293
perceptive skills. 4294

In enforcing this division, the board, upon a showing of a 4295
possible violation, may compel any individual authorized to 4296
practice by this chapter or who has submitted an application 4297
pursuant to this chapter to submit to a mental examination, 4298
physical examination, including an HIV test, or both a mental and 4299

a physical examination. The expense of the examination is the
responsibility of the individual compelled to be examined. Failure
to submit to a mental or physical examination or consent to an HIV
test ordered by the board constitutes an admission of the
allegations against the individual unless the failure is due to
circumstances beyond the individual's control, and a default and
final order may be entered without the taking of testimony or
presentation of evidence. If the board finds an individual unable
to practice because of the reasons set forth in this division, the
board shall require the individual to submit to care, counseling,
or treatment by physicians approved or designated by the board, as
a condition for initial, continued, reinstated, or renewed
authority to practice. An individual affected under this division
shall be afforded an opportunity to demonstrate to the board the
ability to resume practice in compliance with acceptable and
prevailing standards under the provisions of the individual's
certificate. For the purpose of this division, any individual who
applies for or receives a certificate to practice under this
chapter accepts the privilege of practicing in this state and, by
so doing, shall be deemed to have given consent to submit to a
mental or physical examination when directed to do so in writing
by the board, and to have waived all objections to the
admissibility of testimony or examination reports that constitute
a privileged communication.

(20) Except when civil penalties are imposed under section
4731.225 or 4731.281 of the Revised Code, and subject to section
4731.226 of the Revised Code, violating or attempting to violate,
directly or indirectly, or assisting in or abetting the violation
of, or conspiring to violate, any provisions of this chapter or
any rule promulgated by the board.

This division does not apply to a violation or attempted
violation of, assisting in or abetting the violation of, or a

conspiracy to violate, any provision of this chapter or any rule
adopted by the board that would preclude the making of a report by
a physician of an employee's use of a drug of abuse, or of a
condition of an employee other than one involving the use of a
drug of abuse, to the employer of the employee as described in
division (B) of section 2305.33 of the Revised Code. Nothing in
this division affects the immunity from civil liability conferred
by that section upon a physician who makes either type of report
in accordance with division (B) of that section. As used in this
division, "employee," "employer," and "physician" have the same
meanings as in section 2305.33 of the Revised Code.

(21) The violation of any abortion rule adopted by the public
health council pursuant to section 3701.341 of the Revised Code;

(22) Any of the following actions taken by the state agency
responsible for regulating the practice of medicine and surgery,
osteopathic medicine and surgery, podiatry, or the limited
branches of medicine in another state, for any reason other than
the nonpayment of fees: the limitation, revocation, or suspension
of an individual's license to practice; acceptance of an
individual's license surrender; denial of a license; refusal to
renew or reinstate a license; imposition of probation; or issuance
of an order of censure or other reprimand;

(23) The violation of section 2919.12 of the Revised Code or
the performance or inducement of an abortion upon a pregnant woman
with actual knowledge that the conditions specified in division
(B) of section 2317.56 of the Revised Code have not been satisfied
or with a heedless indifference as to whether those conditions
have been satisfied, unless an affirmative defense as specified in
division (H)(2) of that section would apply in a civil action
authorized by division (H)(1) of that section;

(24) The revocation, suspension, restriction, reduction, or 4363
termination of clinical privileges by the United States department 4364
of defense or department of veterans affairs or the termination or 4365
suspension of a certificate of registration to prescribe drugs by 4366
the drug enforcement administration of the United States 4367
department of justice; 4368

(25) Termination or suspension from participation in the 4369
medicare or medicaid programs by the department of health and 4370
human services or other responsible agency for any act or acts 4371
that also would constitute a violation of division (B)(2), (3), 4372
(6), (8), or (19) of this section; 4373

(26) Impairment of ability to practice according to 4374
acceptable and prevailing standards of care because of habitual or 4375
excessive use or abuse of drugs, alcohol, or other substances that 4376
impair ability to practice. 4377

For the purposes of this division, any individual authorized 4378
to practice by this chapter accepts the privilege of practicing in 4379
this state subject to supervision by the board. By filing an 4380
application for or holding a certificate to practice under this 4381
chapter, an individual shall be deemed to have given consent to 4382
submit to a mental or physical examination when ordered to do so 4383
by the board in writing, and to have waived all objections to the 4384
admissibility of testimony or examination reports that constitute 4385
privileged communications. 4386

If it has reason to believe that any individual authorized to 4387
practice by this chapter or any applicant for certification to 4388
practice suffers such impairment, the board may compel the 4389
individual to submit to a mental or physical examination, or both. 4390
The expense of the examination is the responsibility of the 4391
individual compelled to be examined. Any mental or physical 4392
examination required under this division shall be undertaken by a 4393

treatment provider or physician who is qualified to conduct the 4394
examination and who is chosen by the board. 4395

Failure to submit to a mental or physical examination ordered 4396
by the board constitutes an admission of the allegations against 4397
the individual unless the failure is due to circumstances beyond 4398
the individual's control, and a default and final order may be 4399
entered without the taking of testimony or presentation of 4400
evidence. If the board determines that the individual's ability to 4401
practice is impaired, the board shall suspend the individual's 4402
certificate or deny the individual's application and shall require 4403
the individual, as a condition for initial, continued, reinstated, 4404
or renewed certification to practice, to submit to treatment. 4405

Before being eligible to apply for reinstatement of a 4406
certificate suspended under this division, the impaired 4407
practitioner shall demonstrate to the board the ability to resume 4408
practice in compliance with acceptable and prevailing standards of 4409
care under the provisions of the practitioner's certificate. The 4410
demonstration shall include, but shall not be limited to, the 4411
following: 4412

(a) Certification from a treatment provider approved under 4413
section 4731.25 of the Revised Code that the individual has 4414
successfully completed any required inpatient treatment; 4415

(b) Evidence of continuing full compliance with an aftercare 4416
contract or consent agreement; 4417

(c) Two written reports indicating that the individual's 4418
ability to practice has been assessed and that the individual has 4419
been found capable of practicing according to acceptable and 4420
prevailing standards of care. The reports shall be made by 4421
individuals or providers approved by the board for making the 4422
assessments and shall describe the basis for their determination. 4423

The board may reinstate a certificate suspended under this 4424

division after that demonstration and after the individual has 4425
entered into a written consent agreement. 4426

When the impaired practitioner resumes practice, the board 4427
shall require continued monitoring of the individual. The 4428
monitoring shall include, but not be limited to, compliance with 4429
the written consent agreement entered into before reinstatement or 4430
with conditions imposed by board order after a hearing, and, upon 4431
termination of the consent agreement, submission to the board for 4432
at least two years of annual written progress reports made under 4433
penalty of perjury stating whether the individual has maintained 4434
sobriety. 4435

(27) A second or subsequent violation of section 4731.66 or 4436
4731.69 of the Revised Code; 4437

(28) Except as provided in division (N) of this section: 4438

(a) Waiving the payment of all or any part of a deductible or 4439
copayment that a patient, pursuant to a health insurance or health 4440
care policy, contract, or plan that covers the individual's 4441
services, otherwise would be required to pay if the waiver is used 4442
as an enticement to a patient or group of patients to receive 4443
health care services from that individual; 4444

(b) Advertising that the individual will waive the payment of 4445
all or any part of a deductible or copayment that a patient, 4446
pursuant to a health insurance or health care policy, contract, or 4447
plan that covers the individual's services, otherwise would be 4448
required to pay. 4449

(29) Failure to use universal blood and body fluid 4450
precautions established by rules adopted under section 4731.051 of 4451
the Revised Code; 4452

(30) Failure of a collaborating physician to perform the 4453
responsibilities agreed to by the physician in the protocol 4454

established between the physician and an advanced practice nurse 4455
in accordance with section 4723.56 of the Revised Code; 4456

(31) Failure to provide notice to, and receive acknowledgment 4457
of the notice from, a patient when required by section 4731.143 of 4458
the Revised Code prior to providing nonemergency professional 4459
services, or failure to maintain that notice in the patient's 4460
file; 4461

(32) Failure of a physician supervising a physician assistant 4462
to maintain supervision in accordance with the requirements of 4463
Chapter 4730. of the Revised Code and the rules adopted under that 4464
chapter; 4465

(33) Failure of a physician or podiatrist to maintain a 4466
standard care arrangement with a clinical nurse specialist, 4467
certified nurse-midwife, or certified nurse practitioner with whom 4468
the physician or podiatrist is in collaboration pursuant to 4469
section 4731.27 of the Revised Code and practice in accordance 4470
with the arrangement; 4471

(34) Failure to comply with the terms of a consult agreement 4472
entered into with a pharmacist pursuant to section 4729.39 of the 4473
Revised Code; 4474

(35) Failure to cooperate in an investigation conducted by 4475
the board under division (F) of this section, including failure to 4476
comply with a subpoena or order issued by the board or failure to 4477
answer truthfully a question presented by the board at a 4478
deposition or in written interrogatories, except that failure to 4479
cooperate with an investigation shall not constitute grounds for 4480
discipline under this section if a court of competent jurisdiction 4481
has issued an order that either quashes a subpoena or permits the 4482
individual to withhold the testimony or evidence in issue. 4483

