

As Introduced

136th General Assembly

Regular Session

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H. B. No. 245

Representatives Somani, Grim

**Cosponsors: Representatives Piccolantonio, Upchurch, Brennan, Cockley,
Brownlee, Russo, McNally**

A BILL

To amend sections 3125.18, 5101.35, 5101.80,
5101.801, 5101.804, 5101.805, and 5153.16 and to
amend, for the purpose of adopting a new section
number as indicated in parentheses, section
5101.804 (5101.91) of the Revised Code regarding
services provided through the Ohio parenting and
pregnancy program.

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

Section 1. That sections 3125.18, 5101.35, 5101.80,
5101.801, 5101.804, 5101.805, and 5153.16 be amended and section
5101.804 (5101.91) of the Revised Code be amended for the
purpose of adopting a new section number as indicated in
parentheses to read as follows:

Sec. 3125.18. A child support enforcement agency shall
administer a Title IV-A program identified under division (A) (4)
(c) or ~~(h)~~ (g) of section 5101.80 of the Revised Code that the
department of job and family services provides for the agency to
administer under the department's supervision pursuant to
section 5101.801 of the Revised Code.

Sec. 5101.35. (A) As used in this section: 19

(1) (a) "Agency" means the following entities that 20
administer a family services program: 21

(i) The department of job and family services; 22

(ii) The department of children and youth; 23

(iii) A county department of job and family services; 24

(iv) A public children services agency; 25

(v) A private or government entity administering, in whole 26
or in part, a family services program for or on behalf of the 27
department of job and family services, the department of 28
children and youth, or a county department of job and family 29
services or public children services agency. 30

(b) If the department of medicaid contracts with the 31
department of job and family services to hear appeals authorized 32
by section 5160.31 of the Revised Code regarding medical 33
assistance programs, "agency" includes the department of 34
medicaid. 35

(2) "Appellant" means an applicant, participant, former 36
participant, recipient, or former recipient of a family services 37
program who is entitled by federal or state law to a hearing 38
regarding a decision or order of the agency that administers the 39
program. 40

(3) (a) "Family services program" means all of the 41
following: 42

(i) A Title IV-A program as defined in section 5101.80 of 43
the Revised Code; 44

(ii) Programs that provide assistance under Chapter 5104. 45

of the Revised Code; 46

(iii) Programs that provide assistance under section 47
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of 48
the Revised Code; 49

(iv) Title XX social services provided under section 50
5101.46 of the Revised Code, other than such services provided 51
by the department of mental health and addiction services, the 52
department of developmental disabilities, a board of alcohol, 53
drug addiction, and mental health services, or a county board of 54
developmental disabilities. 55

(b) If the department of medicaid contracts with the 56
department of job and family services to hear appeals authorized 57
by section 5160.31 of the Revised Code regarding medical 58
assistance programs, "family services program" includes medical 59
assistance programs. 60

(4) "Medical assistance program" has the same meaning as 61
in section 5160.01 of the Revised Code. 62

(B) Except as provided by divisions (G) and (H) of this 63
section, an appellant who appeals under federal or state law a 64
decision or order of an agency administering a family services 65
program shall, at the appellant's request, be granted a state 66
hearing by the department of job and family services or the 67
department of children and youth, as appropriate. This state 68
hearing shall be conducted in accordance with rules adopted 69
under this section. The state hearing shall be recorded, but 70
neither the recording nor a transcript of the recording shall be 71
part of the official record of the proceeding. Except as 72
provided in section 5160.31 of the Revised Code, a state hearing 73
decision is binding upon the agency and department, unless it is 74

reversed or modified on appeal to the director of job and family 75
services, director of children and youth, or a court of common 76
pleas. 77

(C) Except as provided by division (G) of this section, an 78
appellant who disagrees with a state hearing decision may make 79
an administrative appeal to the director of job and family 80
services or director of children and youth in accordance with 81
rules adopted under this section. This administrative appeal 82
does not require a hearing, but the director or the director's 83
designee shall review the state hearing decision and previous 84
administrative action and may affirm, modify, remand, or reverse 85
the state hearing decision. An administrative appeal decision is 86
the final decision of the department and, except as provided in 87
section 5160.31 of the Revised Code, is binding upon the 88
department and agency, unless it is reversed or modified on 89
appeal to the court of common pleas. 90

