

**As Referred by the Senate Rules and Reference Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**S. B. No. 216**

**Senator Johnson**

**Cosponsors: Senators Cirino, Brenner**



**A BILL**

To amend sections 340.15, 2151.011, 2151.031, 1  
2151.353, and 2151.3514; to amend, for the 2  
purpose of adopting a new section number as 3  
indicated in parentheses, section 2151.3514 4  
(2151.46); and to enact sections 2151.261, 5  
2151.461, 2151.462, 2151.463, 2151.465, 6  
2151.466, 2151.468, 2151.469, 2151.4611, and 7  
2151.4613 of the Revised Code to enact Dylan's 8  
Law regarding parental custody of infants born 9  
substance exposed. 10

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

**Section 1.** That sections 340.15, 2151.011, 2151.031, 11  
2151.353, and 2151.3514 be amended; section 2151.3514 (2151.46) 12  
be amended for the purpose of adopting a new section number as 13  
indicated in parentheses; and sections 2151.261, 2151.461, 14  
2151.462, 2151.463, 2151.465, 2151.466, 2151.468, 2151.469, 15  
2151.4611, and 2151.4613 of the Revised Code be enacted to read 16  
as follows: 17

**Sec. 340.15.** (A) A public children services agency that 18

identifies a child by a risk assessment conducted pursuant to 19  
section 5153.16 of the Revised Code as being at imminent risk of 20  
being abused or neglected because of an addiction of a parent, 21  
guardian, or custodian of the child to a drug of abuse or 22  
alcohol shall refer the child's addicted parent, guardian, or 23  
custodian and, if the agency determines that the child needs 24  
alcohol and drug addiction services, the child to a community 25  
addiction services provider. A public children services agency 26  
that is sent a court order issued pursuant to ~~division (B) of~~ 27  
~~section 2151.3514~~ section 2151.46 or 2151.461 of the Revised 28  
Code shall refer the addicted parent or other caregiver of the 29  
child identified in the court order to a community addiction 30  
services provider. On receipt of a referral under this division 31  
and to the extent funding identified under division (A) (2) of 32  
section 340.08 of the Revised Code is available, the provider 33  
shall provide the following services to the addicted parent, 34  
guardian, custodian, or caregiver and child in need of addiction 35  
services: 36

(1) If it is determined pursuant to an initial screening 37  
to be needed, assessment and appropriate treatment; 38

(2) Documentation of progress in accordance with a 39  
treatment plan developed for the addicted parent, guardian, 40  
custodian, caregiver, or child; 41

(3) If the referral is based on a court order issued 42  
pursuant to ~~division (B) of section 2151.3514~~ section 2151.46 or 43  
2151.461 of the Revised Code and the order requires the 44  
specified parent or other caregiver of the child to submit to 45  
alcohol or other drug testing during, after, or both during and 46  
after, treatment, testing in accordance with the court order. 47

(B) The services described in division (A) of this section 48

shall have a priority as provided in the community addiction and 49  
mental health plan and budget established pursuant to sections 50  
340.03 and 340.08 of the Revised Code. Once a referral has been 51  
received pursuant to this section, the public children services 52  
agency and the community addiction services provider shall, in 53  
accordance with 42 C.F.R. Part 2, share with each other any 54  
information concerning the persons and services described in 55  
that division that the agency and provider determine are 56  
necessary to share. If the referral is based on a court order 57  
issued pursuant to ~~division (B) of section 2151.3514~~ section 58  
2151.46 or 2151.461 of the Revised Code, the results and 59  
recommendations of the community addiction services provider 60  
also shall be provided and used as described in division (D) of 61  
~~that section 2151.46 of the Revised Code or in section 2151.465~~ 62  
of the Revised Code. Information obtained or maintained by the 63  
agency or provider pursuant to this section that could enable 64  
the identification of any person described in division (A) of 65  
this section is not a public record subject to inspection or 66  
copying under section 149.43 of the Revised Code. 67

**Sec. 2151.011.** (A) As used in the Revised Code: 68

(1) "Juvenile court" means whichever of the following is 69  
applicable that has jurisdiction under this chapter and Chapter 70  
2152. of the Revised Code: 71

(a) The division of the court of common pleas specified in 72  
section 2101.022 or 2301.03 of the Revised Code as having 73  
jurisdiction under this chapter and Chapter 2152. of the Revised 74  
Code or as being the juvenile division or the juvenile division 75  
combined with one or more other divisions; 76

(b) The juvenile court of Cuyahoga county or Hamilton 77  
county that is separately and independently created by section 78

2151.08 or Chapter 2153. of the Revised Code and that has	79
jurisdiction under this chapter and Chapter 2152. of the Revised	80
Code;	81
(c) If division (A)(1)(a) or (b) of this section does not	82
apply, the probate division of the court of common pleas.	83
(2) "Juvenile judge" means a judge of a court having	84
jurisdiction under this chapter.	85
(3) "Private child placing agency" means any association,	86
as defined in section 5103.02 of the Revised Code, that is	87
certified under section 5103.03 of the Revised Code to accept	88
temporary, permanent, or legal custody of children and place the	89
children for either foster care or adoption.	90
(4) "Private noncustodial agency" means any person,	91
organization, association, or society certified by the	92
department of job and family services that does not accept	93
temporary or permanent legal custody of children, that is	94
privately operated in this state, and that does one or more of	95
the following:	96
(a) Receives and cares for children for two or more	97
consecutive weeks;	98
(b) Participates in the placement of children in certified	99
foster homes;	100
(c) Provides adoption services in conjunction with a	101
public children services agency or private child placing agency.	102
<u>(5) "Substance-exposed infant" means a child under the age</u>	103
<u>of twelve months who has been subjected to alcohol or other drug</u>	104
<u>abuse, as defined in section 5119.90 of the Revised Code, while</u>	105
<u>in utero.</u>	106

