

As Reported by the House Finance Committee

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Sub. H. B. No. 50

Representatives Pelanda, Grossman

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

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 provide a 7
ward's bill of rights; to require that a 8
guardian receive the Ohio Guardianship Guide; to 9
conform to recent amendments to federal Title 10
IV-E program requirements; and to make an 11
appropriation. 12

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

Section 1. That sections 2151.353, 2151.415, 2151.82, 13
5101.141, and 5103.30 be amended and sections 2111.011, 14
5101.1411, 5101.1412, 5101.1413, and 5101.1414 of the Revised 15
Code be enacted to read as follows: 16

Sec. 2111.011. (A) The clerk of the probate court shall 17
furnish a guide, under division (B) of this section, to a 18

<u>guardian at either of the following times, whichever is</u>	19
<u>applicable:</u>	20
<u>(1) Upon the appointment of the guardian under section</u>	21
<u>2111.02 of the Revised Code;</u>	22
<u>(2) If the guardian was appointed prior to the effective</u>	23
<u>date of this section, upon the first filing by the guardian with</u>	24
<u>the probate court of either of the following, as applicable,</u>	25
<u>after that effective date:</u>	26
<u>(a) A guardian's account, other than a final account, that</u>	27
<u>is required to be filed under section 2109.302 of the Revised</u>	28
<u>Code;</u>	29
<u>(b) A guardian's report that is required to be filed under</u>	30
<u>section 2111.49 of the Revised Code.</u>	31
<u>(B) (1) If the attorney general has prepared a guardianship</u>	32
<u>guide and subsequently prepares any updated version of the</u>	33
<u>guardianship guide that includes the bill of rights of a ward as</u>	34
<u>listed in division (E) of this section, the clerk of the probate</u>	35
<u>court shall furnish the most recent version of the guide to a</u>	36
<u>guardian at either of the following times, whichever is</u>	37
<u>applicable:</u>	38
<u>(a) Upon the appointment of the guardian under section</u>	39
<u>2111.02 of the Revised Code after the most recent version of the</u>	40
<u>guide is prepared;</u>	41
<u>(b) If the guardian was appointed prior to the date of the</u>	42
<u>most recent version of the guide, upon the first filing by the</u>	43
<u>guardian with the probate court of either of the documents</u>	44
<u>described in divisions (A) (2) (a) and (b) of this section, as</u>	45
<u>applicable, after that date.</u>	46

(2) In the alternative, the Ohio judicial conference may 47
create, by July 1, 2015, and at their cost, an alternative 48
guardianship guide for use in all probate courts. The 49
alternative guardianship guide shall be distributed in 50
accordance with all provisions contained in this act, including 51
the bill of rights of a ward, as outlined in division (E) of 52
this section. No court or other entity shall create or 53
distribute a substitute for the guardianship guides identified 54
under this section. The court shall furnish this alternative 55
guardianship guide in accordance with the provisions of this 56
section. 57

(C) The probate court shall establish a form for a 58
guardian to sign acknowledging that the guardian received the 59
following: 60

(1) A guardianship guide; 61

(2) The bill of rights of a ward. 62

(D) Upon receiving a guardianship guide with the ward's 63
bill of rights pursuant to division (A) or (B) of this section, 64
the guardian shall sign the form specified in division (C) of 65
this section. 66

(E) A ward is entitled to certain rights that the guardian 67
cannot change, and continues to have these rights after a 68
guardianship is established. These rights are as follows: 69

(1) To be treated with dignity and respect; 70

(2) To exercise control over all aspects of life that the 71
court has not delegated to the guardian; 72

(3) To appropriate services suited to the ward's needs and 73
conditions, including mental health services and excluding 74

<u>abortion services;</u>	75
<u>(4) To have the guardian consider the ward's personal</u>	76
<u>desires, preferences, and opinions;</u>	77
<u>(5) To safe, sanitary, and humane living conditions within</u>	78
<u>the least restrictive environment that meets the ward's needs;</u>	79
<u>(6) To marry, if legally able;</u>	80
<u>(7) To have explanations of any medical procedures or</u>	81
<u>treatment;</u>	82
<u>(8) To have personal information kept confidential;</u>	83
<u>(9) To review personal records, including medical,</u>	84
<u>financial, and treatment records;</u>	85
<u>(10) To speak privately with an attorney, ombudsman, or</u>	86
<u>other advocate;</u>	87
<u>(11) To an attorney and independent expert evaluator, and</u>	88
<u>to have these professionals paid by the court if the ward is</u>	89
<u>indigent;</u>	90
<u>(12) To petition the court to modify or terminate the</u>	91
<u>guardianship;</u>	92
<u>(13) To bring a grievance against the guardian, request</u>	93
<u>the court to review the guardian's actions, request removal and</u>	94
<u>replacement of the guardian, or request that the court restore</u>	95
<u>the ward's rights if it can be shown that the ward has regained</u>	96
<u>the capacity to make some or all decisions;</u>	97
<u>(14) To request a hearing to review the continued need for</u>	98
<u>the guardianship at least once a year;</u>	99
<u>(15) To drive, if legally able.</u>	100

Sec. 2151.353. (A) If a child is adjudicated an abused, 101
neglected, or dependent child, the court may make any of the 102
following orders of disposition: 103

