

As Reported by the Senate Finance Committee

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Representatives Pelanda, Grossman

Cosponsors: Representatives Sears, Driehaus, Stinziano, Rogers, Fedor, Rezabek, Blessing, Maag, Lepore-Hagan, LaTourette, Amstutz, Boyd, Kuhns, Anielski, Antonio, Arndt, Ashford, Barnes, Boccieri, Boose, Brown, Burkley, Celebrezze, Craig, DeVitis, Duffey, Green, Hayes, Howse, Kunze, O'Brien, M., O'Brien, S., Patterson, Phillips, Reece, Ruhl, Scherer, Schuring, Sheehy, Slesnick, Smith, K., Smith, R., Strahorn, Sweeney, Speaker Rosenberger

Senators Coley, Gardner, Skindell, Tavares, Hughes

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; and to conform to recent amendments to 9
federal Title IV-E program requirements. 10

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

Section 1. That sections 2151.353, 2151.415, 2151.82, 11
5101.141, and 5103.30 be amended and sections 2111.011, 12
5101.1411, 5101.1412, 5101.1413, and 5101.1414 of the Revised 13
Code be enacted to read as follows: 14

Sec. 2111.011. (A) The clerk of the probate court shall 15
furnish a guardianship guide, prepared either by the attorney 16
general with the approval of the Ohio judicial conference or by 17
the Ohio judicial conference under division (B) of this section, 18
to a guardian at either of the following times, whichever is 19
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 as stated in any relevant 34
provision of the Revised Code that is then current. The clerk of 35
the probate court shall furnish the most recent version of the 36
guide to a guardian at either of the following times, whichever 37
is applicable: 38

(a) Upon the appointment of the guardian under section 39
2111.02 of the Revised Code after the most recent version of the 40
guide is prepared; 41

(b) If the guardian was appointed prior to the date of the 42
most recent version of the guide, upon the first filing by the 43

guardian with the probate court of either of the documents 44
described in divisions (A) (2) (a) and (b) of this section, as 45
applicable, after that date. 46

(2) In the alternative, the Ohio judicial conference may 47
create, at their cost, an alternative guardianship guide for use 48
in all probate courts. The alternative guardianship guide shall 49
be distributed in accordance with all provisions contained in 50
this act. The court shall furnish this alternative guardianship 51
guide in accordance with the provisions of this section. 52

(C) The probate court shall establish a form for a 53
guardian to sign acknowledging that the guardian received a 54
guardianship guide pursuant to this section. 55

(D) Upon receiving a guardianship guide, the guardian 56
shall sign the form specified in division (C) of this section. 57
The signed form shall be kept permanently in the guardianship 58
file of the probate court. 59

Sec. 2151.353. (A) If a child is adjudicated an abused, 60
neglected, or dependent child, the court may make any of the 61
following orders of disposition: 62

(1) Place the child in protective supervision; 63

(2) Commit the child to the temporary custody of a public 64
children services agency, a private child placing agency, either 65
parent, a relative residing within or outside the state, or a 66
probation officer for placement in a certified foster home, or 67
in any other home approved by the court; 68

(3) Award legal custody of the child to either parent or 69
to any other person who, prior to the dispositional hearing, 70
files a motion requesting legal custody of the child or is 71
identified as a proposed legal custodian in a complaint or 72

motion filed prior to the dispositional hearing by any party to 73
the proceedings. A person identified in a complaint or motion 74
filed by a party to the proceedings as a proposed legal 75
custodian shall be awarded legal custody of the child only if 76
the person identified signs a statement of understanding for 77
legal custody that contains at least the following provisions: 78

(a) That it is the intent of the person to become the 79
legal custodian of the child and the person is able to assume 80
legal responsibility for the care and supervision of the child; 81

(b) That the person understands that legal custody of the 82
child in question is intended to be permanent in nature and that 83
the person will be responsible as the custodian for the child 84
until the child reaches the age of majority. Responsibility as 85
custodian for the child shall continue beyond the age of 86
majority if, at the time the child reaches the age of majority, 87
the child is pursuing a diploma granted by the board of 88
education or other governing authority, successful completion of 89
the curriculum of any high school, successful completion of an 90
individualized education program developed for the student by 91
any high school, or an age and schooling certificate. 92
Responsibility beyond the age of majority shall terminate when 93
the child ceases to continuously pursue such an education, 94
completes such an education, or is excused from such an 95
education under standards adopted by the state board of 96
education, whichever occurs first. 97

