

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Sub. H. B. No. 8

Representatives Manchester, Galonski

Cosponsors: Representatives Lipps, Riedel, Smith, T., Seitz, Kick, Carfagna, Ginter, Russo, O'Brien, Crossman, Stein, Strahorn, Arndt, Baldrige, Blair, Blessing, Boggs, Boyd, Brent, Brown, Butler, Carruthers, Clites, Crawley, Cross, Dean, Denson, DeVitis, Edwards, Ghanbari, Green, Greenspan, Grendell, Hambley, Hicks-Hudson, Holmes, A., Hoops, Howse, Ingram, Jones, Jordan, Kelly, Koehler, Lanese, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Manning, D., Manning, G., McClain, Merrin, Miller, A., Miller, J., Miranda, Oelslager, Patterson, Patton, Perales, Plummer, Reineke, Richardson, Robinson, Roemer, Rogers, Romanchuk, Ryan, Smith, K., Sobeki, Stoltzfus, Sweeney, Sykes, Upchurch, Vitale, Weinstein, West, Wiggam, Wilkin, Zeltwanger

Senators Hottinger, Hackett, Huffman, S., Burke, Antonio, Blessing, Craig, Dolan, Eklund, Fedor, Gavarone, Huffman, M., Johnson, Kunze, Lehner, Manning, McColley, O'Brien, Peterson, Roegner, Rulli, Schaffer, Sykes, Thomas, Williams, Wilson, Yuko

A BILL

To amend sections 2151.353, 5103.03, 5103.031, 1
5103.032, 5103.033, 5103.035, 5103.038, 2
5103.0313, 5103.0314, 5103.0316, 5103.0317, and 3
5103.31 and to repeal sections 5103.039 and 4
5103.0311 of the Revised Code regarding foster 5
caregiver training. 6

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

Section 1. That sections 2151.353, 5103.03, 5103.031, 7
5103.032, 5103.033, 5103.035, 5103.038, 5103.0313, 5103.0314, 8
5103.0316, 5103.0317, and 5103.31 of the Revised Code be amended 9

to read as follows: 10

Sec. 2151.353. (A) If a child is adjudicated an abused, 11
neglected, or dependent child, the court may make any of the 12
following orders of disposition: 13

(1) Place the child in protective supervision; 14

(2) Commit the child to the temporary custody of any of 15
the following: 16

(a) A public children services agency; 17

(b) A private child placing agency; 18

(c) Either parent; 19

(d) A relative residing within or outside the state; 20

(e) A probation officer for placement in a certified 21
foster home; 22

(f) Any other person approved by the court. 23

(3) Award legal custody of the child to either parent or 24
to any other person who, prior to the dispositional hearing, 25
files a motion requesting legal custody of the child or is 26
identified as a proposed legal custodian in a complaint or 27
motion filed prior to the dispositional hearing by any party to 28
the proceedings. A person identified in a complaint or motion 29
filed by a party to the proceedings as a proposed legal 30
custodian shall be awarded legal custody of the child only if 31
the person identified signs a statement of understanding for 32
legal custody that contains at least the following provisions: 33

(a) That it is the intent of the person to become the 34
legal custodian of the child and the person is able to assume 35
legal responsibility for the care and supervision of the child; 36

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

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

(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 67
with one of the child's parents within a reasonable time or 68
should not be placed with either parent and determines in 69
accordance with division (D)(1) of section 2151.414 of the 70
Revised Code that the permanent commitment is in the best 71
interest of the child. If the court grants permanent custody 72
under this division, the court, upon the request of any party, 73
shall file a written opinion setting forth its findings of fact 74
and conclusions of law in relation to the proceeding. 75

(5) Place the child in a planned permanent living 76
arrangement with a public children services agency or private 77
child placing agency, if a public children services agency or 78
private child placing agency requests the court to place the 79
child in a planned permanent living arrangement and if the court 80
finds, by clear and convincing evidence, that a planned 81
permanent living arrangement is in the best interest of the 82
child, that the child is sixteen years of age or older, and that 83
one of the following exists: 84

(a) The child, because of physical, mental, or 85
psychological problems or needs, is unable to function in a 86
family-like setting and must remain in residential or 87
institutional care now and for the foreseeable future beyond the 88
date of the dispositional hearing held pursuant to section 89
2151.35 of the Revised Code. 90