(1) Place the child in protective supervision; 104

(2) Commit the child to the temporary custody of a public 105
children services agency, a private child placing agency, either 106
parent, a relative residing within or outside the state, or a 107
probation officer for placement in a certified foster home, or 108
in any other home approved by the court; 109

(3) Award legal custody of the child to either parent or 110
to any other person who, prior to the dispositional hearing, 111
files a motion requesting legal custody of the child or is 112
identified as a proposed legal custodian in a complaint or 113
motion filed prior to the dispositional hearing by any party to 114
the proceedings. A person identified in a complaint or motion 115
filed by a party to the proceedings as a proposed legal 116
custodian shall be awarded legal custody of the child only if 117
the person identified signs a statement of understanding for 118
legal custody that contains at least the following provisions: 119

(a) That it is the intent of the person to become the 120
legal custodian of the child and the person is able to assume 121
legal responsibility for the care and supervision of the child; 122

(b) That the person understands that legal custody of the 123
child in question is intended to be permanent in nature and that 124
the person will be responsible as the custodian for the child 125
until the child reaches the age of majority. Responsibility as 126
custodian for the child shall continue beyond the age of 127
majority if, at the time the child reaches the age of majority, 128
the child is pursuing a diploma granted by the board of 129

education or other governing authority, successful completion of 130
the curriculum of any high school, successful completion of an 131
individualized education program developed for the student by 132
any high school, or an age and schooling certificate. 133
Responsibility beyond the age of majority shall terminate when 134
the child ceases to continuously pursue such an education, 135
completes such an education, or is excused from such an 136
education under standards adopted by the state board of 137
education, whichever occurs first. 138

(c) That the parents of the child have residual parental 139
rights, privileges, and responsibilities, including, but not 140
limited to, the privilege of reasonable visitation, consent to 141
adoption, the privilege to determine the child's religious 142
affiliation, and the responsibility for support; 143

(d) That the person understands that the person must be 144
present in court for the dispositional hearing in order to 145
affirm the person's intention to become legal custodian, to 146
affirm that the person understands the effect of the 147
custodianship before the court, and to answer any questions that 148
the court or any parties to the case may have. 149

(4) Commit the child to the permanent custody of a public 150
children services agency or private child placing agency, if the 151
court determines in accordance with division (E) of section 152
2151.414 of the Revised Code that the child cannot be placed 153
with one of the child's parents within a reasonable time or 154
should not be placed with either parent and determines in 155
accordance with division (D) (1) of section 2151.414 of the 156
Revised Code that the permanent commitment is in the best 157
interest of the child. If the court grants permanent custody 158
under this division, the court, upon the request of any party, 159

shall file a written opinion setting forth its findings of fact 160
and conclusions of law in relation to the proceeding. 161

(5) Place the child in a planned permanent living 162
arrangement with a public children services agency or private 163
child placing agency, if a public children services agency or 164
private child placing agency requests the court to place the 165
child in a planned permanent living arrangement and if the court 166
finds, by clear and convincing evidence, that a planned 167
permanent living arrangement is in the best interest of the 168
child, that the child is sixteen years of age or older, and that 169
one of the following exists: 170

(a) The child, because of physical, mental, or 171
psychological problems or needs, is unable to function in a 172
family-like setting and must remain in residential or 173
institutional care now and for the foreseeable future beyond the 174
date of the dispositional hearing held pursuant to section 175
2151.35 of the Revised Code. 176

(b) ~~The child is sixteen years of age or older, the~~ 177
parents of the child have significant physical, mental, or 178
psychological problems and are unable to care for the child 179
because of those problems, adoption is not in the best interest 180
of the child, as determined in accordance with division (D) (1) 181
of section 2151.414 of the Revised Code, and the child retains a 182
significant and positive relationship with a parent or relative. 183

(c) ~~The child is sixteen years of age or older,~~ has been 184
counseled on the permanent placement options available to the 185
child, and is unwilling to accept or unable to adapt to a 186
permanent placement. 187

(6) Order the removal from the child's home until further 188

order of the court of the person who committed abuse as 189
described in section 2151.031 of the Revised Code against the 190
child, who caused or allowed the child to suffer neglect as 191
described in section 2151.03 of the Revised Code, or who is the 192
parent, guardian, or custodian of a child who is adjudicated a 193
dependent child and order any person not to have contact with 194
the child or the child's siblings. 195

(B) (1) When making a determination on whether to place a 196
child in a planned permanent living arrangement pursuant to 197
division (A) (5) (b) or (c) of this section, the court shall 198
consider all relevant information that has been presented to the 199
court, including information gathered from the child, the 200
child's guardian ad litem, and the public children services 201
agency or private child placing agency. 202

(2) A child who is placed in a planned permanent living 203
arrangement pursuant to division (A) (5) (b) or (c) of this 204
section shall be placed in an independent living setting or in a 205
family setting in which the caregiver has been provided by the 206
agency that has custody of the child with a notice that 207
addresses the following: 208

(a) The caregiver understands that the planned permanent 209
living arrangement is intended to be permanent in nature and 210
that the caregiver will provide a stable placement for the child 211
through the child's emancipation or until the court releases the 212
child from the custody of the agency, whichever occurs first. 213