(c) That the parents of the child have residual parental 98
rights, privileges, and responsibilities, including, but not 99
limited to, the privilege of reasonable visitation, consent to 100
adoption, the privilege to determine the child's religious 101
affiliation, and the responsibility for support; 102

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

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

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

(a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or

institutional care now and for the foreseeable future beyond the 133
date of the dispositional hearing held pursuant to section 134
2151.35 of the Revised Code. 135

(b) ~~The child is sixteen years of age or older, the~~ 136
parents of the child have significant physical, mental, or 137
psychological problems and are unable to care for the child 138
because of those problems, adoption is not in the best interest 139
of the child, as determined in accordance with division (D) (1) 140
of section 2151.414 of the Revised Code, and the child retains a 141
significant and positive relationship with a parent or relative. 142

(c) ~~The child is sixteen years of age or older,~~ has been 143
counseled on the permanent placement options available to the 144
child, and is unwilling to accept or unable to adapt to a 145
permanent placement. 146

(6) Order the removal from the child's home until further 147
order of the court of the person who committed abuse as 148
described in section 2151.031 of the Revised Code against the 149
child, who caused or allowed the child to suffer neglect as 150
described in section 2151.03 of the Revised Code, or who is the 151
parent, guardian, or custodian of a child who is adjudicated a 152
dependent child and order any person not to have contact with 153
the child or the child's siblings. 154

(B) (1) When making a determination on whether to place a 155
child in a planned permanent living arrangement pursuant to 156
division (A) (5) (b) or (c) of this section, the court shall 157
consider all relevant information that has been presented to the 158
court, including information gathered from the child, the 159
child's guardian ad litem, and the public children services 160
agency or private child placing agency. 161

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A) (5) (b) or (c) of this 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 192
divests them of their parental rights, a full explanation that 193
an adjudication that the child is an abused, neglected, or 194
dependent child may result in an order of temporary custody that 195
will cause the removal of the child from their legal custody 196
until the court terminates the order of temporary custody or 197
permanently divests the parents of their parental rights, or a 198
full explanation that the granting of an order for a planned 199
permanent living arrangement will result in the removal of the 200
child from their legal custody if any of the conditions listed 201
in divisions (A) (5) (a) to (c) of this section are found to 202
exist, and the summons served on the parents contains a full 203
explanation of their right to be represented by counsel and to 204
have counsel appointed pursuant to Chapter 120. of the Revised 205
Code if they are indigent. 206

If after making disposition as authorized by division (A) 207
(2) of this section, a motion is filed that requests permanent 208
custody of the child, the court may grant permanent custody of 209
the child to the movant in accordance with section 2151.414 of 210
the Revised Code. 211

(D) If the court issues an order for protective 212
supervision pursuant to division (A) (1) of this section, the 213
court may place any reasonable restrictions upon the child, the 214
child's parents, guardian, or custodian, or any other person, 215
including, but not limited to, any of the following: 216

(1) Order a party, within forty-eight hours after the 217
issuance of the order, to vacate the child's home indefinitely 218
or for a specified period of time; 219

(2) Order a party, a parent of the child, or a physical 220
custodian of the child to prevent any particular person from 221

having contact with the child; 222

(3) Issue an order restraining or otherwise controlling 223
the conduct of any person which conduct would not be in the best 224
interest of the child. 225

(E) As part of its dispositional order, the court shall 226
journalize a case plan for the child. The journalized case plan 227
shall not be changed except as provided in section 2151.412 of 228
the Revised Code. 229

(F) (1) The court shall retain jurisdiction over any child 230
for whom the court issues an order of disposition pursuant to 231
division (A) of this section or pursuant to section 2151.414 or 232
2151.415 of the Revised Code until the child attains the age of 233
eighteen years if the child is not mentally retarded, 234
developmentally disabled, or physically impaired, the child 235
attains the age of twenty-one years if the child is mentally 236
retarded, developmentally disabled, or physically impaired, or 237
the child is adopted and a final decree of adoption is issued, 238
except that the court may retain jurisdiction over the child and 239
continue any order of disposition under division (A) of this 240
section or under section 2151.414 or 2151.415 of the Revised 241
Code for a specified period of time to enable the child to 242
graduate from high school or vocational school. The court shall 243
retain jurisdiction over a person who meets the requirements 244
described in division (A)(1) of section 5101.1411 of the Revised 245
Code and who is subject to a voluntary participation agreement 246
that is in effect. The court shall make an entry continuing its 247
jurisdiction under this division in the journal. 248

