

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

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**Representatives Metzger, Ford, Harris, Tiberi, O'Brien, Winkler, Hartnett,
Olman, Jerse, Hollister, DePiero, Terwilleger, Britton, Flannery, Calvert,
Mottley, Grendell, Carey, Austria, Womer Benjamin, Goodman, Salerno,
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Jacobson, Barnes, Roberts, Boyd, J. Beatty, Gooding, Patton, Perry
Senators Kearns, Drake**

A B I L L

To amend sections 109.572, 117.13, 121.22, 121.37,	1
149.43, 305.14, 307.441, 2101.11, 2151.011,	2
2151.312, 2151.331, 2151.34, 2151.353, 2151.411,	3
2151.414, 2151.418, 2151.421, 2151.424, 2151.55,	4
2151.554, 2151.62, 2151.86, 2317.02, 2907.08,	5
3107.01, 3107.012, 3107.013, 3107.02, 3107.031,	6
3107.12, 3107.13, 3107.14, 3313.472, 3313.64,	7
4731.22, 5101.14, 5101.141, 5101.143, 5103.02,	8
5103.033, 5103.161, 5111.20, 5123.77, 5153.01,	9
5153.131, 5153.16, and 5153.161; to amend for the	10
purpose of adopting new section numbers as	11
indicated in parentheses sections 3107.012	12
(3107.014), 3107.013 (3107.015), and 5103.033	13
(5103.0317); and to enact new sections 3107.012	14
and 3107.013 and sections 117.191, 307.621,	15
307.622, 307.623, 307.624, 307.625, 307.626,	16

307.627, 307.628, 307.629, 3107.016, 3701.045, 17
3705.071, 4757.40, 5101.145, 5101.146, 5101.147, 18
5101.148, 5101.149, 5103.0319, 5103.0320, 19
5103.0321, 5103.0322, 5103.0323, 5103.0324, 20
5103.0325, 5153.112, 5153.171, 5153.172, 5153.173, 21
and 5153.60 to 5153.78 of the Revised Code to 22
revise the law governing audits of public children 23
services agencies, private child placing agencies, 24
and private noncustodial agencies; to require the 25
establishment in each county or region of a board 26
for the purpose of reviewing deaths of children 27
under age eighteen; to permit a public children 28
services agency to employ legal counsel without 29
the consent of the court of common pleas; to 30
establish rules and procedures for fiscal 31
accountability of child welfare services; to 32
establish educational requirements for caseworkers 33
hired by public children services agencies; to 34
make changes to the law governing foster care; to 35
require the Department of Job and Family Services 36
to develop a schedule of education programs for 37
assessors; to revise the law governing how reports 38
of child abuse or neglect are maintained; to 39
establish the Ohio Child Welfare Training program; 40
to permit certain former employees of a public 41
children services agency to perform the duties of 42
an adoption assessor; to permit the Counselor and 43
Social Worker Board to seek injunctions in certain 44
cases; to change the amount of the Children's 45
Trust Fund that the Department of Job and Family 46
Services and boards of county commissioners may 47
use for administrative expenses; to change the law 48
governing administrative agents for county family 49

and children first councils; to enact law relative 50
to foster caregivers adopting their foster 51
children; to amend the version of section 121.22 52
of the Revised Code that is scheduled to take 53
effect December 24, 2000, to continue the 54
provisions of this act on and after that effective 55
date; and to amend the versions of sections 56
3109.16 and 3109.18 of the Revised Code that are 57
scheduled to take effect January 1, 2001, to 58
continue the provisions of this act on and after 59
that effective date. 60

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

Section 1. That sections 109.572, 117.13, 121.22, 121.37, 61
149.43, 305.14, 307.441, 2101.11, 2151.011, 2151.312, 2151.331, 62
2151.34, 2151.353, 2151.411, 2151.414, 2151.418, 2151.421, 63
2151.424, 2151.55, 2151.554, 2151.62, 2151.86, 2317.02, 2907.08, 64
3107.01, 3107.012, 3107.013, 3107.02, 3107.031, 3107.12, 3107.13, 65
3107.14, 3313.472, 3313.64, 4731.22, 5101.14, 5101.141, 5101.143, 66
5103.02, 5103.033, 5103.161, 5111.20, 5123.77, 5153.01, 5153.131, 67
5153.16, and 5153.161 be amended; sections 3107.012 (3107.014), 68
3107.013 (3107.015), and 5103.033 (5103.0317) be amended for the 69
purpose of adopting new section numbers as indicated in 70
parentheses; and new sections 3107.012 and 3107.013 and sections 71
117.191, 307.621, 307.622, 307.623, 307.624, 307.625, 307.626, 72
307.627, 307.628, 307.629, 3107.016, 3701.045, 3705.071, 4757.40, 73
5101.145, 5101.146, 5101.147, 5101.148, 5101.149, 5103.0319, 74
5103.0320, 5103.0321, 5103.0322, 5103.0323, 5103.0324, 5103.0325, 75
5153.112, 5153.171, 5153.172, 5153.173, 5153.60, 5153.61, 5153.62, 76
5153.63, 5153.64, 5153.65, 5153.66, 5153.67, 5153.68, 5153.69, 77
5153.70, 5153.71, 5153.72, 5153.73, 5153.74, 5153.75, 5153.76, 78

5153.77, and 5153.78 of the Revised Code be enacted to read as 79
follows: 80

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 81
section 2151.86, 3301.32, 3301.541, 3319.39, 5104.012, 5104.013, 82
or 5153.111 of the Revised Code, a completed form prescribed 83
pursuant to division (C)(1) of this section, and a set of 84
fingerprint impressions obtained in the manner described in 85
division (C)(2) of this section, the superintendent of the bureau 86
of criminal identification and investigation shall conduct a 87
criminal records check in the manner described in division (B) of 88
this section to determine whether any information exists that 89
indicates that the person who is the subject of the request 90
previously has been convicted of or pleaded guilty to any of the 91
following: 92

(a) A violation of section 2903.01, 2903.02, 2903.03, 93
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 94
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 95
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 96
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 97
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 98
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 99
2925.06, or 3716.11 of the Revised Code, felonious sexual 100
penetration in violation of former section 2907.12 of the Revised 101
Code, a violation of section 2905.04 of the Revised Code as it 102
existed prior to July 1, 1996, a violation of section 2919.23 of 103
the Revised Code that would have been a violation of section 104
2905.04 of the Revised Code as it existed prior to July 1, 1996, 105
had the violation been committed prior to that date, or a 106
violation of section 2925.11 of the Revised Code that is not a 107
minor drug possession offense; 108

(b) A violation of an existing or former law of this state, 109

any other state, or the United States that is substantially 110
equivalent to any of the offenses listed in division (A)(1)(a) of 111
this section. 112

(2) On receipt of a request pursuant to section 5126.28 of 113
the Revised Code with respect to an applicant for employment in 114
any position with a county board of mental retardation and 115
developmental disabilities or pursuant to section 5126.281 of the 116
Revised Code with respect to an applicant for employment in a 117
position with an entity contracting with a county board for 118
employment in a position that involves providing service directly 119
to individuals with mental retardation and developmental 120
disabilities, a completed form prescribed pursuant to division 121
(C)(1) of this section, and a set of fingerprint impressions 122
obtained in the manner described in division (C)(2) of this 123
section, the superintendent of the bureau of criminal 124
identification and investigation shall conduct a criminal records 125
check. The superintendent shall conduct the criminal records check 126
in the manner described in division (B) of this section to 127
determine whether any information exists that indicates that the 128
person who is the subject of the request has been convicted of or 129
pleaded guilty to any of the following: 130

(a) A violation of section 2903.01, 2903.02, 2903.03, 131
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 132
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 133
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 134
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 135
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 136
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, or 137
3716.11 of the Revised Code; 138

(b) An existing or former law of this state, any other state, 139
or the United States that is substantially equivalent to any of 140
the offenses listed in division (A)(2)(a) of this section. 141

(3) On receipt of a request pursuant to section 173.41, 142
3712.09, 3721.121, or 3722.151 of the Revised Code, a completed 143
form prescribed pursuant to division (C)(1) of this section, and a 144
set of fingerprint impressions obtained in the manner described in 145
division (C)(2) of this section, the superintendent of the bureau 146
of criminal identification and investigation shall conduct a 147
criminal records check with respect to any person who has applied 148
for employment in a position that involves providing direct care 149
to an older adult. The superintendent shall conduct the criminal 150
records check in the manner described in division (B) of this 151
section to determine whether any information exists that indicates 152
that the person who is the subject of the request previously has 153
been convicted of or pleaded guilty to any of the following: 154

(a) A violation of section 2903.01, 2903.02, 2903.03, 155
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 156
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 157
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 158
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 159
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 160
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 161
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 162
2925.22, 2925.23, or 3716.11 of the Revised Code; 163

(b) An existing or former law of this state, any other state, 164
or the United States that is substantially equivalent to any of 165
the offenses listed in division (A)(3)(a) of this section. 166

(4) On receipt of a request pursuant to section 3701.881 of 167
the Revised Code with respect to an applicant for employment with 168
a home health agency as a person responsible for the care, 169
custody, or control of a child, a completed form prescribed 170
pursuant to division (C)(1) of this section, and a set of 171
fingerprint impressions obtained in the manner described in 172
division (C)(2) of this section, the superintendent of the bureau 173

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
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, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04,
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21,
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22,
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03,
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a
violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense;

(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)(4)(a) of this section.

(5) 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 in a position that involves providing direct
care to an older adult, 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 previously has been

convicted of or pleaded guilty to any of the following:	206
(a) A violation of section 2903.01, 2903.02, 2903.03,	207
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,	208
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,	209
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,	210
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,	211
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,	212
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,	213
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,	214
2925.22, 2925.23, or 3716.11 of the Revised Code;	215
(b) An existing or former law of this state, any other state,	216
or the United States that is substantially equivalent to any of	217
the offenses listed in division (A)(5)(a) of this section.	218
(6) When conducting a criminal records check upon a request	219
pursuant to section 3319.39 of the Revised Code for an applicant	220
who is a teacher, <u>in addition to the determination made under</u>	221
<u>division (A)(1) of this section,</u> the superintendent shall	222
determine whether any information exists that indicates that the	223
person who is the subject of the request previously has been	224
convicted of or pleaded guilty to any offense specified in section	225
3319.31 of the Revised Code.	226
(7) <u>When conducting a criminal records check on a request</u>	227
<u>pursuant to section 2151.86 of the Revised Code for a person who</u>	228
<u>is a prospective foster caregiver or who is eighteen years old or</u>	229
<u>older and resides in the home of a prospective foster caregiver,</u>	230
<u>the superintendent, in addition to the determination made under</u>	231
<u>division (A)(1) of this section, shall determine whether any</u>	232
<u>information exists that indicates that the person has been</u>	233
<u>convicted of or pleaded guilty to a violation of:</u>	234
(a) <u>Section 2909.02 or 2909.03 of the Revised Code;</u>	235
(b) <u>An existing or former law of this state, any other state,</u>	236

or the United States that is substantially equivalent to section 237
2909.02 or 2909.03 of the Revised Code. 238

(8) Not later than thirty days after the date the 239
superintendent receives the request, completed form, and 240
fingerprint impressions, the superintendent shall send the person 241
who made the request any information, other than information the 242
dissemination of which is prohibited by federal law, the 243
superintendent determines exists with respect to the person who is 244
the subject of the request that indicates that the person 245
previously has been convicted of or pleaded guilty to any offense 246
listed or described in division (A)(1), (2), (3), (4), ~~or (5)~~, 247
(6), or (7) of this section, as appropriate The superintendent 248
shall send the person who made the request a copy of the list of 249
offenses specified in division (A)(1), (2), (3), (4), ~~or (5)~~, (6), 250
or (7) of this section, as appropriate If the request was made 251
under section 3701.881 of the Revised Code with regard to an 252
applicant who may be both responsible for the care, custody, or 253
control of a child and involved in providing direct care to an 254
older adult, the superintendent shall provide a list of the 255
offenses specified in divisions (A)(4) and (5) of this section. 256

(B) The superintendent shall conduct any criminal records 257
check requested under section 173.41, 2151.86, 3301.32, 3301.541, 258
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 259
5104.013, 5126.28, 5126.281, or 5153.111 of the Revised Code as 260
follows: 261

(1) The superintendent shall review or cause to be reviewed 262
any relevant information gathered and compiled by the bureau under 263
division (A) of section 109.57 of the Revised Code that relates to 264
the person who is the subject of the request, including any 265
relevant information contained in records that have been sealed 266
under section 2953.32 of the Revised Code; 267

(2) If the request received by the superintendent asks for 268

information from the federal bureau of investigation, the 269
superintendent shall request from the federal bureau of 270
investigation any information it has with respect to the person 271
who is the subject of the request and shall review or cause to be 272
reviewed any information the superintendent receives from that 273
bureau. 274

(C)(1) The superintendent shall prescribe a form to obtain 275
the information necessary to conduct a criminal records check from 276
any person for whom a criminal records check is required by 277
section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 278
3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 5126.28, 279
5126.281, or 5153.111 of the Revised Code. 280

(2) The superintendent shall prescribe standard impression 281
sheets to obtain the fingerprint impressions of any person for 282
whom a criminal records check is required by section 173.41, 283
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 284
3722.151, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of 285
the Revised Code. Any person for whom a records check is required 286
by any of those sections shall obtain the fingerprint impressions 287
at a county sheriff's office, municipal police department, or any 288
other entity with the ability to make fingerprint impressions on 289
the standard impression sheets prescribed by the superintendent. 290
The office, department, or entity may charge the person a 291
reasonable fee for making the impressions. 292

(3) Subject to division (D) of this section, the 293
superintendent shall prescribe and charge a reasonable fee for 294
providing a criminal records check requested under section 173.41, 295
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 296
3722.151, 5104.012, 5104.013, 5126.28, 5126.281, or 5153.111 of 297
the Revised Code. The person making a criminal records request 298
under section 173.41, 2151.86, 3301.32, 3301.541, 3319.39, 299
3701.881, 3712.09, 3721.121, 3722.151, 5104.012, 5104.013, 300

5126.28, 5126.281, or 5153.111 of the Revised Code shall pay the fee prescribed pursuant to this division. A person making a request under section 3701.881 of the Revised Code for a criminal records check for 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 shall pay one fee for the request.

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

(E) As used in this section:

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

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

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

Sec. 117.13. (A) The costs of audits of state agencies shall 331
be recovered by the auditor of state in the following manner: 332

333

(1) The costs of all audits of state agencies shall be paid 334
to the auditor of state on statements rendered by ~~him~~ the auditor 335
of state. Money so received by the auditor of state shall be paid 336
into the state treasury to the credit of the public audit expense 337
fund--intrastate, which is hereby created, and shall be used to 338
pay costs related to such audits. The costs of all annual and 339
special audits of a state agency shall be charged to the state 340
agency being audited. The costs of all biennial audits of a state 341
agency shall be paid from money appropriated to the department of 342
administrative services for that purpose. The costs of any 343
assistant auditor, employee, or expert employed pursuant to 344
section 117.09 of the Revised Code called upon to testify in any 345
legal proceedings in regard to any audit, or called upon to review 346
or discuss any matter related to any audit, may be charged to the 347
state agency to which the audit relates. 348

(2) The auditor of state shall establish by rule rates to be 349
charged to state agencies or to the department of administrative 350
services for recovering the costs of audits of state agencies. 351

(B) ~~Any~~ AS USED IN THIS DIVISION, "GOVERNMENT AUDITING 352
STANDARDS" MEANS THE GOVERNMENT AUDITING STANDARDS published by 353
the comptroller general of the United States general accounting 354
office. 355

(1) Except as provided in divisions (B)(2) and (3) of this 356
section, any costs of an audit of a private institution, 357
association, board, or corporation receiving public money for its 358
use shall be charged to the public office providing the public 359
money in the same manner as costs of an audit of the public 360
office. 361

(2) If an audit of a private child PLACING agency or private noncustodial agency receiving public money from a public children services agency for providing child welfare or child protection services sets forth that money has been illegally expended, converted, misappropriated, or is unaccounted for, the costs of the audit shall be charged to the agency being audited in the same manner as costs of an audit of a public office, unless the findings are inconsequential, as defined by government auditing standards. 362-370

(3) If such an audit does not set forth that money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards, the costs of the audit shall be charged as follows: 371-375

(a) One-third of the costs to the agency being audited; 376

(b) One-third of the costs to the public children services agency that provided the public money to the agency being audited; 377-378

(c) One-third of the costs to the department of job and family services. 379-380

(C) The costs of audits of local public offices shall be recovered by the auditor of state in the following manner: 381-382

(1) The total amount of compensation paid assistant auditors of state, their expenses, the cost of employees assigned to assist the assistant auditors of state, the cost of experts employed pursuant to section 117.09 of the Revised Code, and the cost of typing, reviewing, and copying reports shall be borne by the public office to which such assistant auditors of state are so assigned, except that annual vacation and sick leave of assistant auditors of state, employees, and typists shall be financed from the general revenue fund. The necessary traveling and hotel expenses of the deputy inspectors and supervisors of public 383-392

offices shall be paid from the state treasury. Assistant auditors
of state shall be compensated by the taxing district or other
public office audited for activities undertaken pursuant to
division (B) of section 117.18 and section 117.24 of the Revised
Code. The costs of any assistant auditor, employee, or expert
employed pursuant to section 117.09 of the Revised Code called
upon to testify in any legal proceedings in regard to any audit,
or called upon to review or discuss any matter related to any
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. 425

(4) The auditor of state shall provide each local public 426
office a statement or certification of the amount due from the 427
public office for services performed by the auditor of state under 428
this or any other section of the Revised Code, as well as the date 429
upon which payment is due to the auditor of state. Any local 430
public office that does not pay the amount due to the auditor of 431
state by that date may be assessed by the auditor of state for 432
interest from the date upon which the payment is due at the rate 433
per annum prescribed by section 5703.47 of the Revised Code. All 434
interest charges assessed by the auditor of state may be collected 435
in the same manner as audit costs pursuant to division (D) of this 436
section. 437

(D) If the auditor of state fails to receive payment for any 438
amount due from a public office for services performed under this 439
or any other section of the Revised Code, ~~he~~ the auditor of state 440
may seek payment through the office of budget and management. Upon 441
certification by the auditor of state to the director of budget 442
and management of any such amount due, the director shall withhold 443
from the public office any amount available, up to and including 444
the amount certified as due, from any funds under ~~his~~ the 445
director's control that belong to or are lawfully payable or due 446
to the public office. The director shall promptly pay the amount 447
withheld to the auditor of state. If the director determines that 448
no funds due and payable to the public office are available or 449
that insufficient amounts of such funds are available to cover the 450
amount due, the director shall withhold and pay to the auditor of 451
state the amounts available and, in the case of a local public 452
office, certify the remaining amount to the county auditor of the 453
county in which the local public office is located. The county 454
auditor shall withhold from the local public office any amount 455
available, up to and including the amount certified as due, from 456

any funds under ~~his~~ the county auditor's control and belonging to 457
or lawfully payable or due to the local public office. The county 458
auditor shall promptly pay any such amount withheld to the auditor 459
of state. 460

Sec. 117.191. When the auditor of state audits a public 461
children services agency, private child placing agency, or private 462
noncustodial agency, all of the following shall apply: 463

(A) On the request of the agency being audited, the auditing 464
team shall consult with a representative of a national nonprofit 465
organization with expertise in child welfare issues and the cost 466
of the consultation shall be included in the cost of the audit; 467

(B) The audit shall focus on fiscal accountability rather 468
than clinical decision making; 469

(C) The auditor of state shall comply with generally accepted 470
government auditing standards when conducting the audit. 471

Sec. 121.22. (A) This section shall be liberally construed to 472
require public officials to take official action and to conduct 473
all deliberations upon official business only in open meetings 474
unless the subject matter is specifically excepted by law. 475

(B) As used in this section: 476

(1) "Public body" means any of the following: 477

(a) Any board, commission, committee, council, or similar 478
decision-making body of a state agency, institution, or authority, 479
and any legislative authority or board, commission, committee, 480
council, agency, authority, or similar decision-making body of any 481
county, township, municipal corporation, school district, or other 482
political subdivision or local public institution; 483

(b) Any committee or subcommittee of a body described in 484
division (B)(1)(a) of this section; 485

(c) A court of jurisdiction of a sanitary district organized 486
wholly for the purpose of providing a water supply for domestic, 487
municipal, and public use when meeting for the purpose of the 488
appointment, removal, or reappointment of a member of the board of 489
directors of such a district pursuant to section 6115.10 of the 490
Revised Code, if applicable, or for any other matter related to 491
such a district other than litigation involving the district. As 492
used in division (B)(1)(c) of this section, "court of 493
jurisdiction" has the same meaning as "court" in section 6115.01 494
of the Revised Code. 495

(2) "Meeting" means any prearranged discussion of the public 496
business of the public body by a majority of its members. 497

(3) "Regulated individual" means either of the following: 498

(a) A student in a state or local public educational 499
institution; 500

(b) A person who is, voluntarily or involuntarily, an inmate, 501
patient, or resident of a state or local institution because of 502
criminal behavior, mental illness or retardation, disease, 503
disability, age, or other condition requiring custodial care. 504

(C) All meetings of any public body are declared to be public 506
meetings open to the public at all times. A member of a public 507
body shall be present in person at a meeting open to the public to 508
be considered present or to vote at the meeting and for purposes 509
of determining whether a quorum is present at the meeting. 510

The minutes of a regular or special meeting of any public 511
body shall be promptly prepared, filed, and maintained and shall 512
be open to public inspection. The minutes need only reflect the 513
general subject matter of discussions in executive sessions 514
authorized under division (G) or (J) of this section. 515
516

(D) This section does not apply to a <u>any of the following:</u>	517
(1) <u>A grand jury,</u> to an;	518
(2) <u>An</u> 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;	519 520 521
(3) <u>The</u> adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon, to the;	522 523 524
(4) <u>The</u> organized crime investigations commission established under section 177.01 of the Revised Code, to the;	525 526
(5) <u>Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;</u>	527 528 529
(6) <u>The</u> state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code, to the;	530 531 532 533
(7) <u>The</u> board of nursing when determining whether to suspend a license without a prior hearing pursuant to division (B) of section 4723.181 of the Revised Code, or to the;	534 535 536
(8) <u>The</u> executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code.	537 538 539 540
(E) The controlling board, the development financing advisory council, the industrial technology and enterprise advisory council, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible	541 542 543 544 545 546

investment of public funds, by unanimous vote of all board, 547
council, or authority members present, may close the meeting 548
during consideration of the following information confidentially 549
received by the authority, council, or board from the applicant: 550

(1) Marketing plans; 551 552

(2) Specific business strategy; 553

(3) Production techniques and trade secrets; 554

(4) Financial projections; 555

(5) Personal financial statements of the applicant or members 556
of the applicant's immediate family, including, but not limited 557
to, tax records or other similar information not open to public 558
inspection. 559

The vote by the authority, council, or board to accept or 560
reject the application, as well as all proceedings of the 561
authority, council, or board not subject to this division, shall 562
be open to the public and governed by this section. 563

(F) Every public body, by rule, shall establish a reasonable 564
method whereby any person may determine the time and place of all 565
regularly scheduled meetings and the time, place, and purpose of 566
all special meetings. A public body shall not hold a special 567
meeting unless it gives at least twenty-four hours' advance notice 568
to the news media that have requested notification, except in the 569
event of an emergency requiring immediate official action. In the 570
event of an emergency, the member or members calling the meeting 571
shall notify the news media that have requested notification 572
immediately of the time, place, and purpose of the meeting. 573

The rule shall provide that any person, upon request and 574
payment of a reasonable fee, may obtain reasonable advance 575
notification of all meetings at which any specific type of public 576

business is to be discussed. Provisions for advance notification 577
may include, but are not limited to, mailing the agenda of 578
meetings to all subscribers on a mailing list or mailing notices 579
in self-addressed, stamped envelopes provided by the person. 580

(G) Except as provided in division (J) of this section, the 581
members of a public body may hold an executive session only after 582
a majority of a quorum of the public body determines, by a roll 583
call vote, to hold an executive session and only at a regular or 584
special meeting for the sole purpose of the consideration of any 585
of the following matters: 586

(1) To consider the appointment, employment, dismissal, 587
discipline, promotion, demotion, or compensation of a public 588
employee or official, or the investigation of charges or 589
complaints against a public employee, official, licensee, or 590
regulated individual, unless the public employee, official, 591
licensee, or regulated individual requests a public hearing. 592
Except as otherwise provided by law, no public body shall hold an 593
executive session for the discipline of an elected official for 594
conduct related to the performance of the elected official's 595
official duties or for the elected official's removal from office. 596
If a public body holds an executive session pursuant to division 597
(G)(1) of this section, the motion and vote to hold that executive 598
session shall state which one or more of the approved purposes 599
listed in division (G)(1) of this section are the purposes for 600
which the executive session is to be held, but need not include 601
the name of any person to be considered at the meeting. 602

(2) To consider the purchase of property for public purposes, 603
or for the sale of property at competitive bidding, if premature 604
disclosure of information would give an unfair competitive or 605
bargaining advantage to a person whose personal, private interest 606
is adverse to the general public interest. No member of a public 607
body shall use division (G)(2) of this section as a subterfuge for 608

providing covert information to prospective buyers or sellers. A 609
purchase or sale of public property is void if the seller or buyer 610
of the public property has received covert information from a 611
member of a public body that has not been disclosed to the general 612
public in sufficient time for other prospective buyers and sellers 613
to prepare and submit offers. 614

If the minutes of the public body show that all meetings and 615
deliberations of the public body have been conducted in compliance 616
with this section, any instrument executed by the public body 617
purporting to convey, lease, or otherwise dispose of any right, 618
title, or interest in any public property shall be conclusively 619
presumed to have been executed in compliance with this section 620
insofar as title or other interest of any bona fide purchasers, 621
lessees, or transferees of the property is concerned. 622

(3) Conferences with an attorney for the public body 623
concerning disputes involving the public body that are the subject 624
of pending or imminent court action; 625

(4) Preparing for, conducting, or reviewing negotiations or 626
bargaining sessions with public employees concerning their 627
compensation or other terms and conditions of their employment; 628

(5) Matters required to be kept confidential by federal law 629
or regulations or state statutes; 630

(6) Specialized details of security arrangements if 631
disclosure of the matters discussed might reveal information that 632
could be used for the purpose of committing, or avoiding 633
prosecution for, a violation of the law; 634

(7) In the case of a county hospital operated pursuant to 635
Chapter 339. of the Revised Code, to consider trade secrets, as 636
defined in section 1333.61 of the Revised Code. 637

If a public body holds an executive session to consider any 638

of the matters listed in divisions (G)(2) to (7) of this section, 639
the motion and vote to hold that executive session shall state 640
which one or more of the approved matters listed in those 641
divisions are to be considered at the executive session. 642

A public body specified in division (B)(1)(c) of this section 643
shall not hold an executive session when meeting for the purposes 644
specified in that division. 645

(H) A resolution, rule, or formal action of any kind is 646
invalid unless adopted in an open meeting of the public body. A 647
resolution, rule, or formal action adopted in an open meeting that 648
results from deliberations in a meeting not open to the public is 649
invalid unless the deliberations were for a purpose specifically 650
authorized in division (G) or (J) of this section and conducted at 651
an executive session held in compliance with this section. A 652
resolution, rule, or formal action adopted in an open meeting is 653
invalid if the public body that adopted the resolution, rule, or 654
formal action violated division (F) of this section. 655

(I)(1) Any person may bring an action to enforce this 656
section. An action under division (I)(1) of this section shall be 657
brought within two years after the date of the alleged violation 658
or threatened violation. Upon proof of a violation or threatened 659
violation of this section in an action brought by any person, the 660
court of common pleas shall issue an injunction to compel the 661
members of the public body to comply with its provisions. 662

(2)(a) If the court of common pleas issues an injunction 663
pursuant to division (I)(1) of this section, the court shall order 664
the public body that it enjoins to pay a civil forfeiture of five 665
hundred dollars to the party that sought the injunction and shall 666
award to that party all court costs and, subject to reduction as 667
described in division (I)(2) of this section, reasonable 668
attorney's fees. The court, in its discretion, may reduce an award 669

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:

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

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

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

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

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

(J)(1) Pursuant to division (C) of section 5901.09 of the
Revised Code, a veterans service commission shall hold an
executive session for one or more of the following purposes unless

an applicant requests a public hearing: 701

(a) Interviewing an applicant for financial assistance under 702
sections 5901.01 to 5901.15 of the Revised Code; 703

(b) Discussing applications, statements, and other documents 704
described in division (B) of section 5901.09 of the Revised Code; 705

(c) Reviewing matters relating to an applicant's request for 706
financial assistance under sections 5901.01 to 5901.15 of the 707
Revised Code. 708

(2) A veterans service commission shall not exclude an 709
applicant for, recipient of, or former recipient of financial 710
assistance under sections 5901.01 to 5901.15 of the Revised Code, 711
and shall not exclude representatives selected by the applicant, 712
recipient, or former recipient, from a meeting that the commission 713
conducts as an executive session that pertains to the applicant's, 714
recipient's, or former recipient's application for financial 715
assistance. 716

(3) A veterans service commission shall vote on the grant or 717
denial of financial assistance under sections 5901.01 to 5901.15 718
of the Revised Code only in an open meeting of the commission. The 719
minutes of the meeting shall indicate the name, address, and 720
occupation of the applicant, whether the assistance was granted or 721
denied, the amount of the assistance if assistance is granted, and 722
the votes for and against the granting of assistance. 723

Sec. 121.37. (A)(1) There is hereby created the Ohio family 724
and children first cabinet council. The council shall be composed 725
of the superintendent of public instruction and the directors of 726
youth services, job and family services, mental health, health, 727
alcohol and drug addiction services, mental retardation and 728
developmental disabilities, and budget and management. The 729
chairperson of the council shall be the governor or the governor's 730

designee and shall establish procedures for the council's internal control and management. 731
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(2) The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children. 733
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In seeking to fulfill its purpose, the council may do any of the following: 738
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(a) Advise and make recommendations to the governor and general assembly regarding the provision of services to children; 740
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(b) Advise and assess local governments on the coordination of service delivery to children; 742
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(c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law; 744
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(d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system; 748
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(e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; 751
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(f) Enter into contracts with and apply for grants from federal agencies or private organizations; 756
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(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include 758
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provisions regarding the receipt, transfer, and expenditure of funds. 761
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(3) The cabinet council shall provide for the following: 763

(a) Reviews of service and treatment plans for children for which such reviews are requested; 764
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(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils; 766
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(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Education of the Handicapped Act Amendments of 1986," 100 Stat. 1145 (1986), 20 U.S.C.A. 1471, as amended. 769
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(B)(1) Each board of county commissioners shall establish a county family and children first council. ~~A county~~ The board may invite any local public or private agency or group that funds, advocates, or provides services to children and families to have a representative become a permanent or temporary member of its county council. Each county council must include the following individuals: 777
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(a) At least three individuals whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership. 784
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(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of 789
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a county that has a board of alcohol and drug addiction services 791
and a community mental health board, the directors of both boards. 792
If a board of alcohol, drug addiction, and mental health services 793
covers more than one county, the director may designate a person 794
to participate on the county's council. 795

(c) The health commissioner, or the commissioner's designee, 796
of the board of health of each city and general health district in 797
the county. If the county has two or more health districts, the 798
health commissioner membership may be limited to the commissioners 799
of the two districts with the largest populations. 800

(d) The director of the county department of job and family 801
services; 802

(e) The executive director of the county agency responsible 803
for the administration of children services pursuant to section 804
5153.15 of the Revised Code; 805

(f) The superintendent of the county board of mental 806
retardation and developmental disabilities; 807

(g) The county's juvenile court judge senior in service or 808
another judge of the juvenile court designated by the 809
administrative judge or, where there is no administrative judge, 810
by the judge senior in service; 811

(h) The superintendent of the city, exempted village, or 812
local school district with the largest number of pupils residing 813
in the county, as determined by the department of education, which 814
shall notify each board of county commissioners of its 815
determination at least biennially; 816

(i) A school superintendent representing all other school 817
districts with territory in the county, as designated at a 818
biennial meeting of the superintendents of those districts; 819

(j) A representative of the municipal corporation with the 820

largest population in the county; 821

(k) The ~~chair~~ president of the board of county commissioners, 822
or an individual designated by the board; 823

(l) A representative of the regional office of the department 824
of youth services; 825

(m) A representative of the county's head start agencies, as 826
defined in section 3301.31 of the Revised Code; 827

(n) A representative of the county's early intervention 828
collaborative established pursuant to the federal early 829
intervention program operated under the "Education of the 830
Handicapped Act Amendments of 1986"; 831

(o) A representative of a local nonprofit entity that funds, 832
advocates, or provides services to children and families. 833

Notwithstanding any other provision of law, the public 834
members of a county council are not prohibited from serving on the 835
council and making decisions regarding the duties of the council, 836
including those involving the funding of joint projects and those 837
outlined in the county's service coordination mechanism 838
implemented pursuant to division (C) of this section. 839

The cabinet council shall establish a state appeals process 840
to resolve disputes among the members of a county council 841
concerning whether reasonable responsibilities as members are 842
being shared. The appeals process may be accessed only by a 843
majority vote of the council members who are required to serve on 844
the council. Upon appeal, the cabinet council may order that state 845
funds for services to children and families be redirected to a 846
county's board of county commissioners. 847

(2) A county council shall provide for the following: 848

(a) Referrals to the cabinet council of those children for 849
whom the county council cannot provide adequate services; 850

(b) Development and implementation of a process that annually 851
evaluates and prioritizes services, fills service gaps where 852
possible, and invents new approaches to achieve better results for 853
families and children; 854

(c) Participation in the development of a countywide, 855
comprehensive, coordinated, multi-disciplinary, interagency system 856
for infants and toddlers with developmental disabilities or delays 857
and their families, as established pursuant to federal grants 858
received and administered by the department of health for early 859
intervention services under the "Education of the Handicapped Act 860
Amendments of 1986"; 861

(d) Maintenance of an accountability system to monitor the 862
county council's progress in achieving results for families and 863
children; 864

(e) Establishment of a mechanism to ensure ongoing input from 865
a broad representation of families who are receiving services 866
within the county system. 867

(3)(a) Except as provided in division (B)(3)(b) of this 868
section, a county council shall comply with the policies, 869
procedures, and activities prescribed by the rules or interagency 870
agreements of a state department participating on the cabinet 871
council whenever the county council performs a function subject to 872
those rules or agreements. 873

(b) On application of a county council, the cabinet council 874
may grant an exemption from any rules or interagency agreements of 875
a state department participating on the council if an exemption is 876
necessary for the council to implement an alternative program or 877
approach for service delivery to families and children. The 878
application shall describe the proposed program or approach and 879
specify the rules or interagency agreements from which an 880
exemption is necessary. The cabinet council shall approve or 881

disapprove the application in accordance with standards and 882
procedures it shall adopt. If an application is approved, the 883
exemption is effective only while the program or approach is being 884
implemented, including a reasonable period during which the 885
program or approach is being evaluated for effectiveness. 886

(4)(a) Each county council shall designate an administrative 887
agent for the council from among the following public entities: 888
the board of alcohol, drug addiction, and mental health services, 889
including a board of alcohol and drug addiction or a community 890
mental health board if the county is served by separate boards; 891
the board of county commissioners; any board of health of the 892
county's city and general health districts; the county department 893
of job and family services; the county agency responsible for the 894
administration of children services pursuant to section 5153.15 of 895
the Revised Code; the county board of mental retardation and 896
developmental disabilities; any of the county's boards of 897
education or governing boards of educational service centers; or 898
the county's juvenile court. Any of the foregoing public entities, 899
other than the board of county commissioners, may decline to serve 900
as the council's administrative agent. 901

A county council's administrative agent shall serve as the 902
council's appointing authority for any employees of the council. 903
The council shall file an annual budget with its administrative 904
agent, with copies filed with the county auditor and with the 905
board of county commissioners, unless the board is serving as the 906
council's administrative agent. The council's administrative agent 907
shall ensure that all expenditures are handled in accordance with 908
policies, procedures, and activities prescribed by state 909
departments in rules or interagency agreements that are applicable 910
to the council's functions. 911

The administrative agent for a county council may do any of 912
the following on behalf of the council: 913

~~(a)(i)~~ Enter into agreements or administer contracts with public or private entities to fulfill specific council business. Such agreements and contracts are exempt from the competitive bidding requirements of section 307.86 of the Revised Code if they have been approved by the county council and they are for the purchase of family and child welfare or child protection services or other social or job and family services for families and children. The approval of the county council is not required to exempt agreements or contracts entered into under section 5139.34, 5139.41, or 5139.43 of the Revised Code from the competitive bidding requirements of section 307.86 of the Revised Code.