(b) The caregiver is expected to actively participate in 214
the youth's independent living case plan, attend agency team 215
meetings and court hearings as appropriate, complete training, 216
as provided in division (B) of section 5103.035 of the Revised 217
Code, related to providing the child independent living 218

services, and assist in the child's transition into adulthood. 219

(3) The department of job and family services shall 220
develop a model notice to be provided by an agency that has 221
custody of a child to a caregiver under division (B) (2) of this 222
section. The agency may modify the model notice to apply to the 223
needs of the agency. 224

(C) No order for permanent custody or temporary custody of 225
a child or the placement of a child in a planned permanent 226
living arrangement shall be made pursuant to this section unless 227
the complaint alleging the abuse, neglect, or dependency 228
contains a prayer requesting permanent custody, temporary 229
custody, or the placement of the child in a planned permanent 230
living arrangement as desired, the summons served on the parents 231
of the child contains as is appropriate a full explanation that 232
the granting of an order for permanent custody permanently 233
divests them of their parental rights, a full explanation that 234
an adjudication that the child is an abused, neglected, or 235
dependent child may result in an order of temporary custody that 236
will cause the removal of the child from their legal custody 237
until the court terminates the order of temporary custody or 238
permanently divests the parents of their parental rights, or a 239
full explanation that the granting of an order for a planned 240
permanent living arrangement will result in the removal of the 241
child from their legal custody if any of the conditions listed 242
in divisions (A) (5) (a) to (c) of this section are found to 243
exist, and the summons served on the parents contains a full 244
explanation of their right to be represented by counsel and to 245
have counsel appointed pursuant to Chapter 120. of the Revised 246
Code if they are indigent. 247

If after making disposition as authorized by division (A) 248

(2) of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

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

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

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

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

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

(F)(1) The court shall retain jurisdiction over any child for whom the court issues an order of disposition pursuant to division (A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally

retarded, developmentally disabled, or physically impaired, or 278
the child is adopted and a final decree of adoption is issued, 279
except that the court may retain jurisdiction over the child and 280
continue any order of disposition under division (A) of this 281
section or under section 2151.414 or 2151.415 of the Revised 282
Code for a specified period of time to enable the child to 283
graduate from high school or vocational school. The court shall 284
retain jurisdiction over a person who meets the requirements 285
described in division (A) (1) of section 5101.1411 of the Revised 286
Code and who is subject to a voluntary participation agreement 287
that is in effect. The court shall make an entry continuing its 288
jurisdiction under this division in the journal. 289

(2) Any public children services agency, any private child 290
placing agency, the department of job and family services, or 291
any party, other than any parent whose parental rights with 292
respect to the child have been terminated pursuant to an order 293
issued under division (A) (4) of this section, by filing a motion 294
with the court, may at any time request the court to modify or 295
terminate any order of disposition issued pursuant to division 296
(A) of this section or section 2151.414 or 2151.415 of the 297
Revised Code. The court shall hold a hearing upon the motion as 298
if the hearing were the original dispositional hearing and shall 299
give all parties to the action and the guardian ad litem notice 300
of the hearing pursuant to the Juvenile Rules. If applicable, 301
the court shall comply with section 2151.42 of the Revised Code. 302

(G) Any temporary custody order issued pursuant to 303
division (A) of this section shall terminate one year after the 304
earlier of the date on which the complaint in the case was filed 305
or the child was first placed into shelter care, except that, 306
upon the filing of a motion pursuant to section 2151.415 of the 307
Revised Code, the temporary custody order shall continue and not 308

terminate until the court issues a dispositional order under 309
that section. In resolving the motion, the court shall not order 310
an existing temporary custody order to continue beyond two years 311
after the date on which the complaint was filed or the child was 312
first placed into shelter care, whichever date is earlier, 313
regardless of whether any extensions have been previously 314
ordered pursuant to division (D) of section 2151.415 of the 315
Revised Code. 316

(H) (1) No later than one year after the earlier of the 317
date the complaint in the case was filed or the child was first 318
placed in shelter care, a party may ask the court to extend an 319
order for protective supervision for six months or to terminate 320
the order. A party requesting extension or termination of the 321
order shall file a written request for the extension or 322
termination with the court and give notice of the proposed 323
extension or termination in writing before the end of the day 324
after the day of filing it to all parties and the child's 325
guardian ad litem. If a public children services agency or 326
private child placing agency requests termination of the order, 327
the agency shall file a written status report setting out the 328
facts supporting termination of the order at the time it files 329
the request with the court. If no party requests extension or 330
termination of the order, the court shall notify the parties 331
that the court will extend the order for six months or terminate 332
it and that it may do so without a hearing unless one of the 333
parties requests a hearing. All parties and the guardian ad 334
litem shall have seven days from the date a notice is sent 335
pursuant to this division to object to and request a hearing on 336
the proposed extension or termination. 337

(a) If it receives a timely request for a hearing, the 338
court shall schedule a hearing to be held no later than thirty 339

days after the request is received by the court. The court shall 340
give notice of the date, time, and location of the hearing to 341
all parties and the guardian ad litem. At the hearing, the court 342
shall determine whether extension or termination of the order is 343
in the child's best interest. If termination is in the child's 344
best interest, the court shall terminate the order. If extension 345
is in the child's best interest, the court shall extend the 346
order for six months. 347

