

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 371

Representatives Pillich, Belcher

**Cosponsors: Representatives Amstutz, Bacon, Bolon, Boyd, Celeste,
Chandler, Combs, DeGeeter, Domenick, Fende, Foley, Garland, Hackett,
Hagan, Harris, Letson, Murray, Newcomb, Okey, Patten, Phillips, Skindell,
Ujvagi, Wagner, Weddington, Williams, B., Williams, S., Yuko**

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A B I L L

To amend sections 109.65, 109.73, 109.741, 109.77, 1
109.79, 109.93, 121.37, 121.38, 307.021, 307.86, 2
340.15, 2101.17, 2151.011, 2151.03, 2151.10, 3
2151.141, 2151.18, 2151.23, 2151.24, 2151.27, 4
2151.28, 2151.281, 2151.282, 2151.31, 2151.312, 5
2151.314, 2151.33, 2151.331, 2151.35, 2151.353, 6
2151.359, 2151.3514, 2151.3517, 2151.3520, 7
2151.3521, 2151.3522, 2151.3523, 2151.3524, 8
2151.3527, 2151.36, 2151.40, 2151.412, 2151.414, 9
2151.421, 2151.423, 2151.425, 2151.426, 2151.427, 10
2151.428, 2151.44, 2151.54, 2151.56, 2151.65, 11
2151.86, 2151.99, 2152.02, 2152.19, 2152.71, 12
2301.03, 2317.01, 2317.02, 2501.02, 2710.05, 13
2901.13, 2919.21, 2919.22, 2919.23, 2921.14, 14
2921.32, 2927.02, 2930.01, 2945.42, 3101.01, 15
3107.013, 3107.034, 3107.12, 3107.161, 3109.04, 16
3109.051, 3109.052, 3109.11, 3109.12, 3109.13, 17
3109.15, 3109.16, 3109.17, 3109.171, 3109.172, 18
3109.18, 3109.46, 3109.51, 3109.53, 3109.58, 19
3109.66, 3109.68, 3109.74, 3109.77, 3113.31, 20

3127.01, 3127.23, 3127.38, 3301.121, 3301.54, 21
3301.56, 3313.64, 3313.662, 3321.17, 3321.19, 22
3321.22, 3701.503, 3730.01, 4501.21, 5101.13, 23
5101.28, 5101.46, 5103.04, 5103.07, 5103.12, 24
5103.13, 5103.161, 5103.18, 5104.011, 5104.06, 25
5104.11, 5107.02, 5107.10, 5111.88, 5120.173, 26
5122.39, 5123.93, 5139.05, 5153.122, 5153.123, 27
5153.16, 5153.171, 5153.172, 5153.175, and 28
5153.52, to amend, for the purpose of adopting new 29
section numbers as indicated in parentheses, 30
sections 2151.011 (2151.03) and 2151.03 (2151.45), 31
to enact new section 2151.031, and sections 32
2151.02, 2151.021, 2151.032, 2151.033, 2151.034, 33
2151.035, 2151.036, 2151.037, and 2151.351, and to 34
repeal sections 2151.031, 2151.04, and 2151.05 of 35
the Revised Code to establish the category of a 36
child in need of protective services and to 37
generally replace the terms "abused child," 38
"neglected child," and "dependent child" as they 39
apply to civil law with the term "child in need of 40
protective services." 41

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

Section 1. That sections 109.65, 109.73, 109.741, 109.77, 42
109.79, 109.93, 121.37, 121.38, 307.021, 307.86, 340.15, 2101.17, 43
2151.011, 2151.03, 2151.10, 2151.141, 2151.18, 2151.23, 2151.24, 44
2151.27, 2151.28, 2151.281, 2151.282, 2151.31, 2151.312, 2151.314, 45
2151.33, 2151.331, 2151.35, 2151.353, 2151.359, 2151.3514, 46
2151.3517, 2151.3520, 2151.3521, 2151.3522, 2151.3523, 2151.3524, 47
2151.3527, 2151.36, 2151.40, 2151.412, 2151.414, 2151.421, 48
2151.423, 2151.425, 2151.426, 2151.427, 2151.428, 2151.44, 49
2151.54, 2151.56, 2151.65, 2151.86, 2151.99, 2152.02, 2152.19, 50

2152.71, 2301.03, 2317.01, 2317.02, 2501.02, 2710.05, 2901.13, 51
2919.21, 2919.22, 2919.23, 2921.14, 2921.32, 2927.02, 2930.01, 52
2945.42, 3101.01, 3107.013, 3107.034, 3107.12, 3107.161, 3109.04, 53
3109.051, 3109.052, 3109.11, 3109.12, 3109.13, 3109.15, 3109.16, 54
3109.17, 3109.171, 3109.172, 3109.18, 3109.46, 3109.51, 3109.53, 55
3109.58, 3109.66, 3109.68, 3109.74, 3109.77, 3113.31, 3127.01, 56
3127.23, 3127.38, 3301.121, 3301.54, 3301.56, 3313.64, 3313.662, 57
3321.17, 3321.19, 3321.22, 3701.503, 3730.01, 4501.21, 5101.13, 58
5101.28, 5101.46, 5103.04, 5103.07, 5103.12, 5103.13, 5103.161, 59
5103.18, 5104.011, 5104.06, 5104.11, 5107.02, 5107.10, 5111.88, 60
5120.173, 5122.39, 5123.93, 5139.05, 5153.122, 5153.123, 5153.16, 61
5153.171, 5153.172, 5153.175, and 5153.52 be amended, sections 62
2151.011 (2151.03) and 2151.03 (2151.45) be amended for the 63
purpose of adopting new section numbers as indicated in 64
parentheses, new section 2151.031 and sections 2151.02, 2151.021, 65
2151.032, 2151.033, 2151.034, 2151.035, 2151.036, 2151.037, and 66
2151.351 of the Revised Code be enacted to read as follows: 67

Sec. 109.65. (A) As used in this section, "minor," "missing 68
child," and "missing children" have the same meanings as in 69
section 2901.30 of the Revised Code. 70

(B) There is hereby created within the office of the attorney 71
general the missing children clearinghouse. The attorney general 72
shall administer the clearinghouse. The clearinghouse is 73
established as a central repository of information to coordinate 74
and improve the availability of information regarding missing 75
children, which information shall be collected and disseminated by 76
the clearinghouse to assist in the location of missing children. 77
The clearinghouse shall act as an information repository separate 78
from and in addition to law enforcement agencies within this 79
state. 80

(C) The missing children clearinghouse may perform any of the 81

following functions:	82
(1) The establishment of services to aid in the location of missing children that include, but are not limited to, any of the following services:	83 84 85
(a) Assistance in the preparation and dissemination of flyers identifying and describing missing children and their abductors;	86 87
(b) The development of informational forms for the reporting of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;	88 89 90 91
(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.	92 93 94 95
(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;	96 97 98
(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section;	99 100 101 102 103 104
(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;	105 106 107
(5) The participation as a member in any networks of other missing children centers or clearinghouses;	108 109
(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of	110 111

information concerning missing children. 112

(D) If a board of education is notified by school personnel 113
that a missing child is attending any school under the board's 114
jurisdiction, or if the principal or chief administrative officer 115
of a nonpublic school is notified by school personnel that a 116
missing child is attending that school, the board or the principal 117
or chief administrative officer immediately shall give notice of 118
that fact to the missing children clearinghouse and to the law 119
enforcement agency with jurisdiction over the area where the 120
missing child resides. 121

(E)(1) The attorney general, in cooperation with the 122
department of job and family services, shall establish a "missing 123
child educational program" within the missing children 124
clearinghouse that shall perform the functions specified in 125
divisions (E)(1) to (3) of this section. The program shall operate 126
under the supervision and control of the attorney general in 127
accordance with procedures that the attorney general shall develop 128
to implement divisions (E)(1) to (3) of this section. The attorney 129
general shall cooperate with the department of education in 130
developing and disseminating information acquired or prepared 131
pursuant to division (E)(3) of this section. 132

(2) Upon the request of any board of education in this state 133
or any nonpublic school in this state, the missing child 134
educational program shall provide to the board or school a 135
reasonable number of copies of the information acquired or 136
prepared pursuant to division (E)(3) of this section. 137

Upon the request of any board of education in this state or 138
any nonpublic school in this state that, pursuant to section 139
3313.96 of the Revised Code, is developing an information program 140
concerning missing children issues and matters, the missing child 141
educational program shall provide to the board or nonpublic school 142
assistance in developing the information program. The assistance 143

may include, but is not limited to, the provision of any or all of	144
the following:	145
(a) If the requesting entity is a board of education of a	146
school district, sample policies on missing and exploited children	147
issues to assist the board in complying with section 3313.205 of	148
the Revised Code;	149
(b) Suggested safety curricula regarding missing children	150
issues, including child safety and abduction prevention issues;	151
(c) Assistance in developing, with local law enforcement	152
agencies, prosecuting attorneys, boards of education, school	153
districts, and nonpublic schools, cooperative programs for	154
fingerprinting children;	155
(d) Other assistance to further the goals of the program.	156
(3) The missing child educational program shall acquire or	157
prepare informational materials relating to missing children	158
issues and matters. These issues and matters include, but are not	159
limited to, the following:	160
(a) The types of missing children;	161
(b) The reasons why and how minors become missing children,	162
the potential adverse consequences of a minor becoming a missing	163
child, and, in the case of minors who are considering running away	164
from home or from the care, custody, and control of their parents,	165
parent who is the residential parent and legal custodian,	166
guardian, legal custodian, or another person responsible for them,	167
alternatives that may be available to address their concerns and	168
problems;	169
(c) Offenses under federal law that could relate to missing	170
children and other provisions of federal law that focus on missing	171
children;	172
(d) Offenses under the Revised Code that could relate to	173

missing children, including, but not limited to, kidnapping,	174
abduction, unlawful restraint, child stealing, interference with	175
custody, endangering children, domestic violence, abuse of a child	176
and committing an act or omission against a child that causes or	177
contributes to a child being a child in need of protective	178
services, contributing to the dependency, neglect, unruliness, or	179
delinquency of a child, sexual offenses, drug offenses,	180
prostitution offenses, and obscenity offenses, and other	181
provisions of the Revised Code that could relate to missing	182
children;	183
(e) Legislation being considered by the general assembly,	184
legislatures of other states, the congress of the United States,	185
and political subdivisions in this or any other state to address	186
missing children issues;	187
(f) Sources of information on missing children issues;	188
(g) State, local, federal, and private systems for locating	189
and identifying missing children;	190
(h) Law enforcement agency programs, responsibilities, and	191
investigative techniques in missing children matters;	192
(i) Efforts on the community level in this and other states,	193
concerning missing children issues and matters, by governmental	194
entities and private organizations;	195
(j) The identification of private organizations that, among	196
their primary objectives, address missing children issues and	197
matters;	198
(k) How to avoid becoming a missing child and what to do if	199
one becomes a missing child;	200
(l) Efforts that schools, parents, and members of a community	201
can undertake to reduce the risk that a minor will become a	202
missing child and to quickly locate or identify a minor if he	203

becomes a missing child, including, but not limited to, 204
fingerprinting programs. 205

(F) Each year the missing children clearinghouse shall issue 206
a report describing its performance of the functions specified in 207
division (E) of this section and shall provide a copy of the 208
report to the speaker of the house of representatives, the 209
president of the senate, the governor, the superintendent of the 210
bureau of criminal identification and investigation, and the 211
director of job and family services. 212

(G) Any state agency or political subdivision of this state 213
that operates a missing children program or a clearinghouse for 214
information about missing children shall coordinate its activities 215
with the missing children clearinghouse. 216

(H) The attorney general shall determine a reasonable fee to 217
be charged for providing to any person or entity other than a 218
state or local law enforcement agency of this or any other state, 219
a law enforcement agency of the United States, a board of 220
education of a school district in this state, a nonpublic school 221
in this state, a governmental entity in this state, or a public 222
library in this state, pursuant to division (A)(3) of this 223
section, copies of any information acquired or prepared pursuant 224
to division (E)(3) of this section. The attorney general shall 225
collect the fee prior to sending or giving copies of any 226
information to any person or entity for whom or which this 227
division requires the fee to be charged and shall deposit the fee 228
into the missing children fund created by division (I) of this 229
section. 230

(I) There is hereby created in the state treasury the missing 231
children fund that shall consist of all moneys awarded to the 232
state by donation, gift, or bequest, all other moneys received for 233
purposes of this section, and all fees collected pursuant to this 234
section or section 109.64 of the Revised Code. The attorney 235

general shall use the moneys in the missing children fund only for 236
purposes of the office of the attorney general acquiring or 237
preparing information pursuant to division (E)(3) of this section. 238

(J) The failure of the missing children clearinghouse to 239
undertake any function or activity authorized in this section does 240
not create a cause of action against the state. 241

Sec. 109.73. (A) The Ohio peace officer training commission 242
shall recommend rules to the attorney general with respect to all 243
of the following: 244

(1) The approval, or revocation of approval, of peace officer 245
training schools administered by the state, counties, municipal 246
corporations, public school districts, technical college 247
districts, and the department of natural resources; 248

(2) Minimum courses of study, attendance requirements, and 249
equipment and facilities to be required at approved state, county, 250
municipal, and department of natural resources peace officer 251
training schools; 252

(3) Minimum qualifications for instructors at approved state, 253
county, municipal, and department of natural resources peace 254
officer training schools; 255

(4) The requirements of minimum basic training that peace 256
officers appointed to probationary terms shall complete before 257
being eligible for permanent appointment, which requirements shall 258
include training in the handling of the offense of domestic 259
violence, other types of domestic violence-related offenses and 260
incidents, and protection orders and consent agreements issued or 261
approved under section 2919.26 or 3113.31 of the Revised Code; 262
crisis intervention training; and training in the handling of 263
missing children and ~~child abuse and neglect~~ cases of children in 264
need of protective services; and the time within which such basic 265

training shall be completed following appointment to a 266
probationary term; 267

(5) The requirements of minimum basic training that peace 268
officers not appointed for probationary terms but appointed on 269
other than a permanent basis shall complete in order to be 270
eligible for continued employment or permanent appointment, which 271
requirements shall include training in the handling of the offense 272
of domestic violence, other types of domestic violence-related 273
offenses and incidents, and protection orders and consent 274
agreements issued or approved under section 2919.26 or 3113.31 of 275
the Revised Code, crisis intervention training, and training in 276
the handling of missing children and ~~child abuse and neglect~~ cases 277
of children in need of protective services, and the time within 278
which such basic training shall be completed following appointment 279
on other than a permanent basis; 280

(6) Categories or classifications of advanced in-service 281
training programs for peace officers, including programs in the 282
handling of the offense of domestic violence, other types of 283
domestic violence-related offenses and incidents, and protection 284
orders and consent agreements issued or approved under section 285
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 286
and in the handling of missing children and ~~child abuse and~~ 287
~~neglect~~ cases of children in need of protective services, and 288
minimum courses of study and attendance requirements with respect 289
to such categories or classifications; 290

(7) Permitting persons, who are employed as members of a 291
campus police department appointed under section 1713.50 of the 292
Revised Code; who are employed as police officers by a qualified 293
nonprofit corporation police department pursuant to section 294
1702.80 of the Revised Code; who are appointed and commissioned as 295
bank, savings and loan association, savings bank, credit union, or 296
association of banks, savings and loan associations, savings 297

banks, or credit unions police officers, as railroad police 298
officers, or as hospital police officers pursuant to sections 299
4973.17 to 4973.22 of the Revised Code; or who are appointed and 300
commissioned as amusement park police officers pursuant to section 301
4973.17 of the Revised Code, to attend approved peace officer 302
training schools, including the Ohio peace officer training 303
academy, and to receive certificates of satisfactory completion of 304
basic training programs, if the private college or university that 305
established the campus police department; qualified nonprofit 306
corporation police department; bank, savings and loan association, 307
savings bank, credit union, or association of banks, savings and 308
loan associations, savings banks, or credit unions; railroad 309
company; hospital; or amusement park sponsoring the police 310
officers pays the entire cost of the training and certification 311
and if trainee vacancies are available; 312

(8) Permitting undercover drug agents to attend approved 313
peace officer training schools, other than the Ohio peace officer 314
training academy, and to receive certificates of satisfactory 315
completion of basic training programs, if, for each undercover 316
drug agent, the county, township, or municipal corporation that 317
employs that undercover drug agent pays the entire cost of the 318
training and certification; 319

(9)(a) The requirements for basic training programs for 320
bailiffs and deputy bailiffs of courts of record of this state and 321
for criminal investigators employed by the state public defender 322
that those persons shall complete before they may carry a firearm 323
while on duty; 324

(b) The requirements for any training received by a bailiff 325
or deputy bailiff of a court of record of this state or by a 326
criminal investigator employed by the state public defender prior 327
to June 6, 1986, that is to be considered equivalent to the 328
training described in division (A)(9)(a) of this section. 329

(10) Establishing minimum qualifications and requirements for certification for dogs utilized by law enforcement agencies;	330 331
(11) Establishing minimum requirements for certification of persons who are employed as correction officers in a full-service jail, five-day facility, or eight-hour holding facility or who provide correction services in such a jail or facility;	332 333 334 335
(12) Establishing requirements for the training of agents of a county humane society under section 1717.06 of the Revised Code, including, without limitation, a requirement that the agents receive instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices.	336 337 338 339 340 341
(B) The commission shall appoint an executive director, with the approval of the attorney general, who shall hold office during the pleasure of the commission. The executive director shall perform such duties assigned by the commission. The executive director shall receive a salary fixed pursuant to Chapter 124. of the Revised Code and reimbursement for expenses within the amounts available by appropriation. The executive director may appoint officers, employees, agents, and consultants as the executive director considers necessary, prescribe their duties, and provide for reimbursement of their expenses within the amounts available for reimbursement by appropriation and with the approval of the commission.	342 343 344 345 346 347 348 349 350 351 352 353
(C) The commission may do all of the following:	354
(1) Recommend studies, surveys, and reports to be made by the executive director regarding the carrying out of the objectives and purposes of sections 109.71 to 109.77 of the Revised Code;	355 356 357
(2) Visit and inspect any peace officer training school that has been approved by the executive director or for which application for approval has been made;	358 359 360

(3) Make recommendations, from time to time, to the executive director, the attorney general, and the general assembly regarding the carrying out of the purposes of sections 109.71 to 109.77 of the Revised Code;

(4) Report to the attorney general from time to time, and to the governor and the general assembly at least annually, concerning the activities of the commission;

(5) Establish fees for the services the commission offers under sections 109.71 to 109.79 of the Revised Code, including, but not limited to, fees for training, certification, and testing;

(6) Perform such other acts as are necessary or appropriate to carry out the powers and duties of the commission as set forth in sections 109.71 to 109.77 of the Revised Code.

(D) In establishing the requirements, under division (A)(12) of this section, the commission may consider any portions of the curriculum for instruction on the topic of animal husbandry practices, if any, of the Ohio state university college of veterinary medicine. No person or entity that fails to provide instruction on traditional animal husbandry methods and training techniques, including customary owner-performed practices, shall qualify to train a humane agent for appointment under section 1717.06 of the Revised Code.

