

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 408**

**Representatives Manning, G., Patton**

**Cosponsors: Representatives Manchester, Stein, Skindell**

---

**A BILL**

To amend sections 2950.034, 5103.13, and 5103.131; 1  
to amend, for the purpose of adopting new 2  
section numbers as indicated in parentheses, 3  
sections 5103.131 (5103.133) and 5103.132 4  
(5103.134); and to enact new sections 5103.131 5  
and 5103.132 and section 5101.136 of the Revised 6  
Code regarding children's crisis care 7  
facilities. 8

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

**Section 1.** That sections 2950.034, 5103.13, and 5103.131 9  
be amended; sections 5103.131 (5103.133) and 5103.132 (5103.134) 10  
be amended for the purpose of adopting new section numbers as 11  
indicated in parentheses; and new sections 5103.131 and 5103.132 12  
and section 5101.136 of the Revised Code be enacted to read as 13  
follows: 14

**Sec. 2950.034.** (A) No person who has been convicted of, is 15  
convicted of, has pleaded guilty to, or pleads guilty to a 16  
sexually oriented offense or a child-victim oriented offense 17  
shall establish a residence or occupy residential premises 18

within one thousand feet of any school premises ~~or,~~ preschool 19  
or child day-care center premises, or children's crisis care 20  
facility premises. 21

(B) If a person to whom division (A) of this section 22  
applies violates division (A) of this section by establishing a 23  
residence or occupying residential premises within one thousand 24  
feet of any school premises ~~or,~~ preschool or child day-care 25  
center premises, or children's crisis care facility premises, an 26  
owner or lessee of real property that is located within one 27  
thousand feet of those school premises ~~or,~~ preschool or child 28  
day-care center premises, or children's crisis care facility 29  
premises, or the prosecuting attorney, village solicitor, city 30  
or township director of law, similar chief legal officer of a 31  
municipal corporation or township, or official designated as a 32  
prosecutor in a municipal corporation that has jurisdiction over 33  
the place at which the person establishes the residence or 34  
occupies the residential premises in question, has a cause of 35  
action for injunctive relief against the person. The plaintiff 36  
shall not be required to prove irreparable harm in order to 37  
obtain the relief. 38

(C) As used in this section: 39

(1) "Child day-care center" has the same meaning as in 40  
section 5104.01 of the Revised Code. 41

(2) "Children's crisis care facility" has the same meaning 42  
as in section 5103.13 of the Revised Code. 43

(3) "Children's crisis care facility premises" means both 44  
of the following: 45

(a) The parcel of real property on which any children's 46  
crisis care facility is situated; 47

(b) Any grounds, play areas, and other facilities of a 48  
children's crisis care facility that are regularly used by the 49  
children served by the facility. 50

(4) "Preschool" means any public or private institution or 51  
center that provides early childhood instructional or 52  
educational services to children who are at least three years of 53  
age but less than six years of age and who are not enrolled in 54  
or are not eligible to be enrolled in kindergarten, whether or 55  
not those services are provided in a child day-care setting. 56  
"Preschool" does not include any place that is the permanent 57  
residence of the person who is providing the early childhood 58  
instructional or educational services to the children described 59  
in this division. 60

~~(3)~~(5) "Preschool or child day-care center premises" 61  
means all of the following: 62

(a) Any building in which any preschool or child day-care 63  
center activities are conducted if the building has signage that 64  
indicates that the building houses a preschool or child day-care 65  
center, is clearly visible and discernable without obstruction, 66  
and meets any local zoning ordinances which may apply; 67

(b) The parcel of real property on which a preschool or 68  
child day-care center is situated if the parcel of real property 69  
has signage that indicates that a preschool or child day-care 70  
center is situated on the parcel, is clearly visible and 71  
discernable without obstruction, and meets any local zoning 72  
ordinances which may apply; 73

(c) Any grounds, play areas, and other facilities of a 74  
preschool or child day-care center that are regularly used by 75  
the children served by the preschool or child day-care center if 76

the grounds, play areas, or other facilities have signage that 77  
indicates that they are regularly used by children served by the 78  
preschool or child day-care center, is clearly visible and 79  
discernable without obstruction, and meets any local zoning 80  
ordinances which may apply. 81