(B) As used in this chapter:	107
(1) "Adequate parental care" means the provision by a	108
child's parent or parents, guardian, or custodian of adequate	109
food, clothing, and shelter to ensure the child's health and	110
physical safety and the provision by a child's parent or parents	111
of specialized services warranted by the child's physical or	112
mental needs.	113
(2) "Adult" means an individual who is eighteen years of	114
age or older.	115
(3) "Agreement for temporary custody" means a voluntary	116
agreement authorized by section 5103.15 of the Revised Code that	117
transfers the temporary custody of a child to a public children	118
services agency or a private child placing agency.	119
(4) "Alternative response" means the public children	120
services agency's response to a report of child abuse or neglect	121
that engages the family in a comprehensive evaluation of child	122
safety, risk of subsequent harm, and family strengths and needs	123
and that does not include a determination as to whether child	124
abuse or neglect occurred.	125
(5) "Certified foster home" means a foster home, as	126
defined in section 5103.02 of the Revised Code, certified under	127
section 5103.03 of the Revised Code.	128
(6) "Child" means a person who is under eighteen years of	129
age, except that the juvenile court has jurisdiction over any	130
person who is adjudicated an unruly child prior to attaining	131
eighteen years of age until the person attains twenty-one years	132
of age, and, for purposes of that jurisdiction related to that	133
adjudication, a person who is so adjudicated an unruly child	134
shall be deemed a "child" until the person attains twenty-one	135

years of age.	136
(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.	137 138 139 140 141 142 143
(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education.	144 145 146 147 148 149 150 151
(9) "Commit" means to vest custody as ordered by the court.	152 153
(10) "Counseling" includes both of the following:	154
(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.	155 156 157 158 159 160
(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under	161 162 163 164

Chapter 4757. of the Revised Code to engage in social work or	165
professional counseling.	166
(11) "Custodian" means a person who has legal custody of a	167
child or a public children services agency or private child	168
placing agency that has permanent, temporary, or legal custody	169
of a child.	170
(12) "Delinquent child" has the same meaning as in section	171
2152.02 of the Revised Code.	172
(13) "Detention" means the temporary care of children	173
pending court adjudication or disposition, or execution of a	174
court order, in a public or private facility designed to	175
physically restrict the movement and activities of children.	176
(14) "Developmental disability" has the same meaning as in	177
section 5123.01 of the Revised Code.	178
(15) "Differential response approach" means an approach	179
that a public children services agency may use to respond to	180
accepted reports of child abuse or neglect with either an	181
alternative response or a traditional response.	182
(16) "Foster caregiver" has the same meaning as in section	183
5103.02 of the Revised Code.	184
(17) "Guardian" means a person, association, or	185
corporation that is granted authority by a probate court	186
pursuant to Chapter 2111. of the Revised Code to exercise	187
parental rights over a child to the extent provided in the	188
court's order and subject to the residual parental rights of the	189
child's parents.	190
(18) "Habitual truant" means any child of compulsory	191
school age who is absent without legitimate excuse for absence	192

from the public school the child is supposed to attend for	193
thirty or more consecutive hours, forty-two or more hours in one	194
school month, or seventy-two or more hours in a school year.	195
(19) "Intellectual disability" has the same meaning as in	196
section 5123.01 of the Revised Code.	197
(20) "Juvenile traffic offender" has the same meaning as	198
in section 2152.02 of the Revised Code.	199
(21) "Legal custody" means a legal status that vests in	200
the custodian the right to have physical care and control of the	201
child and to determine where and with whom the child shall live,	202
and the right and duty to protect, train, and discipline the	203
child and to provide the child with food, shelter, education,	204
and medical care, all subject to any residual parental rights,	205
privileges, and responsibilities. An individual granted legal	206
custody shall exercise the rights and responsibilities	207
personally unless otherwise authorized by any section of the	208
Revised Code or by the court.	209
(22) A "legitimate excuse for absence from the public	210
school the child is supposed to attend" includes, but is not	211
limited to, any of the following:	212
(a) The fact that the child in question has enrolled in	213
and is attending another public or nonpublic school in this or	214
another state;	215
(b) The fact that the child in question is excused from	216
attendance at school for any of the reasons specified in section	217
3321.04 of the Revised Code;	218
(c) The fact that the child in question has received an	219
age and schooling certificate in accordance with section 3331.01	220
of the Revised Code.	221



(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	222 223
(24) "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 child's care.	224 225 226 227 228
(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	229 230 231 232
(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	233 234
(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the 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.	235 236 237 238 239 240
(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public	241 242 243 244 245 246 247 248 249 250

schools, chartered nonpublic schools, educational service 251  
centers, hospitals, and medical clinics that are responsible for 252  
the care, physical custody, or control of children. 253