(C) Disciplinary actions taken by the board under divisions 4484
(A) and (B) of this section shall be taken pursuant to an 4485

adjudication under Chapter 119. of the Revised Code, except that 4486
in lieu of an adjudication, the board may enter into a consent 4487
agreement with an individual to resolve an allegation of a 4488
violation of this chapter or any rule adopted under it. A consent 4489
agreement, when ratified by an affirmative vote of not fewer than 4490
six members of the board, shall constitute the findings and order 4491
of the board with respect to the matter addressed in the 4492
agreement. If the board refuses to ratify a consent agreement, the 4493
admissions and findings contained in the consent agreement shall 4494
be of no force or effect. 4495

(D) For purposes of divisions (B)(10), (12), and (14) of this 4496
section, the commission of the act may be established by a finding 4497
by the board, pursuant to an adjudication under Chapter 119. of 4498
the Revised Code, that the individual committed the act. The board 4499
does not have jurisdiction under those divisions if the trial 4500
court renders a final judgment in the individual's favor and that 4501
judgment is based upon an adjudication on the merits. The board 4502
has jurisdiction under those divisions if the trial court issues 4503
an order of dismissal upon technical or procedural grounds. 4504

(E) The sealing of conviction records by any court shall have 4505
no effect upon a prior board order entered under this section or 4506
upon the board's jurisdiction to take action under this section 4507
if, based upon a plea of guilty, a judicial finding of guilt, or a 4508
judicial finding of eligibility for treatment in lieu of 4509
conviction, the board issued a notice of opportunity for a hearing 4510
prior to the court's order to seal the records. The board shall 4511
not be required to seal, destroy, redact, or otherwise modify its 4512
records to reflect the court's sealing of conviction records. 4513

(F)(1) The board shall investigate evidence that appears to 4514
show that a person has violated any provision of this chapter or 4515
any rule adopted under it. Any person may report to the board in a 4516
signed writing any information that the person may have that 4517

appears to show a violation of any provision of this chapter or 4518
any rule adopted under it. In the absence of bad faith, any person 4519
who reports information of that nature or who testifies before the 4520
board in any adjudication conducted under Chapter 119. of the 4521
Revised Code shall not be liable in damages in a civil action as a 4522
result of the report or testimony. Each complaint or allegation of 4523
a violation received by the board shall be assigned a case number 4524
and shall be recorded by the board. 4525

(2) Investigations of alleged violations of this chapter or 4526
any rule adopted under it shall be supervised by the supervising 4527
member elected by the board in accordance with section 4731.02 of 4528
the Revised Code and by the secretary as provided in section 4529
4731.39 of the Revised Code. The president may designate another 4530
member of the board to supervise the investigation in place of the 4531
supervising member. No member of the board who supervises the 4532
investigation of a case shall participate in further adjudication 4533
of the case. 4534

(3) In investigating a possible violation of this chapter or 4535
any rule adopted under this chapter, the board may administer 4536
oaths, order the taking of depositions, issue subpoenas, and 4537
compel the attendance of witnesses and production of books, 4538
accounts, papers, records, documents, and testimony, except that a 4539
subpoena for patient record information shall not be issued 4540
without consultation with the attorney general's office and 4541
approval of the secretary and supervising member of the board. 4542
Before issuance of a subpoena for patient record information, the 4543
secretary and supervising member shall determine whether there is 4544
probable cause to believe that the complaint filed alleges a 4545
violation of this chapter or any rule adopted under it and that 4546
the records sought are relevant to the alleged violation and 4547
material to the investigation. The subpoena may apply only to 4548
records that cover a reasonable period of time surrounding the 4549

alleged violation. 4550

On failure to comply with any subpoena issued by the board 4551
and after reasonable notice to the person being subpoenaed, the 4552
board may move for an order compelling the production of persons 4553
or records pursuant to the Rules of Civil Procedure. 4554

A subpoena issued by the board may be served by a sheriff, 4555
the sheriff's deputy, or a board employee designated by the board. 4556
Service of a subpoena issued by the board may be made by 4557
delivering a copy of the subpoena to the person named therein, 4558
reading it to the person, or leaving it at the person's usual 4559
place of residence. When the person being served is a person whose 4560
practice is authorized by this chapter, service of the subpoena 4561
may be made by certified mail, restricted delivery, return receipt 4562
requested, and the subpoena shall be deemed served on the date 4563
delivery is made or the date the person refuses to accept 4564
delivery. 4565

A sheriff's deputy who serves a subpoena shall receive the 4566
same fees as a sheriff. Each witness who appears before the board 4567
in obedience to a subpoena shall receive the fees and mileage 4568
provided for witnesses in civil cases in the courts of common 4569
pleas. 4570

(4) All hearings and investigations of the board shall be 4571
considered civil actions for the purposes of section 2305.251 of 4572
the Revised Code. 4573

(5) Information received by the board pursuant to an 4574
investigation is confidential and not subject to discovery in any 4575
civil action. 4576

The board shall conduct all investigations and proceedings in 4577
a manner that protects the confidentiality of patients and persons 4578
who file complaints with the board. The board shall not make 4579
public the names or any other identifying information about 4580

patients or complainants unless proper consent is given or, in the
case of a patient, a waiver of the patient privilege exists under
division (B) of section 2317.02 of the Revised Code, except that
consent or a waiver of that nature is not required if the board
possesses reliable and substantial evidence that no bona fide
physician-patient relationship exists.

The board may share any information it receives pursuant to
an investigation, including patient records and patient record
information, with other licensing boards and governmental agencies
that are investigating alleged professional misconduct and with
law enforcement agencies and other governmental agencies that are
investigating or prosecuting alleged criminal offenses. A board or
agency that receives the information shall comply with the same
requirements regarding confidentiality as those with which the
state medical board must comply, notwithstanding any conflicting
provision of the Revised Code or procedure of the board or agency
that applies when the board or agency is dealing with other
information in its possession. The information may be admitted
into evidence in a criminal trial in accordance with the Rules of
Evidence, but the court shall require that appropriate measures
are taken to ensure that confidentiality is maintained with
respect to any part of the information that contains names or
other identifying information about patients or complainants whose
confidentiality was protected by the state medical board when the
information was in the board's possession. Measures to ensure
confidentiality that may be taken by the court include sealing its
records or deleting specific information from its records.

(6) On a quarterly basis, the board shall prepare a report
that documents the disposition of all cases during the preceding
three months. The report shall contain the following information
for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged

violation; 4613

(b) The type of certificate to practice, if any, held by the 4614
individual against whom the complaint is directed; 4615

(c) A description of the allegations contained in the 4616
complaint; 4617

(d) The disposition of the case. 4618

The report shall state how many cases are still pending and 4619
shall be prepared in a manner that protects the identity of each 4620
person involved in each case. The report shall be a public record 4621
under section 149.43 of the Revised Code. 4622

(G) If the secretary and supervising member determine that 4623
there is clear and convincing evidence that an individual has 4624
violated division (B) of this section and that the individual's 4625
continued practice presents a danger of immediate and serious harm 4626
to the public, they may recommend that the board suspend the 4627
individual's certificate to practice without a prior hearing. 4628
Written allegations shall be prepared for consideration by the 4629
board. 4630

The board, upon review of those allegations and by an 4631
affirmative vote of not fewer than six of its members, excluding 4632
the secretary and supervising member, may suspend a certificate 4633
without a prior hearing. A telephone conference call may be 4634
utilized for reviewing the allegations and taking the vote on the 4635
summary suspension. 4636

The board shall issue a written order of suspension by 4637
certified mail or in person in accordance with section 119.07 of 4638
the Revised Code. The order shall not be subject to suspension by 4639
the court during pendency of any appeal filed under section 119.12 4640
of the Revised Code. If the individual subject to the summary 4641
suspension requests an adjudicatory hearing by the board, the date 4642

set for the hearing shall be within fifteen days, but not earlier
than seven days, after the individual requests the hearing, unless
otherwise agreed to by both the board and the individual.

Any summary suspension imposed under this division shall
remain in effect, unless reversed on appeal, until a final
adjudicative order issued by the board pursuant to this section
and Chapter 119. of the Revised Code becomes effective. The board
shall issue its final adjudicative order within sixty days after
completion of its hearing. A failure to issue the order within
sixty days shall result in dissolution of the summary suspension
order but shall not invalidate any subsequent, final adjudicative
order.

(H) If the board takes action under division (B)(9), (11), or
(13) of this section and the judicial finding of guilt, guilty
plea, or judicial finding of eligibility for treatment in lieu of
conviction is overturned on appeal, upon exhaustion of the
criminal appeal, a petition for reconsideration of the order may
be filed with the board along with appropriate court documents.
Upon receipt of a petition of that nature and supporting court
documents, the board shall reinstate the individual's certificate
to practice. The board may then hold an adjudication under Chapter
119. of the Revised Code to determine whether the individual
committed the act in question. Notice of an opportunity for a
hearing shall be given in accordance with Chapter 119. of the
Revised Code. If the board finds, pursuant to an adjudication held
under this division, that the individual committed the act or if
no hearing is requested, the board may order any of the sanctions
identified under division (B) of this section.