Sec. 109.741. The attorney general shall adopt, in accordance with Chapter 119. or pursuant to section 109.74 of the Revised Code, rules governing the training of peace officers in the handling of missing children, missing persons, and ~~child abuse and neglect~~ cases of children in need of protective services. The rules shall specify the amount of that training necessary for the satisfactory completion of basic training programs at approved peace officer training schools, other than the Ohio peace officer training academy and the time within which a peace officer is

required to receive that training, if the peace officer is 392
appointed as a peace officer before receiving that training. 393

Sec. 109.77. (A) As used in this section, "felony" has the 394
same meaning as in section 109.511 of the Revised Code. 395

(B)(1) Notwithstanding any general, special, or local law or 396
charter to the contrary, and except as otherwise provided in this 397
section, no person shall receive an original appointment on a 398
permanent basis as any of the following unless the person 399
previously has been awarded a certificate by the executive 400
director of the Ohio peace officer training commission attesting 401
to the person's satisfactory completion of an approved state, 402
county, municipal, or department of natural resources peace 403
officer basic training program: 404

(a) A peace officer of any county, township, municipal 405
corporation, regional transit authority, or metropolitan housing 406
authority; 407

(b) A natural resources law enforcement staff officer, park 408
officer, forest officer, preserve officer, wildlife officer, or 409
state watercraft officer of the department of natural resources; 410

(c) An employee of a park district under section 511.232 or 411
1545.13 of the Revised Code; 412

(d) An employee of a conservancy district who is designated 413
pursuant to section 6101.75 of the Revised Code; 414

(e) A state university law enforcement officer; 415

(f) A special police officer employed by the department of 416
mental health pursuant to section 5119.14 of the Revised Code or 417
the department of developmental disabilities pursuant to section 418
5123.13 of the Revised Code; 419

(g) An enforcement agent of the department of public safety 420
whom the director of public safety designates under section 421

5502.14 of the Revised Code;	422
(h) A special police officer employed by a port authority	423
under section 4582.04 or 4582.28 of the Revised Code;	424
(i) A special police officer employed by a municipal	425
corporation at a municipal airport, or other municipal air	426
navigation facility, that has scheduled operations, as defined in	427
section 119.3 of Title 14 of the Code of Federal Regulations, 14	428
C.F.R. 119.3, as amended, and that is required to be under a	429
security program and is governed by aviation security rules of the	430
transportation security administration of the United States	431
department of transportation as provided in Parts 1542. and 1544.	432
of Title 49 of the Code of Federal Regulations, as amended.	433
(2) Every person who is appointed on a temporary basis or for	434
a probationary term or on other than a permanent basis as any of	435
the following shall forfeit the appointed position unless the	436
person previously has completed satisfactorily or, within the time	437
prescribed by rules adopted by the attorney general pursuant to	438
section 109.74 of the Revised Code, satisfactorily completes a	439
state, county, municipal, or department of natural resources peace	440
officer basic training program for temporary or probationary	441
officers and is awarded a certificate by the director attesting to	442
the satisfactory completion of the program:	443
(a) A peace officer of any county, township, municipal	444
corporation, regional transit authority, or metropolitan housing	445
authority;	446
(b) A natural resources law enforcement staff officer, park	447
officer, forest officer, preserve officer, wildlife officer, or	448
state watercraft officer of the department of natural resources;	449
(c) An employee of a park district under section 511.232 or	450
1545.13 of the Revised Code;	451
(d) An employee of a conservancy district who is designated	452

pursuant to section 6101.75 of the Revised Code; 453

(e) A special police officer employed by the department of 454
mental health pursuant to section 5119.14 of the Revised Code or 455
the department of developmental disabilities pursuant to section 456
5123.13 of the Revised Code; 457

(f) An enforcement agent of the department of public safety 458
whom the director of public safety designates under section 459
5502.14 of the Revised Code; 460

(g) A special police officer employed by a port authority 461
under section 4582.04 or 4582.28 of the Revised Code; 462

(h) A special police officer employed by a municipal 463
corporation at a municipal airport, or other municipal air 464
navigation facility, that has scheduled operations, as defined in 465
section 119.3 of Title 14 of the Code of Federal Regulations, 14 466
C.F.R. 119.3, as amended, and that is required to be under a 467
security program and is governed by aviation security rules of the 468
transportation security administration of the United States 469
department of transportation as provided in Parts 1542. and 1544. 470
of Title 49 of the Code of Federal Regulations, as amended. 471

(3) For purposes of division (B) of this section, a state, 472
county, municipal, or department of natural resources peace 473
officer basic training program, regardless of whether the program 474
is to be completed by peace officers appointed on a permanent or 475
temporary, probationary, or other nonpermanent basis, shall 476
include training in the handling of the offense of domestic 477
violence, other types of domestic violence-related offenses and 478
incidents, and protection orders and consent agreements issued or 479
approved under section 2919.26 or 3113.31 of the Revised Code and 480
crisis intervention training. The requirement to complete training 481
in the handling of the offense of domestic violence, other types 482
of domestic violence-related offenses and incidents, and 483

protection orders and consent agreements issued or approved under 484
section 2919.26 or 3113.31 of the Revised Code does not apply to 485
any person serving as a peace officer on March 27, 1979, and the 486
requirement to complete training in crisis intervention does not 487
apply to any person serving as a peace officer on April 4, 1985. 488
Any person who is serving as a peace officer on April 4, 1985, who 489
terminates that employment after that date, and who subsequently 490
is hired as a peace officer by the same or another law enforcement 491
agency shall complete training in crisis intervention as 492
prescribed by rules adopted by the attorney general pursuant to 493
section 109.742 of the Revised Code. No peace officer shall have 494
employment as a peace officer terminated and then be reinstated 495
with intent to circumvent this section. 496

(4) Division (B) of this section does not apply to any person 497
serving on a permanent basis on March 28, 1985, as a park officer, 498
forest officer, preserve officer, wildlife officer, or state 499
watercraft officer of the department of natural resources or as an 500
employee of a park district under section 511.232 or 1545.13 of 501
the Revised Code, to any person serving on a permanent basis on 502
March 6, 1986, as an employee of a conservancy district designated 503
pursuant to section 6101.75 of the Revised Code, to any person 504
serving on a permanent basis on January 10, 1991, as a preserve 505
officer of the department of natural resources, to any person 506
employed on a permanent basis on July 2, 1992, as a special police 507
officer by the department of mental health pursuant to section 508
5119.14 of the Revised Code or by the department of developmental 509
disabilities pursuant to section 5123.13 of the Revised Code, to 510
any person serving on a permanent basis on May 17, 2000, as a 511
special police officer employed by a port authority under section 512
4582.04 or 4582.28 of the Revised Code, to any person serving on a 513
permanent basis on March 19, 2003, as a special police officer 514
employed by a municipal corporation at a municipal airport or 515
other municipal air navigation facility described in division 516

(A)(19) of section 109.71 of the Revised Code, to any person 517
serving on a permanent basis on June 19, 1978, as a state 518
university law enforcement officer pursuant to section 3345.04 of 519
the Revised Code and who, immediately prior to June 19, 1978, was 520
serving as a special police officer designated under authority of 521
that section, or to any person serving on a permanent basis on 522
September 20, 1984, as a liquor control investigator, known after 523
June 30, 1999, as an enforcement agent of the department of public 524
safety, engaged in the enforcement of Chapters 4301. and 4303. of 525
the Revised Code. 526

(5) Division (B) of this section does not apply to any person 527
who is appointed as a regional transit authority police officer 528
pursuant to division (Y) of section 306.35 of the Revised Code if, 529
on or before July 1, 1996, the person has completed satisfactorily 530
an approved state, county, municipal, or department of natural 531
resources peace officer basic training program and has been 532
awarded a certificate by the executive director of the Ohio peace 533
officer training commission attesting to the person's satisfactory 534
completion of such an approved program and if, on July 1, 1996, 535
the person is performing peace officer functions for a regional 536
transit authority. 537

(C) No person, after September 20, 1984, shall receive an 538
original appointment on a permanent basis as a veterans' home 539
police officer designated under section 5907.02 of the Revised 540
Code unless the person previously has been awarded a certificate 541
by the executive director of the Ohio peace officer training 542
commission attesting to the person's satisfactory completion of an 543
approved police officer basic training program. Every person who 544
is appointed on a temporary basis or for a probationary term or on 545
other than a permanent basis as a veterans' home police officer 546
designated under section 5907.02 of the Revised Code shall forfeit 547
that position unless the person previously has completed 548

satisfactorily or, within one year from the time of appointment, 549
satisfactorily completes an approved police officer basic training 550
program. 551

(D) No bailiff or deputy bailiff of a court of record of this 552
state and no criminal investigator who is employed by the state 553
public defender shall carry a firearm, as defined in section 554
2923.11 of the Revised Code, while on duty unless the bailiff, 555
deputy bailiff, or criminal investigator has done or received one 556
of the following: 557

(1) Has been awarded a certificate by the executive director 558
of the Ohio peace officer training commission, which certificate 559
attests to satisfactory completion of an approved state, county, 560
or municipal basic training program for bailiffs and deputy 561
bailiffs of courts of record and for criminal investigators 562
employed by the state public defender that has been recommended by 563
the Ohio peace officer training commission; 564

(2) Has successfully completed a firearms training program 565
approved by the Ohio peace officer training commission prior to 566
employment as a bailiff, deputy bailiff, or criminal investigator; 567

(3) Prior to June 6, 1986, was authorized to carry a firearm 568
by the court that employed the bailiff or deputy bailiff or, in 569
the case of a criminal investigator, by the state public defender 570
and has received training in the use of firearms that the Ohio 571
peace officer training commission determines is equivalent to the 572
training that otherwise is required by division (D) of this 573
section. 574

(E)(1) Before a person seeking a certificate completes an 575
approved peace officer basic training program, the executive 576
director of the Ohio peace officer training commission shall 577
request the person to disclose, and the person shall disclose, any 578
previous criminal conviction of or plea of guilty of that person 579

to a felony. 580

(2) Before a person seeking a certificate completes an 581
approved peace officer basic training program, the executive 582
director shall request a criminal history records check on the 583
person. The executive director shall submit the person's 584
fingerprints to the bureau of criminal identification and 585
investigation, which shall submit the fingerprints to the federal 586
bureau of investigation for a national criminal history records 587
check. 588

Upon receipt of the executive director's request, the bureau 589
of criminal identification and investigation and the federal 590
bureau of investigation shall conduct a criminal history records 591
check on the person and, upon completion of the check, shall 592
provide a copy of the criminal history records check to the 593
executive director. The executive director shall not award any 594
certificate prescribed in this section unless the executive 595
director has received a copy of the criminal history records check 596
on the person to whom the certificate is to be awarded. 597

(3) The executive director of the commission shall not award 598
a certificate prescribed in this section to a person who has been 599
convicted of or has pleaded guilty to a felony or who fails to 600
disclose any previous criminal conviction of or plea of guilty to 601
a felony as required under division (E)(1) of this section. 602

(4) The executive director of the commission shall revoke the 603
certificate awarded to a person as prescribed in this section, and 604
that person shall forfeit all of the benefits derived from being 605
certified as a peace officer under this section, if the person, 606
before completion of an approved peace officer basic training 607
program, failed to disclose any previous criminal conviction of or 608
plea of guilty to a felony as required under division (E)(1) of 609
this section. 610

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997;

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of section 2929.43 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E)(4)

or (F) of this section, the person shall not be eligible to 643
receive, at any time, a certificate attesting to the person's 644
satisfactory completion of a peace officer basic training program. 645

(2) The revocation or suspension of a certificate under 646
division (E)(4) or (F) of this section shall be in accordance with 647
Chapter 119. of the Revised Code. 648

(H)(1) A person who was employed as a peace officer of a 649
county, township, or municipal corporation of the state on January 650
1, 1966, and who has completed at least sixteen years of full-time 651
active service as such a peace officer, or equivalent service as 652
determined by the executive director of the Ohio peace officer 653
training commission, may receive an original appointment on a 654
permanent basis and serve as a peace officer of a county, 655
township, or municipal corporation, or as a state university law 656
enforcement officer, without complying with the requirements of 657
division (B) of this section. 658

(2) Any person who held an appointment as a state highway 659
trooper on January 1, 1966, may receive an original appointment on 660
a permanent basis and serve as a peace officer of a county, 661
township, or municipal corporation, or as a state university law 662
enforcement officer, without complying with the requirements of 663
division (B) of this section. 664

(I) No person who is appointed as a peace officer of a 665
county, township, or municipal corporation on or after April 9, 666
1985, shall serve as a peace officer of that county, township, or 667
municipal corporation unless the person has received training in 668
the handling of missing children and ~~child abuse and neglect~~ cases 669
of children in need of protective services from an approved state, 670
county, township, or municipal police officer basic training 671
program or receives the training within the time prescribed by 672
rules adopted by the attorney general pursuant to section 109.741 673
of the Revised Code. 674

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the peace officer is required by this section to complete satisfactorily.

(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code.

Sec. 109.79. (A) The Ohio peace officer training commission shall establish and conduct a training school for law enforcement officers of any political subdivision of the state or of the state public defender's office. The school shall be known as the Ohio peace officer training academy. No bailiff or deputy bailiff of a court of record of this state and no criminal investigator employed by the state public defender shall be permitted to attend the academy for training unless the employing court of the bailiff or deputy bailiff or the state public defender, whichever is applicable, has authorized the bailiff, deputy bailiff, or investigator to attend the academy.

The Ohio peace officer training commission shall develop the training program, which shall include courses in both the civil and criminal functions of law enforcement officers, a course in crisis intervention with six or more hours of training, and training in the handling of missing children and ~~child abuse and neglect~~ cases of children in need of protective services, and shall establish rules governing qualifications for admission to

the academy. The commission may require competitive examinations 706
to determine fitness of prospective trainees, so long as the 707
examinations or other criteria for admission to the academy are 708
consistent with the provisions of Chapter 124. of the Revised 709
Code. 710

The Ohio peace officer training commission shall determine 711
tuition costs sufficient in the aggregate to pay the costs of 712
operating the academy. The costs of acquiring and equipping the 713
academy shall be paid from appropriations made by the general 714
assembly to the Ohio peace officer training commission for that 715
purpose, from gifts or grants received for that purpose, or from 716
fees for goods related to the academy. 717

The law enforcement officers, during the period of their 718
training, shall receive compensation as determined by the 719
political subdivision that sponsors them or, if the officer is a 720
criminal investigator employed by the state public defender, as 721
determined by the state public defender. The political subdivision 722
may pay the tuition costs of the law enforcement officers they 723
sponsor and the state public defender may pay the tuition costs of 724
criminal investigators of that office who attend the academy. 725

If trainee vacancies exist, the academy may train and issue 726
certificates of satisfactory completion to peace officers who are 727
employed by a campus police department pursuant to section 1713.50 728
of the Revised Code, by a qualified nonprofit corporation police 729
department pursuant to section 1702.80 of the Revised Code, or by 730
a railroad company, who are amusement park police officers 731
appointed and commissioned by a judge of the appropriate municipal 732
court or county court pursuant to section 4973.17 of the Revised 733
Code, or who are bank, savings and loan association, savings bank, 734
credit union, or association of banks, savings and loan 735
associations, savings banks, or credit unions, or hospital police 736
officers appointed and commissioned by the secretary of state 737

pursuant to sections 4973.17 to 4973.22 of the Revised Code, 738
provided that no such officer shall be trained at the academy 739
unless the officer meets the qualifications established for 740
admission to the academy and the qualified nonprofit corporation 741
police department; bank, savings and loan association, savings 742
bank, credit union, or association of banks, savings and loan 743
associations, savings banks, or credit unions; railroad company; 744
hospital; or amusement park or the private college or university 745
that established the campus police department prepays the entire 746
cost of the training. A qualified nonprofit corporation police 747
department; bank, savings and loan association, savings bank, 748
credit union, or association of banks, savings and loan 749
associations, savings banks, or credit unions; railroad company; 750
hospital; or amusement park or a private college or university 751
that has established a campus police department is not entitled to 752
reimbursement from the state for any amount paid for the cost of 753
training the bank, savings and loan association, savings bank, 754
credit union, or association of banks, savings and loan 755
associations, savings banks, or credit unions peace officers; the 756
railroad company's peace officers; or the peace officers of the 757
qualified nonprofit corporation police department, campus police 758
department, hospital, or amusement park. 759

The academy shall permit investigators employed by the state 760
medical board to take selected courses that the board determines 761
are consistent with its responsibilities for initial and 762
continuing training of investigators as required under sections 763
4730.26 and 4731.05 of the Revised Code. The board shall pay the 764
entire cost of training that investigators receive at the academy. 765

(B) As used in this section: 766

(1) "Law enforcement officers" include any undercover drug 767
agent, any bailiff or deputy bailiff of a court of record, and any 768
criminal investigator who is employed by the state public 769

defender. 770

(2) "Undercover drug agent" means any person who: 771

(a) Is employed by a county, township, or municipal 772
corporation for the purposes set forth in division (B)(2)(b) of 773
this section but who is not an employee of a county sheriff's 774
department, of a township constable, or of the police department 775
of a municipal corporation or township; 776

(b) In the course of the person's employment by a county, 777
township, or municipal corporation, investigates and gathers 778
information pertaining to persons who are suspected of violating 779
Chapter 2925. or 3719. of the Revised Code, and generally does not 780
wear a uniform in the performance of the person's duties. 781

(3) "Crisis intervention training" has the same meaning as in 782
section 109.71 of the Revised Code. 783

(4) "Missing children" has the same meaning as in section 784
2901.30 of the Revised Code. 785

Sec. 109.93. The attorney general education fund is hereby 786
created in the state treasury. The fund shall consist of gifts and 787
grants received by the attorney general for the purposes of the 788
fund. The fund shall be administered by the attorney general and 789
shall be used to support various educational programs. These 790
educational programs may include programs for consumer protection, 791
victims of crime, environmental protection, drug abuse, ~~child~~ 792
abuse children in need of protective services, peace officer 793
training, crime prevention, and law. The fund may also be used to 794
pay costs associated with the solicitation of gifts and grants for 795
the purposes of the fund, and the costs of administering the fund. 796
The fund shall not be used to replace money spent by local 797
programs for similar purposes. 798

Sec. 121.37. (A)(1) There is hereby created the Ohio family 799

and children first cabinet council. The council shall be composed 800
of the superintendent of public instruction and the directors of 801
youth services, job and family services, mental health, health, 802
alcohol and drug addiction services, developmental disabilities, 803
aging, rehabilitation and correction, and budget and management. 804
The chairperson of the council shall be the governor or the 805
governor's designee and shall establish procedures for the 806
council's internal control and management. 807

The purpose of the cabinet council is to help families 808
seeking government services. This section shall not be interpreted 809
or applied to usurp the role of parents, but solely to streamline 810
and coordinate existing government services for families seeking 811
assistance for their children. 812

(2) In seeking to fulfill its purpose, the council may do any 813
of the following: 814

(a) Advise and make recommendations to the governor and 815
general assembly regarding the provision of services to children; 816

(b) Advise and assess local governments on the coordination 817
of service delivery to children; 818

(c) Hold meetings at such times and places as may be 819
prescribed by the council's procedures and maintain records of the 820
meetings, except that records identifying individual children are 821
confidential and shall be disclosed only as provided by law; 822

(d) Develop programs and projects, including pilot projects, 823
to encourage coordinated efforts at the state and local level to 824
improve the state's social service delivery system; 825

(e) Enter into contracts with and administer grants to county 826
family and children first councils, as well as other county or 827
multicounty organizations to plan and coordinate service delivery 828
between state agencies and local service providers for families 829
and children; 830

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	831 832
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	833 834 835 836 837
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	838 839 840 841
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	842 843 844 845
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	846 847 848 849
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	850 851 852 853
(3) The cabinet council shall provide for the following:	854
(a) Reviews of service and treatment plans for children for which such reviews are requested;	855 856
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	857 858 859
(c) Monitoring and supervision of a statewide, comprehensive,	860

coordinated, multi-disciplinary, interagency system for infants 861
and toddlers with developmental disabilities or delays and their 862
families, as established pursuant to federal grants received and 863
administered by the department of health for early intervention 864
services under the "Individuals with Disabilities Education Act of 865
2004," 20 U.S.C.A. 1400, as amended. 866

(4) The cabinet council shall develop and implement the 867
following: 868

(a) An interagency process to select the indicators that will 869
be used to measure progress toward increasing child well-being in 870
the state and to update the indicators on an annual basis. The 871
indicators shall focus on expectant parents and newborns thriving; 872
infants and toddlers thriving; children being ready for school; 873
children and youth succeeding in school; youth choosing healthy 874
behaviors; and youth successfully transitioning into adulthood. 875

(b) An interagency system to offer guidance and monitor 876
progress toward increasing child well-being in the state and in 877
each county; 878

(c) An annual plan that identifies state-level agency efforts 879
taken to ensure progress towards increasing child well-being in 880
the state. 881

On an annual basis, the cabinet council shall submit to the 882
governor and the general assembly a report on the status of 883
efforts to increase child well-being in the state. This report 884
shall be made available to any other person on request. 885

(B)(1) Each board of county commissioners shall establish a 886
county family and children first council. The board may invite any 887
local public or private agency or group that funds, advocates, or 888
provides services to children and families to have a 889
representative become a permanent or temporary member of its 890
county council. Each county council must include the following 891

individuals:	892
(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.	893 894 895 896 897 898
(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.	899 900 901 902 903 904 905
(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.	906 907 908 909 910
(d) The director of the county department of job and family services;	911 912
(e) The executive director of the public children services agency;	913 914
(f) The superintendent of the county board of developmental disabilities;	915 916
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;	917 918 919 920 921

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the regional office of the department of youth services;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a

county's board of county commissioners. 952

The county's juvenile court judge senior in service or 953
another judge of the juvenile court designated by the 954
administrative judge or, where there is no administrative judge, 955
by the judge senior in service shall serve as the judicial advisor 956
to the county family and children first council. The judge may 957
advise the county council on the court's utilization of resources, 958
services, or programs provided by the entities represented by the 959
members of the county council and how those resources, services, 960
or programs assist the court in its administration of justice. 961
Service of a judge as a judicial advisor pursuant to this section 962
is a judicial function. 963

(2) The purpose of the county council is to streamline and 964
coordinate existing government services for families seeking 965
services for their children. In seeking to fulfill its purpose, a 966
county council shall provide for the following: 967

(a) Referrals to the cabinet council of those children for 968
whom the county council cannot provide adequate services; 969

(b) Development and implementation of a process that annually 970
evaluates and prioritizes services, fills service gaps where 971
possible, and invents new approaches to achieve better results for 972
families and children; 973

(c) Participation in the development of a countywide, 974
comprehensive, coordinated, multi-disciplinary, interagency system 975
for infants and toddlers with developmental disabilities or delays 976
and their families, as established pursuant to federal grants 977
received and administered by the department of health for early 978
intervention services under the "Individuals with Disabilities 979
Education Act of 2004"; 980