(29) "Out-of-home care child abuse" means any of the 254  
following when committed by a person responsible for the care of 255  
a child in out-of-home care: 256

(a) Engaging in sexual activity with a child in the 257  
person's care; 258

(b) Denial to a child, as a means of punishment, of proper 259  
or necessary subsistence, education, medical care, or other care 260  
necessary for a child's health; 261

(c) Use of restraint procedures on a child that cause 262  
injury or pain; 263

(d) Administration of prescription drugs or psychotropic 264  
medication to the child without the written approval and ongoing 265  
supervision of a licensed physician; 266

(e) Commission of any act, other than by accidental means, 267  
that results in any injury to or death of the child in out-of- 268  
home care or commission of any act by accidental means that 269  
results in an injury to or death of a child in out-of-home care 270  
and that is at variance with the history given of the injury or 271  
death. 272

(30) "Out-of-home care child neglect" means any of the 273  
following when committed by a person responsible for the care of 274  
a child in out-of-home care: 275

(a) Failure to provide reasonable supervision according to 276  
the standards of care appropriate to the age, mental and 277  
physical condition, or other special needs of the child; 278

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	279 280 281 282
(c) Failure to develop a process for all of the following:	283
(i) Administration of prescription drugs or psychotropic drugs for the child;	284 285
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	286 287
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	288 289 290
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	291 292 293
(e) Confinement of the child to a locked room without monitoring by staff;	294 295
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	296 297
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	298 299 300 301
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges,	302 303 304 305 306

and obligations, including all residual rights and obligations. 307

(32) "Permanent surrender" means the act of the parents 308  
or, if a child has only one parent, of the parent of a child, by 309  
a voluntary agreement authorized by section 5103.15 of the 310  
Revised Code, to transfer the permanent custody of the child to 311  
a public children services agency or a private child placing 312  
agency. 313

(33) "Person" means an individual, association, 314  
corporation, or partnership and the state or any of its 315  
political subdivisions, departments, or agencies. 316

(34) "Person responsible for a child's care in out-of-home 317  
care" means any of the following: 318

(a) Any foster caregiver, in-home aide, or provider; 319

(b) Any administrator, employee, or agent of any of the 320  
following: a public or private detention facility; shelter 321  
facility; certified children's crisis care facility; 322  
organization; certified organization; child day-care center; 323  
type A family day-care home; licensed type B family day-care 324  
home; group home; institution; state institution; residential 325  
facility; residential care facility; residential camp; day camp; 326  
school district; community school; chartered nonpublic school; 327  
educational service center; hospital; or medical clinic; 328

(c) Any person who supervises or coaches children as part 329  
of an extracurricular activity sponsored by a school district, 330  
public school, or chartered nonpublic school; 331

(d) Any other person who performs a similar function with 332  
respect to, or has a similar relationship to, children. 333

(35) "Physical impairment" means having one or more of the 334

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:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "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.

(37) "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.

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

(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.

(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.

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 363  
364  
365

(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 366  
367

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A) (4) of section 2152.19 of the Revised Code. 368  
369  
370  
371

(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child 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. 372  
373  
374  
375  
376  
377  
378  
379

(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 380  
381

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 382  
383

(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 384  
385  
386

(46) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child. 387  
388  
389  
390

(47) "Residential facility" means a home or facility that 391  
is licensed by the department of developmental disabilities 392  
under section 5123.19 of the Revised Code and in which a child 393  
with a developmental disability resides. 394

(48) "Residual parental rights, privileges, and 395  
responsibilities" means those rights, privileges, and 396  
responsibilities remaining with the natural parent after the 397  
transfer of legal custody of the child, including, but not 398  
necessarily limited to, the privilege of reasonable visitation, 399  
consent to adoption, the privilege to determine the child's 400  
religious affiliation, and the responsibility for support. 401

(49) "School day" means the school day established by the 402  
board of education of the applicable school district pursuant to 403  
section 3313.481 of the Revised Code. 404

(50) "School year" has the same meaning as in section 405  
3313.62 of the Revised Code. 406

(51) "Secure correctional facility" means a facility under 407  
the direction of the department of youth services that is 408  
designed to physically restrict the movement and activities of 409  
children and used for the placement of children after 410  
adjudication and disposition. 411

(52) "Sexual activity" has the same meaning as in section 412  
2907.01 of the Revised Code. 413

(53) "Shelter" means the temporary care of children in 414  
physically unrestricted facilities pending court adjudication or 415  
disposition. 416

(54) "Shelter for victims of domestic violence" has the 417  
same meaning as in section 3113.33 of the Revised Code. 418

(55) "Temporary custody" means legal custody of a child 419  
who is removed from the child's home, which custody may be 420  
terminated at any time at the discretion of the court or, if the 421  
legal custody is granted in an agreement for temporary custody, 422  
by the person who executed the agreement. 423

(56) "Traditional response" means a public children 424  
services agency's response to a report of child abuse or neglect 425  
that encourages engagement of the family in a comprehensive 426  
evaluation of the child's current and future safety needs and a 427  
fact-finding process to determine whether child abuse or neglect 428  
occurred and the circumstances surrounding the alleged harm or 429  
risk of harm. 430