(b) If it does not receive a timely request for a hearing, 348
the court may extend the order for six months or terminate it 349
without a hearing and shall journalize the order of extension or 350
termination not later than fourteen days after receiving the 351
request for extension or termination or after the date the court 352
notifies the parties that it will extend or terminate the order. 353
If the court does not extend or terminate the order, it shall 354
schedule a hearing to be held no later than thirty days after 355
the expiration of the applicable fourteen-day time period and 356
give notice of the date, time, and location of the hearing to 357
all parties and the child's guardian ad litem. At the hearing, 358
the court shall determine whether extension or termination of 359
the order is in the child's best interest. If termination is in 360
the child's best interest, the court shall terminate the order. 361
If extension is in the child's best interest, the court shall 362
issue an order extending the order for protective supervision 363
six months. 364

(2) If the court grants an extension of the order for 365
protective supervision pursuant to division (H)(1) of this 366
section, a party may, prior to termination of the extension, 367
file with the court a request for an additional extension of six 368
months or for termination of the order. The court and the 369
parties shall comply with division (H)(1) of this section with 370

respect to extending or terminating the order. 371

(3) If a court grants an extension pursuant to division 372
(H) (2) of this section, the court shall terminate the order for 373
protective supervision at the end of the extension. 374

(I) The court shall not issue a dispositional order 375
pursuant to division (A) of this section that removes a child 376
from the child's home unless the court complies with section 377
2151.419 of the Revised Code and includes in the dispositional 378
order the findings of fact required by that section. 379

(J) If a motion or application for an order described in 380
division (A) (6) of this section is made, the court shall not 381
issue the order unless, prior to the issuance of the order, it 382
provides to the person all of the following: 383

(1) Notice and a copy of the motion or application; 384

(2) The grounds for the motion or application; 385

(3) An opportunity to present evidence and witnesses at a 386
hearing regarding the motion or application; 387

(4) An opportunity to be represented by counsel at the 388
hearing. 389

(K) The jurisdiction of the court shall terminate one year 390
after the date of the award or, if the court takes any further 391
action in the matter subsequent to the award, the date of the 392
latest further action subsequent to the award, if the court 393
awards legal custody of a child to either of the following: 394

(1) A legal custodian who, at the time of the award of 395
legal custody, resides in a county of this state other than the 396
county in which the court is located; 397

(2) A legal custodian who resides in the county in which 398
the court is located at the time of the award of legal custody, 399
but moves to a different county of this state prior to one year 400
after the date of the award or, if the court takes any further 401
action in the matter subsequent to the award, one year after the 402
date of the latest further action subsequent to the award. 403

The court in the county in which the legal custodian 404
resides then shall have jurisdiction in the matter. 405

Sec. 2151.415. (A) Except for cases in which a motion for 406
permanent custody described in division (D)(1) of section 407
2151.413 of the Revised Code is required to be made, a public 408
children services agency or private child placing agency that 409
has been given temporary custody of a child pursuant to section 410
2151.353 of the Revised Code, not later than thirty days prior 411
to the earlier of the date for the termination of the custody 412
order pursuant to division (H) of section 2151.353 of the 413
Revised Code or the date set at the dispositional hearing for 414
the hearing to be held pursuant to this section, shall file a 415
motion with the court that issued the order of disposition 416
requesting that any of the following orders of disposition of 417
the child be issued by the court: 418

(1) An order that the child be returned home and the 419
custody of the child's parents, guardian, or custodian without 420
any restrictions; 421

(2) An order for protective supervision; 422

(3) An order that the child be placed in the legal custody 423
of a relative or other interested individual; 424

(4) An order permanently terminating the parental rights 425
of the child's parents; 426

(5) An order that the child be placed in a planned 427
permanent living arrangement; 428

(6) In accordance with division (D) of this section, an 429
order for the extension of temporary custody. 430

(B) Upon the filing of a motion pursuant to division (A) 431
of this section, the court shall hold a dispositional hearing on 432
the date set at the dispositional hearing held pursuant to 433
section 2151.35 of the Revised Code, with notice to all parties 434
to the action in accordance with the Juvenile Rules. After the 435
dispositional hearing or at a date after the dispositional 436
hearing that is not later than one year after the earlier of the 437
date on which the complaint in the case was filed or the child 438
was first placed into shelter care, the court, in accordance 439
with the best interest of the child as supported by the evidence 440
presented at the dispositional hearing, shall issue an order of 441
disposition as set forth in division (A) of this section, except 442
that all orders for permanent custody shall be made in 443
accordance with sections 2151.413 and 2151.414 of the Revised 444
Code. In issuing an order of disposition under this section, the 445
court shall comply with section 2151.42 of the Revised Code. 446

(C) (1) If an agency pursuant to division (A) of this 447
section requests the court to place a child into a planned 448
permanent living arrangement, the agency shall present evidence 449
to indicate why a planned permanent living arrangement is 450
appropriate for the child, including, but not limited to, 451
evidence that the agency has tried or considered all other 452
possible dispositions for the child. A court shall not place a 453
child in a planned permanent living arrangement, unless it 454
finds, by clear and convincing evidence, that a planned 455
permanent living arrangement is in the best interest of the 456

child, ~~that the child is sixteen years of age or older,~~ and that 457
one of the following exists: 458