(d) Maintenance of an accountability system to monitor the 981
county council's progress in achieving results for families and 982

children;	983
(e) Establishment of a mechanism to ensure ongoing input from	984
a broad representation of families who are receiving services	985
within the county system.	986
(3) A county council shall develop and implement the	987
following:	988
(a) An interagency process to establish local indicators and	989
monitor the county's progress toward increasing child well-being	990
in the county;	991
(b) An interagency process to identify local priorities to	992
increase child well-being. The local priorities shall focus on	993
expectant parents and newborns thriving; infants and toddlers	994
thriving; children being ready for school; children and youth	995
succeeding in school; youth choosing healthy behaviors; and youth	996
successfully transitioning into adulthood and take into account	997
the indicators established by the cabinet council under division	998
(A)(4)(a) of this section.	999
(c) An annual plan that identifies the county's interagency	1000
efforts to increase child well-being in the county.	1001
On an annual basis, the county council shall submit a report	1002
on the status of efforts by the county to increase child	1003
well-being in the county to the county's board of county	1004
commissioners and the cabinet council. This report shall be made	1005
available to any other person on request.	1006
(4)(a) Except as provided in division (B)(4)(b) of this	1007
section, a county council shall comply with the policies,	1008
procedures, and activities prescribed by the rules or interagency	1009
agreements of a state department participating on the cabinet	1010
council whenever the county council performs a function subject to	1011
those rules or agreements.	1012

(b) On application of a county council, the cabinet council 1013
may grant an exemption from any rules or interagency agreements of 1014
a state department participating on the council if an exemption is 1015
necessary for the council to implement an alternative program or 1016
approach for service delivery to families and children. The 1017
application shall describe the proposed program or approach and 1018
specify the rules or interagency agreements from which an 1019
exemption is necessary. The cabinet council shall approve or 1020
disapprove the application in accordance with standards and 1021
procedures it shall adopt. If an application is approved, the 1022
exemption is effective only while the program or approach is being 1023
implemented, including a reasonable period during which the 1024
program or approach is being evaluated for effectiveness. 1025

(5)(a) Each county council shall designate an administrative 1026
agent for the council from among the following public entities: 1027
the board of alcohol, drug addiction, and mental health services, 1028
including a board of alcohol and drug addiction or a community 1029
mental health board if the county is served by separate boards; 1030
the board of county commissioners; any board of health of the 1031
county's city and general health districts; the county department 1032
of job and family services; the county agency responsible for the 1033
administration of children services pursuant to section 5153.15 of 1034
the Revised Code; the county board of developmental disabilities; 1035
any of the county's boards of education or governing boards of 1036
educational service centers; or the county's juvenile court. Any 1037
of the foregoing public entities, other than the board of county 1038
commissioners, may decline to serve as the council's 1039
administrative agent. 1040

A county council's administrative agent shall serve as the 1041
council's appointing authority for any employees of the council. 1042
The council shall file an annual budget with its administrative 1043
agent, with copies filed with the county auditor and with the 1044

board of county commissioners, unless the board is serving as the 1045
council's administrative agent. The council's administrative agent 1046
shall ensure that all expenditures are handled in accordance with 1047
policies, procedures, and activities prescribed by state 1048
departments in rules or interagency agreements that are applicable 1049
to the council's functions. 1050

The administrative agent of a county council shall send 1051
notice of a member's absence if a member listed in division (B)(1) 1052
of this section has been absent from either three consecutive 1053
meetings of the county council or a county council subcommittee, 1054
or from one-quarter of such meetings in a calendar year, whichever 1055
is less. The notice shall be sent to the board of county 1056
commissioners that establishes the county council and, for the 1057
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 1058
section, to the governing board overseeing the respective entity; 1059
for the member listed in division (B)(1)(f) of this section, to 1060
the county board of developmental disabilities that employs the 1061
superintendent; for a member listed in division (B)(1)(g) or (h) 1062
of this section, to the school board that employs the 1063
superintendent; for the member listed in division (B)(1)(i) of 1064
this section, to the mayor of the municipal corporation; for the 1065
member listed in division (B)(1)(k) of this section, to the 1066
director of youth services; and for the member listed in division 1067
(B)(1)(n) of this section, to that member's board of trustees. 1068

The administrative agent for a county council may do any of 1069
the following on behalf of the council: 1070

(i) Enter into agreements or administer contracts with public 1071
or private entities to fulfill specific council business. Such 1072
agreements and contracts are exempt from the competitive bidding 1073
requirements of section 307.86 of the Revised Code if they have 1074
been approved by the county council and they are for the purchase 1075
of family and child welfare or child protection services or other 1076

social or job and family services for families and children. The 1077
approval of the county council is not required to exempt 1078
agreements or contracts entered into under section 5139.34, 1079
5139.41, or 5139.43 of the Revised Code from the competitive 1080
bidding requirements of section 307.86 of the Revised Code. 1081

(ii) As determined by the council, provide financial 1082
stipends, reimbursements, or both, to family representatives for 1083
expenses related to council activity; 1084

(iii) Receive by gift, grant, devise, or bequest any moneys, 1085
lands, or other property for the purposes for which the council is 1086
established. The agent shall hold, apply, and dispose of the 1087
moneys, lands, or other property according to the terms of the 1088
gift, grant, devise, or bequest. Any interest or earnings shall be 1089
treated in the same manner and are subject to the same terms as 1090
the gift, grant, devise, or bequest from which it accrues. 1091

(b)(i) If the county council designates the board of county 1092
commissioners as its administrative agent, the board may, by 1093
resolution, delegate any of its powers and duties as 1094
administrative agent to an executive committee the board 1095
establishes from the membership of the county council. The board 1096
shall name to the executive committee at least the individuals 1097
described in divisions (B)(1)(b) to (h) of this section and may 1098
appoint the president of the board or another individual as the 1099
chair of the executive committee. The executive committee must 1100
include at least one family county council representative who does 1101
not have a family member employed by an agency represented on the 1102
council. 1103

(ii) The executive committee may, with the approval of the 1104
board, hire an executive director to assist the county council in 1105
administering its powers and duties. The executive director shall 1106
serve in the unclassified civil service at the pleasure of the 1107
executive committee. The executive director may, with the approval 1108

of the executive committee, hire other employees as necessary to 1109
properly conduct the county council's business. 1110

(iii) The board may require the executive committee to submit 1111
an annual budget to the board for approval and may amend or repeal 1112
the resolution that delegated to the executive committee its 1113
authority as the county council's administrative agent. 1114

(6) Two or more county councils may enter into an agreement 1115
to administer their county councils jointly by creating a regional 1116
family and children first council. A regional council possesses 1117
the same duties and authority possessed by a county council, 1118
except that the duties and authority apply regionally rather than 1119
to individual counties. Prior to entering into an agreement to 1120
create a regional council, the members of each county council to 1121
be part of the regional council shall meet to determine whether 1122
all or part of the members of each county council will serve as 1123
members of the regional council. 1124

(7) A board of county commissioners may approve a resolution 1125
by a majority vote of the board's members that requires the county 1126
council to submit a statement to the board each time the council 1127
proposes to enter into an agreement, adopt a plan, or make a 1128
decision, other than a decision pursuant to section 121.38 of the 1129
Revised Code, that requires the expenditure of funds for two or 1130
more families. The statement shall describe the proposed 1131
agreement, plan, or decision. 1132

Not later than fifteen days after the board receives the 1133
statement, it shall, by resolution approved by a majority of its 1134
members, approve or disapprove the agreement, plan, or decision. 1135
Failure of the board to pass a resolution during that time period 1136
shall be considered approval of the agreement, plan, or decision. 1137

An agreement, plan, or decision for which a statement is 1138
required to be submitted to the board shall be implemented only if 1139

it is approved by the board. 1140

(C) Each county shall develop a county service coordination 1141
mechanism. The county service coordination mechanism shall serve 1142
as the guiding document for coordination of services in the 1143
county. For children who also receive services under the help me 1144
grow program, the service coordination mechanism shall be 1145
consistent with rules adopted by the department of health under 1146
section 3701.61 of the Revised Code. All family service 1147
coordination plans shall be developed in accordance with the 1148
county service coordination mechanism. The mechanism shall be 1149
developed and approved with the participation of the county 1150
entities representing child welfare; mental retardation and 1151
developmental disabilities; alcohol, drug addiction, and mental 1152
health services; health; juvenile judges; education; the county 1153
family and children first council; and the county early 1154
intervention collaborative established pursuant to the federal 1155
early intervention program operated under the "Individuals with 1156
Disabilities Education Act of 2004." The county shall establish an 1157
implementation schedule for the mechanism. The cabinet council may 1158
monitor the implementation and administration of each county's 1159
service coordination mechanism. 1160

Each mechanism shall include all of the following: 1161

(1) A procedure for an agency, including a juvenile court, or 1162
a family voluntarily seeking service coordination, to refer the 1163
child and family to the county council for service coordination in 1164
accordance with the mechanism; 1165

(2) A procedure ensuring that a family and all appropriate 1166
staff from involved agencies, including a representative from the 1167
appropriate school district, are notified of and invited to 1168
participate in all family service coordination plan meetings; 1169

(3) A procedure that permits a family to initiate a meeting 1170

to develop or review the family's service coordination plan and 1171
allows the family to invite a family advocate, mentor, or support 1172
person of the family's choice to participate in any such meeting; 1173

(4) A procedure for ensuring that a family service 1174
coordination plan meeting is conducted for each child who receives 1175
service coordination under the mechanism and for whom an emergency 1176
out-of-home placement has been made or for whom a nonemergency 1177
out-of-home placement is being considered. The meeting shall be 1178
conducted within ten days of an emergency out-of-home placement. 1179
The meeting shall be conducted before a nonemergency out-of-home 1180
placement. The family service coordination plan shall outline how 1181
the county council members will jointly pay for services, where 1182
applicable, and provide services in the least restrictive 1183
environment. 1184

(5) A procedure for monitoring the progress and tracking the 1185
outcomes of each service coordination plan requested in the county 1186
including monitoring and tracking children in out-of-home 1187
placements to assure continued progress, appropriateness of 1188
placement, and continuity of care after discharge from placement 1189
with appropriate arrangements for housing, treatment, and 1190
education. 1191

(6) A procedure for protecting the confidentiality of all 1192
personal family information disclosed during service coordination 1193
meetings or contained in the comprehensive family service 1194
coordination plan. 1195

(7) A procedure for assessing the needs and strengths of any 1196
child or family that has been referred to the council for service 1197
coordination, including a child whose parent or custodian is 1198
voluntarily seeking services, and for ensuring that parents and 1199
custodians are afforded the opportunity to participate; 1200

(8) A procedure for development of a family service 1201

coordination plan described in division (D) of this section; 1202

(9) A local dispute resolution process to serve as the 1203
process that must be used first to resolve disputes among the 1204
agencies represented on the county council concerning the 1205
provision of services to children, including children who are 1206
~~abused, neglected, dependent,~~ children in need of protective 1207
services or unruly, alleged unruly, or delinquent children and 1208
under the jurisdiction of the juvenile court and children whose 1209
parents or custodians are voluntarily seeking services. The local 1210
dispute resolution process shall comply with sections 121.38, 1211
121.381, and 121.382 of the Revised Code. The local dispute 1212
resolution process shall be used to resolve disputes between a 1213
child's parents or custodians and the county council regarding 1214
service coordination. The county council shall inform the parents 1215
or custodians of their right to use the dispute resolution 1216
process. Parents or custodians shall use existing local agency 1217
grievance procedures to address disputes not involving service 1218
coordination. The dispute resolution process is in addition to and 1219
does not replace other rights or procedures that parents or 1220
custodians may have under other sections of the Revised Code. 1221

The cabinet council shall adopt rules in accordance with 1222
Chapter 119. of the Revised Code establishing an administrative 1223
review process to address problems that arise concerning the 1224
operation of a local dispute resolution process. 1225
1226

Nothing in division (C)(4) of this section shall be 1227
interpreted as overriding or affecting decisions of a juvenile 1228
court regarding an out-of-home placement, long-term placement, or 1229
emergency out-of-home placement. 1230

(D) Each county shall develop a family service coordination 1231
plan that does all of the following: 1232

(1) Designates service responsibilities among the various 1233
state and local agencies that provide services to children and 1234
their families, including children who are ~~abused, neglected,~~ 1235
~~dependent,~~ children in need of protective services, unruly 1236
children, or delinquent children and under the jurisdiction of the 1237
juvenile court and children whose parents or custodians are 1238
voluntarily seeking services; 1239

(2) Designates an individual, approved by the family, to 1240
track the progress of the family service coordination plan, 1241
schedule reviews as necessary, and facilitate the family service 1242
coordination plan meeting process; 1243

(3) Ensures that assistance and services to be provided are 1244
responsive to the strengths and needs of the family, as well as 1245
the family's culture, race, and ethnic group, by allowing the 1246
family to offer information and suggestions and participate in 1247
decisions. Identified assistance and services shall be provided in 1248
the least restrictive environment possible. 1249

(4) Includes a process for dealing with a child who is 1250
alleged to be an unruly child. The process shall include methods 1251
to divert the child from the juvenile court system; 1252

(5) Includes timelines for completion of goals specified in 1253
the plan with regular reviews scheduled to monitor progress toward 1254
those goals; 1255

(6) Includes a plan for dealing with short-term crisis 1256
situations and safety concerns. 1257

(E)(1) The process provided for under division (D)(4) of this 1258
section may include, but is not limited to, the following: 1259

(a) Designation of the person or agency to conduct the 1260
assessment of the child and the child's family as described in 1261
division (C)(7) of this section and designation of the instrument 1262
or instruments to be used to conduct the assessment; 1263

(b) An emphasis on the personal responsibilities of the child	1264
and the parental responsibilities of the parents, guardian, or	1265
custodian of the child;	1266
(c) Involvement of local law enforcement agencies and	1267
officials.	1268
(2) The method to divert a child from the juvenile court	1269
system that must be included in the service coordination process	1270
may include, but is not limited to, the following:	1271
(a) The preparation of a complaint under section 2151.27 of	1272
the Revised Code alleging that the child is an unruly child and	1273
notifying the child and the parents, guardian, or custodian that	1274
the complaint has been prepared to encourage the child and the	1275
parents, guardian, or custodian to comply with other methods to	1276
divert the child from the juvenile court system;	1277
(b) Conducting a meeting with the child, the parents,	1278
guardian, or custodian, and other interested parties to determine	1279
the appropriate methods to divert the child from the juvenile	1280
court system;	1281
(c) A method to provide to the child and the child's family a	1282
short-term respite from a short-term crisis situation involving a	1283
confrontation between the child and the parents, guardian, or	1284
custodian;	1285
(d) A program to provide a mentor to the child or the	1286
parents, guardian, or custodian;	1287
(e) A program to provide parenting education to the parents,	1288
guardian, or custodian;	1289
(f) An alternative school program for children who are truant	1290
from school, repeatedly disruptive in school, or suspended or	1291
expelled from school;	1292
(g) Other appropriate measures, including, but not limited	1293

to, any alternative methods to divert a child from the juvenile 1294
court system that are identified by the Ohio family and children 1295
first cabinet council. 1296

(F) Each county may review and revise the service 1297
coordination process described in division (D) of this section 1298
based on the availability of funds under Title IV-A of the "Social 1299
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 1300
or to the extent resources are available from any other federal, 1301
state, or local funds. 1302

Sec. 121.38. (A) An agency represented on a county family and 1303
children first council that disagrees with the council's decision 1304
concerning the services or funding for services a child is to 1305
receive from agencies represented on the council may initiate the 1306
local dispute resolution process established in the county service 1307
coordination mechanism applicable to the council. On completion of 1308
the process, the decision maker designated in the mechanism shall 1309
issue a written determination that directs one or more agencies 1310
represented on the council to provide services or funding for 1311
services to the child. The determination shall include a plan of 1312
care governing the manner in which the services or funding are to 1313
be provided. The decision maker shall base the plan of care on the 1314
family service coordination plan developed as part of the county's 1315
service coordination mechanism and on evidence presented during 1316
the local dispute resolution process. The decision maker may 1317
require an agency to provide services or funding only if the 1318
child's condition or needs qualify the child for services under 1319
the laws governing the agency. 1320

(B) An agency subject to a determination issued pursuant to a 1321
local dispute resolution process shall immediately comply with the 1322
determination, unless the agency objects to the determination by 1323
doing one of the following not later than seven days after the 1324

date the written determination is issued: 1325

(1) If the child has been alleged or adjudicated to be a 1326
child in need of protective services, an ~~abused, neglected,~~ 1327
~~dependent,~~ unruly, or delinquent child, or a juvenile traffic 1328
offender, filing in the juvenile court of the county having 1329
jurisdiction over the child's case a motion requesting that the 1330
court hold a hearing to determine which agencies are to provide 1331
services or funding for services to the child. 1332

(2) If the child is not a child described in division (B)(1) 1333
of this section, filing in the juvenile court of the county served 1334
by the county council a complaint objecting to the determination. 1335

The court shall hold a hearing as soon as possible, but not 1336
later than ninety days after the motion or complaint is filed. At 1337
least five days before the date on which the court hearing is to 1338
be held, the court shall send each agency subject to the 1339
determination written notice by first class mail of the date, 1340
time, place, and purpose of the court hearing. In the case of a 1341
motion filed under division (B)(1) of this section, the court may 1342
conduct the hearing as part of the adjudicatory or dispositional 1343
hearing concerning the child, if appropriate, and shall provide 1344
notice as required for those hearings. 1345

Except in cases in which the hearing is conducted as part of 1346
the adjudicatory or dispositional hearing, a hearing held pursuant 1347
to this division shall be limited to a determination of which 1348
agencies are to provide services or funding for services to the 1349
child. At the conclusion of the hearing, the court shall issue an 1350
order directing one or more agencies represented on the county 1351
council to provide services or funding for services to the child. 1352
The order shall include a plan of care governing the manner in 1353
which the services or funding are to be provided. The court shall 1354
base the plan of care on the family service coordination plan 1355
developed as part of the county's service coordination plan and on 1356

evidence presented during the hearing. An agency required by the order to provide services or funding shall be a party to any juvenile court proceeding concerning the child. The court may require an agency to provide services or funding for a child only if the child's condition or needs qualify the child for services under the laws governing the agency.

(C) While the local dispute resolution process or court proceedings pursuant to this section are pending, each agency shall provide services and funding as required by the decision made by the county council before dispute resolution was initiated. If an agency that provides services or funds during the local dispute resolution process or court proceedings is determined through the process or proceedings not to be responsible for providing them, it shall be reimbursed for the costs of providing the services or funding by the agencies determined to be responsible for providing them.

Sec. 307.021. (A) It is hereby declared to be a public purpose and function of the state, and a matter of urgent necessity, that the state acquire, construct, or renovate capital facilities for use as county, multicounty, municipal-county, and multicounty-municipal jail facilities or workhouses, as single-county or district community-based correctional facilities authorized under section 2301.51 of the Revised Code, as minimum security misdemeanor jails under sections 341.34 and 753.21 of the Revised Code, and as single-county or joint-county juvenile facilities authorized under section 2151.65 of the Revised Code in order to comply with constitutional standards and laws for the incarceration of alleged and convicted offenders against state and local laws, and for use as county family court centers. For these purposes, counties and municipal corporations are designated as state agencies to perform duties of the state in relation to such facilities, workhouses, jails, and centers, and such facilities,

workhouses, jails, and centers are designated as state capital 1389
facilities. The Ohio building authority is authorized to issue 1390
revenue obligations under sections 152.09 to 152.33 of the Revised 1391
Code to pay all or part of the cost of such state capital 1392
facilities as are designated by law. 1393

The office of the sheriff, due to its responsibilities 1394
concerning alleged and convicted offenders against state laws, is 1395
designated as the state agency having jurisdiction over such jail, 1396
workhouse, community-based correctional, or county minimum 1397
security misdemeanor jail capital facilities in any one county or 1398
over any district community-based correctional facilities. The 1399
corrections commission, due to its responsibilities in relation to 1400
such offenders, is designated as the state agency having 1401
jurisdiction over any such multicounty, municipal-county, or 1402
multicounty-municipal jail, workhouse, or correctional capital 1403
facilities. The office of the chief of police or marshal of a 1404
municipal corporation, due to its responsibilities concerning 1405
certain alleged and convicted criminal offenders, is designated as 1406
the state agency having jurisdiction over any such municipal 1407
corporation minimum security misdemeanor jail capital facilities 1408
in the municipal corporation. The juvenile court, as defined in 1409
section ~~2151.011~~ 2151.03 of the Revised Code, is designated as the 1410
branch of state government having jurisdiction over any such 1411
family court center or single-county or joint-county juvenile 1412
capital facilities. It is hereby determined and declared that such 1413
capital facilities are for the purpose of housing such state 1414
agencies, their functions, equipment, and personnel. 1415

(B) The capital facilities provided for in this section may 1416
be included in capital facilities in which one or more 1417
governmental entities are participating or in which other 1418
facilities of the county or counties, or any municipal 1419
corporations, are included pursuant to section 152.31 or 152.33 of 1420

the Revised Code or in an agreement between any county or counties 1421
and any municipal corporation or municipal corporations for 1422
participating in the joint construction, acquisition, or 1423
improvement of public works, public buildings, or improvements 1424
benefiting the parties in the same manner as set forth in section 1425
153.61 of the Revised Code. 1426

(C) A county or counties or a municipal corporation or 1427
municipal corporations may contribute to the cost of capital 1428
facilities authorized under this section. 1429

(D) A county or counties, and any municipal corporations, 1430
shall lease capital facilities described in this section that are 1431
constructed, reconstructed, otherwise improved, or financed by the 1432
Ohio building authority pursuant to sections 152.09 to 152.33 of 1433
the Revised Code for the use of the county or counties and any 1434
municipal corporations, and may enter into other agreements 1435
ancillary to the construction, reconstruction, improvement, 1436
financing, leasing, or operation of such capital facilities, 1437
including, but not limited to, any agreements required by the 1438
applicable bond proceedings authorized by sections 152.09 to 1439
152.33 of the Revised Code. 1440