(2) Any public children services agency, any private child 249
placing agency, the department of job and family services, or 250
any party, other than any parent whose parental rights with 251

respect to the child have been terminated pursuant to an order 252
issued under division (A) (4) of this section, by filing a motion 253
with the court, may at any time request the court to modify or 254
terminate any order of disposition issued pursuant to division 255
(A) of this section or section 2151.414 or 2151.415 of the 256
Revised Code. The court shall hold a hearing upon the motion as 257
if the hearing were the original dispositional hearing and shall 258
give all parties to the action and the guardian ad litem notice 259
of the hearing pursuant to the Juvenile Rules. If applicable, 260
the court shall comply with section 2151.42 of the Revised Code. 261

(G) Any temporary custody order issued pursuant to 262
division (A) of this section shall terminate one year after the 263
earlier of the date on which the complaint in the case was filed 264
or the child was first placed into shelter care, except that, 265
upon the filing of a motion pursuant to section 2151.415 of the 266
Revised Code, the temporary custody order shall continue and not 267
terminate until the court issues a dispositional order under 268
that section. In resolving the motion, the court shall not order 269
an existing temporary custody order to continue beyond two years 270
after the date on which the complaint was filed or the child was 271
first placed into shelter care, whichever date is earlier, 272
regardless of whether any extensions have been previously 273
ordered pursuant to division (D) of section 2151.415 of the 274
Revised Code. 275

(H) (1) No later than one year after the earlier of the 276
date the complaint in the case was filed or the child was first 277
placed in shelter care, a party may ask the court to extend an 278
order for protective supervision for six months or to terminate 279
the order. A party requesting extension or termination of the 280
order shall file a written request for the extension or 281
termination with the court and give notice of the proposed 282

extension or termination in writing before the end of the day 283
after the day of filing it to all parties and the child's 284
guardian ad litem. If a public children services agency or 285
private child placing agency requests termination of the order, 286
the agency shall file a written status report setting out the 287
facts supporting termination of the order at the time it files 288
the request with the court. If no party requests extension or 289
termination of the order, the court shall notify the parties 290
that the court will extend the order for six months or terminate 291
it and that it may do so without a hearing unless one of the 292
parties requests a hearing. All parties and the guardian ad 293
litem shall have seven days from the date a notice is sent 294
pursuant to this division to object to and request a hearing on 295
the proposed extension or termination. 296

(a) If it receives a timely request for a hearing, the 297
court shall schedule a hearing to be held no later than thirty 298
days after the request is received by the court. The court shall 299
give notice of the date, time, and location of the hearing to 300
all parties and the guardian ad litem. At the hearing, the court 301
shall determine whether extension or termination of the order is 302
in the child's best interest. If termination is in the child's 303
best interest, the court shall terminate the order. If extension 304
is in the child's best interest, the court shall extend the 305
order for six months. 306

(b) If it does not receive a timely request for a hearing, 307
the court may extend the order for six months or terminate it 308
without a hearing and shall journalize the order of extension or 309
termination not later than fourteen days after receiving the 310
request for extension or termination or after the date the court 311
notifies the parties that it will extend or terminate the order. 312
If the court does not extend or terminate the order, it shall 313

schedule a hearing to be held no later than thirty days after 314
the expiration of the applicable fourteen-day time period and 315
give notice of the date, time, and location of the hearing to 316
all parties and the child's guardian ad litem. At the hearing, 317
the court shall determine whether extension or termination of 318
the order is in the child's best interest. If termination is in 319
the child's best interest, the court shall terminate the order. 320
If extension is in the child's best interest, the court shall 321
issue an order extending the order for protective supervision 322
six months. 323

(2) If the court grants an extension of the order for 324
protective supervision pursuant to division (H)(1) of this 325
section, a party may, prior to termination of the extension, 326
file with the court a request for an additional extension of six 327
months or for termination of the order. The court and the 328
parties shall comply with division (H)(1) of this section with 329
respect to extending or terminating the order. 330

(3) If a court grants an extension pursuant to division 331
(H)(2) of this section, the court shall terminate the order for 332
protective supervision at the end of the extension. 333