(D) An agency shall comply with a decision issued pursuant 91
to division (B) or (C) of this section within the time limits 92
established by rules adopted under this section. If a county 93
department of job and family services or a public children 94
services agency fails to comply within these time limits, the 95
department may take action pursuant to section 5101.24 of the 96
Revised Code. If another agency, other than the department of 97
medicaid, fails to comply within the time limits, the department 98
may force compliance by withholding funds due the agency or 99
imposing another sanction established by rules adopted under 100
this section. 101

(E) An appellant who disagrees with an administrative 102
appeal decision of the director of job and family services, the 103
director of children and youth, or either director's designee 104

issued under division (C) of this section may appeal from the 105
decision to the court of common pleas pursuant to section 119.12 106
of the Revised Code. The appeal shall be governed by section 107
119.12 of the Revised Code except that: 108

(1) The person may apply to the court for designation as 109
an indigent and, if the court grants this application, the 110
appellant shall not be required to furnish the costs of the 111
appeal. 112

(2) The appellant shall mail the notice of appeal to the 113
department of job and family services or director of children 114
and youth, as appropriate, and file notice of appeal with the 115
court within thirty days after the department mails the 116
administrative appeal decision to the appellant. For good cause 117
shown, the court may extend the time for mailing and filing 118
notice of appeal, but such time shall not exceed six months from 119
the date the department mails the administrative appeal 120
decision. Filing notice of appeal with the court shall be the 121
only act necessary to vest jurisdiction in the court. 122

(3) The department shall be required to file a transcript 123
of the testimony of the state hearing with the court only if the 124
court orders the department to file the transcript. The court 125
shall make such an order only if it finds that the department 126
and the appellant are unable to stipulate to the facts of the 127
case and that the transcript is essential to a determination of 128
the appeal. The department shall file the transcript not later 129
than thirty days after the day such an order is issued. 130

(F) The department of job and family service and 131
department of children and youth, as applicable, shall adopt 132
rules in accordance with Chapter 119. of the Revised Code to 133
implement this section, including rules governing the following: 134

(1) State hearings under division (B) of this section. The 135
rules shall include provisions regarding notice of eligibility 136
termination and the opportunity of an appellant appealing a 137
decision or order of a county department of job and family 138
services to request a county conference with the county 139
department before the state hearing is held. 140

(2) Administrative appeals under division (C) of this 141
section; 142

(3) Time limits for complying with a decision issued under 143
division (B) or (C) of this section; 144

(4) Sanctions that may be applied against an agency under 145
division (D) of this section. 146

(G) The department of job and family services and the 147
department of children and youth, as applicable, may adopt rules 148
in accordance with Chapter 119. of the Revised Code establishing 149
an appeals process for an appellant who appeals a decision or 150
order regarding a Title IV-A program identified under division 151
(A) (4) (c), (d), (e), (f), or (g), ~~or (h)~~ of section 5101.80 of 152
the Revised Code that is different from the appeals process 153
established by this section. The different appeals process may 154
include having a state agency that administers the Title IV-A 155
program pursuant to an interagency agreement entered into under 156
section 5101.801 of the Revised Code administer the appeals 157
process. 158

(H) If an appellant receiving medicaid through a health 159
insuring corporation that holds a certificate of authority under 160
Chapter 1751. of the Revised Code is appealing a denial of 161
medicaid services based on lack of medical necessity or other 162
clinical issues regarding coverage by the health insuring 163

corporation, the person hearing the appeal may order an 164
independent medical review if that person determines that a 165
review is necessary. The review shall be performed by a health 166
care professional with appropriate clinical expertise in 167
treating the recipient's condition or disease. The department 168
shall pay the costs associated with the review. 169

A review ordered under this division shall be part of the 170
record of the hearing and shall be given appropriate evidentiary 171
consideration by the person hearing the appeal. 172

(I) The requirements of Chapter 119. of the Revised Code 173
apply to a state hearing or administrative appeal under this 174
section only to the extent, if any, specifically provided by 175
rules adopted under this section. 176

Sec. 5101.80. (A) As used in this section and in section 177
5101.801 of the Revised Code: 178

(1) "County family services agency" has the same meaning 179
as in section 307.981 of the Revised Code. 180

(2) "State agency" has the same meaning as in section 9.82 181
of the Revised Code. 182

(3) "Title IV-A administrative agency" means both of the 183
following: 184

(a) A county family services agency or state agency 185
administering a Title IV-A program under the supervision of the 186
department of job and family services or the department of 187
children and youth; 188

