

**As Reported by the House Rules and Reference Committee**

**131st General Assembly**

**Regular Session**

**Am. Sub. H. B. No. 50**

**2015-2016**

**Representatives Pelanda, Grossman**

**Cosponsors: Representatives Sears, Driehaus, Stinziano, Rogers, Fedor,  
Rezabek, Blessing, Maag, Lepore-Hagan, LaTourette, Amstutz, Boyd, Kuhns**

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**A BILL**

To amend sections 2151.353, 2151.415, 2151.82, 1  
5101.141, and 5103.30 and to enact sections 2  
2111.011, 5101.1411, 5101.1412, 5101.1413, and 3  
5101.1414 of the Revised Code to extend the age 4  
for which a person is eligible for federal 5  
foster care and adoption assistance payments 6  
under Title IV-E to age twenty-one; to require 7  
that a guardian receive the Ohio Guardianship 8  
Guide; to conform to recent amendments to 9  
federal Title IV-E program requirements; and to 10  
make an appropriation. 11

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

**Section 1.** That sections 2151.353, 2151.415, 2151.82, 12  
5101.141, and 5103.30 be amended and sections 2111.011, 13  
5101.1411, 5101.1412, 5101.1413, and 5101.1414 of the Revised 14  
Code be enacted to read as follows: 15

**Sec. 2111.011.** (A) The clerk of the probate court shall 16  
furnish a guardianship guide, prepared by the attorney general 17  
or the Ohio judicial conference under division (B) of this 18

section, to a guardian at either of the following times, 19  
whichever is applicable: 20

(1) Upon the appointment of the guardian under section 21  
2111.02 of the Revised Code; 22

(2) If the guardian was appointed prior to the effective 23  
date of this section, upon the first filing by the guardian with 24  
the probate court of either of the following, as applicable, 25  
after that effective date: 26

(a) A guardian's account, other than a final account, that 27  
is required to be filed under section 2109.302 of the Revised 28  
Code; 29

(b) A guardian's report that is required to be filed under 30  
section 2111.49 of the Revised Code. 31

(B) (1) If the attorney general subsequently prepares any 32  
updated version of the guardianship guide, the updated guide 33  
shall include the rights of a ward. The clerk of the probate 34  
court shall furnish the most recent version of the guide to a 35  
guardian at either of the following times, whichever is 36  
applicable: 37

(a) Upon the appointment of the guardian under section 38  
2111.02 of the Revised Code after the most recent version of the 39  
guide is prepared; 40

(b) If the guardian was appointed prior to the date of the 41  
most recent version of the guide, upon the first filing by the 42  
guardian with the probate court of either of the documents 43  
described in divisions (A) (2) (a) and (b) of this section, as 44  
applicable, after that date. 45

(2) In the alternative, the Ohio judicial conference may 46

create, at their cost, an alternative guardianship guide for use 47  
in all probate courts. The alternative guardianship guide shall 48  
be distributed in accordance with all provisions contained in 49  
this act. No court or other entity shall create or distribute a 50  
substitute for the guardianship guides identified under this 51  
section. The court shall furnish this alternative guardianship 52  
guide in accordance with the provisions of this section. 53

(C) The probate court shall establish a form for a 54  
guardian to sign acknowledging that the guardian received a 55  
guardianship guide pursuant to this section. 56

(D) Upon receiving a guardianship guide, the guardian 57  
shall sign the form specified in division (C) of this section. 58  
The signed form shall be kept permanently in the guardianship 59  
file of the probate court. 60

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 61  
neglected, or dependent child, the court may make any of the 62  
following orders of disposition: 63

(1) Place the child in protective supervision; 64

(2) Commit the child to the temporary custody of a public 65  
children services agency, a private child placing agency, either 66  
parent, a relative residing within or outside the state, or a 67  
probation officer for placement in a certified foster home, or 68  
in any other home approved by the court; 69

(3) Award legal custody of the child to either parent or 70  
to any other person who, prior to the dispositional hearing, 71  
files a motion requesting legal custody of the child or is 72  
identified as a proposed legal custodian in a complaint or 73  
motion filed prior to the dispositional hearing by any party to 74  
the proceedings. A person identified in a complaint or motion 75

filed by a party to the proceedings as a proposed legal 76  
custodian shall be awarded legal custody of the child only if 77  
the person identified signs a statement of understanding for 78  
legal custody that contains at least the following provisions: 79

(a) That it is the intent of the person to become the 80  
legal custodian of the child and the person is able to assume 81  
legal responsibility for the care and supervision of the child; 82