Sec. 5101.136. An employee of a public children services 82  
agency or private child placing agency who has placed a preteen 83  
in a children's crisis care facility certified under section 84  
5103.13 of the Revised Code shall enter the placement as a 85  
respite or transitional stay, as applicable, in the uniform 86  
statewide automated child welfare information system, 87  
established under section 5101.13 of the Revised Code. 88

**Sec. 5103.13.** (A) As used in ~~this section and section 89~~  
~~5103.131~~ sections 5103.13 to 5103.134 of the Revised Code: 90

(1) (a) "Children's crisis care facility" means a facility 91  
that has as its primary purpose the provision of residential and 92  
other care to either or both of the following: 93

(i) One or more preteens voluntarily placed in the 94  
facility by the preteen's parent or other caretaker who is 95  
facing a crisis that causes the parent or other caretaker to 96  
seek temporary care for the preteen and referral for support 97  
services; 98

(ii) One or more preteens placed in the facility by a 99  
public children services agency or private child placing agency 100  
that has legal custody or permanent custody of the preteen and 101  
determines that an emergency situation exists necessitating the 102  
preteen's placement in the facility rather than an institution 103  
certified under section 5103.03 of the Revised Code or 104  
elsewhere. 105

(b) "Children's crisis care facility" does not include	106
either of the following:	107
(i) Any organization, society, association, school,	108
agency, child guidance center, detention or rehabilitation	109
facility, or children's clinic licensed, regulated, approved,	110
operated under the direction of, or otherwise certified by the	111
department of education, a local board of education, the	112
department of youth services, the department of mental health	113
and addiction services, or the department of developmental	114
disabilities;	115
(ii) Any individual who provides care for only a single-	116
family group, placed there by their parents or other relative	117
having custody.	118
(2) "Legal custody" and "permanent custody" have the same	119
meanings as in section 2151.011 of the Revised Code.	120
(3) "Preteen" means an individual under thirteen years of	121
age.	122
(B) No person shall operate a children's crisis care	123
facility or hold a children's crisis care facility out as a	124
certified children's crisis care facility unless there is a	125
valid children's crisis care facility certificate issued under	126
this section for the facility.	127
(C) <u>(1)</u> A person seeking to operate a children's crisis	128
care facility shall apply to the director of job and family	129
services to obtain a certificate for the facility.	130
<u>(2) (a)</u> The director shall certify the person's children's	131
crisis care facility if the facility meets all of the	132
certification standards established in rules adopted under	133
division <del>(F)</del> <u>(H)</u> of this section and the person complies with	134

all of the rules governing the certification of children's 135  
crisis care facilities adopted under that division. The issuance 136  
of a children's crisis care facility certificate does not exempt 137  
the facility from a requirement to obtain another certificate or 138  
license mandated by law. 139

(b) The director shall not issue a waiver to a person for 140  
compliance with any of the requirements imposed under this 141  
section or any of the rules adopted under division (H) of this 142  
section. 143

(D)~~(1)~~ No certified children's crisis care facility shall 144  
do any of the following: 145

~~(a)~~ (1) Provide residential care to a preteen for more 146  
than one hundred twenty days in a calendar year; 147

~~(b) Subject to division (D) (1) (c) of this section and 148~~  
~~except as provided in division (D) (2) of this section, provide 149~~  
(2) Provide residential care to a preteen for more than sixty 150  
ninety consecutive days; 151

~~(c) Provide (3) Except as provided in division (D) of 152~~  
section 5103.132 of the Revised Code, provide residential care 153  
to a preteen for more than fourteen consecutive days if a public 154  
children services agency or private child placing agency placed 155  
the preteen in the facility; 156