(b) A government agency or private, not-for-profit entity 189
administering a project funded in whole or in part with funds 190
provided under the Title IV-A demonstration program created 191

under section 5101.803 of the Revised Code. 192

(4) "Title IV-A program" means all of the following that 193
are funded in part with funds provided under the temporary 194
assistance for needy families block grant established by Title 195
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 196
U.S.C. 601, as amended: 197

(a) The Ohio works first program established under Chapter 198
5107. of the Revised Code; 199

(b) The prevention, retention, and contingency program 200
established under Chapter 5108. of the Revised Code; 201

(c) A program established by the general assembly or an 202
executive order issued by the governor that is administered or 203
supervised by the department of job and family services or 204
department of children and youth pursuant to section 5101.801 of 205
the Revised Code; 206

(d) The kinship permanency incentive program created under 207
section 5101.802 of the Revised Code; 208

(e) The Title IV-A demonstration program created under 209
section 5101.803 of the Revised Code; 210

(f) ~~The Ohio parenting and pregnancy program created under~~ 211
~~section 5101.804 of the Revised Code;~~ 212

~~(g)~~ Fatherhood programs recommended by the Ohio commission 213
on fatherhood under section 5101.805 of the Revised Code; 214

~~(h)~~ (g) A component of a Title IV-A program identified 215
under divisions (A) (4) (a) to ~~(g)~~ (f) of this section that the 216
Title IV-A state plan prepared under division (C) (1) of this 217
section identifies as a component. 218

(B) The department of job and family services shall act as 219
the single state agency to administer and supervise the 220
administration of Title IV-A programs. The Title IV-A state plan 221
and amendments to the plan prepared under division (C) of this 222
section are binding on Title IV-A administrative agencies. No 223
Title IV-A administrative agency may establish, by rule or 224
otherwise, a policy governing a Title IV-A program that is 225
inconsistent with a Title IV-A program policy established, in 226
rule or otherwise, by the director of job and family services. 227

(C) The department of job and family services shall do all 228
of the following: 229

(1) Prepare and submit to the United States secretary of 230
health and human services a Title IV-A state plan for Title IV-A 231
programs; 232

(2) Prepare and submit to the United States secretary of 233
health and human services amendments to the Title IV-A state 234
plan that the department determines necessary, including 235
amendments necessary to implement Title IV-A programs identified 236
in divisions (A) (4) (c) to ~~(h)~~ (g) of this section; 237

(3) Prescribe forms for applications, certificates, 238
reports, records, and accounts of Title IV-A administrative 239
agencies, and other matters related to Title IV-A programs; 240

(4) Make such reports, in such form and containing such 241
information as the department may find necessary to assure the 242
correctness and verification of such reports, regarding Title 243
IV-A programs; 244

(5) Require reports and information from each Title IV-A 245
administrative agency as may be necessary or advisable regarding 246
a Title IV-A program; 247

(6) Afford a fair hearing in accordance with section 248
5101.35 of the Revised Code to any applicant for, or participant 249
or former participant of, a Title IV-A program aggrieved by a 250
decision regarding the program; 251

(7) Administer and expend, pursuant to Chapters 5104., 252
5107., and 5108. of the Revised Code and sections 5101.801, 253
5101.802, and 5101.803, ~~and 5101.804~~ of the Revised Code, any 254
sums appropriated by the general assembly for the purpose of 255
those chapters and sections and all sums paid to the state by 256
the secretary of the treasury of the United States as authorized 257
by Title IV-A of the "Social Security Act," 110 Stat. 2113 258
(1996), 42 U.S.C. 601, as amended; 259

(8) Conduct investigations and audits as are necessary 260
regarding Title IV-A programs; 261

(9) Enter into reciprocal agreements with other states 262
relative to the provision of Ohio works first and prevention, 263
retention, and contingency to residents and nonresidents; 264

(10) Contract with a private entity to conduct an 265
independent on-going evaluation of the Ohio works first program 266
and the prevention, retention, and contingency program. The 267
contract must require the private entity to do all of the 268
following: 269

(a) Examine issues of process, practice, impact, and 270
outcomes; 271

(b) Study former participants of Ohio works first who have 272
not participated in Ohio works first for at least one year to 273
determine whether they are employed, the type of employment in 274
which they are engaged, the amount of compensation they are 275
receiving, whether their employer provides health insurance, 276

whether and how often they have received benefits or services 277
under the prevention, retention, and contingency program, and 278
whether they are successfully self sufficient; 279

(c) Provide the department with reports at times the 280
department specifies. 281

(11) Not later than the last day of each January and July, 282
prepare a report containing information on the following: 283