(I) The court shall not issue a dispositional order 334
pursuant to division (A) of this section that removes a child 335
from the child's home unless the court complies with section 336
2151.419 of the Revised Code and includes in the dispositional 337
order the findings of fact required by that section. 338

(J) If a motion or application for an order described in 339
division (A)(6) of this section is made, the court shall not 340
issue the order unless, prior to the issuance of the order, it 341
provides to the person all of the following: 342

(1) Notice and a copy of the motion or application;	343
(2) The grounds for the motion or application;	344
(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;	345 346
(4) An opportunity to be represented by counsel at the hearing.	347 348
(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:	349 350 351 352 353
(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;	354 355 356
(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.	357 358 359 360 361 362
The court in the county in which the legal custodian resides then shall have jurisdiction in the matter.	363 364
Sec. 2151.415. (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	365 366 367 368 369 370

to the earlier of the date for the termination of the custody 371
order pursuant to division (H) of section 2151.353 of the 372
Revised Code or the date set at the dispositional hearing for 373
the hearing to be held pursuant to this section, shall file a 374
motion with the court that issued the order of disposition 375
requesting that any of the following orders of disposition of 376
the child be issued by the court: 377

(1) An order that the child be returned home and the 378
custody of the child's parents, guardian, or custodian without 379
any restrictions; 380

(2) An order for protective supervision; 381

(3) An order that the child be placed in the legal custody 382
of a relative or other interested individual; 383

(4) An order permanently terminating the parental rights 384
of the child's parents; 385

(5) An order that the child be placed in a planned 386
permanent living arrangement; 387

(6) In accordance with division (D) of this section, an 388
order for the extension of temporary custody. 389

(B) Upon the filing of a motion pursuant to division (A) 390
of this section, the court shall hold a dispositional hearing on 391
the date set at the dispositional hearing held pursuant to 392
section 2151.35 of the Revised Code, with notice to all parties 393
to the action in accordance with the Juvenile Rules. After the 394
dispositional hearing or at a date after the dispositional 395
hearing that is not later than one year after the earlier of the 396
date on which the complaint in the case was filed or the child 397
was first placed into shelter care, the court, in accordance 398
with the best interest of the child as supported by the evidence 399

presented at the dispositional hearing, shall issue an order of 400
disposition as set forth in division (A) of this section, except 401
that all orders for permanent custody shall be made in 402
accordance with sections 2151.413 and 2151.414 of the Revised 403
Code. In issuing an order of disposition under this section, the 404
court shall comply with section 2151.42 of the Revised Code. 405

(C) (1) If an agency pursuant to division (A) of this 406
section requests the court to place a child into a planned 407
permanent living arrangement, the agency shall present evidence 408
to indicate why a planned permanent living arrangement is 409
appropriate for the child, including, but not limited to, 410
evidence that the agency has tried or considered all other 411
possible dispositions for the child. A court shall not place a 412
child in a planned permanent living arrangement, unless it 413
finds, by clear and convincing evidence, that a planned 414
permanent living arrangement is in the best interest of the 415
child, that the child is sixteen years of age or older, and that 416
one of the following exists: 417

(a) The child, because of physical, mental, or 418
psychological problems or needs, is unable to function in a 419
family-like setting and must remain in residential or 420
institutional care. 421

(b) The parents of the child have significant physical, 422
mental, or psychological problems and are unable to care for the 423
child because of those problems, adoption is not in the best 424
interest of the child, as determined in accordance with division 425
(D) (1) of section 2151.414 of the Revised Code, and the child 426
retains a significant and positive relationship with a parent or 427
relative; 428

(c) The child ~~is sixteen years of age or older,~~ has been 429

counseled on the permanent placement options available, is 430
unwilling to accept or unable to adapt to a permanent placement, 431
and is in an agency program preparing for independent living. 432

(2) If the court issues an order placing a child in a 433
planned permanent living arrangement, both of the following 434
apply: 435

(a) The court shall issue a finding of fact setting forth 436
the reasons for its finding; 437

(b) The agency may make any appropriate placement for the 438
child and shall develop a case plan for the child that is 439
designed to assist the child in finding a permanent home outside 440
of the home of the parents. 441