(I) The certificate to practice issued to an individual under
this chapter and the individual's practice in this state are
automatically suspended as of the date the individual pleads

guilty to, is found by a judge or jury to be guilty of, or is
subject to a judicial finding of eligibility for intervention in
lieu of conviction in this state or treatment or intervention in
lieu of conviction in another state for any of the following
criminal offenses in this state or a substantially equivalent
criminal offense in another jurisdiction: aggravated murder,
murder, voluntary manslaughter, felonious assault, kidnapping,
rape, sexual battery, gross sexual imposition, aggravated arson,
aggravated robbery, or aggravated burglary. Continued practice
after suspension shall be considered practicing without a
certificate.

The board shall notify the individual subject to the
suspension by certified mail or in person in accordance with
section 119.07 of the Revised Code. If an individual whose
certificate is suspended under this division fails to make a
timely request for an adjudication under Chapter 119. of the
Revised Code, the board shall enter a final order permanently
revoking the individual's certificate to practice.

(J) If the board is required by Chapter 119. of the Revised
Code to give notice of an opportunity for a hearing and if the
individual subject to the notice does not timely request a hearing
in accordance with section 119.07 of the Revised Code, the board
is not required to hold a hearing, but may adopt, by an
affirmative vote of not fewer than six of its members, a final
order that contains the board's findings. In that final order, the
board may order any of the sanctions identified under division (A)
or (B) of this section.

(K) Any action taken by the board under division (B) of this
section resulting in a suspension from practice shall be
accompanied by a written statement of the conditions under which
the individual's certificate to practice may be reinstated. The
board shall adopt rules governing conditions to be imposed for

reinstatement. Reinstatement of a certificate suspended pursuant 4707
to division (B) of this section requires an affirmative vote of 4708
not fewer than six members of the board. 4709

(L) When the board refuses to grant a certificate to an 4710
applicant, revokes an individual's certificate to practice, 4711
refuses to register an applicant, or refuses to reinstate an 4712
individual's certificate to practice, the board may specify that 4713
its action is permanent. An individual subject to a permanent 4714
action taken by the board is forever thereafter ineligible to hold 4715
a certificate to practice and the board shall not accept an 4716
application for reinstatement of the certificate or for issuance 4717
of a new certificate. 4718

(M) Notwithstanding any other provision of the Revised Code, 4719
all of the following apply: 4720

(1) The surrender of a certificate issued under this chapter 4721
shall not be effective unless or until accepted by the board. 4722
Reinstatement of a certificate surrendered to the board requires 4723
an affirmative vote of not fewer than six members of the board. 4724

(2) An application for a certificate made under the 4725
provisions of this chapter may not be withdrawn without approval 4726
of the board. 4727

(3) Failure by an individual to renew a certificate of 4728
registration in accordance with this chapter shall not remove or 4729
limit the board's jurisdiction to take any disciplinary action 4730
under this section against the individual. 4731

(N) Sanctions shall not be imposed under division (B)(28) of 4732
this section against any person who waives deductibles and 4733
copayments as follows: 4734

(1) In compliance with the health benefit plan that expressly 4735
allows such a practice. Waiver of the deductibles or copayments 4736

shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request.

(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board.

(0) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatry. In developing and implementing the quality intervention program, the board may do all of the following:

(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section;

(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;

(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.

(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;

(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention

program. 4768

An individual who participates in an individual educational 4769
program pursuant to this division shall pay the financial 4770
obligations arising from that educational program. 4771

Sec. 5101.14. (A) Within available funds, the department of 4772
job and family services shall make payments to the counties within 4773
thirty days after the beginning of each calendar quarter for a 4774
part of their costs for services to children performed pursuant to 4775
Chapter 5153. of the Revised Code. 4776

Funds provided to the county under this section shall be 4777
deposited into the children services fund created pursuant to 4778
section 5101.144 of the Revised Code. 4779

(B)(1) The funds distributed under this section shall be used 4780
for the following: 4781

(a) Home-based services to children and families; 4782

(b) Protective services to children; 4783

(c) To find, develop, and approve adoptive homes; 4784

(d) Short-term, out-of-home care and treatment for children; 4785

(e) Costs for the care of a child who resides with a 4786
caretaker relative, other than the child's parent, and is in the 4787
legal custody of a public children services agency pursuant to a 4788
voluntary temporary custody agreement entered into under division 4789
(A) of section 5103.15 of the Revised Code or in the legal custody 4790
of a public children services agency or the caretaker relative 4791
pursuant to an allegation or adjudication of abuse, neglect, or 4792
dependency made under Chapter 2151. of the Revised Code; 4793

(f) Other services a public children services agency 4794
considers necessary to protect children from abuse, neglect, or 4795
dependency. 4796

(2) No funds distributed under this section shall be used for 4797
the costs of maintaining a child in a children's home owned and 4798
operated by the county. 4799

(C) In each fiscal year, the amount of funds available for 4800
distribution under this section shall be allocated to counties as 4801
follows: 4802

(1) If the amount is less than the amount initially 4803
appropriated for the immediately preceding fiscal year, each 4804
county shall receive an amount equal to the percentage of the 4805
funding it received in the immediately preceding fiscal year, 4806
exclusive of any releases from or additions to the allocation or 4807
any sanctions imposed under this section; 4808

(2) If the amount is equal to the amount initially 4809
appropriated for the immediately preceding fiscal year, each 4810
county shall receive an amount equal to the amount it received in 4811
the preceding fiscal year, exclusive of any releases from or 4812
additions to the allocation or any sanctions imposed under this 4813
section; 4814

(3) If the amount is greater than the amount initially 4815
appropriated for the immediately preceding fiscal year, each 4816
county shall receive the amount determined under division (C)(2) 4817
of this section as a base allocation, plus a percentage of the 4818
amount that exceeds the amount initially appropriated for the 4819
immediately preceding fiscal year. The amount exceeding the amount 4820
initially appropriated in the immediately preceding fiscal year 4821
shall be allocated to the counties as follows: 4822

(a) Twelve per cent divided equally among all counties; 4823

(b) Forty-eight per cent in the ratio that the number of 4824
residents of the county under the age of eighteen bears to the 4825
total number of such persons residing in this state; 4826

(c) Forty per cent in the ratio that the number of residents 4827
of the county with incomes under the federal poverty guideline 4828
bears to the total number of such persons in this state. 4829

As used in division (C)(3)(c) of this section, "federal 4830
poverty guideline" means the poverty guideline as defined by the 4831
United States office of management and budget and revised by the 4832
United States secretary of health and human services in accordance 4833
with section 673 of the "Community Services Block Grant Act," 95 4834
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 4835

(D) The director of job and family services may adopt rules 4836
as necessary for the allocation of funds under this section. The 4837
rules shall be adopted in accordance with section 111.15 of the 4838
Revised Code. 4839

(E)(1) As used in this division, "services to children" 4840
includes only children's protective services, home-based services 4841
to children and families, ~~family~~ foster home services, residential 4842
treatment services, adoptive services, and independent living 4843
services. 4844

(2) Except as otherwise provided in this section, the 4845
allocation of funds for a fiscal year to a county under this 4846
section shall be reduced by the department if in the preceding 4847
calendar year the total amount expended for services to children 4848
from local funds and funds distributed to the county under section 4849
5101.46 of the Revised Code was less than the total expended from 4850
those sources in the second preceding calendar year. The reduction 4851
shall be equal to the difference between the total expended in the 4852
preceding calendar year and the total expended in the second 4853
preceding calendar year. 4854

The determination of whether the amount expended for services 4855
to children was less in the preceding calendar year than in the 4856
second preceding calendar year shall not include a difference due 4857

to any of the following factors to the extent that the difference
does not exceed the amount attributable to that factor:

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

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

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

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

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

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

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

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

(I) In accordance with Chapter 119. of the Revised Code, the
director shall adopt, and may amend and rescind, rules prescribing
reports on expenditures to be submitted by the counties as
necessary for the implementation of this section.

Sec. 5101.141. (A) The department of job and family services 4888
shall act as the single state agency to administer federal 4889
payments for foster care and adoption assistance made pursuant to 4890
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 4891
670 (1980), as amended. The director of job and family services 4892
shall adopt rules to implement this authority. Internal management 4893
rules governing financial and administrative requirements 4894
applicable to public children services agencies, private child 4895
placing agencies, and private noncustodial agencies shall be 4896
adopted in accordance with section 111.15 of the Revised Code. 4897
Rules establishing eligibility, program participation, and other 4898
requirements shall be adopted in accordance with Chapter 119. of 4899
the Revised Code. A public children services agency to which the 4900
department distributes Title IV-E funds shall administer the funds 4901
in accordance with those rules. 4902

(B)(1) The county, on behalf of each child eligible for 4903
foster care maintenance payments under Title IV-E of the "Social 4904
Security Act," shall make payments to cover the cost of providing 4905
all of the following: 4906

(a) The child's food, clothing, shelter, daily supervision, 4907
and school supplies; 4908

(b) The child's personal incidentals; 4909

(c) Reasonable travel to the child's home for visitation. 4910

(2) In addition to payments made under division (B)(1) of 4911
this section, the county may, on behalf of each child eligible for 4912
foster care maintenance payments under Title IV-E of the "Social 4913
Security Act," make payments to cover the cost of providing the 4914
following: 4915

(a) Liability insurance with respect to the child; 4916

(b) If the county is participating in the demonstration 4917

project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(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~~ certified 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~~ divisions (B)(1) and (2) of this section.

(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.

(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.

(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.