(a) Individuals exhausting the time limits for 284
participation in Ohio works first set forth in section 5107.18 285
of the Revised Code. 286

(b) Individuals who have been exempted from the time 287
limits set forth in section 5107.18 of the Revised Code and the 288
reasons for the exemption. 289

(D) The department shall provide copies of the reports it 290
receives under division (C) (10) of this section and prepares 291
under division (C) (11) of this section to the governor, the 292
president and minority leader of the senate, and the speaker and 293
minority leader of the house of representatives. The department 294
shall provide copies of the reports to any private or government 295
entity on request. 296

(E) An authorized representative of the department or a 297
county family services agency or state agency administering a 298
Title IV-A program shall have access to all records and 299
information bearing thereon for the purposes of investigations 300
conducted pursuant to this section. An authorized representative 301
of a government entity or private, not-for-profit entity 302
administering a project funded in whole or in part with funds 303
provided under the Title IV-A demonstration program shall have 304
access to all records and information bearing on the project for 305

the purpose of investigations conducted pursuant to this 306
section. 307

Sec. 5101.801. (A) Except as otherwise provided by the law 308
enacted by the general assembly or executive order issued by the 309
governor establishing the Title IV-A program, a Title IV-A 310
program identified under division (A) (4) (c), (d), (e), (f), or 311
(g), ~~or (h)~~ of section 5101.80 of the Revised Code shall provide 312
benefits and services that are not "assistance" as defined in 45 313
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 314
260.31(b) excludes from the definition of assistance. 315

(B) (1) Except as otherwise provided by the law enacted by 316
the general assembly or executive order issued by the governor 317
establishing the Title IV-A program, the department of job and 318
family services or the department of children and youth, as 319
appropriate, shall do either of the following regarding a Title 320
IV-A program identified under division (A) (4) (c), (d), (e), (f), 321
or (g), ~~or (h)~~ of section 5101.80 of the Revised Code: 322

(a) Administer the program or supervise a county family 323
services agency's administration of the program; 324

(b) Enter into an interagency agreement with a state 325
agency for the state agency to administer the program under the 326
department's supervision. 327

(2) The department of job and family services and the 328
department of children and youth may enter into an agreement 329
with a government entity and, to the extent permitted by federal 330
law, a private, not-for-profit entity for the entity to receive 331
funding for a project under the Title IV-A demonstration program 332
created under section 5101.803 of the Revised Code. 333

(3) ~~To the extent permitted by federal law, the department~~ 334

~~of children and youth may enter into an agreement with a~~ 335
~~private, not-for-profit entity for the entity to receive funds~~ 336
~~under the Ohio parenting and pregnancy program created under~~ 337
~~section 5101.804 of the Revised Code.~~ 338

~~(4)~~ To the extent permitted by federal law, the department 339
of job and family services may enter into an agreement with a 340
private, not-for-profit entity for the entity to receive funds 341
as recommended by the Ohio commission on fatherhood under 342
section 5101.805 of the Revised Code. 343

(C) The department of job and family services and the 344
department of children and youth, may adopt rules governing 345
Title IV-A programs identified under divisions (A) (4) (c), (d), 346
(e), (f), and (g), ~~and (h)~~ of section 5101.80 of the Revised 347
Code. Rules governing financial and operational matters of 348
either department or between either department and county family 349
services agencies shall be adopted as internal management rules 350
adopted in accordance with section 111.15 of the Revised Code. 351
All other rules shall be adopted in accordance with Chapter 119. 352
of the Revised Code. 353

(D) If the department of job and family services or the 354
department of children and youth, enters into an agreement 355
regarding a Title IV-A program identified under division (A) (4) 356
(c), (e), (f), or (g), ~~or (h)~~ of section 5101.80 of the Revised 357
Code pursuant to division (B) (1) (b) or (2) of this section, the 358
agreement shall include at least all of the following: 359