(b) The parents of the child have significant physical, 91
mental, or psychological problems and are unable to care for the 92
child because of those problems, adoption is not in the best 93
interest of the child, as determined in accordance with division 94
(D)(1) of section 2151.414 of the Revised Code, and the child 95
retains a significant and positive relationship with a parent or 96

relative.	97
(c) The child has been counseled on the permanent placement options available to the child, and is unwilling to accept or unable to adapt to a permanent placement.	98 99 100
(6) Order the removal from the child's home until further order of the court of the person who committed abuse as described in section 2151.031 of the Revised Code against the child, who caused or allowed the child to suffer neglect as described in section 2151.03 of the Revised Code, or who is the parent, guardian, or custodian of a child who is adjudicated a dependent child and order any person not to have contact with the child or the child's siblings.	101 102 103 104 105 106 107 108
(B) (1) When making a determination on whether to place a child in a planned permanent living arrangement pursuant to division (A) (5) (b) or (c) of this section, the court shall consider all relevant information that has been presented to the court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.	109 110 111 112 113 114 115
(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:	116 117 118 119 120 121
(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	122 123 124 125

child from the custody of the agency, whichever occurs first. 126

(b) The caregiver is expected to actively participate in 127
the youth's independent living case plan, attend agency team 128
meetings and court hearings as appropriate, complete training, 129
as ~~provided in division (B) of~~ developed and implemented under 130
section 5103.035 of the Revised Code, related to providing the 131
child independent living services, and assist in the child's 132
transition into adulthood. 133

(3) The department of job and family services shall 134
develop a model notice to be provided by an agency that has 135
custody of a child to a caregiver under division (B) (2) of this 136
section. The agency may modify the model notice to apply to the 137
needs of the agency. 138

(C) No order for permanent custody or temporary custody of 139
a child or the placement of a child in a planned permanent 140
living arrangement shall be made pursuant to this section unless 141
the complaint alleging the abuse, neglect, or dependency 142
contains a prayer requesting permanent custody, temporary 143
custody, or the placement of the child in a planned permanent 144
living arrangement as desired, the summons served on the parents 145
of the child contains as is appropriate a full explanation that 146
the granting of an order for permanent custody permanently 147
divests them of their parental rights, a full explanation that 148
an adjudication that the child is an abused, neglected, or 149
dependent child may result in an order of temporary custody that 150
will cause the removal of the child from their legal custody 151
until the court terminates the order of temporary custody or 152
permanently divests the parents of their parental rights, or a 153
full explanation that the granting of an order for a planned 154
permanent living arrangement will result in the removal of the 155

child from their legal custody if any of the conditions listed 156
in divisions (A) (5) (a) to (c) of this section are found to 157
exist, and the summons served on the parents contains a full 158
explanation of their right to be represented by counsel and to 159
have counsel appointed pursuant to Chapter 120. of the Revised 160
Code if they are indigent. 161

If after making disposition as authorized by division (A) 162
(2) of this section, a motion is filed that requests permanent 163
custody of the child, the court may grant permanent custody of 164
the child to the movant in accordance with section 2151.414 of 165
the Revised Code. 166

(D) If the court issues an order for protective 167
supervision pursuant to division (A) (1) of this section, the 168
court may place any reasonable restrictions upon the child, the 169
child's parents, guardian, or custodian, or any other person, 170
including, but not limited to, any of the following: 171

(1) Order a party, within forty-eight hours after the 172
issuance of the order, to vacate the child's home indefinitely 173
or for a specified period of time; 174

(2) Order a party, a parent of the child, or a physical 175
custodian of the child to prevent any particular person from 176
having contact with the child; 177

(3) Issue an order restraining or otherwise controlling 178
the conduct of any person which conduct would not be in the best 179
interest of the child. 180

(E) As part of its dispositional order, the court shall 181
journalize a case plan for the child. The journalized case plan 182
shall not be changed except as provided in section 2151.412 of 183
the Revised Code. 184

