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Sub. H. B. No. 532

Representative Miller, K.

Cosponsors: Representatives Abrams, Bird, Brennan, Daniels, Ghanbari, Grim, Hall, D., Johnson, Mathews, A., McNally, Miller, J., Odioso, Oelslager, Richardson, Robb Blasdel, Rogers, Sigrist, Thomas, C., Williams, Young

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 of the Revised Code, a child taken into custody shall not be held in any state correctional institution, county, multicounty, or municipal jail or workhouse, or any other place where any adult convicted of crime, under arrest, or charged with crime is held.

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

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

~~(D)~~ (D) (1) If a child is taken into custody under this section and the child cannot be released to a parent, guardian,

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 temporary emergency care of the child. If the child is 216
taken into temporary emergency care in a county other than the 217
county in which the child resides, the public children services 218
agency shall provide temporary emergency care of the child until 219
the child is able to be released to an appropriate caregiver or 220
to the public children services agency of the county in which 221
the child resides. 222

(E) Upon receipt of notice from a person that the person 223
intends to take an alleged abused, neglected, or dependent child 224
into custody pursuant to division (A) (3) of this section, a 225
juvenile judge or a designated referee may grant by telephone an 226
ex parte emergency order authorizing the taking of the child 227
into custody if there is probable cause to believe that any of 228
the conditions set forth in divisions (A) (3) (a) to (c) of this 229
section are present. The judge or referee shall journalize any 230
ex parte emergency order issued pursuant to this division. If an 231
order is issued pursuant to this division and the child is taken 232
into custody pursuant to the order, a sworn complaint shall be 233
filed with respect to the child before the end of the next 234
business day after the day on which the child is taken into 235
custody and a hearing shall be held pursuant to division ~~(E)~~(F) 236
of this section and the Juvenile Rules. A juvenile judge or 237
referee shall not grant an emergency order by telephone pursuant 238
to this division until after the judge or referee determines 239
that reasonable efforts have been made to notify the parents, 240
guardian, or custodian of the child that the child may be placed 241
into shelter care and of the reasons for placing the child into 242
shelter care, except that, if the requirement for notification 243
would jeopardize the physical or emotional safety of the child 244
or result in the child being removed from the court's 245
jurisdiction, the judge or referee may issue the order for 246
taking the child into custody and placing the child into shelter 247
care prior to giving notice to the parents, guardian, or 248
custodian of the child. 249

~~(E)~~(F) If a judge or referee pursuant to division ~~(D)~~(E) 250
of this section issues an ex parte emergency order for taking a 251
child into custody, the court shall hold a hearing to determine 252
whether there is probable cause for the emergency order. The 253

hearing shall be held before the end of the next business day 254
after the day on which the emergency order is issued, except 255
that it shall not be held later than seventy-two hours after the 256
emergency order is issued. 257

If the court determines at the hearing that there is not 258
probable cause for the issuance of the emergency order issued 259
pursuant to division ~~(D)~~(E) of this section, it shall order the 260
child released to the custody of the child's parents, guardian, 261
or custodian. If the court determines at the hearing that there 262
is probable cause for the issuance of the emergency order issued 263
pursuant to division ~~(D)~~(E) of this section, the court shall do 264
all of the following: 265

(1) Ensure that a complaint is filed or has been filed; 266

(2) Comply with section 2151.419 of the Revised Code; 267

(3) Hold a hearing pursuant to section 2151.314 of the 268
Revised Code to determine if the child should remain in shelter 269
care. 270

~~(F)~~(G) If the court determines at the hearing held 271
pursuant to division ~~(E)~~(F) of this section that there is 272
probable cause to believe that the child is an abused child, as 273
defined in division (A) of section 2151.031 of the Revised Code, 274
the court may do any of the following: 275

(1) Upon the motion of any party, the guardian ad litem, 276
the prosecuting attorney, or an employee of the public children 277
services agency, or its own motion, issue reasonable protective 278
orders with respect to the interviewing or deposition of the 279
child; 280