(C) For the purposes of this chapter, a child shall be 431  
presumed abandoned when the parents of the child have failed to 432  
visit or maintain contact with the child for more than ninety 433  
days, regardless of whether the parents resume contact with the 434  
child after that period of ninety days. 435

**Sec. 2151.031.** As used in this chapter, an "abused child" 436  
includes any child who: 437

(A) Is the victim of "sexual activity" as defined under 438  
Chapter 2907. of the Revised Code, where such activity would 439  
constitute an offense under that chapter, except that the court 440  
need not find that any person has been convicted of the offense 441  
in order to find that the child is an abused child; 442

(B) Is endangered as defined in section 2919.22 of the 443  
Revised Code, except that the court need not find that any 444  
person has been convicted under that section in order to find 445  
that the child is an abused child; 446

(C) Exhibits evidence of any physical or mental injury or 447



death, inflicted other than by accidental means, or an injury or 448  
death which is at variance with the history given of it. Except 449  
as provided in division (D) of this section, a child exhibiting 450  
evidence of corporal punishment or other physical disciplinary 451  
measure by a parent, guardian, custodian, person having custody 452  
or control, or person in loco parentis of a child is not an 453  
abused child under this division if the measure is not 454  
prohibited under section 2919.22 of the Revised Code. 455

(D) Because of the acts of ~~his~~ the child's parents, 456  
guardian, or custodian, suffers physical or mental injury that 457  
harms or threatens to harm the child's health or welfare. 458

(E) Is subjected to out-of-home care child abuse. 459

(F) Is a substance-exposed infant, but not as a result of 460  
the mother's medication-assisted treatment. 461

**Sec. 2151.261.** (A) Except as provided under section 462  
2151.26 of the Revised Code, a public children services agency 463  
shall conduct an alcohol or drug test on an infant or the 464  
infant's mother if the agency receives a report of child abuse 465  
regarding an alleged substance-exposed infant. 466

(B) If the alcohol or drug test conducted under division 467  
(A) of this section returns a positive result, the agency shall 468  
file a complaint pursuant to section 2151.27 of the Revised 469  
Code. 470

(C) A child shall not be adjudicated an abused child as a 471  
result of being a substance-exposed infant if the court hearing 472  
a complaint described in division (B) of this section determines 473  
the mother's or infant's positive result from a drug test was 474  
due to medication-assisted treatment. 475

**Sec. 2151.353.** (A) ~~If~~ Except as provided under section 476

2151.462 of the Revised Code, if a child is adjudicated an 477  
abused, neglected, or dependent child, the court may make any of 478  
the following orders of disposition: 479

(1) Place the child in protective supervision; 480

(2) Commit the child to the temporary custody of any of 481  
the following: 482

(a) A public children services agency; 483

(b) A private child placing agency; 484

(c) Either parent; 485

(d) A relative residing within or outside the state; 486

(e) A probation officer for placement in a certified 487  
foster home; 488

(f) Any other person approved by the court. 489

(3) Award legal custody of the child to either parent or 490  
to any other person who, prior to the dispositional hearing, 491  
files a motion requesting legal custody of the child or is 492  
identified as a proposed legal custodian in a complaint or 493  
motion filed prior to the dispositional hearing by any party to 494  
the proceedings. A person identified in a complaint or motion 495  
filed by a party to the proceedings as a proposed legal 496  
custodian shall be awarded legal custody of the child only if 497  
the person identified signs a statement of understanding for 498  
legal custody that contains at least the following provisions: 499

(a) That it is the intent of the person to become the 500  
legal custodian of the child and the person is able to assume 501  
legal responsibility for the care and supervision of the child; 502

(b) That the person understands that legal custody of the 503

child in question is intended to be permanent in nature and that 504  
the person will be responsible as the custodian for the child 505  
until the child reaches the age of majority. Responsibility as 506  
custodian for the child shall continue beyond the age of 507  
majority if, at the time the child reaches the age of majority, 508  
the child is pursuing a diploma granted by the board of 509  
education or other governing authority, successful completion of 510  
the curriculum of any high school, successful completion of an 511  
individualized education program developed for the student by 512  
any high school, or an age and schooling certificate. 513  
Responsibility beyond the age of majority shall terminate when 514  
the child ceases to continuously pursue such an education, 515  
completes such an education, or is excused from such an 516  
education under standards adopted by the state board of 517  
education, whichever occurs first. 518

(c) That the parents of the child have residual parental 519  
rights, privileges, and responsibilities, including, but not 520  
limited to, the privilege of reasonable visitation, consent to 521  
adoption, the privilege to determine the child's religious 522  
affiliation, and the responsibility for support; 523

(d) That the person understands that the person must be 524  
present in court for the dispositional hearing in order to 525  
affirm the person's intention to become legal custodian, to 526  
affirm that the person understands the effect of the 527  
custodianship before the court, and to answer any questions that 528  
the court or any parties to the case may have. 529

(4) Commit the child to the permanent custody of a public 530  
children services agency or private child placing agency, if the 531  
court determines in accordance with division (E) of section 532  
2151.414 of the Revised Code that the child cannot be placed 533

with one of the child's parents within a reasonable time or 534  
should not be placed with either parent and determines in 535  
accordance with division (D) (1) of section 2151.414 of the 536  
Revised Code that the permanent commitment is in the best 537  
interest of the child. If the court grants permanent custody 538  
under this division, the court, upon the request of any party, 539  
shall file a written opinion setting forth its findings of fact 540  
and conclusions of law in relation to the proceeding. 541