~~(d)~~ (4) Fail to comply with section 2151.86 of the Revised 157  
Code. 158

~~(2) A certified children's crisis care facility may 159~~  
~~provide residential care to a preteen for up to ninety 160~~  
~~consecutive days, other than a preteen placed in the facility by 161~~  
~~a public children services agency or private child placing 162~~  
~~agency, if any of the following are the case: 163~~

~~(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;~~ 164  
165  
166  
167

~~(b) The preteen's parent or other caretaker is an inpatient in a hospital;~~ 168  
169

~~(c) The preteen's parent or other caretaker is incarcerated;~~ 170  
171

~~(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.~~ 172  
173

(E) A certified children's crisis care facility shall do the following: 174  
175

(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor; 176  
177  
178

(2) Require, if pediatric medical service is provided at the facility, the following: 179  
180

(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 181  
182

(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended; 183  
184  
185  
186

(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to ensure the parent or caretaker is competent to provide the ongoing care; 187  
188  
189  
190  
191

(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment. 192  
193  
194  
195

(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to ensure the parent or caretaker is competent in the basic parenting skills needed to care for the preteen; 196  
197  
198  
199  
200  
201

(4) Require only a transfer summary for the transfer of a preteen from one certified children's crisis care facility location to another, if the facility has more than one location and the receiving location is licensed under the same license as the transferring location; 202  
203  
204  
205  
206

(5) Require the facility to have a dedicated and private enclosed space for the purpose of completing required admission paperwork and medical forms. 207  
208  
209

(F) A certified children's crisis care facility may do the following: 210  
211

(1) Count administrative staff, interns, and volunteers toward required child staff ratios in an emergency situation for up to three hours if the administrative staff, interns, or volunteers meet the following requirements: 212  
213  
214  
215

(a) Completed training in the mission of the children's crisis care facility; 216  
217

(b) Completed training pursuant to Chapter 5101:2-9-03 of the Administrative Code; 218  
219



<u>(c) Are supervised by facility staff;</u>	220
<u>(d) Participate in at least monthly face-to-face</u>	221
<u>supervisory conferences.</u>	222
<u>(2) Use volunteers and contracted transportation</u>	223
<u>providers, on whom criminal records checks have been conducted</u>	224
<u>in accordance with section 2151.86 of the Revised Code, to</u>	225
<u>transport preteens, if such use is necessary for the facility to</u>	226
<u>maintain required child staff ratios.</u>	227
<u>(G) The director of job and family services may suspend or</u>	228
<u>revoke a children's crisis care facility's certificate pursuant</u>	229
<u>to Chapter 119. of the Revised Code if the facility violates</u>	230
<u>division (D) of or fails to comply with any of the requirements</u>	231
<u>under this section or ceases to meet any of the certification</u>	232
<u>standards established in rules adopted under division <del>(F)</del> (H) of</u>	233
<u>this section or the facility's operator ceases to comply with</u>	234
<u>any of the rules governing the certification of children's</u>	235
<u>crisis care facilities adopted under that division.</u>	236
<u><del>(F)</del> (H) Not later than ninety days after September 21,</u>	237
<u>2006, the director of job and family services shall adopt rules</u>	238
<u>pursuant to Chapter 119. of the Revised Code for the</u>	239
<u>certification of children's crisis care facilities. The rules</u>	240
<u>shall specify that a certificate shall not be issued to an</u>	241
<u>applicant if the conditions at the children's crisis care</u>	242
<u>facility would jeopardize the health or safety of the preteens</u>	243
<u>placed in the facility.</u>	244
<u>Sec. 5103.131. (A) As used in this section, "family</u>	245
<u>preservation center" means a certified children's crisis care</u>	246
<u>facility that has as its primary purpose the preservation of</u>	247
<u>families through preteen foster care diversion practices and</u>	248