(F) (1) The court shall retain jurisdiction over any child 185
for whom the court issues an order of disposition pursuant to 186
division (A) of this section or pursuant to section 2151.414 or 187
2151.415 of the Revised Code until the child attains the age of 188
eighteen years if the child is not mentally retarded, 189
developmentally disabled, or physically impaired, the child 190
attains the age of twenty-one years if the child is mentally 191
retarded, developmentally disabled, or physically impaired, or 192
the child is adopted and a final decree of adoption is issued, 193
except that the court may retain jurisdiction over the child and 194
continue any order of disposition under division (A) of this 195
section or under section 2151.414 or 2151.415 of the Revised 196
Code for a specified period of time to enable the child to 197
graduate from high school or vocational school. The court shall 198
retain jurisdiction over a person who meets the requirements 199
described in division (A) (1) of section 5101.1411 of the Revised 200
Code and who is subject to a voluntary participation agreement 201
that is in effect. The court shall make an entry continuing its 202
jurisdiction under this division in the journal. 203

(2) Any public children services agency, any private child 204
placing agency, the department of job and family services, or 205
any party, other than any parent whose parental rights with 206
respect to the child have been terminated pursuant to an order 207
issued under division (A) (4) of this section, by filing a motion 208
with the court, may at any time request the court to modify or 209
terminate any order of disposition issued pursuant to division 210
(A) of this section or section 2151.414 or 2151.415 of the 211
Revised Code. The court shall hold a hearing upon the motion as 212
if the hearing were the original dispositional hearing and shall 213
give all parties to the action and the guardian ad litem notice 214
of the hearing pursuant to the Juvenile Rules. If applicable, 215

the court shall comply with section 2151.42 of the Revised Code. 216

(G) Any temporary custody order issued pursuant to 217
division (A) of this section shall terminate one year after the 218
earlier of the date on which the complaint in the case was filed 219
or the child was first placed into shelter care, except that, 220
upon the filing of a motion pursuant to section 2151.415 of the 221
Revised Code, the temporary custody order shall continue and not 222
terminate until the court issues a dispositional order under 223
that section. In resolving the motion, the court shall not order 224
an existing temporary custody order to continue beyond two years 225
after the date on which the complaint was filed or the child was 226
first placed into shelter care, whichever date is earlier, 227
regardless of whether any extensions have been previously 228
ordered pursuant to division (D) of section 2151.415 of the 229
Revised Code. 230

(H) (1) No later than one year after the earlier of the 231
date the complaint in the case was filed or the child was first 232
placed in shelter care, a party may ask the court to extend an 233
order for protective supervision for six months or to terminate 234
the order. A party requesting extension or termination of the 235
order shall file a written request for the extension or 236
termination with the court and give notice of the proposed 237
extension or termination in writing before the end of the day 238
after the day of filing it to all parties and the child's 239
guardian ad litem. If a public children services agency or 240
private child placing agency requests termination of the order, 241
the agency shall file a written status report setting out the 242
facts supporting termination of the order at the time it files 243
the request with the court. If no party requests extension or 244
termination of the order, the court shall notify the parties 245
that the court will extend the order for six months or terminate 246

it and that it may do so without a hearing unless one of the 247
parties requests a hearing. All parties and the guardian ad 248
litem shall have seven days from the date a notice is sent 249
pursuant to this division to object to and request a hearing on 250
the proposed extension or termination. 251

(a) If it receives a timely request for a hearing, the 252
court shall schedule a hearing to be held no later than thirty 253
days after the request is received by the court. The court shall 254
give notice of the date, time, and location of the hearing to 255
all parties and the guardian ad litem. At the hearing, the court 256
shall determine whether extension or termination of the order is 257
in the child's best interest. If termination is in the child's 258
best interest, the court shall terminate the order. If extension 259
is in the child's best interest, the court shall extend the 260
order for six months. 261