(5) Place the child in a planned permanent living 542  
arrangement with a public children services agency or private 543  
child placing agency, if a public children services agency or 544  
private child placing agency requests the court to place the 545  
child in a planned permanent living arrangement and if the court 546  
finds, by clear and convincing evidence, that a planned 547  
permanent living arrangement is in the best interest of the 548  
child, that the child is sixteen years of age or older, and that 549  
one of the following exists: 550

(a) The child, because of physical, mental, or 551  
psychological problems or needs, is unable to function in a 552  
family-like setting and must remain in residential or 553  
institutional care now and for the foreseeable future beyond the 554  
date of the dispositional hearing held pursuant to section 555  
2151.35 of the Revised Code. 556

(b) The parents of the child have significant physical, 557  
mental, or psychological problems and are unable to care for the 558  
child because of those problems, adoption is not in the best 559  
interest of the child, as determined in accordance with division 560  
(D) (1) of section 2151.414 of the Revised Code, and the child 561  
retains a significant and positive relationship with a parent or 562  
relative. 563

(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.

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

(B) (1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A) (5) (b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A) (5) (b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in 593  
the youth's independent living case plan, attend agency team 594  
meetings and court hearings as appropriate, complete training, 595  
as developed and implemented under section 5103.035 of the 596  
Revised Code, related to providing the child independent living 597  
services, and assist in the child's transition into adulthood. 598

(3) The department of job and family services shall 599  
develop a model notice to be provided by an agency that has 600  
custody of a child to a caregiver under division (B)(2) of this 601  
section. The agency may modify the model notice to apply to the 602  
needs of the agency. 603

(C) No order for permanent custody or temporary custody of 604  
a child or the placement of a child in a planned permanent 605  
living arrangement shall be made pursuant to this section unless 606  
the complaint alleging the abuse, neglect, or dependency 607  
contains a prayer requesting permanent custody, temporary 608  
custody, or the placement of the child in a planned permanent 609  
living arrangement as desired, the summons served on the parents 610  
of the child contains as is appropriate a full explanation that 611  
the granting of an order for permanent custody permanently 612  
divests them of their parental rights, a full explanation that 613  
an adjudication that the child is an abused, neglected, or 614  
dependent child may result in an order of temporary custody that 615  
will cause the removal of the child from their legal custody 616  
until the court terminates the order of temporary custody or 617  
permanently divests the parents of their parental rights, or a 618  
full explanation that the granting of an order for a planned 619  
permanent living arrangement will result in the removal of the 620  
child from their legal custody if any of the conditions listed 621  
in divisions (A)(5)(a) to (c) of this section are found to 622  
exist, and the summons served on the parents contains a full 623

explanation of their right to be represented by counsel and to 624  
have counsel appointed pursuant to Chapter 120. of the Revised 625  
Code if they are indigent. 626

If after making disposition as authorized by division (A) 627  
(2) of this section, a motion is filed that requests permanent 628  
custody of the child, the court may grant permanent custody of 629  
the child to the movant in accordance with section 2151.414 of 630  
the Revised Code. 631

(D) If the court issues an order for protective 632  
supervision pursuant to division (A)(1) of this section, the 633  
court may place any reasonable restrictions upon the child, the 634  
child's parents, guardian, or custodian, or any other person, 635  
including, but not limited to, any of the following: 636

(1) Order a party, within forty-eight hours after the 637  
issuance of the order, to vacate the child's home indefinitely 638  
or for a specified period of time; 639

(2) Order a party, a parent of the child, or a physical 640  
custodian of the child to prevent any particular person from 641  
having contact with the child; 642

(3) Issue an order restraining or otherwise controlling 643  
the conduct of any person which conduct would not be in the best 644  
interest of the child. 645

(E) As part of its dispositional order, the court shall 646  
journalize a case plan for the child. The journalized case plan 647  
shall not be changed except as provided in section 2151.412 of 648  
the Revised Code. 649

(F) (1) The court shall retain jurisdiction over any child 650  
for whom the court issues an order of disposition pursuant to 651  
division (A) of this section or pursuant to section 2151.414 or 652

2151.415 of the Revised Code until the child attains the age of 653  
eighteen years if the child does not have a developmental 654  
disability or physical impairment, the child attains the age of 655  
twenty-one years if the child has a developmental disability or 656  
physical impairment, or the child is adopted and a final decree 657  
of adoption is issued, except that the court may retain 658  
jurisdiction over the child and continue any order of 659  
disposition under division (A) of this section or under section 660  
2151.414 or 2151.415 of the Revised Code for a specified period 661  
of time to enable the child to graduate from high school or 662  
vocational school. The court shall make an entry continuing its 663  
jurisdiction under this division in the journal. 664

(2) Any public children services agency, any private child 665  
placing agency, the department of job and family services, or 666  
any party, other than any parent whose parental rights with 667  
respect to the child have been terminated pursuant to an order 668  
issued under division (A)(4) of this section, by filing a motion 669  
with the court, may at any time request the court to modify or 670  
terminate any order of disposition issued pursuant to division 671  
(A) of this section or section 2151.414 or 2151.415 of the 672  
Revised Code. The court shall hold a hearing upon the motion as 673  
if the hearing were the original dispositional hearing and shall 674  
give all parties to the action and the guardian ad litem notice 675  
of the hearing pursuant to the Juvenile Rules. If applicable, 676  
the court shall comply with section 2151.42 of the Revised Code. 677

