

As Introduced

136th General Assembly

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H. B. No. 532

Representative Miller, K.

To amend sections 2151.27, 2151.31, 2151.419, 1
2152.72, 3109.58, and 3109.68 of the Revised 2
Code to require a public children services 3
agency to take immediate custody of specified 4
children who cannot be released to a parent, 5
guardian, or custodian. 6

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

Section 1. That sections 2151.27, 2151.31, 2151.419, 7
2152.72, 3109.58, and 3109.68 of the Revised Code be amended to 8
read as follows: 9

Sec. 2151.27. (A) (1) Subject to division (A) (2) of this 10
section, any person having knowledge of a child who appears to 11
have violated section 2151.87 of the Revised Code or to be a 12
juvenile traffic offender or to be an unruly, abused, neglected, 13
or dependent child may file a sworn complaint with respect to 14
that child in the juvenile court of the county in which the 15
child has a residence or legal settlement or in which the 16
violation, unruliness, abuse, neglect, or dependency allegedly 17
occurred. If an alleged abused, neglected, or dependent child is 18
taken into custody pursuant to division ~~(D)~~(E) of section 19
2151.31 of the Revised Code or is taken into custody pursuant to 20
division (A) of section 2151.31 of the Revised Code without the 21

filing of a complaint and placed into shelter care pursuant to 22
division (C) of that section, a sworn complaint shall be filed 23
with respect to the child before the end of the next day after 24
the day on which the child was taken into custody. The sworn 25
complaint may be upon information and belief, and, in addition 26
to the allegation that the child committed the violation or is 27
an unruly, abused, neglected, or dependent child, the complaint 28
shall allege the particular facts upon which the allegation that 29
the child committed the violation or is an unruly, abused, 30
neglected, or dependent child is based. 31

(2) Any person having knowledge of a child who appears to 32
be an unruly child for being an habitual truant may file a sworn 33
complaint with respect to that child and the parent, guardian, 34
or other person having care of the child in the juvenile court 35
of the county in which the child has a residence or legal 36
settlement or in which the child is supposed to attend public 37
school. The sworn complaint may be upon information and belief 38
and shall contain the following allegations: 39

(a) That the child is an unruly child for being an 40
habitual truant and, in addition, the particular facts upon 41
which that allegation is based; 42

(b) That the parent, guardian, or other person having care 43
of the child has failed to cause the child's attendance at 44
school in violation of section 3321.38 of the Revised Code and, 45
in addition, the particular facts upon which that allegation is 46
based. 47

(B) If a child, before arriving at the age of eighteen 48
years, allegedly commits an act for which the child may be 49
adjudicated an unruly child and if the specific complaint 50
alleging the act is not filed or a hearing on that specific 51

complaint is not held until after the child arrives at the age 52
of eighteen years, the court has jurisdiction to hear and 53
dispose of the complaint as if the complaint were filed and the 54
hearing held before the child arrived at the age of eighteen 55
years. 56

(C) If the complainant in a case in which a child is 57
alleged to be an abused, neglected, or dependent child desires 58
permanent custody of the child or children, temporary custody of 59
the child or children, whether as the preferred or an 60
alternative disposition, or the placement of the child in a 61
planned permanent living arrangement, the complaint shall 62
contain a prayer specifically requesting permanent custody, 63
temporary custody, or the placement of the child in a planned 64
permanent living arrangement. 65

(D) Any person with standing under applicable law may file 66
a complaint for the determination of any other matter over which 67
the juvenile court is given jurisdiction by section 2151.23 of 68
the Revised Code. The complaint shall be filed in the county in 69
which the child who is the subject of the complaint is found or 70
was last known to be found. 71

(E) A public children services agency, acting pursuant to 72
a complaint or an action on a complaint filed under this 73
section, is not subject to the requirements of section 3127.23 74
of the Revised Code. 75

(F) Upon the filing of a complaint alleging that a child 76
is an unruly child, the court may hold the complaint in abeyance 77
pending the child's successful completion of actions that 78
constitute a method to divert the child from the juvenile court 79
system. The method may be adopted by a county pursuant to 80
divisions (D) and (E) of section 121.37 of the Revised Code or 81

it may be another method that the court considers satisfactory. 82
If the child completes the actions to the court's satisfaction, 83
the court may dismiss the complaint. If the child fails to 84
complete the actions to the court's satisfaction, the court may 85
consider the complaint. 86