(1) A requirement that the state agency or entity comply 360
with the requirements for the program or project, including all 361
of the following requirements established by federal statutes 362
and regulations, state statutes and rules, the United States 363
office of management and budget, and the Title IV-A state plan 364

prepared under section 5101.80 of the Revised Code:	365
(a) Eligibility;	366
(b) Reports;	367
(c) Benefits and services;	368
(d) Use of funds;	369
(e) Appeals for applicants for, and recipients and former	370
recipients of, the benefits and services;	371
(f) Audits.	372
(2) A complete description of all of the following:	373
(a) The benefits and services that the program or project	374
is to provide;	375
(b) The methods of program or project administration;	376
(c) The appeals process under section 5101.35 of the	377
Revised Code for applicants for, and recipients and former	378
recipients of, the program or project's benefits and services;	379
(d) Other requirements that the department of job and	380
family services or the department of children and youth, as	381
applicable, requires be included.	382
(3) Procedures for the department of job and family	383
services or the department of children and youth, as applicable,	384
to approve a policy, established by rule or otherwise, that the	385
state agency or entity establishes for the program or project	386
before the policy is established;	387
(4) Provisions regarding how the department of job and	388
family services or the department of children and youth, as	389
applicable, is to reimburse the state agency or entity for	390

allowable expenditures under the program or project that the 391
applicable department approves, including all of the following: 392

(a) Limitations on administrative costs; 393

(b) The department of job and family services or the 394
department of children and youth, as applicable, at its 395
discretion, doing either of the following: 396

(i) Withholding no more than five per cent of the funds 397
that the department of job and family services or the department 398
of children and youth, as applicable, would otherwise provide to 399
the state agency or entity for the program or project; 400

(ii) Charging the state agency or entity for the costs to 401
the department of job and family services or the department of 402
children and youth, as applicable, of performing, or contracting 403
for the performance of, audits and other administrative 404
functions associated with the program or project. 405

(5) If the state agency or entity arranges by contract, 406
grant, or other agreement for another entity to perform a 407
function the state agency or entity would otherwise perform 408
regarding the program or project, the state agency or entity's 409
responsibilities for both of the following: 410

(a) Ensuring that the other entity complies with the 411
agreement between the state agency or entity and the department 412
of job and family services or the department of children and 413
youth, as applicable and federal statutes and regulations and 414
state statutes and rules governing the use of funds for the 415
program or project; 416

(b) Auditing the other entity in accordance with 417
requirements established by the United States office of 418
management and budget. 419

(6) The state agency or entity's responsibilities 420
regarding the prompt payment, including any interest assessed, 421
of any adverse audit finding, final disallowance of federal 422
funds, or other sanction or penalty imposed by the federal 423
government, auditor of state, department of job and family 424
services or the department of children and youth, as applicable, 425
a court, or other entity regarding funds for the program or 426
project; 427

(7) Provisions for the department of job and family 428
services or the department of children and youth, as applicable, 429
to terminate the agreement or withhold reimbursement from the 430
state agency or entity if either of the following occur: 431

(a) The federal government disapproves the program or 432
project or reduces federal funds for the program or project; 433

(b) The state agency or entity fails to comply with the 434
terms of the agreement. 435

(8) Provisions for both of the following: 436

(a) The department of job and family services or the 437
department of children and youth, as applicable, and state 438
agency or entity determining the performance outcomes expected 439
for the program or project; 440

(b) An evaluation of the program or project to determine 441
its success in achieving the performance outcomes determined 442
under division (D) (8) (a) of this section. 443

(E) To the extent consistent with the law enacted by the 444
general assembly or executive order issued by the governor 445
establishing the Title IV-A program and subject to the approval 446
of the director of budget and management, the director of job 447
and family services or the director of children and youth, as 448

applicable, may terminate a Title IV-A program identified under 449
division (A) (4) (c), (d), (e), (f), or (g), ~~or (h)~~ of section 450
5101.80 of the Revised Code or reduce funding for the program if 451
the applicable director determines that federal or state funds 452
are insufficient to fund the program. If the director of budget 453
and management approves the termination or reduction in funding 454
for such a program, the director of job and family services or 455
the department of children and youth, as applicable, shall issue 456
instructions for the termination or funding reduction. If a 457
Title IV-A administrative agency is administering the program, 458
the agency is bound by the termination or funding reduction and 459
shall comply with the applicable director's instructions. 460

(F) The director of job and family services and the 461
director of children and youth may adopt internal management 462
rules in accordance with section 111.15 of the Revised Code as 463
necessary to implement this section. The rules are binding on 464
each Title IV-A administrative agency. 465

Sec. 5101.805. (A) Subject to division (E) of section 466
5101.801 of the Revised Code, the Ohio commission on fatherhood, 467
created under section 5101.34 of the Revised Code, may make 468
recommendations to the director of job and family services 469
concerning the funding, approval, and implementation of 470
fatherhood programs in this state that meet at least one of the 471
four purposes of the temporary assistance for needy families 472
block grant, as specified in 42 U.S.C. 601. 473