(b) That the person understands that legal custody of the 83  
child in question is intended to be permanent in nature and that 84  
the person will be responsible as the custodian for the child 85  
until the child reaches the age of majority. Responsibility as 86  
custodian for the child shall continue beyond the age of 87  
majority if, at the time the child reaches the age of majority, 88  
the child is pursuing a diploma granted by the board of 89  
education or other governing authority, successful completion of 90  
the curriculum of any high school, successful completion of an 91  
individualized education program developed for the student by 92  
any high school, or an age and schooling certificate. 93  
Responsibility beyond the age of majority shall terminate when 94  
the child ceases to continuously pursue such an education, 95  
completes such an education, or is excused from such an 96  
education under standards adopted by the state board of 97  
education, whichever occurs first. 98

(c) That the parents of the child have residual parental 99  
rights, privileges, and responsibilities, including, but not 100  
limited to, the privilege of reasonable visitation, consent to 101  
adoption, the privilege to determine the child's religious 102  
affiliation, and the responsibility for support; 103

(d) That the person understands that the person must be 104  
present in court for the dispositional hearing in order to 105

affirm the person's intention to become legal custodian, to 106  
affirm that the person understands the effect of the 107  
custodianship before the court, and to answer any questions that 108  
the court or any parties to the case may have. 109

(4) Commit the child to the permanent custody of a public 110  
children services agency or private child placing agency, if the 111  
court determines in accordance with division (E) of section 112  
2151.414 of the Revised Code that the child cannot be placed 113  
with one of the child's parents within a reasonable time or 114  
should not be placed with either parent and determines in 115  
accordance with division (D)(1) of section 2151.414 of the 116  
Revised Code that the permanent commitment is in the best 117  
interest of the child. If the court grants permanent custody 118  
under this division, the court, upon the request of any party, 119  
shall file a written opinion setting forth its findings of fact 120  
and conclusions of law in relation to the proceeding. 121

(5) Place the child in a planned permanent living 122  
arrangement with a public children services agency or private 123  
child placing agency, if a public children services agency or 124  
private child placing agency requests the court to place the 125  
child in a planned permanent living arrangement and if the court 126  
finds, by clear and convincing evidence, that a planned 127  
permanent living arrangement is in the best interest of the 128  
child, that the child is sixteen years of age or older, and that 129  
one of the following exists: 130

(a) The child, because of physical, mental, or 131  
psychological problems or needs, is unable to function in a 132  
family-like setting and must remain in residential or 133  
institutional care now and for the foreseeable future beyond the 134  
date of the dispositional hearing held pursuant to section 135

2151.35 of the Revised Code. 136

(b) ~~The child is sixteen years of age or older, the~~ 137  
parents of the child have significant physical, mental, or 138  
psychological problems and are unable to care for the child 139  
because of those problems, adoption is not in the best interest 140  
of the child, as determined in accordance with division (D) (1) 141  
of section 2151.414 of the Revised Code, and the child retains a 142  
significant and positive relationship with a parent or relative. 143

(c) ~~The child is sixteen years of age or older,~~ has been 144  
counseled on the permanent placement options available to the 145  
child, and is unwilling to accept or unable to adapt to a 146  
permanent placement. 147

(6) Order the removal from the child's home until further 148  
order of the court of the person who committed abuse as 149  
described in section 2151.031 of the Revised Code against the 150  
child, who caused or allowed the child to suffer neglect as 151  
described in section 2151.03 of the Revised Code, or who is the 152  
parent, guardian, or custodian of a child who is adjudicated a 153  
dependent child and order any person not to have contact with 154  
the child or the child's siblings. 155

(B) (1) When making a determination on whether to place a 156  
child in a planned permanent living arrangement pursuant to 157  
division (A) (5) (b) or (c) of this section, the court shall 158  
consider all relevant information that has been presented to the 159  
court, including information gathered from the child, the 160  
child's guardian ad litem, and the public children services 161  
agency or private child placing agency. 162

(2) A child who is placed in a planned permanent living 163  
arrangement pursuant to division (A) (5) (b) or (c) of this 164

section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement as desired, the summons served on the parents of the child contains as is appropriate a full explanation that the granting of an order for permanent custody permanently divests them of their parental rights, a full explanation that

an adjudication that the child is an abused, neglected, or 195  
dependent child may result in an order of temporary custody that 196  
will cause the removal of the child from their legal custody 197  
until the court terminates the order of temporary custody or 198  
permanently divests the parents of their parental rights, or a 199  
full explanation that the granting of an order for a planned 200  
permanent living arrangement will result in the removal of the 201  
child from their legal custody if any of the conditions listed 202  
in divisions (A) (5) (a) to (c) of this section are found to 203  
exist, and the summons served on the parents contains a full 204  
explanation of their right to be represented by counsel and to 205  
have counsel appointed pursuant to Chapter 120. of the Revised 206  
Code if they are indigent. 207

If after making disposition as authorized by division (A) 208  
(2) of this section, a motion is filed that requests permanent 209  
custody of the child, the court may grant permanent custody of 210  
the child to the movant in accordance with section 2151.414 of 211  
the Revised Code. 212