(a) The child, because of physical, mental, or 459
psychological problems or needs, is unable to function in a 460
family-like setting and must remain in residential or 461
institutional care. 462

(b) The parents of the child have significant physical, 463
mental, or psychological problems and are unable to care for the 464
child because of those problems, adoption is not in the best 465
interest of the child, as determined in accordance with division 466
(D) (1) of section 2151.414 of the Revised Code, and the child 467
retains a significant and positive relationship with a parent or 468
relative; 469

(c) The child ~~is sixteen years of age or older,~~ has been 470
counseled on the permanent placement options available, is 471
unwilling to accept or unable to adapt to a permanent placement, 472
and is in an agency program preparing for independent living. 473

(2) If the court issues an order placing a child in a 474
planned permanent living arrangement, both of the following 475
apply: 476

(a) The court shall issue a finding of fact setting forth 477
the reasons for its finding; 478

(b) The agency may make any appropriate placement for the 479
child and shall develop a case plan for the child that is 480
designed to assist the child in finding a permanent home outside 481
of the home of the parents. 482

(D) (1) If an agency pursuant to division (A) of this 483
section requests the court to grant an extension of temporary 484
custody for a period of up to six months, the agency shall 485

include in the motion an explanation of the progress on the case 486
plan of the child and of its expectations of reunifying the 487
child with the child's family, or placing the child in a 488
permanent placement, within the extension period. The court 489
shall schedule a hearing on the motion, give notice of its date, 490
time, and location to all parties and the guardian ad litem of 491
the child, and at the hearing consider the evidence presented by 492
the parties and the guardian ad litem. The court may extend the 493
temporary custody order of the child for a period of up to six 494
months, if it determines at the hearing, by clear and convincing 495
evidence, that the extension is in the best interest of the 496
child, there has been significant progress on the case plan of 497
the child, and there is reasonable cause to believe that the 498
child will be reunified with one of the parents or otherwise 499
permanently placed within the period of extension. In 500
determining whether to extend the temporary custody of the child 501
pursuant to this division, the court shall comply with section 502
2151.42 of the Revised Code. If the court extends the temporary 503
custody of the child pursuant to this division, upon request it 504
shall issue findings of fact. 505

(2) Prior to the end of the extension granted pursuant to 506
division (D)(1) of this section, the agency that received the 507
extension shall file a motion with the court requesting the 508
issuance of one of the orders of disposition set forth in 509
divisions (A)(1) to (5) of this section or requesting the court 510
to extend the temporary custody order of the child for an 511
additional period of up to six months. If the agency requests 512
the issuance of an order of disposition under divisions (A)(1) 513
to (5) of this section or does not file any motion prior to the 514
expiration of the extension period, the court shall conduct a 515
hearing in accordance with division (B) of this section and 516

issue an appropriate order of disposition. In issuing an order 517
of disposition, the court shall comply with section 2151.42 of 518
the Revised Code. 519

If the agency requests an additional extension of up to 520
six months of the temporary custody order of the child, the 521
court shall schedule and conduct a hearing in the manner set 522
forth in division (D)(1) of this section. The court may extend 523
the temporary custody order of the child for an additional 524
period of up to six months if it determines at the hearing, by 525
clear and convincing evidence, that the additional extension is 526
in the best interest of the child, there has been substantial 527
additional progress since the original extension of temporary 528
custody in the case plan of the child, there has been 529
substantial additional progress since the original extension of 530
temporary custody toward reunifying the child with one of the 531
parents or otherwise permanently placing the child, and there is 532
reasonable cause to believe that the child will be reunified 533
with one of the parents or otherwise placed in a permanent 534
setting before the expiration of the additional extension 535
period. In determining whether to grant an additional extension, 536
the court shall comply with section 2151.42 of the Revised Code. 537
If the court extends the temporary custody of the child for an 538
additional period pursuant to this division, upon request it 539
shall issue findings of fact. 540

(3) Prior to the end of the extension of a temporary 541
custody order granted pursuant to division (D)(2) of this 542
section, the agency that received the extension shall file a 543
motion with the court requesting the issuance of one of the 544
orders of disposition set forth in divisions (A)(1) to (5) of 545
this section. Upon the filing of the motion by the agency or, if 546
the agency does not file the motion prior to the expiration of 547

the extension period, upon its own motion, the court, prior to 548
the expiration of the extension period, shall conduct a hearing 549
in accordance with division (B) of this section and issue an 550
appropriate order of disposition. In issuing an order of 551
disposition, the court shall comply with section 2151.42 of the 552
Revised Code. 553

(4) No court shall grant an agency more than two 554
extensions of temporary custody pursuant to division (D) of this 555
section and the court shall not order an existing temporary 556
custody order to continue beyond two years after the date on 557
which the complaint was filed or the child was first placed into 558
shelter care, whichever date is earlier, regardless of whether 559
any extensions have been previously ordered pursuant to division 560
(D) of this section. 561

(E) After the issuance of an order pursuant to division 562
(B) of this section, the court shall retain jurisdiction over 563
the child until the child attains the age of eighteen if the 564
child is not mentally retarded, developmentally disabled, or 565
physically impaired, the child attains the age of twenty-one if 566
the child is mentally retarded, developmentally disabled, or 567
physically impaired, or the child is adopted and a final decree 568
of adoption is issued, unless the court's jurisdiction over the 569
child is extended pursuant to division (F) of section 2151.353 570
of the Revised Code. 571