Such lease may obligate the county or counties and any 1441
municipal corporation, as using state agencies under Chapter 152. 1442
of the Revised Code, to occupy and operate such capital facilities 1443
for such period of time as may be specified by law and to pay such 1444
rent as the authority determines to be appropriate. 1445

Notwithstanding any other section of the Revised Code, any county 1446
or counties or municipal corporation may enter into such a lease, 1447
and any such lease is legally sufficient to obligate the political 1448
subdivision for the term stated in the lease. Any such lease 1449
constitutes an agreement described in division (E) of section 1450
152.24 of the Revised Code. 1451

(E) If rental payments required from the county or counties 1452

or municipal corporation by a lease established pursuant to this 1453
section are not paid in accordance with such lease, the funds 1454
which otherwise would be apportioned to the lessees from the 1455
county undivided local government fund, pursuant to sections 1456
5747.51 to 5747.53 of the Revised Code, shall be reduced by the 1457
amount of rent payable to the authority. The county treasurer 1458
immediately shall pay the amount of such reductions to the 1459
authority. 1460

(F) Any lease of capital facilities authorized by this 1461
section, the rentals of which are payable in whole or in part from 1462
appropriations made by the general assembly, is governed by 1463
division (D) of section 152.24 of the Revised Code. Such rentals 1464
constitute available receipts as defined in section 152.09 of the 1465
Revised Code and may be pledged for the payment of bond service 1466
charges as provided in section 152.10 of the Revised Code. 1467

(G) Any provision of section 152.21, 152.22, or 152.26 of the 1468
Revised Code that applies to buildings and facilities described in 1469
section 152.19 of the Revised Code also applies to the buildings 1470
and facilities described in this section, unless it is 1471
inconsistent with this section. 1472

Sec. 307.86. Anything to be purchased, leased, leased with an 1473
option or agreement to purchase, or constructed, including, but 1474
not limited to, any product, structure, construction, 1475
reconstruction, improvement, maintenance, repair, or service, 1476
except the services of an accountant, architect, attorney at law, 1477
physician, professional engineer, construction project manager, 1478
consultant, surveyor, or appraiser, by or on behalf of the county 1479
or contracting authority, as defined in section 307.92 of the 1480
Revised Code, at a cost in excess of twenty-five thousand dollars, 1481
except as otherwise provided in division (D) of section 713.23 and 1482
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 1483

307.861, 339.05, 340.03, 340.033, 4115.31 to 4115.35, 5119.16, 1484
5513.01, 5543.19, 5713.01, and 6137.05 of the Revised Code, shall 1485
be obtained through competitive bidding. However, competitive 1486
bidding is not required when any of the following applies: 1487

(A) The board of county commissioners, by a unanimous vote of 1488
its members, makes a determination that a real and present 1489
emergency exists, and that determination and the reasons for it 1490
are entered in the minutes of the proceedings of the board, when 1491
either of the following applies: 1492

(1) The estimated cost is less than fifty thousand dollars. 1493

(2) There is actual physical disaster to structures, radio 1494
communications equipment, or computers. 1495

For purposes of this division, "unanimous vote" means all 1496
three members of a board of county commissioners when all three 1497
members are present, or two members of the board if only two 1498
members, constituting a quorum, are present. 1499

Whenever a contract of purchase, lease, or construction is 1500
exempted from competitive bidding under division (A)(1) of this 1501
section because the estimated cost is less than fifty thousand 1502
dollars, but the estimated cost is twenty-five thousand dollars or 1503
more, the county or contracting authority shall solicit informal 1504
estimates from no fewer than three persons who could perform the 1505
contract, before awarding the contract. With regard to each such 1506
contract, the county or contracting authority shall maintain a 1507
record of such estimates, including the name of each person from 1508
whom an estimate is solicited. The county or contracting authority 1509
shall maintain the record for the longer of at least one year 1510
after the contract is awarded or the amount of time the federal 1511
government requires. 1512

(B)(1) The purchase consists of supplies or a replacement or 1513
supplemental part or parts for a product or equipment owned or 1514

leased by the county, and the only source of supply for the 1515
supplies, part, or parts is limited to a single supplier. 1516

(2) The purchase consists of services related to information 1517
technology, such as programming services, that are proprietary or 1518
limited to a single source. 1519

(C) The purchase is from the federal government, the state, 1520
another county or contracting authority of another county, or a 1521
board of education, township, or municipal corporation. 1522

(D) The purchase is made by a county department of job and 1523
family services under section 329.04 of the Revised Code and 1524
consists of family services duties or workforce development 1525
activities or is made by a county board of developmental 1526
disabilities under section 5126.05 of the Revised Code and 1527
consists of program services, such as direct and ancillary client 1528
services, child care, case management services, residential 1529
services, and family resource services. 1530

(E) The purchase consists of criminal justice services, 1531
social services programs, family services, or workforce 1532
development activities by the board of county commissioners from 1533
nonprofit corporations or associations under programs funded by 1534
the federal government or by state grants. 1535

(F) The purchase consists of any form of an insurance policy 1536
or contract authorized to be issued under Title XXXIX of the 1537
Revised Code or any form of health care plan authorized to be 1538
issued under Chapter 1751. of the Revised Code, or any combination 1539
of such policies, contracts, plans, or services that the 1540
contracting authority is authorized to purchase, and the 1541
contracting authority does all of the following: 1542

(1) Determines that compliance with the requirements of this 1543
section would increase, rather than decrease, the cost of the 1544
purchase; 1545

(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;

(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.

(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.

(H) Child care services are purchased for provision to county employees.

(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:

(a) The contracting authority is authorized by the Revised Code to lease the property.

(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.

(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.

(d) The contracting authority negotiates with the prospective

lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be ~~abused, neglected, or dependent~~ children in need of protective services.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

Any issuer of policies, contracts, plans, or services listed

in division (F) of this section and any prospective lessor under 1607
division (I) of this section may have the issuer's or prospective 1608
lessor's name and address, or the name and address of an agent, 1609
placed on a special notification list to be kept by the 1610
contracting authority, by sending the contracting authority that 1611
name and address. The contracting authority shall send notice to 1612
all persons listed on the special notification list. Notices shall 1613
state the deadline and place for submitting proposals. The 1614
contracting authority shall mail the notices at least six weeks 1615
prior to the deadline set by the contracting authority for 1616
submitting proposals. Every five years the contracting authority 1617
may review this list and remove any person from the list after 1618
mailing the person notification of that action. 1619

Any contracting authority that negotiates a contract under 1620
division (F) of this section shall request proposals and negotiate 1621
with issuers in accordance with that division at least every three 1622
years from the date of the signing of such a contract, unless the 1623
parties agree upon terms for extensions or renewals of the 1624
contract. Such extension or renewal periods shall not exceed six 1625
years from the date the initial contract is signed. 1626

Any real estate appraiser employed pursuant to division (I) 1627
of this section shall disclose any fees or compensation received 1628
from any source in connection with that employment. 1629

Sec. 340.15. (A) A public children services agency that 1630
identifies a child by a risk assessment conducted pursuant to 1631
section 5153.16 of the Revised Code as being at imminent risk of 1632
~~being abused or neglected~~ becoming a child in need of protective 1633
services because of an addiction of a parent, guardian, or 1634
custodian of the child to a drug of abuse or alcohol shall refer 1635
the child's addicted parent, guardian, or custodian and, if the 1636
agency determines that the child needs alcohol or other drug 1637

addiction services, the child to an alcohol and drug addiction 1638
program certified by the department of alcohol and drug addiction 1639
services under section 3793.06 of the Revised Code. A public 1640
children services agency that is sent a court order issued 1641
pursuant to division (B) of section 2151.3514 of the Revised Code 1642
shall refer the addicted parent or other caregiver of the child 1643
identified in the court order to an alcohol and drug addiction 1644
program certified by the department of alcohol and drug addiction 1645
services under section 3793.06 of the Revised Code. On receipt of 1646
a referral under this division and to the extent funding 1647
identified under division (A) of section 340.033 of the Revised 1648
Code is available, the program shall provide the following 1649
services to the addicted parent, guardian, custodian, or caregiver 1650
and child in need of alcohol or other drug services: 1651

(1) If it is determined pursuant to an initial screening to 1652
be needed, assessment and appropriate treatment; 1653

(2) Documentation of progress in accordance with a treatment 1654
plan developed for the addicted parent, guardian, custodian, 1655
caregiver, or child; 1656

(3) If the referral is based on a court order issued pursuant 1657
to division (B) of section 2151.3514 of the Revised Code and the 1658
order requires the specified parent or other caregiver of the 1659
child to submit to alcohol or other drug testing during, after, or 1660
both during and after, treatment, testing in accordance with the 1661
court order. 1662

(B) The services described in division (A) of this section 1663
shall have a priority as provided in the alcohol and drug 1664
addiction services plan established pursuant to section 340.033 of 1665
the Revised Code. Once a referral has been received pursuant to 1666
this section, the public children services agency and the alcohol 1667
or drug addiction program shall, in accordance with 42 C.F.R. Part 1668
2, share with each other any information concerning the persons 1669

and services described in that division that the agency and 1670
program determine are necessary to share. If the referral is based 1671
on a court order issued pursuant to division (B) of section 1672
2151.3514 of the Revised Code, the results and recommendations of 1673
the alcohol and drug addiction program also shall be provided and 1674
used as described in division (D) of that section. Information 1675
obtained or maintained by the agency or program pursuant to this 1676
section that could enable the identification of any person 1677
described in division (A) of this section is not a public record 1678
subject to inspection or copying under section 149.43 of the 1679
Revised Code. 1680

Sec. 2101.17. The fees enumerated in this section shall be 1681
paid to the probate court from the county treasury upon the 1682
warrant of the county auditor which shall issue upon the 1683
certificate of the probate judge and shall be in full for all 1684
services rendered in the respective proceedings as follows: 1685

- (A) For each hearing to determine if a person 1686
is a mentally ill individual subject to 1687
hospitalization when the person is 1688
committed to a state hospital or to 1689
relatives\$12.00; 1690
- (B) When the person is discharged 7.00; 1691
- (C) For order of return of a mentally ill 1692
person to a state hospital or removal 1693
therefrom 2.00; 1694
- (D) For proceedings for committing a person to 1695
an institution for the mentally retarded . 10.00; 1696
- (E) For habeas corpus proceedings when a person 1697

is confined under color of proceedings in a 1698
criminal case and is discharged 10.00; 1699
(F) When acting as a juvenile judge, for each 1700
case filed ~~against~~ alleging a child to be 1701
a delinquency delinquent, dependent, 1702
or unruly, or neglected child, or a 1703
juvenile traffic offender, or a child in need of 1704
protective services 5.00; 1705
(G) For proceedings to take a child from parents 1706
or other persons having control thereof .. 5.00. 1707

Sec. 2151.02. The bonds between children and their parents or 1708
legal guardians and the preservation of the family relationships 1709
are matters of great importance; thus, intervention into family 1710
life on behalf of a child must be guided by clearly drafted law 1711
and sound professional practice standards. Parents have the 1712
primary responsibility for the care of their children and the 1713
primary right to make decisions on behalf of their children, and 1714
children should have the chance to grow up in their own families 1715
if at all possible. However, where a child is found to be in need 1716
of protective services because of maltreatment or deprivation of 1717
necessities required for the child's physical or emotional health 1718
and safety, including the use of corporal discipline that results 1719
in physical injury or a substantial risk of physical injury in 1720
order to correct and restrain the child, the state is justified in 1721
intervening. In such circumstances, the paramount considerations 1722
guiding all decisions, with due deference to the constitutionally 1723
guaranteed parental interests, are the health, safety, and 1724
well-being of the child. 1725

<u>Sec. 2151.021. (A) Ohio's child services and protection</u>	1726
<u>system is intended to accomplish all of the following:</u>	1727
<u>(1) Be child-centered and family-focused in its prevention</u>	1728
<u>and intervention efforts and to accommodate the individualized</u>	1729
<u>needs of different families;</u>	1730
<u>(2) Provide effective services throughout the state to</u>	1731
<u>safeguard the well-being and development of endangered children</u>	1732
<u>and to preserve and stabilize family life, whenever appropriate;</u>	1733
<u>(3) Operate within a fair and equitable procedural framework,</u>	1734
<u>compatible with due process and equal protection requirements,</u>	1735
<u>when it is necessary to intervene in family life for the safety</u>	1736
<u>and welfare of a child;</u>	1737
<u>(4) Collaborate, whenever appropriate, with law enforcement</u>	1738
<u>and other government agencies to maximize efficiencies and</u>	1739
<u>minimize trauma to children.</u>	1740
<u>(B) State and county services for families should be</u>	1741
<u>accessible and aimed, so far as possible, at encouraging and</u>	1742
<u>enabling families to adequately address their problems within</u>	1743
<u>their own family systems and at preserving families whenever</u>	1744
<u>possible. The need for a child's removal from a parent, legal</u>	1745
<u>guardian, or legal custodian should always be balanced against the</u>	1746
<u>trauma that removal would cause the child. When removal is</u>	1747
<u>necessary for a child's health, safety, and well-being, all</u>	1748
<u>efforts should be made to ensure permanency for that child on a</u>	1749
<u>timely basis.</u>	1750
<u>(C) An approach to child services and protection that</u>	1751
<u>stresses the safety of the child and builds on the strengths of</u>	1752
<u>the family through collaboration efforts between the public</u>	1753
<u>children services agency and the family is the preferred response</u>	1754
<u>in cases not requiring the involvement of law enforcement or</u>	1755

investigation by a public children services agency. 1756

Sec. ~~2151.011~~ 2151.03. (A) As used in the Revised Code: 1757

(1) "Child in need of protective services" means, due to one 1758
or more acts or omissions of a child's parent, legal guardian, or 1759
legal custodian, one or more of the following has occurred to the 1760
child: 1761

(a) The child suffers physical harm as determined in 1762
accordance with section 2151.031 of the Revised Code. 1763

(b) The child is sexually harmed as determined in accordance 1764
with section 2151.032 of the Revised Code. 1765

(c) The child is emotionally harmed as determined in 1766
accordance with section 2151.033 of the Revised Code. 1767

(d) The child is harmed by exposure to substance misuse as 1768
determined in accordance with section 2151.034 of the Revised 1769
Code. 1770

(e) The child is lacking necessary health care as determined 1771
in accordance with section 2151.035 of the Revised Code. 1772

(f) The child is lacking legally required education as 1773
determined in accordance with section 2151.036 of the Revised 1774
Code. 1775

(g) The child is lacking necessary care or supervision as 1776
determined in accordance with section 2151.037 of the Revised 1777
Code. 1778

(2) "Juvenile court" means whichever of the following is 1779
applicable that has jurisdiction under this chapter and Chapter 1780
2152. of the Revised Code: 1781

(a) The division of the court of common pleas specified in 1782
section 2101.022 or 2301.03 of the Revised Code as having 1783
jurisdiction under this chapter and Chapter 2152. of the Revised 1784

Code or as being the juvenile division or the juvenile division 1785
combined with one or more other divisions; 1786

(b) The juvenile court of Cuyahoga county or Hamilton county 1787
that is separately and independently created by section 2151.08 or 1788
Chapter 2153. of the Revised Code and that has jurisdiction under 1789
this chapter and Chapter 2152. of the Revised Code; 1790

(c) If division (A)~~(1)~~(2)(a) or (b) of this section does not 1791
apply, the probate division of the court of common pleas. 1792

~~(2)~~(3) "Juvenile judge" means a judge of a court having 1793
jurisdiction under this chapter. 1794

~~(3)~~(4) "Private child placing agency" means any association, 1795
as defined in section 5103.02 of the Revised Code, that is 1796
certified under section 5103.03 of the Revised Code to accept 1797
temporary, permanent, or legal custody of children and place the 1798
children for either foster care or adoption. 1799

~~(4)~~(5) "Private noncustodial agency" means any person, 1800
organization, association, or society certified by the department 1801
of job and family services that does not accept temporary or 1802
permanent legal custody of children, that is privately operated in 1803
this state, and that does one or more of the following: 1804

(a) Receives and cares for children for two or more 1805
consecutive weeks; 1806

(b) Participates in the placement of children in certified 1807
foster homes; 1808

(c) Provides adoption services in conjunction with a public 1809
children services agency or private child placing agency. 1810

(B) As used in this chapter: 1811

(1) ~~"Adequate parental care" means the provision by a child's~~ 1812
~~parent or parents, guardian, or custodian of adequate food,~~ 1813
~~clothing, and shelter to ensure the child's health and physical~~ 1814

~~safety and the provision by a child's parent or parents of~~ 1815
~~specialized services warranted by the child's physical or mental~~ 1816
~~needs.~~ 1817

~~(2)~~ "Adult" means an individual who is eighteen years of age 1818
or older. 1819

~~(3)~~(2) "Agreement for temporary custody" means a voluntary 1820
agreement authorized by section 5103.15 of the Revised Code that 1821
transfers the temporary custody of a child to a public children 1822
services agency or a private child placing agency. 1823

~~(4)~~(3) "Certified foster home" means a foster home, as 1824
defined in section 5103.02 of the Revised Code, certified under 1825
section 5103.03 of the Revised Code. 1826

~~(5)~~(4) "Child" means a person who is under eighteen years of 1827
age, except that the juvenile court has jurisdiction over any 1828
person who is adjudicated an unruly child prior to attaining 1829
eighteen years of age until the person attains twenty-one years of 1830
age, and, for purposes of that jurisdiction related to that 1831
adjudication, a person who is so adjudicated an unruly child shall 1832
be deemed a "child" until the person attains twenty-one years of 1833
age. 1834

~~(6)~~(5) "Child day camp," "child care," "child day-care 1835
center," "part-time child day-care center," "type A family 1836
day-care home," "certified type B family day-care home," "type B 1837
home," "administrator of a child day-care center," "administrator 1838
of a type A family day-care home," "in-home aide," and "authorized 1839
provider" have the same meanings as in section 5104.01 of the 1840
Revised Code. 1841

~~(7)~~(6) "Child care provider" means an individual who is a 1842
child-care staff member or administrator of a child day-care 1843
center, a type A family day-care home, or a type B family day-care 1844
home, or an in-home aide or an individual who is licensed, is 1845

regulated, is approved, operates under the direction of, or 1846
otherwise is certified by the department of job and family 1847
services, department of developmental disabilities, or the early 1848
childhood programs of the department of education. 1849

~~(8)~~(7) "Chronic truant" has the same meaning as in section 1850
2152.02 of the Revised Code. 1851

~~(9)~~(8) "Commit" means to vest custody as ordered by the 1852
court. 1853

~~(10)~~(9) "Counseling" includes both of the following: 1854

(a) General counseling services performed by a public 1855
children services agency or shelter for victims of domestic 1856
violence to assist a child, a child's parents, and a child's 1857
siblings in alleviating identified problems that may cause or have 1858
caused the child to be ~~an abused, neglected, or dependent~~ a child 1859
in need of protective services. 1860

(b) Psychiatric or psychological therapeutic counseling 1861
services provided to correct or alleviate any mental or emotional 1862
illness or disorder and performed by a licensed psychiatrist, 1863
licensed psychologist, or a person licensed under Chapter 4757. of 1864
the Revised Code to engage in social work or professional 1865
counseling. 1866

~~(11)~~(10) "Custodian" means a person who has legal custody of 1867
a child or a public children services agency or private child 1868
placing agency that has permanent, temporary, or legal custody of 1869
a child. 1870

~~(12)~~(11) "Delinquent child" has the same meaning as in 1871
section 2152.02 of the Revised Code. 1872

~~(13)~~(12) "Detention" means the temporary care of children 1873
pending court adjudication or disposition, or execution of a court 1874
order, in a public or private facility designed to physically 1875

restrict the movement and activities of children. 1876

~~(14)~~(13) "Developmental disability" has the same meaning as 1877
in section 5123.01 of the Revised Code. 1878

~~(15)~~(14) "Foster caregiver" has the same meaning as in 1879
section 5103.02 of the Revised Code. 1880

~~(16)~~(15) "Guardian" means a person, association, or 1881
corporation that is granted authority by a probate court pursuant 1882
to Chapter 2111. of the Revised Code to exercise parental rights 1883
over a child to the extent provided in the court's order and 1884
subject to the residual parental rights of the child's parents. 1885

~~(17)~~(16) "Habitual truant" means any child of compulsory 1886
school age who is absent without legitimate excuse for absence 1887
from the public school the child is supposed to attend for five or 1888
more consecutive school days, seven or more school days in one 1889
school month, or twelve or more school days in a school year. 1890

~~(18)~~(17) "Juvenile traffic offender" has the same meaning as 1891
in section 2152.02 of the Revised Code. 1892

~~(19)~~(18) "Legal custody" means a legal status that vests in 1893
the custodian the right to have physical care and control of the 1894
child and to determine where and with whom the child shall live, 1895
and the right and duty to protect, train, and discipline the child 1896
and to provide the child with food, shelter, education, and 1897
medical care, all subject to any residual parental rights, 1898
privileges, and responsibilities. An individual granted legal 1899
custody shall exercise the rights and responsibilities personally 1900
unless otherwise authorized by any section of the Revised Code or 1901
by the court. 1902