(G) Upon the filing of a complaint that a child is an 87
unruly child that is based solely on a child being an habitual 88
truant, the court shall consider an alternative to adjudication, 89
including actions that constitute a method to divert the child 90
from the juvenile court system, using the Rules of Juvenile 91
Procedure, or by any other means if such an alternative is 92
available to the court and the child has not already 93
participated or failed to complete one of the available 94
alternatives. The court shall consider the complaint only as a 95
matter of last resort. 96

(H) If a complaint that a child is an unruly child based 97
on the child being an habitual truant proceeds to consideration 98
by the court, the prosecution shall bear the burden of proving 99
beyond a reasonable doubt the following: 100

(1) That the child is of compulsory school age, as defined 101
in section 3321.01 of the Revised Code; 102

(2) That the child was absent without legitimate excuse 103
for absence from the public school the child was supposed to 104
attend for thirty or more consecutive hours, forty-two or more 105
hours in one school month, or seventy-two or more hours in a 106
school year. 107

The child may assert as an affirmative defense the fact 108
that the child did participate in, or made satisfactory progress 109
on, any interventions or other alternatives to adjudication as 110

described in section 3321.191 of the Revised Code. 111

Sec. 2151.31. (A) A child may be taken into custody in any 112
of the following ways: 113

(1) Pursuant to an order of the court under this chapter 114
or pursuant to an order of the court upon a motion filed 115
pursuant to division (B) of section 2930.05 of the Revised Code; 116

(2) Pursuant to the laws of arrest; 117

(3) By a law enforcement officer or duly authorized 118
officer of the court when any of the following conditions are 119
present: 120

(a) There are reasonable grounds to believe that the child 121
is suffering from illness or injury and is not receiving proper 122
care, as described in section 2151.03 of the Revised Code, and 123
the child's removal is necessary to prevent immediate or 124
threatened physical or emotional harm; 125

(b) There are reasonable grounds to believe that the child 126
is in immediate danger from the child's surroundings and that 127
the child's removal is necessary to prevent immediate or 128
threatened physical or emotional harm; 129

(c) There are reasonable grounds to believe that a parent, 130
guardian, custodian, or other household member of the child's 131
household has abused or neglected another child in the household 132
and to believe that the child is in danger of immediate or 133
threatened physical or emotional harm from that person. 134

(4) By an enforcement official, as defined in section 135
4109.01 of the Revised Code, under the circumstances set forth 136
in section 4109.08 of the Revised Code; 137

(5) By a law enforcement officer or duly authorized 138

officer of the court when there are reasonable grounds to 139
believe that the child has run away from the child's parents, 140
guardian, or other custodian; 141

(6) By a law enforcement officer or duly authorized 142
officer of the court when any of the following apply: 143

(a) There are reasonable grounds to believe that the 144
conduct, conditions, or surroundings of the child are 145
endangering the health, welfare, or safety of the child. 146

(b) A complaint has been filed with respect to the child 147
under section 2151.27 or 2152.021 of the Revised Code or the 148
child has been indicted under division (A) of section 2152.13 of 149
the Revised Code or charged by information as described in that 150
section and there are reasonable grounds to believe that the 151
child may abscond or be removed from the jurisdiction of the 152
court. 153

(c) The child is required to appear in court and there are 154
reasonable grounds to believe that the child will not be brought 155
before the court when required. 156

(d) There are reasonable grounds to believe that the child 157
committed a delinquent act and that taking the child into 158
custody is necessary to protect the public interest and safety. 159

(B) (1) The taking of a child into custody is not and shall 160
not be deemed an arrest except for the purpose of determining 161
its validity under the constitution of this state or of the 162
United States. 163