(b) If it does not receive a timely request for a hearing, 262
the court may extend the order for six months or terminate it 263
without a hearing and shall journalize the order of extension or 264
termination not later than fourteen days after receiving the 265
request for extension or termination or after the date the court 266
notifies the parties that it will extend or terminate the order. 267
If the court does not extend or terminate the order, it shall 268
schedule a hearing to be held no later than thirty days after 269
the expiration of the applicable fourteen-day time period and 270
give notice of the date, time, and location of the hearing to 271
all parties and the child's guardian ad litem. At the hearing, 272
the court shall determine whether extension or termination of 273
the order is in the child's best interest. If termination is in 274
the child's best interest, the court shall terminate the order. 275
If extension is in the child's best interest, the court shall 276
issue an order extending the order for protective supervision 277

six months.	278
(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.	279 280 281 282 283 284 285
(3) If a court grants an extension pursuant to division (H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension.	286 287 288
(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section.	289 290 291 292 293
(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following:	294 295 296 297
(1) Notice and a copy of the motion or application;	298
(2) The grounds for the motion or application;	299
(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application;	300 301
(4) An opportunity to be represented by counsel at the hearing.	302 303
(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further	304 305

action in the matter subsequent to the award, the date of the 306
latest further action subsequent to the award, if the court 307
awards legal custody of a child to either of the following: 308

(1) A legal custodian who, at the time of the award of 309
legal custody, resides in a county of this state other than the 310
county in which the court is located; 311

(2) A legal custodian who resides in the county in which 312
the court is located at the time of the award of legal custody, 313
but moves to a different county of this state prior to one year 314
after the date of the award or, if the court takes any further 315
action in the matter subsequent to the award, one year after the 316
date of the latest further action subsequent to the award. 317

The court in the county in which the legal custodian 318
resides then shall have jurisdiction in the matter. 319

Sec. 5103.03. (A) The director of job and family services 320
shall adopt rules as necessary for the adequate and competent 321
management and certification of institutions or associations. 322
The director shall ensure that foster care home study rules 323
adopted under this section align any home study content, time 324
period, and process with any home study content, time period, 325
and process required by rules adopted under section 3107.033 of 326
the Revised Code. 327

(B) (1) Except for facilities under the control of the 328
department of youth services, places of detention for children 329
established and maintained pursuant to sections 2152.41 to 330
2152.44 of the Revised Code, and child day-care centers subject 331
to Chapter 5104. of the Revised Code, the department of job and 332
family services ~~every two years~~ shall pass upon the fitness of 333
every institution and association that receives, or desires to 334

receive and care for children, or places children in private 335
homes, at a frequency established by rules adopted under 336
division (A) of this section. 337

(2) When the department of job and family services is 338
satisfied as to the care given such children, and that the 339
requirements of the statutes and rules covering the management 340
of such institutions and associations are being complied with, 341
it shall issue to the institution or association a certificate 342
to that effect. A certificate is valid for ~~two years, unless~~ 343
~~sooner revoked by the department~~ a length of time determined by 344
rules adopted under division (A) of this section. When 345
determining whether an institution or association meets a 346
particular requirement for certification, the department may 347
consider the institution or association to have met the 348
requirement if the institution or association shows to the 349
department's satisfaction that it has met a comparable 350
requirement to be accredited by a nationally recognized 351
accreditation organization. 352

(3) The department may issue a temporary certificate valid 353
for less than one year authorizing an institution or association 354
to operate until minimum requirements have been met. 355

(4) An institution or association that knowingly makes a 356
false statement that is included as a part of certification 357
under this section is guilty of the offense of falsification 358
under section 2921.13 of the Revised Code and the department 359
shall not certify that institution or association. 360

(5) The department shall not issue a certificate to a 361
prospective foster home or prospective specialized foster home 362
pursuant to this section if the prospective foster home or 363
prospective specialized foster home operates as a type A family 364

day-care home pursuant to Chapter 5104. of the Revised Code. The 365
department shall not issue a certificate to a prospective 366
specialized foster home if the prospective specialized foster 367
home operates a type B family day-care home pursuant to Chapter 368
5104. of the Revised Code. 369

(C) The department may revoke a certificate if it finds 370
that the institution or association is in violation of law or 371
rule. No juvenile court shall commit a child to an association 372
or institution that is required to be certified under this 373
section if its certificate has been revoked or, if after 374
revocation, the date of reissue is less than fifteen months 375
prior to the proposed commitment. 376

(D) ~~Every two years, on a date~~ On a frequency specified by 377
the department by rules adopted under division (A) of this 378
section, each institution or association desiring certification 379
or recertification shall submit to the department a report 380
showing its condition, management, competency to care adequately 381
for the children who have been or may be committed to it or to 382
whom it provides care or services, the system of visitation it 383
employs for children placed in private homes, and other 384
information the department requires. 385