(D) (1) If an agency pursuant to division (A) of this 442
section requests the court to grant an extension of temporary 443
custody for a period of up to six months, the agency shall 444
include in the motion an explanation of the progress on the case 445
plan of the child and of its expectations of reunifying the 446
child with the child's family, or placing the child in a 447
permanent placement, within the extension period. The court 448
shall schedule a hearing on the motion, give notice of its date, 449
time, and location to all parties and the guardian ad litem of 450
the child, and at the hearing consider the evidence presented by 451
the parties and the guardian ad litem. The court may extend the 452
temporary custody order of the child for a period of up to six 453
months, if it determines at the hearing, by clear and convincing 454
evidence, that the extension is in the best interest of the 455
child, there has been significant progress on the case plan of 456
the child, and there is reasonable cause to believe that the 457
child will be reunified with one of the parents or otherwise 458
permanently placed within the period of extension. In 459

determining whether to extend the temporary custody of the child 460
pursuant to this division, the court shall comply with section 461
2151.42 of the Revised Code. If the court extends the temporary 462
custody of the child pursuant to this division, upon request it 463
shall issue findings of fact. 464

(2) Prior to the end of the extension granted pursuant to 465
division (D)(1) of this section, the agency that received the 466
extension shall file a motion with the court requesting the 467
issuance of one of the orders of disposition set forth in 468
divisions (A)(1) to (5) of this section or requesting the court 469
to extend the temporary custody order of the child for an 470
additional period of up to six months. If the agency requests 471
the issuance of an order of disposition under divisions (A)(1) 472
to (5) of this section or does not file any motion prior to the 473
expiration of the extension period, the court shall conduct a 474
hearing in accordance with division (B) of this section and 475
issue an appropriate order of disposition. In issuing an order 476
of disposition, the court shall comply with section 2151.42 of 477
the Revised Code. 478

If the agency requests an additional extension of up to 479
six months of the temporary custody order of the child, the 480
court shall schedule and conduct a hearing in the manner set 481
forth in division (D)(1) of this section. The court may extend 482
the temporary custody order of the child for an additional 483
period of up to six months if it determines at the hearing, by 484
clear and convincing evidence, that the additional extension is 485
in the best interest of the child, there has been substantial 486
additional progress since the original extension of temporary 487
custody in the case plan of the child, there has been 488
substantial additional progress since the original extension of 489
temporary custody toward reunifying the child with one of the 490

parents or otherwise permanently placing the child, and there is 491
reasonable cause to believe that the child will be reunified 492
with one of the parents or otherwise placed in a permanent 493
setting before the expiration of the additional extension 494
period. In determining whether to grant an additional extension, 495
the court shall comply with section 2151.42 of the Revised Code. 496
If the court extends the temporary custody of the child for an 497
additional period pursuant to this division, upon request it 498
shall issue findings of fact. 499

(3) Prior to the end of the extension of a temporary 500
custody order granted pursuant to division (D)(2) of this 501
section, the agency that received the extension shall file a 502
motion with the court requesting the issuance of one of the 503
orders of disposition set forth in divisions (A)(1) to (5) of 504
this section. Upon the filing of the motion by the agency or, if 505
the agency does not file the motion prior to the expiration of 506
the extension period, upon its own motion, the court, prior to 507
the expiration of the extension period, shall conduct a hearing 508
in accordance with division (B) of this section and issue an 509
appropriate order of disposition. In issuing an order of 510
disposition, the court shall comply with section 2151.42 of the 511
Revised Code. 512

(4) No court shall grant an agency more than two 513
extensions of temporary custody pursuant to division (D) of this 514
section and the court shall not order an existing temporary 515
custody order to continue beyond two years after the date on 516
which the complaint was filed or the child was first placed into 517
shelter care, whichever date is earlier, regardless of whether 518
any extensions have been previously ordered pursuant to division 519
(D) of this section. 520

(E) After the issuance of an order pursuant to division 521
(B) of this section, the court shall retain jurisdiction over 522
the child until the child attains the age of eighteen if the 523
child is not mentally retarded, developmentally disabled, or 524
physically impaired, the child attains the age of twenty-one if 525
the child is mentally retarded, developmentally disabled, or 526
physically impaired, or the child is adopted and a final decree 527
of adoption is issued, unless the court's jurisdiction over the 528
child is extended pursuant to division (F) of section 2151.353 529
of the Revised Code. 530