(D) If the court issues an order for protective 213  
supervision pursuant to division (A) (1) of this section, the 214  
court may place any reasonable restrictions upon the child, the 215  
child's parents, guardian, or custodian, or any other person, 216  
including, but not limited to, any of the following: 217

(1) Order a party, within forty-eight hours after the 218  
issuance of the order, to vacate the child's home indefinitely 219  
or for a specified period of time; 220

(2) Order a party, a parent of the child, or a physical 221  
custodian of the child to prevent any particular person from 222  
having contact with the child; 223



(3) Issue an order restraining or otherwise controlling 224  
the conduct of any person which conduct would not be in the best 225  
interest of the child. 226

(E) As part of its dispositional order, the court shall 227  
journalize a case plan for the child. The journalized case plan 228  
shall not be changed except as provided in section 2151.412 of 229  
the Revised Code. 230

(F)(1) The court shall retain jurisdiction over any child 231  
for whom the court issues an order of disposition pursuant to 232  
division (A) of this section or pursuant to section 2151.414 or 233  
2151.415 of the Revised Code until the child attains the age of 234  
eighteen years if the child is not mentally retarded, 235  
developmentally disabled, or physically impaired, the child 236  
attains the age of twenty-one years if the child is mentally 237  
retarded, developmentally disabled, or physically impaired, or 238  
the child is adopted and a final decree of adoption is issued, 239  
except that the court may retain jurisdiction over the child and 240  
continue any order of disposition under division (A) of this 241  
section or under section 2151.414 or 2151.415 of the Revised 242  
Code for a specified period of time to enable the child to 243  
graduate from high school or vocational school. The court shall 244  
retain jurisdiction over a person who meets the requirements 245  
described in division (A)(1) of section 5101.1411 of the Revised 246  
Code and who is subject to a voluntary participation agreement 247  
that is in effect. The court shall make an entry continuing its 248  
jurisdiction under this division in the journal. 249

(2) Any public children services agency, any private child 250  
placing agency, the department of job and family services, or 251  
any party, other than any parent whose parental rights with 252  
respect to the child have been terminated pursuant to an order 253

issued under division (A) (4) of this section, by filing a motion 254  
with the court, may at any time request the court to modify or 255  
terminate any order of disposition issued pursuant to division 256  
(A) of this section or section 2151.414 or 2151.415 of the 257  
Revised Code. The court shall hold a hearing upon the motion as 258  
if the hearing were the original dispositional hearing and shall 259  
give all parties to the action and the guardian ad litem notice 260  
of the hearing pursuant to the Juvenile Rules. If applicable, 261  
the court shall comply with section 2151.42 of the Revised Code. 262

(G) Any temporary custody order issued pursuant to 263  
division (A) of this section shall terminate one year after the 264  
earlier of the date on which the complaint in the case was filed 265  
or the child was first placed into shelter care, except that, 266  
upon the filing of a motion pursuant to section 2151.415 of the 267  
Revised Code, the temporary custody order shall continue and not 268  
terminate until the court issues a dispositional order under 269  
that section. In resolving the motion, the court shall not order 270  
an existing temporary custody order to continue beyond two years 271  
after the date on which the complaint was filed or the child was 272  
first placed into shelter care, whichever date is earlier, 273  
regardless of whether any extensions have been previously 274  
ordered pursuant to division (D) of section 2151.415 of the 275  
Revised Code. 276

(H) (1) No later than one year after the earlier of the 277  
date the complaint in the case was filed or the child was first 278  
placed in shelter care, a party may ask the court to extend an 279  
order for protective supervision for six months or to terminate 280  
the order. A party requesting extension or termination of the 281  
order shall file a written request for the extension or 282  
termination with the court and give notice of the proposed 283  
extension or termination in writing before the end of the day 284

after the day of filing it to all parties and the child's guardian ad litem. If a public children services agency or private child placing agency requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order at the time it files the request with the court. If no party requests extension or termination of the order, the court shall notify the parties that the court will extend the order for six months or terminate it and that it may do so without a hearing unless one of the parties requests a hearing. All parties and the guardian ad litem shall have seven days from the date a notice is sent pursuant to this division to object to and request a hearing on the proposed extension or termination.

(a) If it receives a timely request for a hearing, the court shall schedule a hearing to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after

the expiration of the applicable fourteen-day time period and 316  
give notice of the date, time, and location of the hearing to 317  
all parties and the child's guardian ad litem. At the hearing, 318  
the court shall determine whether extension or termination of 319  
the order is in the child's best interest. If termination is in 320  
the child's best interest, the court shall terminate the order. 321  
If extension is in the child's best interest, the court shall 322  
issue an order extending the order for protective supervision 323  
six months. 324

(2) If the court grants an extension of the order for 325  
protective supervision pursuant to division (H)(1) of this 326  
section, a party may, prior to termination of the extension, 327  
file with the court a request for an additional extension of six 328  
months or for termination of the order. The court and the 329  
parties shall comply with division (H)(1) of this section with 330  
respect to extending or terminating the order. 331