~~(b)(ii)~~ As determined by the council, provide financial stipends, reimbursements, or both, to family representatives for expenses related to council activity;

~~(c)(iii)~~ Receive by gift, grant, devise, or bequest any moneys, lands, or other property for the purposes for which the council is established. The agent shall hold, apply, and dispose of the moneys, lands, or other property according to the terms of the gift, grant, devise, or bequest. Any interest or earnings shall be treated in the same manner and are subject to the same terms as the gift, grant, devise, or bequest from which it accrues.

(b)(i) If the county council designates the board of county commissioners as its administrative agent, the board may, by resolution, delegate any of its powers and duties as administrative agent to an executive committee the board establishes from the membership of the county council. The board shall name to the executive committee at least the individuals described in divisions (B)(1)(b) through (h) of this section and may appoint the president of the board or another individual as the chair of the executive committee.

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business. 945
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(iii) The board may require the executive committee to submit an annual budget to the board for approval and may amend or repeal the resolution that delegated to the executive committee its authority as the county council's administrative agent. 952
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(5) Two or more county councils may enter into an agreement to administer their county councils jointly by creating a regional family and children first council. A regional council possesses the same duties and authority possessed by a county council, except that the duties and authority apply regionally rather than to individual counties. Prior to entering into an agreement to create a regional council, the members of each county council to be part of the regional council shall meet to determine whether all or part of the members of each county council will serve as members of the regional council. 956
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(6) A board of county commissioners may approve a resolution by a majority vote of the board's members that requires the county council to submit a statement to the board each time the council proposes to enter into an agreement, adopt a plan, or make a decision, other than a decision pursuant to section 121.38 of the Revised Code, that requires the expenditure of funds for two or more families. The statement shall describe the proposed agreement, plan, or decision. 966
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Not later than fifteen days after the board receives the statement, it shall, by resolution approved by a majority of its 974
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members, approve or disapprove the agreement, plan, or decision. 976
Failure of the board to pass a resolution during that time period 977
shall be considered approval of the agreement, plan, or decision. 978

An agreement, plan, or decision for which a statement is 979
required to be submitted to the board shall be implemented only if 980
it is approved by the board. 981

(C) Each county shall develop a county service coordination 982
mechanism. The mechanism shall be developed and approved with the 983
participation of the county entities representing child welfare; 984
mental retardation and developmental disabilities; alcohol, drug 985
addiction, and mental health services; health; juvenile judges; 986
education; the county family and children first council; and the 987
county early intervention collaborative established pursuant to 988
the federal early intervention program operated under the 989
"Education of the Handicapped Act Amendments of 1986." The county 990
shall establish an implementation schedule for the mechanism. The 991
cabinet council may monitor the implementation and administration 992
of each county's service coordination mechanism. 993

Each mechanism shall include all of the following: 994

(1) A procedure for assessing the needs of any child, 995
including a child who is an abused, neglected, dependent, unruly, 996
or delinquent child and under the jurisdiction of the juvenile 997
court or a child whose parent or custodian is voluntarily seeking 998
services; 999

(2) A procedure for assessing the service needs of the family 1000
of any child, including a child who is an abused, neglected, 1001
dependent, unruly, or delinquent child and under the jurisdiction 1002
of the juvenile court or a child whose parent or custodian is 1003
voluntarily seeking services; 1004

(3) A procedure for development of a comprehensive joint 1005
service plan designating service responsibilities among the 1006

various state and local agencies that provide services to children 1007
and their families, including children who are abused, neglected, 1008
dependent, unruly, or delinquent children and under the 1009
jurisdiction of the juvenile court and children whose parents or 1010
custodians are voluntarily seeking services; 1011

(4) A local dispute resolution process to serve as the 1012
process that must be used first to resolve disputes among the 1013
agencies represented on the county council concerning the 1014
provision of services to children, including children who are 1015
abused, neglected, dependent, unruly, or delinquent children and 1016
under the jurisdiction of the juvenile court and children whose 1017
parents or custodians are voluntarily seeking services. The local 1018
dispute resolution process shall comply with section 121.38 of the 1019
Revised Code. The cabinet council shall adopt rules in accordance 1020
with Chapter 119. of the Revised Code establishing an 1021
administrative review process to address problems that arise 1022
concerning the operation of a local dispute resolution process. 1023

Sec. 149.43. (A) As used in this section: 1024

(1) "Public record" means any record that is kept by any 1025
public office, including, but not limited to, state, county, city, 1026
village, township, and school district units, except that "public 1027
record" does not mean any of the following: 1028

(a) Medical records; 1029

(b) Records pertaining to probation and parole proceedings; 1030

(c) Records pertaining to actions under section 2151.85 and 1031
division (C) of section 2919.121 of the Revised Code and to 1032
appeals of actions arising under those sections; 1033

(d) Records pertaining to adoption proceedings, including the 1034
contents of an adoption file maintained by the department of 1035
health under section 3705.12 of the Revised Code; 1036

(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;	1037 1038 1039 1040 1041 1042
(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;	1043 1044 1045
(g) Trial preparation records;	1046
(h) Confidential law enforcement investigatory records;	1047
(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	1048 1049
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	1050 1051
(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;	1052 1053 1054 1055
(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;	1056 1057 1058 1059
(m) Intellectual property records;	1060
(n) Donor profile records;	1061
(o) Records maintained by the department of human services pursuant to section 5101.312 of the Revised Code;	1062 1063
(p) Peace officer residential and familial information;	1064
(q) In the case of a county hospital operated pursuant to	1065

Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code; 1066
1067

(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; 1068
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(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; 1073
1074
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1076

(t) Records the release of which is prohibited by state or federal law. 1077
1078

(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: 1079
1080
1081
1082
1083

(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; 1084
1085
1086
1087

(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; 1088
1089
1090
1091

(c) Specific confidential investigatory techniques or procedures or specific investigatory work product; 1092
1093

(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or 1094
1095

a confidential information source. 1096

(3) "Medical record" means any document or combination of 1097
documents, except births, deaths, and the fact of admission to or 1098
discharge from a hospital, that pertains to the medical history, 1099
diagnosis, prognosis, or medical condition of a patient and that 1100
is generated and maintained in the process of medical treatment. 1101

(4) "Trial preparation record" means any record that contains 1102
information that is specifically compiled in reasonable 1103
anticipation of, or in defense of, a civil or criminal action or 1104
proceeding, including the independent thought processes and 1105
personal trial preparation of an attorney. 1106

(5) "Intellectual property record" means a record, other than 1107
a financial or administrative record, that is produced or 1108
collected by or for faculty or staff of a state institution of 1109
higher learning in the conduct of or as a result of study or 1110
research on an educational, commercial, scientific, artistic, 1111
technical, or scholarly issue, regardless of whether the study or 1112
research was sponsored by the institution alone or in conjunction 1113
with a governmental body or private concern, and that has not been 1114
publicly released, published, or patented. 1115

(6) "Donor profile record" means all records about donors or 1116
potential donors to a public institution of higher education 1117
except the names and reported addresses of the actual donors and 1118
the date, amount, and conditions of the actual donation. 1119

(7) "Peace officer residential and familial information" 1120
means information that discloses any of the following: 1121

(a) The address of the actual personal residence of a peace 1122
officer, except for the state or political subdivision in which 1123
the peace officer resides; 1124

(b) Information compiled from referral to or participation in 1125

an employee assistance program; 1126

(c) The social security number, the residential telephone 1127
number, any bank account, debit card, charge card, or credit card 1128
number, or the emergency telephone number of, or any medical 1129
information pertaining to, a peace officer; 1130

(d) The name of any beneficiary of employment benefits, 1131
including, but not limited to, life insurance benefits, provided 1132
to a peace officer by the peace officer's employer; 1133

(e) The identity and amount of any charitable or employment 1134
benefit deduction made by the peace officer's employer from the 1135
peace officer's compensation unless the amount of the deduction is 1136
required by state or federal law; 1137

(f) The name, the residential address, the name of the 1138
employer, the address of the employer, the social security number, 1139
the residential telephone number, any bank account, debit card, 1140
charge card, or credit card number, or the emergency telephone 1141
number of the spouse, a former spouse, or any child of a peace 1142
officer. 1143

As used in divisions (A)(7) and (B)(5) of this section, 1144
"peace officer" has the same meaning as in section 109.71 of the 1145
Revised Code, except that "peace officer" does not include the 1146
sheriff of a county or a supervisory employee who, in the absence 1147
of the sheriff, is authorized to stand in for, exercise the 1148
authority of, and perform the duties of the sheriff. 1149

(B)(1) Subject to division (B)(4) of this section, all public 1150
records shall be promptly prepared and made available for 1151
inspection to any person at all reasonable times during regular 1152
business hours. Subject to division (B)(4) of this section, upon 1153
request, a public office or person responsible for public records 1154
shall make copies available at cost, within a reasonable period of 1155
time. In order to facilitate broader access to public records, 1156

public offices shall maintain public records in a manner that they 1157
can be made available for inspection in accordance with this 1158
division. 1159

(2) If any person chooses to obtain a copy of a public record 1160
in accordance with division (B)(1) of this section, the public 1161
office or person responsible for the public record shall permit 1162
that person to choose to have the public record duplicated upon 1163
paper, upon the same medium upon which the public office or person 1164
responsible for the public record keeps it, or upon any other 1165
medium upon which the public office or person responsible for the 1166
public record determines that it reasonably can be duplicated as 1167
an integral part of the normal operations of the public office or 1168
person responsible for the public record. When the person seeking 1169
the copy makes a choice under this division, the public office or 1170
person responsible for the public record shall provide a copy of 1171
it in accordance with the choice made by the person seeking the 1172
copy. 1173

(3) Upon a request made in accordance with division (B)(1) of 1174
this section, a public office or person responsible for public 1175
records shall transmit a copy of a public record to any person by 1176
United States mail within a reasonable period of time after 1177
receiving the request for the copy. The public office or person 1178
responsible for the public record may require the person making 1179
the request to pay in advance the cost of postage and other 1180
supplies used in the mailing. 1181

Any public office may adopt a policy and procedures that it 1182
will follow in transmitting, within a reasonable period of time 1183
after receiving a request, copies of public records by United 1184
States mail pursuant to this division. A public office that adopts 1185
a policy and procedures under this division shall comply with them 1186
in performing its duties under this division. 1187

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 1220
officer's spouse, former spouse, or child. The request shall 1221
include the journalist's name and title and the name and address 1222
of the journalist's employer and shall state that disclosure of 1223
the information sought would be in the public interest. 1224

As used in division (B)(5) of this section, "journalist" 1225
means a person engaged in, connected with, or employed by any news 1226
medium, including a newspaper, magazine, press association, news 1227
agency, or wire service, a radio or television station, or a 1228
similar medium, for the purpose of gathering, processing, 1229
transmitting, compiling, editing, or disseminating information for 1230
the general public. 1231

(C) If a person allegedly is aggrieved by the failure of a 1232
public office to promptly prepare a public record and to make it 1233
available to the person for inspection in accordance with division 1234
(B) of this section, or if a person who has requested a copy of a 1235
public record allegedly is aggrieved by the failure of a public 1236
office or the person responsible for the public record to make a 1237
copy available to the person allegedly aggrieved in accordance 1238
with division (B) of this section, the person allegedly aggrieved 1239
may commence a mandamus action to obtain a judgment that orders 1240
the public office or the person responsible for the public record 1241
to comply with division (B) of this section and that awards 1242
reasonable attorney's fees to the person that instituted the 1243
mandamus action. The mandamus action may be commenced in the court 1244
of common pleas of the county in which division (B) of this 1245
section allegedly was not complied with, in the supreme court 1246
pursuant to its original jurisdiction under Section 2 of Article 1247
IV, Ohio Constitution, or in the court of appeals for the 1248
appellate district in which division (B) of this section allegedly 1249
was not complied with pursuant to its original jurisdiction under 1250
Section 3 of Article IV, Ohio Constitution. 1251

(D) Chapter 1347. of the Revised Code does not limit the 1252
provisions of this section. 1253

(E)(1) The bureau of motor vehicles may adopt rules pursuant 1254
to Chapter 119. of the Revised Code to reasonably limit the number 1255
of bulk commercial special extraction requests made by a person 1256
for the same records or for updated records during a calendar 1257
year. The rules may include provisions for charges to be made for 1258
bulk commercial special extraction requests for the actual cost of 1259
the bureau, plus special extraction costs, plus ten per cent. The 1260
bureau may charge for expenses for redacting information, the 1261
release of which is prohibited by law. 1262

(2) As used in divisions (B)(3) and (E)(1) of this section: 1263

(a) "Actual cost" means the cost of depleted supplies, 1264
records storage media costs, actual mailing and alternative 1265
delivery costs, or other transmitting costs, and any direct 1266
equipment operating and maintenance costs, including actual costs 1267
paid to private contractors for copying services. 1268

(b) "Bulk commercial special extraction request" means a 1269
request for copies of a record for information in a format other 1270
than the format already available, or information that cannot be 1271
extracted without examination of all items in a records series, 1272
class of records, or data base by a person who intends to use or 1273
forward the copies for surveys, marketing, solicitation, or resale 1274
for commercial purposes. "Bulk commercial special extraction 1275
request" does not include a request by a person who gives 1276
assurance to the bureau that the person making the request does 1277
not intend to use or forward the requested copies for surveys, 1278
marketing, solicitation, or resale for commercial purposes. 1279

(c) "Commercial" means profit-seeking production, buying, or 1280
selling of any good, service, or other product. 1281

(d) "Special extraction costs" means the cost of the time 1282

spent by the lowest paid employee competent to perform the task, 1283
the actual amount paid to outside private contractors employed by 1284
the bureau, or the actual cost incurred to create computer 1285
programs to make the special extraction. "Special extraction 1286
costs" include any charges paid to a public agency for computer or 1287
records services. 1288

(3) For purposes of divisions (E)(1) and (2) of this section, 1289
"commercial surveys, marketing, solicitation, or resale" shall be 1290
narrowly construed and does not include reporting or gathering 1291
news, reporting or gathering information to assist citizen 1292
oversight or understanding of the operation or activities of 1293
government, or nonprofit educational research. 1294

Sec. 305.14. (A) The court of common pleas, upon the 1295
application of the prosecuting attorney and the board of county 1296
commissioners, may authorize the board to employ legal counsel to 1297
assist the prosecuting attorney, the board, or any other county 1298
officer in any matter of public business coming before such board 1299
or officer, and in the prosecution or defense of any action or 1300
proceeding in which such board or officer is a party or has an 1301
interest, in its official capacity. 1302

(B) The board of county commissioners may also employ legal 1303
counsel, as provided in section 309.09 of the Revised Code, to 1304
represent it in any matter of public business coming before such 1305
board, and in the prosecution or defense of any action or 1306
proceeding in which such board is a party or has an interest, in 1307
its official capacity. 1308

(C) Notwithstanding division (A) of this section and except 1309
as provided in division (D) of this section, a county board of 1310
mental retardation and developmental disabilities or a public 1311
children services agency may, without the authorization of the 1312
court of common pleas, employ legal counsel to advise it or to 1313

represent it or any of its members or employees in any matter of 1314
public business coming before the board or agency or in the 1315
prosecution or defense of any action or proceeding in which the 1316
board or agency in its official capacity, or a board or agency 1317
member or employee in ~~his~~ the member's or employee's official 1318
capacity, is a party or has an interest, ~~except that in.~~ 1319

(D)(1) In any legal proceeding in which the prosecuting 1320
attorney is fully able to perform ~~his~~ the prosecuting attorney's 1321
statutory duty to represent the county board of mental retardation 1322
and developmental disabilities or public children services agency 1323
without conflict of interest, the board or agency shall employ 1324
other counsel only with the written consent of the prosecuting 1325
attorney. In any legal proceeding in which the prosecuting 1326
attorney is unable, for any reason, to represent the board or 1327
agency, he the prosecuting attorney shall so notify the board or 1328
agency, and, except as provided in division (D)(2) of this 1329
section, the board or agency may then employ counsel for the 1330
proceeding without further permission from any authority. 1331

(2) A public children services agency that receives money 1332
from the county general revenue fund must obtain the permission of 1333
the board of county commissioners of the county served by the 1334
agency before employing counsel under division (C) of this 1335
section. 1336

Sec. 307.441. (A) The board of county commissioners of each 1337
county may procure a policy or policies of insurance insuring the 1338
county recorder and the clerk of the court of common pleas and 1339
their deputies against liability on account of errors or omissions 1340
unknowingly made by them and for which they may be held liable. 1341

The policy or policies of insurance shall be in an amount of 1342
not less than fifty thousand dollars. 1343

(B) The board of county commissioners of each county may 1344

procure a policy or policies of insurance insuring the sheriff and 1345
his deputies against liability arising from the performance of 1346
their official duties. 1347

(C) The board of county commissioners of each county may 1348
procure a policy or policies of insurance insuring the prosecuting 1349
attorney and assistant prosecuting attorneys against liability 1350
arising from the performance of their official duties. 1351

(D) The board of county commissioners of each county may 1352
procure a policy or policies of insurance insuring the coroner, 1353
county engineer, county auditor, each county commissioner, and the 1354
county treasurer and their assistants against liability arising 1355
from the performance of their official duties. 1356

(E) The board of county commissioners of each county may 1357
procure a policy or policies of insurance insuring any county 1358
employee against liability arising from the performance of ~~his~~ the 1359
county employee's official duties. 1360

(F) If the board of county commissioners of any county 1361
procures a policy or policies of insurance insuring any county 1362
official against liability arising from the performance of ~~his~~ the 1363
county official's official duties as provided by divisions (A) to 1364
(D) of this section, it shall not refuse to procure a policy or 1365
policies of insurance insuring any other county official as 1366
authorized in those divisions, if such policy or policies are 1367
reasonably available. 1368

(G) The board of county commissioners of any county may 1369
procure a policy or policies of insurance insuring the county 1370
director of job and family services, county department of job and 1371
family services employees, or foster ~~parents~~ caregivers associated 1372
with the county department of job and family services, against 1373
liability arising from the performance of their official duties. 1374

(H) The board of county commissioners of each county may 1375

procure a policy or policies of insurance insuring the county 1376
public defender and the members of the county public defender 1377
commission against liability arising from the performance of their 1378
official duties. A joint board of county commissioners formed 1379
pursuant to section 120.23 of the Revised Code may, in accordance 1380
with the agreement of the participating boards of county 1381
commissioners, procure a policy or policies of insurance insuring 1382
the joint county public defender and the members of the joint 1383
county public defender commission against liability arising from 1384
the performance of their official duties. 1385

(I) The board of county commissioners of each county may 1386
procure a policy or policies of insurance insuring the judges of 1387
the court of common pleas and any county court in the county, and 1388
the employees of those courts, against liability arising from the 1389
performance of their official duties. 1390

Sec. 307.621. A board of county commissioners shall appoint a 1391
health commissioner of the board of health of a city or general 1392
health district that is entirely or partially located in the 1393
county in which the board of county commissioners is located to 1394
establish a child fatality review board to review the deaths of 1395
children under eighteen years of age. The boards of county 1396
commissioners of two or more counties may, by adopting a joint 1397
resolution passed by a majority of the members of each 1398
participating board of county commissioners, create a regional 1399
child fatality review board to serve all participating counties. 1400
The joint resolution shall appoint, for each county participating 1401
as part of the regional review board, one health commissioner from 1402
a board of health of a city or general health district located at 1403
least in part in each county. The health commissioners appointed 1404
shall select one of their number as the health commissioner to 1405
establish the regional review board. The regional review board 1406

shall be established in the same manner as provided for single 1407
county review boards. 1408

In any county that has a body acting as a child fatality 1409
review board on the effective date of this section, the board of 1410
county commissioners of that county, in lieu of having a health 1411
commissioner establish a child fatality review board, shall 1412
appoint that body to function as the child fatality review board 1413
for the county. The body shall have the same duties, obligations, 1414
and protections as a child fatality review board appointed by a 1415
health commissioner. The board of county commissioners or an 1416
individual designated by the board shall convene the body as 1417
required by section 307.624 of the Revised Code. 1418

Sec. 307.622. (A) The health commissioner of the board of 1419
health of a city or a general health district who is appointed 1420
under section 307.621 of the Revised Code to establish the child 1421
fatality review board shall select six members to serve on the 1422
child fatality review board along with the commissioner. The 1423
review board shall consist of the following: 1424

(1) A county coroner or designee; 1425

(2) The chief of police of a police department or the sheriff 1426
that serves the greatest population in the county or region or a 1427
designee of the chief or sheriff; 1428

(3) The executive director of a public children services 1429
agency or designee; 1430

(4) A public health official or designee; 1431

(5) The executive director of a board of alcohol, drug 1432
addiction, and mental health services or designee; 1433

(6) A physician who holds a certificate issued pursuant to 1434
Chapter 4731. of the Revised Code authorizing the practice of 1435

medicine and surgery or osteopathic medicine and surgery, 1436
specializes in pediatric or family medicine, and currently 1437
practices pediatric or family medicine. 1438

(B) The majority of the members of a review board may invite 1439
additional members to serve on the board. The additional members 1440
invited under this division shall serve for a period of time 1441
determined by a majority of the members described in division (A) 1442
of this section. An additional member shall have the same 1443
authority, duties, and responsibilities as members described in 1444
division (A) of this section. 1445

(C) A vacancy in a child fatality review board shall be 1446
filled in the same manner as the original appointment. 1447

(D) A child fatality review board member shall not receive 1448
any compensation for, and shall not be paid for any expenses 1449
incurred pursuant to, fulfilling the member's duties on the board 1450
unless compensation for, or payment for expenses incurred pursuant 1451
to, those duties is received pursuant to a member's regular 1452
employment. 1453

Sec. 307.623. The purpose of the child fatality review board 1454
is to decrease the incidence of preventable child deaths by doing 1455
all of the following: 1456

(A) PROMOTING COOPERATION, COLLABORATION, AND COMMUNICATION 1457
BETWEEN ALL GROUPS, PROFESSIONS, AGENCIES, OR ENTITIES THAT SERVE 1458
FAMILIES AND CHILDREN; 1459

(B) MAINTAINING A COMPREHENSIVE DATABASE OF ALL CHILD DEATHS 1460
THAT OCCUR IN THE COUNTY OR REGION SERVED BY THE CHILD FATALITY 1461
REVIEW BOARD IN ORDER TO DEVELOP AN UNDERSTANDING OF THE CAUSES 1462
AND INCIDENCE OF THOSE DEATHS; 1463

(C) RECOMMENDING AND DEVELOPING PLANS FOR IMPLEMENTING LOCAL 1464
SERVICE AND PROGRAM CHANGES and changes to the groups, 1465

professions, agencies, or entities that serve families and 1466
children that MIGHT PREVENT CHILD DEATHS; 1467

(D) ADVISING THE DEPARTMENT OF HEALTH OF AGGREGATE DATA, 1468
TRENDS, AND PATTERNS CONCERNING CHILD DEATHS. 1469

Sec. 307.624. The board of county commissioners, or if a 1470
regional child fatality review board is established, the group of 1471
health commissioners appointed to select the health commissioner 1472
to establish the regional review board, shall designate either the 1473
health commissioner that establishes the review board or a 1474
representative of the health commissioner to convene meetings and 1475
be the chairperson of the review board. If a regional review board 1476
includes a county with more than one health district, the regional 1477
review board meeting shall be convened in that county. If more 1478
than one of the counties participating on the regional review 1479
board has more than one health district, the person convening the 1480
meeting shall select one of the counties with more than one health 1481
district as the county in which to convene the meeting. The person 1482
designated to convene the review board shall convene it at least 1483
once a year to review, in accordance with this section and the 1484
rules adopted by the department of health under section 3701.045 1485
of the Revised Code, the deaths of all children under eighteen 1486
years of age who, at the time of death, were residents of the 1487
county or, if a regional review board, one of the participating 1488
counties. 1489

Sec. 307.625. A child fatality review board may not conduct a 1490
review of the death of a child described in section 307.624 of the 1491
Revised Code while an investigation of the death or prosecution of 1492
a person for causing the death is pending unless the prosecuting 1493
attorney agrees to allow the review. The law enforcement agency 1494
conducting the criminal investigation, on the conclusion of the 1495
investigation, and the prosecuting attorney prosecuting the case, 1496

on the conclusion of the prosecution, shall notify the chairperson 1497
of the review board of the conclusion. 1498

Sec. 307.626. (A) By the first day of April of each year, the 1499
person convening the child fatality review board shall prepare and 1500
submit to the Ohio department of health a report that includes all 1501
of the following information with respect to each child death that 1502
was reviewed by the review board in the previous calendar year: 1503

- (1) The cause of death; 1505
- (2) Factors contributing to death; 1506
- (3) Age; 1507
- (4) Sex; 1508
- (5) Race; 1509
- (6) The geographic location of death; 1510
- (7) The year of death. 1511

The report shall specify the number of child deaths that have 1512
not been reviewed since the effective date of this section. 1513

The report may include RECOMMENDATIONS FOR ACTIONS THAT MIGHT 1514
PREVENT OTHER DEATHS, as well as any other information the review 1515
board determines should be included. 1516

(B) Reports prepared under this section shall be considered 1517
public records under section 149.43 of the Revised Code. 1518

Sec. 307.627. (A) Notwithstanding section 3701.243 and any 1519
other section of the Revised Code pertaining to confidentiality, 1520
any individual; public children services agency, private child 1521
placing agency, or agency that provides services specifically to 1522
individuals or families; law enforcement agency; or other public 1523

or private entity that provided services to a child whose death is 1524
being reviewed by a child fatality review board, on the request of 1525
the review board, shall submit to the review board a summary sheet 1526
of information. With respect to a request made to a health care 1527
entity, the summary sheet shall contain only information available 1528
and reasonably drawn from the child's medical record created by 1529
the health care entity. With respect to a request made to any 1530
other individual or entity, the summary shall contain only 1531
information available and reasonably drawn from any record 1532
involving the child that the individual or entity develops in the 1533
normal course of business. On the request of the review board, an 1534
individual or entity may, at the individual or entity's 1535
discretion, make any additional information, documents, or reports 1536
available to the review board. For purposes of the review, the 1537
review board shall have access to confidential information 1538
PROVIDED TO THE REVIEW BOARD UNDER THIS DIVISION OR DIVISION 1539
(H)(4) OF SECTION 2151.421 OF THE REVISED CODE, and each member of 1540
the review board shall preserve the confidentiality of that 1541
information. 1542

(B) Notwithstanding division (A) of this section, no person, 1543
entity, law enforcement agency, or prosecuting attorney shall 1544
provide any information regarding the death of a child to a child 1545
fatality review board while an investigation of the death or 1546
prosecution of a person for causing the death is pending unless 1547
the prosecuting attorney has agreed pursuant to section 307.625 of 1548
the Revised Code to allow review of the death. 1549

Sec. 307.628. (A) An individual or public or private entity 1550
providing information, documents, or reports to a child fatality 1551
review board is immune from any civil liability for injury, death, 1552
or loss to person or property that otherwise might be incurred or 1553
imposed as a result of providing the information, documents, or 1554

reports to the review board. 1555

(B) Each member of a review board is immune from any civil 1556
liability for injury, death, or loss to person or property that 1557
might otherwise be incurred or imposed as a result of the member's 1558
participation on the review board. 1559

Sec. 307.629. (A) Except as provided in sections 5153.171 to 1560
5153.173 of the Revised Code, any information, document, or report 1561
presented to a child fatality review board, ALL STATEMENTS MADE BY 1562
review board MEMBERS DURING MEETINGS OF THE REVIEW board, AND ALL 1563
WORK PRODUCTS OF THE REVIEW board, OTHER THAN THE REPORT PREPARED 1564
PURSUANT TO SECTION 307.626 OF THE REVISED CODE, ARE confidential 1565
and shall be used by the review board and its members only in the 1566
exercise of the proper functions of the review board. 1567

(B) No person shall permit or encourage the unauthorized 1568
dissemination of the confidential information described in 1569
division (A) of this section. 1570

(C) Whoever violates division (B) of this section is guilty 1571
of a misdemeanor of the second degree. 1572

Sec. 2101.11. (A)(1) The probate judge shall have the care 1573
and custody of the files, papers, books, and records belonging to 1574
the probate court. The probate judge is authorized to perform the 1575
duties of clerk of the judge's court. The probate judge may 1576
appoint deputy clerks, stenographers, a bailiff, and any other 1577
necessary employees, each of whom shall take an oath of office 1578
before entering upon the duties of the employee's appointment and, 1579
when so qualified, may perform the duties appertaining to the 1580
office of clerk of the court. 1581

(2)(a) The probate judge shall provide for one or more 1582
probate court investigators to perform the duties that are 1583

established for a probate court investigator by the Revised Code 1584
or the probate judge. The probate judge may provide for an 1585
investigator in any of the following manners, as the court 1586
determines is appropriate: 1587

(i) By appointing a person as a full-time or part-time 1588
employee of the probate court to serve as investigator, or by 1589
designating a current full-time or part-time employee of the 1590
probate court to serve as investigator; 1591

(ii) By contracting with a person to serve and be compensated 1592
as investigator only when needed by the probate court, as 1593
determined by the court, and by designating that person as a 1594
probate court investigator during the times when the person is 1595
performing the duties of an investigator for the court; 1596

(iii) By entering into an agreement with another department 1597
or agency of the county, including, but not limited to, the 1598
sheriff's department or the county department of job and family 1599
services, pursuant to which an employee of the other department or 1600
agency will serve and perform the duties of investigator for the 1601
court, upon request of the probate judge, and designating that 1602
employee as a probate court investigator during the times when the 1603
person is performing the duties of an investigator for the court. 1604

(b) Each person appointed or otherwise designated as a 1605
probate court investigator shall take an oath of office before 1606
entering upon the duties of the person's appointment. When so 1607
qualified, an investigator may perform the duties that are 1608
established for a probate court investigator by the Revised Code 1609
or the probate judge. 1610

(c) Except as otherwise provided in this division, a probate 1611
court investigator shall hold at least a bachelor's degree in 1612
social work, psychology, education, special education, or a 1613
related human services field. A probate judge may waive the 1614

education requirement of this division for a person the judge
appoints or otherwise designates as a probate court investigator
if the judge determines that the person has experience in family
services work that is equivalent to the required education.

(d) Within one year after appointment or designation, a
probate court investigator shall attend an orientation course of
at least six hours, and each calendar year after the calendar year
of appointment or designation, a probate court investigator shall
satisfactorily complete at least six hours of continuing
education.

(e) For purposes of divisions (A)(4), (B), and (C) of this
section, a person designated as a probate court investigator under
division (A)(2)(a)(ii) or (iii) of this section shall be
considered an appointee of the probate court at any time that the
person is performing the duties established under the Revised Code
or by the probate judge for a probate court investigator.

(3)(a) The probate judge may provide for one or more persons
to perform the duties of an assessor under sections 3107.031,
3107.082, 3107.09, and 3107.12 of the Revised Code or may enter
into agreements with public children services agencies, private
child placing agencies, or private noncustodial agencies under
which the agency provides for one or more persons to perform the
duties of an assessor. A probate judge who provides for an
assessor shall do so in either of the following manners, as the
judge considers appropriate:

(i) By appointing a person as a full-time or part-time
employee of the probate court to serve as assessor, or by
designating a current full-time or part-time employee of the
probate court to serve as assessor;

(ii) By contracting with a person to serve and be compensated
as assessor only when needed by the probate court, as determined

by the court, and by designating that person as an assessor during 1646
the times when the person is performing the duties of an assessor 1647
for the court. 1648

(b) Each person appointed or designated as a probate court 1649
assessor shall take an oath of office before entering on the 1650
duties of the person's appointment. 1651

(c) A probate court assessor must meet the qualifications for 1652
an assessor established by section ~~3107.012~~ 3107.014 of the 1653
Revised Code. 1654

(d) A probate court assessor shall perform additional duties, 1655
including duties of an investigator under division (A)(2) of this 1656
section, when the probate judge assigns additional duties to the 1657
assessor. 1658

(e) For purposes of divisions (A)(4), (B), and (C) of this 1659
section, a person designated as a probate court assessor shall be 1660
considered an appointee of the probate court at any time that the 1661
person is performing assessor duties. 1662

(4) Each appointee of the probate judge may administer oaths 1663
in all cases when necessary, in the discharge of official duties. 1664

(B)(1)(a) Subject to the appropriation made by the board of 1665
county commissioners pursuant to this division, each appointee of 1666
a probate judge under division (A) of this section shall receive 1667
such compensation and expenses as the judge determines and shall 1668
serve during the pleasure of the judge. The compensation of each 1669
appointee shall be paid in semimonthly installments by the county 1670
treasurer from the county treasury, upon the warrants of the 1671
county auditor, certified to by the judge. 1672

(b) Except as otherwise provided in the Revised Code, the 1673
total compensation paid to all appointees of the probate judge in 1674
any calendar year shall not exceed the total fees earned by the 1675

probate court during the preceding calendar year, unless the board
of county commissioners approves otherwise.

(2) The probate judge annually shall submit a written request
for an appropriation to the board of county commissioners that
shall set forth estimated administrative expenses of the court,
including the salaries of appointees as determined by the judge
and any other costs, fees, and expenses, including, but not
limited to, those enumerated in section 5123.96 of the Revised
Code, that the judge considers reasonably necessary for the
operation of the court. The board shall conduct a public hearing
with respect to the written request submitted by the judge and
shall appropriate such sum of money each year as it determines,
after conducting the public hearing and considering the written
request of the judge, is reasonably necessary to meet all the
administrative expenses of the court, including the salaries of
appointees as determined by the judge and any other costs, fees,
and expenses, including, but not limited to, the costs, fees, and
expenses enumerated in section 5123.96 of the Revised Code.