(2) Except as provided in division (C) of section 2151.311 164
of the Revised Code, a child taken into custody shall not be 165
held in any state correctional institution, county, multicounty, 166
or municipal jail or workhouse, or any other place where any 167

adult convicted of crime, under arrest, or charged with crime is 168
held. 169

(C) (1) Except as provided in division (C) (2) of this 170
section, a child taken into custody shall not be confined in a 171
place of juvenile detention or placed in shelter care prior to 172
the implementation of the court's final order of disposition, 173
unless detention or shelter care is required to protect the 174
child from immediate or threatened physical or emotional harm, 175
because the child is a danger or threat to one or more other 176
persons and is charged with violating a section of the Revised 177
Code that may be violated by an adult, because the child may 178
abscond or be removed from the jurisdiction of the court, 179
because the child has no parents, guardian, or custodian or 180
other person able to provide supervision and care for the child 181
and return the child to the court when required, or because an 182
order for placement of the child in detention or shelter care 183
has been made by the court pursuant to this chapter. 184

(2) A child alleged to be a delinquent child who is taken 185
into custody may be confined in a place of juvenile detention 186
prior to the implementation of the court's final order of 187
disposition if the confinement is authorized under section 188
2152.04 of the Revised Code or if the child is alleged to be a 189
serious youthful offender under section 2152.13 of the Revised 190
Code and is not released on bond. 191

~~(D)~~ (D) (1) If a child is taken into custody under this 192
section and the child cannot be released to a parent, guardian, 193
or custodian, the court officer or law enforcement officer shall 194
immediately notify the public children services agency of the 195
county in which the child is taken into custody, unless the 196
child is taken into custody under one of the following 197

circumstances: 198

(a) Pursuant to an order of the court upon a motion filed 199
 pursuant to division (B) of section 2930.05 of the Revised Code; 200

(b) Pursuant to the laws of arrest; 201

(c) The circumstances set forth in section 4109.08 of the 202
 Revised Code; 203

(d) When a complaint has been filed with respect to the 204
 child under section 2152.021 of the Revised Code or the child 205
 has been indicted under division (A) of section 2152.13 of the 206
 Revised Code or charged by information as described in that 207
 section and there are reasonable grounds to believe that the 208
 child may abscond or be removed from the jurisdiction of the 209
 court; 210

(e) When there are reasonable grounds to believe that the 211
 child committed a delinquent act and that taking the child into 212
 custody is necessary to protect the public interest and safety. 213

(2) Upon receiving notice under division (D)(1) of this 214
 section, the public children services agency shall take 215
 immediate custody of the child. If the child is taken into 216
 custody in a county other than the county in which the child 217
 resides, the public children services agency shall act as the 218
 temporary custodial agency for the child and immediately notify 219
 the public children services agency of the county in which the 220
 child resides. The public children services agency of the county 221
 in which the child resides shall promptly take custody of the 222
 child and act as the lead agency. 223

(E) Upon receipt of notice from a person that the person 224
 intends to take an alleged abused, neglected, or dependent child 225
 into custody pursuant to division (A)(3) of this section, a 226

juvenile judge or a designated referee may grant by telephone an 227
ex parte emergency order authorizing the taking of the child 228
into custody if there is probable cause to believe that any of 229
the conditions set forth in divisions (A) (3) (a) to (c) of this 230
section are present. The judge or referee shall journalize any 231
ex parte emergency order issued pursuant to this division. If an 232
order is issued pursuant to this division and the child is taken 233
into custody pursuant to the order, a sworn complaint shall be 234
filed with respect to the child before the end of the next 235
business day after the day on which the child is taken into 236
custody and a hearing shall be held pursuant to division ~~(E)~~ (F) 237
of this section and the Juvenile Rules. A juvenile judge or 238
referee shall not grant an emergency order by telephone pursuant 239
to this division until after the judge or referee determines 240
that reasonable efforts have been made to notify the parents, 241
guardian, or custodian of the child that the child may be placed 242
into shelter care and of the reasons for placing the child into 243
shelter care, except that, if the requirement for notification 244
would jeopardize the physical or emotional safety of the child 245
or result in the child being removed from the court's 246
jurisdiction, the judge or referee may issue the order for 247
taking the child into custody and placing the child into shelter 248
care prior to giving notice to the parents, guardian, or 249
custodian of the child. 250

~~(E)~~ (F) If a judge or referee pursuant to division ~~(D)~~ (E) 251
of this section issues an ex parte emergency order for taking a 252
child into custody, the court shall hold a hearing to determine 253
whether there is probable cause for the emergency order. The 254
hearing shall be held before the end of the next business day 255
after the day on which the emergency order is issued, except 256
that it shall not be held later than seventy-two hours after the 257

emergency order is issued. 258

If the court determines at the hearing that there is not 259
probable cause for the issuance of the emergency order issued 260
pursuant to division ~~(D)~~(E) of this section, it shall order the 261
child released to the custody of the child's parents, guardian, 262
or custodian. If the court determines at the hearing that there 263
is probable cause for the issuance of the emergency order issued 264
pursuant to division ~~(D)~~(E) of this section, the court shall do 265
all of the following: 266