(E) The department shall, not less than once each year, 386
send a list of certified institutions and associations to each 387
juvenile court and certified association or institution. 388

(F) No person shall receive children or receive or solicit 389
money on behalf of such an institution or association not so 390
certified or whose certificate has been revoked. 391

(G) (1) The director may delegate by rule any duties 392
imposed on it by this section to inspect and approve family 393

foster homes and specialized foster homes to public children 394
services agencies, private child placing agencies, or private 395
noncustodial agencies. 396

(2) The director shall adopt rules that require a foster 397
caregiver or other individual certified to operate a foster home 398
under this section to notify the recommending agency that the 399
foster caregiver or other individual is licensed to operate a 400
type B family day-care home under Chapter 5104. of the Revised 401
Code. 402

(H) If the director of job and family services determines 403
that an institution or association that cares for children is 404
operating without a certificate, the director may petition the 405
court of common pleas in the county in which the institution or 406
association is located for an order enjoining its operation. The 407
court shall grant injunctive relief upon a showing that the 408
institution or association is operating without a certificate. 409

(I) If both of the following are the case, the director of 410
job and family services may petition the court of common pleas 411
of any county in which an institution or association that holds 412
a certificate under this section operates for an order, and the 413
court may issue an order, preventing the institution or 414
association from receiving additional children into its care or 415
an order removing children from its care: 416

(1) The department has evidence that the life, health, or 417
safety of one or more children in the care of the institution or 418
association is at imminent risk. 419

(2) The department has issued a proposed adjudication 420
order pursuant to Chapter 119. of the Revised Code to deny 421
renewal of or revoke the certificate of the institution or 422

association. 423

Sec. 5103.031. Except as provided in section 5103.033 of 424
the Revised Code, the department of job and family services may 425
not issue a certificate under section 5103.03 of the Revised 426
Code to a foster home unless the prospective foster caregiver 427
successfully completes ~~the following amount of~~ preplacement 428
training through a preplacement training program approved by the 429
department of job and family services under section 5103.038 of 430
the Revised Code or preplacement training provided under 431
division (B) of section 5103.30 of the Revised Code. 432

~~(A) If the foster home is a family foster home, at least 433
thirty six hours; 434~~

~~(B) If the foster home is a specialized foster home, at 435
least thirty six hours. Up to twenty per cent of the required 436
preplacement training may be provided online. 437~~

Sec. 5103.032. (A) Except as provided in ~~divisions (C), 438
(D), and (E) division (B) of this section and in section 439
5103.033 of the Revised Code and subject to ~~division (B) of this 440
section,~~ the department of job and family services may not renew 441
a foster home certificate under section 5103.03 of the Revised 442
Code unless the foster caregiver successfully completes ~~the 443
following amount of~~ continuing training in accordance with the 444
foster caregiver's needs assessment and continuing training plan 445
developed and implemented under section 5103.035 of the Revised 446
Code. 447~~

~~(1) If the foster home is a family foster home, at least 448
forty hours in the preceding two year period; 449~~

~~(2) If the foster home is a specialized foster home, at 450
least sixty hours in the preceding two year period. 451~~

~~The continuing training required by this section shall~~ 452
~~comply with rules the department adopts pursuant to section~~ 453
~~5103.0316 of the Revised Code.~~ 454

~~(B) A foster caregiver may fulfill up to twenty per cent~~ 455
~~of the required amount of continuing training described in~~ 456
~~division (A) of this section by teaching one or more training~~ 457
~~classes for other foster caregivers or by providing mentorship~~ 458
~~services to other foster caregivers. The department of job and~~ 459
~~family services shall adopt rules in accordance with Chapter~~ 460
~~119. of the Revised Code as necessary for the qualification of~~ 461
~~foster caregivers to provide training or mentorship services to~~ 462
~~other foster caregivers.~~ 463

~~(C) At the beginning of a foster caregiver's two-year~~ 464
~~certification period, a public children services agency, private~~ 465
~~child placing agency, or private noncustodial agency acting as a~~ 466
~~recommending agency for a foster caregiver holding a certificate~~ 467
~~issued under section 5103.03 of the Revised Code for a family~~ 468
~~foster home or specialized foster home may waive up to eight~~ 469
~~hours of continuing training the foster caregiver is otherwise~~ 470
~~required by division (A) of this section to complete in that~~ 471
~~two-year certification period if all of the following apply:~~ 472

