

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 240

Senators Antonio, Dolan

Cosponsors: Senators Maharath, Thomas, Williams, Craig, Fedor

A BILL

To amend sections 2950.034, 5103.13, and 5103.131; 1
to amend, for the purpose of adopting new 2
section numbers as indicated in parentheses, 3
sections 5103.131 (5103.133) and 5103.132 4
(5103.134); and to enact new sections 5103.131 5
and 5103.132 and section 5101.136 of the Revised 6
Code regarding children's crisis care 7
facilities. 8

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

Section 1. That sections 2950.034, 5103.13, and 5103.131 9
be amended; sections 5103.131 (5103.133) and 5103.132 (5103.134) 10
be amended for the purpose of adopting new section numbers as 11
indicated in parentheses; and new sections 5103.131 and 5103.132 12
and section 5101.136 of the Revised Code be enacted to read as 13
follows: 14

Sec. 2950.034. (A) No person who has been convicted of, is 15
convicted of, has pleaded guilty to, or pleads guilty to a 16
sexually oriented offense or a child-victim oriented offense 17
shall establish a residence or occupy residential premises 18

within one thousand feet of any school premises ~~or,~~ preschool 19
or child day-care center premises, or children's crisis care 20
facility premises. 21

(B) If a person to whom division (A) of this section 22
applies violates division (A) of this section by establishing a 23
residence or occupying residential premises within one thousand 24
feet of any school premises ~~or,~~ preschool or child day-care 25
center premises, or children's crisis care facility premises, an 26
owner or lessee of real property that is located within one 27
thousand feet of those school premises ~~or,~~ preschool or child 28
day-care center premises, or children's crisis care facility 29
premises, or the prosecuting attorney, village solicitor, city 30
or township director of law, similar chief legal officer of a 31
municipal corporation or township, or official designated as a 32
prosecutor in a municipal corporation that has jurisdiction over 33
the place at which the person establishes the residence or 34
occupies the residential premises in question, has a cause of 35
action for injunctive relief against the person. The plaintiff 36
shall not be required to prove irreparable harm in order to 37
obtain the relief. 38

(C) As used in this section: 39

(1) "Child day-care center" has the same meaning as in 40
section 5104.01 of the Revised Code. 41

(2) "Children's crisis care facility" has the same meaning 42
as in section 5103.13 of the Revised Code. 43

(3) "Children's crisis care facility premises" means both 44
of the following: 45

(a) The parcel of real property on which any children's 46
crisis care facility is situated; 47

(b) Any grounds, play areas, and other facilities of a 48
children's crisis care facility that are regularly used by the 49
children served by the facility. 50

(4) "Preschool" means any public or private institution or 51
center that provides early childhood instructional or 52
educational services to children who are at least three years of 53
age but less than six years of age and who are not enrolled in 54
or are not eligible to be enrolled in kindergarten, whether or 55
not those services are provided in a child day-care setting. 56
"Preschool" does not include any place that is the permanent 57
residence of the person who is providing the early childhood 58
instructional or educational services to the children described 59
in this division. 60

~~(3)~~(5) "Preschool or child day-care center premises" 61
means all of the following: 62

(a) Any building in which any preschool or child day-care 63
center activities are conducted if the building has signage that 64
indicates that the building houses a preschool or child day-care 65
center, is clearly visible and discernable without obstruction, 66
and meets any local zoning ordinances which may apply; 67

(b) The parcel of real property on which a preschool or 68
child day-care center is situated if the parcel of real property 69
has signage that indicates that a preschool or child day-care 70
center is situated on the parcel, is clearly visible and 71
discernable without obstruction, and meets any local zoning 72
ordinances which may apply; 73

(c) Any grounds, play areas, and other facilities of a 74
preschool or child day-care center that are regularly used by 75
the children served by the preschool or child day-care center if 76

the grounds, play areas, or other facilities have signage that 77
indicates that they are regularly used by children served by the 78
preschool or child day-care center, is clearly visible and 79
discernable without obstruction, and meets any local zoning 80
ordinances which may apply. 81