(F) The court, on its own motion or the motion of the 531
agency or person with legal custody of the child, the child's 532
guardian ad litem, or any other party to the action, may conduct 533
a hearing with notice to all parties to determine whether any 534
order issued pursuant to this section should be modified or 535
terminated or whether any other dispositional order set forth in 536
divisions (A) (1) to (5) of this section should be issued. After 537
the hearing and consideration of all the evidence presented, the 538
court, in accordance with the best interest of the child, may 539
modify or terminate any order issued pursuant to this section or 540
issue any dispositional order set forth in divisions (A) (1) to 541
(5) of this section. In rendering a decision under this 542
division, the court shall comply with section 2151.42 of the 543
Revised Code. 544

(G) If the court places a child in a planned permanent 545
living arrangement with a public children services agency or a 546
private child placing agency pursuant to this section, the 547
agency with which the child is placed in a planned permanent 548
living arrangement shall not remove the child from the 549
residential placement in which the child is originally placed 550
pursuant to the case plan for the child or in which the child is 551

placed with court approval pursuant to this division, unless the 552
court and the guardian ad litem are given notice of the intended 553
removal and the court issues an order approving the removal or 554
unless the removal is necessary to protect the child from 555
physical or emotional harm and the agency gives the court notice 556
of the removal and of the reasons why the removal is necessary 557
to protect the child from physical or emotional harm immediately 558
after the removal of the child from the prior setting. 559

(H) If the hearing held under this section takes the place 560
of an administrative review that otherwise would have been held 561
under section 2151.416 of the Revised Code, the court at the 562
hearing held under this section shall do all of the following in 563
addition to any other requirements of this section: 564

(1) Determine the continued necessity for and the 565
appropriateness of the child's placement; 566

(2) Determine the extent of compliance with the child's 567
case plan; 568

(3) Determine the extent of progress that has been made 569
toward alleviating or mitigating the causes necessitating the 570
child's placement in foster care; 571

(4) Project a likely date by which the child may be 572
returned to the child's home or placed for adoption or legal 573
guardianship; 574

(5) Approve the permanency plan for the child consistent 575
with section 2151.417 of the Revised Code. 576

Sec. 2151.82. A public children services agency or private 577
child placing agency, that has temporary or permanent custody 578
of, or is providing care in a planned permanent living 579
arrangement to, a child who is ~~sixteen or seventeen~~ fourteen 580

years of age or older, shall provide independent living services 581
to the child. The services to be provided shall be determined 582
based on an evaluation of the strengths and weaknesses of the 583
child, completed or obtained by the agency. If housing is 584
provided to a child who is sixteen or seventeen as part of the 585
services, the child shall be placed in housing that is 586
supervised or semi-supervised by an adult. 587

The services shall be included as part of the case plan 588
established for the child pursuant to section 2151.412 of the 589
Revised Code. 590

Sec. 5101.141. (A) As used in sections 5101.141 to 591
~~5101.1410-5101.1414~~ of the Revised Code~~7~~: 592

(1) "Child" includes a person who meets the requirements 593
of division (A) (1) of section 5101.1411 of the Revised Code or 594
an adopted person who meets the requirements applicable to such 595
a person under division (B) (1) of section 5101.1411 of the 596
Revised Code. 597

(2) "Designee" means a person with whom the department of 598
job and family services has entered into a contract, pursuant to 599
division (B) (2) of this section. 600

(3) "Title IV-E" means Title IV-E of the "Social Security 601
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 602

~~(B) The~~ (1) Except as provided in division (B) (2) of this 603
section, the department of job and family services shall act as 604
the single state agency to administer federal payments for 605
foster care and adoption assistance made pursuant to Title IV-E. 606
The director of job and family services shall adopt rules to 607
implement this authority. Rules governing financial and 608
administrative requirements applicable to public children 609

services agencies and government entities that provide Title IV- 610
E reimbursable placement services to children shall be adopted 611
in accordance with section 111.15 of the Revised Code, as if 612
they were internal management rules. Rules governing 613
requirements applicable to private child placing agencies and 614
private noncustodial agencies and rules establishing 615
eligibility, program participation, and other requirements 616
concerning Title IV-E shall be adopted in accordance with 617
Chapter 119. of the Revised Code. A public children services 618
agency to which the department distributes Title IV-E funds 619
shall administer the funds in accordance with those rules. 620

(2) If the state plan is amended under divisions (A) and 621
(B) of section 5101.1411 of the Revised Code, both of the 622
following shall apply: 623