If the judge considers the appropriation made by the board
pursuant to this division insufficient to meet all the
administrative expenses of the court, the judge shall commence an
action under Chapter 2731. of the Revised Code in the court of
appeals for the judicial district for a determination of the duty
of the board of county commissioners to appropriate the amount of
money in dispute. The court of appeals shall give priority to the
action filed by the probate judge over all cases pending on its
docket. The burden shall be on the probate judge to prove that the
appropriation requested is reasonably necessary to meet all
administrative expenses of the court. If, prior to the filing of
an action under Chapter 2731. of the Revised Code or during the
pendency of the action, the judge exercises the judge's contempt
power in order to obtain the sum of money in dispute, the judge

shall not order the imprisonment of any member of the board of
county commissioners notwithstanding sections 2705.02 to 2705.06
of the Revised Code.

(C) The probate judge may require any of the judge's
appointees to give bond in the sum of not less than one thousand
dollars, conditioned for the honest and faithful performance of
the appointee's duties. The sureties on the bonds shall be
approved in the manner provided in section 2101.03 of the Revised
Code.

The judge is personally liable for the default, malfeasance,
or nonfeasance of any such appointee, but, if a bond is required
of the appointee, the liability of the judge is limited to the
amount by which the loss resulting from the default, malfeasance,
or nonfeasance exceeds the amount of the bond.

All bonds required to be given in the probate court, on being
accepted and approved by the probate judge, shall be filed in the
judge's office.

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

(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.

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

(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.

(4) "Private noncustodial agency" means any person,
organization, association, or society certified by the department

of job and family services that does not accept temporary or	1738
permanent legal custody of children, that is privately operated in	1739
this state, and that does one or more of the following:	1740
(a) Receives and cares for children for two or more	1741
consecutive weeks;	1742
(b) Participates in the placement of children in family	1743
<u>certified</u> foster homes;	1744
(c) Provides adoption services in conjunction with a public	1745
children services agency or private child placing agency.	1746
(B) As used in this chapter:	1747
(1) "Adequate parental care" means the provision by a child's	1748
parent or parents, guardian, or custodian of adequate food,	1749
clothing, and shelter to ensure the child's health and physical	1750
safety and the provision by a child's parent or parents of	1751
specialized services warranted by the child's physical or mental	1752
needs.	1753
(2) "Adult" means an individual who is eighteen years of age	1754
or older.	1755
(3) "Agreement for temporary custody" means a voluntary	1756
agreement authorized by section 5103.15 of the Revised Code that	1757
transfers the temporary custody of a child to a public children	1758
services agency or a private child placing agency.	1759
(4) "Babysitting care" means care provided for a child while	1760
the parents, guardian, or legal custodian of the child are	1761
temporarily away.	1762
(5) "Certified family foster home" means a family foster home	1763
operated by persons holding a certificate in force, issued, as	1764
<u>defined in section 5103.02 of the Revised Code, certified</u> under	1765
section 5103.03 of the Revised Code.	1766
(6)(5)(a) "Child" means a person who is under eighteen years	1767

of age, except as otherwise provided in divisions (B)~~(6)~~(5)(b) to 1768
(f) of this section. 1769

(b) Subject to division (B)~~(6)~~(5)(c) of this section, any 1770
person who violates a federal or state law or municipal ordinance 1771
prior to attaining eighteen years of age shall be deemed a "child" 1772
irrespective of that person's age at the time the complaint is 1773
filed or the hearing on the complaint is held. 1774

(c) Any person who, while under eighteen years of age, 1775
commits an act that would be a felony if committed by an adult and 1776
who is not taken into custody or apprehended for that act until 1777
after the person attains twenty-one years of age is not a child in 1778
relation to that act. 1779

(d) Any person whose case is transferred for criminal 1780
prosecution pursuant to division (B) or (C) of section 2151.26 of 1781
the Revised Code shall after the transfer be deemed not to be a 1782
child in the transferred case. 1783

(e) Subject to division (B)~~(6)~~(5)(f) of this section, any 1784
person whose case is transferred for criminal prosecution pursuant 1785
to division (B) or (C) of section 2151.26 of the Revised Code and 1786
who subsequently is convicted of or pleads guilty to a felony in 1787
that case shall after the transfer be deemed not to be a child in 1788
any case in which the person is alleged to have committed prior to 1789
or subsequent to the transfer an act that would be an offense if 1790
committed by an adult. Division (B)~~(6)~~(5)(e) of this section 1791
applies to a case regardless of whether the prior or subsequent 1792
act that is alleged in the case and that would be an offense if 1793
committed by an adult allegedly was committed in the same county 1794
in which the case was transferred or in another county and 1795
regardless of whether the complaint in the case involved was filed 1796
in the same county in which the case was transferred or in another 1797
county. Division (B)~~(6)~~(5)(e) of this section applies to a case 1798
that involves an act committed prior to the transfer only when the 1799

prior act alleged in the case has not been disposed of by a 1800
juvenile court or trial court. 1801

(f) Notwithstanding division (B)~~(6)~~(5)(e) of this section, if 1802
a person's case is transferred for criminal prosecution pursuant 1803
to division (B) or (C) of section 2151.26 of the Revised Code and 1804
if the person subsequently is convicted of or pleads guilty to a 1805
felony in that case, thereafter, the person shall be considered a 1806
child solely for the following purposes in relation to any act the 1807
person subsequently commits that would be an offense if committed 1808
by an adult: 1809

(i) For purposes of the filing of a complaint alleging that 1810
the child is a delinquent child for committing the act that would 1811
be an offense if committed by an adult; 1812

(ii) For purposes of the juvenile court conducting a hearing 1813
under division (B) of section 2151.26 of the Revised Code relative 1814
to the complaint described in division (B)~~(6)~~(5)(f)(i) of this 1815
section to determine whether division (B)(1) of section 2151.26 of 1816
the Revised Code applies and requires that the case be transferred 1817
for criminal prosecution to the appropriate court having 1818
jurisdiction of the offense. 1819

~~(7)~~(6) "Child day camp," "child day-care," "child day-care 1820
center," "part-time child day-care center," "type A family 1821
day-care home," "certified type B family day-care home," "type B 1822
home," "administrator of a child day-care center," "administrator 1823
of a type A family day-care home," "in-home aide," and "authorized 1824
provider" have the same meanings as in section 5104.01 of the 1825
Revised Code. 1826

~~(8)~~(7) "Child day-care provider" means an individual who is a 1827
child-care staff member or administrator of a child day-care 1828
center, a type A family day-care home, or a type B family day-care 1829
home, or an in-home aide or an individual who is licensed, is 1830

regulated, is approved, operates under the direction of, or 1831
otherwise is certified by the department of job and family 1832
services, department of mental retardation and developmental 1833
disabilities, or the early childhood programs of the department of 1834
education. 1835

~~(9)~~(8) "Commit" means to vest custody as ordered by the 1836
court. 1837

~~(10)~~(9) "Counseling" includes both of the following: 1838

(a) General counseling services performed by a public 1839
children services agency or shelter for victims of domestic 1840
violence to assist a child, a child's parents, and a child's 1841
siblings in alleviating identified problems that may cause or have 1842
caused the child to be an abused, neglected, or dependent child. 1843

(b) Psychiatric or psychological therapeutic counseling 1844
services provided to correct or alleviate any mental or emotional 1845
illness or disorder and performed by a licensed psychiatrist, 1846
licensed psychologist, or a person licensed under Chapter 4757. of 1847
the Revised Code to engage in social work or professional 1848
counseling. 1849

~~(11)~~(10) "Custodian" means a person who has legal custody of 1850
a child or a public children services agency or private child 1851
placing agency that has permanent, temporary, or legal custody of 1852
a child. 1853

~~(12)~~(11) "Detention" means the temporary care of children 1854
pending court adjudication or disposition, or execution of a court 1855
order, in a public or private facility designed to physically 1856
restrict the movement and activities of children. 1857

~~(13)~~(12) "Developmental disability" has the same meaning as 1858
in section 5123.01 of the Revised Code. 1859

~~(14)~~ "Family foster home" means a private residence in which 1860

~~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~~

and is committed by the parent or other person responsible for the 1892
child's care. 1893

~~(20)~~(18) "Mentally retarded person" has the same meaning as 1894
in section 5123.01 of the Revised Code. 1895

~~(21)~~(19) "Nonsecure care, supervision, or training" means 1896
care, supervision, or training of a child in a facility that does 1897
not confine or prevent movement of the child within the facility 1898
or from the facility. 1899

~~(22)~~(20) "Organization" means any institution, public, 1900
semipublic, or private, and any private association, society, or 1901
agency located or operating in the state, incorporated or 1902
unincorporated, having among its functions the furnishing of 1903
protective services or care for children, or the placement of 1904
children in certified foster homes or elsewhere. 1905

~~(23)~~(21) "Out-of-home care" means detention facilities, 1906
shelter facilities, ~~foster homes~~, certified foster homes, 1907
placement in a prospective adoptive home prior to the issuance of 1908
a final decree of adoption, organizations, certified 1909
organizations, child day-care centers, type A family day-care 1910
homes, child day-care provided by type B family day-care home 1911
providers and by in-home aides, group home providers, group homes, 1912
institutions, state institutions, residential facilities, 1913
residential care facilities, residential camps, day camps, 1914
hospitals, and medical clinics that are responsible for the care, 1915
physical custody, or control of children. 1916

~~(24)~~(22) "Out-of-home care child abuse" means any of the 1917
following when committed by a person responsible for the care of a 1918
child in out-of-home care: 1919

(a) Engaging in sexual activity with a child in the person's 1920
care; 1921

(b) Denial to a child, as a means of punishment, of proper or 1922

necessary subsistence, education, medical care, or other care	1923
necessary for a child's health;	1924
(c) Use of restraint procedures on a child that cause injury	1925
or pain;	1926
(d) Administration of prescription drugs or psychotropic	1927
medication to the child without the written approval and ongoing	1928
supervision of a licensed physician;	1929
(e) Commission of any act, other than by accidental means,	1930
that results in any injury to or death of the child in out-of-home	1931
care or commission of any act by accidental means that results in	1932
an injury to or death of a child in out-of-home care and that is	1933
at variance with the history given of the injury or death.	1934
(25) (23) "Out-of-home care child neglect" means any of the	1935
following when committed by a person responsible for the care of a	1936
child in out-of-home care:	1937
(a) Failure to provide reasonable supervision according to	1938
the standards of care appropriate to the age, mental and physical	1939
condition, or other special needs of the child;	1940
(b) Failure to provide reasonable supervision according to	1941
the standards of care appropriate to the age, mental and physical	1942
condition, or other special needs of the child, that results in	1943
sexual or physical abuse of the child by any person;	1944
(c) Failure to develop a process for all of the following:	1945
(i) Administration of prescription drugs or psychotropic	1946
drugs for the child;	1947
(ii) Assuring that the instructions of the licensed physician	1948
who prescribed a drug for the child are followed;	1949
(iii) Reporting to the licensed physician who prescribed the	1950
drug all unfavorable or dangerous side effects from the use of the	1951
drug.	1952

(d) Failure to provide proper or necessary subsistence,	1953
education, medical care, or other individualized care necessary	1954
for the health or well-being of the child;	1955
(e) Confinement of the child to a locked room without	1956
monitoring by staff;	1957
(f) Failure to provide ongoing security for all prescription	1958
and nonprescription medication;	1959
(g) Isolation of a child for a period of time when there is	1960
substantial risk that the isolation, if continued, will impair or	1961
retard the mental health or physical well-being of the child.	1962
(26) (24) "Permanent custody" means a legal status that vests	1963
in a public children services agency or a private child placing	1964
agency, all parental rights, duties, and obligations, including	1965
the right to consent to adoption, and divests the natural parents	1966
or adoptive parents of all parental rights, privileges, and	1967
obligations, including all residual rights and obligations.	1968
(27) "Planned permanent living arrangement" means an order of	1969
a juvenile court pursuant to which both of the following apply:	1970
(a) The court gives legal custody of a child to a public	1971
children services agency or a private child placing agency without	1972
the termination of parental rights.	1973
(b) The order permits the agency to make an appropriate	1974
placement of the child and to enter into a written agreement with	1975
a foster care provider or with another person or agency with whom	1976
the child is placed.	1977
(28) (25) "Permanent surrender" means the act of the parents	1978
or, if a child has only one parent, of the parent of a child, by a	1979
voluntary agreement authorized by section 5103.15 of the Revised	1980
Code, to transfer the permanent custody of the child to a public	1981
children services agency or a private child placing agency.	1982

(29) (26) "Person responsible for a child's care in out-of-home care" means any of the following:	1983 1984
(a) Any foster parent <u>caregiver</u> , in-home aide, or provider;	1985
(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic;	1986 1987 1988 1989 1990 1991 1992
(c) Any other person who performs a similar function with respect to, or has a similar relationship to, children.	1993 1994
(30) (27) "Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:	1995 1996 1997 1998 1999
(a) A substantial impairment of vision, speech, or hearing;	2000
(b) A congenital orthopedic impairment;	2001
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	2002 2003 2004
(31) (28) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	2005 2006 2007 2008
(32) (29) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	2009 2010 2011 2012

~~(33)~~(30) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply: 2013
2014
2015

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights. 2016
2017
2018

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed. 2019
2020
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2022

(31) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 2023
2024
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~~(34)~~(32) "Probation" means a legal status created by court order following an adjudication that a child is a delinquent child, a juvenile traffic offender, or an unruly child, whereby the child is permitted to remain in the parent's, guardian's, or custodian's home subject to supervision, or under the supervision of any agency designated by the court and returned to the court for violation of probation at any time during the period of probation. 2026
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~~(35)~~(33) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, unruly, or delinquent child or a juvenile traffic offender to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child. 2034
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~~(36)~~(34) "Psychiatrist" has the same meaning as in section 2043

5122.01 of the Revised Code.	2044
(37) (35) "Psychologist" has the same meaning as in section	2045
4732.01 of the Revised Code.	2046
(38) (36) "Residential camp" means a program in which the	2047
care, physical custody, or control of children is accepted	2048
overnight for recreational or recreational and educational	2049
purposes.	2050
(39) (37) "Residential care facility" means an institution,	2051
residence, or facility that is licensed by the department of	2052
mental health under section 5119.22 of the Revised Code and that	2053
provides care for a child.	2054
(40) (38) "Residential facility" means a home or facility that	2055
is licensed by the department of mental retardation and	2056
developmental disabilities under section 5123.19 of the Revised	2057
Code and in which a child with a developmental disability resides.	2058
(41) (39) "Residual parental rights, privileges, and	2059
responsibilities" means those rights, privileges, and	2060
responsibilities remaining with the natural parent after the	2061
transfer of legal custody of the child, including, but not	2062
necessarily limited to, the privilege of reasonable visitation,	2063
consent to adoption, the privilege to determine the child's	2064
religious affiliation, and the responsibility for support.	2065
(42) (40) "Secure correctional facility" means a facility	2066
under the direction of the department of youth services that is	2067
designed to physically restrict the movement and activities of	2068
children and used for the placement of children after adjudication	2069
and disposition.	2070
(43) (41) "Sexual activity" has the same meaning as in section	2071
2907.01 of the Revised Code.	2072
(44) (42) "Shelter" means the temporary care of children in	2073

physically unrestricted facilities pending court adjudication or disposition. 2074
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~~(45)~~(43) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code. 2076
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~~(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. 2078
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(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. 2083
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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: 2088
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(1) A certified ~~family~~ foster home or a home approved by the court; 2092
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(2) A facility operated by a certified child welfare agency; 2094

(3) Any other suitable place designated by the court. 2095

(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. 2096
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(C)(1) Except as provided under division (C)(1) of section 2151.311 of the Revised Code or division (A)(6) of section 2151.356 of the Revised Code, a child alleged to be or adjudicated 2101
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a neglected child, an abused child, a dependent child, an unruly child, or a juvenile traffic offender may not be held in any of the following facilities: 2104
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(a) A state correctional institution, county, multicounty, or municipal jail or workhouse, or other place in which an adult convicted of crime, under arrest, or charged with a crime is held. 2107
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(b) A secure correctional facility. 2110

(2) Except as provided under sections 2151.56 to 2151.61 and division (A)(6) of section 2151.356 of the Revised Code and division (C)(3) of this section, a child alleged to be or adjudicated an unruly child or a juvenile traffic offender may not be held for more than twenty-four hours in a detention home. A child alleged to be or adjudicated a neglected child, an abused child, or a dependent child shall not be held in a detention home. 2111
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(3) A child who is alleged to be or who is adjudicated an unruly child and who is taken into custody on a Saturday, Sunday, or legal holiday, as listed in section 1.14 of the Revised Code, may be held in a detention home until the next succeeding day that is not a Saturday, Sunday, or legal holiday. 2118
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(D) Except as provided in division (F) of this section or in division (C) of section 2151.311, in division (C)(2) of section 5139.06 and section 5120.162, or in division (B) of section 5120.16 of the Revised Code, a child who is alleged to be or is adjudicated a delinquent child may not be held in a state correctional institution, county, multicounty, or municipal jail or workhouse, or other place where an adult convicted of crime, under arrest, or charged with crime is held. 2123
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(E) Unless the detention is pursuant to division (F) of this section or division (C) of section 2151.311, division (C)(2) of section 5139.06 and section 5120.162, or division (B) of section 5120.16 of the Revised Code, the official in charge of the 2131
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institution, jail, workhouse, or other facility shall inform the
court immediately when a child, who is or appears to be under the
age of eighteen years, is received at the facility, and shall
deliver the child to the court upon request or transfer the child
to a detention facility designated by the court.

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

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

If the court arranges for the board of a child temporarily
detained in a certified ~~family~~ foster home or arranges for the
board of a child through a private child placing agency, the board
of county commissioners shall pay a reasonable sum, which the
court shall fix, for the board of the child. In order to have

certified ~~family~~ foster homes available for service, an agreed 2166
monthly subsidy may be paid in addition to a fixed rate per day 2167
for care of a child actually residing in the certified ~~family~~ 2168
foster home. 2169

Sec. 2151.34. A child who is alleged to be or adjudicated a 2170
delinquent child may be confined in a place of juvenile detention 2171
for a period not to exceed ninety days, during which time a social 2172
history may be prepared to include court record, family history, 2173
personal history, school and attendance records, and any other 2174
pertinent studies and material that will be of assistance to the 2175
juvenile court in its disposition of the charges against that 2176
juvenile offender. 2177

Upon the advice and recommendation of the judge, the board of 2178
county commissioners shall provide, by purchase, lease, 2179
construction, or otherwise, a place to be known as a detention 2180
home that shall be within a convenient distance of the juvenile 2181
court and shall not be used for the confinement of adults charged 2182
with criminal offenses and in which delinquent children may be 2183
detained until final disposition. Upon the joint advice and 2184
recommendation of the juvenile judges of two or more adjoining or 2185
neighboring counties, the boards of county commissioners of the 2186
counties shall form themselves into a joint board and proceed to 2187
organize a district for the establishment and support of a 2188
detention home for the use of the juvenile courts of those 2189
counties, in which delinquent children may be detained until final 2190
disposition, by using a site or buildings already established in 2191
one of the counties or by providing for the purchase of a site and 2192
the erection of the necessary buildings on the site. 2193

A child who is adjudicated to be a juvenile traffic offender 2194
for having committed a violation of division (A) of section 2195
4511.19 of the Revised Code or of a municipal ordinance that is 2196

substantially comparable to that division may be confined in a 2197
detention home or district detention home pursuant to division 2198
(A)(6) of section 2151.356 of the Revised Code, provided the child 2199
is kept separate and apart from alleged delinquent children. 2200

The county or district detention home shall be maintained as 2201
provided in sections 2151.01 to 2151.54 of the Revised Code. In 2202
any county in which there is no detention home or that is not 2203
served by a district detention home, the board of county 2204
commissioners shall provide funds for the boarding of such 2205
children temporarily in private homes. Children who are alleged to 2206
be or have been adjudicated delinquent children may be detained 2207
after a complaint is filed in the detention home until final 2208
disposition of their cases or in certified ~~family~~ foster homes or 2209
in any other home approved by the court, if any are available, for 2210
a period not exceeding sixty days or until final disposition of 2211
their cases, whichever comes first. The court also may arrange 2212
with any public children services agency or private child placing 2213
agency to receive, or private noncustodial agency for temporary 2214
care of, the children within the jurisdiction of the court. A 2215
district detention home approved for such purpose by the 2216
department of youth services under section 5139.281 of the Revised 2217
Code may receive children committed to its temporary custody under 2218
section 2151.355 of the Revised Code and provide the care, 2219
treatment, and training required. 2220

If a detention home is established as an agency of the court 2221
or a district detention home is established by the courts of 2222
several counties as provided in this section, it shall be 2223
furnished and carried on, as far as possible, as a family home in 2224
charge of a superintendent or matron in a nonpunitive neutral 2225
atmosphere. The judge, or the directing board of a district 2226
detention home, may appoint a superintendent, a matron, and other 2227
necessary employees for the home and fix their salaries. During 2228

the school year, when possible, a comparable educational program 2229
with competent and trained staff shall be provided for those 2230
children of school age. A sufficient number of trained 2231
recreational personnel shall be included among the staff to assure 2232
wholesome and profitable leisure-time activities. Medical and 2233
mental health services shall be made available to ensure the 2234
courts all possible treatment facilities shall be given to those 2235
children placed under their care. In the case of a county 2236
detention home, the salaries shall be paid in the same manner as 2237
is provided by section 2151.13 of the Revised Code for other 2238
employees of the court, and the necessary expenses incurred in 2239
maintaining the detention home shall be paid by the county. In the 2240
case of a district detention home, the salaries and the necessary 2241
expenses incurred in maintaining the district detention home shall 2242
be paid as provided in sections 2151.341 to 2151.3415 of the 2243
Revised Code. 2244

If the court arranges for the board of children temporarily 2245
detained in ~~family~~ certified foster homes or arranges for the 2246
board of those children through any private child placing agency, 2247
a reasonable sum to be fixed by the court for the board of those 2248
children shall be paid by the county. In order to have ~~family~~ 2249
certified foster homes available for service, an agreed monthly 2250
subsidy may be paid and a fixed rate per day for care of children 2251
actually residing in the ~~family~~ certified foster home. 2252

Sec. 2151.353. (A) If a child is adjudicated an abused, 2253
neglected, or dependent child, the court may make any of the 2254
following orders of disposition: 2255

(1) Place the child in protective supervision; 2256

(2) Commit the child to the temporary custody of a public 2257
children services agency, a private child placing agency, either 2258
parent, a relative residing within or outside the state, or a 2259

probation officer for placement in a certified ~~family~~ foster home 2260
or in any other home approved by the court; 2261

(3) Award legal custody of the child to either parent or to 2262
any other person who, prior to the dispositional hearing, files a 2263
motion requesting legal custody of the child; 2264

(4) Commit the child to the permanent custody of a public 2265
children services agency or private child placing agency, if the 2266
court determines in accordance with division (E) of section 2267
2151.414 of the Revised Code that the child cannot be placed with 2268
one of the child's parents within a reasonable time or should not 2269
be placed with either parent and determines in accordance with 2270
division (D) of section 2151.414 of the Revised Code that the 2271
permanent commitment is in the best interest of the child. If the 2272
court grants permanent custody under this division, the court, 2273
upon the request of any party, shall file a written opinion 2274
setting forth its findings of fact and conclusions of law in 2275
relation to the proceeding. 2276

(5) Place the child in a planned permanent living arrangement 2277
with a public children services agency or private child placing 2278
agency, if a public children services agency or private child 2279
placing agency requests the court to place the child in a planned 2280
permanent living arrangement and if the court finds, by clear and 2281
convincing evidence, that a planned permanent living arrangement 2282
is in the best interest of the child and that one of the following 2283
exists: 2284

(a) The child, because of physical, mental, or psychological 2285
problems or needs, is unable to function in a family-like setting 2286
and must remain in residential or institutional care. 2287

(b) The parents of the child have significant physical, 2288
mental, or psychological problems and are unable to care for the 2289
child because of those problems, adoption is not in the best 2290

interest of the child, as determined in accordance with division 2291
(D) of section 2151.414 of the Revised Code, and the child retains 2292
a significant and positive relationship with a parent or relative. 2293

(c) The child is sixteen years of age or older, has been 2294
counseled on the permanent placement options available to the 2295
child, is unwilling to accept or unable to adapt to a permanent 2296
placement, and is in an agency program preparing the child for 2297
independent living. 2298

(6) Order the removal from the child's home until further 2299
order of the court of the person who committed abuse as described 2300
in section 2151.031 of the Revised Code against the child, who 2301
caused or allowed the child to suffer neglect as described in 2302
section 2151.03 of the Revised Code, or who is the parent, 2303
guardian, or custodian of a child who is adjudicated a dependent 2304
child and order any person not to have contact with the child or 2305
the child's siblings. 2306

(B) No order for permanent custody or temporary custody of a 2307
child or the placement of a child in a planned permanent living 2308
arrangement shall be made pursuant to this section unless the 2309
complaint alleging the abuse, neglect, or dependency contains a 2310
prayer requesting permanent custody, temporary custody, or the 2311
placement of the child in a planned permanent living arrangement 2312
as desired, the summons served on the parents of the child 2313
contains as is appropriate a full explanation that the granting of 2314
an order for permanent custody permanently divests them of their 2315
parental rights, a full explanation that an adjudication that the 2316
child is an abused, neglected, or dependent child may result in an 2317
order of temporary custody that will cause the removal of the 2318
child from their legal custody until the court terminates the 2319
order of temporary custody or permanently divests the parents of 2320
their parental rights, or a full explanation that the granting of 2321
an order for a planned permanent living arrangement will result in 2322

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

whom the court issues an order of disposition pursuant to division 2353
(A) of this section or pursuant to section 2151.414 or 2151.415 of 2354
the Revised Code until the child attains the age of eighteen years 2355
if the child is not mentally retarded, developmentally disabled, 2356
or physically impaired, the child attains the age of twenty-one 2357
years if the child is mentally retarded, developmentally disabled, 2358
or physically impaired, or the child is adopted and a final decree 2359
of adoption is issued, except that the court may retain 2360
jurisdiction over the child and continue any order of disposition 2361
under division (A) of this section or under section 2151.414 or 2362
2151.415 of the Revised Code for a specified period of time to 2363
enable the child to graduate from high school or vocational 2364
school. The court shall make an entry continuing its jurisdiction 2365
under this division in the journal. 2366

(2) Any public children services agency, any private child 2367
placing agency, the department of job and family services, or any 2368
party, other than any parent whose parental rights with respect to 2369
the child have been terminated pursuant to an order issued under 2370
division (A)(4) of this section, by filing a motion with the 2371
court, may at any time request the court to modify or terminate 2372
any order of disposition issued pursuant to division (A) of this 2373
section or section 2151.414 or 2151.415 of the Revised Code. The 2374
court shall hold a hearing upon the motion as if the hearing were 2375
the original dispositional hearing and shall give all parties to 2376
the action and the guardian ad litem notice of the hearing 2377
pursuant to the Juvenile Rules. If applicable, the court shall 2378
comply with section 2151.42 of the Revised Code. 2379

(F) Any temporary custody order issued pursuant to division 2380
(A) of this section shall terminate one year after the earlier of 2381
the date on which the complaint in the case was filed or the child 2382
was first placed into shelter care, except that, upon the filing 2383
of a motion pursuant to section 2151.415 of the Revised Code, the 2384

temporary custody order shall continue and not terminate until the
court issues a dispositional order under that section.

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(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.

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(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.

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(b) If it does not receive a timely request for a hearing, 2417
the court may extend the order for six months or terminate it 2418
without a hearing and shall journalize the order of extension or 2419
termination not later than fourteen days after receiving the 2420
request for extension or termination or after the date the court 2421
notifies the parties that it will extend or terminate the order. 2422
If the court does not extend or terminate the order, it shall 2423
schedule a hearing to be held no later than thirty days after the 2424
expiration of the applicable fourteen-day time period and give 2425
notice of the date, time, and location of the hearing to all 2426
parties and the child's guardian ad litem. At the hearing, the 2427
court shall determine whether extension or termination of the 2428
order is in the child's best interest. If termination is in the 2429
child's best interest, the court shall terminate the order. If 2430
extension is in the child's best interest, the court shall issue 2431
an order extending the order for protective supervision six 2432
months. 2433

(2) If the court grants an extension of the order for 2434
protective supervision pursuant to division (G)(1) of this 2435
section, a party may, prior to termination of the extension, file 2436
with the court a request for an additional extension of six months 2437
or for termination of the order. The court and the parties shall 2438
comply with division (G)(1) of this section with respect to 2439
extending or terminating the order. 2440

(3) If a court grants an extension pursuant to division 2441
(G)(2) of this section, the court shall terminate the order for 2442
protective supervision at the end of the extension. 2443

(H) The court shall not issue a dispositional order pursuant 2444
to division (A) of this section that removes a child from the 2445
child's home unless the court complies with section 2151.419 of 2446
the Revised Code and includes in the dispositional order the 2447
findings of fact required by that section. 2448

(I) If a motion or application for an order described in 2449
division (A)(6) of this section is made, the court shall not issue 2450
the order unless, prior to the issuance of the order, it provides 2451
to the person all of the following: 2452

(1) Notice and a copy of the motion or application; 2453

(2) The grounds for the motion or application; 2454

(3) An opportunity to present evidence and witnesses at a 2455
hearing regarding the motion or application; 2456

(4) An opportunity to be represented by counsel at the 2457
hearing. 2458

(J) The jurisdiction of the court shall terminate one year 2459
after the date of the award or, if the court takes any further 2460
action in the matter subsequent to the award, the date of the 2461
latest further action subsequent to the award, if the court awards 2462
legal custody of a child to either of the following: 2463

(1) A legal custodian who, at the time of the award of legal 2464
custody, resides in a county of this state other than the county 2465
in which the court is located; 2466

(2) A legal custodian who resides in the county in which the 2467
court is located at the time of the award of legal custody, but 2468
moves to a different county of this state prior to one year after 2469
the date of the award or, if the court takes any further action in 2470
the matter subsequent to the award, one year after the date of the 2471
latest further action subsequent to the award. 2472

The court in the county in which the legal custodian resides 2473
then shall have jurisdiction in the matter. 2474

Sec. 2151.411. (A) A parent of a child whose marriage to the 2475
other parent of the child has not been terminated by divorce, 2476
dissolution of marriage, or annulment, a parent who has parental 2477

rights and responsibilities for the care of a child and is the 2478
residential parent and legal custodian of the child, a guardian 2479
who has custody of a child, or any other custodian of a child is 2480
charged with the control of the child and shall have the power to 2481
exercise parental control and authority over the child. 2482

(B) If a child is adjudicated a delinquent child and placed 2483
on probation, if a parent of the child whose marriage to the other 2484
parent of the child has not been terminated by divorce, 2485
dissolution of marriage, or annulment or the parent who has 2486
parental rights and responsibilities for the care of the child and 2487
is the residential parent and legal custodian of the child was 2488
notified prior to the adjudication hearing of the provisions of 2489
this division and of the possibility that the provisions may be 2490
applied to the parent, and if the court finds at the hearing that 2491
the parent has failed or neglected to subject the child to 2492
reasonable parental control and authority and that that parent's 2493
failure or neglect is the proximate cause of the act or acts of 2494
the child upon which the delinquent child adjudication is based, 2495
the court may require that parent to enter into a recognizance 2496
with sufficient surety, in an amount of not more than five hundred 2497
dollars, conditioned upon the faithful discharge of the conditions 2498
of probation of the child. If the child then commits a second act 2499
and is adjudicated a delinquent child for the commission of the 2500
second act or violates the conditions of probation and if the 2501
court finds at the hearing that the failure or neglect of a parent 2502
of the child whose marriage to the other parent of the child has 2503
not been terminated by divorce, dissolution of marriage, or 2504
annulment or the parent who has parental rights and 2505
responsibilities for the care of the child and is the residential 2506
parent and legal custodian of the child to subject the child to 2507
reasonable parental control and authority or faithfully to 2508
discharge the conditions of probation of the child on the part of 2509

that parent is the proximate cause of the act or acts of the child 2510
upon which the second delinquent child adjudication is based or 2511
upon which the child is found to have violated the conditions of 2512
the child's probation, the court may declare all or a part of the 2513
recognizance forfeited. The proceeds of the forfeited recognizance 2514
shall be used to pay any damages caused by the child, and the 2515
proceeds of the forfeited recognizance remaining after the payment 2516
of any damages shall be paid into the county treasury. 2517

(C)(1) If a child is adjudicated a delinquent child, the 2518
court may issue an order requiring either parent or both parents 2519
of the child whose marriage to the other parent of the child has 2520
not been terminated by divorce, dissolution of marriage, or 2521
annulment, the parent who has parental rights and responsibilities 2522
for the care of the child and is the residential parent and legal 2523
custodian of the child, or the guardian or other custodian of the 2524
child to exercise appropriate and necessary control and authority 2525
over the child to ensure that the child complies with the terms 2526
and conditions of probation imposed upon the child, treatment or 2527
testing that the child is required to take part in, and the terms 2528
of any other order of disposition that the court imposed upon the 2529
child pursuant to section 2151.355 of the Revised Code. The court 2530
shall give a copy of the order to the child and to the parent, 2531
guardian, or custodian who is the subject of the order and shall 2532
notify that parent, guardian, or custodian that a willful failure 2533
to comply with the order is contempt of court. If the court 2534
determines that any parent, guardian, or custodian willfully has 2535
failed to comply with an order issued pursuant to division (C)(1) 2536
of this section, it may punish the parent, guardian, or custodian 2537
for contempt of court or take other action that it determines is 2538
necessary to ensure that the child will comply with the terms and 2539
conditions of the order of disposition made pursuant to section 2540
2151.355 of the Revised Code. 2541

(2)(a) If a child is adjudicated a delinquent child and is 2542
granted probation under division (A)(2) of section 2151.355 of the 2543
Revised Code, the court that places the child on probation shall 2544
provide the written notice described in division (C)(2)(b) of this 2545
section to the following individuals: 2546

(i) To each parent of the child whose marriage to the other 2547
parent of the child has not been terminated by divorce, 2548
dissolution of marriage, or annulment; 2549

(ii) To the parent of the child who has parental rights and 2550
responsibilities for the care of the child and who is the 2551
residential parent and legal custodian of the child and, if the 2552
court knows or is able to determine through the exercise of 2553
reasonable diligence the identity and residence address of the 2554
parent of the child who does not have parental rights and 2555
responsibilities for the care of the child and who is not the 2556
residential parent and legal custodian of the child, to that 2557
parent; 2558