~~(20)~~(19) A "legitimate excuse for absence from the public 1903
school the child is supposed to attend" includes, but is not 1904
limited to, any of the following: 1905

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state; 1906
1907
1908

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 1909
1910
1911

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 1912
1913
1914

~~(21)~~(20) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code. 1915
1916
1917

~~(22)~~(21) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 1918
1919
1920
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~~(23)~~(22) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code. 1923
1924

~~(24)~~(23) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 1925
1926
1927
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~~(25)~~(24) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 1929
1930

~~(26)~~(25) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of 1931
1932
1933
1934
1935

children in certified foster homes or elsewhere.	1936
(27) (26) "Out-of-home care" means detention facilities,	1937
shelter facilities, certified children's crisis care facilities,	1938
certified foster homes, placement in a prospective adoptive home	1939
prior to the issuance of a final decree of adoption,	1940
organizations, certified organizations, child day-care centers,	1941
type A family day-care homes, child care provided by type B family	1942
day-care home providers and by in-home aides, group home	1943
providers, group homes, institutions, state institutions,	1944
residential facilities, residential care facilities, residential	1945
camp, day camps, public schools, chartered nonpublic schools,	1946
educational service centers, hospitals, and medical clinics that	1947
are responsible for the care, physical custody, or control of	1948
children.	1949
(28) (27) "Out-of-home care child abuse" means any of the	1950
following when committed by a person responsible for the care of a	1951
child in out-of-home care:	1952
(a) Engaging in sexual activity with a child in the person's	1953
care;	1954
(b) Denial to a child, as a means of punishment, of proper or	1955
necessary subsistence, education, medical care, or other care	1956
necessary for a child's health;	1957
(c) Use of restraint procedures on a child that cause injury	1958
or pain;	1959
(d) Administration of prescription drugs or psychotropic	1960
medication to the child without the written approval and ongoing	1961
supervision of a licensed physician;	1962
(e) Commission of any act, other than by accidental means,	1963
that results in any injury to or death of the child in out-of-home	1964
care or commission of any act by accidental means that results in	1965
an injury to or death of a child in out-of-home care and that is	1966

at variance with the history given of the injury or death.	1967
(29) (28) "Out-of-home care child neglect" means any of the	1968
following when committed by a person responsible for the care of a	1969
child in out-of-home care:	1970
(a) Failure to provide reasonable supervision according to	1971
the standards of care appropriate to the age, mental and physical	1972
condition, or other special needs of the child;	1973
(b) Failure to provide reasonable supervision according to	1974
the standards of care appropriate to the age, mental and physical	1975
condition, or other special needs of the child, that results in	1976
sexual or physical abuse of an act or omission committed against	1977
the child by any person <u>that causes the child to become a</u>	1978
<u>physically or sexually harmed child in accordance with section</u>	1979
<u>2151.031 or 2151.032 of the Revised Code;</u>	1980
(c) Failure to develop a process for all of the following:	1981
(i) Administration of prescription drugs or psychotropic	1982
drugs for the child;	1983
(ii) Assuring that the instructions of the licensed physician	1984
who prescribed a drug for the child are followed;	1985
(iii) Reporting to the licensed physician who prescribed the	1986
drug all unfavorable or dangerous side effects from the use of the	1987
drug.	1988
(d) Failure to provide proper or necessary subsistence,	1989
education, medical care, or other individualized care necessary	1990
for the health or well-being of the child;	1991
(e) Confinement of the child to a locked room without	1992
monitoring by staff;	1993
(f) Failure to provide ongoing security for all prescription	1994
and nonprescription medication;	1995
(g) Isolation of a child for a period of time when there is	1996

substantial risk that the isolation, if continued, will impair or 1997
retard the mental health or physical well-being of the child. 1998

~~(30)~~(29) "Permanent custody" means a legal status that vests 1999
in a public children services agency or a private child placing 2000
agency, all parental rights, duties, and obligations, including 2001
the right to consent to adoption, and divests the natural parents 2002
or adoptive parents of all parental rights, privileges, and 2003
obligations, including all residual rights and obligations. 2004

~~(31)~~(30) "Permanent surrender" means the act of the parents 2005
or, if a child has only one parent, of the parent of a child, by a 2006
voluntary agreement authorized by section 5103.15 of the Revised 2007
Code, to transfer the permanent custody of the child to a public 2008
children services agency or a private child placing agency. 2009

~~(32)~~(31) "Person" means an individual, association, 2010
corporation, or partnership and the state or any of its political 2011
subdivisions, departments, or agencies. 2012

~~(33)~~(32) "Person responsible for a child's care in 2013
out-of-home care" means any of the following: 2014

(a) Any foster caregiver, in-home aide, or provider; 2015

(b) Any administrator, employee, or agent of any of the 2016
following: a public or private detention facility; shelter 2017
facility; certified children's crisis care facility; organization; 2018
certified organization; child day-care center; type A family 2019
day-care home; certified type B family day-care home; group home; 2020
institution; state institution; residential facility; residential 2021
care facility; residential camp; day camp; school district; 2022
community school; chartered nonpublic school; educational service 2023
center; hospital; or medical clinic; 2024

(c) Any person who supervises or coaches children as part of 2025
an extracurricular activity sponsored by a school district, public 2026
school, or chartered nonpublic school; 2027

(d) Any other person who performs a similar function with 2028
respect to, or has a similar relationship to, children. 2029

~~(34)~~(33) "Physically impaired" means having one or more of 2030
the following conditions that substantially limit one or more of 2031
an individual's major life activities, including self-care, 2032
receptive and expressive language, learning, mobility, and 2033
self-direction: 2034

(a) A substantial impairment of vision, speech, or hearing; 2035

(b) A congenital orthopedic impairment; 2036

(c) An orthopedic impairment caused by disease, rheumatic 2037
fever or any other similar chronic or acute health problem, or 2038
amputation or another similar cause. 2039

~~(35)~~(34) "Placement for adoption" means the arrangement by a 2040
public children services agency or a private child placing agency 2041
with a person for the care and adoption by that person of a child 2042
of whom the agency has permanent custody. 2043

~~(36)~~(35) "Placement in foster care" means the arrangement by 2044
a public children services agency or a private child placing 2045
agency for the out-of-home care of a child of whom the agency has 2046
temporary custody or permanent custody. 2047

~~(37)~~(36) "Planned permanent living arrangement" means an 2048
order of a juvenile court pursuant to which both of the following 2049
apply: 2050

(a) The court gives legal custody of a child to a public 2051
children services agency or a private child placing agency without 2052
the termination of parental rights. 2053

(b) The order permits the agency to make an appropriate 2054
placement of the child and to enter into a written agreement with 2055
a foster care provider or with another person or agency with whom 2056
the child is placed. 2057

~~(38)~~(37) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

~~(39)~~(38) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

~~(40)~~(39) "Protective supervision" means an order of disposition pursuant to which the court permits ~~an abused, neglected, dependent,~~ a child in need of protective services or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

~~(41)~~(40) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

~~(42)~~(41) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

~~(43)~~(42) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

~~(44)~~(43) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.

~~(45)~~(44) "Residential facility" means a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a

developmental disability resides. 2089

~~(46)~~(45) "Residual parental rights, privileges, and 2090
responsibilities" means those rights, privileges, and 2091
responsibilities remaining with the natural parent after the 2092
transfer of legal custody of the child, including, but not 2093
necessarily limited to, the privilege of reasonable visitation, 2094
consent to adoption, the privilege to determine the child's 2095
religious affiliation, and the responsibility for support. 2096

~~(47)~~(46) "School day" means the school day established by the 2097
state board of education pursuant to section 3313.48 of the 2098
Revised Code. 2099

~~(48)~~(47) "School month" and "school year" have the same 2100
meanings as in section 3313.62 of the Revised Code. 2101

~~(49)~~(48) "Secure correctional facility" means a facility 2102
under the direction of the department of youth services that is 2103
designed to physically restrict the movement and activities of 2104
children and used for the placement of children after adjudication 2105
and disposition. 2106

~~(50)~~(49) "Sexual activity" has the same meaning as in section 2107
2907.01 of the Revised Code. 2108

~~(51)~~(50) "Shelter" means the temporary care of children in 2109
physically unrestricted facilities pending court adjudication or 2110
disposition. 2111

~~(52)~~(51) "Shelter for victims of domestic violence" has the 2112
same meaning as in section 3113.33 of the Revised Code. 2113

~~(53)~~(52) "Substantial risk" means the risk that a specified 2114
harm is markedly more likely than not to result from one or more 2115
acts or omissions. 2116

(53) "Temporary custody" means legal custody of a child who 2117
is removed from the child's home, which custody may be terminated 2118

at any time at the discretion of the court or, if the legal 2119
custody is granted in an agreement for temporary custody, by the 2120
person who executed the agreement. 2121

(C) For the purposes of this chapter, a child shall be 2122
presumed abandoned when the parents of the child have failed to 2123
visit or maintain contact with the child for more than ninety 2124
days, regardless of whether the parents resume contact with the 2125
child after that period of ninety days. 2126

(D) In reference to past acts, adjudications, and statuses, 2127
as used in the Revised Code: 2128

(1) "Abused child" means a child who was an abused child as 2129
that term was defined in former section 2151.031 of the Revised 2130
Code as it existed prior to the effective date of this amendment. 2131

(2) "Dependent child" means a child who was a dependent child 2132
as that term was defined in former section 2151.04 of the Revised 2133
Code as it existed prior to the effective date of this amendment. 2134

(3) "Neglected child" means a child who was a neglected child 2135
as that term was defined in section 2151.03 of the Revised Code as 2136
it existed prior to the effective date of this amendment. 2137

Sec. 2151.031. (A) As used in this section: 2138

(1) "Controlled substance" has the same meaning as in section 2139
3719.01 of the Revised Code. 2140

(2) "Dangerous drug" and "drug" have the same meanings as in 2141
section 4729.01 of the Revised Code. 2142

(3) "Deadly weapon" has the same meaning as in section 2143
2923.11 of the Revised Code. 2144

(4) "Harmful intoxicant" has the same meaning as in section 2145
2925.01 of the Revised Code. 2146

(5) "Physical harm" means that the child has suffered 2147

<u>physical injury, or was placed at substantial risk of physical</u>	2148
<u>injury, from one or more intentional or negligent acts or</u>	2149
<u>omissions by the child's parent, legal guardian, or legal</u>	2150
<u>custodian, including corporal discipline. "Physical harm"</u>	2151
<u>includes, but is not limited to, any of the following:</u>	2152
<u>(a) A sprain, dislocation, or cartilage damage;</u>	2153
<u>(b) A bone or skull fracture;</u>	2154
<u>(c) Brain or spinal cord damage;</u>	2155
<u>(d) An intracranial hemorrhage or injury to other internal</u>	2156
<u>organs;</u>	2157
<u>(e) Asphyxiation, suffocation, or drowning;</u>	2158
<u>(f) An injury resulting from the use of a deadly weapon;</u>	2159
<u>(g) A burn, scalding, laceration, puncture, or bite;</u>	2160
<u>(h) Loss of consciousness;</u>	2161
<u>(i) Loss or impairment of a body part or function;</u>	2162
<u>(j) Significant soft tissue swelling;</u>	2163
<u>(k) Significant bruising;</u>	2164
<u>(l) Injury that requires medical treatment;</u>	2165
<u>(m) Severe pain to the child;</u>	2166
<u>(n) Death of the child.</u>	2167
<u>(B) Examples of circumstances that may result in a child's</u>	2168
<u>physical injury include, but are not limited to, the following:</u>	2169
<u>(1) Being struck with an object or a closed fist;</u>	2170
<u>(2) Being shaken;</u>	2171
<u>(3) Having a limb twisted;</u>	2172
<u>(4) Being thrown, kicked, burned, or cut;</u>	2173
<u>(5) Having breathing interfered with;</u>	2174

<u>(6) Being deprived of sustenance;</u>	2175
<u>(7) Being provided with a drug not in accordance with a prescription, dangerous drug, harmful intoxicant, or controlled substance, or any other chemical or substance that poses a substantial risk of causing physical injury to the child;</u>	2176 2177 2178 2179
<u>(8) Being physically restrained in a cruel manner or for a prolonged period of time.</u>	2180 2181
<u>(C) Being threatened with a deadly weapon is an example of a substantial risk of physical harm.</u>	2182 2183
<u>(D) In determining whether an act or omission placed a child at substantial risk of physical harm, the factors that may be considered include but are not limited to the following:</u>	2184 2185 2186
<u>(1) The size, age, and any pre-existing condition of the child;</u>	2187 2188
<u>(2) The location of the injury;</u>	2189
<u>(3) The strength and duration of any force used against the child;</u>	2190 2191
<u>(4) Whether the act was committed by an adult whose judgment was impaired at the time of the act.</u>	2192 2193
<u>(E) An act or omission of a parent, legal guardian, or legal custodian that results in physical harm to a child does not cause the child to be a child in need of protective services if the act or omission was necessary to prevent imminent physical harm to another person, or more serious physical harm to the child.</u>	2194 2195 2196 2197 2198
<u>Sec. 2151.032. (A) A child is "sexually harmed" when either of the following applies:</u>	2199 2200
<u>(1) The child's parent, legal guardian, or legal custodian participates in a sexual act with the child.</u>	2201 2202
<u>(2) The child's parent, legal guardian, or legal custodian</u>	2203

requires, directs, coerces, encourages, permits, or negligently fails to prevent participation in a sexual act by the child with another person. 2204
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(B) Examples of a sexual act for the purpose of determining if a child has been sexually harmed include, but are not limited to, any of the following: 2207
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(1) Penetration, however slight, of the vagina or anal opening of one person by the penis of another; 2210
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(2) Sexual contact between the genitals or anal opening of one person and the mouth or tongue of another; 2212
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(3) Insertion by one person into the genitals or anal opening of another person, including the use of objects for this purpose, other than for a valid medical purpose; 2214
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(4) Intentional touching of the genitals, breasts, genital area, groin, inner thigh, or buttocks, or the clothing covering them, except when such touching occurs as part of appropriate child care activity, including medical care; 2217
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(5) Intentional exposure of the genitals in the presence of a child if that exposure is for the purpose of sexual arousal, sexual gratification, humiliation, or degradation, or a similar purpose; 2221
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(6) Sexual exploitation of a child; 2225

(7) Making recorded images of a child for sexual gratification or commercial sexual exploitation; 2226
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(8) Requiring, directing, coercing, encouraging, or permitting a child to view one or more sexually explicit acts or materials or negligently failing to prevent a child from viewing sexually explicit acts or materials; 2228
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(9) Flagellation, torture, defecation, urination, or other sado-masochistic acts involving a child when done for the purpose 2232
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of the adult's or child's sexual stimulation; 2234

(10) Requiring, directing, coercing, encouraging, permitting, 2235
or negligently failing to prevent a violation of section 2907.04 2236
or division (A)(1)(b) of section 2907.02 of the Revised Code in 2237
which the child is the victim of the offense. 2238

(C) If a child's parent, legal guardian, or legal custodian 2239
provides to a child a product or information for the purpose of 2240
avoiding pregnancy or a sexually transmitted disease, that act is 2241
not, by itself, evidence that the parent, legal guardian, or legal 2242
custodian has encouraged, permitted, or negligently failed to 2243
prevent the child's participation in a sexual act. 2244

(D) The participation by a child who is at least sixteen 2245
years of age in a consensual sexual act with a non-relative who is 2246
at least sixteen but less than twenty years of age is not evidence 2247
that the child was sexually harmed, but may be evidence that the 2248
child is, for other reasons, a child in need of protective 2249
services. 2250

(E) As used in this section, "sexual exploitation of a child" 2251
includes requiring, directing, coercing, encouraging, or 2252
permitting a child to solicit another to engage in prostitution 2253
with the child, engage in prostitution, or engage in a commercial 2254
sexually related act or performance. "Sexual exploitation of a 2255
child" also includes negligently failing to prevent a child from 2256
engaging in such acts or performances. 2257

Sec. 2151.033. (A) As used in this section, "emotionally 2258
harmed" means that the child has suffered psychological, 2259
emotional, or cognitive injury, or has been placed at a 2260
substantial risk of such injury, from one or more intentional or 2261
negligent acts or omissions by the child's parent, legal guardian, 2262
or legal custodian and the injury has a substantial, observable, 2263
adverse effect on the child's behavioral, emotional, social, or 2264

cognitive performance or condition. 2265

(B) Evidence that a child has been emotionally harmed may 2266
include, but is not limited to, the child's failure or inability 2267
to control aggressive or self-destructive impulses, significant 2268
acting out or regressive behavior, social withdrawal, or inability 2269
to think or reason, when that behavior or condition is age or 2270
developmentally inappropriate. 2271

Sec. 2151.034. (A) A child is harmed by exposure to substance 2272
misuse if a child's parent, legal guardian, or legal custodian 2273
does any of the following: 2274

(1) Uses a substance, and the use results in physical, 2275
psychological, emotional, or cognitive injury, or a substantial 2276
risk of such an injury, to the child, including instances of 2277
substance misuse that are first discovered through a newborn 2278
child's positive toxicology screen; 2279

(2) Requires, directs, coerces, encourages, permits, or 2280
negligently fails to prevent any of the following: 2281

(a) The child's use of alcohol, and that use results in 2282
physical, psychological, emotional, or cognitive injury, or 2283
substantial risk of such an injury, to the child; 2284

(b) The child's use of an illegal substance or use of a legal 2285
substance illegally; 2286

(c) The child's exposure to the sale, manufacture, or 2287
distribution of an illegal substance or the illegal sale or 2288
distribution of a legal substance, or to the presence of chemicals 2289
or equipment intended for use in the manufacture of an illegal 2290
substance. 2291

(B) In determining whether a child has been harmed by 2292
exposure to substance misuse, psychological, emotional, or 2293

cognitive injury includes a substantial, observable, adverse 2294
effect on a child's behavioral, emotional, social, or cognitive 2295
performance. Evidence that may be used to prove harm by exposure 2296
to substance misuse includes, but is not limited to, the child's 2297
failure or inability to control aggressive or self-destructive 2298
impulses, significant acting out or regressive behavior, social 2299
withdrawal, or inability to think or reason, when that behavior or 2300
condition is age or developmentally inappropriate. 2301

(C) As used in this section, "substance" refers to any mood 2302
or behavior altering product, including, but not limited to, 2303
alcohol, a drug as defined in section 4729.01 of the Revised Code, 2304
a controlled substance as defined in section 3719.01 of the 2305
Revised Code, a harmful intoxicant as defined in section 2925.01 2306
of the Revised Code, and any other product that can be inhaled, 2307
ingested, injected, or applied. 2308

Sec. 2151.035. (A) A child is "lacking necessary health care" 2309
if the child is not provided medical, surgical, psychiatric, 2310
psychological, or other care required to treat a condition if the 2311
treatment is likely to prevent the child's death, disfigurement, 2312
or serious impairment of a major bodily function, or if the 2313
treatment is necessary to substantially reduce the child's pain, 2314
suffering, or serious impairment of a major bodily function, or 2315
correct or substantially diminish the child's debilitating or 2316
crippling condition. 2317

(B) A child is lacking necessary health care only if the 2318
court finds both of the following: 2319

(1) There is a disagreement between a licensed health 2320
professional authorized to prescribe drugs and a child's parent, 2321
legal guardian, or legal custodian as to the necessary course of 2322
health care treatment for that child. 2323

(2) The course of treatment advised by the licensed health 2324

professional authorized to prescribe drugs is substantially more 2325
beneficial to the child than the course of treatment preferred by 2326
the child's parent, legal guardian, or legal custodian. 2327

(C) If a child's parent, legal guardian, or legal custodian 2328
provides or declines to provide health care services to a child, 2329
in contravention to the advice of a licensed health professional 2330
authorized to prescribe drugs, because of a sincerely held 2331
religious or spiritual belief or for any other reason, the court 2332
may order the provision of health care services over the objection 2333
of the parent, legal guardian, or legal custodian only if the 2334
court determines that the child is lacking necessary health care. 2335

(D) The refusal of a child's parent, legal guardian, or legal 2336
custodian to administer or permit the child to take behavior 2337
modifying medication may only be considered evidence that the 2338
child is lacking necessary health care. 2339

(E) As used in this section, "licensed health professional 2340
authorized to prescribe drugs" has the same meaning as in section 2341
4729.01 of the Revised Code. 2342

Sec. 2151.036. (A) As used in this section, "lacking legally 2343
required education" means that the child is of compulsory school 2344
age, has not regularly or timely attended school, has no 2345
legitimate excuse for the absence, and has not received other 2346
education services as required by state or federal law. 2347

(B) Any person responsible for reporting or investigating 2348
alleged violations of or enforcing the compulsory school 2349
attendance provisions of Chapter 3321. of the Revised Code may 2350
provide written notice to an appropriate public children services 2351
agency when that person believes that the agency's intervention 2352
may help a child obtain legally required education. The notice 2353
shall specify both of the following: 2354