(G) Any temporary custody order issued pursuant to 678  
division (A) of this section shall terminate one year after the 679  
earlier of the date on which the complaint in the case was filed 680  
or the child was first placed into shelter care, except that, 681  
upon the filing of a motion pursuant to section 2151.415 of the 682  
Revised Code, the temporary custody order shall continue and not 683



terminate until the court issues a dispositional order under 684  
that section. In resolving the motion, the court shall not order 685  
an existing temporary custody order to continue beyond two years 686  
after the date on which the complaint was filed or the child was 687  
first placed into shelter care, whichever date is earlier, 688  
regardless of whether any extensions have been previously 689  
ordered pursuant to division (D) of section 2151.415 of the 690  
Revised Code. 691

(H) (1) No later than one year after the earlier of the 692  
date the complaint in the case was filed or the child was first 693  
placed in shelter care, a party may ask the court to extend an 694  
order for protective supervision for six months or to terminate 695  
the order. A party requesting extension or termination of the 696  
order shall file a written request for the extension or 697  
termination with the court and give notice of the proposed 698  
extension or termination in writing before the end of the day 699  
after the day of filing it to all parties and the child's 700  
guardian ad litem. If a public children services agency or 701  
private child placing agency requests termination of the order, 702  
the agency shall file a written status report setting out the 703  
facts supporting termination of the order at the time it files 704  
the request with the court. If no party requests extension or 705  
termination of the order, the court shall notify the parties 706  
that the court will extend the order for six months or terminate 707  
it and that it may do so without a hearing unless one of the 708  
parties requests a hearing. All parties and the guardian ad 709  
litem shall have seven days from the date a notice is sent 710  
pursuant to this division to object to and request a hearing on 711  
the proposed extension or termination. 712

(a) If it receives a timely request for a hearing, the 713  
court shall schedule a hearing to be held no later than thirty 714

days after the request is received by the court. The court shall 715  
give notice of the date, time, and location of the hearing to 716  
all parties and the guardian ad litem. At the hearing, the court 717  
shall determine whether extension or termination of the order is 718  
in the child's best interest. If termination is in the child's 719  
best interest, the court shall terminate the order. If extension 720  
is in the child's best interest, the court shall extend the 721  
order for six months. 722

(b) If it does not receive a timely request for a hearing, 723  
the court may extend the order for six months or terminate it 724  
without a hearing and shall journalize the order of extension or 725  
termination not later than fourteen days after receiving the 726  
request for extension or termination or after the date the court 727  
notifies the parties that it will extend or terminate the order. 728  
If the court does not extend or terminate the order, it shall 729  
schedule a hearing to be held no later than thirty days after 730  
the expiration of the applicable fourteen-day time period and 731  
give notice of the date, time, and location of the hearing to 732  
all parties and the child's guardian ad litem. At the hearing, 733  
the court shall determine whether extension or termination of 734  
the order is in the child's best interest. If termination is in 735  
the child's best interest, the court shall terminate the order. 736  
If extension is in the child's best interest, the court shall 737  
issue an order extending the order for protective supervision 738  
six months. 739

(2) If the court grants an extension of the order for 740  
protective supervision pursuant to division (H)(1) of this 741  
section, a party may, prior to termination of the extension, 742  
file with the court a request for an additional extension of six 743  
months or for termination of the order. The court and the 744  
parties shall comply with division (H)(1) of this section with 745

respect to extending or terminating the order.	746
(3) If a court grants an extension pursuant to division	747
(H) (2) of this section, the court shall terminate the order for	748
protective supervision at the end of the extension.	749
(I) The court shall not issue a dispositional order	750
pursuant to division (A) of this section that removes a child	751
from the child's home unless the court complies with section	752
2151.419 of the Revised Code and includes in the dispositional	753
order the findings of fact required by that section.	754
(J) If a motion or application for an order described in	755
division (A) (6) of this section is made, the court shall not	756
issue the order unless, prior to the issuance of the order, it	757
provides to the person all of the following:	758
(1) Notice and a copy of the motion or application;	759
(2) The grounds for the motion or application;	760
(3) An opportunity to present evidence and witnesses at a	761
hearing regarding the motion or application;	762
(4) An opportunity to be represented by counsel at the	763
hearing.	764
(K) The jurisdiction of the court shall terminate one year	765
after the date of the award or, if the court takes any further	766
action in the matter subsequent to the award, the date of the	767
latest further action subsequent to the award, if the court	768
awards legal custody of a child to either of the following:	769
(1) A legal custodian who, at the time of the award of	770
legal custody, resides in a county of this state other than the	771
county in which the court is located;	772

(2) A legal custodian who resides in the county in which 773  
the court is located at the time of the award of legal custody, 774  
but moves to a different county of this state prior to one year 775  
after the date of the award or, if the court takes any further 776  
action in the matter subsequent to the award, one year after the 777  
date of the latest further action subsequent to the award. 778