(3) If a court grants an extension pursuant to division 332  
(H)(2) of this section, the court shall terminate the order for 333  
protective supervision at the end of the extension. 334

(I) The court shall not issue a dispositional order 335  
pursuant to division (A) of this section that removes a child 336  
from the child's home unless the court complies with section 337  
2151.419 of the Revised Code and includes in the dispositional 338  
order the findings of fact required by that section. 339

(J) If a motion or application for an order described in 340  
division (A)(6) of this section is made, the court shall not 341  
issue the order unless, prior to the issuance of the order, it 342  
provides to the person all of the following: 343

(1) Notice and a copy of the motion or application; 344

(2) The grounds for the motion or application;	345
(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;	346 347
(4) An opportunity to be represented by counsel at the hearing.	348 349
(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following:	350 351 352 353 354
(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located;	355 356 357
(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award.	358 359 360 361 362 363
The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.	364 365
<b>Sec. 2151.415.</b> (A) Except for cases in which a motion for permanent custody described in division (D) (1) of section 2151.413 of the Revised Code is required to be made, a public children services agency or private child placing agency that has been given temporary custody of a child pursuant to section 2151.353 of the Revised Code, not later than thirty days prior to the earlier of the date for the termination of the custody order pursuant to division (H) of section 2151.353 of the	366 367 368 369 370 371 372 373

Revised Code or the date set at the dispositional hearing for 374  
the hearing to be held pursuant to this section, shall file a 375  
motion with the court that issued the order of disposition 376  
requesting that any of the following orders of disposition of 377  
the child be issued by the court: 378

(1) An order that the child be returned home and the 379  
custody of the child's parents, guardian, or custodian without 380  
any restrictions; 381

(2) An order for protective supervision; 382

(3) An order that the child be placed in the legal custody 383  
of a relative or other interested individual; 384

(4) An order permanently terminating the parental rights 385  
of the child's parents; 386

(5) An order that the child be placed in a planned 387  
permanent living arrangement; 388

(6) In accordance with division (D) of this section, an 389  
order for the extension of temporary custody. 390

(B) Upon the filing of a motion pursuant to division (A) 391  
of this section, the court shall hold a dispositional hearing on 392  
the date set at the dispositional hearing held pursuant to 393  
section 2151.35 of the Revised Code, with notice to all parties 394  
to the action in accordance with the Juvenile Rules. After the 395  
dispositional hearing or at a date after the dispositional 396  
hearing that is not later than one year after the earlier of the 397  
date on which the complaint in the case was filed or the child 398  
was first placed into shelter care, the court, in accordance 399  
with the best interest of the child as supported by the evidence 400  
presented at the dispositional hearing, shall issue an order of 401  
disposition as set forth in division (A) of this section, except 402

that all orders for permanent custody shall be made in 403  
accordance with sections 2151.413 and 2151.414 of the Revised 404  
Code. In issuing an order of disposition under this section, the 405  
court shall comply with section 2151.42 of the Revised Code. 406

(C) (1) If an agency pursuant to division (A) of this 407  
section requests the court to place a child into a planned 408  
permanent living arrangement, the agency shall present evidence 409  
to indicate why a planned permanent living arrangement is 410  
appropriate for the child, including, but not limited to, 411  
evidence that the agency has tried or considered all other 412  
possible dispositions for the child. A court shall not place a 413  
child in a planned permanent living arrangement, unless it 414  
finds, by clear and convincing evidence, that a planned 415  
permanent living arrangement is in the best interest of the 416  
child, that the child is sixteen years of age or older, and that 417  
one of the following exists: 418

(a) The child, because of physical, mental, or 419  
psychological problems or needs, is unable to function in a 420  
family-like setting and must remain in residential or 421  
institutional care. 422

(b) The parents of the child have significant physical, 423  
mental, or psychological problems and are unable to care for the 424  
child because of those problems, adoption is not in the best 425  
interest of the child, as determined in accordance with division 426  
(D) (1) of section 2151.414 of the Revised Code, and the child 427  
retains a significant and positive relationship with a parent or 428  
relative; 429

(c) The child ~~is sixteen years of age or older,~~ has been 430  
counseled on the permanent placement options available, is 431  
unwilling to accept or unable to adapt to a permanent placement, 432

and is in an agency program preparing for independent living. 433

(2) If the court issues an order placing a child in a 434  
planned permanent living arrangement, both of the following 435  
apply: 436

(a) The court shall issue a finding of fact setting forth 437  
the reasons for its finding; 438

(b) The agency may make any appropriate placement for the 439  
child and shall develop a case plan for the child that is 440  
designed to assist the child in finding a permanent home outside 441  
of the home of the parents. 442