(F) The court, on its own motion or the motion of the 572
agency or person with legal custody of the child, the child's 573
guardian ad litem, or any other party to the action, may conduct 574
a hearing with notice to all parties to determine whether any 575
order issued pursuant to this section should be modified or 576
terminated or whether any other dispositional order set forth in 577

divisions (A) (1) to (5) of this section should be issued. After 578
the hearing and consideration of all the evidence presented, the 579
court, in accordance with the best interest of the child, may 580
modify or terminate any order issued pursuant to this section or 581
issue any dispositional order set forth in divisions (A) (1) to 582
(5) of this section. In rendering a decision under this 583
division, the court shall comply with section 2151.42 of the 584
Revised Code. 585

(G) If the court places a child in a planned permanent 586
living arrangement with a public children services agency or a 587
private child placing agency pursuant to this section, the 588
agency with which the child is placed in a planned permanent 589
living arrangement shall not remove the child from the 590
residential placement in which the child is originally placed 591
pursuant to the case plan for the child or in which the child is 592
placed with court approval pursuant to this division, unless the 593
court and the guardian ad litem are given notice of the intended 594
removal and the court issues an order approving the removal or 595
unless the removal is necessary to protect the child from 596
physical or emotional harm and the agency gives the court notice 597
of the removal and of the reasons why the removal is necessary 598
to protect the child from physical or emotional harm immediately 599
after the removal of the child from the prior setting. 600

(H) If the hearing held under this section takes the place 601
of an administrative review that otherwise would have been held 602
under section 2151.416 of the Revised Code, the court at the 603
hearing held under this section shall do all of the following in 604
addition to any other requirements of this section: 605

(1) Determine the continued necessity for and the 606
appropriateness of the child's placement; 607

(2) Determine the extent of compliance with the child's case plan; 608
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(3) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's placement in foster care; 610
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(4) Project a likely date by which the child may be returned to the child's home or placed for adoption or legal guardianship; 613
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(5) Approve the permanency plan for the child consistent with section 2151.417 of the Revised Code. 616
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Sec. 2151.82. A public children services agency or private child placing agency, that has temporary or permanent custody of, or is providing care in a planned permanent living arrangement to, a child who is ~~sixteen or seventeen~~ fourteen years of age or older, shall provide independent living services to the child. The services to be provided shall be determined based on an evaluation of the strengths and weaknesses of the child, completed or obtained by the agency. If housing is provided to a child who is sixteen or seventeen as part of the services, the child shall be placed in housing that is supervised or semi-supervised by an adult. 618
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The services shall be included as part of the case plan established for the child pursuant to section 2151.412 of the Revised Code. 629
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Sec. 5101.141. (A) As used in sections 5101.141 to ~~5101.1410-5101.1414~~ of the Revised Code~~7~~; 632
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(1) "Child" includes a person who meets the requirements of division (A) (1) of section 5101.1411 of the Revised Code or an adopted person who meets the requirements applicable to such 634
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a person under division (B) (1) of section 5101.1411 of the 637
Revised Code. 638

(2) "Designee" means a person with whom the department of 639
job and family services has entered into a contract, pursuant to 640
division (B) (2) of this section. 641

(3) "Title IV-E" means Title IV-E of the "Social Security 642
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 643

~~(B) The~~ (1) Except as provided in division (B) (2) of this 644
section, the department of job and family services shall act as 645
the single state agency to administer federal payments for 646
foster care and adoption assistance made pursuant to Title IV-E. 647
The director of job and family services shall adopt rules to 648
implement this authority. Rules governing financial and 649
administrative requirements applicable to public children 650
services agencies and government entities that provide Title IV- 651
E reimbursable placement services to children shall be adopted 652
in accordance with section 111.15 of the Revised Code, as if 653
they were internal management rules. Rules governing 654
requirements applicable to private child placing agencies and 655
private noncustodial agencies and rules establishing 656
eligibility, program participation, and other requirements 657
concerning Title IV-E shall be adopted in accordance with 658
Chapter 119. of the Revised Code. A public children services 659
agency to which the department distributes Title IV-E funds 660
shall administer the funds in accordance with those rules. 661

(2) If the state plan is amended under divisions (A) and 662
(B) of section 5101.1411 of the Revised Code, the department 663
shall have, exercise, and perform all new duties required under 664
the plan as amended. In doing so, the department may contract 665
with another person to carry out those new duties, to the extent 666

permitted under Title IV-E. 667

(C) (1) The county, on behalf of each child eligible for 668
foster care maintenance payments under Title IV-E, shall make 669
payments to cover the cost of providing all of the following: 670

(a) The child's food, clothing, shelter, daily 671
supervision, and school supplies; 672

(b) The child's personal incidentals; 673

(c) Reasonable travel to the child's home for visitation. 674

(2) In addition to payments made under division (C) (1) of 675
this section, the county may, on behalf of each child eligible 676
for foster care maintenance payments under Title IV-E, make 677
payments to cover the cost of providing the following: 678

(a) Liability insurance with respect to the child; 679

(b) If the county is participating in the demonstration 680
project established under division (A) of section 5101.142 of 681
the Revised Code, services provided under the project. 682