(a) Implementation of the amendments to the plan shall 624
begin fifteen months after the effective date of H.B. 50 of the 625
131st general assembly if both of the following apply: 626

(i) The plan as amended is approved by the secretary of 627
health and human services; 628

(ii) The general assembly has appropriated sufficient 629
funds to operate the program required under the plan as amended. 630

(b) The department shall have, exercise, and perform all 631
new duties required under the plan as amended. In doing so, the 632
department may contract with another person to carry out those 633
new duties, to the extent permitted under Title IV-E. 634

(C) (1) The county, on behalf of each child eligible for 635
foster care maintenance payments under Title IV-E, shall make 636
payments to cover the cost of providing all of the following: 637

(a) The child's food, clothing, shelter, daily 638

supervision, and school supplies;	639
(b) The child's personal incidentals;	640
(c) Reasonable travel to the child's home for visitation.	641
(2) In addition to payments made under division (C) (1) of this section, the county may, on behalf of each child eligible for foster care maintenance payments under Title IV-E, make payments to cover the cost of providing the following:	642
(a) Liability insurance with respect to the child;	643
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	644
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C) (1) and (2) of this section.	645
(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	646
(E) The department shall distribute to public children services agencies that incur and report expenditures of the type	647
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described in division (D) of this section federal financial 667
participation received for administrative and training costs 668
incurred in the operation of foster care maintenance and 669
adoption assistance programs. The department may withhold not 670
more than three per cent of the federal financial participation 671
received. The funds withheld may be used only to fund the 672
following: 673

(1) The Ohio child welfare training program established 674
under section 5103.30 of the Revised Code; 675

(2) The university partnership program for college and 676
university students majoring in social work who have committed 677
to work for a public children services agency upon graduation; 678

(3) Efforts supporting organizational excellence, 679
including voluntary activities to be accredited by a nationally 680
recognized accreditation organization. 681

The funds withheld shall be in addition to any 682
administration and training cost for which the department is 683
reimbursed through its own cost allocation plan. 684

(F) All federal financial participation funds received by 685
a county pursuant to this section shall be deposited into the 686
county's children services fund created pursuant to section 687
5101.144 of the Revised Code. 688

(G) The department shall periodically publish and 689
distribute the maximum amounts that the department will 690
reimburse public children services agencies for making payments 691
on behalf of children eligible for foster care maintenance 692
payments. 693

(H) The department, by and through its director, is hereby 694
authorized to develop, participate in the development of, 695

negotiate, and enter into one or more interstate compacts on 696
behalf of this state with agencies of any other states, for the 697
provision of social services to children in relation to whom all 698
of the following apply: 699

(1) They have special needs. 700

(2) This state or another state that is a party to the 701
interstate compact is providing adoption assistance on their 702
behalf. 703

(3) They move into this state from another state or move 704
out of this state to another state. 705

Sec. 5101.1411. (A)(1) The director of job and family 706
services shall, not later than nine months after the effective 707
date of H.B. 50 of the 131st general assembly, submit an 708
amendment to the state plan required by 42 U.S.C. 671 to the 709
United States secretary of health and human services to 710
implement 42 U.S.C. 675(8) to make federal payments for foster 711
care under Title IV-E directly to, or on behalf of, any person 712
who meets the following requirements: 713

(a) The person has attained the age of eighteen but not 714
attained the age of twenty-one. 715

(b) The person was in the custody of a public children 716
services agency upon attaining the age of eighteen. 717

(c) The person signs a voluntary participation agreement. 718

(d) The person satisfies division (C) of this section. 719

(2) Any person who meets the requirements of division (A) 720
(1) of this section may apply for foster care payments and make 721
the appropriate application at any time. 722

(B) (1) The director of job and family services shall, not 723
later than nine months after the effective date of H.B. 50 of 724
the 131st general assembly, submit an amendment to the state 725
plan required by 42 U.S.C. 671 to the United States secretary of 726
health and human services to implement 42 U.S.C. 675(8) to make 727
federal payments for adoption assistance under Title IV-E 728
available to any parent who meets all of the following 729
requirements: 730

(a) The parent adopted a person while the adopted person 731
was sixteen or seventeen and had been in the custody of a public 732
children services agency, or the parent enters into an adoption 733
assistance agreement under 42 U.S.C. 673; 734