(D) (1) If an agency pursuant to division (A) of this 443  
section requests the court to grant an extension of temporary 444  
custody for a period of up to six months, the agency shall 445  
include in the motion an explanation of the progress on the case 446  
plan of the child and of its expectations of reunifying the 447  
child with the child's family, or placing the child in a 448  
permanent placement, within the extension period. The court 449  
shall schedule a hearing on the motion, give notice of its date, 450  
time, and location to all parties and the guardian ad litem of 451  
the child, and at the hearing consider the evidence presented by 452  
the parties and the guardian ad litem. The court may extend the 453  
temporary custody order of the child for a period of up to six 454  
months, if it determines at the hearing, by clear and convincing 455  
evidence, that the extension is in the best interest of the 456  
child, there has been significant progress on the case plan of 457  
the child, and there is reasonable cause to believe that the 458  
child will be reunified with one of the parents or otherwise 459  
permanently placed within the period of extension. In 460  
determining whether to extend the temporary custody of the child 461  
pursuant to this division, the court shall comply with section 462



2151.42 of the Revised Code. If the court extends the temporary custody of the child pursuant to this division, upon request it shall issue findings of fact.

(2) Prior to the end of the extension granted pursuant to division (D)(1) of this section, the agency that received the extension shall file a motion with the court requesting the issuance of one of the orders of disposition set forth in divisions (A)(1) to (5) of this section or requesting the court to extend the temporary custody order of the child for an additional period of up to six months. If the agency requests the issuance of an order of disposition under divisions (A)(1) to (5) of this section or does not file any motion prior to the expiration of the extension period, the court shall conduct a hearing in accordance with division (B) of this section and issue an appropriate order of disposition. In issuing an order of disposition, the court shall comply with section 2151.42 of the Revised Code.

If the agency requests an additional extension of up to six months of the temporary custody order of the child, the court shall schedule and conduct a hearing in the manner set forth in division (D)(1) of this section. The court may extend the temporary custody order of the child for an additional period of up to six months if it determines at the hearing, by clear and convincing evidence, that the additional extension is in the best interest of the child, there has been substantial additional progress since the original extension of temporary custody in the case plan of the child, there has been substantial additional progress since the original extension of temporary custody toward reunifying the child with one of the parents or otherwise permanently placing the child, and there is reasonable cause to believe that the child will be reunified

with one of the parents or otherwise placed in a permanent 494  
setting before the expiration of the additional extension 495  
period. In determining whether to grant an additional extension, 496  
the court shall comply with section 2151.42 of the Revised Code. 497  
If the court extends the temporary custody of the child for an 498  
additional period pursuant to this division, upon request it 499  
shall issue findings of fact. 500

(3) Prior to the end of the extension of a temporary 501  
custody order granted pursuant to division (D) (2) of this 502  
section, the agency that received the extension shall file a 503  
motion with the court requesting the issuance of one of the 504  
orders of disposition set forth in divisions (A) (1) to (5) of 505  
this section. Upon the filing of the motion by the agency or, if 506  
the agency does not file the motion prior to the expiration of 507  
the extension period, upon its own motion, the court, prior to 508  
the expiration of the extension period, shall conduct a hearing 509  
in accordance with division (B) of this section and issue an 510  
appropriate order of disposition. In issuing an order of 511  
disposition, the court shall comply with section 2151.42 of the 512  
Revised Code. 513

(4) No court shall grant an agency more than two 514  
extensions of temporary custody pursuant to division (D) of this 515  
section and the court shall not order an existing temporary 516  
custody order to continue beyond two years after the date on 517  
which the complaint was filed or the child was first placed into 518  
shelter care, whichever date is earlier, regardless of whether 519  
any extensions have been previously ordered pursuant to division 520  
(D) of this section. 521

(E) After the issuance of an order pursuant to division 522  
(B) of this section, the court shall retain jurisdiction over 523

the child until the child attains the age of eighteen if the 524  
child is not mentally retarded, developmentally disabled, or 525  
physically impaired, the child attains the age of twenty-one if 526  
the child is mentally retarded, developmentally disabled, or 527  
physically impaired, or the child is adopted and a final decree 528  
of adoption is issued, unless the court's jurisdiction over the 529  
child is extended pursuant to division (F) of section 2151.353 530  
of the Revised Code. 531

(F) The court, on its own motion or the motion of the 532  
agency or person with legal custody of the child, the child's 533  
guardian ad litem, or any other party to the action, may conduct 534  
a hearing with notice to all parties to determine whether any 535  
order issued pursuant to this section should be modified or 536  
terminated or whether any other dispositional order set forth in 537  
divisions (A) (1) to (5) of this section should be issued. After 538  
the hearing and consideration of all the evidence presented, the 539  
court, in accordance with the best interest of the child, may 540  
modify or terminate any order issued pursuant to this section or 541  
issue any dispositional order set forth in divisions (A) (1) to 542  
(5) of this section. In rendering a decision under this 543  
division, the court shall comply with section 2151.42 of the 544  
Revised Code. 545