(iii) To the guardian who has custody of the child; 2559

(iv) To the other custodian of the child. 2560

(b) The court that places the child on probation shall 2561
provide the appropriate individuals described in division 2562
(C)(2)(a) of this section with a written notice that informs them 2563
that authorized probation officers who are engaged within the 2564
scope of their supervisory duties or responsibilities may conduct 2565
searches as described in division (L) of section 2151.355 of the 2566
Revised Code during the period of probation if they have 2567
reasonable grounds to believe that the child is not abiding by the 2568
law or otherwise is not complying with the conditions of the 2569
child's probation. The notice shall specifically state that a 2570
permissible search might extend to a motor vehicle, another item 2571
of tangible or intangible personal property, or a place of 2572

residence or other real property in which a notified parent, 2573
guardian, or custodian has a right, title, or interest and that 2574
the parent, guardian, or custodian expressly or impliedly permits 2575
the child to use, occupy, or possess. 2576

(D) The provisions of this section dealing with the failure 2577
or neglect of parents to subject a child to reasonable parental 2578
control and authority are in addition to and not in substitution 2579
for any other provision of this chapter dealing with the failure 2580
or neglect of a person to exercise parental control or authority 2581
over a child. The provisions of division (B) of this section do 2582
not apply to foster ~~parents~~ caregivers. 2583

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 2584
section 2151.413 of the Revised Code for permanent custody of a 2585
child, the court shall schedule a hearing and give notice of the 2586
filing of the motion and of the hearing, in accordance with 2587
section 2151.29 of the Revised Code, to all parties to the action 2588
and to the child's guardian ad litem. The notice also shall 2589
contain a full explanation that the granting of permanent custody 2590
permanently divests the parents of their parental rights, a full 2591
explanation of their right to be represented by counsel and to 2592
have counsel appointed pursuant to Chapter 120. of the Revised 2593
Code if they are indigent, and the name and telephone number of 2594
the court employee designated by the court pursuant to section 2595
2151.314 of the Revised Code to arrange for the prompt appointment 2596
of counsel for indigent persons. 2597

The court shall conduct a hearing in accordance with section 2598
2151.35 of the Revised Code to determine if it is in the best 2599
interest of the child to permanently terminate parental rights and 2600
grant permanent custody to the agency that filed the motion. The 2601
adjudication that the child is an abused, neglected, or dependent 2602
child and any dispositional order that has been issued in the case 2603

under section 2151.353 of the Revised Code pursuant to the 2604
adjudication shall not be readjudicated at the hearing and shall 2605
not be affected by a denial of the motion for permanent custody. 2606

(2) The court shall hold the hearing scheduled pursuant to 2607
division (A)(1) of this section not later than one hundred twenty 2608
days after the agency files the motion for permanent custody, 2609
except that, for good cause shown, the court may continue the 2610
hearing for a reasonable period of time beyond the 2611
one-hundred-twenty-day deadline. The court shall issue an order 2612
that grants, denies, or otherwise disposes of the motion for 2613
permanent custody, and journalize the order, not later than two 2614
hundred days after the agency files the motion. 2615

If a motion is made under division (D)(2) of section 2151.413 2616
of the Revised Code and no dispositional hearing has been held in 2617
the case, the court may hear the motion in the dispositional 2618
hearing required by division (B) of section 2151.35 of the Revised 2619
Code. If the court issues an order pursuant to section 2151.353 of 2620
the Revised Code granting permanent custody of the child to the 2621
agency, the court shall immediately dismiss the motion made under 2622
division (D)(2) of section 2151.413 of the Revised Code. 2623

The failure of the court to comply with the time periods set 2624
forth in division (A)(2) of this section does not affect the 2625
authority of the court to issue any order under this chapter and 2626
does not provide any basis for attacking the jurisdiction of the 2627
court or the validity of any order of the court. 2628

(B)(1) Except as provided in division (B)(2) of this section, 2629
the court may grant permanent custody of a child to a movant if 2630
the court determines at the hearing held pursuant to division (A) 2631
of this section, by clear and convincing evidence, that it is in 2632
the best interest of the child to grant permanent custody of the 2633
child to the agency that filed the motion for permanent custody 2634

and that any of the following apply: 2635

(a) The child is not abandoned or orphaned or has not been in 2636
the temporary custody of one or more public children services 2637
agencies or private child placing agencies for twelve or more 2638
months of a consecutive twenty-two month period ending on or after 2639
March 18, 1999, and the child cannot be placed with either of the 2640
child's parents within a reasonable time or should not be placed 2641
with the child's parents. 2642

(b) The child is abandoned. 2643

(c) The child is orphaned, and there are no relatives of the 2644
child who are able to take permanent custody. 2645

(d) The child has been in the temporary custody of one or 2646
more public children services agencies or private child placing 2647
agencies for twelve or more months of a consecutive twenty-two 2648
month period ending on or after March 18, 1999. 2649

For the purposes of division (B)(1) of this section, a child 2650
shall be considered to have entered the temporary custody of an 2651
agency on the earlier of the date the child is adjudicated 2652
pursuant to section 2151.28 of the Revised Code or the date that 2653
is sixty days after the removal of the child from home. 2654

(2) With respect to a motion made pursuant to division (D)(2) 2655
of section 2151.413 of the Revised Code, the court shall grant 2656
permanent custody of the child to the movant if the court 2657
determines in accordance with division (E) of this section that 2658
the child cannot be placed with one of the child's parents within 2659
a reasonable time or should not be placed with either parent and 2660
determines in accordance with division (D) of this section that 2661
permanent custody is in the child's best interest. 2662

(C) In making the determinations required by this section or 2663
division (A)(4) of section 2151.353 of the Revised Code, a court 2664

shall not consider the effect the granting of permanent custody to
the agency would have upon any parent of the child. A written
report of the guardian ad litem of the child shall be submitted to
the court prior to or at the time of the hearing held pursuant to
division (A) of this section or section 2151.35 of the Revised
Code but shall not be submitted under oath.

If the court grants permanent custody of a child to a movant
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. The court
shall not deny an agency's motion for permanent custody solely
because the agency failed to implement any particular aspect of
the child's case plan.

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

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

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

(3) The custodial history of the child, including whether 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;

(4) The child's need for a legally secure permanent placement

and whether that type of placement can be achieved without a grant 2696
of permanent custody to the agency; 2697

(5) Whether any of the factors in divisions (E)(7) to (11) of 2698
this section apply in relation to the parents and child. 2699

For the purposes of this division, a child shall be 2700
considered to have entered the temporary custody of an agency on 2701
the earlier of the date the child is adjudicated pursuant to 2702
section 2151.28 of the Revised Code or the date that is sixty days 2703
after the removal of the child from home. 2704

(E) In determining at a hearing held pursuant to division (A) 2705
of this section or for the purposes of division (A)(4) of section 2706
2151.353 of the Revised Code whether a child cannot be placed with 2707
either parent within a reasonable period of time or should not be 2708
placed with the parents, the court shall consider all relevant 2709
evidence. If the court determines, by clear and convincing 2710
evidence, at a hearing held pursuant to division (A) of this 2711
section or for the purposes of division (A)(4) of section 2151.353 2712
of the Revised Code that one or more of the following exist as to 2713
each of the child's parents, the court shall enter a finding that 2714
the child cannot be placed with either parent within a reasonable 2715
time or should not be placed with either parent: 2716

(1) Following the placement of the child outside the child's 2717
home and notwithstanding reasonable case planning and diligent 2718
efforts by the agency to assist the parents to remedy the problems 2719
that initially caused the child to be placed outside the home, the 2720
parent has failed continuously and repeatedly to substantially 2721
remedy the conditions causing the child to be placed outside the 2722
child's home. In determining whether the parents have 2723
substantially remedied those conditions, the court shall consider 2724
parental utilization of medical, psychiatric, psychological, and 2725
other social and rehabilitative services and material resources 2726

that were made available to the parents for the purpose of 2727
changing parental conduct to allow them to resume and maintain 2728
parental duties. 2729

(2) Chronic mental illness, chronic emotional illness, mental 2730
retardation, physical disability, or chemical dependency of the 2731
parent that is so severe that it makes the parent unable to 2732
provide an adequate permanent home for the child at the present 2733
time and, as anticipated, within one year after the court holds 2734
the hearing pursuant to division (A) of this section or for the 2735
purposes of division (A)(4) of section 2151.353 of the Revised 2736
Code; 2737

(3) The parent committed any abuse as described in section 2738
2151.031 of the Revised Code against the child, caused the child 2739
to suffer any neglect as described in section 2151.03 of the 2740
Revised Code, or allowed the child to suffer any neglect as 2741
described in section 2151.03 of the Revised Code between the date 2742
that the original complaint alleging abuse or neglect was filed 2743
and the date of the filing of the motion for permanent custody; 2744

(4) The parent has demonstrated a lack of commitment toward 2745
the child by failing to regularly support, visit, or communicate 2746
with the child when able to do so, or by other actions showing an 2747
unwillingness to provide an adequate permanent home for the child; 2748

(5) The parent is incarcerated for an offense committed 2749
against the child or a sibling of the child; 2750

(6) The parent has been convicted of or pleaded guilty to an 2751
offense under division (A) or (C) of section 2919.22 or under 2752
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 2753
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2754
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2755
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2756
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 2757

Revised Code and the child or a sibling of the child was a victim 2758
of the offense or the parent has been convicted of or pleaded 2759
guilty to an offense under section 2903.04 of the Revised Code, a 2760
sibling of the child was the victim of the offense, and the parent 2761
who committed the offense poses an ongoing danger to the child or 2762
a sibling of the child. 2763

(7) The parent has been convicted of or pleaded guilty to one 2764
of the following: 2765

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 2766
the Revised Code or under an existing or former law of this state, 2767
any other state, or the United States that is substantially 2768
equivalent to an offense described in those sections and the 2769
victim of the offense was a sibling of the child or the victim was 2770
another child who lived in the parent's household at the time of 2771
the offense; 2772

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 2773
the Revised Code or under an existing or former law of this state, 2774
any other state, or the United States that is substantially 2775
equivalent to an offense described in those sections and the 2776
victim of the offense is the child, a sibling of the child, or 2777
another child who lived in the parent's household at the time of 2778
the offense; 2779

(c) An offense under division (B)(2) of section 2919.22 of 2780
the Revised Code or under an existing or former law of this state, 2781
any other state, or the United States that is substantially 2782
equivalent to the offense described in that section and the child, 2783
a sibling of the child, or another child who lived in the parent's 2784
household at the time of the offense is the victim of the offense; 2785

(d) An offense under section 2907.02, 2907.03, 2907.04, 2786
2907.05, or 2907.06 of the Revised Code or under an existing or 2787
former law of this state, any other state, or the United States 2788

that is substantially equivalent to an offense described in those 2789
sections and the victim of the offense is the child, a sibling of 2790
the child, or another child who lived in the parent's household at 2791
the time of the offense; 2792

(e) A conspiracy or attempt to commit, or complicity in 2793
committing, an offense described in division (E)(7)(a) or (d) of 2794
this section. 2795

(8) The parent has repeatedly withheld medical treatment or 2796
food from the child when the parent has the means to provide the 2797
treatment or food, and, in the case of withheld medical treatment, 2798
the parent withheld it for a purpose other than to treat the 2799
physical or mental illness or defect of the child by spiritual 2800
means through prayer alone in accordance with the tenets of a 2801
recognized religious body. 2802

(9) The parent has placed the child at substantial risk of 2803
harm two or more times due to alcohol or drug abuse and has 2804
rejected treatment two or more times or refused to participate in 2805
further treatment two or more times after a case plan issued 2806
pursuant to section 2151.412 of the Revised Code requiring 2807
treatment of the parent was journalized as part of a dispositional 2808
order issued with respect to the child or an order was issued by 2809
any other court requiring treatment of the parent. 2810

(10) The parent has abandoned the child. 2811

(11) The parent has had parental rights involuntarily 2812
terminated pursuant to this section or section 2151.353, ~~2151.414,~~ 2813
or 2151.415 of the Revised Code with respect to a sibling of the 2814
child. 2815

(12) The parent is incarcerated at the time of the filing of 2816
the motion for permanent custody or the dispositional hearing of 2817
the child and will not be available to care for the child for at 2818
least eighteen months after the filing of the motion for permanent 2819

custody or the dispositional hearing.	2820
(13) The parent is repeatedly incarcerated, and the repeated incarceration prevents the parent from providing care for the child.	2821 2822 2823
(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.	2824 2825 2826 2827
(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.	2828 2829 2830 2831 2832 2833 2834
(16) Any other factor the court considers relevant.	2835
(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.	2836 2837 2838 2839 2840 2841
Sec. 2151.418. Any <u>certified</u> 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 <u>certified</u> foster home or family foster home .	2842 2843 2844 2845 2846 2847 2848 2849

Sec. 2151.421. (A)(1)(a) No person described in division 2850
(A)(1)(b) of this section who is acting in an official or 2851
professional capacity and knows or suspects that a child under 2852
eighteen years of age or a mentally retarded, developmentally 2853
disabled, or physically impaired child under twenty-one years of 2854
age has suffered or faces a threat of suffering any physical or 2855
mental wound, injury, disability, or condition of a nature that 2856
reasonably indicates abuse or neglect of the child, shall fail to 2857
immediately report that knowledge or suspicion to the public 2858
children services agency or a municipal or county peace officer in 2859
the county in which the child resides or in which the abuse or 2860
neglect is occurring or has occurred. 2861

(b) Division (A)(1)(a) of this section applies to any person 2862
who is an attorney; physician, including a hospital intern or 2863
resident; dentist; podiatrist; practitioner of a limited branch of 2864
medicine as specified in section 4731.15 of the Revised Code; 2865
registered nurse; licensed practical nurse; visiting nurse; other 2866
health care professional; licensed psychologist; licensed school 2867
psychologist; speech pathologist or audiologist; coroner; 2868
administrator or employee of a child day-care center; 2869
administrator or employee of a residential camp or child day camp; 2870
administrator or employee of a certified child care agency or 2871
other public or private children services agency; school teacher; 2872
school employee; school authority; person engaged in social work 2873
or the practice of professional counseling; or a person rendering 2874
spiritual treatment through prayer in accordance with the tenets 2875
of a well-recognized religion. 2876

(2) An attorney or a physician is not required to make a 2877
report pursuant to division (A)(1) of this section concerning any 2878
communication the attorney or physician receives from a client or 2879
patient in an attorney-client or physician-patient relationship, 2880

if, in accordance with division (A) or (B) of section 2317.02 of
the Revised Code, the attorney or physician could not testify with
respect to that communication in a civil or criminal proceeding,
except that the client or patient is deemed to have waived any
testimonial privilege under division (A) or (B) of section 2317.02
of the Revised Code with respect to that communication and the
attorney or physician shall make a report pursuant to division
(A)(1) of this section with respect to that communication, if all
of the following apply:

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

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

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

(B) Anyone, who knows or suspects that a child under eighteen
years of age or a mentally retarded, developmentally disabled, or
physically impaired person under twenty-one years of age has
suffered or faces a threat of suffering any physical or mental
wound, injury, disability, or other condition of a nature that
reasonably indicates abuse or neglect of the child, may report or
cause reports to be made of that knowledge or suspicion to the
public children services agency or to a municipal or county peace

officer. 2912

(C) Any report made pursuant to division (A) or (B) of this 2913
section shall be made forthwith either by telephone or in person 2914
and shall be followed by a written report, if requested by the 2915
receiving agency or officer. The written report shall contain: 2916

(1) The names and addresses of the child and the child's 2917
parents or the person or persons having custody of the child, if 2918
known; 2919

(2) The child's age and the nature and extent of the child's 2920
known or suspected injuries, abuse, or neglect or of the known or 2921
suspected threat of injury, abuse, or neglect, including any 2922
evidence of previous injuries, abuse, or neglect; 2923

(3) Any other information that might be helpful in 2924
establishing the cause of the known or suspected injury, abuse, or 2925
neglect or of the known or suspected threat of injury, abuse, or 2926
neglect. 2927

Any person, who is required by division (A) of this section 2928
to report known or suspected child abuse or child neglect, may 2929
take or cause to be taken color photographs of areas of trauma 2930
visible on a child and, if medically indicated, cause to be 2931
performed radiological examinations of the child. 2932

(D)(1) Upon the receipt of a report concerning the possible 2933
abuse or neglect of a child or the possible threat of abuse or 2934
neglect of a child, the municipal or county peace officer who 2935
receives the report shall refer the report to the appropriate 2936
public children services agency. 2937

(2) On receipt of a report pursuant to this division or 2938
division (A) or (B) of this section, the public children services 2939
agency shall comply with section 2151.422 of the Revised Code. 2940

(E) No township, municipal, or county peace officer shall 2941

remove a child about whom a report is made pursuant to this 2942
section from the child's parents, stepparents, or guardian or any 2943
other persons having custody of the child without consultation 2944
with the public children services agency, unless, in the judgment 2945
of the officer, and, if the report was made by physician, the 2946
physician, immediate removal is considered essential to protect 2947
the child from further abuse or neglect. The agency that must be 2948
consulted shall be the agency conducting the investigation of the 2949
report as determined pursuant to section 2151.422 of the Revised 2950
Code. 2951

(F)(1) Except as provided in section 2151.422 of the Revised 2952
Code, the public children services agency shall investigate, 2953
within twenty-four hours, each report of known or suspected child 2954
abuse or child neglect and of a known or suspected threat of child 2955
abuse or child neglect that is referred to it under this section 2956
to determine the circumstances surrounding the injuries, abuse, or 2957
neglect or the threat of injury, abuse, or neglect, the cause of 2958
the injuries, abuse, neglect, or threat, and the person or persons 2959
responsible. The investigation shall be made in cooperation with 2960
the law enforcement agency and in accordance with the memorandum 2961
of understanding prepared under division (J) of this section. A 2962
failure to make the investigation in accordance with the 2963
memorandum is not grounds for, and shall not result in, the 2964
dismissal of any charges or complaint arising from the report or 2965
the suppression of any evidence obtained as a result of the report 2966
and does not give, and shall not be construed as giving, any 2967
rights or any grounds for appeal or post-conviction relief to any 2968
person. The public children services agency shall report each case 2969
to a central registry which the department of job and family 2970
services shall maintain in order to determine whether prior 2971
reports have been made in other counties concerning the child or 2972
other principals in the case. The public children services agency 2973

shall submit a report of its investigation, in writing, to the law enforcement agency. 2974
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(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention. 2976
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(G)(1)(a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding. 2980
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(b) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section. 2992
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(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award 2998
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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.

(5) A public children services agency shall advise a person 3036
alleged to have inflicted abuse or neglect on a child who is the 3037
subject of a report made pursuant to this section in writing of 3038
the disposition of the investigation. The agency shall not provide 3039
to the person any information that identifies the person who made 3040
the report, statements of witnesses, or police or other 3041
investigative reports. 3042

(I) Any report that is required by this section shall result 3043
in protective services and emergency supportive services being 3044
made available by the public children services agency on behalf of 3045
the children about whom the report is made, in an effort to 3046
prevent further neglect or abuse, to enhance their welfare, and, 3047
whenever possible, to preserve the family unit intact. The agency 3048
required to provide the services shall be the agency conducting 3049
the investigation of the report pursuant to section 2151.422 of 3050
the Revised Code. 3051

(J)(1) Each public children services agency shall prepare a 3052
memorandum of understanding that is signed by all of the 3053
following: 3054

(a) If there is only one juvenile judge in the county, the 3055
juvenile judge of the county or the juvenile judge's 3056
representative; 3057

(b) If there is more than one juvenile judge in the county, a 3058
juvenile judge or the juvenile judges' representative selected by 3059
the juvenile judges or, if they are unable to do so for any 3060
reason, the juvenile judge who is senior in point of service or 3061
the senior juvenile judge's representative; 3062

(c) The county peace officer; 3063

(d) All chief municipal peace officers within the county; 3064

(e) Other law enforcement officers handling child abuse and 3065

neglect cases in the county; 3066

(f) The prosecuting attorney of the county; 3067

(g) If the public children services agency is not the county 3068
department of job and family services, the county department of 3069
job and family services. 3070

(2) A memorandum of understanding shall set forth the normal 3071
operating procedure to be employed by all concerned officials in 3072
the execution of their respective responsibilities under this 3073
section and division (C) of section 2919.21, division (B)(1) of 3074
section 2919.22, division (B) of section 2919.23, and section 3075
2919.24 of the Revised Code and shall have as two of its primary 3076
goals the elimination of all unnecessary interviews of children 3077
who are the subject of reports made pursuant to division (A) or 3078
(B) of this section and, when feasible, providing for only one 3079
interview of a child who is the subject of any report made 3080
pursuant to division (A) or (B) of this section. A failure to 3081
follow the procedure set forth in the memorandum by the concerned 3082
officials is not grounds for, and shall not result in, the 3083
dismissal of any charges or complaint arising from any reported 3084
case of abuse or neglect or the suppression of any evidence 3085
obtained as a result of any reported child abuse or child neglect 3086
and does not give, and shall not be construed as giving, any 3087
rights or any grounds for appeal or post-conviction relief to any 3088
person. 3089

(3) A memorandum of understanding shall include all of the 3090
following: 3091

(a) The roles and responsibilities for handling emergency and 3092
nonemergency cases of abuse and neglect; 3093

(b) Standards and procedures to be used in handling and 3094
coordinating investigations of reported cases of child abuse and 3095
reported cases of child neglect, methods to be used in 3096

interviewing the child who is the subject of the report and who
allegedly was abused or neglected, and standards and procedures
addressing the categories of persons who may interview the child
who is the subject of the report and who allegedly was abused or
neglected.

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

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

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

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

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

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

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

When a municipal or county peace officer or employee of a
public children services agency receives a report pursuant to
division (A) or (B) of this section the recipient of the report
shall inform the person of the right to request the information

described in division (K)(1) of this section. The recipient of the
report shall include in the initial child abuse or child neglect
report that the person making the report was so informed and, if
provided at the time of the making of the report, shall include
the person's name, address, and telephone number in the report.

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

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

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

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

(M) No later than the end of the day following the day on

which a public children services agency receives a report of 3158
alleged child abuse or child neglect, or a report of an alleged 3159
threat of child abuse or child neglect, that allegedly occurred in 3160
or involved an out-of-home care entity, the agency shall provide 3161
written notice of the allegations contained in and the person 3162
named as the alleged perpetrator in the report to the 3163
administrator, director, or other chief administrative officer of 3164
the out-of-home care entity that is the subject of the report 3165
unless the administrator, director, or other chief administrative 3166
officer is named as an alleged perpetrator in the report. If the 3167
administrator, director, or other chief administrative officer of 3168
an out-of-home care entity is named as an alleged perpetrator in a 3169
report of alleged child abuse or child neglect, or a report of an 3170
alleged threat of child abuse or child neglect, that allegedly 3171
occurred in or involved the out-of-home care entity, the agency 3172
shall provide the written notice to the owner or governing board 3173
of the out-of-home care entity that is the subject of the report. 3174
The agency shall not provide witness statements or police or other 3175
investigative reports. 3176

(N) No later than three days after the day on which a public 3177
children services agency that conducted the investigation as 3178
determined pursuant to section 2151.422 of the Revised Code makes 3179
a disposition of an investigation involving a report of alleged 3180
child abuse or child neglect, or a report of an alleged threat of 3181
child abuse or child neglect, that allegedly occurred in or 3182
involved an out-of-home care entity, the agency shall send written 3183
notice of the disposition of the investigation to the 3184
administrator, director, or other chief administrative officer and 3185
the owner or governing board of the out-of-home care entity. The 3186
agency shall not provide witness statements or police or other 3187
investigative reports. 3188

Sec. 2151.424. (A) If a child has been placed in a certified 3189
foster home or is in the custody of a relative of the child, other 3190
than a parent of the child, a court, prior to conducting any 3191
hearing pursuant to division (E)(2) or (3) of section 2151.412 or 3192
section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, 3193
or 2151.417 of the Revised Code with respect to the child, shall 3194
notify the foster caregiver or relative of the date, time, and 3195
place of the hearing. At the hearing, the foster caregiver or 3196
relative may present evidence. 3197

(B) If a public children services agency or private child 3198
placing agency has permanent custody of a child and a petition to 3199
adopt the child has been filed under Chapter 3107. of the Revised 3200
Code, the agency, prior to conducting a review under section 3201
2151.416 of the Revised Code, or a court, prior to conducting a 3202
hearing under division (E)(2) or (3) of section 2151.412 or 3203
section 2151.416 or 2151.417 of the Revised Code, shall notify the 3204
prospective adoptive parent of the date, time, and place of the 3205
review or hearing. At the review or hearing, the prospective 3206
adoptive parent may present evidence. 3207

(C) The notice and the opportunity to present evidence do not 3208
make the foster caregiver, relative, or prospective adoptive 3209
parent a party in the action or proceeding pursuant to which the 3210
review or hearing is conducted. 3211

Sec. 2151.55. When a private or governmental entity intends 3212
to place a child in a certified foster home in a county other than 3213
the county in which the child resided at the time of being removed 3214
from home, a representative of the placing entity shall orally 3215
communicate the intended placement to the foster caregiver with 3216
whom the child is to be placed and, if the child will attend the 3217
schools of the district in which the certified foster home is 3218

located, a representative of the school district's board of 3219
education. 3220

Sec. 2151.554. When a private or governmental entity places a 3221
child who has been adjudicated to be an unruly or delinquent child 3222
in a certified foster home in a county other than the county in 3223
which the child resided at the time of being removed from home, 3224
the placing entity shall provide the following information in 3225
writing to the juvenile court of the county in which the certified 3226
foster home is located: 3227

(A) The information listed in divisions (B)(2) to (4) of 3228
section 2151.551 of the Revised Code; 3229

(B) A brief description of the facts supporting the 3230
adjudication that the child is unruly or delinquent; 3231

(C) The name and address of the foster caregiver; 3232

(D) Safety and well-being concerns with respect to the child 3233
and community. 3234

Sec. 2151.62. (A) This section applies only to a child who is 3235
or previously has been adjudicated a delinquent child for an act 3236
to which any of the following applies: 3237

(1) It is a violation of section 2903.01, 2903.02, 2903.03, 3238
2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, or 2907.05 3239
of the Revised Code; 3240

(2) It is a violation of section 2923.01 of the Revised Code 3241
and involved an attempt to commit aggravated murder or murder; 3242

(3) It would be a felony if committed by an adult and the 3243
court determined that the child, if an adult, would be guilty of a 3244
specification found in section 2941.141, 2941.144, or 2941.145 of 3245
the Revised Code or in another section of the Revised Code that 3246

relates to the possession or use of a firearm, as defined in 3247
section 2923.11 of the Revised Code, during the commission of the 3248
act for which the child was adjudicated a delinquent child. 3249

(B)(1) Except as provided in division (E) of this section, a 3250
public children services agency, private child placing agency, 3251
private noncustodial agency, or court, the department of youth 3252
services, or another private or government entity shall not place 3253
a child in a certified foster home until it provides the foster 3254
caregivers with all of the following: 3255

(a) A written report describing the child's social history; 3256

(b) A written report describing all the acts committed by the 3257
child the entity knows of that resulted in the child being 3258
adjudicated a delinquent child and the disposition made by the 3259
court, unless the records pertaining to the acts have been sealed 3260
pursuant to section 2151.358 of the Revised Code; 3261

(c) A written report describing any other violent act 3262
committed by the child of which the entity is aware; 3263

(d) The substantial and material conclusions and 3264
recommendations of any psychiatric or psychological examination 3265
conducted on the child or, if no psychological or psychiatric 3266
examination of the child is available, the substantial and 3267
material conclusions and recommendations of an examination to 3268
detect mental and emotional disorders conducted in compliance with 3269
the requirements of Chapter 4757. of the Revised Code by an 3270
independent social worker, social worker, professional clinical 3271
counselor, or professional counselor licensed under that chapter. 3272
The entity shall not provide any part of a psychological, 3273
psychiatric, or mental and emotional disorder examination to the 3274
foster caregivers other than the substantial and material 3275
conclusions. 3276

(2) Notwithstanding section 2151.358 of the Revised Code, if 3277

records of an adjudication that a child is a delinquent child have 3278
been sealed pursuant to that section and an entity knows the 3279
records have been sealed, the entity shall provide the foster 3280
caregivers a written statement that the records of a prior 3281
adjudication have been sealed. 3282

(C) The entity that places the child in a certified foster 3283
home shall conduct a psychological examination of the child, 3284
except that the entity is not required to conduct the examination 3285
if such an examination was conducted no more than one year prior 3286
to the child's placement. No later than sixty days after placing 3287
the child, the entity shall provide the foster caregiver a written 3288
report detailing the substantial and material conclusions and 3289
recommendations of the examination conducted pursuant to this 3290
division. 3291

(D)(1) Except as provided in divisions (D)(2) and (3) of this 3292
section, the expenses of conducting the examinations and preparing 3293
the reports and assessment required by division (B) or (C) of this 3294
section shall be paid by the entity that places the child in the 3295
certified foster home. 3296

(2) When a juvenile court grants temporary or permanent 3297
custody of a child pursuant to any section of the Revised Code, 3298
including section 2151.33, 2151.353, 2151.354, or 2151.355 of the 3299
Revised Code, to a public children services agency or private 3300
child placing agency, the court shall provide the agency the 3301
information described in division (B) of this section, pay the 3302
expenses of preparing that information, and, if a new examination 3303
is required to be conducted, pay the expenses of conducting the 3304
examination described in division (C) of this section. On receipt 3305
of the information described in division (B) of this section, the 3306
agency shall provide to the court written acknowledgment that the 3307
agency received the information. The court shall keep the 3308
acknowledgment and provide a copy to the agency. On the motion of 3309

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 3341
acknowledgment that the agency provided the information. 3342

(E) If a child is placed in a certified foster home as a 3343
result of an emergency removal of the child from home pursuant to 3344
division (D) of section 2151.31 of the Revised Code, an emergency 3345
change in the child's case plan pursuant to division (E)(3) of 3346
section 2151.412 of the Revised Code, or an emergency placement by 3347
the department of youth services pursuant to this chapter or 3348
Chapter 5139. of the Revised Code, the entity that places the 3349
child in the certified foster home shall provide the information 3350
described in division (B) of this section no later than ninety-six 3351
hours after the child is placed in the certified foster home. 3352

(F) On receipt of the information described in divisions (B) 3353
and (C) of this section, the foster caregiver shall provide to the 3354
entity that places the child in the foster caregiver's home a 3355
written acknowledgment that the foster caregiver received the 3356
information. The entity shall keep the acknowledgment and provide 3357
a copy to the foster caregiver. 3358

(G) No person employed by an entity subject to this section 3359
and made responsible by that entity for the child's placement in a 3360
certified foster home shall fail to provide the foster caregivers 3361
with the information required by divisions (B) and (C) of this 3362
section. 3363

(H) It is not a violation of any duty of confidentiality 3364
provided for in the Revised Code or a code of professional 3365
responsibility for a person or government entity to provide the 3366
substantial and material conclusions and recommendations of a 3367
psychiatric or psychological examination, or an examination to 3368
detect mental and emotional disorders, in accordance with division 3369
(B)(1)(d) or (C) of this section. 3370

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 3371

entity that appoints or employs any person responsible for a 3372
child's care in out-of-home care shall request the superintendent 3373
of ~~the bureau of criminal identification and investigation~~ BCII to 3374
conduct a criminal records check with respect to any ~~applicant~~ 3375
~~person who has applied to the entity~~ is under final consideration 3376
for appointment or employment as a person responsible for a 3377
child's care in out-of-home care. ~~The~~ 3378

(2) The administrative director of any entity that designates 3379
~~a person as an agency, or attorney, who arranges an adoption for a~~ 3380
~~prospective adoptive parent or as a prospective foster parent~~ 3381
shall request the superintendent of BCII to conduct a criminal 3382
records check with respect to that ~~person. If the applicant,~~ 3383
~~prospective adoptive parent, or prospective foster parent.~~ 3384

(3) Before a recommending agency submits a recommendation to 3386
the department of job and family services on whether the 3387
department should issue a certificate to a foster home under 3388
section 5103.03 of the Revised Code, the administrative director 3389
of the agency shall request that the superintendent of BCII 3390
conduct a criminal records check with respect to the prospective 3391
foster caregiver and all other persons eighteen years of age or 3392
older who reside with the foster caregiver. 3393

(B) If a person subject to a criminal records check does not 3394
present proof that the ~~applicant or prospective adoptive or foster~~ 3395
~~parent~~ person has been a resident of this state for the five-year 3396
period immediately prior to the date upon which the criminal 3397
records check is requested or does not provide evidence that 3398
within that five-year period the superintendent of BCII has 3399
requested information about the ~~applicant or prospective adoptive~~ 3400
~~or foster parent~~ person from the federal bureau of investigation 3401
in a criminal records check, the appointing or hiring officer ~~or,~~ 3402

administrative director, or attorney shall request that the 3403
superintendent of BCII obtain information from the federal bureau 3404
of investigation as a part of the criminal records check. If the 3405
~~applicant, prospective adoptive parent, or prospective foster~~ 3406
~~parent~~ person subject to the criminal records check presents proof 3407
that the ~~applicant or prospective adoptive or foster parent~~ person 3408
has been a resident of this state for that five-year period, the 3409
~~appointing or hiring officer, director, or administrator~~ attorney 3410
may request that the superintendent of BCII include information 3411
from the federal bureau of investigation in the criminal records 3412
check. 3413

~~(2) Any person~~ An appointing or hiring officer, 3414
administrative director, or attorney required by division (A)~~(1)~~ 3415
of this section to request a criminal records check shall provide 3416
to each ~~applicant, prospective adoptive parent, or prospective~~ 3417
~~foster parent~~ person subject to a criminal records check a copy of 3418
the form prescribed pursuant to division (C)(1) of section 109.572 3419
of the Revised Code and a standard impression sheet to obtain 3420
fingerprint impressions prescribed pursuant to division (C)(2) of 3421
section 109.572 of the Revised Code, obtain the completed form and 3422
impression sheet from ~~each applicant, prospective adoptive parent,~~ 3423
~~or prospective foster parent~~ the person, and forward the completed 3424
form and impression sheet to the superintendent of ~~the bureau of~~ 3425
~~criminal identification and investigation~~ BCII at the time the 3426
~~person requests a criminal records check pursuant to division~~ 3427
~~(A)(1) of this section~~ is requested. 3428

~~(3) Any applicant, prospective adoptive parent, or~~ 3429
~~prospective foster parent~~ person subject to a criminal records 3430
check who receives pursuant to this division ~~(A)(2) of this~~ 3431
~~section~~ a copy of the form prescribed pursuant to division (C)(1) 3432
of section 109.572 of the Revised Code and a copy of an impression 3433
sheet prescribed pursuant to division (C)(2) of that section and 3434

who is requested to complete the form and provide a set of 3435
fingerprint impressions shall complete the form or provide all the 3436
information necessary to complete the form and shall provide the 3437
impression sheet with the impressions of the ~~applicant's or~~ 3438
~~prospective adoptive or foster parent's~~ person's fingerprints. If 3439
~~an applicant, prospective adoptive parent, or prospective foster~~ 3440
~~parent~~ a person subject to a criminal records check, upon request, 3441
fails to provide the information necessary to complete the form or 3442
fails to provide impressions of the ~~applicant's or prospective~~ 3443
~~adoptive or foster parent's~~ person's fingerprints, the entity 3444
appointing or hiring officer shall not appoint or employ ~~that~~ 3445
~~applicant~~ for any position for which a criminal records check is 3446
~~required by division (A)(1) of this section~~ the person as a person 3447
responsible for a child's care in out-of-home care, a probate 3448
court may not issue a final decree of adoption or an interlocutory 3449
order of adoption making the person an adoptive parent, and the 3450
department of job and family services shall not ~~consider the~~ 3451
~~prospective adoptive parent or~~ issue a certificate authorizing the 3452
~~prospective foster parent as an adoptive parent or~~ caregiver to 3453
operate a foster parent home. 3454

