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Representatives Mathews, T., White, A.

Cosponsors: Representatives Lett, Abdullahi, Abrams, Baker, Brennan, Brent, Brewer, Brownlee, Bryant Bailey, Click, Cockley, Daniels, Deeter, Dovilla, Fischer, Fowler Arthur, Grim, Gross, Hall, D., Hoops, Isaacsohn, John, Johnson, Klopfenstein, Lawson-Rowe, Lear, Lorenz, Manning, Mathews, A., McClain, Miller, M., Newman, Odioso, Peterson, Piccolantonio, Rader, Richardson, Robb Blasdel, Salvo, Santucci, Schmidt, Sigrist, Sims, Somani, Synenberg, Thomas, C., Thomas, D., Tims, Upchurch, White, E., Willis, Workman, Young

To amend section 5103.17 and to enact sections 3107.018, 3107.019, 5103.171, and 5180.23 of the Revised Code regarding availability of information on and advertisement of adoptable children.

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

Section 1. That section 5103.17 be amended and sections 3107.018, 3107.019, 5103.171, and 5180.23 of the Revised Code be enacted to read as follows:

Sec. 3107.018. A public children services agency that receives a request for adoption information or an application for adoption shall respond to the requestor within three business days.

Sec. 3107.019. (A) Each public children services agency's web site shall contain the following:

(1) Links to the following:

(a) The most recent Ohio adoption guide published by the department of children and youth;

(b) The department of children and youth's "It Takes Heart" web site or its successor web site.

(2) Contact information for the relevant agency staff who oversee adoption;

(3) The general description of adoption processes and procedures, as prepared by the department of children and youth in accordance with division (B) of this section.

(B) The department of children and youth shall prepare a general description of adoption processes and procedures for use by each public children services agency in accordance with division (A)(3) of this section.

Sec. 5103.17. (A) As used in this section:

(1) "Advertise" means a method of communication that is electronic, written, visual, or oral and made by means of personal representation, newspaper, magazine, circular, billboard, direct mailing, sign, radio, television, telephone, or otherwise.

(2) "Qualified adoptive parent" means a person who is eligible to adopt a child under section 3107.03 of the Revised Code and for whom an assessor has conducted a home study to determine whether the person is suitable to adopt a child, if required by section 3107.031 of the Revised Code.

(B) Subject to ~~section~~ sections 5103.16 and 5103.171 of the Revised Code and to division (C), (D), or (E) of this section, no person or government entity, other than a private child placing agency or private noncustodial agency certified by

the department of children and youth under section 5103.03 of the Revised Code or a public children services agency, shall advertise that the person or government entity will adopt children or place them in foster homes, hold out inducements to parents to part with their offspring or in any manner knowingly become a party to the separation of a child from the child's parents or guardians, except through a juvenile court or probate court commitment.

(C) ~~The~~ Subject to section 5103.171 of the Revised Code, the biological parent of a child may advertise the availability for placement of the parent's child for adoption to a qualified adoptive parent.

(D) A qualified adoptive parent may advertise that the qualified adoptive parent is available for placement of a child into the qualified adoptive parent's care for the purpose of adopting the child.

(E) A government entity may advertise about its role in the placement of children for adoption or any other information that would be relevant to qualified adoptive parents.

(F) Except as provided in section 3107.055 of the Revised Code, the following apply:

(1) No person shall offer money or anything of value in exchange for placement of a child for adoption.

(2) No biological parent may request money or anything of value in exchange for placement for adoption of the parent's child with a qualified adoptive parent.

(G) If the department of children and youth has reasonable cause to believe a violation of this section has been committed, the department shall notify the attorney general or the county

prosecutor, city attorney, village solicitor, or other chief legal officer of the political subdivision in which the violation has allegedly occurred. On receipt of the notification, the attorney general, county prosecutor, city attorney, village solicitor, or other chief legal officer shall take action to enforce this section through injunctive relief or criminal charge.