(1) Ensure that a complaint is filed or has been filed; 267

(2) Comply with section 2151.419 of the Revised Code; 268

(3) Hold a hearing pursuant to section 2151.314 of the 269
Revised Code to determine if the child should remain in shelter 270
care. 271

~~(F)~~(G) If the court determines at the hearing held 272
pursuant to division ~~(E)~~(F) of this section that there is 273
probable cause to believe that the child is an abused child, as 274
defined in division (A) of section 2151.031 of the Revised Code, 275
the court may do any of the following: 276

(1) Upon the motion of any party, the guardian ad litem, 277
the prosecuting attorney, or an employee of the public children 278
services agency, or its own motion, issue reasonable protective 279
orders with respect to the interviewing or deposition of the 280
child; 281

(2) Order that the child's testimony be videotaped for 282
preservation of the testimony for possible use in any other 283
proceedings in the case; 284

(3) Set any additional conditions with respect to the 285

child or the case involving the child that are in the best 286
interest of the child. 287

~~(G)~~(H) This section is not intended, and shall not be 288
construed, to prevent any person from taking a child into 289
custody, if taking the child into custody is necessary in an 290
emergency to prevent the physical injury, emotional harm, or 291
neglect of the child. 292

Sec. 2151.419. (A) (1) Except as provided in division (A) 293
(2) of this section, at any hearing held pursuant to section 294
2151.28, division ~~(E)~~(F) of section 2151.31, or section 295
2151.314, 2151.33, or 2151.353 of the Revised Code at which the 296
court removes a child from the child's home or continues the 297
removal of a child from the child's home, the court shall 298
determine whether the public children services agency or private 299
child placing agency that filed the complaint in the case, 300
removed the child from home, has custody of the child, or will 301
be given custody of the child has made reasonable efforts to 302
prevent the removal of the child from the child's home, to 303
eliminate the continued removal of the child from the child's 304
home, or to make it possible for the child to return safely 305
home. The agency shall have the burden of proving that it has 306
made those reasonable efforts. If the agency removed the child 307
from home during an emergency in which the child could not 308
safely remain at home and the agency did not have prior contact 309
with the child, the court is not prohibited, solely because the 310
agency did not make reasonable efforts during the emergency to 311
prevent the removal of the child, from determining that the 312
agency made those reasonable efforts. In determining whether 313
reasonable efforts were made, the child's health and safety 314
shall be paramount. 315

(2) If any of the following apply, the court shall make a
determination that the agency is not required to make reasonable
efforts to prevent the removal of the child from the child's
home, eliminate the continued removal of the child from the
child's home, and return the child to the child's home:

(a) The parent from whom the child was removed has been
convicted of or pleaded guilty to one of the following:

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

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

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

(iv) An offense under section 2907.02, 2907.03, 2907.04,

2907.05, or 2907.06 of the Revised Code or under an existing or 345
former law of this state, any other state, or the United States 346
that is substantially equivalent to an offense described in 347
those sections and the victim of the offense is the child, a 348
sibling of the child, or another child who lived in the parent's 349
household at the time of the offense; 350

(v) An offense under section 2905.32, 2907.21, or 2907.22 351
of the Revised Code or under an existing or former law of this 352
state, any other state, or the United States that is 353
substantially equivalent to the offense described in those 354
sections and the victim of the offense is the child, a sibling 355
of the child, or another child who lived in the parent's 356
household at the time of the offense; 357

(vi) A conspiracy or attempt to commit, or complicity in 358
committing, an offense described in division (A) (2) (a) (i), (iv), 359
or (v) of this section. 360

(b) The parent from whom the child was removed has 361
repeatedly withheld medical treatment or food from the child 362
when the parent has the means to provide the treatment or food. 363
If the parent has withheld medical treatment in order to treat 364
the physical or mental illness or defect of the child by 365
spiritual means through prayer alone, in accordance with the 366
tenets of a recognized religious body, the court or agency shall 367
comply with the requirements of division (A) (1) of this section. 368