~~(1) The foster caregiver has held a certificate issued~~ 473
~~under section 5103.03 of the Revised Code for a family foster~~ 474
~~home or specialized foster home for at least two years;~~ 475

~~(2) The foster caregiver has provided foster care for at~~ 476
~~least ninety days of the twelve months preceding the date the~~ 477
~~agency issues the waiver;~~ 478

~~(3) The foster caregiver has not violated any requirements~~ 479
~~governing certification of foster homes during the twelve months~~ 480

~~preceding the date the agency issues the waiver;~~ 481

~~(4) The foster caregiver has complied in full with the
needs assessment and continuing training plan developed for the
foster caregiver under section 5103.035 of the Revised Code for
the preceding certification period.~~ 482
483
484
485

~~(D) Each recommending agency shall establish and implement
a policy regarding good cause for a foster caregiver's failure
to complete the continuing training in accordance with division
(A) of this section. If the foster caregiver complies with the
policy, as determined by the agency, the department may renew
the foster caregiver's foster home certificate. The agency shall
submit the policy to the department and provide a copy to each
foster home the agency recommends for certification or renewal.
The policy shall include the following:~~ 486
487
488
489
490
491
492
493
494

~~(1) What constitutes good cause, including documented
illness, critical emergencies, and lack of accessible training
programs;~~ 495
496
497

~~(2) Procedures for developing a scheduled corrective
action plan that provides for prompt completion of the
continuing training;~~ 498
499
500

~~(3) Procedures for recommending revocation of the foster
home certificate if the foster caregiver fails to comply with
the corrective action plan.~~ 501
502
503

~~(E) A foster caregiver shall be given an additional amount
of time within which the foster caregiver must complete the
continuing training required under division (A) of this section
in accordance with rules adopted by the department of job and
family services if either of the following applies:~~ 504
505
506
507
508

~~(1) The foster caregiver has served in active duty outside~~ 509

this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period. 510
511
512

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state. 513
514
515
516
517
518

Sec. 5103.033. (A) The department of job and family services may issue or renew a certificate under section 5103.03 of the Revised Code to a foster home for the care of a child who is in the custody of a public children services agency or private child placing agency pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed if the prospective foster caregiver or foster caregiver successfully completes the following ~~amount of~~ training: 519
520
521
522
523
524
525
526
527
528

(1) ~~For an initial certificate, at least twelve hours of preplacement training through a~~ A preplacement training program approved by the department of job and family services under section 5103.038 of the Revised Code or ~~preplacement training a~~ program provided under division (B) of section 5103.30 of the Revised Code; 529
530
531
532
533
534

(2) ~~For renewal of a certificate, at least twenty-four hours of continuing training in the preceding two-year period in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code~~ Continuing training in accordance 535
536
537
538
539

with the foster caregiver's needs assessment and continuing 540
training plan developed and implemented under section 5103.035 541
of the Revised Code. 542

(B) A foster caregiver to whom either division (B) (1) or 543
(2) of this section applies shall be given an additional amount 544
of time within which to complete the continuing training 545
required under division (A) (2) of this section in accordance 546
with rules adopted by the department of job and family services: 547

(1) The foster caregiver has served in active duty outside 548
this state with a branch of the armed forces of the United 549
States for more than thirty days in the preceding two-year 550
period. 551

(2) The foster caregiver has served in active duty as a 552
member of the Ohio organized militia, as defined in section 553
5923.01 of the Revised Code, for more than thirty days in the 554
preceding two-year period and that active duty relates to either 555
an emergency in or outside of this state or to military duty in 556
or outside of this state. 557

Sec. 5103.035. A public children services agency, private 558
child placing agency, or private noncustodial agency acting as a 559
recommending agency for a foster caregiver shall develop and 560
implement a written needs assessment and continuing training 561
plan for the foster caregiver in accordance with rules adopted 562
under section 5103.0316 of the Revised Code. ~~Each needs-~~ 563
~~assessment and continuing training plan shall satisfy all of the-~~ 564
~~following requirements:~~ 565