(F) The department shall periodically publish and distribute the maximum amounts that the department will reimburse public

children services agencies for making payments on behalf of 4949
children eligible for foster care maintenance payments. 4950

(G) The department, by and through its director, is hereby 4951
authorized to develop, participate in the development of, 4952
negotiate, and enter into one or more interstate compacts on 4953
behalf of this state with agencies of any other states, for the 4954
provision of medical assistance and other social services to 4955
children in relation to whom all of the following apply: 4956

(1) They have special needs. 4957

(2) This state or another state that is a party to the 4958
interstate compact is providing adoption assistance on their 4959
behalf. 4960

(3) They move into this state from another state or move out 4961
of this state to another state. 4962

Sec. 5101.143. (A) As used in this section, "private agency" 4963
means a private child placing agency or private noncustodial 4964
agency. 4965

(B) A government entity or private agency may submit to the 4966
department of job and family services a request that the 4967
department determine what portion of an amount the government 4968
entity or private agency charges for foster care maintenance for a 4969
child eligible for foster care maintenance payments under Title 4970
IV-E of the "Social Security Act," 94 Stat. 510, 42 U.S.C.A. 670 4971
(1980), as amended, qualifies for reimbursement under Title IV-E. 4972

(C) As used in this division and division (D) of this 4973
section, "government entity" means any government entity other 4974
than a public children services agency. 4975

Subject to initial and continued approval by the United 4976
States department of health and human services, the department of 4977
job and family services shall levy a special assessment on each 4978

private agency or government entity seeking a rate determination 4979
under division (B) of this section. The amount of the special 4980
assessment shall be the greater of three hundred dollars or 4981
fifteen cents times the number of days the private agency or 4982
government entity provided or arranged foster care in the 4983
preceding calendar year to or for each child the agency or entity 4984
provided or arranged foster care. The department shall not perform 4985
a rate determination under division (B) of this section for a 4986
private agency or government entity that fails to pay the special 4987
assessment. 4988

The department shall deposit all amounts collected under this 4989
division into the child welfare training fund, which is hereby 4990
created in the state treasury. The department shall use money in 4991
the fund only to secure federal matching funds under Title IV-E to 4992
help defray costs private agencies and government entities incur 4993
in training staff and foster ~~care-parents~~ caregivers and that the 4994
department determines are allowable and reasonable costs and to 4995
make payments to private and government entities to assist with 4996
those costs. 4997

The department shall determine the amount of payments it will 4998
make to private agencies and government entities under this 4999
division. The department may require a private agency or 5000
government entity that receives a payment under this division to 5001
pay or help pay the cost of an adverse audit finding that the 5002
agency or entity causes or to which the agency or entity 5003
contributes. The department may require all private agencies and 5004
government entities that receive a payment under this division to 5005
share in the cost of an adverse audit finding that a private 5006
agency or government entity no longer in existence caused or 5007
contributed to. 5008

(D) The director of job and family services shall adopt rules 5009
in accordance with Chapter 119. of the Revised Code to implement 5010

this section. The rules shall include all of the following: 5011

(1) Procedures for a private agency or government entity to 5013
pay the special assessment required by division (C) of this 5014
section and to request a payment from the department to help 5015
defray the cost of training staff and foster ~~parents~~ caregivers; 5016

(2) Criteria for the department to determine whether training 5017
costs are allowable and reasonable; 5018

(3) Any other requirements the department determines to be 5019
necessary to implement this section. 5020

Sec. 5101.145. (A) For the purposes of this section, "Title 5021
IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501,
42 U.S.C.A. 670 (1980). 5022
5023

(B) In adopting rules under section 5101.141 of the Revised 5024
Code regarding financial requirements applicable to public 5025
children services agencies, private child placing agencies, and 5026
private noncustodial agencies, the department of job and family 5027
services shall establish both of the following: 5028

(1) A single form for the agencies to report costs 5029
reimbursable under Title IV-E and costs reimbursable under 5030
medicaid; 5031

(2) Procedures to monitor cost reports submitted by the 5032
agencies. 5033

Sec. 5101.146. The department of job and family services 5034
shall establish the following penalties, which shall be enforced 5035
at the discretion of the department, for the failure of a public 5036
children services agency, private child placing agency, or private 5037
noncustodial agency to comply with procedures the department 5038
establishes to ensure fiscal accountability: 5039

(A) For initial failure, the department and the agency involved shall jointly develop and implement a corrective action plan according to a specific schedule. If requested by the agency involved, the department shall provide technical assistance to the agency to ensure the fiscal accountability procedures and goals of the plan are met. 5040
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(B) For subsequent failures or failure to achieve the goals of the plan described in division (A) of this section, either of the following: 5046
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(1) For public children services agencies, the department may take any action permitted under division (B)(3), (4), or (5) of section 5101.24 of the Revised Code. 5049
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(2) For private child placing agencies or private noncustodial agencies, cancellation of any Title IV-E allowability rates for the agency involved pursuant to section 5101.141 of the Revised Code or revocation pursuant to Chapter 119. of the Revised Code of that agency's certificate issued under section 5103.03 of the Revised Code. 5052
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Sec. 5101.147. If a public children services agency fails to comply with the fiscal accountability procedures established by the department of job and family services, the department shall notify the board of county commissioners of the county served by the agency. If a private child placing agency or private noncustodial agency fails to comply with the fiscal accountability procedures, the department shall notify the executive director of each public children services agency that has entered into a contract for services with the private child placing agency or private noncustodial agency. 5058
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Sec. 5101.148. If the department of job and family services sanctions a public children services agency, private child placing 5068
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agency, or private noncustodial agency, it shall take every 5070
possible precaution to ensure that any foster children that have 5071
been placed by the agency under sanction are not unnecessarily 5072
removed from the certified foster homes in which they reside. 5073

Sec. 5101.149. Money from the children services fund shall 5074
not be used to provide a personal loan to any individual. 5075

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 5076
Revised Code: 5077

(A) "~~Institution~~ Association" or "~~association~~ institution" 5078
includes any incorporated or unincorporated organization, society, 5079
association, or agency, public or private, that receives or cares 5080
for children for two or more consecutive weeks; any individual 5081
who, for hire, gain, or reward, receives or cares for children for 5082
two or more consecutive weeks, unless the individual is related to 5083
them by blood or marriage; and any individual not in the regular 5084
employ of a court, or of an institution or association certified 5085
in accordance with section 5103.03 of the Revised Code, who in any 5086
manner becomes a party to the placing of children in foster homes, 5087
unless the individual is related to such children by blood or 5088
marriage, or is the appointed guardian of such children; provided, 5089
that any organization, society, association, school, agency, child 5090
guidance center, detention or rehabilitation facility, or 5091
children's clinic licensed, regulated, approved, operated under 5092
the direction of, or otherwise certified by the department of 5093
education, a local board of education, the department of youth 5094
services, the department of mental health, or the department of 5095
mental retardation and developmental disabilities, or any 5096
individual who provides care for only a single-family group, 5097
placed there by their parents or other relative having custody, 5098
shall not be considered as being within the purview of these 5099

sections. 5100

(B) "Family foster home" ~~has the same meaning as in section~~ 5101
~~2151.011 of the Revised Code~~ means a foster home that is not a 5102
treatment foster home. 5103

(C) "Foster caregiver" means a person holding a valid foster 5104
home certificate issued under section 5103.03 of the Revised Code. 5105
5106

(D) "Foster home" means a private residence in which children 5107
are received apart from their parents, guardian, or legal 5108
custodian, by an individual reimbursed for providing the children 5109
nonsecure care, supervision, or training twenty-four hours a day. 5110
"Foster home" does not include care provided for a child in the 5111
home of a person other than the child's parent, guardian, or legal 5112
custodian while the parent, guardian, or legal custodian is 5113
temporarily away. Family foster homes and treatment foster homes 5114
are types of foster homes. 5115

(E) "Treatment foster home" means a ~~family~~ foster home that 5116
incorporates special psychological or medical treatment designed 5117
to care for the specific needs of the children received in the 5118
~~family~~ foster home and that receives and cares for children who 5119
are emotionally or behaviorally disturbed, medically fragile 5120
requiring special medical treatment due to physical ailment or 5121
condition, mentally retarded, or developmentally disabled. 5122

Sec. 5103.033. A ~~family~~ foster home may not receive more than 5123
five children apart from their parents, guardian, or custodian, 5124
except in order to accommodate a sibling group or the remaining 5125
members of a sibling group. 5126

Sec. 5103.034. On receipt of a recommendation from a public 5127
children services agency, private child placing agency, or private 5128
noncustodial agency regarding an application for, or renewal of, a 5129

family foster home or treatment foster home certification under 5130
section 5103.03 of the Revised Code, the department of job and 5131
family services shall decide whether to issue or renew the 5132
certificate. The department shall notify the agency and the 5133
applicant or certificate holder of its decision. If the 5134
department's decision is different from the recommendation of the 5135
agency, the department shall state in the notice the reason that 5136
the decision is different from the recommendation. 5137

Sec. 5103.035. The first time that a private child placing 5138
agency or private noncustodial agency seeks renewal of a 5139
certificate issued under section 5103.03 of the Revised Code, it 5140
shall provide the department of job and family services, as a 5141
condition of renewal, evidence of an independent audit of its 5142
first year of certification. Thereafter, when an agency seeks 5143
renewal of its certificate, it shall provide the department 5144
evidence of an independent audit for the two most recent previous 5145
years it is possible for an independent audit to have been 5146
conducted. For the agency to be eligible for renewal, the 5147
independent audits must demonstrate that the agency operated in a 5148
fiscally accountable manner in accordance with state laws and 5149
rules and any agreement between the agency and a public children 5150
services agency. 5151

Sec. 5103.036. A public children services agency, private 5152
child placing agency, or private noncustodial agency to which the 5153
duty to inspect and approve a family foster home or treatment 5154
foster home has been delegated under section 5103.03 of the 5155
Revised Code shall provide for an assessor who meets the 5156
requirements of section 3107.012 of the Revised Code to conduct a 5157
home study of the home. 5158

Sec. 5103.037. Notwithstanding division (B) of section 5159

119.032 of the Revised Code, The department of job and family services shall review once every two years the department's rules governing visits and contacts by a public children services agency or private child placing agency with a child in the agency's custody and placed in foster care in this state. The department shall adopt rules in accordance with Chapter 119. of the Revised Code to ensure compliance with the department's rules governing agency visits and contacts with a child in its custody.