Sec. 5101.136. An employee of a public children services 82
agency or private child placing agency who has placed a preteen 83
in a children's crisis care facility certified under section 84
5103.13 of the Revised Code shall enter the placement as a 85
respite or transitional stay, as applicable, in the uniform 86
statewide automated child welfare information system, 87
established under section 5101.13 of the Revised Code. 88

Sec. 5103.13. (A) As used in ~~this section and section 89~~
~~5103.131~~ sections 5103.13 to 5103.134 of the Revised Code: 90

(1) (a) "Children's crisis care facility" means a facility 91
that has as its primary purpose the provision of residential and 92
other care to either or both of the following: 93

(i) One or more preteens voluntarily placed in the 94
facility by the preteen's parent or other caretaker who is 95
facing a crisis that causes the parent or other caretaker to 96
seek temporary care for the preteen and referral for support 97
services; 98

(ii) One or more preteens placed in the facility by a 99
public children services agency or private child placing agency 100
that has legal custody or permanent custody of the preteen and 101
determines that an emergency situation exists necessitating the 102
preteen's placement in the facility rather than an institution 103
certified under section 5103.03 of the Revised Code or 104
elsewhere. 105

(b) "Children's crisis care facility" does not include	106
either of the following:	107
(i) Any organization, society, association, school,	108
agency, child guidance center, detention or rehabilitation	109
facility, or children's clinic licensed, regulated, approved,	110
operated under the direction of, or otherwise certified by the	111
department of education, a local board of education, the	112
department of youth services, the department of mental health	113
and addiction services, or the department of developmental	114
disabilities;	115
(ii) Any individual who provides care for only a single-	116
family group, placed there by their parents or other relative	117
having custody.	118
(2) "Legal custody" and "permanent custody" have the same	119
meanings as in section 2151.011 of the Revised Code.	120
(3) "Preteen" means an individual under thirteen years of	121
age.	122
(B) No person shall operate a children's crisis care	123
facility or hold a children's crisis care facility out as a	124
certified children's crisis care facility unless there is a	125
valid children's crisis care facility certificate issued under	126
this section for the facility.	127
(C) <u>(1)</u> A person seeking to operate a children's crisis	128
care facility shall apply to the director of job and family	129
services to obtain a certificate for the facility.	130
<u>(2) (a)</u> The director shall certify the person's children's	131
crisis care facility if the facility meets all of the	132
certification standards established in rules adopted under	133
division (F) <u>(H)</u> of this section and the person complies with	134

all of the rules governing the certification of children's 135
crisis care facilities adopted under that division. The issuance 136
of a children's crisis care facility certificate does not exempt 137
the facility from a requirement to obtain another certificate or 138
license mandated by law. 139

(b) The director shall not issue a waiver to a person for 140
compliance with any of the requirements imposed under this 141
section or any of the rules adopted under division (H) of this 142
section. 143

(D)~~(1)~~ No certified children's crisis care facility shall 144
do any of the following: 145

~~(a)~~ (1) Provide residential care to a preteen for more 146
than one hundred twenty days in a calendar year; 147

~~(b) Subject to division (D) (1) (c) of this section and 148~~
~~except as provided in division (D) (2) of this section, provide 149~~
(2) Provide residential care to a preteen for more than sixty 150
ninety consecutive days; 151

~~(c) Provide (3) Except as provided in division (D) of 152~~
section 5103.132 of the Revised Code, provide residential care 153
to a preteen for more than fourteen consecutive days if a public 154
children services agency or private child placing agency placed 155
the preteen in the facility; 156

~~(d)~~ (4) Fail to comply with section 2151.86 of the Revised 157
Code. 158

~~(2) A certified children's crisis care facility may 159~~
~~provide residential care to a preteen for up to ninety 160~~
~~consecutive days, other than a preteen placed in the facility by 161~~
~~a public children services agency or private child placing 162~~
~~agency, if any of the following are the case: 163~~