The court in the county in which the legal custodian 779  
resides then shall have jurisdiction in the matter. 780

**Sec. ~~2151.3514~~ 2151.46.** (A) As used in ~~this section:~~ 781

~~(1) "Community~~ this section and sections 2151.461 to 782  
2151.4613 of the Revised Code, "community addiction services 783  
provider" has the same meaning as in section 5119.01 of the 784  
Revised Code; 785

~~(2) "Chemical dependency" means either of the following:~~ 786

~~(a) The chronic and habitual use of alcoholic beverages to~~ 787  
~~the extent that the user no longer can control the use of~~ 788  
~~alcohol or endangers the user's health, safety, or welfare or~~ 789  
~~that of others;~~ 790

~~(b) The use of a drug of abuse to the extent that the user~~ 791  
~~becomes physically or psychologically dependent on the drug or~~ 792  
~~endangers the user's health, safety, or welfare or that of~~ 793  
~~others.~~ 794

~~(3) "Drug of abuse" has the same meaning as in section~~ 795  
~~3719.011 of the Revised Code.~~ 796

(B) ~~If~~ Except as provided for a child adjudicated an 797  
abused child as a result of being a substance-exposed infant in 798  
accordance with section 2151.461 of the Revised Code, if the 799  
juvenile court issues an order of temporary custody or 800

protective supervision under division (A) of section 2151.353 of 801  
the Revised Code with respect to a child adjudicated to be an 802  
abused, neglected, or dependent child and the alcohol or other 803  
drug addiction of a parent or other caregiver of the child was 804  
the basis for the adjudication of abuse, neglect, or dependency, 805  
the court shall issue an order requiring the parent or other 806  
caregiver to submit to an assessment and, if needed, treatment 807  
from a community addiction services provider. The court may 808  
order the parent or other caregiver to submit to alcohol or 809  
other drug testing during, after, or both during and after, the 810  
treatment. The court shall send any order issued pursuant to 811  
this division to the public children services agency that serves 812  
the county in which the court is located for use as described in 813  
section 340.15 of the Revised Code. 814

(C) Any order requiring alcohol or other drug testing that 815  
is issued pursuant to division (B) of this section shall require 816  
one alcohol or other drug test to be conducted each month during 817  
a period of twelve consecutive months beginning the month 818  
immediately following the month in which the order for alcohol 819  
or other drug testing is issued. Arrangements for administering 820  
the alcohol or other drug tests, as well as funding the costs of 821  
the tests, shall be locally determined in accordance with 822  
sections 340.03 and 340.15 of the Revised Code. If a parent or 823  
other caregiver required to submit to alcohol or other drug 824  
tests under this section is not a recipient of medicaid, the 825  
agency that refers the parent or caregiver for the tests may 826  
require the parent or caregiver to reimburse the agency for the 827  
cost of conducting the tests. 828

(D) The community addiction services provider that 829  
conducts any alcohol or other drug tests ordered in accordance 830  
with divisions (B) and (C) of this section shall send the 831

results of the tests, along with the provider's recommendations 832  
as to the benefits of continued treatment, to the court and to 833  
the public children services agency providing services to the 834  
involved family, according to federal regulations set forth in 835  
42 C.F.R. Part 2, and division (B) of section 340.15 of the 836  
Revised Code. The court shall consider the results and the 837  
recommendations sent to it under this division in any 838  
adjudication or review by the court, according to section 839  
2151.353, 2151.414, or 2151.419 of the Revised Code. 840

Sec. 2151.461. Except as provided under section 2151.4611 841  
of the Revised Code, if the juvenile court issues an order of 842  
temporary custody under division (A) of section 2151.353 of the 843  
Revised Code with respect to a child adjudicated an abused child 844  
as a result of being a substance-exposed infant, the court shall 845  
issue an order requiring both of the child's parents to do all 846  
of the following: 847

(A) Complete a course specific to caring for a newborn 848  
experiencing alcohol or drug withdrawal; 849

(B) Complete an inpatient rehabilitation program provided 850  
by a community addiction services provider; 851

(C) Undergo, and be approved through, a home study 852  
conducted by an assessor in accordance with section 3107.031 of 853  
the Revised Code. 854

Sec. 2151.462. Except as provided under section 2151.4611 855  
of the Revised Code, the court shall not make either of the 856  
following orders of disposition for a child adjudicated an 857  
abused child as a result of being a substance-exposed infant: 858

(A) Commit the child to the temporary custody of either of 859  
the child's parents or any person who resides in the household 860

of either of the child's parents; 861

(B) Place the child in protective supervision. 862

**Sec. 2151.463.** The court shall issue both of the following 863  
orders regarding a child adjudicated an abused child as a result 864  
of being a substance-exposed infant: 865

(A) Prohibiting any contact between the child's parent and 866  
the child, to remain in effect until the court determines that 867  
the parent has met the requirements under section 2151.461 of 868  
the Revised Code; 869

(B) Prohibiting the child's parent and the child from 870  
residing together, to remain in effect until the court 871  
determines the parent has met the reunification requirements 872  
under section 2151.468 of the Revised Code. 873