Sec. 5103.161. As used in this section, "permanent custody" has the same meaning as in section 2151.011 of the Revised Code.

If a private child placing agency or public children services agency has placed a child in a foster home or with a relative of the child, other than a parent of the child, the agency shall notify the child's foster ~~parent~~ caregiver or relative if the agency seeks permanent custody of the child, or, if the agency already has permanent custody of the child, seeks to place the child for adoption. The notice also shall inform the foster ~~parent~~ caregiver or relative that the foster ~~parent~~ caregiver or relative can be considered for adoption. If the foster ~~parent~~ caregiver or relative informs the agency that the foster ~~parent~~ caregiver or relative wants to adopt the child, the agency shall inform the foster ~~parent~~ caregiver or relative of the process for obtaining an application to adopt the child and that the child may be placed for adoption in another home even if the foster ~~parent~~ caregiver or relative submits the application. If the agency is given permanent custody of the child and the foster ~~parent~~ caregiver or relative has informed the agency of the foster ~~parent's~~ caregiver's or relative's desire to adopt the child, the agency shall consider giving preference to an adult relative over a nonrelative caregiver when determining an adoptive placement for the child, provided the adult relative satisfies all relevant

child protection standards and the agency determines that the 5191
placement is in the child's best interest. 5192

Sec. 5111.20. As used in sections 5111.20 to 5111.32 of the 5193
Revised Code: 5194

(A) "Allowable costs" are those costs determined by the 5195
department of job and family services to be reasonable and do not 5196
include fines paid under sections 5111.35 to 5111.61 and section 5197
5111.99 of the Revised Code. 5198

(B) "Capital costs" means costs of ownership and nonextensive 5199
renovation. 5200

(1) "Cost of ownership" means the actual expense incurred for 5201
all of the following: 5202

(a) Depreciation and interest on any capital assets that cost 5203
five hundred dollars or more per item, including the following: 5204
5205

(i) Buildings; 5206

(ii) Building improvements that are not approved as 5207
nonextensive renovations under section 5111.25 or 5111.251 of the 5208
Revised Code; 5209

(iii) Equipment; 5210

(iv) Extensive renovations; 5211

(v) Transportation equipment. 5212

(b) Amortization and interest on land improvements and 5213
leasehold improvements; 5214

(c) Amortization of financing costs; 5215

(d) Except as provided in division (I) of this section, lease 5216
and rent of land, building, and equipment. 5217

The costs of capital assets of less than five hundred dollars 5218

per item may be considered costs of ownership in accordance with a 5219
provider's practice. 5220

(2) "Costs of nonextensive renovation" means the actual 5221
expense incurred for depreciation or amortization and interest on 5222
renovations that are not extensive renovations. 5223

(C) "Capital lease" and "operating lease" shall be construed 5224
in accordance with generally accepted accounting principles. 5225

(D) "Case-mix score" means the measure determined under 5226
section 5111.231 of the Revised Code of the relative direct-care 5227
resources needed to provide care and habilitation to a resident of 5228
a nursing facility or intermediate care facility for the mentally 5229
retarded. 5230

(E) "Date of licensure," for a facility originally licensed 5231
as a nursing home under Chapter 3721. of the Revised Code, means 5232
the date specific beds were originally licensed as nursing home 5233
beds under that chapter, regardless of whether they were 5234
subsequently licensed as residential facility beds under section 5235
5123.19 of the Revised Code. For a facility originally licensed as 5236
a residential facility under section 5123.19 of the Revised Code, 5237
"date of licensure" means the date specific beds were originally 5238
licensed as residential facility beds under that section. 5239

(1) If nursing home beds licensed under Chapter 3721. of the 5241
Revised Code or residential facility beds licensed under section 5242
5123.19 of the Revised Code were not required by law to be 5243
licensed when they were originally used to provide nursing home or 5244
residential facility services, "date of licensure" means the date 5245
the beds first were used to provide nursing home or residential 5246
facility services, regardless of the date the present provider 5247
obtained licensure. 5248

(2) If a facility adds nursing home beds or residential 5249

facility beds or extensively renovates all or part of the facility 5250
after its original date of licensure, it will have a different 5251
date of licensure for the additional beds or extensively renovated 5252
portion of the facility, unless the beds are added in a space that 5253
was constructed at the same time as the previously licensed beds 5254
but was not licensed under Chapter 3721. or section 5123.19 of the 5255
Revised Code at that time. 5256

(F) "Desk-reviewed" means that costs as reported on a cost 5257
report submitted under section 5111.26 of the Revised Code have 5258
been subjected to a desk review under division (A) of section 5259
5111.27 of the Revised Code and preliminarily determined to be 5260
allowable costs. 5261

(G) "Direct care costs" means all of the following: 5262

(1)(a) Costs for registered nurses, licensed practical 5263
nurses, and nurse aides employed by the facility; 5264

(b) Costs for direct care staff, administrative nursing 5265
staff, medical directors, social services staff, activities staff, 5266
psychologists and psychology assistants, social workers and 5267
counselors, habilitation staff, qualified mental retardation 5268
professionals, program directors, respiratory therapists, 5269
habilitation supervisors, and except as provided in division 5270
(G)(2) of this section, other persons holding degrees qualifying 5271
them to provide therapy; 5272

(c) Costs of purchased nursing services; 5273

(d) Costs of quality assurance; 5274

(e) Costs of training and staff development, employee 5275
benefits, payroll taxes, and workers' compensation premiums or 5276
costs for self-insurance claims and related costs as specified in 5277
rules adopted by the director of job and family services in 5278
accordance with Chapter 119. of the Revised Code, for personnel 5279

listed in divisions (G)(1)(a), (b), and (d) of this section;	5280
(f) Costs of consulting and management fees related to direct care;	5281
	5282
(g) Allocated direct care home office costs.	5283
(2) In addition to the costs specified in division (G)(1) of this section, for intermediate care facilities for the mentally retarded only, direct care costs include both of the following:	5284
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	5286
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, and audiologists;	5287
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	5289
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in division (G)(2)(a) of this section.	5290
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(3) Costs of other direct-care resources that are specified as direct care costs in rules adopted by the director of job and family services in accordance with Chapter 119. of the Revised Code.	5296
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(H) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code.	5300
	5301
(I) "Indirect care costs" means all reasonable costs other than direct care costs, other protected costs, or capital costs. "Indirect care costs" includes but is not limited to costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources,	5302
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communications, travel, dues, license fees, subscriptions, home 5310
office costs not otherwise allocated, legal services, accounting 5311
services, minor equipment, maintenance and repairs, help-wanted 5312
advertising, informational advertising, start-up costs, 5313
organizational expenses, other interest, property insurance, 5314
employee training and staff development, employee benefits, 5315
payroll taxes, and workers' compensation premiums or costs for 5316
self-insurance claims and related costs as specified in rules 5317
adopted by the director of job and family services in accordance 5318
with Chapter 119. of the Revised Code, for personnel listed in 5319
this division. Notwithstanding division (B)(1) of this section, 5320
"indirect care costs" also means the cost of equipment, including 5321
vehicles, acquired by operating lease executed before December 1, 5322
1992, if the costs are reported as administrative and general 5323
costs on the facility's cost report for the cost reporting period 5324
ending December 31, 1992. 5325

(J) "Inpatient days" means all days during which a resident, 5326
regardless of payment source, occupies a bed in a nursing facility 5327
or intermediate care facility for the mentally retarded that is 5328
included in the facility's certified capacity under Title XIX of 5329
the "Social Security Act," 49 Stat. 610 (1935), 42 U.S.C.A. 301, 5330
as amended. Therapeutic or hospital leave days for which payment 5331
is made under section 5111.33 of the Revised Code are considered 5332
inpatient days proportionate to the percentage of the facility's 5333
per resident per day rate paid for those days. 5334

(K) "Intermediate care facility for the mentally retarded" 5335
means an intermediate care facility for the mentally retarded 5336
certified as in compliance with applicable standards for the 5337
medical assistance program by the director of health in accordance 5338
with Title XIX of the "Social Security Act." 5339

(L) "Maintenance and repair expenses" means, except as 5340
provided in division (X)(2) of this section, expenditures that are 5341

necessary and proper to maintain an asset in a normally efficient 5342
working condition and that do not extend the useful life of the 5343
asset two years or more. "Maintenance and repair expenses" 5344
includes but is not limited to the cost of ordinary repairs such 5345
as painting and wallpapering. 5346