(3) With respect to a child who is in a child-care 683
institution, including any type of group home designed for the 684
care of children or any privately operated program consisting of 685
two or more certified foster homes operated by a common 686
administrative unit, the foster care maintenance payments made 687
by the county on behalf of the child shall include the 688
reasonable cost of the administration and operation of the 689
institution, group home, or program, as necessary to provide the 690
items described in divisions (C) (1) and (2) of this section. 691

(D) To the extent that either foster care maintenance 692
payments under division (C) of this section or Title IV-E 693
adoption assistance payments for maintenance costs require the 694

expenditure of county funds, the board of county commissioners 695
shall report the nature and amount of each expenditure of county 696
funds to the department. 697

(E) The department shall distribute to public children 698
services agencies that incur and report expenditures of the type 699
described in division (D) of this section federal financial 700
participation received for administrative and training costs 701
incurred in the operation of foster care maintenance and 702
adoption assistance programs. The department may withhold not 703
more than three per cent of the federal financial participation 704
received. The funds withheld may be used only to fund the 705
following: 706

(1) The Ohio child welfare training program established 707
under section 5103.30 of the Revised Code; 708

(2) The university partnership program for college and 709
university students majoring in social work who have committed 710
to work for a public children services agency upon graduation; 711

(3) Efforts supporting organizational excellence, 712
including voluntary activities to be accredited by a nationally 713
recognized accreditation organization. 714

The funds withheld shall be in addition to any 715
administration and training cost for which the department is 716
reimbursed through its own cost allocation plan. 717

(F) All federal financial participation funds received by 718
a county pursuant to this section shall be deposited into the 719
county's children services fund created pursuant to section 720
5101.144 of the Revised Code. 721

(G) The department shall periodically publish and 722
distribute the maximum amounts that the department will 723

reimburse public children services agencies for making payments 724
on behalf of children eligible for foster care maintenance 725
payments. 726

(H) The department, by and through its director, is hereby 727
authorized to develop, participate in the development of, 728
negotiate, and enter into one or more interstate compacts on 729
behalf of this state with agencies of any other states, for the 730
provision of social services to children in relation to whom all 731
of the following apply: 732

(1) They have special needs. 733

(2) This state or another state that is a party to the 734
interstate compact is providing adoption assistance on their 735
behalf. 736

(3) They move into this state from another state or move 737
out of this state to another state. 738

Sec. 5101.1411. (A) (1) The director of job and family 739
services shall, not later than May 1, 2016, submit an amendment 740
to the state plan required by 42 U.S.C. 671 to the United States 741
secretary of health and human services to implement 42 U.S.C. 742
675(8) to make federal payments for foster care under Title IV-E 743
directly to, or on behalf of, any person who meets the following 744
requirements: 745

(a) The person has attained the age of eighteen but not 746
attained the age of twenty-one. 747

(b) The person was in the custody of a public children 748
services agency upon attaining the age of eighteen. 749

(c) The person signs a voluntary participation agreement. 750

(d) The person satisfies division (C) of this section. 751

(2) Any person who meets the requirements of division (A) 752
(1) of this section may apply for foster care payments and make 753
the appropriate application at any time. 754

(B) (1) The director of job and family services shall, not 755
later than May 1, 2016, submit an amendment to the state plan 756
required by 42 U.S.C. 671 to the United States secretary of 757
health and human services to implement 42 U.S.C. 675(8) to make 758
federal payments for adoption assistance under Title IV-E 759
available to any parent who meets all of the following 760
requirements: 761

(a) The parent adopted a person while the adopted person 762
was sixteen or seventeen and had been in the custody of a public 763
children services agency, or the parent enters into an adoption 764
assistance agreement under 42 U.S.C. 673; 765

(b) The adopted person has attained the age of eighteen 766
but has not attained the age of twenty-one; 767

(c) The parent maintains parental responsibility to that 768
adopted person; 769

(d) The adopted person satisfies division (C) of this 770
section. 771

(2) Any parent who meets the requirements of division (B) 772
(1) of this section that are applicable to a parent may request 773
an extension of adoption assistance payments at any time before 774
the adopted person reaches age twenty-one. 775

(C) In addition to other requirements, a person who is in 776
foster care or has been adopted must meet at least one of the 777
following criteria: 778

(1) Is completing secondary education or a program leading 779

to an equivalent credential; 780

(2) Is enrolled in an institution that provides post- 781
secondary or vocational education; 782

(3) Is participating in a program or activity designed to 783
promote, or remove barriers to, employment; 784

(4) Is employed for at least eighty hours per month; 785

(5) Is incapable of doing any of the activities described 786
in division (C) (1) to (4) of this section due to a medical 787
condition, which incapacity is supported by regularly updated 788
information in the person's case record or plan. 789

(D) Any person described in division (A) (1) of this 790
section who is directly receiving foster care payments, or on 791
whose behalf such foster care payments are received, or any 792
parent receiving adoption assistance payments, pursuant to this 793
section may refuse the payments at any time. If the person or 794
parent refuses payments and seeks payments at a later date, the 795
person or parent must reapply for the payments in accordance 796
with this section. 797

(E) (1) A person described in division (A) (1) of this 798
section who is directly receiving foster care payments, or on 799
whose behalf such foster care payments are received, or a parent 800
receiving adoption assistance payments and the adopted person, 801
pursuant to this section, shall be eligible for services set 802
forth in the federal, "Fostering Connections to Success and 803
Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949. 804