(c) The parent from whom the child was removed has placed 369
the child at substantial risk of harm two or more times due to 370
alcohol or drug abuse and has rejected treatment two or more 371
times or refused to participate in further treatment two or more 372
times after a case plan issued pursuant to section 2151.412 of 373
the Revised Code requiring treatment of the parent was 374

journalized as part of a dispositional order issued with respect 375
to the child or an order was issued by any other court requiring 376
such treatment of the parent. 377

(d) The parent from whom the child was removed has 378
abandoned the child. 379

(e) The parent from whom the child was removed has had 380
parental rights involuntarily terminated with respect to a 381
sibling of the child pursuant to section 2151.353, 2151.414, or 382
2151.415 of the Revised Code or under an existing or former law 383
of this state, any other state, or the United States that is 384
substantially equivalent to those sections. 385

(3) At any hearing in which the court determines whether 386
to return a child to the child's home, the court may issue an 387
order that returns the child in situations in which the 388
conditions described in divisions (A)(2)(a) to (e) of this 389
section are present. 390

(B)(1) A court that is required to make a determination as 391
described in division (A)(1) or (2) of this section shall issue 392
written findings of fact setting forth the reasons supporting 393
its determination. If the court makes a written determination 394
under division (A)(1) of this section, it shall briefly describe 395
in the findings of fact the relevant services provided by the 396
agency to the family of the child and why those services did not 397
prevent the removal of the child from the child's home or enable 398
the child to return safely home. 399

(2) If a court issues an order that returns the child to 400
the child's home in situations in which division (A)(2)(a), (b), 401
(c), (d), or (e) of this section applies, the court shall issue 402
written findings of fact setting forth the reasons supporting 403

its determination. 404

(C) If the court makes a determination pursuant to 405
division (A) (2) of this section, the court shall conduct a 406
review hearing pursuant to section 2151.417 of the Revised Code 407
to approve a permanency plan with respect to the child, unless 408
the court issues an order returning the child home pursuant to 409
division (A) (3) of this section. The hearing to approve the 410
permanency plan may be held immediately following the court's 411
determination pursuant to division (A) (2) of this section and 412
shall be held no later than thirty days following that 413
determination. 414

Sec. 2152.72. (A) This section applies only to a child who 415
is or previously has been adjudicated a delinquent child for an 416
act to which any of the following applies: 417

(1) The act is a violation of section 2903.01, 2903.02, 418
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, 419
or 2907.05 of the Revised Code. 420

(2) The act is a violation of section 2923.01 of the 421
Revised Code and involved an attempt to commit aggravated murder 422
or murder. 423

(3) The act would be a felony if committed by an adult, 424
and the court determined that the child, if an adult, would be 425
guilty of a specification found in section 2941.141, 2941.144, 426
or 2941.145 of the Revised Code or in another section of the 427
Revised Code that relates to the possession or use of a firearm 428
during the commission of the act for which the child was 429
adjudicated a delinquent child. 430

(4) The act would be an offense of violence that is a 431
felony if committed by an adult, and the court determined that 432

the child, if an adult, would be guilty of a specification found 433
in section 2941.1411 of the Revised Code or in another section 434
of the Revised Code that relates to the wearing or carrying of 435
body armor during the commission of the act for which the child 436
was adjudicated a delinquent child. 437

(B) (1) Except as provided in division (E) of this section, 438
a public children services agency, private child placing agency, 439
private noncustodial agency, or court, the department of youth 440
services, or another private or government entity shall not 441
place a child in a certified foster home or for adoption until 442
it provides the foster caregivers or prospective adoptive 443
parents with all of the following: 444

(a) A written report describing the child's social 445
history; 446

(b) A written report describing all the acts committed by 447
the child the entity knows of that resulted in the child being 448
adjudicated a delinquent child and the disposition made by the 449
court, unless the records pertaining to the acts have been 450
sealed pursuant to section 2151.356 of the Revised Code; 451

(c) A written report describing any other violent act 452
committed by the child of which the entity is aware; 453