(M) "Nursing facility" means a facility, or a distinct part 5347
of a facility, that is certified as a nursing facility by the 5348
director of health in accordance with Title XIX of the "Social 5349
Security Act," and is not an intermediate care facility for the 5350
mentally retarded. "Nursing facility" includes a facility, or a 5351
distinct part of a facility, that is certified as a nursing 5352
facility by the director of health in accordance with Title XIX of 5353
the "Social Security Act," and is certified as a skilled nursing 5354
facility by the director in accordance with Title XVIII of the 5355
"Social Security Act." 5356

(N) "Other protected costs" means costs for medical supplies; 5357
real estate, franchise, and property taxes; natural gas, fuel oil, 5358
water, electricity, sewage, and refuse and hazardous medical waste 5359
collection; allocated other protected home office costs; and any 5360
additional costs defined as other protected costs in rules adopted 5361
by the director of job and family services in accordance with 5362
Chapter 119. of the Revised Code. 5363

(O) "Owner" means any person or government entity that has at 5364
least five per cent ownership or interest, either directly, 5365
indirectly, or in any combination, in a nursing facility or 5366
intermediate care facility for the mentally retarded. 5367

(P) "Patient" includes "resident." 5368

(Q) Except as provided in divisions (Q)(1) and (2) of this 5369
section, "per diem" means a nursing facility's or intermediate 5370
care facility for the mentally retarded's actual, allowable costs 5371
in a given cost center in a cost reporting period, divided by the 5372

facility's inpatient days for that cost reporting period.	5373
(1) When calculating indirect care costs for the purpose of establishing rates under section 5111.24 or 5111.241 of the Revised Code, "per diem" means a facility's actual, allowable indirect care costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been eighty-five per cent.	5374 5375 5376 5377 5378 5379 5380
(2) When calculating capital costs for the purpose of establishing rates under section 5111.25 or 5111.251 of the Revised Code, "per diem" means a facility's actual, allowable capital costs in a cost reporting period divided by the greater of the facility's inpatient days for that period or the number of inpatient days the facility would have had during that period if its occupancy rate had been ninety-five per cent.	5381 5382 5383 5384 5385 5386 5387
(R) "Provider" means a person or government entity that operates a nursing facility or intermediate care facility for the mentally retarded under a provider agreement.	5388 5389 5390
(S) "Provider agreement" means a contract between the department of job and family services and a nursing facility or intermediate care facility for the mentally retarded for the provision of nursing facility services or intermediate care facility services for the mentally retarded under the medical assistance program.	5391 5392 5393 5394 5395 5396
(T) "Purchased nursing services" means services that are provided in a nursing facility by registered nurses, licensed practical nurses, or nurse aides who are not employees of the facility.	5397 5398 5399 5400
(U) "Reasonable" means that a cost is an actual cost that is appropriate and helpful to develop and maintain the operation of patient care facilities and activities, including normal standby	5401 5402 5403

costs, and that does not exceed what a prudent buyer pays for a
given item or services. Reasonable costs may vary from provider to
provider and from time to time for the same provider.

(V) "Related party" means an individual or organization that,
to a significant extent, has common ownership with, is associated
or affiliated with, has control of, or is controlled by, the
provider.

(1) An individual who is a relative of an owner is a related
party.

(2) Common ownership exists when an individual or individuals
possess significant ownership or equity in both the provider and
the other organization. Significant ownership or equity exists
when an individual or individuals possess five per cent ownership
or equity in both the provider and a supplier. Significant
ownership or equity is presumed to exist when an individual or
individuals possess ten per cent ownership or equity in both the
provider and another organization from which the provider
purchases or leases real property.

(3) Control exists when an individual or organization has the
power, directly or indirectly, to significantly influence or
direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or
services to a provider shall not be considered a related party if
all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of
the type carried on with the provider is transacted with others
than the provider and there is an open, competitive market for the
types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by

other nursing facilities or intermediate care facilities for the
mentally retarded from outside organizations and are not a basic
element of patient care ordinarily furnished directly to patients
by the facilities.

(d) The charge to the provider is in line with the charge for
the goods or services in the open market and no more than the
charge made under comparable circumstances to others by the
supplier.

(W) "Relative of owner" means an individual who is related to
an owner of a nursing facility or intermediate care facility for
the mentally retarded by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Step-parent, step-child, step-brother, or step-sister;

(5) Father-in-law, mother-in-law, son-in-law,
daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster ~~parent~~ caregiver, foster child, foster brother, or
foster sister.

(X) "Renovation" and "extensive renovation" mean:

(1) Any betterment, improvement, or restoration of a nursing
facility or intermediate care facility for the mentally retarded
started before July 1, 1993, that meets the definition of a
renovation or extensive renovation established in rules adopted by
the director of job and family services in effect on December 22,
1992.

(2) In the case of betterments, improvements, and
restorations of nursing facilities and intermediate care

facilities for the mentally retarded started on or after July 1,
1993:

(a) "Renovation" means the betterment, improvement, or
restoration of a nursing facility or intermediate care facility
for the mentally retarded beyond its current functional capacity
through a structural change that costs at least five hundred
dollars per bed. A renovation may include betterment, improvement,
restoration, or replacement of assets that are affixed to the
building and have a useful life of at least five years. A
renovation may include costs that otherwise would be considered
maintenance and repair expenses if they are an integral part of
the structural change that makes up the renovation project.
"Renovation" does not mean construction of additional space for
beds that will be added to a facility's licensed or certified
capacity.

(b) "Extensive renovation" means a renovation that costs more
than sixty-five per cent and no more than eighty-five per cent of
the cost of constructing a new bed and that extends the useful
life of the assets for at least ten years.

For the purposes of division (X)(2) of this section, the cost
of constructing a new bed shall be considered to be forty thousand
dollars, adjusted for the estimated rate of inflation from January
1, 1993, to the end of the calendar year during which the
renovation is completed, using the consumer price index for
shelter costs for all urban consumers for the north central
region, as published by the United States bureau of labor
statistics.

The department of job and family services may treat a
renovation that costs more than eighty-five per cent of the cost
of constructing new beds as an extensive renovation if the
department determines that the renovation is more prudent than

construction of new beds. 5494

Sec. 5123.77. (A) Pending ~~his~~ removal to an institution, a 5495
person taken into custody or ordered to be institutionalized 5496
pursuant to this chapter may be held in ~~his~~ the person's home, a 5497
~~family certified~~ foster home, licensed rest or nursing home, a 5498
county home, or a facility used for detention, but ~~he~~ the person 5499
shall be kept separate from persons charged with or convicted of 5500
penal offenses. 5501

(B) Whenever any person is taken into custody under this 5502
chapter, the person in charge of the institution or facility in 5503
which that person is temporarily held under division (A) of this 5504
section immediately shall notify that person's legal guardian, 5505
spouse, or next of kin and ~~his~~ the person's counsel, if such can 5506
be ascertained. 5507

Sec. 5153.01. (A) As used in the Revised Code, "public 5508
children services agency" means an entity specified in section 5509
5153.02 of the Revised Code that has assumed the powers and duties 5510
of the children services function prescribed by this chapter for a 5511
county. 5512

(B) As used in this chapter: 5513

(1) ~~"Babysitting care" means care provided for a child while~~ 5514
~~the parents, guardian, or legal custodian of the child are~~ 5515
~~temporarily away.~~ 5516

(2) "Certified ~~family~~ foster home" means a ~~family~~ foster home 5517
~~operated by a person holding a certificate issued pursuant to, as~~ 5518
defined in section 5103.02 of the Revised Code, certified under 5519
section 5103.03 of the Revised Code ~~that is in full force and~~ 5520
~~effect.~~ 5521

(3)(2) "Certified organization" means any organization 5522

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.~~

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

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

Sec. 5153.112. A public children services agency may hire as caseworkers only persons who have obtained an undergraduate degree in social work, sociology, psychology, rehabilitation, child and

family community services, health related studies, or other human 5553
services related studies. This section applies only to persons 5554
hired on or after the effective date of this section. 5555

Sec. 5153.131. A public children services agency may procure 5556
a policy or policies of insurance insuring employees of the 5557
agency, volunteers, foster ~~parents~~ caregivers associated with the 5558
agency, and, if a county children services board is the public 5559
children services agency, board members against liability arising 5560
from the performance of their official duties. 5561

Sec. 5153.16. (A) Except as provided in section 2151.422 of 5562
the Revised Code, in accordance with rules of the department of 5563
job and family services, and on behalf of children in the county 5564
whom the public children services agency considers to be in need 5565
of public care or protective services, the public children 5566
services agency shall do all of the following: 5567

(1) Make an investigation concerning any child alleged to be 5568
an abused, neglected, or dependent child; 5569

(2) Enter into agreements with the parent, guardian, or other 5570
person having legal custody of any child, or with the department 5571
of job and family services, department of mental health, 5572
department of mental retardation and developmental disabilities, 5573
other department, any certified organization within or outside the 5574
county, or any agency or institution outside the state, having 5575
legal custody of any child, with respect to the custody, care, or 5576
placement of any child, or with respect to any matter, in the 5577
interests of the child, provided the permanent custody of a child 5578
shall not be transferred by a parent to the public children 5579
services agency without the consent of the juvenile court; 5580