(1) All known steps taken to assure the child's compliance with Chapter 3321. of the Revised Code; 2355
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(2) All known acts or omissions by the child's parent, legal guardian, or legal custodian that may have contributed to the child's alleged lack of legally required education. 2357
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(C) The public children services agency shall have no obligation under section 2151.421 of the Revised Code to assess or investigate whether a child is a child in need of protective services because the child is lacking legally required education if the notice fails to demonstrate that any steps have been taken to ensure compliance with the compulsory school attendance provisions of Chapter 3321. of the Revised Code or the notice does not provide the information required by division (B) of this section. If no steps have been taken to ensure compliance with the compulsory school attendance provisions of Chapter 3321. of the Revised Code, the public children services agency may seek an order from the juvenile court with jurisdiction, and the court may enter an order, directing that such efforts be made. 2360
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(D) When any person responsible for reporting or investigating alleged violations of or enforcing the compulsory school attendance provisions of Chapter 3321. of the Revised Code knows or suspects that a child is in need of protective services for any reason other than that the child may be lacking legally required education, that person shall immediately report that knowledge or suspicion to the appropriate public children services agency for its standard assessment or investigation. 2373
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(E) If, in assessing or investigating a report that a child is in need of protective services, a public children services agency discovers facts that may support an adjudication that a child is lacking legally required education, the public children services agency shall, in addition to its own required protocol, notify the appropriate person or entity responsible for 2381
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investigating violations of or enforcing the compulsory school attendance provisions of Chapter 3321. of the Revised Code. 2387
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(F) The refusal of a child's parent, guardian, or custodian to administer or permit the child to take behavior modifying medication shall not be considered an act or omission relevant to a report that a child is lacking legally required education, but it may be relevant to a report that a child is lacking necessary health care. 2389
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Sec. 2151.037. (A) A child is lacking necessary care or supervision if either of the following are present: 2395
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(1) The child is at substantial risk of becoming a child in need of protective services for a reason other than the child is lacking necessary care or supervision; 2397
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(2) The child's parent, legal guardian, or legal custodian fails to provide the child with any of the following, and such failure creates a substantial risk that the child would suffer an injury that could result in an adjudication that the child is in need of protective services: 2400
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(a) Adequate food, clothing, shelter, or supervision; 2405

(b) Adequate supervision or arrangements for the child's care in the absence of the child's parent, legal guardian, or legal custodian; 2406
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(c) A safe and appropriate place to live after prohibiting the child from living in the same residence as the parent, legal guardian, or legal custodian. 2409
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(B) A child is lacking necessary care or supervision when any of the circumstances described in division (A) of this section arise for any reason, including the death or physical or mental incapacity of the child's parent, legal guardian, or legal custodian. 2412
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Sec. 2151.10. The juvenile judge shall annually submit a 2417
written request for an appropriation to the board of county 2418
commissioners that shall set forth estimated administrative 2419
expenses of the juvenile court that the judge considers reasonably 2420
necessary for the operation of the court, including reasonably 2421
necessary expenses of the judge and such officers and employees as 2422
the judge may designate in attending conferences at which juvenile 2423
or welfare problems are discussed, and such sum each year as will 2424
provide for the maintenance and operation of the detention 2425
facility, the care, maintenance, education, and support of 2426
~~neglected, abused, dependent,~~ children in need of protective 2427
services and delinquent children, other than children eligible to 2428
participate in the Ohio works first program established under 2429
Chapter 5107. of the Revised Code, and for necessary orthopedic, 2430
surgical, and medical treatment, and special care as may be 2431
ordered by the court for any ~~neglected, abused, dependent,~~ child 2432
in need or protective services or delinquent ~~children~~ child. The 2433
board shall conduct a public hearing with respect to the written 2434
request submitted by the judge and shall appropriate such sum of 2435
money each year as it determines, after conducting the public 2436
hearing and considering the written request of the judge, is 2437
reasonably necessary to meet all the administrative expenses of 2438
the court. All disbursements from such appropriations shall be 2439
upon specifically itemized vouchers, certified to by the judge. 2440

If the judge considers the appropriation made by the board 2441
pursuant to this section insufficient to meet all the 2442
administrative expenses of the court, the judge shall commence an 2443
action under Chapter 2731. of the Revised Code in the court of 2444
appeals for the judicial district for a determination of the duty 2445
of the board of county commissioners to appropriate the amount of 2446
money in dispute. The court of appeals shall give priority to the 2447
action filed by the juvenile judge over all cases pending on its 2448

docket. The burden shall be on the juvenile judge to prove that 2449
the appropriation requested is reasonably necessary to meet all 2450
administrative expenses of the court. If, prior to the filing of 2451
an action under Chapter 2731. of the Revised Code or during the 2452
pendency of the action, the judge exercises the judge's contempt 2453
power in order to obtain the sum of money in dispute, the judge 2454
shall not order the imprisonment of any member of the board of 2455
county commissioners notwithstanding sections 2705.02 to 2705.06 2456
of the Revised Code. 2457

Sec. 2151.141. (A) If a complaint filed with respect to a 2458
child pursuant to section 2151.27 of the Revised Code alleges that 2459
a child is ~~an abused, neglected, or dependent~~ a child in need of 2460
protective services, any individual or entity that is listed in 2461
divisions (D)(1)(a) to (k) of section 2151.14 of the Revised Code 2462
and that is investigating whether the child is ~~an abused,~~ 2463
~~neglected, or dependent~~ a child in need of protective services, 2464
has custody of the child, is preparing a social history for the 2465
child, or is providing any services for the child may request any 2466
board of education, governing body of a chartered nonpublic 2467
school, public children services agency, private child placing 2468
agency, probation department, law enforcement agency, or 2469
prosecuting attorney that has any records related to the child to 2470
provide the individual or entity with a copy of the records. The 2471
request shall be in writing, describe the type of records 2472
requested, explain the need for the records, be accompanied by a 2473
copy of the complaint, and describe the relationship of the 2474
requesting individual or entity to the child. The individual or 2475
entity shall provide a copy of the request to the child in 2476
question, the attorney or guardian ad litem of the child, and the 2477
parent, guardian, or custodian of the child. 2478

(B)(1) Any board of education, governing body of a chartered 2479
nonpublic school, public children services agency, private child 2480

placing agency, probation department, law enforcement agency, or 2481
prosecuting attorney that has any records related to a child who 2482
is the subject of a complaint as described in division (A) of this 2483
section and that receives a request for a copy of the records 2484
pursuant to division (A) of this section shall comply with the 2485
request, unless the individual or entity determines that it is 2486
unable to do so because it is prohibited by law from complying 2487
with the request, the request does not comply with division (A) of 2488
this section, or a complaint as described in division (A) of this 2489
section has not been filed with respect to the child who is the 2490
subject of the requested records. If the individual or entity 2491
determines that it is unable to comply with the request, it shall 2492
file a motion with the court in which the complaint as described 2493
in division (A) of this section was filed or was alleged to have 2494
been filed requesting the court to determine the extent to which 2495
it is required to comply with the request for records. Upon the 2496
filing of the motion, the court immediately shall hold a hearing 2497
on the motion, determine the extent to which the movant is 2498
required to comply with the request for records, and issue 2499
findings of fact and conclusions of law in support of its 2500
determination. The determination of the court shall be final. If 2501
the court determines that the movant is required to comply with 2502
the request for records, it shall identify the specific records 2503
that must be supplied to the individual or entity that requested 2504
them. 2505

(2) In addition to or in lieu of the motion described in 2506
division (B)(1) of this section, a law enforcement agency or 2507
prosecuting attorney that receives a request for a copy of records 2508
pursuant to division (A) of this section may file a motion for a 2509
protective order as described in this division with the court in 2510
which the complaint as described in division (A) of this section 2511
was filed or alleged to have been filed. Upon the filing of a 2512
motion of that nature, the court shall conduct a hearing on the 2513

motion. If at the hearing the law enforcement agency or 2514
prosecuting attorney demonstrates that any of the following 2515
applies and if, after considering the purposes for which the 2516
records were requested pursuant to division (A) of this section, 2517
the best interest of the child, and any demonstrated need to 2518
prevent specific information in the records from being disclosed, 2519
the court determines that the issuance of a protective order is 2520
necessary, then the court shall issue a protective order that 2521
appropriately limits the disclosure of one or more specified 2522
records or specified information in one or more specified records: 2523

(a) The records or information in the records relate to a 2524
case in which the child is alleged to be a delinquent child or a 2525
case in which a child is transferred for trial as an adult 2526
pursuant to section 2152.12 of the Revised Code and Juvenile Rule 2527
30, and the adjudication hearing in the case, the trial in the 2528
case, or other disposition of the case has not been concluded. 2529

(b) The records in question, or the records containing the 2530
information in question, are confidential law enforcement 2531
investigatory records, as defined in section 149.43 of the Revised 2532
Code. 2533

(c) The records or information in the records relate to a 2534
case in which the child is or was alleged to be a delinquent child 2535
or to a case in which a child is or was transferred for trial as 2536
an adult pursuant to section 2152.12 of the Revised Code and 2537
Juvenile Rule 30; another case is pending against any child or any 2538
adult in which the child is alleged to be a delinquent child, the 2539
child is so transferred for trial as an adult, or the adult is 2540
alleged to be a criminal offender; the allegations in the case to 2541
which the records or information relate and the allegations in the 2542
other case are based on the same act or transaction, are based on 2543
two or more connected transactions or constitute parts of a common 2544
scheme or plan, or are part of a course of criminal conduct; and 2545

the adjudication hearing in, trial in, or other disposition of the 2546
other case has not been concluded. 2547

(C) If an individual or entity is required to provide copies 2548
of records pursuant to this section, the individual or entity may 2549
charge a fee for the copies that does not exceed the cost of 2550
supplying them. 2551

(D) This section does not require, authorize, or permit the 2552
dissemination of any records or any information contained in any 2553
records if the dissemination of the records or information 2554
generally is prohibited by section 2151.142 or another section of 2555
the Revised Code and a waiver as described in division (B)(1) of 2556
section 2151.142 of the Revised Code or a specific provision of 2557
the Revised Code does not specifically authorize or permit the 2558
dissemination of the records or information pursuant to this 2559
section. 2560

Sec. 2151.18. (A) The juvenile court shall maintain records 2561
of all official cases brought before it, including, but not 2562
limited to, an appearance docket, a journal, and records of the 2563
type required by division (A)(2) of section 2151.35 of the Revised 2564
Code. The parents, guardian, or other custodian of any child 2565
affected, if living, or the nearest of kin of the child, if the 2566
parents would be entitled to inspect the records but are deceased, 2567
may inspect these records, either in person or by counsel, during 2568
the hours in which the court is open. 2569

(B) Not later than June of each year, the court shall prepare 2570
an annual report covering the preceding calendar year showing the 2571
number and kinds of cases that have come before it, the 2572
disposition of the cases, and any other data pertaining to the 2573
work of the court that the juvenile judge directs. The court shall 2574
file copies of the report with the board of county commissioners. 2575
With the approval of the board, the court may print or cause to be 2576

printed copies of the report for distribution to persons and 2577
agencies interested in the court or community program for 2578
~~dependent, neglected, abused, or~~ children in need of protective 2579
services, delinquent children, and juvenile traffic offenders. The 2580
court shall include the number of copies ordered printed and the 2581
estimated cost of each printed copy on each copy of the report 2582
printed for distribution. 2583

Sec. 2151.23. (A) The juvenile court has exclusive original 2584
jurisdiction under the Revised Code as follows: 2585

(1) Concerning any child who on or about the date specified 2586
in the complaint, indictment, or information is alleged to have 2587
violated section 2151.87 of the Revised Code or an order issued 2588
under that section or to be a juvenile traffic offender ~~or,~~ a 2589
child in need of protective services, or a delinquent, or unruly, 2590
~~abused, neglected, or dependent~~ child and, based on and in 2591
relation to the allegation pertaining to the child, concerning the 2592
parent, guardian, or other person having care of a child who is 2593
alleged to be an unruly or delinquent child for being an habitual 2594
or chronic truant; 2595

(2) Subject to divisions (G) and (V) of section 2301.03 of 2596
the Revised Code, to determine the custody of any child not a ward 2597
of another court of this state; 2598

(3) To hear and determine any application for a writ of 2599
habeas corpus involving the custody of a child; 2600

(4) To exercise the powers and jurisdiction given the probate 2601
division of the court of common pleas in Chapter 5122. of the 2602
Revised Code, if the court has probable cause to believe that a 2603
child otherwise within the jurisdiction of the court is a mentally 2604
ill person subject to hospitalization by court order, as defined 2605
in section 5122.01 of the Revised Code; 2606

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	2607 2608
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	2609 2610 2611 2612 2613 2614 2615 2616 2617 2618
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	2619 2620
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	2621 2622 2623 2624
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	2625 2626 2627 2628
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	2629 2630
(11) Subject to divisions (G) and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	2631 2632 2633 2634 2635 2636 2637

(12) Concerning an action commenced under section 121.38 of the Revised Code;	2638 2639
(13) To hear and determine violations of section 3321.38 of the Revised Code;	2640 2641
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	2642 2643 2644 2645 2646
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40.	2647 2648 2649 2650 2651 2652 2653 2654
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	2655 2656 2657
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal ordinance;	2658 2659 2660 2661
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	2662 2663 2664
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	2665 2666
(4) To hear and determine an application for an order for the	2667

support of any child, if the child is not a ward of another court 2668
of this state; 2669

(5) To hear and determine an action commenced under section 2670
3111.28 of the Revised Code; 2671

(6) To hear and determine a motion filed under section 2672
3119.961 of the Revised Code; 2673

(7) To receive filings under section 3109.74 of the Revised 2674
Code, and to hear and determine actions arising under sections 2675
3109.51 to 3109.80 of the Revised Code. 2676

(8) To enforce an order for the return of a child made under 2677
the Hague Convention on the Civil Aspects of International Child 2678
Abduction pursuant to section 3127.32 of the Revised Code; 2679

(9) To grant any relief normally available under the laws of 2680
this state to enforce a child custody determination made by a 2681
court of another state and registered in accordance with section 2682
3127.35 of the Revised Code. 2683

(C) The juvenile court, except as to juvenile courts that are 2684
a separate division of the court of common pleas or a separate and 2685
independent juvenile court, has jurisdiction to hear, determine, 2686
and make a record of any action for divorce or legal separation 2687
that involves the custody or care of children and that is filed in 2688
the court of common pleas and certified by the court of common 2689
pleas with all the papers filed in the action to the juvenile 2690
court for trial, provided that no certification of that nature 2691
shall be made to any juvenile court unless the consent of the 2692
juvenile judge first is obtained. After a certification of that 2693
nature is made and consent is obtained, the juvenile court shall 2694
proceed as if the action originally had been begun in that court, 2695
except as to awards for spousal support or support due and unpaid 2696
at the time of certification, over which the juvenile court has no 2697
jurisdiction. 2698

(D) The juvenile court, except as provided in divisions (G) 2699
and (I) of section 2301.03 of the Revised Code, has jurisdiction 2700
to hear and determine all matters as to custody and support of 2701
children duly certified by the court of common pleas to the 2702
juvenile court after a divorce decree has been granted, including 2703
jurisdiction to modify the judgment and decree of the court of 2704
common pleas as the same relate to the custody and support of 2705
children. 2706

(E) The juvenile court, except as provided in divisions (G) 2707
and (I) of section 2301.03 of the Revised Code, has jurisdiction 2708
to hear and determine the case of any child certified to the court 2709
by any court of competent jurisdiction if the child comes within 2710
the jurisdiction of the juvenile court as defined by this section. 2711

(F)(1) The juvenile court shall exercise its jurisdiction in 2712
child custody matters in accordance with sections 3109.04 and 2713
3127.01 to 3127.53 of the Revised Code and, as applicable, 2714
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 2715
Code. 2716

(2) The juvenile court shall exercise its jurisdiction in 2717
child support matters in accordance with section 3109.05 of the 2718
Revised Code. 2719

(G) Any juvenile court that makes or modifies an order for 2720
child support shall comply with Chapters 3119., 3121., 3123., and 2721
3125. of the Revised Code. If any person required to pay child 2722
support under an order made by a juvenile court on or after April 2723
15, 1985, or modified on or after December 1, 1986, is found in 2724
contempt of court for failure to make support payments under the 2725
order, the court that makes the finding, in addition to any other 2726
penalty or remedy imposed, shall assess all court costs arising 2727
out of the contempt proceeding against the person and require the 2728
person to pay any reasonable attorney's fees of any adverse party, 2729
as determined by the court, that arose in relation to the act of 2730

contempt. 2731

(H) If a child who is charged with an act that would be an 2732
offense if committed by an adult was fourteen years of age or 2733
older and under eighteen years of age at the time of the alleged 2734
act and if the case is transferred for criminal prosecution 2735
pursuant to section 2152.12 of the Revised Code, the juvenile 2736
court does not have jurisdiction to hear or determine the case 2737
subsequent to the transfer. The court to which the case is 2738
transferred for criminal prosecution pursuant to that section has 2739
jurisdiction subsequent to the transfer to hear and determine the 2740
case in the same manner as if the case originally had been 2741
commenced in that court, including, but not limited to, 2742
jurisdiction to accept a plea of guilty or another plea authorized 2743
by Criminal Rule 11 or another section of the Revised Code and 2744
jurisdiction to accept a verdict and to enter a judgment of 2745
conviction pursuant to the Rules of Criminal Procedure against the 2746
child for the commission of the offense that was the basis of the 2747
transfer of the case for criminal prosecution, whether the 2748
conviction is for the same degree or a lesser degree of the 2749
offense charged, for the commission of a lesser-included offense, 2750
or for the commission of another offense that is different from 2751
the offense charged. 2752

(I) If a person under eighteen years of age allegedly commits 2753
an act that would be a felony if committed by an adult and if the 2754
person is not taken into custody or apprehended for that act until 2755
after the person attains twenty-one years of age, the juvenile 2756
court does not have jurisdiction to hear or determine any portion 2757
of the case charging the person with committing that act. In those 2758
circumstances, divisions (A) and (B) of section 2152.12 of the 2759
Revised Code do not apply regarding the act, and the case charging 2760
the person with committing the act shall be a criminal prosecution 2761
commenced and heard in the appropriate court having jurisdiction 2762

of the offense as if the person had been eighteen years of age or 2763
older when the person committed the act. All proceedings 2764
pertaining to the act shall be within the jurisdiction of the 2765
court having jurisdiction of the offense, and that court has all 2766
the authority and duties in the case that it has in other criminal 2767
cases in that court. 2768

Sec. 2151.24. (A) Except as provided in division (B) of this 2769
section, the board of county commissioners shall provide a special 2770
room not used for the trial of criminal or adult cases, when 2771
available, for the hearing of the cases of ~~dependent, neglected,~~ 2772
~~abused,~~ children in need of protective services and delinquent 2773
children. 2774

(B) Division (A) of this section does not apply to the case 2775
of an alleged delinquent child when the case is one in which the 2776
prosecuting attorney seeks a serious youthful offender disposition 2777
under section 2152.13 of the Revised Code. 2778

Sec. 2151.27. (A)(1) Subject to division (A)(2) of this 2779
section, any person having knowledge of a child who appears to 2780
have violated section 2151.87 of the Revised Code ~~or~~ to be a 2781
juvenile traffic offender ~~or~~ to be an unruly, ~~abused, neglected,~~ 2782
~~or dependent~~ child, or to be a child in need of protective 2783
services may file a sworn complaint with respect to that child in 2784
the juvenile court of the county in which the child has a 2785
residence or legal settlement or in which the violation, 2786
unruliness, ~~abuse, neglect, or dependency~~ or acts or omissions 2787
that indicate that the child is a child in need of protective 2788
services allegedly occurred. If an alleged ~~abused, neglected, or~~ 2789
~~dependent~~ child in need of protective services is taken into 2790
custody pursuant to division (D) of section 2151.31 of the Revised 2791
Code or is taken into custody pursuant to division (A) of section 2792
2151.31 of the Revised Code without the filing of a complaint and 2793

placed into shelter care pursuant to division (C) of that section, 2794
a sworn complaint shall be filed with respect to the child before 2795
the end of the next day after the day on which the child was taken 2796
into custody. The sworn complaint may be upon information and 2797
belief, and, in addition to the allegation that the child 2798
committed the violation ~~or~~, is an unruly, ~~abused, neglected, or~~ 2799
~~dependent~~ child, or is a child in need of protective services, the 2800
complaint shall allege the particular facts upon which the 2801
allegation ~~that the child committed the violation or is an unruly,~~ 2802
~~abused, neglected, or dependent child~~ is based. 2803

(2) Any person having knowledge of a child who appears to be 2804
an unruly child for being an habitual truant may file a sworn 2805
complaint with respect to that child and the parent, guardian, or 2806
other person having care of the child in the juvenile court of the 2807
county in which the child has a residence or legal settlement or 2808
in which the child is supposed to attend public school. The sworn 2809
complaint may be upon information and belief and shall contain the 2810
following allegations: 2811

(a) That the child is an unruly child for being an habitual 2812
truant and, in addition, the particular facts upon which that 2813
allegation is based; 2814

(b) That the parent, guardian, or other person having care of 2815
the child has failed to cause the child's attendance at school in 2816
violation of section 3321.38 of the Revised Code and, in addition, 2817
the particular facts upon which that allegation is based. 2818

(B) If a child, before arriving at the age of eighteen years, 2819
allegedly commits an act for which the child may be adjudicated an 2820
unruly child and if the specific complaint alleging the act is not 2821
filed or a hearing on that specific complaint is not held until 2822
after the child arrives at the age of eighteen years, the court 2823
has jurisdiction to hear and dispose of the complaint as if the 2824

complaint were filed and the hearing held before the child arrived 2825
at the age of eighteen years. 2826