(B) The department of job and family services may provide 474
funding under this section to government entities and, to the 475
extent permitted by federal law, private, not-for-profit 476
entities with which the department enters into agreements under 477
division ~~(B) (4)~~ (B) (3) of section 5101.801 of the Revised Code. 478

Sec. ~~5101.804~~ 5101.91. (A) ~~Subject to division (E) of~~ 479
~~section 5101.801 of the Revised Code, there~~ There is hereby 480
created the Ohio parenting and pregnancy program to provide 481
services for pregnant women ~~and~~, parents or other relatives 482
caring for children ~~twelve months~~ five years of age or younger— 483
~~that do both of the following:~~ 484

~~(1) Promote childbirth, and individuals who may become~~ 485
pregnant. Services may include those related to pregnancy and 486
parenting, and alternatives to including counseling on 487
childbirth, abortion, and adoption;— 488

~~(2) Meet one or more of the four purposes of the temporary~~ 489
~~assistance for needy families block grant as specified in 42-~~ 490
~~U.S.C. 601, pregnancy tests, family planning, and contraceptive~~ 491
services, as well as preventative care services such as 492
cytologic screening and screening for sexually transmitted 493
infections. 494

(B) ~~To the extent permitted by federal law, the~~ The 495
department of children and youth may provide funds under the 496
program to entities with which the department enters into 497
~~agreements under division (B) (3) of section 5101.801 of the~~ 498
~~Revised Code.~~ In accordance with criteria the department 499
develops, the department may solicit proposals from entities 500
seeking to provide services under the program. The department 501
may enter into an agreement with an entity only if it meets all 502
of the following conditions: 503

(1) Is a private, not-for-profit entity; 504

(2) Is an entity whose primary purpose is to ~~promote~~ 505
~~childbirth, rather than abortion, through counseling and other~~ 506
~~services, including parenting and adoption support~~ provide 507

services as described under division (A) of this section; 508

(3) Provides services to pregnant women ~~and, parents or~~ 509
other relatives caring for children ~~twelve months~~ five years of 510
age or younger, ~~including clothing, counseling, or individuals~~ 511
who may become pregnant. The services offered by the entity must 512
include at least four of the following: 513

(a) Clothing, diapers and other baby supplies, food, 514
furniture, health care, parenting classes, postpartum 515
~~recovery, and shelter, and any other supportive services,~~ 516
~~programs, or related outreach;~~ 517

(b) Counseling on all options available to the individual, 518
including, for a pregnant person, counseling or referrals 519
related to abortion, adoption, and parenting the baby; 520

(c) Postpartum recovery and parenting classes; 521

(d) Health care through licensed health care 522
professionals, including contraceptives and reproductive health 523
care, through referrals if necessary; 524

(e) Sexual education, including information on abstinence 525
and a full-range of contraception options; 526

(f) Any other supportive services, programs, or related 527
outreach. 528

(4) ~~Does not charge pregnant women and parents or other~~ 529
~~relatives caring for children twelve months of age or younger a~~ 530
~~fee for any services received;~~ 531

~~(5) Is not involved in or associated with any abortion~~ 532
~~activities, including providing abortion counseling or referrals~~ 533
~~to abortion clinics, performing abortion-related medical~~ 534
~~procedures, or engaging in pro-abortion advertising;~~ 535

~~(6) Does not discriminate in its provision of services on~~ 536
~~the basis of race, religion, color, age, marital status,~~ 537
~~national origin, disability, or gender.~~ 538

(C) An entity that has entered into an agreement with the 539
~~department under division (B) (3) of section 5101.801 of the~~ 540
~~Revised Code may enter into a subcontract with another entity~~ 541
~~under which the other entity provides all or part of the~~ 542
~~services described in division (B) (3) (A) of this section. A~~ 543
~~subcontract may be entered into with another entity only if that~~ 544
~~entity meets all of the following conditions:~~ 545

~~(1) Is is a private, not-for-profit entity;~~ 546

~~(2) Is physically and financially separate from any~~ 547
~~entity, or component of an entity, that engages in abortion~~ 548
~~activities;~~ 549

~~(3) Is not involved in or associated with any abortion~~ 550
~~activities, including providing abortion counseling or referrals~~ 551
~~to abortion clinics, performing abortion-related medical~~ 552
~~procedures, or engaging in pro-abortion advertising.~~ 553

(D) An entity that receives funds under the Ohio parenting 554
and pregnancy program shall complete an annual report detailing 555
the services provided through the program, including specifying 556
the percentage of funds that were used for services and related 557
supports, health care services, and administrative costs. The 558
report shall be provided to the general assembly in accordance 559
with section 101.68 of the Revised Code and to the governor. The 560
report also shall be provided to the department of health and 561
made available to the public on the department's internet web 562
site. 563