~~(B)(C)~~(1) No entity appointing or hiring officer shall 3455
appoint or employ a person as a person responsible for a child's 3456
care in out-of-home care ~~or permit a person to become an adoptive~~ 3457
~~parent or foster~~ and no probate court shall issue a final decree 3458
of adoption or an interlocutory order of adoption making a person 3459
an adoptive parent if the person previously has been convicted of 3460
or pleaded guilty to any of the following, unless the person meets 3461
rehabilitation standards established in rules adopted under 3462
division ~~(E)(F)~~ of this section: 3463

(a) A violation of section 2903.01, 2903.02, 2903.03, 3464
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3465
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3466

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3467
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 3468
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 3469
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 3470
2925.06, or 3716.11 of the Revised Code, a violation of section 3471
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 3472
violation of section 2919.23 of the Revised Code that would have 3473
been a violation of section 2905.04 of the Revised Code as it 3474
existed prior to July 1, 1996, had the violation been committed 3475
prior to that date, a violation of section 2925.11 of the Revised 3476
Code that is not a minor drug possession offense, or felonious 3477
sexual penetration in violation of former section 2907.12 of the 3478
Revised Code; 3479

(b) A violation of an existing or former law of this state, 3480
any other state, or the United States that is substantially 3481
equivalent to any of the offenses described in division 3482
~~(B)~~(C)(1)(a) of this section. 3483

(2) ~~An~~ The department of job and family services shall not 3484
issue a certificate under section 5103.03 of the Revised Code 3485
authorizing a prospective foster caregiver to operate a foster 3486
home if the department has been notified that the foster caregiver 3487
or any person eighteen years of age or older who resides with the 3488
foster caregiver has been convicted of or pleaded guilty to a 3489
violation of one of the following offenses, unless the foster 3490
caregiver or other person meets rehabilitation standards 3491
established in rules adopted under division (F) of this section: 3492

(a) Any offense listed in division (C)(1)(a) of this section 3493
or section 2909.02 or 2909.03 of the Revised Code; 3494

(b) An existing or former law of this state, any other state, 3495
or the United States that is substantially equivalent to any 3496
offense listed in division (C)(1)(a) of this section or section 3497

2909.02 or 2909.03 of the Revised Code. 3498

(3) The appointing or hiring officer may appoint or employ a 3499
person as a person responsible for a child's care in out-of-home 3500
care entity may employ an applicant conditionally until the 3501
criminal records check required by this section is completed and 3502
the entity officer receives the results of the criminal records 3503
check. If the results of the criminal records check indicate that, 3504
pursuant to division ~~(B)~~(C)(1) of this section, the applicant 3505
person subject to the criminal records check does not qualify for 3506
appointment or employment, the entity officer shall release the 3507
applicant person from appointment or employment. 3508

~~(C)(1)~~(D) The out-of-home care entity appointing or hiring 3509
officer, administrative director, or attorney shall pay to the 3510
bureau of criminal identification and investigation the fee 3511
prescribed pursuant to division (C)(3) of section 109.572 of the 3512
Revised Code for each criminal records check conducted in 3513
accordance with that section upon a request pursuant to division 3514
(A)~~(1)~~ of this section. The officer, director, or attorney 3515

~~(2)~~ An out-of-home care entity may charge an applicant, 3516
prospective adoptive parent, or prospective foster parent the 3517
person subject to the criminal records check a fee for the costs 3518
~~it~~ the officer, director, or attorney incurs in obtaining a the 3519
criminal records check ~~under this section~~. A fee charged under 3520
this division shall not exceed the amount of fees the entity 3521
officer, director, or attorney pays ~~under division (C)(1) of this~~ 3522
~~section~~ for the criminal records check. If a fee is charged under 3523
this division, the entity officer, director, or attorney shall 3524
notify the person who is the applicant, ~~prospective adoptive~~ 3525
~~parent, or prospective foster parent~~ at the time of the person's 3526
initial application for appointment or employment ~~or for becoming~~ 3527
~~an adoptive parent, an adoption to be arranged, or a certificate~~ 3528
to operate a foster parent home of the amount of the fee and that, 3529

unless the fee is paid, the ~~entity~~ person who is the applicant 3530
will not ~~consider the person~~ be considered for appointment or 3531
employment or as an adoptive parent or foster ~~parent~~ caregiver. 3532

~~(D)~~(E) The report of any criminal records check conducted by 3533
the bureau of criminal identification and investigation in 3534
accordance with section 109.572 of the Revised Code and pursuant 3535
to a request made under division (A)~~(1)~~ of this section is not a 3536
public record for the purposes of section 149.43 of the Revised 3537
Code and shall not be made available to any person other than the 3538
~~applicant, prospective adoptive parent, or prospective foster~~ 3539
~~parent~~ person who is the subject of the criminal records check or 3540
the ~~applicant's or prospective adoptive or foster parent's~~ 3541
~~person's~~ representative; the ~~entity~~ appointing or hiring officer, 3542
administrative director, or attorney requesting the criminal 3543
records check or ~~its~~ the officer's, director's, or attorney's 3544
representative; the department of job and family services or a 3545
county department of job and family services; and any court, 3546
hearing officer, or other necessary individual involved in a case 3547
dealing with the denial of employment ~~to the applicant or the~~ 3548
~~denial of consideration as an adoptive parent, a final decree of~~ 3549
adoption or interlocutory order of adoption, or a foster ~~parent~~ 3550
home certificate. 3551

~~(E)~~(F) The director of job and family services shall adopt 3552
rules ~~pursuant to~~ in accordance with Chapter 119. of the Revised 3553
Code to implement this section. The rules shall include 3554
rehabilitation standards a person who has been convicted of or 3555
pleaded guilty to an offense listed in division ~~(B)~~(C)(1) or (2) 3556
of this section must meet for an ~~entity~~ appointing or hiring 3557
officer to appoint or employ the person as a person responsible 3558
for a child's care in out-of-home care ~~or permit the person to~~ 3559
~~become an adoptive parent or foster parent, a probate court to~~ 3560
issue a final decree of adoption or interlocutory order of 3561

adoption making the person an adoptive parent, or the department 3562
to issue a certificate authorizing the prospective foster 3563
caregiver to operate a foster home. 3564

~~(F) Any person~~ (G) An appointing or hiring officer, 3565
administrative director, or attorney required by division (A)~~(1)~~ 3566
of this section to request a criminal records check shall inform 3567
each person who is the applicant, at the time of the person's 3568
initial application for appointment or employment ~~with an entity~~ 3569
~~as a person responsible for a child's care in out of home care or~~ 3570
~~the person's initial application for becoming an adoptive parent,~~ 3571
an adoption to be arranged, or a foster parent home certificate, 3572
that the person subject to the criminal records check is required 3573
to provide a set of impressions of the person's fingerprints and 3574
that a criminal records check is required to be conducted and 3575
satisfactorily completed in accordance with section 109.572 of the 3576
Revised Code ~~if the person comes under final consideration for~~ 3577
~~appointment or employment as a precondition to employment for that~~ 3578
~~position or if the person is to be given final consideration as an~~ 3579
~~adoptive parent or foster parent.~~ 3580

~~(G)~~(H) As used in this section: 3581

(1) ~~"Applicant" means a person who is under final~~ 3582
~~consideration for appointment or employment as a person~~ 3583
~~responsible for a child's care in out of home care.~~ 3584

~~(2) "Person responsible for a child's care in out of home~~ 3585
~~care" has the same meaning as in section 2151.011 of the Revised~~ 3586
~~Code, except that it does not include a prospective employee of~~ 3587
~~the department of youth services or a person responsible for a~~ 3588
~~child's care in a hospital or medical clinic other than a~~ 3589
~~children's hospital.~~ 3590

~~(3)~~ "Children's hospital" means any of the following: 3591

(a) A hospital registered under section 3701.07 of the 3592

Revised Code that provides general pediatric medical and surgical 3593
care, and in which at least seventy-five per cent of annual 3594
inpatient discharges for the preceding two calendar years were 3595
individuals less than eighteen years of age; 3596

(b) A distinct portion of a hospital registered under section 3597
3701.07 of the Revised Code that provides general pediatric 3598
medical and surgical care, has a total of at least one hundred 3599
fifty registered pediatric special care and pediatric acute care 3600
beds, and in which at least seventy-five per cent of annual 3601
inpatient discharges for the preceding two calendar years were 3602
individuals less than eighteen years of age; 3603

(c) A distinct portion of a hospital, if the hospital is 3604
registered under section 3701.07 of the Revised Code as a 3605
children's hospital and the children's hospital meets all the 3606
requirements of division ~~(G)~~(H)(3)(a) of this section. 3607

~~(4)~~(2) "Criminal records check" has the same meaning as in 3608
section 109.572 of the Revised Code. 3609

~~(5)~~(3) "Minor drug possession offense" has the same meaning 3610
as in section 2925.01 of the Revised Code. 3611

(4) "Person responsible for a child's care in out-of-home 3612
care" has the same meaning as in section 2151.011 of the Revised 3613
Code, except that it does not include a prospective employee of 3614
the department of youth services or a person responsible for a 3615
child's care in a hospital or medical clinic other than a 3616
children's hospital. 3617

(5) "Person subject to a criminal records check" means the 3618
following: 3619

(a) A person who is under final consideration for appointment 3620
or employment as a person responsible for a child's care in 3621
out-of-home care; 3622

(b) <u>A prospective adoptive parent;</u>	3623
(c) <u>A prospective foster caregiver;</u>	3624
(d) <u>A person eighteen years old or older who resides with a prospective foster caregiver.</u>	3625 3626
(6) <u>"Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency to which the department of job and family services has delegated a duty to inspect and approve foster homes.</u>	3627 3628 3629 3630
(7) <u>"Superintendent of BCII" means the superintendent of the bureau of criminal identification and investigation.</u>	3631 3632
Sec. 2317.02. The following persons shall not testify in certain respects:	3633 3634
(A) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent 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;	3635 3636 3637 3638 3639 3640 3641 3642 3643 3644
(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.	3645 3646 3647 3648 3649 3650 3651 3652

The testimonial privilege established under this division 3653
does not apply, and a physician or dentist may testify or may be 3654
compelled to testify, in any of the following circumstances: 3655

(a) In any civil action, in accordance with the discovery 3656
provisions of the Rules of Civil Procedure in connection with a 3657
civil action, or in connection with a claim under Chapter 4123. of 3658
the Revised Code, under any of the following circumstances: 3659

(i) If the patient or the guardian or other legal 3660
representative of the patient gives express consent; 3661

(ii) If the patient is deceased, the spouse of the patient or 3662
the executor or administrator of the patient's estate gives 3663
express consent; 3664

(iii) If a medical claim, dental claim, chiropractic claim, 3665
or optometric claim, as defined in section 2305.11 of the Revised 3666
Code, an action for wrongful death, any other type of civil 3667
action, or a claim under Chapter 4123. of the Revised Code is 3668
filed by the patient, the personal representative of the estate of 3669
the patient if deceased, or the patient's guardian or other legal 3670
representative. 3671

(b) In any criminal action concerning any test or the results 3672
of any test that determines the presence or concentration of 3673
alcohol, a drug of abuse, or alcohol and a drug of abuse in the 3674
patient's blood, breath, urine, or other bodily substance at any 3675
time relevant to the criminal offense in question. 3676

(c) In any criminal action against a physician or dentist. In 3677
such an action, the testimonial privilege established under this 3678
division does not prohibit the admission into evidence, in 3679
accordance with the Rules of Evidence, of a patient's medical or 3680
dental records or other communications between a patient and the 3681
physician or dentist that are related to the action and obtained 3682
by subpoena, search warrant, or other lawful means. A court that 3683

permits or compels a physician or dentist to testify in such an
action or permits the introduction into evidence of patient
records or other communications in such an action shall require
that appropriate measures be taken to ensure that the
confidentiality of any patient named or otherwise identified in
the records is maintained. Measures to ensure confidentiality that
may be taken by the court include sealing its records or deleting
specific information from its records.

(2)(a) If any law enforcement officer submits a written
statement to a health care provider that states that an official
criminal investigation has begun regarding a specified person or
that a criminal action or proceeding has been commenced against a
specified person, that requests the provider to supply to the
officer copies of any records the provider possesses that pertain
to any test or the results of any test administered to the
specified person to determine the presence or concentration of
alcohol, a drug of abuse, or alcohol and a drug of abuse in the
person's blood, breath, or urine at any time relevant to the
criminal offense in question, and that conforms to section
2317.022 of the Revised Code, the provider, except to the extent
specifically prohibited by any law of this state or of the United
States, shall supply to the officer a copy of any of the requested
records the provider possesses. If the health care provider does
not possess any of the requested records, the provider shall give
the officer a written statement that indicates that the provider
does not possess any of the requested records.

(b) If a health care provider possesses any records of the
type described in division (B)(2)(a) of this section regarding the
person in question at any time relevant to the criminal offense in
question, in lieu of personally testifying as to the results of
the test in question, the custodian of the records may submit a
certified copy of the records, and, upon its submission, the

certified copy is qualified as authentic evidence and may be 3716
admitted as evidence in accordance with the Rules of Evidence. 3717
Division (A) of section 2317.422 of the Revised Code does not 3718
apply to any certified copy of records submitted in accordance 3719
with this division. Nothing in this division shall be construed to 3720
limit the right of any party to call as a witness the person who 3721
administered the test to which the records pertain, the person 3722
under whose supervision the test was administered, the custodian 3723
of the records, the person who made the records, or the person 3724
under whose supervision the records were made. 3725

(3)(a) If the testimonial privilege described in division 3726
(B)(1) of this section does not apply as provided in division 3727
(B)(1)(a)(iii) of this section, a physician or dentist may be 3728
compelled to testify or to submit to discovery under the Rules of 3729
Civil Procedure only as to a communication made to the physician 3730
or dentist by the patient in question in that relation, or the 3731
physician's or dentist's advice to the patient in question, that 3732
related causally or historically to physical or mental injuries 3733
that are relevant to issues in the medical claim, dental claim, 3734
chiropractic claim, or optometric claim, action for wrongful 3735
death, other civil action, or claim under Chapter 4123. of the 3736
Revised Code. 3737

(b) If the testimonial privilege described in division (B)(1) 3738
of this section does not apply to a physician or dentist as 3739
provided in division (B)(1)(b) of this section, the physician or 3740
dentist, in lieu of personally testifying as to the results of the 3741
test in question, may submit a certified copy of those results, 3742
and, upon its submission, the certified copy is qualified as 3743
authentic evidence and may be admitted as evidence in accordance 3744
with the Rules of Evidence. Division (A) of section 2317.422 of 3745
the Revised Code does not apply to any certified copy of results 3746
submitted in accordance with this division. Nothing in this 3747

division shall be construed to limit the right of any party to
call as a witness the person who administered the test in
question, the person under whose supervision the test was
administered, the custodian of the results of the test, the person
who compiled the results, or the person under whose supervision
the results were compiled.

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

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

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

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

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

(D) Husband or wife, concerning any communication made by one
to the other, or an act done by either in the presence of the
other, during coverture, unless the communication was made, or act
done, in the known presence or hearing of a third person competent
to be a witness; and such rule is the same if the marital relation
has ceased to exist.

(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;

(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.

(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 3810
counselor, professional counselor, social worker, or independent 3811
social worker, or registered under Chapter 4757. of the Revised 3812
Code as a social work assistant concerning a confidential 3813
communication received from a client in that relation or the 3814
person's advice to a client unless any of the following applies: 3815

(a) The communication or advice indicates clear and present 3816
danger to the client or other persons. For the purposes of this 3817
division, cases in which there are indications of present or past 3818
child abuse or neglect of the client constitute a clear and 3819
present danger. 3820

(b) The client gives express consent to the testimony. 3821

(c) If the client is deceased, the surviving spouse or the 3822
executor or administrator of the estate of the deceased client 3823
gives express consent. 3824

(d) The client voluntarily testifies, in which case the 3825
school guidance counselor or person licensed or registered under 3826
Chapter 4757. of the Revised Code may be compelled to testify on 3827
the same subject. 3828

(e) The court in camera determines that the information 3829
communicated by the client is not germane to the counselor-client 3830
or social worker-client relationship. 3831

(f) A court, in an action brought against a school, its 3832
administration, or any of its personnel by the client, rules after 3833
an in-camera inspection that the testimony of the school guidance 3834
counselor is relevant to that action. 3835

(2) Nothing in division (G)(1) of this section shall relieve 3836
a school guidance counselor or a person licensed or registered 3837
under Chapter 4757. of the Revised Code from the requirement to 3838
report information concerning child abuse or neglect under section 3839

2151.421 of the Revised Code. 3840

(H) A mediator acting under a mediation order issued under 3841
division (A) of section 3109.052 of the Revised Code or otherwise 3842
issued in any proceeding for divorce, dissolution, legal 3843
separation, annulment, or the allocation of parental rights and 3844
responsibilities for the care of children, in any action or 3845
proceeding, other than a criminal, delinquency, child abuse, child 3846
neglect, or dependent child action or proceeding, that is brought 3847
by or against either parent who takes part in mediation in 3848
accordance with the order and that pertains to the mediation 3849
process, to any information discussed or presented in the 3850
mediation process, to the allocation of parental rights and 3851
responsibilities for the care of the parents' children, or to the 3852
awarding of visitation rights in relation to their children. 3853

(I) A communications assistant, acting within the scope of 3854
the communication assistant's authority, when providing 3855
telecommunications relay service pursuant to section 4931.35 of 3856
the Revised Code or Title II of the "Communications Act of 1934," 3857
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 3858
made through a telecommunications relay service. 3859

Nothing in this section shall limit any immunity or privilege 3860
granted under federal law or regulation. Nothing in this section 3861
shall limit the obligation of a communications assistant to 3862
divulge information or testify when mandated by federal law or 3863
regulation or pursuant to subpoena in a criminal proceeding. 3864

Sec. 2907.08. (A) No person, for the purpose of sexually 3865
arousing or gratifying the person's self, shall commit trespass or 3866
otherwise surreptitiously invade the privacy of another, to spy or 3867
eavesdrop upon another. 3868

(B) No person, for the purpose of sexually arousing or 3869

gratifying the person's self, shall commit trespass or otherwise 3870
surreptitiously invade the privacy of another to photograph the 3871
other person in a state of nudity. 3872

(C) No person, for the purpose of sexually arousing or 3873
gratifying the person's self, shall commit trespass or otherwise 3874
surreptitiously invade the privacy of another to photograph the 3875
other person in a state of nudity if the other person is a minor. 3876

(D) No person, for the purpose of sexually arousing or 3877
gratifying the person's self, shall commit trespass or otherwise 3878
surreptitiously invade the privacy of another to photograph the 3879
other person in a state of nudity if the other person is a minor 3880
and any of the following applies: 3881

(1) The offender is the minor's natural or adoptive parent, 3882
stepparent, guardian, or custodian, or person in loco parentis of 3883
the minor. 3884

(2) The minor is in custody of law or is a patient in a 3885
hospital or other institution, and the offender has supervisory or 3886
disciplinary authority over the minor. 3887

(3) The offender is a teacher, administrator, coach, or other 3888
person in authority employed by or serving in a school for which 3889
the state board of education prescribes minimum standards pursuant 3890
to division (D) of section 3301.07 of the Revised Code, the minor 3891
is enrolled in or attends that school, and the offender is not 3892
enrolled in and does not attend that school. 3893

(4) The offender is a teacher, administrator, coach, or other 3894
person in authority employed by or serving in an institution of 3895
higher education, and the minor is enrolled in or attends that 3896
institution. 3897

(5) The offender is a caregiver, administrator, or other 3898
person in authority employed by or serving in a child day-care 3899

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. 3900
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(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. 3902
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(E)(1) Whoever violates this section is guilty of voyeurism. 3907

(2) A violation of division (A) of this section is a misdemeanor of the third degree. 3908
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(3) A violation of division (B) of this section is a misdemeanor of the second degree. 3910
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(4) A violation of division (C) of this section is a misdemeanor of the first degree. 3912
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(5) A violation of division (D) of this section is a felony of the fifth degree. 3914
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(F) As used in this section: 3916

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.031 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code. 3917
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(2) "Child day-care center," "type A family day-care home," and "type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code. 3924
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(3) "Babysitting care" ~~has the same meaning as in section 2151.011 of the Revised Code~~ means care provided for a child while the parents, guardian, or legal custodian of the child is 3927
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<u>temporarily away.</u>	3930
Sec. 3107.01. As used in sections 3107.01 to 3107.19 of the Revised Code:	3931 3932
(A) "Agency" means any public or private organization certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption.	3933 3934 3935
(B) "Attorney" means a person who has been admitted to the bar by order of the Ohio supreme court.	3936 3937
(C) "Child" means a son or daughter, whether by birth or by adoption.	3938 3939
(D) "Court" means the probate courts of this state, and when the context requires, means the court of any other state empowered to grant petitions for adoption.	3940 3941 3942
(E) <u>"Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.</u>	3943 3944
(F) "Identifying information" means any of the following with regard to a person: first name, last name, maiden name, alias, social security number, address, telephone number, place of employment, number used to identify the person for the purpose of the statewide education management information system established pursuant to section 3301.0714 of the Revised Code, and any other number federal or state law requires or permits to be used to identify the person.	3945 3946 3947 3948 3949 3950 3951 3952
(F) (G) "Minor" means a person under the age of eighteen years.	3953 3954
(G) (H) "Putative father" means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:	3955 3956 3957
(1) He is not married to the child's mother at the time of	3958

the child's conception or birth; 3959

(2) He has not adopted the child; 3960

(3) He has not been determined, prior to the date a petition 3961
to adopt the child is filed, to have a parent and child 3962
relationship with the child by a court proceeding pursuant to 3963
sections 3111.01 to 3111.19 of the Revised Code, a court 3964
proceeding in another state, an administrative agency proceeding 3965
pursuant to sections 3111.20 to 3111.29 of the Revised Code, or an 3966
administrative agency proceeding in another state; 3967

(4) He has not acknowledged paternity of the child pursuant 3968
to section 5101.314 of the Revised Code. 3969

Sec. 3107.012. (A) A foster caregiver may use the application 3970
prescribed under division (B) of this section to obtain the 3971
services of an agency to arrange an adoption for the foster 3972
caregiver if the foster caregiver seeks to adopt the foster 3973
caregiver's foster child who has resided in the foster caregiver's 3974
home for at least twelve months prior to the date the foster 3975
caregiver submits the application to the agency. 3976

(B) The department of job and family services shall prescribe 3977
an application for a foster caregiver to use under division (A) of 3978
this section. The application shall not require that the foster 3979
caregiver provide any information the foster caregiver already 3980
provided the department, or undergo an inspection the foster 3981
caregiver already underwent, to obtain a foster home certificate 3982
under section 5103.03 of the Revised Code. 3983

(C) An agency that receives an application prescribed under 3984
division (B) of this section from a foster caregiver authorized to 3985
use the application shall not require, as a condition of the 3986
agency accepting or approving the application, that the foster 3987
caregiver undergo a criminal records check under section 2151.86 3988

of the Revised Code as a prospective adoptive parent. The agency 3989
shall inform the foster caregiver, in accordance with division (G) 3990
of section 2151.86 of the Revised Code, that the foster caregiver 3991
must undergo the criminal records check before a court may issue a 3992
final decree of adoption or interlocutory order of adoption under 3993
section 3107.14 of the Revised Code. 3994

Sec. 3107.013. An agency arranging an adoption pursuant to an 3995
application submitted to the agency under section 3107.012 of the 3996
Revised Code for a foster caregiver seeking to adopt the foster 3997
caregiver's foster child shall offer to provide the foster 3998
caregiver information about adoption, including information about 3999
state adoption law, adoption assistance available pursuant to 4000
section 5153.163 of the Revised Code and Title IV-E of the "Social 4001
Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, 4002
and other adoption issues the department of job and family 4003
services identifies. If the foster caregiver informs the agency 4004
that the foster caregiver wants the information, the agency shall 4005
provide the information to the foster caregiver in accordance with 4006
rules the department of job and family services shall adopt in 4007
accordance with Chapter 119. of the Revised Code. 4008

Sec. ~~3107.012~~ 3107.014. (A) Except as provided in division 4009
(B) of this section, only an individual who meets all of the 4010
following requirements may perform the duties of an assessor under 4011
sections 3107.031, 3107.082, 3107.09, 3107.12, 5103.0324, and 4012
5103.152 of the Revised Code: 4013

(1) The individual must be in the employ of, appointed by, or 4014
under contract with a court, public children services agency, 4015
private child placing agency, or private noncustodial agency; 4016

(2) The individual must be one of the following: 4017

(a) A professional counselor or social worker licensed under 4018

Chapter 4757. of the Revised Code; 4019

(b) A psychologist licensed under Chapter 4732. of the 4020
Revised Code; 4021

(c) A student working to earn a post-secondary degree who 4022
conducts assessor's duties under the supervision of a professional 4023
counselor or social worker licensed under Chapter 4757. of the 4024
Revised Code or a psychologist licensed under Chapter 4732. of the 4025
Revised Code; 4026

(d) A civil service employee engaging in social work without 4027
a license under Chapter 4757. of the Revised Code, as permitted by 4028
division (A)(5) of section 4757.41 of the Revised Code; 4029

(e) A former employee of a public children services agency 4030
who, while so employed, conducted the duties of an assessor. 4031

(3) The individual must complete education programs in 4032
accordance with rules adopted under section ~~3107.013~~ 3107.015 of 4033
the Revised Code. 4034

(B) An individual in the employ of, appointed by, or under 4035
contract with a court prior to September 18, 1996, to conduct 4036
adoption investigations of prospective adoptive parents may 4037
perform the duties of an assessor under sections 3107.031, 4038
3107.082, 3107.09, 3107.12, 5103.0324, and 5103.152 of the Revised 4039
Code if the individual complies with division (A)(3) of this 4040
section regardless of whether the individual meets the requirement 4041
of division (A)(2) of this section. 4042

(C) A court, public children services agency, private child 4043
placing agency, or private noncustodial agency may employ, 4044
appoint, or contract with an assessor in the county in which a 4045
petition for adoption is filed and in any other county or location 4046
outside this state where information needed to complete or 4047
supplement the assessor's duties may be obtained. More than one 4048

assessor may be utilized for an adoption. 4049

Sec. ~~3107.013~~ 3107.015. Not later than ninety days after ~~the~~ 4050
~~effective date of this section~~ June 20, 1996, the director of job 4051
and family services shall adopt rules in accordance with Chapter 4052
119. of the Revised Code governing the education programs an 4053
individual must complete for the purpose of division (A)(3) of 4054
section ~~3107.012~~ 3107.014 of the Revised Code. The education 4055
programs shall include courses on adoption placement practice, 4056
federal and state adoption assistance programs, and post adoption 4057
support services. 4058

Sec. 3107.016. The department of job and family services 4059
shall develop a schedule of education programs that meet the 4060
requirements established in rules adopted pursuant to section 4061
3107.015 of the Revised Code. The schedule shall include enough 4062
programs to provide all agencies equal access to the programs. The 4063
department shall distribute the schedule to all agencies. 4064

Sec. 3107.02. (A) Any minor may be adopted. 4065

(B) An adult may be adopted under any of the following 4066
conditions: 4067

(1) If ~~he~~ the adult is totally and permanently disabled; 4068

(2) If ~~he~~ the adult is determined to be a mentally retarded 4069
person as defined in section 5123.01 of the Revised Code; 4070

(3) If ~~he~~ the adult had established a child-foster ~~parent~~ 4071
caregiver or child-stepparent relationship with the petitioners as 4072
a minor, and ~~he~~ the adult consents to the adoption. 4073

(C) When proceedings to adopt a minor are initiated by the 4074
filing of a petition, and the eighteenth birthday of the minor 4075
occurs prior to the decision of the court, the court shall require 4076

the person who is to be adopted to submit a written statement of
consent or objection to the adoption. If an objection is
submitted, the petition shall be dismissed, and if a consent is
submitted, the court shall proceed with the case, and may issue an
interlocutory order or final decree of adoption.

Sec. 3107.031. ~~An~~ Except as otherwise provided in this
section, an assessor shall conduct a home study for the purpose of
ascertaining whether a person seeking to adopt a minor is suitable
to adopt. A written report of the home study shall be filed with
the court at least ten days before the petition for adoption is
heard.

The report shall contain the opinion of the assessor as to
whether the person who is the subject of the report is suitable to
adopt a minor and other information and documents specified in
rules adopted by the director of job and family services under
section 3107.032 of the Revised Code. The assessor shall not
consider the person's age when determining whether the person is
suitable to adopt if the person is old enough to adopt as provided
by section 3107.03 of the Revised Code.

An assessor may request departments or agencies within or
outside this state to assist in the home study as may be
appropriate and to make a written report to be included with and
attached to the report to the court. The assessor shall make
similar home studies and reports on behalf of other assessors
designated by the courts of this state or another place.

Upon order of the court, the costs of the home study and
other proceedings shall be paid by the person seeking to adopt,
and, if the home study is conducted by a public agency or public
employee, the part of the cost representing any services and
expenses shall be taxed as costs and paid into the state treasury
or county treasury, as the court may direct.

On request, the assessor shall provide the person seeking to
adopt a copy of the report of the home study. The assessor shall
delete from that copy any provisions concerning the opinion of
other persons, excluding the assessor, of the person's suitability
to adopt a minor.

This section does not apply to a foster caregiver seeking to
adopt the foster caregiver's foster child if the foster child has
resided in the foster caregiver's home for at least twelve months
prior to the date the foster caregiver submits an application
prescribed under division (B) of section 3107.012 of the Revised
Code to the agency arranging the adoption.

Sec. 3107.12. (A) Except as provided in division (B) of this
section, an assessor shall conduct a prefinalization assessment of
a minor and petitioner before a court issues a final decree of
adoption or finalizes an interlocutory order of adoption for the
minor. On completion of the assessment, the assessor shall prepare
a written report of the assessment and provide a copy of the
report to the court before which the adoption petition is pending.

The report of a prefinalization assessment shall include all
of the following:

(1) The adjustment of the minor and the petitioner to the
adoptive placement;

(2) The present and anticipated needs of the minor and the
petitioner, as determined by a review of the minor's medical and
social history, for adoption-related services, including
assistance under Title IV-E of the "Social Security Act," 94 Stat.
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of
the Revised Code and counseling, case management services, crisis
services, diagnostic services, and therapeutic counseling.

(3) The physical, mental, and developmental condition of the 4138
minor; 4139

(4) If known, the minor's biological family background, 4140
including identifying information about the biological or other 4141
legal parents; 4142

(5) The reasons for the minor's placement with the 4143
petitioner, the petitioner's attitude toward the proposed 4144
adoption, and the circumstances under which the minor was placed 4145
in the home of the petitioner; 4146

(6) The attitude of the minor toward the proposed adoption, 4147
if the minor's age makes this feasible; 4148

(7) If the minor is an Indian child, as defined in 25 4149
U.S.C.A. 1903(4), how the placement complies with the "Indian 4150
Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as 4151
amended. 4152

The assessor shall file the prefinalization report with the 4153
court not later than twenty days prior to the date scheduled for 4154
the final hearing on the adoption unless the court determines 4155
there is good cause for filing the report at a later date. 4156

(B) This section does not apply if the petitioner is the 4157
minor's stepparent, unless a court, after determining a 4158
prefinalization assessment is in the best interest of the minor, 4159
orders that an assessor conduct a prefinalization assessment. This 4160
section also does not apply if the petitioner is the minor's 4161
foster caregiver and the minor has resided in the petitioner's 4162
home as the foster caregiver's foster child for at least twelve 4163
months prior to the date the petitioner submits an application 4164
prescribed under division (B) of section 3107.012 of the Revised 4165
Code to the agency arranging the adoption. 4166

(C) The director of job and family services shall adopt rules 4167

in accordance with Chapter 119. of the Revised Code defining 4168
"counseling," "case management services," "crisis services," 4169
"diagnostic services," and "therapeutic counseling" for the 4170
purpose of this section. 4171

Sec. 3107.13. (A) A final decree of adoption shall not be 4172
issued and an interlocutory order of adoption does not become 4173
final, until the person to be adopted has lived in the adoptive 4174
home for at least six months after placement by an agency, or for 4175
at least six months after the department of job and family 4176
services or the court has been informed of the placement of the 4177
person with the petitioner, and the department or court has had an 4178
opportunity to observe or investigate the adoptive home, or in the 4179
case of adoption by a stepparent, until at least six months after 4180
the filing of the petition, or until the child has lived in the 4181
home for at least six months. 4182

(B) In the case of a foster ~~parent~~ caregiver adopting a 4183
foster child or person adopting a child to whom the person is 4184
related, the court shall apply the amount of time the child lived 4185
in the foster ~~parent's~~ caregiver's or relative's home prior to the 4186
date the foster ~~parent~~ caregiver or relative files the petition to 4187
adopt the child toward the six-month waiting period established by 4188
division (A) of this section. 4189

Sec. 3107.14. (A) The petitioner and the person sought to be 4190
adopted shall appear at the hearing on the petition, unless the 4191
presence of either is excused by the court for good cause shown. 4192

(B) The court may continue the hearing from time to time to 4193
permit further observation, investigation, or consideration of any 4194
facts or circumstances affecting the granting of the petition, and 4195
may examine the petitioners separate and apart from each other. 4196

(C) If, at the conclusion of the hearing, the court finds 4197

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

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

(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 to support their children's or foster children's academic efforts at school and their children's or foster children's development as future responsible adult members of society.