(d) The substantial and material conclusions and 454
recommendations of any psychiatric or psychological examination 455
conducted on the child or, if no psychological or psychiatric 456
examination of the child is available, the substantial and 457
material conclusions and recommendations of an examination to 458
detect mental and emotional disorders conducted in compliance 459
with the requirements of Chapter 4757. of the Revised Code by an 460
independent social worker, social worker, licensed professional 461

clinical counselor, licensed professional counselor, independent 462
marriage and family therapist, or marriage and family therapist 463
licensed under that chapter. The entity shall not provide any 464
part of a psychological, psychiatric, or mental and emotional 465
disorder examination to the foster caregivers or prospective 466
adoptive parents other than the substantial and material 467
conclusions. 468

(2) Notwithstanding sections 2151.356 to 2151.358 of the 469
Revised Code, if records of an adjudication that a child is a 470
delinquent child have been sealed pursuant to those sections and 471
an entity knows the records have been sealed, the entity shall 472
provide the foster caregivers or prospective adoptive parents a 473
written statement that the records of a prior adjudication have 474
been sealed. 475

(C) (1) The entity that places the child in a certified 476
foster home or for adoption shall conduct a psychological 477
examination of the child unless either of the following applies: 478

(a) An entity is not required to conduct the examination 479
if an examination was conducted no more than one year prior to 480
the child's placement, and division (C) (1) (b) of this section 481
does not apply. 482

(b) An entity is not required to conduct the examination 483
if a foster caregiver seeks to adopt the foster caregiver's 484
foster child, and an examination was conducted no more than two 485
years prior to the date the foster caregiver seeks to adopt the 486
child. 487

(2) No later than sixty days after placing the child, the 488
entity shall provide the foster caregiver or prospective 489
adoptive parents a written report detailing the substantial and 490

material conclusions and recommendations of the examination 491
conducted pursuant to this division. 492

(D) (1) Except as provided in divisions (D) (2) and (3) of 493
this section, the expenses of conducting the examinations and 494
preparing the reports and assessment required by division (B) or 495
(C) of this section shall be paid by the entity that places the 496
child in the certified foster home or for adoption. 497

(2) When a juvenile court grants temporary or permanent 498
custody of a child pursuant to any section of the Revised Code, 499
including section 2151.33, 2151.353, 2151.354, or 2152.19 of the 500
Revised Code, to a public children services agency or private 501
child placing agency, the court shall provide the agency the 502
information described in division (B) of this section, pay the 503
expenses of preparing that information, and, if a new 504
examination is required to be conducted, pay the expenses of 505
conducting the examination described in division (C) of this 506
section. On receipt of the information described in division (B) 507
of this section, the agency shall provide to the court written 508
acknowledgment that the agency received the information. The 509
court shall keep the acknowledgment and provide a copy to the 510
agency. On the motion of the agency, the court may terminate the 511
order granting temporary or permanent custody of the child to 512
that agency, if the court does not provide the information 513
described in division (B) of this section. 514

(3) If one of the following entities is placing a child in 515
a certified foster home or for adoption with the assistance of 516
or by contracting with a public children services agency, 517
private child placing agency, or a private noncustodial agency, 518
the entity shall provide the agency with the information 519
described in division (B) of this section, pay the expenses of 520

preparing that information, and, if a new examination is 521
required to be conducted, pay the expenses of conducting the 522
examination described in division (C) of this section: 523

(a) The department of youth services if the placement is 524
pursuant to any section of the Revised Code including section 525
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 526
Code; 527

(b) A juvenile court with temporary or permanent custody 528
of a child pursuant to section 2151.354 or 2152.19 of the 529
Revised Code; 530

(c) A public children services agency or private child 531
placing agency with temporary or permanent custody of the child. 532

The agency receiving the information described in division 533
(B) of this section shall provide the entity described in 534
divisions (D) (3) (a) to (c) of this section that sent the 535
information written acknowledgment that the agency received the 536
information and provided it to the foster caregivers or 537
prospective adoptive parents. The entity shall keep the 538
acknowledgment and provide a copy to the agency. An entity that 539
places a child in a certified foster home or for adoption with 540
the assistance of or by contracting with an agency remains 541
responsible to provide the information described in division (B) 542
of this section to the foster caregivers or prospective adoptive 543
parents unless the entity receives written acknowledgment that 544
the agency provided the information. 545