(2) Order that the child's testimony be videotaped for 281
preservation of the testimony for possible use in any other 282

proceedings in the case; 283

(3) Set any additional conditions with respect to the 284
child or the case involving the child that are in the best 285
interest of the child. 286

~~(G)~~(H) This section is not intended, and shall not be 287
construed, to prevent any person from taking a child into 288
custody, if taking the child into custody is necessary in an 289
emergency to prevent the physical injury, emotional harm, or 290
neglect of the child. 291

Sec. 2151.419. (A) (1) Except as provided in division (A) 292
(2) of this section, at any hearing held pursuant to section 293
2151.28, division ~~(E)~~(F) of section 2151.31, or section 294
2151.314, 2151.33, or 2151.353 of the Revised Code at which the 295
court removes a child from the child's home or continues the 296
removal of a child from the child's home, the court shall 297
determine whether the public children services agency or private 298
child placing agency that filed the complaint in the case, 299
removed the child from home, has custody of the child, or will 300
be given custody of the child has made reasonable efforts to 301
prevent the removal of the child from the child's home, to 302
eliminate the continued removal of the child from the child's 303
home, or to make it possible for the child to return safely 304
home. The agency shall have the burden of proving that it has 305
made those reasonable efforts. If the agency removed the child 306
from home during an emergency in which the child could not 307
safely remain at home and the agency did not have prior contact 308
with the child, the court is not prohibited, solely because the 309
agency did not make reasonable efforts during the emergency to 310
prevent the removal of the child, from determining that the 311
agency made those reasonable efforts. In determining whether 312

reasonable efforts were made, the child's health and safety 313
shall be paramount. 314

(2) If any of the following apply, the court shall make a 315
determination that the agency is not required to make reasonable 316
efforts to prevent the removal of the child from the child's 317
home, eliminate the continued removal of the child from the 318
child's home, and return the child to the child's home: 319

(a) The parent from whom the child was removed has been 320
convicted of or pleaded guilty to one of the following: 321

(i) An offense under section 2903.01, 2903.02, or 2903.03 322
of the Revised Code or under an existing or former law of this 323
state, any other state, or the United States that is 324
substantially equivalent to an offense described in those 325
sections and the victim of the offense was a sibling of the 326
child or the victim was another child who lived in the parent's 327
household at the time of the offense; 328

(ii) An offense under section 2903.11, 2903.12, or 2903.13 329
of the Revised Code or under an existing or former law of this 330
state, any other state, or the United States that is 331
substantially equivalent to an offense described in those 332
sections and the victim of the offense is the child, a sibling 333
of the child, or another child who lived in the parent's 334
household at the time of the offense; 335

(iii) An offense under division (B) (2) of section 2919.22 336
of the Revised Code or under an existing or former law of this 337
state, any other state, or the United States that is 338
substantially equivalent to the offense described in that 339
section and the child, a sibling of the child, or another child 340
who lived in the parent's household at the time of the offense 341

is the victim of the offense; 342

(iv) An offense under section 2907.02, 2907.03, 2907.04, 343
2907.05, or 2907.06 of the Revised Code or under an existing or 344
former law of this state, any other state, or the United States 345
that is substantially equivalent to an offense described in 346
those sections and the victim of the offense is the child, a 347
sibling of the child, or another child who lived in the parent's 348
household at the time of the offense; 349

(v) An offense under section 2905.32, 2907.21, or 2907.22 350
of the Revised Code or under an existing or former law of this 351
state, any other state, or the United States that is 352
substantially equivalent to the offense described in those 353
sections and the victim of the offense is the child, a sibling 354
of the child, or another child who lived in the parent's 355
household at the time of the offense; 356

(vi) A conspiracy or attempt to commit, or complicity in 357
committing, an offense described in division (A) (2) (a) (i), (iv), 358
or (v) of this section. 359