(3) Accept custody of children committed to the public 5581
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children services agency by a court exercising juvenile jurisdiction; 5583
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(4) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 5585
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(5) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 5589
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(6) Make available to the bureau for children with medical handicaps of the department of health at its request any information concerning a crippled child found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency; 5592
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(7) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment; 5598
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(8) Find ~~family~~ certified foster homes, within or outside the county, for the care of children, including handicapped children from other counties attending special schools in the county; 5601
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(9) Subject to the approval of the board of county commissioners and the state department of job and family services, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision; 5605
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(10) Acquire and operate a county children's home, establish, 5613
maintain, and operate a receiving home for the temporary care of 5614
children, or procure ~~family~~ certified foster homes for this 5615
purpose; 5616

(11) Enter into an agreement with the trustees of any 5617
district children's home, respecting the operation of the district 5618
children's home in cooperation with the other county boards in the 5619
district; 5620

(12) Cooperate with, make its services available to, and act 5621
as the agent of persons, courts, the department of job and family 5622
services, the department of health, and other organizations within 5623
and outside the state, in matters relating to the welfare of 5624
children, except that the public children services agency shall 5625
not be required to provide supervision of or other services 5626
related to the exercise of companionship or visitation rights 5627
granted pursuant to section 3109.051, 3109.11, or 3109.12 of the 5628
Revised Code unless a juvenile court, pursuant to Chapter 2151. of 5629
the Revised Code, or a common pleas court, pursuant to division 5630
(E)(6) of section 3113.31 of the Revised Code, requires the 5631
provision of supervision or other services related to the exercise 5632
of the companionship or visitation rights; 5633

(13) Make investigations at the request of any superintendent 5634
of schools in the county or the principal of any school concerning 5635
the application of any child adjudicated to be an abused, 5636
neglected, or dependent child for release from school, where such 5637
service is not provided through a school attendance department; 5638

(14) Administer funds provided under Title IV-E of the 5640
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 5641
amended, in accordance with rules adopted under section 5101.141 5642
of the Revised Code; 5643

(15) In addition to administering Title IV-E adoption 5644
assistance funds, enter into agreements to make adoption 5645
assistance payments under section 5153.163 of the Revised Code; 5646

(16) Implement a system of risk assessment, in accordance 5647
with rules adopted by the director of job and family services, to 5648
assist the public children services agency in determining the risk 5649
of abuse or neglect to a child; 5650

(17) Enter into a plan of cooperation with the board of 5651
county commissioners under section 307.983 of the Revised Code and 5652
comply with the partnership agreement the board enters into under 5653
section 307.98 of the Revised Code and contracts the board enters 5654
into under sections 307.981 and 307.982 of the Revised Code that 5655
affect the public children services agency; 5656

(18) Make reasonable efforts to prevent the removal of an 5657
alleged or adjudicated abused, neglected, or dependent child from 5658
the child's home, eliminate the continued removal of the child 5659
from the child's home, or make it possible for the child to return 5660
home safely, except that reasonable efforts of that nature are not 5661
required when a court has made a determination under division 5662
(A)(2) of section 2151.419 of the Revised Code; 5663

(19) Make reasonable efforts to place the child in a timely 5664
manner in accordance with the permanency plan approved under 5665
division (E) of section 2151.417 of the Revised Code and to 5666
complete whatever steps are necessary to finalize the permanent 5667
placement of the child. 5668

(B) The public children services agency shall use the system 5669
implemented pursuant to division (B)(16) of this section in 5670
connection with an investigation undertaken pursuant to division 5671
(F)(1) of section 2151.421 of the Revised Code and may use the 5672
system at any other time the agency is involved with any child 5673
when the agency determines that risk assessment is necessary. 5674

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

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

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

(i) County departments of job and family services;

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

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

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

(v) Private and government providers of services;

(vi) Managed care organizations and prepaid health plans.

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

(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this

section. If an entity specified in division (B) or (C) of section 5705
5153.02 of the Revised Code is the public children services agency 5706
for a county, the board of county commissioners may enter into 5707
contracts pursuant to section 307.982 of the Revised Code 5708
regarding the agency's duties. 5709

Sec. 5153.161. Care provided by the public children services 5710
agency under division (A)(4) of section 5153.16 of the Revised 5711
Code shall be provided by the agency, by its own means or through 5712
other available resources, in the child's own home, in the home of 5713
a relative, or in a certified ~~family~~ foster home, any other home 5714
approved by the court, receiving home, school, hospital, 5715
convalescent home, or other public or private institution within 5716
or outside the county or state. 5717

Sec. 5153.171. (A) On receipt by a public children services 5718
agency of a request for the release of information about a child 5719
under eighteen years of age who was a resident of the county 5720
served by the agency at the time of death and whose death may have 5721
been caused by abuse, neglect, or other criminal conduct, the 5722
director of the agency immediately shall confer with the 5723
prosecuting attorney of that county. After the executive director 5724
confers with the prosecuting attorney, the following apply: 5725

(1) If the prosecuting attorney intends to prosecute a person 5726
for causing the child's death, the prosecuting attorney shall 5727
determine the information described in division (A) of section 5728
5153.172 of the Revised Code that may be released, if any, and 5729
notify the director of the intent to prosecute and the 5730
determination of what information may be released. Except as 5731
provided in section 5153.173 of the Revised Code, on receipt of 5732
the notice, the director shall release the information the 5733
prosecutor determines may be released and no other information. 5734

(2) If the prosecuting attorney does not intend to prosecute a person for causing the death of the child, the prosecuting attorney shall notify the director that no prosecution is intended. Except as provided in section 5153.173 of the Revised Code, on receipt of the notice, the director shall release the information described in division (A) of section 5153.172 of the Revised Code. 5735
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(B) A public children services agency director who releases information in accordance with this section in good faith shall not be subject to civil or criminal liability for injury, death, or loss to person or PROPERTY incurred or imposed as a result of provision of the information. 5742
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Sec. 5153.172. (A) Notwithstanding sections 2151.421, 3701.243, 5153.17, and any other section of the Revised Code pertaining to confidentiality and unless precluded by section 5153.173 of the Revised Code, the director shall disclose the following information concerning a deceased child in accordance with section 5153.171 of the Revised Code: 5747
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(1) The child's name; 5753

(2) A summary report of the chronology of abuse or neglect reports made pursuant to section 2151.421 of the Revised Code of which the child is the subject and the final disposition of the investigations of the reports or, if investigations have not been completed, the status of any investigations; 5754
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(3) Services provided to or purchased for the child or to which the child was referred by a public children services agency; 5759
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(4) Actions taken by a public children services agency in response to any report of abuse or neglect of which the child was the subject. 5761
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(B) No person may release, pursuant to a request made under 5764

this section concerning a deceased child, the name of any person 5765
or entity that made a report or participated in making a report of 5766
child abuse or neglect of which the child was the subject; the 5767
names of the parents or siblings of the child; the contents of any 5768
psychological, psychiatric, therapeutic, clinical, or medical 5769
reports or evaluations regarding the child; witness statements; 5770
police or other investigative reports; or any other information 5771
other than the information that may be released in accordance with 5772
this section. 5773

Sec. 5153.173. The DIRECTOR SHALL NOT DISCLOSE ANY 5774
information PURSUANT TO section 5153.172 of the Revised Code if a 5775
judge of the common pleas court of the county the deceased child 5776
resided in at the time of death determines, on motion of the 5777
public children services agency, that DISCLOSING the information 5778
would not be in the best interest of a sibling of the deceased 5779
child or another child residing in the household the child resided 5780
in at the time of death. 5781

Sec. 5153.60. The department of job and family services shall 5782
establish a statewide program that provides the training section 5783
5153.122 of the Revised Code requires public children services 5784
agency caseworkers and supervisors to complete. The program shall 5785
be called the "Ohio child welfare training program." 5786

Sec. 5153.61. Each fiscal biennium, the department of job and 5787
family services shall contract with an entity to serve as the 5788
training coordinator for the Ohio child welfare training program. 5789
The training coordinator shall develop, implement, and manage the 5790
training program. The department shall select the entity from the 5791
candidates selected pursuant to section 5153.63 of the Revised 5792
Code. A contract entered into under this section shall be 5793
effective on the first day of the biennium for which it is entered 5794

into and terminate on the last day of that biennium. 5795

Sec. 5153.62. Before the beginning of each fiscal biennium, 5796
the department of job and family services shall develop and issue 5797
a request for proposals for the development, implementation, and 5798
management, as training coordinator, of the Ohio child welfare 5799
training program during the biennium. The department shall develop 5800
the request for proposals in consultation with individuals 5801
designated under section 5153.64 of the Revised Code. 5802

Sec. 5153.63. Before the beginning of each fiscal biennium, 5803
the individuals designated under section 5153.64 of the Revised 5804
Code shall review all responses to the request for proposals 5805
issued under section 5153.62 of the Revised Code for the biennium 5806
and recommend to the department of job and family services those 5807
entities that meet the requirements of the request. 5808

Sec. 5153.64. The director of job and family services shall 5809
select representatives from the following organizations to perform 5810
the consultation and recommendation duties under sections 5153.62 5811
and 5153.63 of the Revised Code: 5812