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

(1) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the

parent with residual parental rights, privileges, and 4260
responsibilities. When a child is in the permanent custody of a 4261
government agency or a person other than the child's natural or 4262
adoptive parent, "parent" means the parent who was divested of 4263
parental rights and responsibilities for the care of the child and 4264
the right to have the child live with the parent and be the legal 4265
custodian of the child and all residual parental rights, 4266
privileges, and responsibilities. 4267

(2) "Legal custody," "permanent custody," and "residual 4268
parental rights, privileges, and responsibilities" have the same 4269
meanings as in section 2151.011 of the Revised Code. 4270

(3) "School district" or "district" means a city, local, or 4271
exempted village school district and excludes any school operated 4272
in an institution maintained by the department of youth services. 4273

(4) Except as used in division (C)(2) of this section, "home" 4274
means a home, institution, ~~family~~ foster home, group home, or 4275
other residential facility in this state that receives and cares 4276
for children, to which any of the following applies: 4277

(a) The home is licensed, certified, or approved for such 4278
purpose by the state or is maintained by the department of youth 4279
services. 4280

(b) The home is operated by a person who is licensed, 4281
certified, or approved by the state to operate the home for such 4282
purpose. 4283

(c) The home accepted the child through a placement by a 4284
person licensed, certified, or approved to place a child in such a 4285
home by the state. 4286

(d) The home is a children's home created under section 4287
5153.21 or 5153.36 of the Revised Code. 4288

(5) "Agency" means all of the following: 4289

(a) A public children services agency;	4290
(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;	4291 4292 4293 4294 4295 4296
(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.	4297 4298 4299
(6) A child is placed for adoption if either of the following occurs:	4300 4301
(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.	4302 4303 4304 4305
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	4306 4307 4308
(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	4309 4310 4311 4312 4313
(8) "Child," unless otherwise indicated, includes handicapped preschool children.	4314 4315
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as	4316 4317 4318 4319

provided in this division. 4320

(1) A child shall be admitted to the schools of the school 4321
district in which the child's parent resides. 4322

(2) A child who does not reside in the district where the 4323
child's parent resides shall be admitted to the schools of the 4324
district in which the child resides if any of the following 4325
applies: 4326

(a) The child is in the legal or permanent custody of a 4327
government agency or a person other than the child's natural or 4328
adoptive parent. 4329

(b) The child resides in a home. 4330

(c) The child requires special education. 4331

(3) A child who is not entitled under division (B)(2) of this 4332
section to be admitted to the schools of the district where the 4333
child resides and who is residing with a resident of this state 4334
with whom the child has been placed for adoption shall be admitted 4335
to the schools of the district where the child resides unless 4336
either of the following applies: 4337

(a) The placement for adoption has been terminated. 4338

(b) Another school district is required to admit the child 4339
under division (B)(1) of this section. 4340

Division (B) of this section does not prohibit the board of 4341
education of a school district from placing a handicapped child 4342
who resides in the district in a special education program outside 4343
of the district or its schools in compliance with Chapter 3323. of 4344
the Revised Code. 4345

(C) A district shall not charge tuition for children admitted 4346
under division (B)(1) or (3) of this section. If the district 4347
admits a child under division (B)(2) of this section, tuition 4348
shall be paid to the district that admits the child as follows: 4349

4350

(1) If the child receives special education in accordance 4351
with Chapter 3323. of the Revised Code, tuition shall be paid in 4352
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 4353
the Revised Code regardless of who has custody of the child or 4354
whether the child resides in a home. 4355

(2) Except as otherwise provided in division (C)(2)(d) of 4356
this section, if the child is in the permanent or legal custody of 4357
a government agency or person other than the child's parent, 4358
tuition shall be paid by: 4359

(a) The district in which the child's parent resided at the 4360
time the court removed the child from home or at the time the 4361
court vested legal or permanent custody of the child in the person 4362
or government agency, whichever occurred first; ~~or~~ 4363

(b) If the parent's residence at the time the court removed 4364
the child from home or placed the child in the legal or permanent 4365
custody of the person or government agency is unknown, tuition 4366
shall be paid by the district in which the child resided at the 4367
time the child was removed from home or placed in legal or 4368
permanent custody, whichever occurred first; ~~or~~ 4369

(c) If a school district cannot be established under division 4370
(C)(2)(a) or (b) of this section, tuition shall be paid by the 4371
district determined as required by section 2151.357 of the Revised 4372
Code by the court at the time it vests custody of the child in the 4373
person or government agency-; 4374

(d) If at the time the court removed the child from home or 4375
vested legal or permanent custody of the child in the person or 4376
government agency, whichever occurred first, one parent was in a 4377
residential or correctional facility or a juvenile residential 4378
placement and the other parent, if living and not in such a 4379
facility or placement, was not known to reside in this state, 4380

tuition shall be paid by the district determined under division 4381
(D) of section 3313.65 of the Revised Code as the district 4382
required to pay any tuition while the parent was in such facility 4383
or placement. 4384

(3) If the child is not in the permanent or legal custody of 4385
a government agency or person other than the child's parent and 4386
the child resides in a home, tuition shall be paid by one of the 4387
following: 4388

(a) The school district in which the child's parent resides; 4389

(b) If the child's parent is not a resident of this state, 4390
the home in which the child resides. 4391

(D) Tuition required to be paid under divisions (C)(2) and 4392
(3)(a) of this section shall be computed in accordance with 4393
section 3317.08 of the Revised Code. Tuition required to be paid 4394
under division (C)(3)(b) of this section shall be computed in 4395
accordance with section 3317.081 of the Revised Code. If a home 4396
fails to pay the tuition required by division (C)(3)(b) of this 4397
section, the board of education providing the education may 4398
recover in a civil action the tuition and the expenses incurred in 4399
prosecuting the action, including court costs and reasonable 4400
attorney's fees. If the prosecuting attorney or city director of 4401
law represents the board in such action, costs and reasonable 4402
attorney's fees awarded by the court, based upon the prosecuting 4403
attorney's, director's, or one of their designee's time spent 4404
preparing and presenting the case, shall be deposited in the 4405
county or city general fund. 4406

(E) A board of education may enroll a child free of any 4407
tuition obligation for a period not to exceed sixty days, on the 4408
sworn statement of an adult resident of the district that the 4409
resident has initiated legal proceedings for custody of the child. 4410

(F) In the case of any individual entitled to attend school 4411

under this division, no tuition shall be charged by the school 4412
district of attendance and no other school district shall be 4413
required to pay tuition for the individual's attendance. 4414
Notwithstanding division (B), (C), or (E) of this section: 4415

(1) All persons at least eighteen but under twenty-two years 4416
of age who live apart from their parents, support themselves by 4417
their own labor, and have not successfully completed the high 4418
school curriculum or the individualized education program 4419
developed for the person by the high school pursuant to section 4420
3323.08 of the Revised Code, are entitled to attend school in the 4421
district in which they reside. 4422

(2) Any child under eighteen years of age who is married is 4423
entitled to attend school in the child's district of residence. 4424

(3) A child is entitled to attend school in the district in 4425
which either of the child's parents is employed if the child has a 4426
medical condition that may require emergency medical attention. 4427
The parent of a child entitled to attend school under division 4428
(F)(3) of this section shall submit to the board of education of 4429
the district in which the parent is employed a statement from the 4430
child's physician certifying that the child's medical condition 4431
may require emergency medical attention. The statement shall be 4432
supported by such other evidence as the board may require. 4433

(4) Any child residing with a person other than the child's 4434
parent is entitled, for a period not to exceed twelve months, to 4435
attend school in the district in which that person resides if the 4436
child's parent files an affidavit with the superintendent of the 4437
district in which the person with whom the child is living resides 4438
stating all of the following: 4439

(a) That the parent is serving outside of the state in the 4440
armed services of the United States; 4441

(b) That the parent intends to reside in the district upon 4442

returning to this state; 4443

(c) The name and address of the person with whom the child is 4444
living while the parent is outside the state. 4445

(5) Any child under the age of twenty-two years who, after 4446
the death of a parent, resides in a school district other than the 4447
district in which the child attended school at the time of the 4448
parent's death is entitled to continue to attend school in the 4449
district in which the child attended school at the time of the 4450
parent's death for the remainder of the school year, subject to 4451
approval of that district board. 4452

(6) A child under the age of twenty-two years who resides 4453
with a parent who is having a new house built in a school district 4454
outside the district where the parent is residing is entitled to 4455
attend school for a period of time in the district where the new 4456
house is being built. In order to be entitled to such attendance, 4457
the parent shall provide the district superintendent with the 4458
following: 4459

(a) A sworn statement explaining the situation, revealing the 4460
location of the house being built, and stating the parent's 4461
intention to reside there upon its completion; 4462

(b) A statement from the builder confirming that a new house 4463
is being built for the parent and that the house is at the 4464
location indicated in the parent's statement. 4465

(7) A child under the age of twenty-two years residing with a 4466
parent who has a contract to purchase a house in a school district 4467
outside the district where the parent is residing and who is 4468
waiting upon the date of closing of the mortgage loan for the 4469
purchase of such house is entitled to attend school for a period 4470
of time in the district where the house is being purchased. In 4471
order to be entitled to such attendance, the parent shall provide 4472
the district superintendent with the following: 4473

(a) A sworn statement explaining the situation, revealing the 4474
location of the house being purchased, and stating the parent's 4475
intent to reside there; 4476

(b) A statement from a real estate broker or bank officer 4477
confirming that the parent has a contract to purchase the house, 4478
that the parent is waiting upon the date of closing of the 4479
mortgage loan, and that the house is at the location indicated in 4480
the parent's statement. 4481

The district superintendent shall establish a period of time 4482
not to exceed ninety days during which the child entitled to 4483
attend school under division (F)(6) or (7) of this section may 4484
attend without tuition obligation. A student attending a school 4485
under division (F)(6) or (7) of this section shall be eligible to 4486
participate in interscholastic athletics under the auspices of 4487
that school, provided the board of education of the school 4488
district where the student's parent resides, by a formal action, 4489
releases the student to participate in interscholastic athletics 4490
at the school where the student is attending, and provided the 4491
student receives any authorization required by a public agency or 4492
private organization of which the school district is a member 4493
exercising authority over interscholastic sports. 4494

(8) A child whose parent is a full-time employee of a city, 4495
local, or exempted village school district, or of an educational 4496
service center, may be admitted to the schools of the district 4497
where the child's parent is employed, or in the case of a child 4498
whose parent is employed by an educational service center, in the 4499
district that serves the location where the parent's job is 4500
primarily located, provided the district board of education 4501
establishes such an admission policy by resolution adopted by a 4502
majority of its members. Any such policy shall take effect on the 4503
first day of the school year and the effective date of any 4504
amendment or repeal may not be prior to the first day of the 4505

subsequent school year. The policy shall be uniformly applied to 4506
all such children and shall provide for the admission of any such 4507
child upon request of the parent. No child may be admitted under 4508
this policy after the first day of classes of any school year. 4509

(9) A child who is with the child's parent under the care of 4510
a shelter for victims of domestic violence, as defined in section 4511
3113.33 of the Revised Code, is entitled to attend school free in 4512
the district in which the child is with the child's parent, and no 4513
other school district shall be required to pay tuition for the 4514
child's attendance in that school district. 4515

The enrollment of a child in a school district under this 4516
division shall not be denied due to a delay in the school 4517
district's receipt of any records required under section 3313.672 4518
of the Revised Code or any other records required for enrollment. 4519
Any days of attendance and any credits earned by a child while 4520
enrolled in a school district under this division shall be 4521
transferred to and accepted by any school district in which the 4522
child subsequently enrolls. The state board of education shall 4523
adopt rules to ensure compliance with this division. 4524

(10) Any child under the age of twenty-two years whose parent 4525
has moved out of the school district after the commencement of 4526
classes in the child's senior year of high school is entitled, 4527
subject to the approval of that district board, to attend school 4528
in the district in which the child attended school at the time of 4529
the parental move for the remainder of the school year and for one 4530
additional semester or equivalent term. A district board may also 4531
adopt a policy specifying extenuating circumstances under which a 4532
student may continue to attend school under division (F)(10) of 4533
this section for an additional period of time in order to 4534
successfully complete the high school curriculum for the 4535
individualized education program developed for the student by the 4536
high school pursuant to section 3323.08 of the Revised Code. 4537

(11) As used in this division, "grandparent" means a parent 4538
of a parent of a child. A child under the age of twenty-two years 4539
who is in the custody of the child's parent, resides with a 4540
grandparent, and does not require special education is entitled to 4541
attend the schools of the district in which the child's 4542
grandparent resides, provided that, prior to such attendance in 4543
any school year, the board of education of the school district in 4544
which the child's grandparent resides and the board of education 4545
of the school district in which the child's parent resides enter 4546
into a written agreement specifying that good cause exists for 4547
such attendance, describing the nature of this good cause, and 4548
consenting to such attendance. 4549

In lieu of a consent form signed by a parent, a board of 4550
education may request the grandparent of a child attending school 4551
in the district in which the grandparent resides pursuant to 4552
division (F)(11) of this section to complete any consent form 4553
required by the district, including any authorization required by 4554
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 4555
Upon request, the grandparent shall complete any consent form 4556
required by the district. A school district shall not incur any 4557
liability solely because of its receipt of a consent form from a 4558
grandparent in lieu of a parent. 4559

Division (F)(11) of this section does not create, and shall 4560
not be construed as creating, a new cause of action or substantive 4561
legal right against a school district, a member of a board of 4562
education, or an employee of a school district. This section does 4563
not affect, and shall not be construed as affecting, any 4564
immunities from defenses to tort liability created or recognized 4565
by Chapter 2744. of the Revised Code for a school district, 4566
member, or employee. 4567

(12) A child under the age of twenty-two years is entitled to 4568
attend school in a school district other than the district in 4569

which the child is entitled to attend school under division (B), 4570
(C), or (E) of this section provided that, prior to such 4571
attendance in any school year, both of the following occur: 4572

(a) The superintendent of the district in which the child is 4573
entitled to attend school under division (B), (C), or (E) of this 4574
section contacts the superintendent of another district for 4575
purposes of this division; 4576

(b) The superintendents of both districts enter into a 4577
written agreement that consents to the attendance and specifies 4578
that the purpose of such attendance is to protect the student's 4579
physical or mental well-being or to deal with other extenuating 4580
circumstances deemed appropriate by the superintendents. 4581

While an agreement is in effect under this division for a 4582
student who is not receiving special education under Chapter 3323. 4583
of the Revised Code and notwithstanding Chapter 3327. of the 4584
Revised Code, the board of education of neither school district 4585
involved in the agreement is required to provide transportation 4586
for the student to and from the school where the student attends. 4587

A student attending a school of a district pursuant to this 4588
division shall be allowed to participate in all student 4589
activities, including interscholastic athletics, at the school 4590
where the student is attending on the same basis as any student 4591
who has always attended the schools of that district while of 4592
compulsory school age. 4593

(G) A board of education, after approving admission, may 4594
waive tuition for students who will temporarily reside in the 4595
district and who are either of the following: 4596

(1) Residents or domiciliaries of a foreign nation who 4597
request admission as foreign exchange students; 4598

(2) Residents or domiciliaries of the United States but not 4599

of Ohio who request admission as participants in an exchange 4600
program operated by a student exchange organization. 4601

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 4602
3327.04, and 3327.06 of the Revised Code, a child may attend 4603
school or participate in a special education program in a school 4604
district other than in the district where the child is entitled to 4605
attend school under division (B) of this section. 4606

(I) This division does not apply to a child receiving special 4607
education. 4608

A school district required to pay tuition pursuant to 4609
division (C)(2) or (3) of this section or section 3313.65 of the 4610
Revised Code shall have an amount deducted under division (F) of 4611
section 3317.023 of the Revised Code equal to its own tuition rate 4612
for the same period of attendance. A school district entitled to 4613
receive tuition pursuant to division (C)(2) or (3) of this section 4614
or section 3313.65 of the Revised Code shall have an amount 4615
credited under division (F) of section 3317.023 of the Revised 4616
Code equal to its own tuition rate for the same period of 4617
attendance. If the tuition rate credited to the district of 4618
attendance exceeds the rate deducted from the district required to 4619
pay tuition, the department of education shall pay the district of 4620
attendance the difference from amounts deducted from all 4621
districts' payments under division (F) of section 3317.023 of the 4622
Revised Code but not credited to other school districts under such 4623
division and from appropriations made for such purpose. The 4624
treasurer of each school district shall, by the fifteenth day of 4625
January and July, furnish the superintendent of public instruction 4626
a report of the names of each child who attended the district's 4627
schools under divisions (C)(2) and (3) of this section or section 4628
3313.65 of the Revised Code during the preceding six calendar 4629
months, the duration of the attendance of those children, the 4630
school district responsible for tuition on behalf of the child, 4631

and any other information that the superintendent requires.

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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.

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

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(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.

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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:

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

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(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;

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(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 of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

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

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

the local registrar of vital statistics of the county in which the 4693
person resided at the time of death. 4694

Sec. 4731.22. (A) The state medical board, by an affirmative 4695
vote of not fewer than six of its members, may revoke or may 4696
refuse to grant a certificate to a person found by the board to 4697
have committed fraud during the administration of the examination 4698
for a certificate to practice or to have committed fraud, 4699
misrepresentation, or deception in applying for or securing any 4700
certificate to practice or certificate of registration issued by 4701
the board. 4702

(B) The board, by an affirmative vote of not fewer than six 4703
members, shall, to the extent permitted by law, limit, revoke, or 4704
suspend an individual's certificate to practice, refuse to 4705
register an individual, refuse to reinstate a certificate, or 4706
reprimand or place on probation the holder of a certificate for 4707
one or more of the following reasons: 4708

(1) Permitting one's name or one's certificate to practice or 4709
certificate of registration to be used by a person, group, or 4710
corporation when the individual concerned is not actually 4711
directing the treatment given; 4712

(2) Failure to maintain minimal standards applicable to the 4713
selection or administration of drugs, or failure to employ 4714
acceptable scientific methods in the selection of drugs or other 4715
modalities for treatment of disease; 4716

(3) Selling, giving away, personally furnishing, prescribing, 4717
or administering drugs for other than legal and legitimate 4718
therapeutic purposes or a plea of guilty to, a judicial finding of 4719
guilt of, or a judicial finding of eligibility for intervention in 4720
lieu of conviction of, a violation of any federal or state law 4721
regulating the possession, distribution, or use of any drug; 4722

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(4) Willfully betraying a professional confidence.

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

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(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.

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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.

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(6) A departure from, or the failure to conform to, minimal

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standards of care of similar practitioners under the same or	4754
similar circumstances, whether or not actual injury to a patient	4755
is established;	4756
(7) Representing, with the purpose of obtaining compensation	4757
or other advantage as personal gain or for any other person, that	4758
an incurable disease or injury, or other incurable condition, can	4759
be permanently cured;	4760
(8) The obtaining of, or attempting to obtain, money or	4761
anything of value by fraudulent misrepresentations in the course	4762
of practice;	4763
(9) A plea of guilty to, a judicial finding of guilt of, or a	4764
judicial finding of eligibility for intervention in lieu of	4765
conviction for, a felony;	4766
(10) Commission of an act that constitutes a felony in this	4767
state, regardless of the jurisdiction in which the act was	4768
committed;	4769
(11) A plea of guilty to, a judicial finding of guilt of, or	4770
a judicial finding of eligibility for intervention in lieu of	4771
conviction for, a misdemeanor committed in the course of practice;	4772
(12) Commission of an act in the course of practice that	4773
constitutes a misdemeanor in this state, regardless of the	4774
jurisdiction in which the act was committed;	4775
(13) A plea of guilty to, a judicial finding of guilt of, or	4776
a judicial finding of eligibility for intervention in lieu of	4777
conviction for, a misdemeanor involving moral turpitude;	4778
(14) Commission of an act involving moral turpitude that	4779
constitutes a misdemeanor in this state, regardless of the	4780
jurisdiction in which the act was committed;	4781
(15) Violation of the conditions of limitation placed by the	4782
board upon a certificate to practice;	4783

(16) Failure to pay license renewal fees specified in this chapter; 4784
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(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, 4786
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or the receiving of a thing of value in return for a specific 4788
referral of a patient to utilize a particular service or business; 4789

(18) Subject to section 4731.226 of the Revised Code, 4790
violation of any provision of a code of ethics of the American 4791
medical association, the American osteopathic association, the 4792
American podiatric medical association, or any other national 4793
professional organizations that the board specifies by rule. The 4794
state medical board shall obtain and keep on file current copies 4795
of the codes of ethics of the various national professional 4796
organizations. The individual whose certificate is being suspended 4797
or revoked shall not be found to have violated any provision of a 4798
code of ethics of an organization not appropriate to the 4799
individual's profession. 4800

For purposes of this division, a "provision of a code of 4801
ethics of a national professional organization" does not include 4802
any provision that would preclude the making of a report by a 4803
physician of an employee's use of a drug of abuse, or of a 4804
condition of an employee other than one involving the use of a 4805
drug of abuse, to the employer of the employee as described in 4806
division (B) of section 2305.33 of the Revised Code. Nothing in 4807
this division affects the immunity from civil liability conferred 4808
by that section upon a physician who makes either type of report 4809
in accordance with division (B) of that section. As used in this 4810
division, "employee," "employer," and "physician" have the same 4811
meanings as in section 2305.33 of the Revised Code. 4812

(19) Inability to practice according to acceptable and 4813
prevailing standards of care by reason of mental illness or 4814

physical illness, including, but not limited to, physical 4815
deterioration that adversely affects cognitive, motor, or 4816
perceptive skills. 4817

In enforcing this division, the board, upon a showing of a 4818
possible violation, may compel any individual authorized to 4819
practice by this chapter or who has submitted an application 4820
pursuant to this chapter to submit to a mental examination, 4821
physical examination, including an HIV test, or both a mental and 4822
a physical examination. The expense of the examination is the 4823
responsibility of the individual compelled to be examined. Failure 4824
to submit to a mental or physical examination or consent to an HIV 4825
test ordered by the board constitutes an admission of the 4826
allegations against the individual unless the failure is due to 4827
circumstances beyond the individual's control, and a default and 4828
final order may be entered without the taking of testimony or 4829
presentation of evidence. If the board finds an individual unable 4830
to practice because of the reasons set forth in this division, the 4831
board shall require the individual to submit to care, counseling, 4832
or treatment by physicians approved or designated by the board, as 4833
a condition for initial, continued, reinstated, or renewed 4834
authority to practice. An individual affected under this division 4835
shall be afforded an opportunity to demonstrate to the board the 4836
ability to resume practice in compliance with acceptable and 4837
prevailing standards under the provisions of the individual's 4838
certificate. For the purpose of this division, any individual who 4839
applies for or receives a certificate to practice under this 4840
chapter accepts the privilege of practicing in this state and, by 4841
so doing, shall be deemed to have given consent to submit to a 4842
mental or physical examination when directed to do so in writing 4843
by the board, and to have waived all objections to the 4844
admissibility of testimony or examination reports that constitute 4845
a privileged communication. 4846

(20) Except when civil penalties are imposed under section 4847
4731.225 or 4731.281 of the Revised Code, and subject to section 4848
4731.226 of the Revised Code, violating or attempting to violate, 4849
directly or indirectly, or assisting in or abetting the violation 4850
of, or conspiring to violate, any provisions of this chapter or 4851
any rule promulgated by the board. 4852

This division does not apply to a violation or attempted 4853
violation of, assisting in or abetting the violation of, or a 4854
conspiracy to violate, any provision of this chapter or any rule 4855
adopted by the board that would preclude the making of a report by 4856
a physician of an employee's use of a drug of abuse, or of a 4857
condition of an employee other than one involving the use of a 4858
drug of abuse, to the employer of the employee as described in 4859
division (B) of section 2305.33 of the Revised Code. Nothing in 4860
this division affects the immunity from civil liability conferred 4861
by that section upon a physician who makes either type of report 4862
in accordance with division (B) of that section. As used in this 4863
division, "employee," "employer," and "physician" have the same 4864
meanings as in section 2305.33 of the Revised Code. 4865

(21) The violation of any abortion rule adopted by the public 4866
health council pursuant to section 3701.341 of the Revised Code; 4867
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(22) Any of the following actions taken by the agency 4869
responsible for regulating the practice of medicine and surgery, 4870
osteopathic medicine and surgery, podiatry, or the limited 4871
branches of medicine in another jurisdiction, for any reason other 4872
than the nonpayment of fees: the limitation, revocation, or 4873
suspension of an individual's license to practice; acceptance of 4874
an individual's license surrender; denial of a license; refusal to 4875
renew or reinstate a license; imposition of probation; or issuance 4876
of an order of censure or other reprimand; 4877

(23) The violation of section 2919.12 of the Revised Code or 4878
the performance or inducement of an abortion upon a pregnant woman 4879
with actual knowledge that the conditions specified in division 4880
(B) of section 2317.56 of the Revised Code have not been satisfied 4881
or with a heedless indifference as to whether those conditions 4882
have been satisfied, unless an affirmative defense as specified in 4883
division (H)(2) of that section would apply in a civil action 4884
authorized by division (H)(1) of that section; 4885

(24) The revocation, suspension, restriction, reduction, or 4886
termination of clinical privileges by the United States department 4887
of defense or department of veterans affairs or the termination or 4888
suspension of a certificate of registration to prescribe drugs by 4889
the drug enforcement administration of the United States 4890
department of justice; 4891

(25) Termination or suspension from participation in the 4892
medicare or medicaid programs by the department of health and 4893
human services or other responsible agency for any act or acts 4894
that also would constitute a violation of division (B)(2), (3), 4895
(6), (8), or (19) of this section; 4896

(26) Impairment of ability to practice according to 4897
acceptable and prevailing standards of care because of habitual or 4898
excessive use or abuse of drugs, alcohol, or other substances that 4899
impair ability to practice. 4900

For the purposes of this division, any individual authorized 4901
to practice by this chapter accepts the privilege of practicing in 4902
this state subject to supervision by the board. By filing an 4903
application for or holding a certificate to practice under this 4904
chapter, an individual shall be deemed to have given consent to 4905
submit to a mental or physical examination when ordered to do so 4906
by the board in writing, and to have waived all objections to the 4907
admissibility of testimony or examination reports that constitute 4908

privileged communications. 4909

If it has reason to believe that any individual authorized to 4910
practice by this chapter or any applicant for certification to 4911
practice suffers such impairment, the board may compel the 4912
individual to submit to a mental or physical examination, or both. 4913
The expense of the examination is the responsibility of the 4914
individual compelled to be examined. Any mental or physical 4915
examination required under this division shall be undertaken by a 4916
treatment provider or physician who is qualified to conduct the 4917
examination and who is chosen by the board. 4918

Failure to submit to a mental or physical examination ordered 4919
by the board constitutes an admission of the allegations against 4920
the individual unless the failure is due to circumstances beyond 4921
the individual's control, and a default and final order may be 4922
entered without the taking of testimony or presentation of 4923
evidence. If the board determines that the individual's ability to 4924
practice is impaired, the board shall suspend the individual's 4925
certificate or deny the individual's application and shall require 4926
the individual, as a condition for initial, continued, reinstated, 4927
or renewed certification to practice, to submit to treatment. 4928

Before being eligible to apply for reinstatement of a 4929
certificate suspended under this division, the impaired 4930
practitioner shall demonstrate to the board the ability to resume 4931
practice in compliance with acceptable and prevailing standards of 4932
care under the provisions of the practitioner's certificate. The 4933
demonstration shall include, but shall not be limited to, the 4934
following: 4935

(a) Certification from a treatment provider approved under 4936
section 4731.25 of the Revised Code that the individual has 4937
successfully completed any required inpatient treatment; 4938

(b) Evidence of continuing full compliance with an aftercare 4939

contract or consent agreement; 4940

(c) Two written reports indicating that the individual's 4941
ability to practice has been assessed and that the individual has 4942
been found capable of practicing according to acceptable and 4943
prevailing standards of care. The reports shall be made by 4944
individuals or providers approved by the board for making the 4945
assessments and shall describe the basis for their determination. 4946

The board may reinstate a certificate suspended under this 4947
division after that demonstration and after the individual has 4948
entered into a written consent agreement. 4949

When the impaired practitioner resumes practice, the board 4950
shall require continued monitoring of the individual. The 4951
monitoring shall include, but not be limited to, compliance with 4952
the written consent agreement entered into before reinstatement or 4953
with conditions imposed by board order after a hearing, and, upon 4954
termination of the consent agreement, submission to the board for 4955
at least two years of annual written progress reports made under 4956
penalty of perjury stating whether the individual has maintained 4957
sobriety. 4958

(27) A second or subsequent violation of section 4731.66 or 4959
4731.69 of the Revised Code; 4960

(28) Except as provided in division (N) of this section: 4961

(a) Waiving the payment of all or any part of a deductible or 4962
copayment that a patient, pursuant to a health insurance or health 4963
care policy, contract, or plan that covers the individual's 4964
services, otherwise would be required to pay if the waiver is used 4965
as an enticement to a patient or group of patients to receive 4966
health care services from that individual; 4967

(b) Advertising that the individual will waive the payment of 4968
all or any part of a deductible or copayment that a patient, 4969

pursuant to a health insurance or health care policy, contract, or 4970
plan that covers the individual's services, otherwise would be 4971
required to pay. 4972

(29) Failure to use universal blood and body fluid 4973
precautions established by rules adopted under section 4731.051 of 4974
the Revised Code; 4975

(30) Failure of a collaborating physician to fulfill the 4976
responsibilities agreed to by the physician and an advanced 4977
practice nurse participating in a pilot program under section 4978
4723.52 of the Revised Code; 4979

(31) Failure to provide notice to, and receive acknowledgment 4980
of the notice from, a patient when required by section 4731.143 of 4981
the Revised Code prior to providing nonemergency professional 4982
services, or failure to maintain that notice in the patient's 4983
file; 4984

(32) Failure of a physician supervising a physician assistant 4985
to maintain supervision in accordance with the requirements of 4986
Chapter 4730. of the Revised Code and the rules adopted under that 4987
chapter; 4988

(33) Failure of a physician or podiatrist to enter into a 4989
standard care arrangement with a clinical nurse specialist, 4990
certified nurse-midwife, or certified nurse practitioner with whom 4991
the physician or podiatrist is in collaboration pursuant to 4992
section 4731.27 of the Revised Code or failure to fulfill the 4993
responsibilities of collaboration after entering into a standard 4994
care arrangement; 4995

(34) Failure to comply with the terms of a consult agreement 4996
entered into with a pharmacist pursuant to section 4729.39 of the 4997
Revised Code; 4998

(35) Failure to cooperate in an investigation conducted by 4999

the board under division (F) of this section, including failure to
comply with a subpoena or order issued by the board or failure to
answer truthfully a question presented by the board at a
deposition or in written interrogatories, except that failure to
cooperate with an investigation shall not constitute grounds for
discipline under this section if a court of competent jurisdiction
has issued an order that either quashes a subpoena or permits the
individual to withhold the testimony or evidence in issue;

(36) Failure to supervise an acupuncturist in accordance with
Chapter 4762. of the Revised Code and the board's rules for
supervision of an acupuncturist.

(C) Disciplinary actions taken by the board under divisions
(A) and (B) of this section shall be taken pursuant to an
adjudication under Chapter 119. of the Revised Code, except that
in lieu of an adjudication, the board may enter into a consent
agreement with an individual to resolve an allegation of a
violation of this chapter or any rule adopted under it. A consent
agreement, when ratified by an affirmative vote of not fewer than
six members of the board, shall constitute the findings and order
of the board with respect to the matter addressed in the
agreement. If the board refuses to ratify a consent agreement, the
admissions and findings contained in the consent agreement shall
be of no force or effect.