(b) The parent from whom the child was removed has 360
repeatedly withheld medical treatment or food from the child 361
when the parent has the means to provide the treatment or food. 362
If the parent has withheld medical treatment in order to treat 363
the physical or mental illness or defect of the child by 364
spiritual means through prayer alone, in accordance with the 365
tenets of a recognized religious body, the court or agency shall 366
comply with the requirements of division (A) (1) of this section. 367

(c) The parent from whom the child was removed has placed 368
the child at substantial risk of harm two or more times due to 369
alcohol or drug abuse and has rejected treatment two or more 370

times or refused to participate in further treatment two or more 371
times after a case plan issued pursuant to section 2151.412 of 372
the Revised Code requiring treatment of the parent was 373
journalized as part of a dispositional order issued with respect 374
to the child or an order was issued by any other court requiring 375
such treatment of the parent. 376

(d) The parent from whom the child was removed has 377
abandoned the child. 378

(e) The parent from whom the child was removed has had 379
parental rights involuntarily terminated with respect to a 380
sibling of the child pursuant to section 2151.353, 2151.414, or 381
2151.415 of the Revised Code or under an existing or former law 382
of this state, any other state, or the United States that is 383
substantially equivalent to those sections. 384

(3) At any hearing in which the court determines whether 385
to return a child to the child's home, the court may issue an 386
order that returns the child in situations in which the 387
conditions described in divisions (A)(2)(a) to (e) of this 388
section are present. 389

(B)(1) A court that is required to make a determination as 390
described in division (A)(1) or (2) of this section shall issue 391
written findings of fact setting forth the reasons supporting 392
its determination. If the court makes a written determination 393
under division (A)(1) of this section, it shall briefly describe 394
in the findings of fact the relevant services provided by the 395
agency to the family of the child and why those services did not 396
prevent the removal of the child from the child's home or enable 397
the child to return safely home. 398

(2) If a court issues an order that returns the child to 399

the child's home in situations in which division (A)(2)(a), (b), 400
(c), (d), or (e) of this section applies, the court shall issue 401
written findings of fact setting forth the reasons supporting 402
its determination. 403

(C) If the court makes a determination pursuant to 404
division (A)(2) of this section, the court shall conduct a 405
review hearing pursuant to section 2151.417 of the Revised Code 406
to approve a permanency plan with respect to the child, unless 407
the court issues an order returning the child home pursuant to 408
division (A)(3) of this section. The hearing to approve the 409
permanency plan may be held immediately following the court's 410
determination pursuant to division (A)(2) of this section and 411
shall be held no later than thirty days following that 412
determination. 413

Sec. 2152.72. (A) This section applies only to a child who 414
is or previously has been adjudicated a delinquent child for an 415
act to which any of the following applies: 416

(1) The act is a violation of section 2903.01, 2903.02, 417
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2907.02, 2907.03, 418
or 2907.05 of the Revised Code. 419

(2) The act is a violation of section 2923.01 of the 420
Revised Code and involved an attempt to commit aggravated murder 421
or murder. 422

(3) The act would be a felony if committed by an adult, 423
and the court determined that the child, if an adult, would be 424
guilty of a specification found in section 2941.141, 2941.144, 425
or 2941.145 of the Revised Code or in another section of the 426
Revised Code that relates to the possession or use of a firearm 427
during the commission of the act for which the child was 428

adjudicated a delinquent child. 429

(4) The act would be an offense of violence that is a 430
felony if committed by an adult, and the court determined that 431
the child, if an adult, would be guilty of a specification found 432
in section 2941.1411 of the Revised Code or in another section 433
of the Revised Code that relates to the wearing or carrying of 434
body armor during the commission of the act for which the child 435
was adjudicated a delinquent child. 436

(B) (1) Except as provided in division (E) of this section, 437
a public children services agency, private child placing agency, 438
private noncustodial agency, or court, the department of youth 439
services, or another private or government entity shall not 440
place a child in a certified foster home or for adoption until 441
it provides the foster caregivers or prospective adoptive 442
parents with all of the following: 443