(A) Regional training centers established under section 5813
5153.72 of the Revised Code; 5814

(B) Staff of public children services agencies; 5815

(C) Staff of the state department of job and family services. 5816
5817

Sec. 5153.65. The entity contracted with to serve as the 5818
training coordinator for the Ohio child welfare training program 5819
shall do all the following as part of its duties under the 5820
contract: 5821

<u>(A) Administer, coordinate, and evaluate all training program activities under the program;</u>	5822
	5823
<u>(B) Develop training curriculum, resources, and products;</u>	5824
<u>(C) Provide fiscal management and technical assistance to regional training centers established under section 5153.72 of the Revised Code;</u>	5825
	5826
	5827
<u>(D) Cooperate with the regional training centers to schedule training sessions, provide notices of training sessions, and provide training materials;</u>	5828
	5829
	5830
<u>(E) Employ and compensate training session instructors;</u>	5831
<u>(F) Create individual training needs assessment forms for use pursuant to sections 5153.75 and 5153.76 of the Revised Code;</u>	5832
	5833
<u>(G) Conduct any other activities necessary for the development, implementation, and management of the training program.</u>	5834
	5835
	5836
<u>Sec. 5153.66. The director of job and family services shall establish the training program steering committee. Section 101.84 of the Revised Code does not apply to the committee.</u>	5837
	5838
	5839
<u>Sec. 5153.67. (A) The director of job and family services shall appoint the following to serve on the training program steering committee:</u>	5840
	5841
	5842
<u>(1) Employees of the department of job and family services;</u>	5843
<u>(2) Employees of regional training centers established under section 5153.72 of the Revised Code;</u>	5844
	5845
<u>(3) A representative of an organization that represents the interests of public children services agencies;</u>	5846
	5847
<u>(4) A representative of the entity contracted with to serve as the training coordinator for the Ohio child welfare training</u>	5848
	5849

<u>program;</u>	5850
(5) <u>Two employees of public children services agencies.</u>	5851
(B) <u>All initial appointments required to be made under this section shall be made no later than thirty days after the effective date of this section.</u>	5852 5853 5854
<u>The representative of an entity contracted with to serve as the training coordinator shall serve on the committee until the department of job and family services contracts with a different entity to serve as the training coordinator.</u>	5855 5856 5857 5858
<u>The entity under contract on the effective date of this section to coordinate training for caseworkers and supervisors in the state shall be considered the entity that contracts with the department to serve as the training coordinator for the Ohio child welfare training program.</u>	5859 5860 5861 5862 5863
Sec. 5153.68. <u>After the training program steering committee is appointed under section 5153.67 of the Revised Code, the director of job and family services shall call the committee to meet for the purpose of adopting bylaws governing the operation of the committee. The bylaws shall include provisions addressing the committee's governing structure, subcommittees, frequency of meetings, and amendment of the bylaws. The committee shall adopt the bylaws, pursuant to section 111.15 of the Revised Code, by majority vote of all members of the committee. The committee shall adopt the bylaws no later than one hundred eighty days after the effective date of this section.</u>	5864 5865 5866 5867 5868 5869 5870 5871 5872 5873 5874
Sec. 5153.69. <u>The training program steering committee shall monitor and evaluate the Ohio child welfare training program to ensure that the program is a competency-based training system that satisfies the training requirements for public children services agency caseworkers and supervisors under section 5153.122 of the</u>	5875 5876 5877 5878 5879

Revised Code. 5880

Sec. 5153.70. The department of job and family services shall 5881
oversee the operation of the entity contracted with under section 5882
5153.61 of the Revised Code regarding the development, 5883
implementation, and management of the Ohio child welfare training 5884
program. 5885

Sec. 5153.71. Prior to the beginning of the fiscal biennium 5886
that first follows the effective date of this section, the 5887
department of job and family services, in consultation with the 5888
training program steering committee, shall designate eight 5889
training regions in the state. The department may change the 5890
training regions as needed. Each training region shall contain 5891
only one regional training center established and maintained under 5892
section 5153.72 of the Revised Code. 5893

Sec. 5153.72. Prior to the beginning of the fiscal biennium 5894
that first follows the effective date of this section, the public 5895
children services agencies of Athens, Cuyahoga, Franklin, Greene, 5896
Guernsey, Hamilton, Lucas, and Summit counties shall each 5897
establish and maintain a regional training center. At any time 5898
after the beginning of that biennium, the department of job and 5899
family services, on the recommendation of the training program 5900
steering committee, may direct a public children services agency 5901
to establish and maintain a training center to replace the center 5902
established by an agency under this section. There may be no more 5903
and no less than eight centers in existence at any time. 5904

Sec. 5153.73. The executive director of each public children 5905
services agency required to establish and maintain a regional 5906
training center shall appoint a manager to operate the training 5907
center in accordance with section 5153.74 of the Revised Code. 5908

Sec. 5153.74. A regional training center shall do all the 5909
following: 5910

(A) Secure facilities suitable for conducting training 5911
programs and sessions; 5912

(B) Provide administrative services and pay all 5913
administrative costs related to the conduct of training programs 5914
and sessions; 5915

(C) Maintain a database of the data contained in the 5916
individual training needs assessments for each caseworker and 5917
supervisor employed by a public children services agency located 5918
in the training region served by the center; 5919

(D) Assess training needs of caseworkers and supervisors 5920
employed by a public children services agency located in the 5921
training region served by the center; 5922

(E) Cooperate with the entity contracted with under section 5923
5153.61 of the Revised Code in coordinating training programs and 5924
sessions at the center. 5925

Sec. 5153.75. Each supervisor employed by a public children 5926
services agency that supervises the work of a caseworker employed 5927
by the agency shall work with the caseworker to determine the 5928
caseworker's training needs in accordance with, and ensure the 5929
caseworker's compliance with, the training requirements of section 5930
5153.122 of the Revised Code. Once every two years, the supervisor 5931
shall complete an individual training needs assessment form 5932
created under section 5153.65 of the Revised Code. 5933

Sec. 5153.76. The executive director of each public children 5934
services agency shall work with each supervisor employed by the 5935
agency to determine the supervisor's training needs in accordance 5936
with, and ensure the supervisor's compliance with, the training 5937

requirements of section 5153.122 of the Revised Code. Once every 5938
two years, the executive director shall complete an individual 5939
training needs assessment form created under section 5153.65 of 5940
the Revised Code for each supervisor. 5941

Sec. 5153.77. The executive director of each public children 5942
services agency shall collect and maintain the data from 5943
individual training needs assessment forms completed under 5944
sections 5153.75 and 5153.76 of the Revised Code for each 5945
supervisor and case worker employed by the agency. The director 5946
shall compile and forward the data collected from the completed 5947
assessment forms to the regional training center located in the 5948
same training region as the agency. 5949

Sec. 5153.78. (A) As used in this section: 5950

(1) "Title IV-B" means Title IV-B of the "Social Security Act 5951
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 5952

(2) "Title IV-E" means Title IV-E of the "Social Security 5953
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 5954

(3) "Title XX" has the same meaning as in section 5101.46 of 5955
the Revised Code. 5956

(B) For purposes of funding the Ohio child welfare training 5957
program, the department of job and family services shall use the 5958
following as needed to adequately fund the Ohio child welfare 5959
training program: 5960

(1) The federal financial participation funds withheld 5961
pursuant to division (D) of section 5101.141 of the Revised Code 5962
in an amount determined by the department; 5963

(2) Funds available under Title XX, Title IV-B, and Title 5964
IV-E to pay for training costs; 5965

(3) Any other available state or federal funds. 5966

Section 2. That existing sections 109.572, 117.13, 121.22, 5967
149.43, 305.14, 307.441, 2151.011, 2151.312, 2151.331, 2151.34, 5968
2151.353, 2151.411, 2151.414, 2151.418, 2151.421, 2151.424, 5969
2151.55, 2151.554, 2151.62, 2151.86, 2317.02, 2907.08, 3107.012, 5970
3107.02, 3107.13, 3107.14, 3313.472, 3313.64, 3323.01, 4731.22, 5971
5101.14, 5101.141, 5101.143, 5103.02, 5103.033, 5103.161, 5111.20, 5972
5123.77, 5153.01, 5153.131, 5153.16, and 5153.161 of the Revised 5973
Code are hereby repealed. 5974

Section 3. Section 5153.161 of the Revised Code is presented 5975
in this act as a composite of that section as amended by both Am. 5976
Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, 5977
with the new language of neither of the acts shown in capital 5978
letters. This is in recognition of the principle stated in 5979
division (B) of section 1.52 of the Revised Code that such 5980
amendments are to be harmonized where not substantively 5981
irreconcilable and constitutes a legislative finding that such is 5982
the resulting version in effect prior to the effective date of 5983
this act. 5984

Section 4. Sections 149.43, 307.441, 2151.011, 2151.353, 5985
2151.421, 2151.86, 3107.13, 3313.64, 5101.14, 5101.141, 5101.143, 5986
5103.02, 5111.20, 5153.01, and 5153.16 of the Revised Code are 5987
amended by this act and also by Am. Sub. H.B. 470 or H.B. 471 of 5988
the 123rd General Assembly (effective July 1, 2000). The 5989
amendments of H.B. 470 and H.B. 471 are included in this act in 5990
lower case to confirm the intention to retain them, but are not 5991
intended to be effective until July 1, 2000. 5992