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

(E) The sealing of conviction records by any court shall have 5032
no effect upon a prior board order entered under this section or 5033
upon the board's jurisdiction to take action under this section 5034
if, based upon a plea of guilty, a judicial finding of guilt, or a 5035
judicial finding of eligibility for intervention in lieu of 5036
conviction, the board issued a notice of opportunity for a hearing 5037
prior to the court's order to seal the records. The board shall 5038
not be required to seal, destroy, redact, or otherwise modify its 5039
records to reflect the court's sealing of conviction records. 5040

(F)(1) The board shall investigate evidence that appears to 5041
show that a person has violated any provision of this chapter or 5042
any rule adopted under it. Any person may report to the board in a 5043
signed writing any information that the person may have that 5044
appears to show a violation of any provision of this chapter or 5045
any rule adopted under it. In the absence of bad faith, any person 5046
who reports information of that nature or who testifies before the 5047
board in any adjudication conducted under Chapter 119. of the 5048
Revised Code shall not be liable in damages in a civil action as a 5049
result of the report or testimony. Each complaint or allegation of 5050
a violation received by the board shall be assigned a case number 5051
and shall be recorded by the board. 5052

(2) Investigations of alleged violations of this chapter or 5053
any rule adopted under it shall be supervised by the supervising 5054
member elected by the board in accordance with section 4731.02 of 5055
the Revised Code and by the secretary as provided in section 5056
4731.39 of the Revised Code. The president may designate another 5057
member of the board to supervise the investigation in place of the 5058
supervising member. No member of the board who supervises the 5059
investigation of a case shall participate in further adjudication 5060
of the case. 5061

(3) In investigating a possible violation of this chapter or 5062
any rule adopted under this chapter, the board may administer 5063

oaths, order the taking of depositions, issue subpoenas, and 5064
compel the attendance of witnesses and production of books, 5065
accounts, papers, records, documents, and testimony, except that a 5066
subpoena for patient record information shall not be issued 5067
without consultation with the attorney general's office and 5068
approval of the secretary and supervising member of the board. 5069
Before issuance of a subpoena for patient record information, the 5070
secretary and supervising member shall determine whether there is 5071
probable cause to believe that the complaint filed alleges a 5072
violation of this chapter or any rule adopted under it and that 5073
the records sought are relevant to the alleged violation and 5074
material to the investigation. The subpoena may apply only to 5075
records that cover a reasonable period of time surrounding the 5076
alleged violation. 5077

On failure to comply with any subpoena issued by the board 5078
and after reasonable notice to the person being subpoenaed, the 5079
board may move for an order compelling the production of persons 5080
or records pursuant to the Rules of Civil Procedure. 5081

A subpoena issued by the board may be served by a sheriff, 5082
the sheriff's deputy, or a board employee designated by the board. 5083
Service of a subpoena issued by the board may be made by 5084
delivering a copy of the subpoena to the person named therein, 5085
reading it to the person, or leaving it at the person's usual 5086
place of residence. When the person being served is a person whose 5087
practice is authorized by this chapter, service of the subpoena 5088
may be made by certified mail, restricted delivery, return receipt 5089
requested, and the subpoena shall be deemed served on the date 5090
delivery is made or the date the person refuses to accept 5091
delivery. 5092

A sheriff's deputy who serves a subpoena shall receive the 5093
same fees as a sheriff. Each witness who appears before the board 5094
in obedience to a subpoena shall receive the fees and mileage 5095

provided for witnesses in civil cases in the courts of common pleas. 5096
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(4) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.251 of the Revised Code. 5098
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(5) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action. 5101
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The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about 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. 5104
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The board may share any information it receives pursuant to an investigation, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board 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 agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require 5114
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that appropriate measures are taken to ensure that confidentiality 5127
is maintained with respect to any part of the information that 5128
contains names or other identifying information about patients or 5129
complainants whose confidentiality was protected by the state 5130
medical board when the information was in the board's possession. 5131
Measures to ensure confidentiality that may be taken by the court 5132
include sealing its records or deleting specific information from 5133
its records. 5134

(6) On a quarterly basis, the board shall prepare a report 5135
that documents the disposition of all cases during the preceding 5136
three months. The report shall contain the following information 5137
for each case with which the board has completed its activities: 5138

(a) The case number assigned to the complaint or alleged 5139
violation; 5140

(b) The type of certificate to practice, if any, held by the 5141
individual against whom the complaint is directed; 5142

(c) A description of the allegations contained in the 5143
complaint; 5144

(d) The disposition of the case. 5145

The report shall state how many cases are still pending and 5146
shall be prepared in a manner that protects the identity of each 5147
person involved in each case. The report shall be a public record 5148
under section 149.43 of the Revised Code. 5149

(G) If the secretary and supervising member determine that 5150
there is clear and convincing evidence that an individual has 5151
violated division (B) of this section and that the individual's 5152
continued practice presents a danger of immediate and serious harm 5153
to the public, they may recommend that the board suspend the 5154
individual's certificate to practice without a prior hearing. 5155
Written allegations shall be prepared for consideration by the 5156

board. 5157

The board, upon review of those allegations and by an 5158
affirmative vote of not fewer than six of its members, excluding 5159
the secretary and supervising member, may suspend a certificate 5160
without a prior hearing. A telephone conference call may be 5161
utilized for reviewing the allegations and taking the vote on the 5162
summary suspension. 5163

The board shall issue a written order of suspension by 5164
certified mail or in person in accordance with section 119.07 of 5165
the Revised Code. The order shall not be subject to suspension by 5166
the court during pendency of any appeal filed under section 119.12 5167
of the Revised Code. If the individual subject to the summary 5168
suspension requests an adjudicatory hearing by the board, the date 5169
set for the hearing shall be within fifteen days, but not earlier 5170
than seven days, after the individual requests the hearing, unless 5171
otherwise agreed to by both the board and the individual. 5172

Any summary suspension imposed under this division shall 5173
remain in effect, unless reversed on appeal, until a final 5174
adjudicative order issued by the board pursuant to this section 5175
and Chapter 119. of the Revised Code becomes effective. The board 5176
shall issue its final adjudicative order within sixty days after 5177
completion of its hearing. A failure to issue the order within 5178
sixty days shall result in dissolution of the summary suspension 5179
order but shall not invalidate any subsequent, final adjudicative 5180
order. 5181

(H) If the board takes action under division (B)(9), (11), or 5182
(13) of this section and the judicial finding of guilt, guilty 5183
plea, or judicial finding of eligibility for intervention in lieu 5184
of conviction is overturned on appeal, upon exhaustion of the 5185
criminal appeal, a petition for reconsideration of the order may 5186
be filed with the board along with appropriate court documents. 5187

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 jurisdiction 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 to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

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

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

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. Reinstatement of a certificate surrendered to the board requires

an affirmative vote of not fewer than six members of the board. 5251

(2) An application for a certificate made under the 5252
provisions of this chapter may not be withdrawn without approval 5253
of the board. 5254

(3) Failure by an individual to renew a certificate of 5255
registration in accordance with this chapter shall not remove or 5256
limit the board's jurisdiction to take any disciplinary action 5257
under this section against the individual. 5258

(N) Sanctions shall not be imposed under division (B)(28) of 5259
this section against any person who waives deductibles and 5260
copayments as follows: 5261

(1) In compliance with the health benefit plan that expressly 5262
allows such a practice. Waiver of the deductibles or copayments 5263
shall be made only with the full knowledge and consent of the plan 5264
purchaser, payer, and third-party administrator. Documentation of 5265
the consent shall be made available to the board upon request. 5266
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(2) For professional services rendered to any other person 5268
authorized to practice pursuant to this chapter, to the extent 5269
allowed by this chapter and rules adopted by the board. 5270

(O) Under the board's investigative duties described in this 5271
section and subject to division (F) of this section, the board 5272
shall develop and implement a quality intervention program 5273
designed to improve through remedial education the clinical and 5274
communication skills of individuals authorized under this chapter 5275
to practice medicine and surgery, osteopathic medicine and 5276
surgery, and podiatry. In developing and implementing the quality 5277
intervention program, the board may do all of the following: 5278

(1) Offer in appropriate cases as determined by the board an 5279
educational and assessment program pursuant to an investigation 5280

the board conducts under this section;	5281
(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers;	5282 5283
(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.	5284 5285 5286 5287 5288
(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;	5289 5290 5291 5292
(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.	5293 5294 5295
An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.	5296 5297 5298
<u>Sec. 4757.40. In addition to any other remedies provided by law, the counselor and social worker board may apply to an appropriate court for an order enjoining the violation of any provision of this chapter, and on a showing that any person has violated or is about to violate any provision of this chapter, the court shall grant an order enjoining the violation.</u>	5299 5300 5301 5302 5303 5304
Sec. 5101.14. (A) Within available funds, the department of job and family services shall make payments to the counties within thirty days after the beginning of each calendar quarter for a part of their costs for services to children performed pursuant to Chapter 5153. of the Revised Code.	5305 5306 5307 5308 5309

Funds provided to the county under this section shall be 5310
deposited into the children services fund created pursuant to 5311
section 5101.144 of the Revised Code. 5312

(B)(1) The funds distributed under this section shall be used 5313
for the following: 5314

(a) Home-based services to children and families; 5315

(b) Protective services to children; 5316

(c) To find, develop, and approve adoptive homes; 5317

(d) Short-term, out-of-home care and treatment for children; 5318

(e) Costs for the care of a child who resides with a 5319
caretaker relative, other than the child's parent, and is in the 5320
legal custody of a public children services agency pursuant to a 5321
voluntary temporary custody agreement entered into under division 5322
(A) of section 5103.15 of the Revised Code or in the legal custody 5323
of a public children services agency or the caretaker relative 5324
pursuant to an allegation or adjudication of abuse, neglect, or 5325
dependency made under Chapter 2151. of the Revised Code; 5326

(f) Other services a public children services agency 5327
considers necessary to protect children from abuse, neglect, or 5328
dependency. 5329

(2) No funds distributed under this section shall be used for 5330
the costs of maintaining a child in a children's home owned and 5331
operated by the county. 5332

(C) In each fiscal year, the amount of funds available for 5333
distribution under this section shall be allocated to counties as 5334
follows: 5335

(1) If the amount is less than the amount initially 5336
appropriated for the immediately preceding fiscal year, each 5337
county shall receive an amount equal to the percentage of the 5338
funding it received in the immediately preceding fiscal year, 5339

exclusive of any releases from or additions to the allocation or 5340
any sanctions imposed under this section; 5341

(2) If the amount is equal to the amount initially 5342
appropriated for the immediately preceding fiscal year, each 5343
county shall receive an amount equal to the amount it received in 5344
the preceding fiscal year, exclusive of any releases from or 5345
additions to the allocation or any sanctions imposed under this 5346
section; 5347

(3) If the amount is greater than the amount initially 5348
appropriated for the immediately preceding fiscal year, each 5349
county shall receive the amount determined under division (C)(2) 5350
of this section as a base allocation, plus a percentage of the 5351
amount that exceeds the amount initially appropriated for the 5352
immediately preceding fiscal year. The amount exceeding the amount 5353
initially appropriated in the immediately preceding fiscal year 5354
shall be allocated to the counties as follows: 5355

(a) Twelve per cent divided equally among all counties; 5356

(b) Forty-eight per cent in the ratio that the number of 5357
residents of the county under the age of eighteen bears to the 5358
total number of such persons residing in this state; 5359

(c) Forty per cent in the ratio that the number of residents 5360
of the county with incomes under the federal poverty guideline 5361
bears to the total number of such persons in this state. 5362

As used in division (C)(3)(c) of this section, "federal 5363
poverty guideline" means the poverty guideline as defined by the 5364
United States office of management and budget and revised by the 5365
United States secretary of health and human services in accordance 5366
with section 673 of the "Community Services Block Grant Act," 95 5367
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 5368

(D) The director of job and family services may adopt rules 5369

as necessary for the allocation of funds under this section. The 5370
rules shall be adopted in accordance with section 111.15 of the 5371
Revised Code. 5372

(E)(1) As used in this division, "services to children" 5373
includes only children's protective services, home-based services 5374
to children and families, ~~family~~ foster home services, residential 5375
treatment services, adoptive services, and independent living 5376
services. 5377

(2) Except as otherwise provided in this section, the 5378
allocation of funds for a fiscal year to a county under this 5379
section shall be reduced by the department if in the preceding 5380
calendar year the total amount expended for services to children 5381
from local funds and funds distributed to the county under section 5382
5101.46 of the Revised Code was less than the total expended from 5383
those sources in the second preceding calendar year. The reduction 5384
shall be equal to the difference between the total expended in the 5385
preceding calendar year and the total expended in the second 5386
preceding calendar year. 5387

The determination of whether the amount expended for services 5388
to children was less in the preceding calendar year than in the 5389
second preceding calendar year shall not include a difference due 5390
to any of the following factors to the extent that the difference 5391
does not exceed the amount attributable to that factor: 5392

(a) An across-the-board reduction in the county budget as a 5393
whole; 5394

(b) A reduced or failed levy specifically earmarked for 5395
children services; 5396

(c) A reduced allocation of funds to the county under section 5397
5101.24 of the Revised Code; 5398

(d) The closure of, or a reduction in the operating capacity 5399

of, a children's home owned and operated by the county. 5400

(3) Funds withheld under this division may be reallocated by 5401
the department to other counties. The department may grant whole 5402
or partial waivers of the provisions of this division. 5403

(F) Children who are in the temporary or permanent custody of 5404
a certified public or private nonprofit agency or institution, or 5405
who are in adoptions subsidized under division (B) of section 5406
5153.163 of the Revised Code are eligible for medical assistance 5407
through the medical assistance program established under section 5408
5111.01 of the Revised Code. 5409

(G) Within ninety days after the end of each fiscal year, 5410
each county shall return any unspent funds to the department. 5411

(H) The department shall prepare an annual report detailing 5412
on a county-by-county basis the services provided with funds 5413
distributed under this section. The report shall be submitted to 5414
the general assembly by the thirtieth day of September each year 5415
and also shall be made available to the public. 5416

(I) In accordance with Chapter 119. of the Revised Code, the 5417
director shall adopt, and may amend and rescind, rules prescribing 5418
reports on expenditures to be submitted by the counties as 5419
necessary for the implementation of this section. 5420

Sec. 5101.141. (A) The department of job and family services 5421
shall act as the single state agency to administer federal 5422
payments for foster care and adoption assistance made pursuant to 5423
Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 5424
670 (1980), as amended. The director of job and family services 5425
shall adopt rules to implement this authority. Internal management 5426
rules governing financial and administrative requirements 5427
applicable to public children services agencies, private child 5428
placing agencies, and private noncustodial agencies shall be 5429

adopted in accordance with section 111.15 of the Revised Code. 5430
Rules establishing eligibility, program participation, and other 5431
requirements shall be adopted in accordance with Chapter 119. of 5432
the Revised Code. A public children services agency to which the 5433
department distributes Title IV-E funds shall administer the funds 5434
in accordance with those rules. 5435

(B)(1) The county, on behalf of each child eligible for 5436
foster care maintenance payments under Title IV-E of the "Social 5437
Security Act," shall make payments to cover the cost of providing 5438
all of the following: 5439

(a) The child's food, clothing, shelter, daily supervision, 5440
and school supplies; 5441

(b) The child's personal incidentals; 5442

(c) Reasonable travel to the child's home for visitation. 5443

(2) In addition to payments made under division (B)(1) of 5444
this section, the county may, on behalf of each child eligible for 5445
foster care maintenance payments under Title IV-E of the "Social 5446
Security Act," make payments to cover the cost of providing the 5447
following: 5448

(a) Liability insurance with respect to the child; 5449

(b) If the county is participating in the demonstration 5450
project established under division (A) of section 5101.142 of the 5451
Revised Code, services provided under the project. 5452

(3) With respect to a child who is in a child-care 5453
institution, including any type of group home designed for the 5454
care of children or any privately operated program consisting of 5455
two or more family certified foster homes operated by a common 5456
administrative unit, the foster care maintenance payments made by 5457
the county on behalf of the child shall include the reasonable 5458
cost of the administration and operation of the institution, group 5459

home, or program, as necessary to provide the items described in 5460
~~division~~ divisions (B)(1) and (2) of this section. 5461

(C) To the extent that either foster care maintenance 5462
payments under division (B) of this section or Title IV-E adoption 5463
assistance payments for maintenance costs require the expenditure 5464
of county funds, the board of county commissioners shall report 5465
the nature and amount of each expenditure of county funds to the 5466
department. 5467

(D) The department shall distribute to public children 5468
services agencies that incur and report such expenditures federal 5469
financial participation received for administrative and training 5470
costs incurred in the operation of foster care maintenance and 5471
adoption assistance programs. The department may withhold not more 5472
than two per cent of the federal financial participation received. 5473
The funds withheld may be used only to fund the Ohio child welfare 5474
training program established under section 5153.60 of the Revised 5475
Code. The funds withheld shall be in addition to any 5476
administration and training cost for which the department is 5477
reimbursed through its own cost allocation plan. 5478

(E) All federal funds received by a county pursuant to this 5479
section shall be deposited into the county's children services 5480
fund created pursuant to section 5101.144 of the Revised Code. 5481

(F) The department shall periodically publish and distribute 5482
the maximum amounts that the department will reimburse public 5483
children services agencies for making payments on behalf of 5484
children eligible for foster care maintenance payments. 5485

(G) The department, by and through its director, is hereby 5486
authorized to develop, participate in the development of, 5487
negotiate, and enter into one or more interstate compacts on 5488
behalf of this state with agencies of any other states, for the 5489
provision of medical assistance and other social services to 5490

children in relation to whom all of the following apply:	5491
(1) They have special needs.	5492
(2) This state or another state that is a party to the interstate compact is providing adoption assistance on their behalf.	5493 5494 5495
(3) They move into this state from another state or move out of this state to another state.	5496 5497
Sec. 5101.143. (A) As used in this section, "private agency" means a private child placing agency or private noncustodial agency.	5498 5499 5500
(B) A government entity or private agency may submit to the department of job and family services a request that the department determine what portion of an amount the government entity or private agency charges for foster care maintenance for a child eligible for foster care maintenance payments under Title IV-E of the "Social Security Act," 94 Stat. 510, 42 U.S.C.A. 670 (1980), as amended, qualifies for reimbursement under Title IV-E.	5501 5502 5503 5504 5505 5506 5507
(C) As used in this division and division (D) of this section, "government entity" means any government entity other than a public children services agency.	5508 5509 5510
Subject to initial and continued approval by the United States department of health and human services, the department of job and family services shall levy a special assessment on each private agency or government entity seeking a rate determination under division (B) of this section. The amount of the special assessment shall be the greater of three hundred dollars or fifteen cents times the number of days the private agency or government entity provided or arranged foster care in the preceding calendar year to or for each child the agency or entity provided or arranged foster care. The department shall not perform	5511 5512 5513 5514 5515 5516 5517 5518 5519 5520

a rate determination under division (B) of this section for a 5521
private agency or government entity that fails to pay the special 5522
assessment. 5523

The department shall deposit all amounts collected under this 5524
division into the child welfare training fund, which is hereby 5525
created in the state treasury. The department shall use money in 5526
the fund only to secure federal matching funds under Title IV-E to 5527
help defray costs private agencies and government entities incur 5528
in training staff and foster ~~care parents~~ caregivers and that the 5529
department determines are allowable and reasonable costs and to 5530
make payments to private and government entities to assist with 5531
those costs. 5532

The department shall determine the amount of payments it will 5533
make to private agencies and government entities under this 5534
division. The department may require a private agency or 5535
government entity that receives a payment under this division to 5536
pay or help pay the cost of an adverse audit finding that the 5537
agency or entity causes or to which the agency or entity 5538
contributes. The department may require all private agencies and 5539
government entities that receive a payment under this division to 5540
share in the cost of an adverse audit finding that a private 5541
agency or government entity no longer in existence caused or 5542
contributed to. 5543

(D) The director of job and family services shall adopt rules 5544
in accordance with Chapter 119. of the Revised Code to implement 5545
this section. The rules shall include all of the following: 5546

(1) Procedures for a private agency or government entity to 5548
pay the special assessment required by division (C) of this 5549
section and to request a payment from the department to help 5550
defray the cost of training staff and foster ~~parents~~ caregivers; 5551

(2) Criteria for the department to determine whether training costs are allowable and reasonable; 5552
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(3) Any other requirements the department determines to be necessary to implement this section. 5554
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Sec. 5101.145. (A) For the purposes of this section, "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980). 5556
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(B) In adopting rules under section 5101.141 of the Revised Code regarding financial requirements applicable to public children services agencies, private child placing agencies, and private noncustodial agencies, the department of job and family services shall establish both of the following: 5559
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(1) A single form for the agencies to report costs reimbursable under Title IV-E and costs reimbursable under medicaid; 5564
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(2) Procedures to monitor cost reports submitted by the agencies. 5567
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Sec. 5101.146. The department of job and family services shall establish the following penalties, which shall be enforced at the discretion of the department, for the failure of a public children services agency, private child placing agency, or private noncustodial agency to comply with procedures the department establishes to ensure fiscal accountability: 5569
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(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. 5575
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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: 5581
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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. 5584
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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. 5587
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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. 5593
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Sec. 5101.148. If the department of job and family services sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside. 5603
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Sec. 5101.149. Money from the children services fund shall 5609

not be used to provide a personal loan to any individual. 5610

Sec. 5103.02. As used in sections 5103.03 to 5103.17 of the 5611
Revised Code: 5612

(A) "~~Institution Association~~" or "~~association institution~~" 5613
includes any incorporated or unincorporated organization, society, 5614
association, or agency, public or private, that receives or cares 5615
for children for two or more consecutive weeks; any individual 5616
who, for hire, gain, or reward, receives or cares for children for 5617
two or more consecutive weeks, unless the individual is related to 5618
them by blood or marriage; and any individual not in the regular 5619
employ of a court, or of an institution or association certified 5620
in accordance with section 5103.03 of the Revised Code, who in any 5621
manner becomes a party to the placing of children in foster homes, 5622
unless the individual is related to such children by blood or 5623
marriage, or is the appointed guardian of such children; provided, 5624
that any organization, society, association, school, agency, child 5625
guidance center, detention or rehabilitation facility, or 5626
children's clinic licensed, regulated, approved, operated under 5627
the direction of, or otherwise certified by the department of 5628
education, a local board of education, the department of youth 5629
services, the department of mental health, or the department of 5630
mental retardation and developmental disabilities, or any 5631
individual who provides care for only a single-family group, 5632
placed there by their parents or other relative having custody, 5633
shall not be considered as being within the purview of these 5634
sections. 5635

(B) "Family foster home" ~~has the same meaning as in section~~ 5636
~~2151.011 of the Revised Code~~ means a foster home that is not a 5637
treatment foster home. 5638

(C) "Foster caregiver" means a person holding a valid foster 5639

home certificate issued under section 5103.03 of the Revised Code. 5640

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(D) "Foster home" means a private residence in which children 5642

are received apart from their parents, guardian, or legal 5643

custodian, by an individual reimbursed for providing the children 5644

nonsecure care, supervision, or training twenty-four hours a day. 5645

"Foster home" does not include care provided for a child in the 5646

home of a person other than the child's parent, guardian, or legal 5647

custodian while the parent, guardian, or legal custodian is 5648

temporarily away. Family foster homes and treatment foster homes 5649

are types of foster homes. 5650

(E) "Treatment foster home" means a ~~family~~ foster home that 5651

incorporates special psychological or medical treatment designed 5652

to care for the specific needs of the children received in the 5653

~~family~~ foster home and that receives and cares for children who 5654

are emotionally or behaviorally disturbed, medically fragile 5655

requiring special medical treatment due to physical ailment or 5656

condition, mentally retarded, or developmentally disabled. 5657

Sec. ~~5103.033~~ 5103.0317. A ~~family~~ foster home may not receive 5658

more than five children apart from their parents, guardian, or 5659

custodian, except in order to accommodate a sibling group or the 5660

remaining members of a sibling group. 5661

Sec. 5103.0319. (A) No foster caregiver or prospective foster 5662

caregiver shall fail to notify the recommending agency that 5663

recommended or is recommending the foster caregiver or prospective 5664

foster caregiver for certification in writing if a person at least 5665

twelve years of age but less than eighteen years of age residing 5666

with the foster caregiver or prospective foster caregiver has been 5667

convicted of or pleaded guilty to any of the following or has been 5668

adjudicated to be a delinquent child for committing an act that if 5669

committed by an adult would have constituted such a violation: 5670

(1) A violation of section 2903.01, 2903.02, 2903.03, 5671
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5672
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5673
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5674
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 5675
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 5676
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 5677
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 5678
violation of section 2905.04 of the Revised Code as it existed 5679
prior to July 1, 1996, a violation of section 2919.23 of the 5680
Revised Code that would have been a violation of section 2905.04 5681
of the Revised Code as it existed prior to July 1, 1996, had the 5682
violation been committed prior to that date, a violation of 5683
section 2925.11 of the Revised Code that is not a minor drug 5684
possession offense, a violation of section 2923.01 of the Revised 5685
Code that involved an attempt to commit aggravated murder or 5686
murder, or felonious sexual penetration in violation of former 5687
section 2907.12 of the Revised Code; 5688

(2) An offense that would be a felony if committed by an 5689
adult and the court determined that the child, if an adult, would 5690
be guilty of a specification found in section 2941.141, 2941.144, 5691
or 2941.145 of the Revised Code or in another section of the 5692
Revised Code that relates to the possession or use of a firearm, 5693
as defined in section 2923.11 of the Revised Code, during the 5694
commission of the act for which the child was adjudicated a 5695
delinquent child; 5696

(3) A violation of an existing or former law of this state, 5697
any other state, or the United States that is substantially 5698
equivalent to any of the offenses described in division (A)(1) or 5699
(2) of this section. 5700

(B) If a recommending agency learns that a foster caregiver has failed to comply with division (A) of this section, it shall notify the department of job and FAMILY services and the department shall revoke the foster caregiver's foster home certificate. 5701
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Sec. 5103.0320. 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 foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense described in division (A) of section 5103.0319 of the Revised Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense. 5706
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Sec. 5103.0321. On receipt of notice under section 5103.0319 of the Revised Code, the recommending agency shall do all of the following: 5714
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(A) Review the foster caregiver's foster home certificate. After review, the agency may recommend that the department of job and family services revoke the certificate. 5717
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(B) Review the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any juvenile court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home. 5720
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(C) If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, notify the entity that has custody that it has received a notice under section 5103.0319 of the Revised Code. 5725
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(D) Assess the foster caregiver's need for training because of the conviction, plea of guilty, or adjudication described in 5729
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section 5103.0319 of the Revised Code and provide any necessary training. 5731
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Sec. 5103.0322. On receipt of a recommendation from a public children services agency, private child placing agency, or private noncustodial agency regarding an application for, or renewal of, a family foster home or treatment foster home certification under section 5103.03 of the Revised Code, the department of job and family services shall decide whether to issue or renew the certificate. The department shall notify the agency and the applicant or certificate holder of its decision. If the department's decision is different from the recommendation of the agency, the department shall state in the notice the reason that the decision is different from the recommendation. 5733
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Sec. 5103.0323. (A) As used in this section, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office. 5744
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(B) The first time that a private child placing agency or private noncustodial agency seeks renewal of a certificate issued under section 5103.03 of the Revised Code, it shall provide the department of job and family services, as a condition of renewal, evidence of an independent audit of its first year of certification, unless the auditor of state has audited the agency during that year and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards. Thereafter, when an agency seeks renewal of its certificate, it shall provide the department evidence of an independent audit for the two most recent previous years it is possible for an independent audit to have been conducted, unless the auditor of state has audited the agency 5748
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during those years and the audit sets forth that no money has been 5762
illegally expended, converted, misappropriated, or is unaccounted 5763
for or sets forth findings that are inconsequential, as defined by 5764
government auditing standards. 5765

(C) For an agency to be eligible for renewal, the independent 5766
audits must demonstrate that the agency operated in a fiscally 5767
accountable manner in accordance with state laws and rules and any 5768
agreement between the agency and a public children services 5769
agency. 5770

All audits required by this section shall be conducted in 5771
accordance with generally accepted government auditing standards. 5772

Sec. 5103.0324. A public children services agency, private 5773
child placing agency, or private noncustodial agency to which the 5774
duty to inspect and approve a family foster home or treatment 5775
foster home has been delegated under section 5103.03 of the 5776
Revised Code shall provide for an assessor who meets the 5777
requirements of section 3107.014 of the Revised Code to conduct a 5778
home study of the home. 5779

Sec. 5103.0325. Notwithstanding division (B) of section 5780
119.032 of the Revised Code, The department of job and family 5781
services shall review once every two years the department's rules 5782
governing visits and contacts by a public children services agency 5783
or private child placing agency with a child in the agency's 5784
custody and placed in foster care in this state. The department 5785
shall adopt rules in accordance with Chapter 119. of the Revised 5786
Code to ensure compliance with the department's rules governing 5787
agency visits and contacts with a child in its custody. 5788

Sec. 5103.161. As used in this section, "permanent custody" 5789
has the same meaning as in section 2151.011 of the Revised Code. 5790

If a private child placing agency or public children services 5791
agency has placed a child in a foster home or with a relative of 5792
the child, other than a parent of the child, the agency shall 5793
notify the child's foster ~~parent~~ caregiver or relative if the 5794
agency seeks permanent custody of the child, or, if the agency 5795
already has permanent custody of the child, seeks to place the 5796
child for adoption. The notice also shall inform the foster ~~parent~~ 5797
caregiver or relative that the foster ~~parent~~ caregiver or relative 5798
can be considered for adoption. If the foster ~~parent~~ caregiver or 5799
relative informs the agency that the foster ~~parent~~ caregiver or 5800
relative wants to adopt the child, the agency shall inform the 5801
foster ~~parent~~ caregiver or relative of the process for obtaining 5802
an application to adopt the child and that the child may be placed 5803
for adoption in another home even if the foster ~~parent~~ caregiver 5804
or relative submits the application. If the agency is given 5805
permanent custody of the child and the foster ~~parent~~ caregiver or 5806
relative has informed the agency of the foster ~~parent's~~ 5807
caregiver's or relative's desire to adopt the child, the agency 5808
shall consider giving preference to an adult relative over a 5809
nonrelative caregiver when determining an adoptive placement for 5810
the child, provided the adult relative satisfies all relevant 5811
child protection standards and the agency determines that the 5812
placement is in the child's best interest. 5813

Sec. 5111.20. As used in sections 5111.20 to 5111.32 of the 5814
Revised Code: 5815

(A) "Allowable costs" are those costs determined by the 5816
department of job and family services to be reasonable and do not 5817
include fines paid under sections 5111.35 to 5111.61 and section 5818
5111.99 of the Revised Code. 5819

(B) "Capital costs" means costs of ownership and nonextensive 5820
renovation. 5821

(1) "Cost of ownership" means the actual expense incurred for	5822
all of the following:	5823
(a) Depreciation and interest on any capital assets that cost	5824
five hundred dollars or more per item, including the following:	5825
	5826
(i) Buildings;	5827
(ii) Building improvements that are not approved as	5828
nonextensive renovations under section 5111.25 or 5111.251 of the	5829
Revised Code;	5830
(iii) Equipment;	5831
(iv) Extensive renovations;	5832
(v) Transportation equipment.	5833
(b) Amortization and interest on land improvements and	5834
leasehold improvements;	5835
(c) Amortization of financing costs;	5836
(d) Except as provided in division (I) of this section, lease	5837
and rent of land, building, and equipment.	5838
The costs of capital assets of less than five hundred dollars	5839
per item may be considered costs of ownership in accordance with a	5840
provider's practice.	5841
(2) "Costs of nonextensive renovation" means the actual	5842
expense incurred for depreciation or amortization and interest on	5843
renovations that are not extensive renovations.	5844
(C) "Capital lease" and "operating lease" shall be construed	5845
in accordance with generally accepted accounting principles.	5846
(D) "Case-mix score" means the measure determined under	5847
section 5111.231 of the Revised Code of the relative direct-care	5848
resources needed to provide care and habilitation to a resident of	5849
a nursing facility or intermediate care facility for the mentally	5850

retarded. 5851

(E) "Date of licensure," for a facility originally licensed 5852
as a nursing home under Chapter 3721. of the Revised Code, means 5853
the date specific beds were originally licensed as nursing home 5854
beds under that chapter, regardless of whether they were 5855
subsequently licensed as residential facility beds under section 5856
5123.19 of the Revised Code. For a facility originally licensed as 5857
a residential facility under section 5123.19 of the Revised Code, 5858
"date of licensure" means the date specific beds were originally 5859
licensed as residential facility beds under that section. 5860
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(1) If nursing home beds licensed under Chapter 3721. of the 5862
Revised Code or residential facility beds licensed under section 5863
5123.19 of the Revised Code were not required by law to be 5864
licensed when they were originally used to provide nursing home or 5865
residential facility services, "date of licensure" means the date 5866
the beds first were used to provide nursing home or residential 5867
facility services, regardless of the date the present provider 5868
obtained licensure. 5869

(2) If a facility adds nursing home beds or residential 5870
facility beds or extensively renovates all or part of the facility 5871
after its original date of licensure, it will have a different 5872
date of licensure for the additional beds or extensively renovated 5873
portion of the facility, unless the beds are added in a space that 5874
was constructed at the same time as the previously licensed beds 5875
but was not licensed under Chapter 3721. or section 5123.19 of the 5876
Revised Code at that time. 5877

(F) "Desk-reviewed" means that costs as reported on a cost 5878
report submitted under section 5111.26 of the Revised Code have 5879
been subjected to a desk review under division (A) of section 5880
5111.27 of the Revised Code and preliminarily determined to be 5881

allowable costs.	5882
(G) "Direct care costs" means all of the following:	5883
(1)(a) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the facility;	5884 5885
(b) Costs for direct care staff, administrative nursing staff, medical directors, social services staff, activities staff, psychologists and psychology assistants, social workers and counselors, habilitation staff, qualified mental retardation professionals, program directors, respiratory therapists, habilitation supervisors, and except as provided in division (G)(2) of this section, other persons holding degrees qualifying them to provide therapy;	5886 5887 5888 5889 5890 5891 5892 5893
(c) Costs of purchased nursing services;	5894
(d) Costs of quality assurance;	5895
(e) 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 divisions (G)(1)(a), (b), and (d) of this section;	5896 5897 5898 5899 5900 5901
(f) Costs of consulting and management fees related to direct care;	5902 5903
(g) Allocated direct care home office costs.	5904
(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:	5905 5906 5907
(a) Costs for physical therapists and physical therapy assistants, occupational therapists and occupational therapy assistants, speech therapists, and audiologists;	5908 5909 5910

(b) Costs of training and staff development, employee 5911
benefits, payroll taxes, and workers' compensation premiums or 5912
costs for self-insurance claims and related costs as specified in 5913
rules adopted by the director of job and family services in 5914
accordance with Chapter 119. of the Revised Code, for personnel 5915
listed in division (G)(2)(a) of this section. 5916

(3) Costs of other direct-care resources that are specified 5917
as direct care costs in rules adopted by the director of job and 5918
family services in accordance with Chapter 119. of the Revised 5919
Code. 5920

(H) "Fiscal year" means the fiscal year of this state, as 5921
specified in section 9.34 of the Revised Code. 5922

(I) "Indirect care costs" means all reasonable costs other 5923
than direct care costs, other protected costs, or capital costs. 5924
"Indirect care costs" includes but is not limited to costs of 5925
habilitation supplies, pharmacy consultants, medical and 5926
habilitation records, program supplies, incontinence supplies, 5927
food, enterals, dietary supplies and personnel, laundry, 5928
housekeeping, security, administration, liability insurance, 5929
bookkeeping, purchasing department, human resources, 5930
communications, travel, dues, license fees, subscriptions, home 5931
office costs not otherwise allocated, legal services, accounting 5932
services, minor equipment, maintenance and repairs, help-wanted 5933
advertising, informational advertising, start-up costs, 5934
organizational expenses, other interest, property insurance, 5935
employee training and staff development, employee benefits, 5936
payroll taxes, and workers' compensation premiums or costs for 5937
self-insurance claims and related costs as specified in rules 5938
adopted by the director of job and family services in accordance 5939
with Chapter 119. of the Revised Code, for personnel listed in 5940
this division. Notwithstanding division (B)(1) of this section, 5941
"indirect care costs" also means the cost of equipment, including 5942

vehicles, acquired by operating lease executed before December 1, 5943
1992, if the costs are reported as administrative and general 5944
costs on the facility's cost report for the cost reporting period 5945
ending December 31, 1992. 5946

(J) "Inpatient days" means all days during which a resident, 5947
regardless of payment source, occupies a bed in a nursing facility 5948
or intermediate care facility for the mentally retarded that is 5949
included in the facility's certified capacity under Title XIX of 5950
the "Social Security Act," 49 Stat. 610 (1935), 42 U.S.C.A. 301, 5951
as amended. Therapeutic or hospital leave days for which payment 5952
is made under section 5111.33 of the Revised Code are considered 5953
inpatient days proportionate to the percentage of the facility's 5954
per resident per day rate paid for those days. 5955

(K) "Intermediate care facility for the mentally retarded" 5956
means an intermediate care facility for the mentally retarded 5957
certified as in compliance with applicable standards for the 5958
medical assistance program by the director of health in accordance 5959
with Title XIX of the "Social Security Act." 5960

(L) "Maintenance and repair expenses" means, except as 5961
provided in division (X)(2) of this section, expenditures that are 5962
necessary and proper to maintain an asset in a normally efficient 5963
working condition and that do not extend the useful life of the 5964
asset two years or more. "Maintenance and repair expenses" 5965
includes but is not limited to the cost of ordinary repairs such 5966
as painting and wallpapering. 5967

(M) "Nursing facility" means a facility, or a distinct part 5968
of a facility, that is certified as a nursing facility by the 5969
director of health in accordance with Title XIX of the "Social 5970
Security Act," and is not an intermediate care facility for the 5971
mentally retarded. "Nursing facility" includes a facility, or a 5972
distinct part of a facility, that is certified as a nursing 5973

facility by the director of health in accordance with Title XIX of 5974
the "Social Security Act," and is certified as a skilled nursing 5975
facility by the director in accordance with Title XVIII of the 5976
"Social Security Act." 5977

(N) "Other protected costs" means costs for medical supplies; 5978
real estate, franchise, and property taxes; natural gas, fuel oil, 5979
water, electricity, sewage, and refuse and hazardous medical waste 5980
collection; allocated other protected home office costs; and any 5981
additional costs defined as other protected costs in rules adopted 5982
by the director of job and family services in accordance with 5983
Chapter 119. of the Revised Code. 5984

(O) "Owner" means any person or government entity that has at 5985
least five per cent ownership or interest, either directly, 5986
indirectly, or in any combination, in a nursing facility or 5987
intermediate care facility for the mentally retarded. 5988

(P) "Patient" includes "resident." 5989

(Q) Except as provided in divisions (Q)(1) and (2) of this 5990
section, "per diem" means a nursing facility's or intermediate 5991
care facility for the mentally retarded's actual, allowable costs 5992
in a given cost center in a cost reporting period, divided by the 5993
facility's inpatient days for that cost reporting period. 5994

(1) When calculating indirect care costs for the purpose of 5995
establishing rates under section 5111.24 or 5111.241 of the 5996
Revised Code, "per diem" means a facility's actual, allowable 5997
indirect care costs in a cost reporting period divided by the 5998
greater of the facility's inpatient days for that period or the 5999
number of inpatient days the facility would have had during that 6000
period if its occupancy rate had been eighty-five per cent. 6001

(2) When calculating capital costs for the purpose of 6002
establishing rates under section 5111.25 or 5111.251 of the 6003
Revised Code, "per diem" means a facility's actual, allowable 6004

capital costs in a cost reporting period divided by the greater of 6005
the facility's inpatient days for that period or the number of 6006
inpatient days the facility would have had during that period if 6007
its occupancy rate had been ninety-five per cent. 6008

(R) "Provider" means a person or government entity that 6009
operates a nursing facility or intermediate care facility for the 6010
mentally retarded under a provider agreement. 6011

(S) "Provider agreement" means a contract between the 6012
department of job and family services and a nursing facility or 6013
intermediate care facility for the mentally retarded for the 6014
provision of nursing facility services or intermediate care 6015
facility services for the mentally retarded under the medical 6016
assistance program. 6017

(T) "Purchased nursing services" means services that are 6018
provided in a nursing facility by registered nurses, licensed 6019
practical nurses, or nurse aides who are not employees of the 6020
facility. 6021

(U) "Reasonable" means that a cost is an actual cost that is 6022
appropriate and helpful to develop and maintain the operation of 6023
patient care facilities and activities, including normal standby 6024
costs, and that does not exceed what a prudent buyer pays for a 6025
given item or services. Reasonable costs may vary from provider to 6026
provider and from time to time for the same provider. 6027

(V) "Related party" means an individual or organization that, 6028
to a significant extent, has common ownership with, is associated 6029
or affiliated with, has control of, or is controlled by, the 6030
provider. 6031

(1) An individual who is a relative of an owner is a related 6032
party. 6033

(2) Common ownership exists when an individual or individuals 6034

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:	6065
(1) Spouse;	6066
(2) Natural parent, child, or sibling;	6067
(3) Adopted parent, child, or sibling;	6068
(4) Step-parent, step-child, step-brother, or step-sister;	6069
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	6070 6071
(6) Grandparent or grandchild;	6072
(7) Foster parent <u>caregiver</u> , foster child, foster brother, or foster sister.	6073 6074
(X) "Renovation" and "extensive renovation" mean:	6075
(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.	6076 6077 6078 6079 6080 6081
(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:	6082 6083 6084 6085
(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	6086 6087 6088 6089 6090 6091 6092 6093

6094 maintenance and repair expenses if they are an integral part of
6095 the structural change that makes up the renovation project.
6096 "Renovation" does not mean construction of additional space for
6097 beds that will be added to a facility's licensed or certified
6098 capacity.