(E) The director of children and youth shall adopt rules 564

~~under division (C) of section 5101.801 of the Revised Code as~~ 565
~~necessary to implement the Ohio parenting and pregnancy program.~~ 566
The rules shall be adopted in accordance with Chapter 119. of 567
the Revised Code. 568

Sec. 5153.16. (A) Except as provided in section 2151.422 569
of the Revised Code, in accordance with rules adopted under 570
section 5153.166 of the Revised Code, and on behalf of children 571
in the county whom the public children services agency considers 572
to be in need of public care or protective services, the public 573
children services agency shall do all of the following: 574

(1) Make an investigation concerning any child alleged to 575
be an abused, neglected, or dependent child; 576

(2) Enter into agreements with the parent, guardian, or 577
other person having legal custody of any child, or with the 578
department of children and youth, department of mental health 579
and addiction services, department of developmental 580
disabilities, other department, any certified organization 581
within or outside the county, or any agency or institution 582
outside the state, having legal custody of any child, with 583
respect to the custody, care, or placement of any child, or with 584
respect to any matter, in the interests of the child, provided 585
the permanent custody of a child shall not be transferred by a 586
parent to the public children services agency without the 587
consent of the juvenile court; 588

(3) Enter into a contract with an agency providing 589
prevention services in an effort to prevent neglect or abuse, to 590
enhance a child's welfare, and to preserve the family unit 591
intact. 592

(4) Accept custody of children committed to the public 593

children services agency by a court exercising juvenile 594
jurisdiction; 595

(5) Provide such care as the public children services 596
agency considers to be in the best interests of any child 597
adjudicated to be an abused, neglected, or dependent child the 598
agency finds to be in need of public care or service; 599

(6) Provide social services to any unmarried girl 600
adjudicated to be an abused, neglected, or dependent child who 601
is pregnant with or has been delivered of a child; 602

(7) Make available to the children with medical handicaps 603
program of the department of health at its request any 604
information concerning a child with a disability found to be in 605
need of treatment under sections 3701.021 to 3701.028 of the 606
Revised Code who is receiving services from the public children 607
services agency; 608

(8) Provide temporary emergency care for any child 609
considered by the public children services agency to be in need 610
of such care, without agreement or commitment; 611

(9) Find certified foster homes, within or outside the 612
county, for the care of children, including children with 613
disabilities from other counties attending special schools in 614
the county; 615

(10) Subject to the approval of the board of county 616
commissioners and the department of children and youth, 617
establish and operate a training school or enter into an 618
agreement with any municipal corporation or other political 619
subdivision of the county respecting the operation, acquisition, 620
or maintenance of any children's home, training school, or other 621
institution for the care of children maintained by such 622

municipal corporation or political subdivision; 623

(11) Acquire and operate a county children's home, 624
establish, maintain, and operate a receiving home for the 625
temporary care of children, or procure certified foster homes 626
for this purpose; 627

(12) Enter into an agreement with the trustees of any 628
district children's home, respecting the operation of the 629
district children's home in cooperation with the other county 630
boards in the district; 631

(13) Cooperate with, make its services available to, and 632
act as the agent of persons, courts, the department of children 633
and youth, the department of health, and other organizations 634
within and outside the state, in matters relating to the welfare 635
of children, except that the public children services agency 636
shall not be required to provide supervision of or other 637
services related to the exercise of parenting time rights 638
granted pursuant to section 3109.051 or 3109.12 of the Revised 639
Code or companionship or visitation rights granted pursuant to 640
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 641
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 642
or a common pleas court, pursuant to division (E)(6) of section 643
3113.31 of the Revised Code, requires the provision of 644
supervision or other services related to the exercise of the 645
parenting time rights or companionship or visitation rights; 646

(14) Make investigations at the request of any 647
superintendent of schools in the county or the principal of any 648
school concerning the application of any child adjudicated to be 649
an abused, neglected, or dependent child for release from 650
school, where such service is not provided through a school 651
attendance department; 652

(15) Administer funds provided under Title IV-E of the 653
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 654
amended, in accordance with rules adopted under section 5101.141 655
of the Revised Code; 656

(16) In addition to administering Title IV-E adoption 657
assistance funds, enter into agreements to make adoption 658
assistance payments under section 5153.163 of the Revised Code; 659