Sec. 5103.171. (A)(1) The department of children and youth shall establish and maintain on its "It Takes Heart" adoption initiative web site or its successor web site a centralized database that publishes the profiles of children who are available for placement with qualified adoptive parents, as prepared by public children services agencies, private child placing agencies, private noncustodial agencies, and attorneys, in accordance with division (B) of this section. The database shall not be publicly accessible except by qualified adoptive parents with a password-protected account.

The department shall not permit a qualified adoptive parent to create an account until the qualified adoptive parent has completed all required training and has an approved and unexpired home study. The account shall be suspended upon the expiration of the home study or training and shall not be reinstated until the qualified adoptive parent provides a valid and unexpired home study or completes training, as applicable.

(2) The department of children and youth shall maintain verification of a qualified adoptive parent's training and approved home study. Upon the request of the qualified adoptive parent's recommending agency or attorney, the department shall share the qualified adoptive parent's training and approved home study with the recommending agency or attorney.

(3) The department shall remove a child's profile on the request of the child. The department shall periodically review the database to remove profiles of children who either:

(a) Are eighteen years of age or older;

(b) Have been adopted, have a court-appointed guardian, or are otherwise unavailable for adoption.

(4) Profiles of children who are available for placement with qualified adoptive parents shall be published only through the department's "It Takes Heart" adoption initiative web site or its successor web site. No person or government entity other than the department shall publish profiles of children who are available for placement with qualified adoptive parents.

(B)(1) Each public children services agency, private child placing agency, and private noncustodial agency shall, and an attorney may, create a profile for each child to whom both of the following apply:

(a) The agency or attorney serves the child who is available for placement with qualified adoptive parents.

(b) The child consents, in accordance with division (B)(2) of this section, to have the profile created.

No agency or attorney shall be required to create a profile of a child if the child does not consent to have a profile created.

(2)(a) No agency or attorney shall obtain consent from a child to create a profile unless the child is twelve years of age or older.

(b) In obtaining consent from the child, the agency or attorney shall explain to the child the child's options and

rights regarding the profile in an adoption-competent, trauma-informed, and developmentally appropriate manner.

(c) The profile of a child who is part of a sibling group shall indicate that the child is part of a sibling group and specify the number of children in the sibling group.

(3) In creating a profile, the agency or attorney shall be subject to the following requirements:

(a) A profile of a child shall not include any of the following:

(i) Any personally identifiable information;

(ii) The child's medical information or information regarding the child's mental, physical, or social impairment or disability, including information on behavioral issues or substance use;

(iii) A picture or video of the child.

(b) A child shall have the opportunity to provide input on what the child's profile includes and to consent, in accordance with division (B)(2) of this section, to any information included in the child's profile.

(4) The agency shall, and an attorney may, submit each profile it creates to the department of children and youth's "It Takes Heart" adoption initiative database.

(C) The director of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

Sec. 5180.23. (A) Each public children services agency shall report the following information to the department of

children and youth annually:

(1) The total number of children adopted in the previous calendar year;

(2) The total number of children available for adoption;

(3) The ages of the children available for adoption.

(B) Except as provided in division (C) of this section, the department of children and youth shall compile a report of the information received from the agencies under division (A) of this section. Not later than the fourteenth day of February of each year, the department, in accordance with section 101.68 of the Revised Code, shall submit to the general assembly a report of the following information:

(1) The total number of children adopted in the previous calendar year;

(2) The total number of children available for adoption, sorted by county;

(3) The ages of the children available for adoption, organized as a percentage of the total number of children available for adoption;

(4) The total number of grants awarded under the Ohio adoption grant program, sorted by the amount of one-time grant payments awarded under divisions (B)(1) and (2) and (C) of section 5180.451 of the Revised Code.

(C) The department shall not publish data, including data in the aggregate, if the number of children in division (B)(1), (2), or (3) of this section is fewer than ten children.

Section 2. That existing section 5103.17 of the Revised

Code is hereby repealed.