(a) A written report describing the child's social 444
history; 445

(b) A written report describing all the acts committed by 446
the child the entity knows of that resulted in the child being 447
adjudicated a delinquent child and the disposition made by the 448
court, unless the records pertaining to the acts have been 449
sealed pursuant to section 2151.356 of the Revised Code; 450

(c) A written report describing any other violent act 451
committed by the child of which the entity is aware; 452

(d) The substantial and material conclusions and 453
recommendations of any psychiatric or psychological examination 454
conducted on the child or, if no psychological or psychiatric 455
examination of the child is available, the substantial and 456
material conclusions and recommendations of an examination to 457

detect mental and emotional disorders conducted in compliance 458
with the requirements of Chapter 4757. of the Revised Code by an 459
independent social worker, social worker, licensed professional 460
clinical counselor, licensed professional counselor, independent 461
marriage and family therapist, or marriage and family therapist 462
licensed under that chapter. The entity shall not provide any 463
part of a psychological, psychiatric, or mental and emotional 464
disorder examination to the foster caregivers or prospective 465
adoptive parents other than the substantial and material 466
conclusions. 467

(2) Notwithstanding sections 2151.356 to 2151.358 of the 468
Revised Code, if records of an adjudication that a child is a 469
delinquent child have been sealed pursuant to those sections and 470
an entity knows the records have been sealed, the entity shall 471
provide the foster caregivers or prospective adoptive parents a 472
written statement that the records of a prior adjudication have 473
been sealed. 474

(C) (1) The entity that places the child in a certified 475
foster home or for adoption shall conduct a psychological 476
examination of the child unless either of the following applies: 477

(a) An entity is not required to conduct the examination 478
if an examination was conducted no more than one year prior to 479
the child's placement, and division (C) (1) (b) of this section 480
does not apply. 481

(b) An entity is not required to conduct the examination 482
if a foster caregiver seeks to adopt the foster caregiver's 483
foster child, and an examination was conducted no more than two 484
years prior to the date the foster caregiver seeks to adopt the 485
child. 486

(2) No later than sixty days after placing the child, the entity shall provide the foster caregiver or prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination conducted pursuant to this division.

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

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

(3) If one of the following entities is placing a child in a certified foster home or for adoption with the assistance of or by contracting with a public children services agency,

private child placing agency, or a private noncustodial agency, 517
the entity shall provide the agency with the information 518
described in division (B) of this section, pay the expenses of 519
preparing that information, and, if a new examination is 520
required to be conducted, pay the expenses of conducting the 521
examination described in division (C) of this section: 522

(a) The department of youth services if the placement is 523
pursuant to any section of the Revised Code including section 524
2152.22, 5139.06, 5139.07, 5139.38, or 5139.39 of the Revised 525
Code; 526

(b) A juvenile court with temporary or permanent custody 527
of a child pursuant to section 2151.354 or 2152.19 of the 528
Revised Code; 529

(c) A public children services agency or private child 530
placing agency with temporary or permanent custody of the child. 531

The agency receiving the information described in division 532
(B) of this section shall provide the entity described in 533
divisions (D) (3) (a) to (c) of this section that sent the 534
information written acknowledgment that the agency received the 535
information and provided it to the foster caregivers or 536
prospective adoptive parents. The entity shall keep the 537
acknowledgment and provide a copy to the agency. An entity that 538
places a child in a certified foster home or for adoption with 539
the assistance of or by contracting with an agency remains 540
responsible to provide the information described in division (B) 541
of this section to the foster caregivers or prospective adoptive 542
parents unless the entity receives written acknowledgment that 543
the agency provided the information. 544