(G) If the court places a child in a planned permanent 546  
living arrangement with a public children services agency or a 547  
private child placing agency pursuant to this section, the 548  
agency with which the child is placed in a planned permanent 549  
living arrangement shall not remove the child from the 550  
residential placement in which the child is originally placed 551  
pursuant to the case plan for the child or in which the child is 552  
placed with court approval pursuant to this division, unless the 553  
court and the guardian ad litem are given notice of the intended 554

removal and the court issues an order approving the removal or 555  
unless the removal is necessary to protect the child from 556  
physical or emotional harm and the agency gives the court notice 557  
of the removal and of the reasons why the removal is necessary 558  
to protect the child from physical or emotional harm immediately 559  
after the removal of the child from the prior setting. 560

(H) If the hearing held under this section takes the place 561  
of an administrative review that otherwise would have been held 562  
under section 2151.416 of the Revised Code, the court at the 563  
hearing held under this section shall do all of the following in 564  
addition to any other requirements of this section: 565

(1) Determine the continued necessity for and the 566  
appropriateness of the child's placement; 567

(2) Determine the extent of compliance with the child's 568  
case plan; 569

(3) Determine the extent of progress that has been made 570  
toward alleviating or mitigating the causes necessitating the 571  
child's placement in foster care; 572

(4) Project a likely date by which the child may be 573  
returned to the child's home or placed for adoption or legal 574  
guardianship; 575

(5) Approve the permanency plan for the child consistent 576  
with section 2151.417 of the Revised Code. 577

**Sec. 2151.82.** A public children services agency or private 578  
child placing agency, that has temporary or permanent custody 579  
of, or is providing care in a planned permanent living 580  
arrangement to, a child who is ~~sixteen or seventeen~~ fourteen 581  
years of age or older, shall provide independent living services 582  
to the child. The services to be provided shall be determined 583

based on an evaluation of the strengths and weaknesses of the 584  
child, completed or obtained by the agency. If housing is 585  
provided to a child who is sixteen or seventeen as part of the 586  
services, the child shall be placed in housing that is 587  
supervised or semi-supervised by an adult. 588

The services shall be included as part of the case plan 589  
established for the child pursuant to section 2151.412 of the 590  
Revised Code. 591

**Sec. 5101.141.** (A) As used in sections 5101.141 to 592  
~~5101.1410-5101.1414~~ of the Revised Code~~7~~: 593

(1) "Child" includes a person who meets the requirements 594  
of division (A) (1) of section 5101.1411 of the Revised Code or 595  
an adopted person who meets the requirements applicable to such 596  
a person under division (B) (1) of section 5101.1411 of the 597  
Revised Code. 598

(2) "Designee" means a person with whom the department of 599  
job and family services has entered into a contract, pursuant to 600  
division (B) (2) of this section. 601

(3) "Title IV-E" means Title IV-E of the "Social Security 602  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 603

~~(B) The~~ (1) Except as provided in division (B) (2) of this 604  
section, the department of job and family services shall act as 605  
the single state agency to administer federal payments for 606  
foster care and adoption assistance made pursuant to Title IV-E. 607  
The director of job and family services shall adopt rules to 608  
implement this authority. Rules governing financial and 609  
administrative requirements applicable to public children 610  
services agencies and government entities that provide Title IV- 611  
E reimbursable placement services to children shall be adopted 612

in accordance with section 111.15 of the Revised Code, as if 613  
they were internal management rules. Rules governing 614  
requirements applicable to private child placing agencies and 615  
private noncustodial agencies and rules establishing 616  
eligibility, program participation, and other requirements 617  
concerning Title IV-E shall be adopted in accordance with 618  
Chapter 119. of the Revised Code. A public children services 619  
agency to which the department distributes Title IV-E funds 620  
shall administer the funds in accordance with those rules. 621

(2) If the state plan is amended under divisions (A) and 622  
(B) of section 5101.1411 of the Revised Code, the department 623  
shall have, exercise, and perform all new duties required under 624  
the plan as amended. In doing so, the department may contract 625  
with another person to carry out those new duties, to the extent 626  
permitted under Title IV-E. 627

(C) (1) The county, on behalf of each child eligible for 628  
foster care maintenance payments under Title IV-E, shall make 629  
payments to cover the cost of providing all of the following: 630

(a) The child's food, clothing, shelter, daily 631  
supervision, and school supplies; 632

(b) The child's personal incidentals; 633

(c) Reasonable travel to the child's home for visitation. 634

(2) In addition to payments made under division (C) (1) of 635  
this section, the county may, on behalf of each child eligible 636  
for foster care maintenance payments under Title IV-E, make 637  
payments to cover the cost of providing the following: 638

(a) Liability insurance with respect to the child; 639

(b) If the county is participating in the demonstration 640

project established under division (A) of section 5101.142 of 641  
the Revised Code, services provided under the project. 642