(17) Implement a system of safety and risk assessment, in 660
accordance with rules adopted by the director of children and 661
youth, to assist the public children services agency in 662
determining the risk of abuse or neglect to a child; 663

(18) Enter into a plan of cooperation with the board of 664
county commissioners under section 307.983 of the Revised Code 665
and comply with each fiscal agreement the board enters into 666
under section 307.98 of the Revised Code that include family 667
services duties of public children services agencies and 668
contracts the board enters into under sections 307.981 and 669
307.982 of the Revised Code that affect the public children 670
services agency; 671

(19) Make reasonable efforts to prevent the removal of an 672
alleged or adjudicated abused, neglected, or dependent child 673
from the child's home, eliminate the continued removal of the 674
child from the child's home, or make it possible for the child 675
to return home safely, except that reasonable efforts of that 676
nature are not required when a court has made a determination 677
under division (A) (2) of section 2151.419 of the Revised Code; 678

(20) Make reasonable efforts to place the child in a 679
timely manner in accordance with the permanency plan approved 680
under division (E) of section 2151.417 of the Revised Code and 681

to complete whatever steps are necessary to finalize the 682
permanent placement of the child; 683

(21) Administer a Title IV-A program identified under 684
division (A) (4) (c) or ~~(h)~~ (g) of section 5101.80 of the Revised 685
Code that the department of children and youth provides for the 686
public children services agency to administer under the 687
department's supervision pursuant to section 5101.801 of the 688
Revised Code; 689

(22) Administer the kinship permanency incentive program 690
created under section 5101.802 of the Revised Code under the 691
supervision of the director of children and youth; 692

(23) Provide independent living services pursuant to 693
sections 2151.81 to 2151.84 of the Revised Code; 694

(24) File a missing child report with a local law 695
enforcement agency upon becoming aware that a child in the 696
custody of the public children services agency is or may be 697
missing. 698

(B) The public children services agency shall use the 699
system implemented pursuant to division (A) (17) of this section 700
in connection with an investigation undertaken pursuant to 701
division (G) (1) of section 2151.421 of the Revised Code to 702
assess both of the following: 703

(1) The ongoing safety of the child; 704

(2) The appropriateness of the intensity and duration of 705
the services provided to meet child and family needs throughout 706
the duration of a case. 707

(C) Except as provided in section 2151.422 of the Revised 708
Code, in accordance with rules of the director of children and 709

youth, and on behalf of children in the county whom the public 710
children services agency considers to be in need of public care 711
or protective services, the public children services agency may 712
do the following: 713

(1) Provide or find, with other child serving systems, 714
specialized foster care for the care of children in a 715
specialized foster home, as defined in section 5103.02 of the 716
Revised Code, certified under section 5103.03 of the Revised 717
Code; 718

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 719
this section, contract with the following for the purpose of 720
assisting the agency with its duties: 721

(i) County departments of job and family services; 722

(ii) Boards of alcohol, drug addiction, and mental health 723
services; 724

(iii) County boards of developmental disabilities; 725

(iv) Regional councils of political subdivisions 726
established under Chapter 167. of the Revised Code; 727

(v) Private and government providers of services; 728

(vi) Managed care organizations and prepaid health plans. 729

(b) A public children services agency contract under 730
division (C) (2) (a) of this section regarding the agency's duties 731
under section 2151.421 of the Revised Code may not provide for 732
the entity under contract with the agency to perform any service 733
not authorized by the department's rules. 734

(c) Only a county children services board appointed under 735
section 5153.03 of the Revised Code that is a public children 736

services agency may contract under division (C) (2) (a) of this 737
section. If an entity specified in division (B) or (C) of 738
section 5153.02 of the Revised Code is the public children 739
services agency for a county, the board of county commissioners 740
may enter into contracts pursuant to section 307.982 of the 741
Revised Code regarding the agency's duties. 742

Section 2. That existing sections 3125.18, 5101.35, 743
5101.80, 5101.801, 5101.804, 5101.805, and 5153.16 of the 744
Revised Code are hereby repealed. 745

Section 3. Section 5101.35 of the Revised Code is 746
presented in this act as a composite of the section as amended 747
by both H.B. 33 and S.B. 21 of the 135th General Assembly. The 748
General Assembly, applying the principle stated in division (B) 749
of section 1.52 of the Revised Code that amendments are to be 750
harmonized if reasonably capable of simultaneous operation, 751
finds that the composite is the resulting version of the section 752
in effect prior to the effective date of the section as 753
presented in this act. 754