(C) If the complainant in a case in which a child is alleged 2827
to be ~~an abused, neglected, or dependent~~ a child in need of 2828
protective services desires permanent custody of the child or 2829
children, temporary custody of the child or children, whether as 2830
the preferred or an alternative disposition, or the placement of 2831
the child in a planned permanent living arrangement, the complaint 2832
shall contain a prayer specifically requesting permanent custody, 2833
temporary custody, or the placement of the child in a planned 2834
permanent living arrangement. 2835

(D) Any person with standing under applicable law may file a 2836
complaint for the determination of any other matter over which the 2837
juvenile court is given jurisdiction by section 2151.23 of the 2838
Revised Code. The complaint shall be filed in the county in which 2839
the child who is the subject of the complaint is found or was last 2840
known to be found. 2841

(E) A public children services agency, acting pursuant to a 2842
complaint or an action on a complaint filed under this section, is 2843
not subject to the requirements of section 3127.23 of the Revised 2844
Code. 2845

(F) Upon the filing of a complaint alleging that a child is 2846
an unruly child, the court may hold the complaint in abeyance 2847
pending the child's successful completion of actions that 2848
constitute a method to divert the child from the juvenile court 2849
system. The method may be adopted by a county pursuant to 2850
divisions (D) and (E) of section 121.37 of the Revised Code or it 2851
may be another method that the court considers satisfactory. If 2852
the child completes the actions to the court's satisfaction, the 2853
court may dismiss the complaint. If the child fails to complete 2854
the actions to the court's satisfaction, the court may consider 2855
the complaint. 2856

Sec. 2151.28. (A) No later than seventy-two hours after the 2857
complaint is filed, the court shall fix a time for an adjudicatory 2858
hearing. The court shall conduct the adjudicatory hearing within 2859
one of the following periods of time: 2860

(1) Subject to division (C) of section 2152.13 of the Revised 2861
Code and division (A)(3) of this section, if the complaint alleged 2862
that the child violated section 2151.87 of the Revised Code or is 2863
a delinquent or unruly child or a juvenile traffic offender, the 2864
adjudicatory hearing shall be held and may be continued in 2865
accordance with the Juvenile Rules. 2866

(2) If the complaint alleged that the child is ~~an abused,~~ 2867
~~neglected, or dependent~~ a child in need of protective services, 2868
the adjudicatory hearing shall be held no later than thirty days 2869
after the complaint is filed, except that, for good cause shown, 2870
the court may continue the adjudicatory hearing for either of the 2871
following periods of time: 2872

(a) For ten days beyond the thirty-day deadline to allow any 2873
party to obtain counsel; 2874

(b) For a reasonable period of time beyond the thirty-day 2875
deadline to obtain service on all parties or any necessary 2876
evaluation, except that the adjudicatory hearing shall not be held 2877
later than sixty days after the date on which the complaint was 2878
filed. 2879

(3) If the child who is the subject of the complaint is in 2880
detention and is charged with violating a section of the Revised 2881
Code that may be violated by an adult, the hearing shall be held 2882
not later than fifteen days after the filing of the complaint. 2883
Upon a showing of good cause, the adjudicatory hearing may be 2884
continued and detention extended. 2885

(B) At an adjudicatory hearing held pursuant to division 2886

(A)(2) of this section, the court, in addition to determining 2887
whether the child is ~~an abused, neglected, or dependent~~ a child in 2888
need of protective services, shall determine whether the child 2889
should remain or be placed in shelter care until the dispositional 2890
hearing. When the court makes the shelter care determination, all 2891
of the following apply: 2892

(1) The court shall determine whether there are any relatives 2893
of the child who are willing to be temporary custodians of the 2894
child. If any relative is willing to be a temporary custodian, the 2895
child otherwise would remain or be placed in shelter care, and the 2896
appointment is appropriate, the court shall appoint the relative 2897
as temporary custodian of the child, unless the court appoints 2898
another relative as custodian. If it determines that the 2899
appointment of a relative as custodian would not be appropriate, 2900
it shall issue a written opinion setting forth the reasons for its 2901
determination and give a copy of the opinion to all parties and 2902
the guardian ad litem of the child. 2903

The court's consideration of a relative for appointment as a 2904
temporary custodian does not make that relative a party to the 2905
proceedings. 2906

(2) The court shall comply with section 2151.419 of the 2907
Revised Code. 2908

(3) The court shall schedule the date for the dispositional 2909
hearing to be held pursuant to section 2151.35 of the Revised 2910
Code. The parents of the child have a right to be represented by 2911
counsel; however, in no case shall the dispositional hearing be 2912
held later than ninety days after the date on which the complaint 2913
was filed. 2914

(C)(1) The court shall direct the issuance of a summons 2915
directed to the child except as provided by this section, the 2916
parents, guardian, custodian, or other person with whom the child 2917

may be, and any other persons that appear to the court to be 2918
proper or necessary parties to the proceedings, requiring them to 2919
appear before the court at the time fixed to answer the 2920
allegations of the complaint. The summons shall contain the name 2921
and telephone number of the court employee designated by the court 2922
pursuant to section 2151.314 of the Revised Code to arrange for 2923
the prompt appointment of counsel for indigent persons. A child 2924
alleged to be ~~an abused, neglected, or dependent~~ a child in need
of protective services shall not be summoned unless the court so 2925
directs. A summons issued for a child who is under fourteen years 2926
of age and who is alleged to be a delinquent child, unruly child, 2927
or a juvenile traffic offender shall be served on the parent, 2928
guardian, or custodian of the child in the child's behalf. 2929
2930

If the person who has physical custody of the child, or with 2931
whom the child resides, is other than the parent or guardian, then 2932
the parents and guardian also shall be summoned. A copy of the 2933
complaint shall accompany the summons. 2934

(2) In lieu of appearing before the court at the time fixed 2935
in the summons and prior to the date fixed for appearance in the 2936
summons, a child who is alleged to have violated section 2151.87 2937
of the Revised Code and that child's parent, guardian, or 2938
custodian may sign a waiver of appearance before the clerk of the 2939
juvenile court and pay a fine of one hundred dollars. If the child 2940
and that child's parent, guardian, or custodian do not waive the 2941
court appearance, the court shall proceed with the adjudicatory 2942
hearing as provided in this section. 2943

(D) If the complaint contains a prayer for permanent custody, 2944
temporary custody, whether as the preferred or an alternative 2945
disposition, or a planned permanent living arrangement in a case 2946
involving an alleged ~~abused, neglected, or dependent~~ child in need
of protective services, the summons served on the parents shall 2947
contain as is appropriate an explanation that the granting of 2948
2949

permanent custody permanently divests the parents of their 2950
parental rights and privileges, an explanation that an 2951
adjudication that the child is ~~an abused, neglected, or dependent~~ 2952
a child in need of protective services may result in an order of 2953
temporary custody that will cause the removal of the child from 2954
their legal custody until the court terminates the order of 2955
temporary custody or permanently divests the parents of their 2956
parental rights, or an explanation that the issuance of an order 2957
for a planned permanent living arrangement will cause the removal 2958
of the child from the legal custody of the parents if any of the 2959
conditions listed in divisions (A)(5)(a) to (c) of section 2960
2151.353 of the Revised Code are found to exist. 2961

(E)(1) Except as otherwise provided in division (E)(2) of 2962
this section, the court may endorse upon the summons an order 2963
directing the parents, guardian, or other person with whom the 2964
child may be to appear personally at the hearing and directing the 2965
person having the physical custody or control of the child to 2966
bring the child to the hearing. 2967

(2) In cases in which the complaint alleges that a child is 2968
an unruly or delinquent child for being an habitual or chronic 2969
truant and that the parent, guardian, or other person having care 2970
of the child has failed to cause the child's attendance at school, 2971
the court shall endorse upon the summons an order directing the 2972
parent, guardian, or other person having care of the child to 2973
appear personally at the hearing and directing the person having 2974
the physical custody or control of the child to bring the child to 2975
the hearing. 2976

(F)(1) The summons shall contain a statement advising that 2977
any party is entitled to counsel in the proceedings and that the 2978
court will appoint counsel or designate a county public defender 2979
or joint county public defender to provide legal representation if 2980
the party is indigent. 2981

(2) In cases in which the complaint alleges a child to be ~~an~~ 2982
~~abused, neglected, or dependent~~ a child in need of protective 2983
services and no hearing has been conducted pursuant to division 2984
(A) of section 2151.314 of the Revised Code with respect to the 2985
child or a parent, guardian, or custodian of the child does not 2986
attend the hearing, the summons also shall contain a statement 2987
advising that a case plan may be prepared for the child, the 2988
general requirements usually contained in case plans, and the 2989
possible consequences of failure to comply with a journalized case 2990
plan. 2991

(G) If it appears from an affidavit filed or from sworn 2992
testimony before the court that the conduct, condition, or 2993
surroundings of the child are endangering the child's health or 2994
welfare or those of others, that the child may abscond or be 2995
removed from the jurisdiction of the court, or that the child will 2996
not be brought to the court, notwithstanding the service of the 2997
summons, the court may endorse upon the summons an order that a 2998
law enforcement officer serve the summons and take the child into 2999
immediate custody and bring the child forthwith to the court. 3000

(H) A party, other than the child, may waive service of 3001
summons by written stipulation. 3002

(I) Before any temporary commitment is made permanent, the 3003
court shall fix a time for hearing in accordance with section 3004
2151.414 of the Revised Code and shall cause notice by summons to 3005
be served upon the parent or guardian of the child and the 3006
guardian ad litem of the child, or published, as provided in 3007
section 2151.29 of the Revised Code. The summons shall contain an 3008
explanation that the granting of permanent custody permanently 3009
divests the parents of their parental rights and privileges. 3010

(J) Any person whose presence is considered necessary and who 3011
is not summoned may be subpoenaed to appear and testify at the 3012
hearing. Anyone summoned or subpoenaed to appear who fails to do 3013

so may be punished, as in other cases in the court of common 3014
pleas, for contempt of court. Persons subpoenaed shall be paid the 3015
same witness fees as are allowed in the court of common pleas. 3016

(K) The failure of the court to hold an adjudicatory hearing 3017
within any time period set forth in division (A)(2) of this 3018
section does not affect the ability of the court to issue any 3019
order under this chapter and does not provide any basis for 3020
attacking the jurisdiction of the court or the validity of any 3021
order of the court. 3022

(L) If the court, at an adjudicatory hearing held pursuant to 3023
division (A) of this section upon a complaint alleging that a 3024
child is ~~an abused, neglected, dependent,~~ a child in need of 3025
protective services, a delinquent, or unruly child, or a juvenile 3026
traffic offender, determines that the child is a ~~dependent~~ child 3027
in need of protective services because the child is lacking 3028
necessary care or supervision, as determined in accordance with 3029
section 2151.037 of the Revised Code, the court shall incorporate 3030
that determination into written findings of fact and conclusions 3031
of law and enter those findings of fact and conclusions of law in 3032
the record of the case. The court shall include in those findings 3033
of fact and conclusions of law specific findings as to the 3034
existence of any danger to the child and any underlying family 3035
problems that are the basis for the court's determination that the 3036
child is such a ~~dependent~~ child in need of protective services. 3037

Sec. 2151.281. (A) The court shall appoint a guardian ad 3038
litem, subject to rules adopted by the supreme court, to protect 3039
the interest of a child in any proceeding concerning an alleged or 3040
adjudicated delinquent child or unruly child when either of the 3041
following applies: 3042

(1) The child has no parent, guardian, or legal custodian. 3043

(2) The court finds that there is a conflict of interest 3044

between the child and the child's parent, guardian, or legal 3045
custodian. 3046

(B)(1) The court shall appoint a guardian ad litem, subject 3047
to rules adopted by the supreme court, to protect the interest of 3048
a child in any proceeding concerning ~~an alleged abused or~~ 3049
~~neglected~~ a child alleged to be a child in need of protective 3050
services and in any proceeding held pursuant to section 2151.414 3051
of the Revised Code. The guardian ad litem so appointed shall not 3052
be the attorney responsible for presenting the evidence alleging 3053
that the child is ~~an abused or neglected~~ a child in need of 3054
protective services and shall not be an employee of any party in 3055
the proceeding. 3056

(2) The guardian ad litem appointed for ~~an~~ a child who is 3057
alleged or adjudicated ~~abused or neglected~~ to be a child in need 3058
of protective services may bring a civil action against any person 3059
who is required by division (A)(1) or (4) of section 2151.421 of 3060
the Revised Code to file a report ~~of~~ that a child abuse or child 3061
~~neglect~~ is a child in need of protective services that is known or 3062
reasonably suspected or believed to have occurred if that person 3063
knows, or has reasonable cause to suspect or believe based on 3064
facts that would cause a reasonable person in a similar position 3065
to suspect or believe, as applicable, that the child for whom the 3066
guardian ad litem is appointed is the subject of ~~child abuse or~~ 3067
~~child neglect~~ an act or omission that indicates that a child is a 3068
child in need of protective services and does not file the 3069
required report and if the child suffers any injury or harm as a 3070
result of the ~~child abuse or child neglect~~ act or omission that is 3071
known or reasonably suspected or believed to have occurred or 3072
suffers additional injury or harm after the failure to file the 3073
report. 3074

(C) In any proceeding concerning ~~an~~ a child who is alleged or 3075
adjudicated to be a delinquent, or unruly, abused, neglected, or 3076

~~dependent~~ child or a child in need of protective services in which 3077
the parent appears to be mentally incompetent or is under eighteen 3078
years of age, the court shall appoint a guardian ad litem to 3079
protect the interest of that parent. 3080

(D) The court shall require the guardian ad litem to 3081
faithfully discharge the guardian ad litem's duties and, upon the 3082
guardian ad litem's failure to faithfully discharge the guardian 3083
ad litem's duties, shall discharge the guardian ad litem and 3084
appoint another guardian ad litem. The court may fix the 3085
compensation for the service of the guardian ad litem, which 3086
compensation shall be paid from the treasury of the county, 3087
subject to rules adopted by the supreme court. 3088

(E) A parent who is eighteen years of age or older and not 3089
mentally incompetent shall be deemed sui juris for the purpose of 3090
any proceeding relative to a child of the parent who is alleged or 3091
adjudicated to be ~~an abused, neglected, or dependent~~ a child in 3092
need of protective services. 3093

(F) In any case in which a parent of a child alleged or 3094
adjudicated to be ~~an abused, neglected, or dependent~~ a child in 3095
need of protective services is under eighteen years of age, the 3096
parents of that parent shall be summoned to appear at any hearing 3097
respecting the child, who is alleged or adjudicated to be ~~an~~ 3098
~~abused, neglected, or dependent~~ a child in need of protective 3099
services. 3100

(G) In any case involving an alleged or adjudicated ~~abused or~~ 3101
~~neglected~~ child in need of protective services or an agreement for 3102
the voluntary surrender of temporary or permanent custody of a 3103
child that is made in accordance with section 5103.15 of the 3104
Revised Code, the court shall appoint the guardian ad litem in 3105
each case as soon as possible after the complaint is filed, the 3106
request for an extension of the temporary custody agreement is 3107
filed with the court, or the request for court approval of the 3108

permanent custody agreement is filed. In any case involving an 3109
alleged dependent child in which the parent of the child appears 3110
to be mentally incompetent or is under eighteen years of age, 3111
there is a conflict of interest between the child and the child's 3112
parents, guardian, or custodian, or the court believes that the 3113
parent of the child is not capable of representing the best 3114
interest of the child, the court shall appoint a guardian ad litem 3115
for the child. The guardian ad litem or the guardian ad litem's 3116
replacement shall continue to serve until any of the following 3117
occur: 3118

(1) The complaint is dismissed or the request for an 3119
extension of a temporary custody agreement or for court approval 3120
of the permanent custody agreement is withdrawn or denied; 3121

(2) All dispositional orders relative to the child have 3122
terminated; 3123

(3) The legal custody of the child is granted to a relative 3124
of the child, or to another person; 3125

(4) The child is placed in an adoptive home or, at the 3126
court's discretion, a final decree of adoption is issued with 3127
respect to the child; 3128

(5) The child reaches the age of eighteen if the child is not 3129
mentally retarded, developmentally disabled, or physically 3130
impaired or the child reaches the age of twenty-one if the child 3131
is mentally retarded, developmentally disabled, or physically 3132
impaired; 3133

(6) The guardian ad litem resigns or is removed by the court 3134
and a replacement is appointed by the court. 3135

If a guardian ad litem ceases to serve a child pursuant to 3136
division (G)(4) of this section and the petition for adoption with 3137
respect to the child is denied or withdrawn prior to the issuance 3138
of a final decree of adoption or prior to the date an 3139

interlocutory order of adoption becomes final, the juvenile court 3140
shall reappoint a guardian ad litem for that child. The public 3141
children services agency or private child placing agency with 3142
permanent custody of the child shall notify the juvenile court if 3143
the petition for adoption is denied or withdrawn. 3144

(H) If the guardian ad litem for an alleged or adjudicated 3145
~~abused, neglected, or dependent~~ child in need of protective 3146
services is an attorney admitted to the practice of law in this 3147
state, the guardian ad litem also may serve as counsel to the 3148
ward. Until the supreme court adopts rules regarding service as a 3149
guardian ad litem that regulate conflicts between a person's role 3150
as guardian ad litem and as counsel, if a person is serving as 3151
guardian ad litem and counsel for a child and either that person 3152
or the court finds that a conflict may exist between the person's 3153
roles as guardian ad litem and as counsel, the court shall relieve 3154
the person of duties as guardian ad litem and appoint someone else 3155
as guardian ad litem for the child. If the court appoints a person 3156
who is not an attorney admitted to the practice of law in this 3157
state to be a guardian ad litem, the court also may appoint an 3158
attorney admitted to the practice of law in this state to serve as 3159
counsel for the guardian ad litem. 3160

(I) The guardian ad litem for an alleged or adjudicated 3161
~~abused, neglected, or dependent~~ child in need of protective 3162
services shall perform whatever functions are necessary to protect 3163
the best interest of the child, including, but not limited to, 3164
investigation, mediation, monitoring court proceedings, and 3165
monitoring the services provided the child by the public children 3166
services agency or private child placing agency that has temporary 3167
or permanent custody of the child, and shall file any motions and 3168
other court papers that are in the best interest of the child. 3169

The guardian ad litem shall be given notice of all hearings, 3170
administrative reviews, and other proceedings in the same manner 3171

as notice is given to parties to the action. 3172

(J)(1) When the court appoints a guardian ad litem pursuant 3173
to this section, it shall appoint a qualified volunteer or court 3174
appointed special advocate whenever one is available and the 3175
appointment is appropriate. 3176

(2) Upon request, the department of job and family services 3177
shall provide for the training of volunteer guardians ad litem. 3178

Sec. 2151.282. (A) There is hereby created the Ohio court 3179
appointed special advocate/guardian ad litem (CASA/GAL) study 3180
committee consisting of five members. One member shall be a 3181
representative of the Ohio court appointed special 3182
advocate/guardian ad litem association appointed by the governor 3183
and shall be the chairperson of the committee. One member shall be 3184
a member of the Ohio juvenile judges association, appointed by the 3185
president of the senate. One member shall be a member of the Ohio 3186
state bar association appointed by the speaker of the house of 3187
representatives. One member shall be a representative of the 3188
office of the state public defender appointed by the minority 3189
leader of the senate. One member shall be a representative of the 3190
Ohio county commissioner's association appointed by the minority 3191
leader of the house of representatives. The members of the 3192
committee shall be appointed within sixty days after ~~the effective~~ 3193
~~date of this section~~ September 29, 2005. The committee shall do 3194
all of the following: 3195

(1) Compile available public data associated with state and 3196
local costs of advocating on behalf of children who have been 3197
found to be ~~abused, neglected, or dependent~~ children in need of 3198
protective services; 3199

(2) Examine the costs in counties that have established and 3200
operated an Ohio CASA/GAL association program, and the costs in 3201
counties that utilize the county public defender, joint county 3202

public defender, or court-appointed counsel, to advocate on behalf 3203
of children who have been found to be ~~abused, neglected, or~~ 3204
~~dependent~~ children in need of protective services; 3205

(3) Analyze the total cost of advocating on behalf of 3206
children who have been found to be ~~abused, neglected, or dependent~~ 3207
children in need of protective services on a per county basis and 3208
a per child served basis; 3209

(4) Analyze the cost benefit of having an Ohio CASA/GAL 3210
association versus utilizing the county public defender, joint 3211
county public defender, or court-appointed counsel to advocate on 3212
behalf of children who have been found to be ~~abused, neglected, or~~ 3213
~~dependent~~ children in need of protective services; 3214

(5) Analyze the advocacy services provided to ~~abused~~ 3215
~~children, neglected children, or dependent~~ children in need of 3216
protective services by Ohio CASA/GAL association programs versus 3217
the advocacy services provided to ~~abused, neglected, or dependent~~ 3218
children in need of protective services by county public 3219
defenders, joint county public defenders, or court-appointed 3220
counsel. 3221

(B) The Ohio CASA/GAL association shall provide staff for the 3222
Ohio CASA/GAL study committee and shall pay for any expenses 3223
incurred by the study committee. The study committee shall meet 3224
within thirty days after the appointment of the members to the 3225
study committee. 3226