(E) If a child is placed in a certified foster home as a 545

result of an emergency removal of the child from home pursuant 546
to division ~~(D)~~(E) of section 2151.31 of the Revised Code, an 547
emergency change in the child's case plan pursuant to division 548
(F) (3) of section 2151.412 of the Revised Code, or an emergency 549
placement by the department of youth services pursuant to this 550
chapter or Chapter 5139. of the Revised Code, the entity that 551
places the child in the certified foster home shall provide the 552
information described in division (B) of this section no later 553
than ninety-six hours after the child is placed in the certified 554
foster home. 555

(F) On receipt of the information described in divisions 556
(B) and (C) of this section, the foster caregiver or prospective 557
adoptive parents shall provide to the entity that places the 558
child in the foster caregiver's or prospective adoptive parents' 559
home a written acknowledgment that the foster caregiver or 560
prospective adoptive parents received the information. The 561
entity shall keep the acknowledgment and provide a copy to the 562
foster caregiver or prospective adoptive parents. 563

(G) No person employed by an entity subject to this 564
section and made responsible by that entity for the child's 565
placement in a certified foster home or for adoption shall fail 566
to provide the foster caregivers or prospective adoptive parents 567
with the information required by divisions (B) and (C) of this 568
section. 569

(H) It is not a violation of any duty of confidentiality 570
provided for in the Revised Code or a code of professional 571
responsibility for a person or government entity to provide the 572
substantial and material conclusions and recommendations of a 573
psychiatric or psychological examination, or an examination to 574
detect mental and emotional disorders, in accordance with 575

division (B) (1) (d) or (C) of this section.	576
(I) As used in this section:	577
(1) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.	578 579
(2) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.	580 581
Sec. 3109.58. (A) As used in this section, "temporary custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section 2151.011 of the Revised Code.	582 583 584 585
(B) A power of attorney created pursuant to section 3109.52 of the Revised Code may not be executed with respect to a child while any of the following proceedings are pending regarding the child:	586 587 588 589
(1) A proceeding for the appointment of a guardian for, or the adoption of, the child;	590 591
(2) A juvenile proceeding in which one of the following applies:	592 593
(a) The temporary, permanent, or legal custody of the child or the placement of the child in a planned permanent living arrangement has been requested.	594 595 596
(b) The child is the subject of an ex parte emergency custody order issued under division (D) (E) of section 2151.31 of the Revised Code, and no hearing has yet been held regarding the child under division (A) of section 2151.314 of the Revised Code.	597 598 599 600 601
(c) The child is the subject of a temporary custody order	602

issued under section 2151.33 of the Revised Code. 603

(3) A proceeding for divorce, dissolution, legal 604
separation, annulment, or allocation of parental rights and 605
responsibilities regarding the child. 606

Sec. 3109.68. (A) As used in this section, "temporary 607
custody," "permanent custody," and "planned permanent living 608
arrangement" have the same meanings as in section 2151.011 of 609
the Revised Code. 610

(B) A caretaker authorization affidavit may not be 611
executed with respect to a child while any of the following 612
proceedings are pending regarding the child: 613

(1) A proceeding for the appointment of a guardian for, or 614
the adoption of, the child; 615

(2) A juvenile proceeding in which one of the following 616
applies: 617

(a) The temporary, permanent, or legal custody of the 618
child or the placement of the child in a planned permanent 619
living arrangement has been requested. 620

(b) The child is the subject of an ex parte emergency 621
custody order issued under division ~~(D)~~(E) of section 2151.31 of 622
the Revised Code, and no hearing has yet been held regarding the 623
child under division (A) of section 2151.314 of the Revised 624
Code. 625

(c) The child is the subject of a temporary custody order 626
issued under section 2151.33 of the Revised Code. 627

(3) A proceeding for divorce, dissolution, legal 628
separation, annulment, or allocation of parental rights and 629
responsibilities regarding the child. 630

Section 2. That existing sections 2151.27, 2151.31, 631
2151.419, 2152.72, 3109.58, and 3109.68 of the Revised Code are 632
hereby repealed. 633