<u>programs.</u>	249
<u>(B) (1) A person who holds an active license to operate a</u>	250
<u>children's crisis care facility under section 5103.13 of the</u>	251
<u>Revised Code may apply to the director of job and family</u>	252
<u>services to obtain a certificate as a family preservation center</u>	253
<u>under this section.</u>	254
<u>(2) (a) The director shall certify the person's family</u>	255
<u>preservation center if the center complies with all of the</u>	256
<u>requirements imposed under this section and all of the rules</u>	257
<u>adopted under division (E) of this section.</u>	258
<u>(b) The director shall not issue a waiver to a person of</u>	259
<u>compliance with any of the requirements imposed under this</u>	260
<u>section or any of the rules adopted under division (E) of this</u>	261
<u>section.</u>	262
<u>(C) A certified family preservation center shall do the</u>	263
<u>following:</u>	264
<u>(1) Obtain and maintain accreditation under the commission</u>	265
<u>on accreditation of rehabilitation facilities or the council on</u>	266
<u>accreditation for children and family services;</u>	267
<u>(2) Obtain and maintain certification by the Ohio</u>	268
<u>department of mental health and addiction services;</u>	269
<u>(3) Provide family preservation programs using evidence-</u>	270
<u>based practices, including all of the following:</u>	271
<u>(a) Family case management;</u>	272
<u>(b) Service referral and linkage;</u>	273
<u>(c) Parent education;</u>	274
<u>(d) Trauma screening and healing-centered interventions.</u>	275

(D) The director of job and family services may suspend or 276  
revoke a family preservation center's certificate pursuant to 277  
Chapter 119. of the Revised Code if the center violates or fails 278  
to comply with division (C) of this section or any of the rules 279  
adopted under division (E) of this section. 280

(E) Not later than ninety days after the effective date of 281  
this section, the director of job and family services shall 282  
adopt rules pursuant to Chapter 119. of the Revised Code for the 283  
certification of family preservation centers. 284

**Sec. 5103.132.** (A) As used in this section: 285

(1) "Infant" means a child who is less than one year of 286  
age. 287

(2) "Residential infant care center" means a certified 288  
children's crisis care facility that has as its primary purpose 289  
the provision of all of the following: 290

(a) Medical assistance for infants affected by addiction; 291

(b) Residential services; 292

(c) The preservation of families through preteen foster 293  
care diversion practices and programs. 294

(B) (1) A person who holds an active license to operate a 295  
children's crisis care facility under section 5103.13 of the 296  
Revised Code may apply to the director of job and family 297  
services to obtain a certificate as a residential infant care 298  
center under this section. 299

(2) (a) The director shall certify the person's residential 300  
infant care center if the center complies with all of the 301  
requirements imposed under this section and all of the rules 302  
adopted under division (G) of this section. 303

(b) The director shall not issue a waiver to a person of 304  
compliance with any of the requirements imposed under this 305  
section or any of the rules adopted under division (G) of this 306  
section. 307

(C) An infant is eligible to be placed in a residential 308  
infant care center if one of the following applies: 309

(1) The infant was born drug exposed and requires 310  
additional care. 311

(2) The infant's parent or caretaker requires additional 312  
education and support services regarding care for the infant. 313

(3) A public children services agency or private child 314  
placing agency requires additional time to determine placement 315  
of the infant. 316

(D) A residential infant care center may provide 317  
residential care to an infant for up to ninety consecutive days 318  
if a public children services agency or private child placing 319  
agency placed the infant in the center. 320

(E) A residential infant care center shall do the 321  
following: 322

(1) If using medication to treat drug exposed infants, 323  
comply with both of the following: 324

(a) Hold a terminal distributor of dangerous drugs license 325  
issued by the state board of pharmacy under section 4729.54 of 326  
the Revised Code; 327

(b) Employ a pediatrician or neonatologist as a medical 328  
director who is qualified and authorized under Chapter 4731. of 329  
the Revised Code to prescribe necessary medications. 330