~~(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;~~ 164
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~~(b) The preteen's parent or other caretaker is an inpatient in a hospital;~~ 168
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~~(c) The preteen's parent or other caretaker is incarcerated;~~ 170
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~~(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.~~ 172
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(E) A certified children's crisis care facility shall do the following: 174
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(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor; 176
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(2) Require, if pediatric medical service is provided at the facility, the following: 179
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(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 181
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(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended; 183
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(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to ensure the parent or caretaker is competent to provide the ongoing care; 187
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(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment. 192
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(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to ensure the parent or caretaker is competent in the basic parenting skills needed to care for the preteen; 196
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(4) Require only a transfer summary for the transfer of a preteen from one certified children's crisis care facility location to another, if the facility has more than one location and the receiving location is licensed under the same license as the transferring location; 202
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(5) Require the facility to have a dedicated and private enclosed space for the purpose of completing required admission paperwork and medical forms. 207
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(F) A certified children's crisis care facility may do the following: 210
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(1) Count administrative staff, interns, and volunteers toward required child staff ratios in an emergency situation for up to three hours if the administrative staff, interns, or volunteers meet the following requirements: 212
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(a) Completed training in the mission of the children's crisis care facility; 216
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(b) Completed training pursuant to Chapter 5101:2-9-03 of the Administrative Code; 218
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<u>(c) Are supervised by facility staff;</u>	220
<u>(d) Participate in at least monthly face-to-face</u>	221
<u>supervisory conferences.</u>	222
<u>(2) Use volunteers and contracted transportation</u>	223
<u>providers, on whom criminal records checks have been conducted</u>	224
<u>in accordance with section 2151.86 of the Revised Code, to</u>	225
<u>transport preteens, if such use is necessary for the facility to</u>	226
<u>maintain required child staff ratios.</u>	227
<u>(G) The director of job and family services may suspend or</u>	228
<u>revoke a children's crisis care facility's certificate pursuant</u>	229
<u>to Chapter 119. of the Revised Code if the facility violates</u>	230
<u>division (D) of or fails to comply with any of the requirements</u>	231
<u>under this section or ceases to meet any of the certification</u>	232
<u>standards established in rules adopted under division (F) (H) of</u>	233
<u>this section or the facility's operator ceases to comply with</u>	234
<u>any of the rules governing the certification of children's</u>	235
<u>crisis care facilities adopted under that division.</u>	236
<u>(F) (H) Not later than ninety days after September 21,</u>	237
<u>2006, the director of job and family services shall adopt rules</u>	238
<u>pursuant to Chapter 119. of the Revised Code for the</u>	239
<u>certification of children's crisis care facilities. The rules</u>	240
<u>shall specify that a certificate shall not be issued to an</u>	241
<u>applicant if the conditions at the children's crisis care</u>	242
<u>facility would jeopardize the health or safety of the preteens</u>	243
<u>placed in the facility.</u>	244
<u>Sec. 5103.131. (A) As used in this section, "family</u>	245
<u>preservation center" means a certified children's crisis care</u>	246
<u>facility that has as its primary purpose the preservation of</u>	247
<u>families through preteen foster care diversion practices and</u>	248