~~(A) Be effective for the two-year period the foster~~ 566
~~caregiver's certificate is in effect;~~ 567

~~(B) Be appropriate for the type of foster home the foster~~ 568

~~caregiver operates, and include training for the caregiver that
relates to providing independent living services, as defined in
section 2151.81 of the Revised Code, to a child placed as
provided in division (B) (2) of section 2151.353 of the Revised
Code;~~ 569
570
571
572
573

~~(C) Require the foster caregiver to successfully complete
the training required by the department in rules adopted
pursuant to section 5103.0316 of the Revised Code and any other
courses the agency considers appropriate;~~ 574
575
576
577

~~(D) Include criteria the agency is to use to determine
whether the foster caregiver has successfully completed the
courses;~~ 578
579
580

~~(E) Guarantee that the courses the foster caregiver is
required to complete are available to the foster caregiver at
reasonable times and places;~~ 581
582
583

~~(F) Specify the number of hours of continuing training, if
any, the foster caregiver may complete by teaching one or more
training classes to other foster caregivers or by providing
mentoring services to other foster caregivers pursuant to
division (B) of section 5103.032 of the Revised Code;~~ 584
585
586
587
588

~~(G) Specify the number of hours of continuing training, if
any, the agency will waive pursuant to division (C) of section
5103.032 of the Revised Code.~~ 589
590
591

Sec. 5103.038. (A) Every other year by a date specified in 592
rules adopted under section 5103.0316 of the Revised Code, each 593
private child placing agency and private noncustodial agency 594
that seeks to operate a preplacement training program or 595
continuing training program under section 5103.034 of the 596
Revised Code shall submit to the department of job and family 597

services a proposal outlining the program. The proposal may be 598
the same as, a modification of, or different from, a model 599
design developed by the department. 600

(B) Not later than thirty days after receiving a proposal 601
under division (A) of this section, the department shall either 602
approve or disapprove the proposed program. The department shall 603
approve a proposed preplacement training program if it complies 604
with ~~section 5103.039 or 5103.0311~~ rules adopted under section 605
5103.0316 of the Revised Code, as appropriate, and, in the case 606
of a proposal submitted by an agency operating a preplacement 607
training program at the time the proposal is submitted, the 608
department is satisfied with the agency's operation of the 609
program. The department shall approve a proposed continuing 610
training program if it complies with rules adopted ~~pursuant to~~ 611
~~division (C) of~~ under section 5103.0316 of the Revised Code and, 612
in the case of a proposal submitted by an agency operating a 613
continuing training program at the time the proposal is 614
submitted, the department is satisfied with the agency's 615
operation of the program. If the department disapproves a 616
proposal, it shall provide the reason for disapproval to the 617
agency that submitted the proposal and advise the agency of how 618
to revise the proposal so that the department can approve it. 619

(C) The department's approval under division (B) of this 620
section of a proposed preplacement training program or 621
continuing training program is valid only for two years 622
following the year the proposal for the program is submitted to 623
the department under division (A) of this section. 624

Sec. 5103.0313. Except as provided in section 5103.303 of 625
the Revised Code, the department of job and family services 626
shall compensate a private child placing agency or private 627

noncustodial agency for the cost of procuring or operating 628
preplacement and continuing training programs approved by the 629
department of job and family services under section 5103.038 of 630
the Revised Code for prospective foster caregivers and foster 631
caregivers who are recommended for initial certification or 632
recertification by the agency. 633

The compensation shall be paid to the agency in the form 634
of an allowance to reimburse the agency for the ~~minimum required~~ 635
~~amount of preplacement and continuing cost of training provided~~ 636
~~or received under section 5103.031 or 5103.032 of the Revised~~ 637
~~Code pursuant to the rules adopted by the department of job and~~ 638
~~family services in accordance with section 5103.0316 of the~~ 639
Revised Code. 640

Sec. 5103.0314. The department of job and family services 641
shall ~~not compensate~~ adopt rules regarding the compensation of a 642
recommending agency for any training the agency requires a 643
foster caregiver to undergo as a condition of the agency 644
recommending the department certify ~~or recertify~~ the foster 645
caregiver's foster home under section 5103.03 of the Revised 646
Code if the training is in ~~addition to the minimum excess of the~~ 647
~~training required by~~ under section 5103.031 ~~or 5103.032~~ of the 648
Revised Code. 649