(3) With respect to a child who is in a child-care 643  
institution, including any type of group home designed for the 644  
care of children or any privately operated program consisting of 645  
two or more certified foster homes operated by a common 646  
administrative unit, the foster care maintenance payments made 647  
by the county on behalf of the child shall include the 648  
reasonable cost of the administration and operation of the 649  
institution, group home, or program, as necessary to provide the 650  
items described in divisions (C) (1) and (2) of this section. 651

(D) To the extent that either foster care maintenance 652  
payments under division (C) of this section or Title IV-E 653  
adoption assistance payments for maintenance costs require the 654  
expenditure of county funds, the board of county commissioners 655  
shall report the nature and amount of each expenditure of county 656  
funds to the department. 657

(E) The department shall distribute to public children 658  
services agencies that incur and report expenditures of the type 659  
described in division (D) of this section federal financial 660  
participation received for administrative and training costs 661  
incurred in the operation of foster care maintenance and 662  
adoption assistance programs. The department may withhold not 663  
more than three per cent of the federal financial participation 664  
received. The funds withheld may be used only to fund the 665  
following: 666

(1) The Ohio child welfare training program established 667  
under section 5103.30 of the Revised Code; 668

(2) The university partnership program for college and 669

university students majoring in social work who have committed 670  
to work for a public children services agency upon graduation; 671

(3) Efforts supporting organizational excellence, 672  
including voluntary activities to be accredited by a nationally 673  
recognized accreditation organization. 674

The funds withheld shall be in addition to any 675  
administration and training cost for which the department is 676  
reimbursed through its own cost allocation plan. 677

(F) All federal financial participation funds received by 678  
a county pursuant to this section shall be deposited into the 679  
county's children services fund created pursuant to section 680  
5101.144 of the Revised Code. 681

(G) The department shall periodically publish and 682  
distribute the maximum amounts that the department will 683  
reimburse public children services agencies for making payments 684  
on behalf of children eligible for foster care maintenance 685  
payments. 686

(H) The department, by and through its director, is hereby 687  
authorized to develop, participate in the development of, 688  
negotiate, and enter into one or more interstate compacts on 689  
behalf of this state with agencies of any other states, for the 690  
provision of social services to children in relation to whom all 691  
of the following apply: 692

(1) They have special needs. 693

(2) This state or another state that is a party to the 694  
interstate compact is providing adoption assistance on their 695  
behalf. 696

(3) They move into this state from another state or move 697



out of this state to another state. 698

Sec. 5101.1411. (A) (1) The director of job and family 699  
services shall, not later than July 1, 2017, submit an amendment 700  
to the state plan required by 42 U.S.C. 671 to the United States 701  
secretary of health and human services to implement 42 U.S.C. 702  
675(8) to make federal payments for foster care under Title IV-E 703  
directly to, or on behalf of, any person who meets the following 704  
requirements: 705

(a) The person has attained the age of eighteen but not 706  
attained the age of twenty-one. 707

(b) The person was in the custody of a public children 708  
services agency upon attaining the age of eighteen. 709

(c) The person signs a voluntary participation agreement. 710

(d) The person satisfies division (C) of this section. 711

(2) Any person who meets the requirements of division (A) 712  
(1) of this section may apply for foster care payments and make 713  
the appropriate application at any time. 714

(B) (1) The director of job and family services shall, not 715  
later than July 1, 2017, submit an amendment to the state plan 716  
required by 42 U.S.C. 671 to the United States secretary of 717  
health and human services to implement 42 U.S.C. 675(8) to make 718  
federal payments for adoption assistance under Title IV-E 719  
available to any parent who meets all of the following 720  
requirements: 721

(a) The parent adopted a person while the adopted person 722  
was sixteen or seventeen and had been in the custody of a public 723  
children services agency, or the parent enters into an adoption 724  
assistance agreement under 42 U.S.C. 673; 725

- (b) The adopted person has attained the age of eighteen 726  
but has not attained the age of twenty-one; 727
- (c) The parent maintains parental responsibility to that 728  
adopted person; 729
- (d) The adopted person satisfies division (C) of this 730  
section. 731
- (2) Any parent who meets the requirements of division (B) 732  
(1) of this section that are applicable to a parent may request 733  
an extension of adoption assistance payments at any time before 734  
the adopted person reaches age twenty-one. 735
- (C) In addition to other requirements, a person who is in 736  
foster care or has been adopted must meet at least one of the 737  
following criteria: 738
- (1) Is completing secondary education or a program leading 739  
to an equivalent credential; 740
- (2) Is enrolled in an institution that provides post- 741  
secondary or vocational education; 742
- (3) Is participating in a program or activity designed to 743  
promote, or remove barriers to, employment; 744
- (4) Is employed for at least eighty hours per month; 745
- (5) Is incapable of doing any of the activities described 746  
in division (C) (1) to (4) of this section due to a medical 747  
condition, which incapacity is supported by regularly updated 748  
information in the person's case record or plan. 749
- (D) Any person described in division (A) (1) of this 750  
section who is directly receiving foster care payments, or on 751  
whose behalf such foster care payments are received, or any 752

parent receiving adoption assistance payments, pursuant to this 753  
section may refuse the payments at any time. If the person or 754  
parent refuses payments and seeks payments at a later date, the 755  
person or parent must reapply for the payments in accordance 756  
with this section. 757