<u>(2) Comply, except as otherwise provided in this section</u>	331
<u>and section 5103.13 of the Revised Code, with all requirements</u>	332
<u>under Chapter 5101:2-9-02 of the Administrative Code;</u>	333
<u>(3) Develop a plan of safe care for an infant born drug</u>	334
<u>exposed as follows:</u>	335
<u>(a) Assist with the health and substance use disorder</u>	336
<u>treatment needs of the infant and affected family or caregiver;</u>	337
<u>(b) Develop and implement a program to monitor, support,</u>	338
<u>and connect affected families or caregivers through the</u>	339
<u>provision of and referral to appropriate services for the infant</u>	340
<u>and affected family or caregiver.</u>	341
<u>(4) Develop and implement a program for parents and</u>	342
<u>caregivers that, either individually or in a group setting, does</u>	343
<u>both of the following:</u>	344
<u>(a) Teaches parenting skills, bonding, and caring for the</u>	345
<u>infant's special needs;</u>	346
<u>(b) Allows for the program to be completed prior to the</u>	347
<u>infant's discharge.</u>	348
<u>(5) Require all child-care staff, interns, and volunteers</u>	349
<u>to do the following:</u>	350
<u>(a) Complete training for infant care and the provision of</u>	351
<u>nonjudgmental care to affected family and caregivers;</u>	352
<u>(b) Provide to the center the following health records:</u>	353
<u>(i) Immunization records or the results of a blood titer</u>	354
<u>test proving immunity to measles, mumps, rubella, and pertussis;</u>	355
<u>(ii) For proof of immunity to chickenpox, provide to the</u>	356
<u>center the following:</u>	357

<u>(I) Immunization records;</u>	358
<u>(II) The results of a blood titer test proving immunity to chickenpox;</u>	359 360
<u>(III) A signed statement from a physician verifying the occurrence of past chickenpox infection.</u>	361 362
<u>(iii) The negative results of a tuberculin test taken at the center's request prior to commencing employment, volunteering, or internship at the center.</u>	363 364 365
<u>(6) Require both of the following:</u>	366
<u>(a) Child-care staff to be twenty-one years of age or older with a high school diploma or a certificate of high school equivalence;</u>	367 368 369
<u>(b) Volunteers and interns to be eighteen years of age or older.</u>	370 371
<u>(7) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 of the Revised Code;</u>	372 373 374
<u>(8) Employ registered nurses, patient care assistants, or licensed professional nurses to meet required child staff ratios;</u>	375 376 377
<u>(9) Require the center's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following:</u>	378 379 380
<u>(a) Provide wraparound services to affected family and caregivers;</u>	381 382
<u>(b) Coordinate and cooperate with any transferring hospital, public children services agency, and private child</u>	383 384

placing agency; 385

(c) Refer affected families or caregivers to appropriate 386  
services for support and aftercare; 387

(d) Follow up with affected families and caregivers 388  
following the infant's discharge. 389

(F) The director of job and family services may suspend or 390  
revoke a residential infant care center's certificate pursuant 391  
to Chapter 119. of the Revised Code if the center violates or 392  
fails to comply with any of the requirements imposed under this 393  
section or any of the rules adopted under division (G) of this 394  
section. 395

(G) Not later than ninety days after the effective date of 396  
this section, the director of job and family services shall 397  
adopt rules pursuant to Chapter 119. of the Revised Code for the 398  
certification of residential infant care centers. 399

**Sec. ~~5103.131~~–5103.133.** The department of job and family 400  
services may apply to the United States secretary of health and 401  
human services for a federal grant under the "Child Abuse 402  
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 403  
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 404  
50741 to assist children's crisis care facilities certified 405  
under section 5103.13 of the Revised Code in providing temporary 406  
residential and other care to preteens. 407

**Sec. ~~5103.132~~–5103.134.** (A) As used in this section, 408  
"firearm" has the same meaning as in section 2923.11 of the 409  
Revised Code. 410

(B) A children's crisis care facility that has as its 411  
primary purpose the provision of residential and other care to 412  
infants who are born drug exposed and that regularly maintains 413

on its premises schedule II controlled substances, as defined in 414  
section 3719.01 of the Revised Code, may do both of the 415  
following: 416

(1) Maintain firearms at the facility; 417

(2) Permit security personnel to bear firearms while on 418  
the grounds of the facility. 419

**Section 2.** That existing sections 2950.034, 5103.13, 420  
5103.131, and 5103.132 of the Revised Code are hereby repealed. 421