<u>programs.</u>	249
<u>(B) (1) A person who holds an active license to operate a</u>	250
<u>children's crisis care facility under section 5103.13 of the</u>	251
<u>Revised Code may apply to the director of job and family</u>	252
<u>services to obtain a certificate as a family preservation center</u>	253
<u>under this section.</u>	254
<u>(2) (a) The director shall certify the person's family</u>	255
<u>preservation center if the center complies with all of the</u>	256
<u>requirements imposed under this section and all of the rules</u>	257
<u>adopted under division (E) of this section.</u>	258
<u>(b) The director shall not issue a waiver to a person of</u>	259
<u>compliance with any of the requirements imposed under this</u>	260
<u>section or any of the rules adopted under division (E) of this</u>	261
<u>section.</u>	262
<u>(C) A certified family preservation center shall do the</u>	263
<u>following:</u>	264
<u>(1) Obtain and maintain accreditation under the commission</u>	265
<u>on accreditation of rehabilitation facilities or the council on</u>	266
<u>accreditation for children and family services;</u>	267
<u>(2) Obtain and maintain certification by the Ohio</u>	268
<u>department of mental health and addiction services;</u>	269
<u>(3) Provide family preservation programs using evidence-</u>	270
<u>based practices, including all of the following:</u>	271
<u>(a) Family case management;</u>	272
<u>(b) Service referral and linkage;</u>	273
<u>(c) Parent education;</u>	274
<u>(d) Trauma screening and healing-centered interventions.</u>	275

(D) The director of job and family services may suspend or 276
revoke a family preservation center's certificate pursuant to 277
Chapter 119. of the Revised Code if the center violates or fails 278
to comply with division (C) of this section or any of the rules 279
adopted under division (E) of this section. 280

(E) Not later than ninety days after the effective date of 281
this section, the director of job and family services shall 282
adopt rules pursuant to Chapter 119. of the Revised Code for the 283
certification of family preservation centers. 284

Sec. 5103.132. (A) As used in this section: 285

(1) "Infant" means a child who is less than one year of 286
age. 287

(2) "Residential infant care center" means a certified 288
children's crisis care facility that has as its primary purpose 289
the provision of all of the following: 290

(a) Medical assistance for infants affected by addiction; 291

(b) Residential services; 292

(c) The preservation of families through preteen foster 293
care diversion practices and programs. 294

(B) (1) A person who holds an active license to operate a 295
children's crisis care facility under section 5103.13 of the 296
Revised Code may apply to the director of job and family 297
services to obtain a certificate as a residential infant care 298
center under this section. 299

(2) (a) The director shall certify the person's residential 300
infant care center if the center complies with all of the 301
requirements imposed under this section and all of the rules 302
adopted under division (G) of this section. 303

(b) The director shall not issue a waiver to a person of compliance with any of the requirements imposed under this section or any of the rules adopted under division (G) of this section. 304
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(C) An infant is eligible to be placed in a residential infant care center if one of the following applies: 308
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(1) The infant was born drug exposed and requires additional care. 310
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(2) The infant's parent or caretaker requires additional education and support services regarding care for the infant. 312
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(3) A public children services agency or private child placing agency requires additional time to determine placement of the infant. 314
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(D) A residential infant care center may provide residential care to an infant for up to ninety consecutive days if a public children services agency or private child placing agency placed the infant in the center. 317
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(E) A residential infant care center shall do the following: 321
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(1) If using medication to treat drug exposed infants, comply with both of the following: 323
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(a) Hold a terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code; 325
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(b) Employ a pediatrician or neonatologist as a medical director who is qualified and authorized under Chapter 4731. of the Revised Code to prescribe necessary medications. 328
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<u>(2) Comply, except as otherwise provided in this section</u>	331
<u>and section 5103.13 of the Revised Code, with all requirements</u>	332
<u>under Chapter 5101:2-9-02 of the Administrative Code;</u>	333
<u>(3) Develop a plan of safe care for an infant born drug</u>	334
<u>exposed as follows:</u>	335
<u>(a) Assist with the health and substance use disorder</u>	336
<u>treatment needs of the infant and affected family or caregiver;</u>	337
<u>(b) Develop and implement a program to monitor, support,</u>	338
<u>and connect affected families or caregivers through the</u>	339
<u>provision of and referral to appropriate services for the infant</u>	340
<u>and affected family or caregiver.</u>	341
<u>(4) Develop and implement a program for parents and</u>	342
<u>caregivers that, either individually or in a group setting, does</u>	343
<u>both of the following:</u>	344
<u>(a) Teaches parenting skills, bonding, and caring for the</u>	345
<u>infant's special needs;</u>	346
<u>(b) Allows for the program to be completed prior to the</u>	347
<u>infant's discharge.</u>	348
<u>(5) Require all child-care staff, interns, and volunteers</u>	349
<u>to do the following:</u>	350
<u>(a) Complete training for infant care and the provision of</u>	351
<u>nonjudgmental care to affected family and caregivers;</u>	352
<u>(b) Provide to the center the following health records:</u>	353
<u>(i) Immunization records or the results of a blood titer</u>	354
<u>test proving immunity to measles, mumps, rubella, and pertussis;</u>	355
<u>(ii) For proof of immunity to chickenpox, provide to the</u>	356
<u>center the following:</u>	357