The department of job and family services shall adopt 650
rules regarding the compensation of a recommending agency for 651
any training the agency requires a foster caregiver to undergo 652
as a condition of the agency recommending the department 653
recertify the foster caregiver's foster home under section 654
5103.03 of the Revised Code if the training is in addition to 655
the minimum training required under section 5103.032 of the 656
Revised Code. 657

Sec. 5103.0316. The department of job and family services 658
shall adopt rules in accordance with Chapter 119. of the Revised 659
Code as necessary for the efficient administration of sections 660
5103.031 to 5103.0316 of the Revised Code. The rules shall 661
provide for all of the following: 662

(A) For the purpose of section 5103.038 of the Revised 663
Code, the date by which a private child placing agency or 664
private noncustodial agency that seeks to operate a preplacement 665
training program or continuing training program under section 666
5103.034 of the Revised Code must submit to the department a 667
proposal outlining the program; 668

(B) Requirements governing the department's compensation 669
of private child placing agencies and private noncustodial 670
agencies under sections 5103.0312 and 5103.0313 of the Revised 671
Code, including the allowance to reimburse the agencies for the 672
cost of providing the training under sections 5103.031, 673
5103.032, and 5103.033 of the Revised Code; 674

(C) Requirements governing the continuing training 675
required by sections 5103.032 and 5103.033 of the Revised Code; 676

(D) The amount of training hours necessary for 677
preplacement training and continuing training for purposes of 678
sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 679

(E) Courses necessary to meet the preplacement and 680
continuing training requirements for foster homes under sections 681
5103.031, 5103.032, and 5103.033 of the Revised Code; 682

(F) Criteria used to create a written needs assessment and 683
continuing training plan for each foster caregiver as required 684
by section 5103.035 of the Revised Code; 685

(G) Any other matter the department considers appropriate. 686

Sec. 5103.0317. ~~A foster home may not receive more than~~ 687
~~five children apart from their parents, guardian, or custodian,~~ 688
~~except in any of the following circumstances:~~ 689

~~(A) To accommodate a sibling group or the remaining~~ 690
~~members of a sibling group;~~ 691

~~(B) When the additional child or children are related to~~ 692
~~the foster caregiver by blood or marriage;~~ 693

~~(C) When the additional child or children are foster~~ 694
~~children who previously resided in the foster home;~~ 695

~~(D) When the additional child or children are the children~~ 696
~~of a foster child who resides in the foster home~~ The Director of 697
Job and Family Services shall adopt rules concerning the maximum 698
number of children a foster home may receive and any exceptions 699
to the maximum number. 700

Sec. 5103.31. Training provided under section 5103.30 of 701
the Revised Code shall provide the knowledge, skill, and ability 702
needed to do the jobs that the training is for. The Ohio child 703
welfare training program coordinator shall identify the 704
competencies needed to do the jobs that the training is for so 705
that the training helps the development of those competencies. 706
In addition, the training shall do all of the following: 707

(A) In the case of the training provided under division 708
(A) of section 5103.30 of the Revised Code, comply with the 709
rules adopted under section 3107.015 of the Revised Code; 710

(B) In the case of the preplacement training provided 711
under division (B) of section 5103.30 of the Revised Code, 712
comply with ~~section 5103.039 of the Revised Code and division~~ 713
~~(A) of the rules adopted under~~ section 5103.0311-5103.0316 of 714
the Revised Code; 715

(C) In the case of the continuing training provided under 716
division (C) of section 5103.30 of the Revised Code, comply with 717
rules adopted under ~~division (C) of~~ section 5103.0316 of the 718
Revised Code; 719

(D) In the case of the training provided under divisions 720
(D) and (E) of section 5103.30 of the Revised Code, comply with 721
rules adopted under section 5153.124 of the Revised Code. 722

Section 2. That existing sections 2151.353, 5103.03, 723
5103.031, 5103.032, 5103.033, 5103.035, 5103.038, 5103.0313, 724
5103.0314, 5103.0316, 5103.0317, and 5103.31 and sections 725
5103.039 and 5103.0311 of the Revised Code are hereby repealed. 726