(E) (1) A person described in division (A) (1) of this 758  
section who is directly receiving foster care payments, or on 759  
whose behalf such foster care payments are received, or a parent 760  
receiving adoption assistance payments and the adopted person, 761  
pursuant to this section, shall be eligible for services set 762  
forth in the federal, "Fostering Connections to Success and 763  
Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949. 764

(2) A person described in division (A) (1) of this section 765  
who is directly receiving foster care payments, or on whose 766  
behalf such foster care payments are received, pursuant to this 767  
section, may be eligible to reside in a supervised independent 768  
living setting, including apartment living, room and board 769  
arrangements, college or university dormitories, host homes, and 770  
shared roommate settings. 771

(F) Any determination by the department that terminates 772  
foster care or adoption assistance payments shall be subject to 773  
Chapter 119. of the Revised Code. 774

**Sec. 5101.1412.** (A) Without the approval of a court, a 775  
child who receives payments, or on whose behalf payments are 776  
received, under division (A) of section 5101.1411 of the Revised 777  
Code, may enter into a voluntary participation agreement with 778  
the department of job and family services, or its designee, for 779  
the child's care and placement. The agreement shall expire 780  
within one hundred eighty days and may not be renewed without 781  
court approval. 782

(B) Prior to the agreement's expiration, the department or 783  
its designee shall seek approval from the court that the child's 784  
best interest is served by extending the care and placement with 785  
the department or its designee. 786

**Sec. 5101.1413.** Notwithstanding section 5101.141 of the 787  
Revised Code and any rules adopted thereunder, the department of 788  
job and family services shall pay the full nonfederal share of 789  
payments made pursuant to section 5101.1411 of the Revised Code. 790  
No public children services agency shall be responsible for the 791  
cost of any payments made pursuant to section 5101.1411 of the 792  
Revised Code. 793

**Sec. 5101.1414.** Not later than July 1, 2017, the 794  
department of job and family services shall adopt rules 795  
necessary to carry out the purposes of sections 5101.1411 to 796  
5101.1413 of the Revised Code, including rules that do all of 797  
the following: 798

(A) Allow a person described in division (A)(1) of section 799  
5101.1411 of the Revised Code who is directly receiving foster 800  
care payments, or on whose behalf such foster care payments are 801  
received, or a person whose adoptive parents are receiving 802  
adoption assistance payments, to maintain eligibility while 803  
transitioning into, or out of, qualified employment or 804  
educational activities; 805

(B) Require that a thirty-day notice of termination be 806  
given by the department to a person described in division (A)(1) 807  
of section 5101.1411 of the Revised Code who is receiving foster 808  
care payments, or on whose behalf such foster care payments are 809  
received, or to a parent receiving adoption assistance payments 810  
for an adopted person described in division (B)(1) of section 811  
5101.1411 of the Revised Code, who is determined to be 812

<u>ineligible for payments;</u>	813
<u>(C) Create an advisory council to evaluate and make</u>	814
<u>recommendations for statewide implementation of sections</u>	815
<u>5101.1411 and 5101.1412 of the Revised Code;</u>	816
<u>(D) Establish the scope of practice and training necessary</u>	817
<u>for foster care workers and foster care worker supervisors who</u>	818
<u>care for persons described in division (A) (1) of section</u>	819
<u>5101.1411 of the Revised Code who are receiving foster care</u>	820
<u>payments, or on whose behalf such foster care payments are</u>	821
<u>received, under section 5101.1411 of the Revised Code.</u>	822
<b>Sec. 5103.30.</b> The Ohio child welfare training program is	823
hereby established in the department of job and family services	824
as a statewide program. The program shall provide all of the	825
following:	826
(A) The training that section 3107.014 of the Revised Code	827
requires an assessor to complete;	828
(B) The preplacement training that sections 5103.031 and	829
5103.033 of the Revised Code require a prospective foster	830
caregiver to complete;	831
(C) The continuing training that sections 5103.032 and	832
5103.033 of the Revised Code require a foster caregiver to	833
complete;	834
(D) The training that section 5153.122 of the Revised Code	835
requires a PCSA caseworker to complete;	836
(E) The training that section 5153.123 of the Revised Code	837
requires a PCSA caseworker supervisor to complete;	838
<u>(F) The training required under section 5101.1414 of the</u>	839
<u>Revised Code for a foster care worker or foster care worker</u>	840

supervisor.

841

**Section 2.** That existing sections 2151.353, 2151.415,  
2151.82, 5101.141, and 5103.30 of the Revised Code are hereby  
repealed.

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