6099 (b) "Extensive renovation" means a renovation that costs more
6100 than sixty-five per cent and no more than eighty-five per cent of
6101 the cost of constructing a new bed and that extends the useful
6102 life of the assets for at least ten years.

6103 For the purposes of division (X)(2) of this section, the cost
6104 of constructing a new bed shall be considered to be forty thousand
6105 dollars, adjusted for the estimated rate of inflation from January
6106 1, 1993, to the end of the calendar year during which the
6107 renovation is completed, using the consumer price index for
6108 shelter costs for all urban consumers for the north central
6109 region, as published by the United States bureau of labor
6110 statistics.

6111 The department of job and family services may treat a
6112 renovation that costs more than eighty-five per cent of the cost
6113 of constructing new beds as an extensive renovation if the
6114 department determines that the renovation is more prudent than
6115 construction of new beds.

6116 **Sec. 5123.77.** (A) Pending ~~his~~ removal to an institution, a
6117 person taken into custody or ordered to be institutionalized
6118 pursuant to this chapter may be held in ~~his~~ the person's home, a
6119 ~~family certified~~ foster home, licensed rest or nursing home, a
6120 county home, or a facility used for detention, but ~~he~~ the person
6121 shall be kept separate from persons charged with or convicted of
6122 penal offenses.

6123 (B) Whenever any person is taken into custody under this

chapter, the person in charge of the institution or facility in 6124
which that person is temporarily held under division (A) of this 6125
section immediately shall notify that person's legal guardian, 6126
spouse, or next of kin and ~~his~~ the person's counsel, if such can 6127
be ascertained. 6128

Sec. 5153.01. (A) As used in the Revised Code, "public 6129
children services agency" means an entity specified in section 6130
5153.02 of the Revised Code that has assumed the powers and duties 6131
of the children services function prescribed by this chapter for a 6132
county. 6133

(B) As used in this chapter: 6134

(1) ~~"Babysitting care" means care provided for a child while 6135
the parents, guardian, or legal custodian of the child are 6136
temporarily away. 6137~~

~~(2) "Certified family foster home" means a family foster home 6138
operated by a person holding a certificate issued pursuant to, as 6139
defined in section 5103.02 of the Revised Code, certified under 6140
section 5103.03 of the Revised Code that is in full force and 6141
effect. 6142~~

~~(3)~~(2) "Certified organization" means any organization 6143
holding a certificate issued pursuant to section 5103.03 of the 6144
Revised Code that is in full force and effect. 6145

~~(4)~~(3) "Child" means any person under eighteen years of age 6146
or a mentally or physically handicapped person, as defined by rule 6147
adopted by the director of job and family services, under 6148
twenty-one years of age. 6149

~~(5)~~(4) "Executive director" means the person charged with the 6150
responsibility of administering the powers and duties of a public 6151
children services agency appointed pursuant to section 5153.10 of 6152
the Revised Code. 6153

~~(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) A public children services agency may hire as a caseworker only the following:

(1) A person who has a bachelor's degree in human services-related studies;

(2) A person who has a bachelor's degree in any field and has been employed for at least two years in a human services-related occupation;

(3) A person who has an associate's degree in human services-related studies;

(4) A person who has been employed for at least five years in a human services-related occupation.

(B) For employment to continue, a person described in division (A)(2), (3), or (4) of this section must obtain a

job-related bachelor's degree not later than five years after the 6184
date employment with the agency commences. 6185

(C) This section applies only to persons hired on or after 6186
the effective date of this section and does not apply to a 6187
caseworker employed by a public children services agency before 6188
the effective date of this section who is hired by another public 6189
children services agency on or after that date. 6190

Sec. 5153.131. A public children services agency may procure 6191
a policy or policies of insurance insuring employees of the 6192
agency, volunteers, foster ~~parents~~ caregivers associated with the 6193
agency, and, if a county children services board is the public 6194
children services agency, board members against liability arising 6195
from the performance of their official duties. 6196

Sec. 5153.16. (A) Except as provided in section 2151.422 of 6197
the Revised Code, in accordance with rules of the department of 6198
job and family services, and on behalf of children in the county 6199
whom the public children services agency considers to be in need 6200
of public care or protective services, the public children 6201
services agency shall do all of the following: 6202

(1) Make an investigation concerning any child alleged to be 6203
an abused, neglected, or dependent child; 6204

(2) Enter into agreements with the parent, guardian, or other 6205
person having legal custody of any child, or with the department 6206
of job and family services, department of mental health, 6207
department of mental retardation and developmental disabilities, 6208
other department, any certified organization within or outside the 6209
county, or any agency or institution outside the state, having 6210
legal custody of any child, with respect to the custody, care, or 6211
placement of any child, or with respect to any matter, in the 6212
interests of the child, provided the permanent custody of a child 6213

shall not be transferred by a parent to the public children
services agency without the consent of the juvenile court;

(3) Accept custody of children committed to the public
children services agency by a court exercising juvenile
jurisdiction;

(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;

(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;

(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;

(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;

(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;

(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

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of any children's home, training school, or other institution for 6245
the care of children maintained by such municipal corporation or 6246
political subdivision; 6247

(10) Acquire and operate a county children's home, establish, 6248
maintain, and operate a receiving home for the temporary care of 6249
children, or procure ~~family~~ certified foster homes for this 6250
purpose; 6251

(11) Enter into an agreement with the trustees of any 6252
district children's home, respecting the operation of the district 6253
children's home in cooperation with the other county boards in the 6254
district; 6255

(12) Cooperate with, make its services available to, and act 6256
as the agent of persons, courts, the department of job and family 6257
services, the department of health, and other organizations within 6258
and outside the state, in matters relating to the welfare of 6259
children, except that the public children services agency shall 6260
not be required to provide supervision of or other services 6261
related to the exercise of companionship or visitation rights 6262
granted pursuant to section 3109.051, 3109.11, or 3109.12 of the 6263
Revised Code unless a juvenile court, pursuant to Chapter 2151. of 6264
the Revised Code, or a common pleas court, pursuant to division 6265
(E)(6) of section 3113.31 of the Revised Code, requires the 6266
provision of supervision or other services related to the exercise 6267
of the companionship or visitation rights; 6268

(13) Make investigations at the request of any superintendent 6269
of schools in the county or the principal of any school concerning 6270
the application of any child adjudicated to be an abused, 6271
neglected, or dependent child for release from school, where such 6272
service is not provided through a school attendance department; 6273

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(14) Administer funds provided under Title IV-E of the 6275

"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as
amended, in accordance with rules adopted under section 5101.141
of the Revised Code; 6276
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(15) In addition to administering Title IV-E adoption
assistance funds, enter into agreements to make adoption
assistance payments under section 5153.163 of the Revised Code; 6279
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(16) Implement a system of risk assessment, in accordance
with rules adopted by the director of job and family services, to
assist the public children services agency in determining the risk
of abuse or neglect to a child; 6282
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(17) Enter into a plan of cooperation with the board of
county commissioners under section 307.983 of the Revised Code and
comply with the partnership agreement the board enters into under
section 307.98 of the Revised Code and contracts the board enters
into under sections 307.981 and 307.982 of the Revised Code that
affect the public children services agency; 6286
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(18) Make reasonable efforts to prevent the removal of an
alleged or adjudicated abused, neglected, or dependent child from
the child's home, eliminate the continued removal of the child
from the child's home, or make it possible for the child to return
home safely, except that reasonable efforts of that nature are not
required when a court has made a determination under division
(A)(2) of section 2151.419 of the Revised Code; 6292
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(19) Make reasonable efforts to place the child in a timely
manner in accordance with the permanency plan approved under
division (E) of section 2151.417 of the Revised Code and to
complete whatever steps are necessary to finalize the permanent
placement of the child. 6299
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(B) The public children services agency shall use the system
implemented pursuant to division (B)(16) of this section in
connection with an investigation undertaken pursuant to division 6304
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(F)(1) of section 2151.421 of the Revised Code and may use the system at any other time the agency is involved with any child when the agency determines that risk assessment is necessary. 6307
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(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: 6310
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(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; 6316
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(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: 6320
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(i) County departments of job and family services; 6323

(ii) Boards of alcohol, drug addiction, and mental health services; 6324
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(iii) County boards of mental retardation and developmental disabilities; 6326
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(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 6328
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(v) Private and government providers of services; 6330

(vi) Managed care organizations and prepaid health plans. 6331

(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. 6332
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(c) Only a county children services board appointed under 6337
section 5153.03 of the Revised Code that is a public children 6338
services agency may contract under division (C)(2)(a) of this 6339
section. If an entity specified in division (B) or (C) of section 6340
5153.02 of the Revised Code is the public children services agency 6341
for a county, the board of county commissioners may enter into 6342
contracts pursuant to section 307.982 of the Revised Code 6343
regarding the agency's duties. 6344

Sec. 5153.161. Care provided by the public children services 6345
agency under division (A)(4) of section 5153.16 of the Revised 6346
Code shall be provided by the agency, by its own means or through 6347
other available resources, in the child's own home, in the home of 6348
a relative, or in a certified ~~family~~ foster home, any other home 6349
approved by the court, receiving home, school, hospital, 6350
convalescent home, or other public or private institution within 6351
or outside the county or state. 6352

Sec. 5153.171. (A) On receipt by a public children services 6353
agency of a request for the release of information about a child 6354
under eighteen years of age who was a resident of the county 6355
served by the agency at the time of death and whose death may have 6356
been caused by abuse, neglect, or other criminal conduct, the 6357
director of the agency immediately shall confer with the 6358
prosecuting attorney of that county. After the executive director 6359
confers with the prosecuting attorney, the following apply: 6360

(1) If the prosecuting attorney intends to prosecute a person 6361
for causing the child's death, the prosecuting attorney shall 6362
determine the information described in division (A) of section 6363
5153.172 of the Revised Code that may be released, if any, and 6364
notify the director of the intent to prosecute and the 6365
determination of what information may be released. Except as 6366

provided in section 5153.173 of the Revised Code, on receipt of 6367
the notice, the director shall release the information the 6368
prosecutor determines may be released and no other information. 6369

(2) If the prosecuting attorney does not intend to prosecute 6370
a person for causing the death of the child, the prosecuting 6371
attorney shall notify the director that no prosecution is 6372
intended. Except as provided in section 5153.173 of the Revised 6373
Code, on receipt of the notice, the director shall release the 6374
information described in division (A) of section 5153.172 of the 6375
Revised Code. 6376

(B) A public children services agency director who releases 6377
information in accordance with this section in good faith shall 6378
not be subject to civil or criminal liability for injury, death, 6379
or loss to person or PROPERTY incurred or imposed as a result of 6380
provision of the information. 6381

Sec. 5153.172. (A) Notwithstanding sections 2151.421, 6382
3701.243, 5153.17, and any other section of the Revised Code 6383
pertaining to confidentiality and unless precluded by section 6384
5153.173 of the Revised Code, the director shall disclose the 6385
following information concerning a deceased child in accordance 6386
with section 5153.171 of the Revised Code: 6387

(1) The child's name; 6388

(2) A summary report of the chronology of abuse or neglect 6389
reports made pursuant to section 2151.421 of the Revised Code of 6390
which the child is the subject and the final disposition of the 6391
investigations of the reports or, if investigations have not been 6392
completed, the status of any investigations; 6393

(3) Services provided to or purchased for the child or to 6394
which the child was referred by a public children services agency; 6395

(4) Actions taken by a public children services agency in 6396

response to any report of abuse or neglect of which the child was 6397
the subject. 6398

(B) No person may release, pursuant to a request made under 6399
this section concerning a deceased child, the name of any person 6400
or entity that made a report or participated in making a report of 6401
child abuse or neglect of which the child was the subject; the 6402
names of the parents or siblings of the child; the contents of any 6403
psychological, psychiatric, therapeutic, clinical, or medical 6404
reports or evaluations regarding the child; witness statements; 6405
police or other investigative reports; or any other information 6406
other than the information that may be released in accordance with 6407
this section. 6408

Sec. 5153.173. The DIRECTOR SHALL NOT DISCLOSE ANY 6409
information PURSUANT TO section 5153.172 of the Revised Code if a 6410
judge of the common pleas court of the county the deceased child 6411
resided in at the time of death determines, on motion of the 6412
public children services agency, that DISCLOSING the information 6413
would not be in the best interest of a sibling of the deceased 6414
child or another child residing in the household the child resided 6415
in at the time of death. 6416

Sec. 5153.60. The department of job and family services shall 6417
establish a statewide program that provides the training section 6418
5153.122 of the Revised Code requires public children services 6419
agency caseworkers and supervisors to complete. The program shall 6420
be called the "Ohio child welfare training program." 6421

Sec. 5153.61. Each fiscal biennium, the department of job and 6422
family services shall contract with an entity to serve as the 6423
training coordinator for the Ohio child welfare training program. 6424
The training coordinator shall develop, implement, and manage the 6425
training program. The department shall select the entity from the 6426

candidates selected pursuant to section 5153.63 of the Revised 6427
Code. A contract entered into under this section shall be 6428
effective on the first day of the biennium for which it is entered 6429
into and terminate on the last day of that biennium. 6430

Sec. 5153.62. Before the beginning of each fiscal biennium, 6431
the department of job and family services shall develop and issue 6432
a request for proposals for the development, implementation, and 6433
management, as training coordinator, of the Ohio child welfare 6434
training program during the biennium. The department shall develop 6435
the request for proposals in consultation with individuals 6436
designated under section 5153.64 of the Revised Code. 6437

Sec. 5153.63. Before the beginning of each fiscal biennium, 6438
the individuals designated under section 5153.64 of the Revised 6439
Code shall review all responses to the request for proposals 6440
issued under section 5153.62 of the Revised Code for the biennium 6441
and recommend to the department of job and family services those 6442
entities that meet the requirements of the request. 6443

Sec. 5153.64. The director of job and family services shall 6444
select representatives from the following organizations to perform 6445
the consultation and recommendation duties under sections 5153.62 6446
and 5153.63 of the Revised Code: 6447

(A) Regional training centers established under section 6448
5153.72 of the Revised Code; 6449

(B) Staff of public children services agencies; 6450

(C) Staff of the state department of job and family services. 6451
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Sec. 5153.65. The entity contracted with to serve as the 6453
training coordinator for the Ohio child welfare training program 6454

shall do all the following as part of its duties under the 6455
contract: 6456

(A) Administer, coordinate, and evaluate all training program 6457
activities under the program; 6458

(B) Develop training curriculum, resources, and products; 6459

(C) Provide fiscal management and technical assistance to 6460
regional training centers established under section 5153.72 of the 6461
Revised Code; 6462

(D) Cooperate with the regional training centers to schedule 6463
training sessions, provide notices of training sessions, and 6464
provide training materials; 6465

(E) Employ and compensate training session instructors; 6466

(F) Create individual training needs assessment forms for use 6467
pursuant to sections 5153.75 and 5153.76 of the Revised Code; 6468

(G) Conduct any other activities necessary for the 6469
development, implementation, and management of the training 6470
program. 6471

Sec. 5153.66. The director of job and family services shall 6472
establish the training program steering committee. Section 101.84 6473
of the Revised Code does not apply to the committee. 6474

Sec. 5153.67. (A) The director of job and family services 6475
shall appoint the following to serve on the training program 6476
steering committee: 6477

(1) Employees of the department of job and family services; 6478

(2) Representatives of regional training centers established 6479
under section 5153.72 of the Revised Code; 6480

(3) A representative of an organization that represents the 6481

interests of public children services agencies; 6482

(4) A representative of the entity contracted with to serve 6483
as the training coordinator for the Ohio child welfare training 6484
program; 6485

(5) Two employees of public children services agencies. 6486

(B) All initial appointments required to be made under this 6487
section shall be made no later than thirty days after the 6488
effective date of this section. 6489

The representative of an entity contracted with to serve as 6490
the training coordinator shall serve on the committee until the 6491
department of job and family services contracts with a different 6492
entity to serve as the training coordinator. 6493

The entity under contract on the effective date of this 6494
section to coordinate training for caseworkers and supervisors in 6495
the state shall be considered the entity that contracts with the 6496
department to serve as the training coordinator for the Ohio child 6497
welfare training program. 6498

Sec. 5153.68. After the training program steering committee 6499
is appointed under section 5153.67 of the Revised Code, the 6500
director of job and family services shall call the committee to 6501
meet for the purpose of adopting bylaws governing the operation of 6502
the committee. The bylaws shall include provisions addressing the 6503
committee's governing structure, subcommittees, frequency of 6504
meetings, and amendment of the bylaws. The committee shall adopt 6505
the bylaws, pursuant to Chapter 119. of the Revised Code, by 6506
majority vote of all members of the committee. The committee shall 6507
adopt the bylaws no later than one hundred eighty days after the 6508
effective date of this section. 6509

Sec. 5153.69. The training program steering committee shall 6510
monitor and evaluate the Ohio child welfare training program to 6511

ensure that the program is a competency-based training system that 6512
satisfies the training requirements for public children services 6513
agency caseworkers and supervisors under section 5153.122 of the 6514
Revised Code. 6515

Sec. 5153.70. The department of job and family services shall 6516
oversee the operation of the entity contracted with under section 6517
5153.61 of the Revised Code regarding the development, 6518
implementation, and management of the Ohio child welfare training 6519
program. 6520

Sec. 5153.71. Prior to the beginning of the fiscal biennium 6521
that first follows the effective date of this section, the 6522
department of job and family services, in consultation with the 6523
training program steering committee, shall designate eight 6524
training regions in the state. The department may change the 6525
training regions as needed. Each training region shall contain 6526
only one regional training center established and maintained under 6527
section 5153.72 of the Revised Code. 6528

Sec. 5153.72. Prior to the beginning of the fiscal biennium 6529
that first follows the effective date of this section, the public 6530
children services agencies of Athens, Cuyahoga, Franklin, Greene, 6531
Guernsey, Hamilton, Lucas, and Summit counties shall each 6532
establish and maintain a regional training center. At any time 6533
after the beginning of that biennium, the department of job and 6534
family services, on the recommendation of the training program 6535
steering committee, may direct a public children services agency 6536
to establish and maintain a training center to replace the center 6537
established by an agency under this section. There may be no more 6538
and no less than eight centers in existence at any time. 6539

Sec. 5153.73. The executive director of each public children 6540

services agency required to establish and maintain a regional 6541
training center shall appoint a manager to operate the training 6542
center in accordance with section 5153.74 of the Revised Code. 6543

Sec. 5153.74. A regional training center's responsibilities 6544
shall include the following: 6545

(A) Secure facilities suitable for conducting training 6546
programs and sessions; 6547

(B) Provide administrative services and pay all 6548
administrative costs related to the conduct of training programs 6549
and sessions; 6550

(C) Maintain a database of the data contained in the 6551
individual training needs assessments for each caseworker and 6552
supervisor employed by a public children services agency located 6553
in the training region served by the center; 6554

(D) Assess training needs of caseworkers and supervisors 6555
employed by a public children services agency located in the 6556
training region served by the center; 6557

(E) Cooperate with the entity contracted with under section 6558
5153.61 of the Revised Code in coordinating training programs and 6559
sessions at the center. 6560

Sec. 5153.75. Each supervisor employed by a public children 6561
services agency that supervises the work of a caseworker employed 6562
by the agency shall work with the caseworker to determine the 6563
caseworker's training needs in accordance with, and ensure the 6564
caseworker's compliance with, the training requirements of section 6565
5153.122 of the Revised Code. Once every two years, the supervisor 6566
shall complete an individual training needs assessment form 6567
created under section 5153.65 of the Revised Code for each 6568
caseworker. 6569

Sec. 5153.76. The executive director of each public children services agency or a person designated by the executive director shall work with each supervisor employed by the agency to determine the supervisor's training needs in accordance with, and ensure the supervisor's compliance with, the training requirements of section 5153.122 of the Revised Code. Once every two years, the executive director or designated person shall complete an individual training needs assessment form created under section 5153.65 of the Revised Code for each supervisor. 6570
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Sec. 5153.77. The executive director of each public children services agency or a person designated by the executive director shall collect and maintain the data from individual training needs assessment forms completed under sections 5153.75 and 5153.76 of the Revised Code for each supervisor and case worker employed by the agency. The director or designated person shall compile and forward the data collected from the completed assessment forms to the regional training center located in the same training region as the agency. 6579
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Sec. 5153.78. (A) As used in this section: 6588

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 6589
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(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 6591
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(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 6593
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(B) For purposes of funding the Ohio child welfare training program, the department of job and family services shall use the following to adequately fund the Ohio child welfare training program: 6595
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(1) The federal financial participation funds withheld 6599
pursuant to division (D) of section 5101.141 of the Revised Code 6600
in an amount determined by the department; 6601

(2) Funds available under Title XX, Title IV-B, and Title 6602
IV-E to pay for training costs; 6603

(3) Any other available state or federal funds. 6604

Section 2. That existing sections 109.572, 117.13, 121.22, 6605
121.37, 149.43, 305.14, 307.441, 2101.11, 2151.011, 2151.312, 6606
2151.331, 2151.34, 2151.353, 2151.411, 2151.414, 2151.418, 6607
2151.421, 2151.424, 2151.55, 2151.554, 2151.62, 2151.86, 2317.02, 6608
2907.08, 3107.01, 3107.012, 3107.013, 3107.02, 3107.031, 3107.12, 6609
3107.13, 3107.14, 3313.472, 3313.64, 4731.22, 5101.14, 5101.141, 6610
5101.143, 5103.02, 5103.033, 5103.161, 5111.20, 5123.77, 5153.01, 6611
5153.131, 5153.16, and 5153.161 of the Revised Code are hereby 6612
repealed. 6613

Section 3. That the version of section 121.22 of the Revised 6614
Code that is scheduled to take effect December 24, 2000, be 6615
amended to read as follows: 6616

Sec. 121.22. (A) This section shall be liberally construed to 6617
require public officials to take official action and to conduct 6618
all deliberations upon official business only in open meetings 6619
unless the subject matter is specifically excepted by law. 6620

(B) As used in this section: 6621

(1) "Public body" means any of the following: 6622

(a) Any board, commission, committee, council, or similar 6623
decision-making body of a state agency, institution, or authority, 6624
and any legislative authority or board, commission, committee, 6625
council, agency, authority, or similar decision-making body of any 6626

county, township, municipal corporation, school district, or other political subdivision or local public institution; 6627
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(b) Any committee or subcommittee of a body described in division (B)(1)(a) of this section; 6629
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(c) A court of jurisdiction of a sanitary district organized wholly for the purpose of providing a water supply for domestic, municipal, and public use when meeting for the purpose of the appointment, removal, or reappointment of a member of the board of directors of such a district pursuant to section 6115.10 of the Revised Code, if applicable, or for any other matter related to such a district other than litigation involving the district. As 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. 6631
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(2) "Meeting" means any prearranged discussion of the public business of the public body by a majority of its members. 6641
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(3) "Regulated individual" means either of the following: 6643

(a) A student in a state or local public educational institution; 6644
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(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. 6646
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(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. 6651
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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;~~

(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;~~

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon,~~to the;~~

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

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

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

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code,~~or to the;~~

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

(E) The controlling board, the development financing advisory

council, the industrial technology and enterprise advisory 6687
council, the tax credit authority, or the minority development 6688
financing advisory board, when meeting to consider granting 6689
assistance pursuant to Chapter 122. or 166. of the Revised Code, 6690
in order to protect the interest of the applicant or the possible 6691
investment of public funds, by unanimous vote of all board, 6692
council, or authority members present, may close the meeting 6693
during consideration of the following information confidentially 6694
received by the authority, council, or board from the applicant: 6695
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(1) Marketing plans; 6697

(2) Specific business strategy; 6698

(3) Production techniques and trade secrets; 6699

(4) Financial projections; 6700

(5) Personal financial statements of the applicant or members 6701
of the applicant's immediate family, including, but not limited 6702
to, tax records or other similar information not open to public 6703
inspection. 6704

The vote by the authority, council, or board to accept or 6705
reject the application, as well as all proceedings of the 6706
authority, council, or board not subject to this division, shall 6707
be open to the public and governed by this section. 6708

(F) Every public body, by rule, shall establish a reasonable 6709
method whereby any person may determine the time and place of all 6710
regularly scheduled meetings and the time, place, and purpose of 6711
all special meetings. A public body shall not hold a special 6712
meeting unless it gives at least twenty-four hours' advance notice 6713
to the news media that have requested notification, except in the 6714
event of an emergency requiring immediate official action. In the 6715
event of an emergency, the member or members calling the meeting 6716
shall notify the news media that have requested notification 6717

immediately of the time, place, and purpose of the meeting.

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The rule shall provide that any person, upon request and payment of a reasonable fee, may obtain reasonable advance notification of all meetings at which any specific type of public business is to be discussed. Provisions for advance notification may include, but are not limited to, mailing the agenda of meetings to all subscribers on a mailing list or mailing notices in self-addressed, stamped envelopes provided by the person.

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(G) Except as provided in division (J) of this section, the members of a public body may hold an executive session only after 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:

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(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.

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(2) To consider the purchase of property for public purposes,

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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.

(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.

(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.

(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:

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

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

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

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

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

general. 6842

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

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

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

(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.

Section 4. That the existing version of section 121.22 of the Revised Code that is scheduled to take effect December 24, 2000, is hereby repealed.

Section 5. Sections 3 and 4 of this act shall take effect 6872
December 24, 2000. 6873

Section 6. That the versions of sections 3109.16 and 3109.18 6874
of the Revised Code that are scheduled to take effect January 1, 6875
2001, be amended to read as follows: 6876

Sec. 3109.16. The children's trust fund board, upon the 6877
recommendation of the director of job and family services, shall 6878
approve the employment of the staff that will administer the 6879
programs of the board. The department of job and family services 6880
shall provide budgetary, procurement, accounting, and other 6881
related management functions for the board. An amount not to 6882
exceed ~~five~~ three per cent of the total amount of fees deposited 6883
in the children's trust fund in each fiscal year may be used for 6884
costs directly related to these administrative functions of the 6885
department. Each fiscal year, the board shall approve a budget for 6886
administrative expenditures for the next fiscal year. 6887

The board shall meet at the call of the chairperson to 6888
conduct its official business. All business transactions of the 6889
board shall be conducted in public meetings. Eight members of the 6890
board constitute a quorum. A majority of the quorum is required to 6891
approve the state plan for the allocation of funds from the 6892
children's trust fund. 6893

The board may apply for and accept federal and other funds 6894
for the purpose of funding child abuse and child neglect 6895
prevention programs. In addition, the board may accept gifts and 6896
donations from any source, including individuals, philanthropic 6897
foundations or organizations, corporations, or corporation 6898
endowments. The acceptance and use of federal funds shall not 6899
entail any commitment or pledge of state funds, nor obligate the 6900
general assembly to continue the programs or activities for which 6901

the federal funds are made available. All funds received in the 6902
manner described in this section shall be transmitted to the 6903
treasurer of state, who shall credit them to the children's trust 6904
fund created in section 3109.14 of the Revised Code. 6905

Sec. 3109.18. (A)(1) A board of county commissioners may 6906
establish a child abuse and child neglect prevention advisory 6907
board or may designate the county family and children first 6908
council to serve as the child abuse and child neglect prevention 6909
advisory board. The boards of county commissioners of two or more 6910
contiguous counties may instead form a multicounty district to be 6911
served by a child abuse and child neglect prevention advisory 6912
board or may designate a regional family and children first 6913
council to serve as the district child abuse and child neglect 6914
prevention advisory board. Each advisory board shall meet at least 6915
twice a year. 6916

(2) The county auditor is hereby designated as the auditor 6917
and fiscal officer of the advisory board. In the case of a 6918
multicounty district, the boards of county commissioners that 6919
formed the district shall designate the auditor of one of the 6920
counties as the auditor and fiscal officer of the advisory board. 6921

(B) Each county that establishes an advisory board or, in a 6922
multicounty district, the county the auditor of which has been 6923
designated as the auditor and fiscal agent of the advisory board, 6924
shall establish a fund in the county treasury known as the county 6925
or district children's trust fund. The advisory board shall 6926
deposit all funds received from the children's trust fund board 6927
into that fund, and the auditor shall distribute money from the 6928
fund at the request of the advisory board. 6929

(C) Each January, the board of county commissioners of a 6930
county that has established an advisory board or, in a multicounty 6931
district, the board of county commissioners of the county the 6932

auditor of which has been designated as the auditor and fiscal
agent for the advisory board, shall appropriate the amount
described in division (B)(2) of section 3109.17 of the Revised
Code for distribution by the advisory board to child abuse and
child neglect prevention programs.

(D)(1) Except in the case of a county or regional family and
children first council that is designated to serve as a child
abuse and child neglect prevention advisory board, each advisory
board shall consist of an odd number of members from both the
public and private sectors, including all of the following:

(a) A representative of an agency responsible for the
administration of children's services in the county or district;

(b) A provider of alcohol or drug addiction services or a
representative of a board of alcohol, drug addiction, and mental
health services that serves the county or district;

(c) A provider of mental health services or a representative
of a board of alcohol, drug addiction, and mental health services
that serves the county or district;

(d) A representative of a board of mental retardation and
developmental disabilities that serves the county or district;

(e) A representative of the educational community appointed
by the superintendent of the school district with largest
enrollment in the county or multicounty district.

(2) The following groups and entities may be represented on
the advisory board:

(a) Parent groups;

(b) Juvenile justice officials;

(c) Pediatricians, health department nurses, and other
representatives of the medical community;

(d) School personnel;	6962
(e) Counselors;	6963
(f) Head start agencies;	6964
(g) Child day-care providers;	6965
(h) Other persons with demonstrated knowledge in programs for children.	6966 6967
(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member shall serve a term of three years. Each member shall serve until the member's successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.	6968 6969 6970 6971 6972 6973 6974
(E) Each board of county commissioners may incur reasonable costs not to exceed three <u>five</u> per cent of the block grant allocated to the county or district under section 3109.17 of the Revised Code, for the purpose of carrying out the functions of the advisory board.	6975 6976 6977 6978 6979
(F) Each child abuse and child neglect prevention advisory board shall do all of the following:	6980 6981
(1) Develop a comprehensive allocation plan for the purpose of preventing child abuse and child neglect and submit the plan to the children's trust fund board;	6982 6983 6984
(2) Notify potential applicants about the availability of funds from the children's trust fund;	6985 6986
(3) Review all applications received using any criteria developed by the child abuse and child neglect prevention advisory board;	6987 6988 6989
(4) Consistent with the plan developed pursuant to division	6990

(F)(1) of this section, make grants to child abuse and child neglect prevention programs. In making grants to child abuse and child neglect prevention programs, the advisory board may consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of volunteers.

(5) Establish reporting requirements for grant recipients.

(G) Each advisory board shall assist the children's trust fund board in monitoring programs that receive money from the children's trust fund and shall perform such other duties for the local administration of the children's trust fund as the children's trust fund board requires.

(H) A recipient of a grant from the children's trust fund shall use the grant funds only to fund child abuse and child neglect prevention programs. Any grant funds that are not spent by the recipient of the funds within the time specified by the terms of the grant shall be returned to the county treasurer. Any grant funds returned that are not redistributed by the advisory board within the time specified by the terms of the original grant shall be returned to the treasurer of state. The treasurer of state shall deposit such unspent moneys into the children's trust fund to be spent for purposes consistent with the state plan adopted under section 3109.17 of the Revised Code.

(I) Applications for grants from the children's trust fund shall be made to the advisory board on forms prescribed by the department of job and family services.

(J)(1) Each recipient of a children's trust fund grant from an advisory board shall file with the advisory board a copy of an annual report that includes the information required by the advisory board.

(2) Each advisory board shall file with the children's trust

fund board a copy of an annual report regarding the county or 7022
district comprehensive allocation plan that contains the 7023
information required by the children's trust fund board. 7024

Section 7. That the existing versions of sections 3109.16 and 7025
3109.18 of the Revised Code that are scheduled to take effect 7026
January 1, 2001, are hereby repealed. 7027

Section 8. Sections 6 and 7 of this act shall take effect 7028
January 1, 2001. 7029

Section 9. Section 5153.161 of the Revised Code is presented 7030
in this act as a composite of that section as amended by both Am. 7031
Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, 7032
with the new language of neither of the acts shown in capital 7033
letters. This is in recognition of the principle stated in 7034
division (B) of section 1.52 of the Revised Code that such 7035
amendments are to be harmonized where not substantively 7036
irreconcilable and constitutes a legislative finding that such is 7037
the resulting version in effect prior to the effective date of 7038
this act. 7039