(E) If a child is placed in a certified foster home as a 546
result of an emergency removal of the child from home pursuant 547
to division ~~(D)~~ (E) of section 2151.31 of the Revised Code, an 548
emergency change in the child's case plan pursuant to division 549

(F) (3) of section 2151.412 of the Revised Code, or an emergency 550
placement by the department of youth services pursuant to this 551
chapter or Chapter 5139. of the Revised Code, the entity that 552
places the child in the certified foster home shall provide the 553
information described in division (B) of this section no later 554
than ninety-six hours after the child is placed in the certified 555
foster home. 556

(F) On receipt of the information described in divisions 557
(B) and (C) of this section, the foster caregiver or prospective 558
adoptive parents shall provide to the entity that places the 559
child in the foster caregiver's or prospective adoptive parents' 560
home a written acknowledgment that the foster caregiver or 561
prospective adoptive parents received the information. The 562
entity shall keep the acknowledgment and provide a copy to the 563
foster caregiver or prospective adoptive parents. 564

(G) No person employed by an entity subject to this 565
section and made responsible by that entity for the child's 566
placement in a certified foster home or for adoption shall fail 567
to provide the foster caregivers or prospective adoptive parents 568
with the information required by divisions (B) and (C) of this 569
section. 570

(H) It is not a violation of any duty of confidentiality 571
provided for in the Revised Code or a code of professional 572
responsibility for a person or government entity to provide the 573
substantial and material conclusions and recommendations of a 574
psychiatric or psychological examination, or an examination to 575
detect mental and emotional disorders, in accordance with 576
division (B) (1) (d) or (C) of this section. 577

(I) As used in this section: 578

(1) "Body armor" has the same meaning as in section 579
2941.1411 of the Revised Code. 580

(2) "Firearm" has the same meaning as in section 2923.11 581
of the Revised Code. 582

Sec. 3109.58. (A) As used in this section, "temporary 583
custody," "permanent custody," and "planned permanent living 584
arrangement" have the same meanings as in section 2151.011 of 585
the Revised Code. 586

(B) A power of attorney created pursuant to section 587
3109.52 of the Revised Code may not be executed with respect to 588
a child while any of the following proceedings are pending 589
regarding the child: 590

(1) A proceeding for the appointment of a guardian for, or 591
the adoption of, the child; 592

(2) A juvenile proceeding in which one of the following 593
applies: 594

(a) The temporary, permanent, or legal custody of the 595
child or the placement of the child in a planned permanent 596
living arrangement has been requested. 597

(b) The child is the subject of an ex parte emergency 598
custody order issued under division ~~(D)~~(E) of section 2151.31 of 599
the Revised Code, and no hearing has yet been held regarding the 600
child under division (A) of section 2151.314 of the Revised 601
Code. 602

(c) The child is the subject of a temporary custody order 603
issued under section 2151.33 of the Revised Code. 604

(3) A proceeding for divorce, dissolution, legal 605
separation, annulment, or allocation of parental rights and 606

responsibilities regarding the child. 607

Sec. 3109.68. (A) As used in this section, "temporary 608
custody," "permanent custody," and "planned permanent living 609
arrangement" have the same meanings as in section 2151.011 of 610
the Revised Code. 611

(B) A caretaker authorization affidavit may not be 612
executed with respect to a child while any of the following 613
proceedings are pending regarding the child: 614

(1) A proceeding for the appointment of a guardian for, or 615
the adoption of, the child; 616

(2) A juvenile proceeding in which one of the following 617
applies: 618

(a) The temporary, permanent, or legal custody of the 619
child or the placement of the child in a planned permanent 620
living arrangement has been requested. 621

(b) The child is the subject of an ex parte emergency 622
custody order issued under division ~~(D)~~(E) of section 2151.31 of 623
the Revised Code, and no hearing has yet been held regarding the 624
child under division (A) of section 2151.314 of the Revised 625
Code. 626

(c) The child is the subject of a temporary custody order 627
issued under section 2151.33 of the Revised Code. 628

(3) A proceeding for divorce, dissolution, legal 629
separation, annulment, or allocation of parental rights and 630
responsibilities regarding the child. 631

Section 2. That existing sections 2151.27, 2151.31, 632
2151.419, 2152.72, 3109.58, and 3109.68 of the Revised Code are 633
hereby repealed. 634