**Sec. 2151.465.** (A) On completion of the requirements 874  
described under section 2151.461 of the Revised Code, the court 875  
shall order the child's parent or parents, as applicable, to 876  
submit to alcohol or drug testing. The court shall send any 877  
order issued pursuant to this division to the public children 878  
services agency that serves the county in which the court is 879  
located for use as described in section 340.15 of the Revised 880  
Code. 881

(B) Any order requiring alcohol or drug testing under 882  
division (A) of this section shall require the testing to be 883  
conducted as follows: 884

(1) Each month for a minimum of three consecutive months, 885  
beginning the month immediately following the month in which the 886  
order for alcohol or other drug testing is issued, at random 887  
intervals, until reunification occurs under section 2151.468 of 888  
the Revised Code; 889

(2) Each month during a period of six consecutive months, 890  
at random intervals, after reunification occurs under section 891  
2151.468 of the Revised Code. 892

(C) Arrangements for administering the alcohol or other 893  
drug tests, as well as funding the costs of the tests, shall be 894  
determined in accordance with sections 340.03 and 340.15 of the 895  
Revised Code. If a parent required to submit to alcohol or drug 896  
testing under this section is not a recipient of medicaid, the 897  
agency that refers the parent for the tests may require the 898  
parent to reimburse the agency for the cost of conducting the 899  
tests. 900

(D) The community addiction services provider that 901  
conducts any alcohol or other drug tests ordered in accordance 902  
with divisions (A) and (B) of this section shall send the 903  
results of the tests, along with the provider's recommendations 904  
as to the benefits of continued treatment, to the court and to 905  
the public children services agency providing services to the 906  
involved family, according to federal regulations set forth in 907  
42 C.F.R. Part 2, and division (B) of section 340.15 of the 908  
Revised Code. The court shall consider the results and the 909  
recommendations in any proceeding under section 2151.353, 910  
2151.414, or 2151.419 of the Revised Code. 911

**Sec. 2151.466.** After compliance with the requirements 912  
described under section 2151.461 of the Revised Code, and on 913  
continued receipt of negative alcohol or drug tests under 914  
section 2151.465 of the Revised Code, the court shall permit the 915  
parent or parents, as applicable, to incrementally transition to 916  
full-time care of the child adjudicated to be an abused child as 917  
a result of being a substance-exposed infant through visits 918  
supervised by the public children services agency and then 919



through unsupervised weekend visits. 920

Sec. 2151.468. The court shall order the reunification of 921  
the parent and child if all of the following apply: 922

(A) The parent has complied with all of the requirements 923  
under section 2151.461 of the Revised Code. 924

(B) The parent has tested negative to three consecutive 925  
alcohol or drug tests ordered under division (B)(1) of section 926  
2151.465 of the Revised Code. 927

(C) Except as provided under section 2151.4611 of the 928  
Revised Code, the child has been in temporary custody for a 929  
minimum of six months. 930

(D) The parent is not the subject of a pending criminal 931  
proceeding. 932

Sec. 2151.469. (A) On reunification of the parent and 933  
child, the court shall order the parent to do all of the 934  
following: 935

(1) Receive a caseworker from a public children services 936  
agency for a home visit once a month for a period of three 937  
months; 938

(2) Take the child to be examined by a health care 939  
professional not less than once a month for a period of six 940  
months, pursuant to which the health care professional shall 941  
submit evidence of each medical visit to the agency; 942

(3) Continue to submit to alcohol or drug tests in 943  
accordance with the order issued under division (B)(2) of 944  
section 2151.465 of the Revised Code; 945

(4) If the other parent has not met the requirements for 946

reunification under section 2151.468 of the Revised Code, comply 947  
with the court's orders regarding contact and visitation with 948  
the other parent. 949

(B) If a home visit or medical appointment described under 950  
divisions (A) (1) and (2) of this section needs to be 951  
rescheduled, the caseworker shall be notified not later than 952  
twenty-four hours prior to the originally scheduled visit or 953  
appointment and the parent shall schedule a follow-up visit or 954  
appointment. 955

**Sec. 2151.4611.** (A) The court shall award legal custody of 956  
a child adjudicated to be an abused child as the result of being 957  
a substance-exposed infant to the child's father if, on 958  
investigation of the father by the public children services 959  
agency, the agency deems the father fit to care for the child. 960

**Sec. 2151.4613.** If a parent violates or fails to comply 961  
with sections 2151.469 or 2151.4611 of the Revised Code or the 962  
parent's alcohol or drug test returns a positive result, the 963  
public children services agency shall file a complaint under 964  
section 2151.27 of the Revised Code regarding the child 965  
adjudicated to be an abused child as a result of being a 966  
substance-exposed infant. 967

**Section 2.** That existing sections 340.15, 2151.011, 968  
2151.031, 2151.353, and 2151.3514 of the Revised Code are hereby 969  
repealed. 970

**Section 3.** This act shall be known as Dylan's Law. 971

**Section 4.** Section 2151.353 of the Revised Code is 972  
presented in this act as a composite of the section as amended 973  
by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 974  
49 of the 132nd General Assembly, and H.B. 50 and H.B. 158 both 975

of the 131st General Assembly. The General Assembly, applying 976  
the principle stated in division (B) of section 1.52 of the 977  
Revised Code that amendments are to be harmonized if reasonably 978  
capable of simultaneous operation, finds that the composite is 979  
the resulting version of the section in effect prior to the 980  
effective date of the section as presented in this act. 981