<u>(I) Immunization records;</u>	358
<u>(II) The results of a blood titer test proving immunity to chickenpox;</u>	359 360
<u>(III) A signed statement from a physician verifying the occurrence of past chickenpox infection.</u>	361 362
<u>(iii) The negative results of a tuberculin test taken at the center's request prior to commencing employment, volunteering, or internship at the center.</u>	363 364 365
<u>(6) Require both of the following:</u>	366
<u>(a) Child-care staff to be twenty-one years of age or older with a high school diploma or a certificate of high school equivalence;</u>	367 368 369
<u>(b) Volunteers and interns to be eighteen years of age or older.</u>	370 371
<u>(7) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 of the Revised Code;</u>	372 373 374
<u>(8) Employ registered nurses, patient care assistants, or licensed professional nurses to meet required child staff ratios;</u>	375 376 377
<u>(9) Require the center's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following:</u>	378 379 380
<u>(a) Provide wraparound services to affected family and caregivers;</u>	381 382
<u>(b) Coordinate and cooperate with any transferring hospital, public children services agency, and private child</u>	383 384

<u>placing agency;</u>	385
<u>(c) Refer affected families or caregivers to appropriate</u>	386
<u>services for support and aftercare;</u>	387
<u>(d) Follow up with affected families and caregivers</u>	388
<u>following the infant's discharge.</u>	389
<u>(F) The director of job and family services may suspend or</u>	390
<u>revoke a residential infant care center's certificate pursuant</u>	391
<u>to Chapter 119. of the Revised Code if the center violates or</u>	392
<u>fails to comply with any of the requirements imposed under this</u>	393
<u>section or any of the rules adopted under division (G) of this</u>	394
<u>section.</u>	395
<u>(G) Not later than ninety days after the effective date of</u>	396
<u>this section, the director of job and family services shall</u>	397
<u>adopt rules pursuant to Chapter 119. of the Revised Code for the</u>	398
<u>certification of residential infant care centers.</u>	399
Sec. 5103.131–<u>5103.133</u>. The department of job and family	400
services may apply to the United States secretary of health and	401
human services for a federal grant under the "Child Abuse	402
Prevention and Treatment Act," 42 U.S.C. 5116, <u>and the "Family</u>	403
<u>First Prevention Services Act," 42 U.S.C. 50711, 50723, and</u>	404
<u>50741</u> to assist children's crisis care facilities certified	405
under section 5103.13 of the Revised Code in providing temporary	406
residential and other care to preteens.	407
Sec. 5103.132–<u>5103.134</u>. (A) As used in this section,	408
"firearm" has the same meaning as in section 2923.11 of the	409
Revised Code.	410
(B) A children's crisis care facility that has as its	411
primary purpose the provision of residential and other care to	412
infants who are born drug exposed and that regularly maintains	413

on its premises schedule II controlled substances, as defined in 414
section 3719.01 of the Revised Code, may do both of the 415
following: 416

(1) Maintain firearms at the facility; 417

(2) Permit security personnel to bear firearms while on 418
the grounds of the facility. 419

Section 2. That existing sections 2950.034, 5103.13, 420
5103.131, and 5103.132 of the Revised Code are hereby repealed. 421