(2) A person described in division (A) (1) of this section 805
who is directly receiving foster care payments, or on whose 806
behalf such foster care payments are received, pursuant to this 807
section, may be eligible to reside in a supervised independent 808

living setting, including apartment living, room and board 809
arrangements, college or university dormitories, host homes, and 810
shared roommate settings. 811

(F) Any determination by the department that terminates 812
foster care or adoption assistance payments shall be subject to 813
Chapter 119. of the Revised Code. 814

Sec. 5101.1412. (A) Without the approval of a court, a 815
child who receives payments, or on whose behalf payments are 816
received, under division (A) of section 5101.1411 of the Revised 817
Code, may enter into a voluntary participation agreement with 818
the department of job and family services, or its designee, for 819
the child's care and placement. The agreement shall expire 820
within one hundred eighty days and may not be renewed without 821
court approval. 822

(B) Prior to the agreement's expiration, the department or 823
its designee shall seek approval from the court that the child's 824
best interest is served by extending the care and placement with 825
the department or its designee. 826

Sec. 5101.1413. Notwithstanding section 5101.141 of the 827
Revised Code and any rules adopted thereunder, the department of 828
job and family services shall pay the full nonfederal share of 829
payments made pursuant to section 5101.1411 of the Revised Code. 830
No public children services agency shall be responsible for the 831
cost of any payments made pursuant to section 5101.1411 of the 832
Revised Code. 833

Sec. 5101.1414. The department of job and family services 834
shall adopt rules necessary to carry out the purposes of 835
sections 5101.1411 to 5101.1413 of the Revised Code, including 836
rules that do all of the following: 837

(A) Allow a person described in division (A)(1) of section 5101.1411 of the Revised Code who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a person whose adoptive parents are receiving adoption assistance payments, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 838
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(B) Require that a thirty-day notice of termination be given by the department to a person described in division (A)(1) of section 5101.1411 of the Revised Code who is receiving foster care payments, or on whose behalf such foster care payments are received, or to a parent receiving adoption assistance payments for an adopted person described in division (B)(1) of section 5101.1411 of the Revised Code, who is determined to be ineligible for payments; 845
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(C) Create an advisory council to evaluate and make recommendations for statewide implementation of sections 5101.1411 and 5101.1412 of the Revised Code; 853
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(D) Establish the scope of practice and training necessary for foster care workers and foster care worker supervisors who care for persons described in division (A)(1) of section 5101.1411 of the Revised Code who are receiving foster care payments, or on whose behalf such foster care payments are received, under section 5101.1411 of the Revised Code. 856
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Sec. 5103.30. The Ohio child welfare training program is hereby established in the department of job and family services as a statewide program. The program shall provide all of the following: 862
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(A) The training that section 3107.014 of the Revised Code 866

requires an assessor to complete; 867

(B) The preplacement training that sections 5103.031 and 868
5103.033 of the Revised Code require a prospective foster 869
caregiver to complete; 870

(C) The continuing training that sections 5103.032 and 871
5103.033 of the Revised Code require a foster caregiver to 872
complete; 873

(D) The training that section 5153.122 of the Revised Code 874
requires a PCSA caseworker to complete; 875

(E) The training that section 5153.123 of the Revised Code 876
requires a PCSA caseworker supervisor to complete; 877

(F) The training required under section 5101.1414 of the 878
Revised Code for a foster care worker or foster care worker 879
supervisor. 880

Section 2. That existing sections 2151.353, 2151.415, 881
2151.82, 5101.141, and 5103.30 of the Revised Code are hereby 882
repealed. 883

Section 3. All appropriation items in this act are 884
appropriated out of money in the state treasury to the credit of 885
the designated fund. For all appropriations made in this act, 886
the amounts in the first column are for fiscal year 2016 and the 887
amounts in the second column are for FY 2017. The appropriations 888
made in this act are in addition to any other appropriations 889
made for the FY 2016 - FY 2017 biennium. 890

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 891

General Revenue Fund 892

GRF 600423 Family and Children \$550,000 \$0 893

	Programs			894
GRF	600523 Family and Children	\$0	\$9,670,804	895
	Services			896
Total GRF	General Revenue Fund	\$550,000	\$9,670,804	897
	Federal Fund			898
3N00	600628 Foster Care Program -	\$0	\$14,830,972	899
	Federal			900
Total FED	Federal Fund	\$0	\$14,830,972	901
TOTAL ALL BUDGET FUND GROUPS		\$550,000	\$24,501,776	902

EXPANSION OF FOSTER CARE PROGRAM 903

The foregoing appropriation item, 600423, Family and Children Programs, shall be used in fiscal year 2016 by the Department of Job and Family Services to plan the expansion of foster care services for individuals aged 18 to 21. 904-907

The foregoing appropriation items 600523, Family and Children Services, and 600628, Foster Care Program-Federal, shall be used by the Department of Job and Family Services in fiscal year 2017 to implement the expansion of foster care services for individuals age 18 to age 21. 908-912

Section 4. Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. 913-917

Expenditures from appropriations contained in this act shall be accounted for as though made in H.B. 64 of the 131st General Assembly that are generally applicable to such 918-920

appropriations.

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