(b) The adopted person has attained the age of eighteen 735
but has not attained the age of twenty-one; 736

(c) The parent maintains parental responsibility to that 737
adopted person; 738

(d) The adopted person satisfies division (C) of this 739
section. 740

(2) Any parent who meets the requirements of division (B) 741
(1) of this section that are applicable to a parent may request 742
an extension of adoption assistance payments at any time before 743
the adopted person reaches age twenty-one. 744

(C) In addition to other requirements, a person who is in 745
foster care or has been adopted must meet at least one of the 746
following criteria: 747

(1) Is completing secondary education or a program leading 748
to an equivalent credential; 749

(2) Is enrolled in an institution that provides post- 750

<u>secondary or vocational education;</u>	751
<u>(3) Is participating in a program or activity designed to promote, or remove barriers to, employment;</u>	752
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<u>(4) Is employed for at least eighty hours per month;</u>	754
<u>(5) Is incapable of doing any of the activities described in division (C) (1) to (4) of this section due to a medical condition, which incapacity is supported by regularly updated information in the person's case record or plan.</u>	755
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<u>(D) Any person described in division (A) (1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or any parent receiving adoption assistance payments, pursuant to this section may refuse the payments at any time. If the person or parent refuses payments and seeks payments at a later date, the person or parent must reapply for the payments in accordance with this section.</u>	759
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<u>(E) (1) A person described in division (A) (1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a parent receiving adoption assistance payments and the adopted person, pursuant to this section, shall be eligible for services set forth in the federal, "Fostering Connections to Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949.</u>	767
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<u>(2) A person described in division (A) (1) of this section who is directly receiving foster care payments, or on whose behalf such foster care payments are received, pursuant to this section, may be eligible to reside in a supervised independent living setting, including apartment living, room and board arrangements, college or university dormitories, host homes, and</u>	774
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shared roommate settings. 780

(F) Any determination by the department that terminates 781
foster care or adoption assistance payments shall be subject to 782
a state hearing pursuant to section 5101.35 of the Revised Code. 783

Sec. 5101.1412. (A) Without the approval of a court, a 784
child who receives payments, or on whose behalf payments are 785
received, under division (A) of section 5101.1411 of the Revised 786
Code, may enter into a voluntary participation agreement with 787
the department of job and family services, or its designee, for 788
the child's care and placement. The agreement shall expire 789
within one hundred eighty days and may not be renewed without 790
court approval. 791

(B) Prior to the agreement's expiration, the department or 792
its designee shall seek approval from the court that the child's 793
best interest is served by extending the care and placement with 794
the department or its designee. 795

Sec. 5101.1413. Notwithstanding section 5101.141 of the 796
Revised Code and any rules adopted thereunder, the department of 797
job and family services shall pay the full nonfederal share of 798
payments made pursuant to section 5101.1411 of the Revised Code. 799
No public children services agency shall be responsible for the 800
cost of any payments made pursuant to section 5101.1411 of the 801
Revised Code. 802

Sec. 5101.1414. (A) Not later than nine months after the 803
effective date of H.B. 50 of the 131st general assembly, the 804
department of job and family services shall adopt rules 805
necessary to carry out the purposes of sections 5101.1411 to 806
5101.1413 of the Revised Code, including rules that do all of 807
the following: 808

(1) 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; 809
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(2) 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; 816
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(3) 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. 824
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(B) The department of job and family services shall create an advisory council to evaluate and make recommendations for statewide implementation of sections 5101.1411 and 5101.1412 of the Revised Code not later than one month after the effective date of H.B. 50 of the 131st general assembly. 830
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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: 835
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(A) The training that section 3107.014 of the Revised Code requires an assessor to complete;	839 840
(B) The preplacement training that sections 5103.031 and 5103.033 of the Revised Code require a prospective foster caregiver to complete;	841 842 843
(C) The continuing training that sections 5103.032 and 5103.033 of the Revised Code require a foster caregiver to complete;	844 845 846
(D) The training that section 5153.122 of the Revised Code requires a PCSA caseworker to complete;	847 848
(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete;	849 850
<u>(F) The training required under section 5101.1414 of the Revised Code for a foster care worker or foster care worker supervisor.</u>	851 852 853
Section 2. That existing sections 2151.353, 2151.415, 2151.82, 5101.141, and 5103.30 of the Revised Code are hereby repealed.	854 855 856