(C) The Ohio CASA/GAL study committee shall prepare a report 3227
containing all relevant data and information that division (A) of 3228
this section requires the study committee to compile, examine, and 3229
analyze. The Ohio CASA/GAL study committee shall deliver a final 3230
copy of the report to the governor, the speaker of the house of 3231
representatives, and the president of the senate on or before July 3232
1, 2007. 3233

Sec. 2151.31. (A) A child may be taken into custody in any of 3234
the following ways: 3235

(1) Pursuant to an order of the court under this chapter or 3236
pursuant to an order of the court upon a motion filed pursuant to 3237
division (B) of section 2930.05 of the Revised Code; 3238

(2) Pursuant to the laws of arrest; 3239

(3) By a law enforcement officer or duly authorized officer 3240
of the court when ~~any of the following conditions are present:~~ 3241

~~(a) There there are reasonable grounds to believe that the 3242
child is suffering from illness or injury and is not receiving 3243
proper care, as described in section 2151.03 of the Revised Code, 3244
and the child's removal is necessary to prevent immediate or 3245
threatened physical or emotional harm;~~ 3246

~~(b) There are reasonable grounds to believe that the child is 3247
in immediate danger from the child's surroundings and that the 3248
child's removal is necessary to prevent immediate or threatened 3249
physical or emotional harm;~~ 3250

~~(c) There are reasonable grounds to believe that the child's 3251
parent, guardian, or custodian committed an act or omission that 3252
indicates that the child is a child in need of protective services 3253
or when a parent, guardian, custodian, or other household member 3254
of the child's household has ~~abused or neglected~~ caused another 3255
child in the household to become a child in need of protective 3256
services and to believe that the child is in danger of immediate 3257
or threatened physical or emotional harm from that person. 3258~~

(4) By an enforcement official, as defined in section 4109.01 3259
of the Revised Code, under the circumstances set forth in section 3260
4109.08 of the Revised Code; 3261

(5) By a law enforcement officer or duly authorized officer 3262
of the court when there are reasonable grounds to believe that the 3263

child has run away from the child's parents, guardian, or other 3264
custodian; 3265

(6) By a law enforcement officer or duly authorized officer 3266
of the court when any of the following apply: 3267

(a) There are reasonable grounds to believe that the conduct, 3268
conditions, or surroundings of the child are endangering the 3269
health, welfare, or safety of the child. 3270

(b) A complaint has been filed with respect to the child 3271
under section 2151.27 or 2152.021 of the Revised Code or the child 3272
has been indicted under division (A) of section 2152.13 of the 3273
Revised Code or charged by information as described in that 3274
section and there are reasonable grounds to believe that the child 3275
may abscond or be removed from the jurisdiction of the court. 3276

(c) The child is required to appear in court and there are 3277
reasonable grounds to believe that the child will not be brought 3278
before the court when required. 3279

(d) There are reasonable grounds to believe that the child 3280
committed a delinquent act and that taking the child into custody 3281
is necessary to protect the public interest and safety. 3282

(B)(1) The taking of a child into custody is not and shall 3283
not be deemed an arrest except for the purpose of determining its 3284
validity under the constitution of this state or of the United 3285
States. 3286

(2) Except as provided in division (C) of section 2151.311 of 3287
the Revised Code, a child taken into custody shall not be held in 3288
any state correctional institution, county, multicounty, or 3289
municipal jail or workhouse, or any other place where any adult 3290
convicted of crime, under arrest, or charged with crime is held. 3291

(C)(1) Except as provided in division (C)(2) of this section, 3292
a child taken into custody shall not be confined in a place of 3293

juvenile detention or placed in shelter care prior to the 3294
implementation of the court's final order of disposition, unless 3295
detention or shelter care is required to protect the child from 3296
immediate or threatened physical or emotional harm, because the 3297
child is a danger or threat to one or more other persons and is 3298
charged with violating a section of the Revised Code that may be 3299
violated by an adult, because the child may abscond or be removed 3300
from the jurisdiction of the court, because the child has no 3301
parents, guardian, or custodian or other person able to provide 3302
supervision and care for the child and return the child to the 3303
court when required, or because an order for placement of the 3304
child in detention or shelter care has been made by the court 3305
pursuant to this chapter. 3306

(2) A child alleged to be a delinquent child who is taken 3307
into custody may be confined in a place of juvenile detention 3308
prior to the implementation of the court's final order of 3309
disposition if the confinement is authorized under section 2152.04 3310
of the Revised Code or if the child is alleged to be a serious 3311
youthful offender under section 2152.13 of the Revised Code and is 3312
not released on bond. 3313

(D) Upon receipt of notice from a person that the person 3314
intends to take an a child alleged ~~abused, neglected, or dependent~~ 3315
to be a child in need of protective services into custody pursuant 3316
to division (A)(3) of this section, a juvenile judge or a 3317
designated referee may grant by telephone an ex parte emergency 3318
order authorizing the taking of the child into custody if there is 3319
probable cause to believe that ~~any of~~ the conditions set forth in 3320
~~divisions~~ division (A)(3)(a) ~~to (c)~~ of this section are present. 3321
The judge or referee shall journalize any ex parte emergency order 3322
issued pursuant to this division. If an order is issued pursuant 3323
to this division and the child is taken into custody pursuant to 3324
the order, a sworn complaint shall be filed with respect to the 3325

child before the end of the next business day after the day on 3326
which the child is taken into custody and a hearing shall be held 3327
pursuant to division (E) of this section and the Juvenile Rules. A 3328
juvenile judge or referee shall not grant an emergency order by 3329
telephone pursuant to this division until after the judge or 3330
referee determines that reasonable efforts have been made to 3331
notify the parents, guardian, or custodian of the child that the 3332
child may be placed into shelter care and of the reasons for 3333
placing the child into shelter care, except that, if the 3334
requirement for notification would jeopardize the physical or 3335
emotional safety of the child or result in the child being removed 3336
from the court's jurisdiction, the judge or referee may issue the 3337
order for taking the child into custody and placing the child into 3338
shelter care prior to giving notice to the parents, guardian, or 3339
custodian of the child. 3340

(E) If a judge or referee pursuant to division (D) of this 3341
section issues an ex parte emergency order for taking a child into 3342
custody, the court shall hold a hearing to determine whether there 3343
is probable cause for the emergency order. The hearing shall be 3344
held before the end of the next business day after the day on 3345
which the emergency order is issued, except that it shall not be 3346
held later than seventy-two hours after the emergency order is 3347
issued. 3348

If the court determines at the hearing that there is not 3349
probable cause for the issuance of the emergency order issued 3350
pursuant to division (D) of this section, it shall order the child 3351
released to the custody of the child's parents, guardian, or 3352
custodian. If the court determines at the hearing that there is 3353
probable cause for the issuance of the emergency order issued 3354
pursuant to division (D) of this section, the court shall do all 3355
of the following: 3356

(1) Ensure that a complaint is filed or has been filed; 3357

(2) Comply with section 2151.419 of the Revised Code; 3358

(3) Hold a hearing pursuant to section 2151.314 of the 3359
Revised Code to determine if the child should remain in shelter 3360
care. 3361

(F) If the court determines at the hearing held pursuant to 3362
division (E) of this section that there is probable cause to 3363
believe that the child is ~~an abused~~ a child in need of protective 3364
services because the child was sexually harmed, as defined in 3365
~~division (A) of section 2151.031 of the Revised Code,~~ the court 3366
may do any of the following: 3367

(1) Upon the motion of any party, the guardian ad litem, the 3368
prosecuting attorney, or an employee of the public children 3369
services agency, or its own motion, issue reasonable protective 3370
orders with respect to the interviewing or deposition of the 3371
child; 3372

(2) Order that the child's testimony be videotaped for 3373
preservation of the testimony for possible use in any other 3374
proceedings in the case; 3375

(3) Set any additional conditions with respect to the child 3376
or the case involving the child that are in the best interest of 3377
the child. 3378

(G) This section is not intended, and shall not be construed, 3379
to prevent any person from taking a child into custody, if taking 3380
the child into custody is necessary in an emergency to prevent the 3381
~~physical injury, emotional harm, or neglect of the child from~~ 3382
becoming a child in need of protective services. 3383

Sec. 2151.312. (A) A child alleged to be or adjudicated an 3384
unruly child may be held only in the following places: 3385

(1) A certified family foster home or a home approved by the 3386
court; 3387

(2) A facility operated by a certified child welfare agency;	3388
(3) Any other suitable place designated by the court.	3389
(B)(1) Except as provided under division (C)(1) of section	3390
2151.311 of the Revised Code, a child alleged to be or adjudicated	3391
a neglected child, an abused child, a dependent child, <u>in need of</u>	3392
<u>protective services</u> or an unruly child may not be held in any of	3393
the following facilities:	3394
(a) A state correctional institution, county, multicounty, or	3395
municipal jail or workhouse, or other place in which an adult	3396
convicted of a crime, under arrest, or charged with a crime is	3397
held;	3398
(b) A secure correctional facility.	3399
(2) Except as provided under sections 2151.26 to 2151.61 of	3400
the Revised Code and division (B)(3) of this section, a child	3401
alleged to be or adjudicated an unruly child may not be held for	3402
more than twenty-four hours in a detention facility. A child	3403
alleged to be or adjudicated a neglected child, an abused child,	3404
or a dependent child <u>in need of protective services</u> shall not be	3405
held in a detention facility.	3406
(3) A child who is alleged to be or adjudicated an unruly	3407
child and who is taken into custody on a Saturday, Sunday, or	3408
legal holiday, as listed in section 1.14 of the Revised Code, may	3409
be held in a detention facility until the next succeeding day that	3410
is not a Saturday, Sunday, or legal holiday.	3411
Sec. 2151.314. (A) When a child is brought before the court	3412
or delivered to a place of detention or shelter care designated by	3413
the court, the intake or other authorized officer of the court	3414
shall immediately make an investigation and shall release the	3415
child unless it appears that the child's detention or shelter care	3416
is warranted or required under section 2151.31 of the Revised	3417

Code. 3418

If the child is not so released, a complaint under section 3419
2151.27 or 2152.021 or an information under section 2152.13 of the 3420
Revised Code shall be filed or an indictment under division (B) of 3421
section 2152.13 of the Revised Code shall be sought and an 3422
informal detention or shelter care hearing held promptly, not 3423
later than seventy-two hours after the child is placed in 3424
detention or shelter care, to determine whether detention or 3425
shelter care is required. Reasonable oral or written notice of the 3426
time, place, and purpose of the detention or shelter care hearing 3427
shall be given to the child and, if they can be found, to the 3428
child's parents, guardian, or custodian. In cases in which the 3429
complaint alleges a child to be ~~an abused, neglected, or dependent~~ 3430
a child in need of protective services, the notice given the 3431
parents, guardian, or custodian shall inform them that a case plan 3432
may be prepared for the child, the general requirements usually 3433
contained in case plans, and the possible consequences of the 3434
failure to comply with a journalized case plan. 3435

Prior to the hearing, the court shall inform the parties of 3436
their right to counsel and to appointed counsel or to the services 3437
of the county public defender or joint county public defender, if 3438
they are indigent, of the child's right to remain silent with 3439
respect to any allegation of delinquency, and of the name and 3440
telephone number of a court employee who can be contacted during 3441
the normal business hours of the court to arrange for the prompt 3442
appointment of counsel for any party who is indigent. Unless it 3443
appears from the hearing that the child's detention or shelter 3444
care is required under the provisions of section 2151.31 of the 3445
Revised Code, the court shall order the child's release as 3446
provided by section 2151.311 of the Revised Code. If a parent, 3447
guardian, or custodian has not been so notified and did not appear 3448
or waive appearance at the hearing, upon the filing of an 3449

affidavit stating these facts, the court shall rehear the matter 3450
without unnecessary delay. 3451

(B) When the court conducts a hearing pursuant to division 3452
(A) of this section, all of the following apply: 3453

(1) The court shall determine whether ~~an alleged abused,~~ 3454
~~neglected, or dependent~~ a child in need of protective services 3455
should remain or be placed in shelter care; 3456

(2) The court shall determine whether there are any relatives 3457
of the child who are willing to be temporary custodians of the 3458
child. If any relative is willing to be a temporary custodian, the 3459
child would otherwise be placed or retained in shelter care, and 3460
the appointment is appropriate, the court shall appoint the 3461
relative as temporary custodian of the child, unless the court 3462
appoints another relative as temporary custodian. If it determines 3463
that the appointment of a relative as custodian would not be 3464
appropriate, it shall issue a written opinion setting forth the 3465
reasons for its determination and give a copy of the opinion to 3466
all parties and to the guardian ad litem of the child. 3467

The court's consideration of a relative for appointment as a 3468
temporary custodian does not make that relative a party to the 3469
proceedings. 3470

(3) The court shall comply with section 2151.419 of the 3471
Revised Code. 3472

(C) If a child is in shelter care following the filing of a 3473
complaint pursuant to section 2151.27 or 2152.021 of the Revised 3474
Code, the filing of an information, or the obtaining of an 3475
indictment or following a hearing held pursuant to division (A) of 3476
this section, any party, including the public children services 3477
agency, and the guardian ad litem of the child may file a motion 3478
with the court requesting that the child be released from shelter 3479
care. The motion shall state the reasons why the child should be 3480

released from shelter care and, if a hearing has been held 3481
pursuant to division (A) of this section, any changes in the 3482
situation of the child or the parents, guardian, or custodian of 3483
the child that have occurred since that hearing and that justify 3484
the release of the child from shelter care. Upon the filing of the 3485
motion, the court shall hold a hearing in the same manner as under 3486
division (A) of this section. 3487

(D) Each juvenile court shall designate at least one court 3488
employee to assist persons who are indigent in obtaining appointed 3489
counsel. The court shall include in each notice given pursuant to 3490
division (A) or (C) of this section and in each summons served 3491
upon a party pursuant to this chapter, the name and telephone 3492
number at which each designated employee can be contacted during 3493
the normal business hours of the court to arrange for prompt 3494
appointment of counsel for indigent persons. 3495

Sec. 2151.33. (A) Pending hearing of a complaint filed under 3496
section 2151.27 of the Revised Code or a motion filed or made 3497
under division (B) of this section and the service of citations, 3498
the juvenile court may make any temporary disposition of any child 3499
that it considers necessary to protect the best interest of the 3500
child and that can be made pursuant to division (B) of this 3501
section. Upon the certificate of one or more reputable practicing 3502
physicians, the court may summarily provide for emergency medical 3503
and surgical treatment that appears to be immediately necessary to 3504
preserve the health and well-being of any child concerning whom a 3505
complaint or an application for care has been filed, pending the 3506
service of a citation upon the child's parents, guardian, or 3507
custodian. The court may order the parents, guardian, or 3508
custodian, if the court finds the parents, guardian, or custodian 3509
able to do so, to reimburse the court for the expense involved in 3510
providing the emergency medical or surgical treatment. Any person 3511
who disobeys the order for reimbursement may be adjudged in 3512

contempt of court and punished accordingly. 3513

If the emergency medical or surgical treatment is furnished 3514
to a child who is found at the hearing to be a nonresident of the 3515
county in which the court is located and if the expense of the 3516
medical or surgical treatment cannot be recovered from the 3517
parents, legal guardian, or custodian of the child, the board of 3518
county commissioners of the county in which the child has a legal 3519
settlement shall reimburse the court for the reasonable cost of 3520
the emergency medical or surgical treatment out of its general 3521
fund. 3522

(B)(1) After a complaint, petition, writ, or other document 3523
initiating a case dealing with an alleged or adjudicated ~~abused,~~ 3524
~~neglected, or dependent~~ child in need of protective services is 3525
filed and upon the filing or making of a motion pursuant to 3526
division (C) of this section, the court, prior to the final 3527
disposition of the case, may issue any of the following temporary 3528
orders to protect the best interest of the child: 3529

(a) An order granting temporary custody of the child to a 3530
particular party; 3531

(b) An order for the taking of the child into custody 3532
pursuant to section 2151.31 of the Revised Code pending the 3533
outcome of the adjudicatory and dispositional hearings; 3534

(c) An order granting, limiting, or eliminating parenting 3535
time or visitation rights with respect to the child; 3536

(d) An order requiring a party to vacate a residence that 3537
will be lawfully occupied by the child; 3538

(e) An order requiring a party to attend an appropriate 3539
counseling program that is reasonably available to that party; 3540

(f) Any other order that restrains or otherwise controls the 3541
conduct of any party which conduct would not be in the best 3542

interest of the child. 3543

(2) Prior to the final disposition of a case subject to 3544
division (B)(1) of this section, the court shall do both of the 3545
following: 3546

(a) Issue an order pursuant to Chapters 3119. to 3125. of the 3547
Revised Code requiring the parents, guardian, or person charged 3548
with the child's support to pay support for the child. 3549

(b) Issue an order requiring the parents, guardian, or person 3550
charged with the child's support to continue to maintain any 3551
health insurance coverage for the child that existed at the time 3552
of the filing of the complaint, petition, writ, or other document, 3553
or to obtain health insurance coverage in accordance with sections 3554
3119.29 to 3119.56 of the Revised Code. 3555

(C)(1) A court may issue an order pursuant to division (B) of 3556
this section upon its own motion or if a party files a written 3557
motion or makes an oral motion requesting the issuance of the 3558
order and stating the reasons for it. Any notice sent by the court 3559
as a result of a motion pursuant to this division shall contain a 3560
notice that any party to a juvenile proceeding has the right to be 3561
represented by counsel and to have appointed counsel if the person 3562
is indigent. 3563

(2) If a child is taken into custody pursuant to section 3564
2151.31 of the Revised Code and placed in shelter care, the public 3565
children services agency or private child placing agency with 3566
which the child is placed in shelter care shall file or make a 3567
motion as described in division (C)(1) of this section before the 3568
end of the next day immediately after the date on which the child 3569
was taken into custody and, at a minimum, shall request an order 3570
for temporary custody under division (B)(1)(a) of this section. 3571

(3) A court that issues an order pursuant to division 3572
(B)(1)(b) of this section shall comply with section 2151.419 of 3573

the Revised Code. 3574

(D) The court may grant an ex parte order upon its own motion 3575
or a motion filed or made pursuant to division (C) of this section 3576
requesting such an order if it appears to the court that the best 3577
interest and the welfare of the child require that the court issue 3578
the order immediately. The court, if acting on its own motion, or 3579
the person requesting the granting of an ex parte order, to the 3580
extent possible, shall give notice of its intent or of the request 3581
to the parents, guardian, or custodian of the child who is the 3582
subject of the request. If the court issues an ex parte order, the 3583
court shall hold a hearing to review the order within seventy-two 3584
hours after it is issued or before the end of the next day after 3585
the day on which it is issued, whichever occurs first. The court 3586
shall give written notice of the hearing to all parties to the 3587
action and shall appoint a guardian ad litem for the child prior 3588
to the hearing. 3589

The written notice shall be given by all means that are 3590
reasonably likely to result in the party receiving actual notice 3591
and shall include all of the following: 3592

(1) The date, time, and location of the hearing; 3593

(2) The issues to be addressed at the hearing; 3594

(3) A statement that every party to the hearing has a right 3595
to counsel and to court-appointed counsel, if the party is 3596
indigent; 3597

(4) The name, telephone number, and address of the person 3598
requesting the order; 3599

(5) A copy of the order, except when it is not possible to 3600
obtain it because of the exigent circumstances in the case. 3601

If the court does not grant an ex parte order pursuant to a 3602
motion filed or made pursuant to division (C) of this section or 3603

its own motion, the court shall hold a shelter care hearing on the 3604
motion within ten days after the motion is filed. The court shall 3605
give notice of the hearing to all affected parties in the same 3606
manner as set forth in the Juvenile Rules. 3607

(E) The court, pending the outcome of the adjudicatory and 3608
dispositional hearings, shall not issue an order granting 3609
temporary custody of a child to a public children services agency 3610
or private child placing agency pursuant to this section, unless 3611
the court determines and specifically states in the order that the 3612
continued residence of the child in the child's current home will 3613
be contrary to the child's best interest and welfare and the court 3614
complies with section 2151.419 of the Revised Code. 3615

(F) Each public children services agency and private child 3616
placing agency that receives temporary custody of a child pursuant 3617
to this section shall maintain in the child's case record written 3618
documentation that it has placed the child, to the extent that it 3619
is consistent with the best interest, welfare, and special needs 3620
of the child, in the most family-like setting available and in 3621
close proximity to the home of the parents, custodian, or guardian 3622
of the child. 3623

(G) For good cause shown, any court order that is issued 3624
pursuant to this section may be reviewed by the court at any time 3625
upon motion of any party to the action or upon the motion of the 3626
court. 3627

Sec. 2151.331. A child alleged to be or adjudicated ~~an~~ 3628
~~abused, neglected, dependent, or~~ a child in need of protective 3629
services, an unruly child, or a juvenile traffic offender may be 3630
detained after a complaint is filed in a certified foster home for 3631
a period not exceeding sixty days or until the final disposition 3632
of the case, whichever comes first. The court also may arrange 3633
with a public children services agency or private child placing 3634

agency to receive, or with a private noncustodial agency for 3635
temporary care of, the child within the jurisdiction of the court. 3636
A child alleged to be or adjudicated an unruly child also may be 3637
assigned to an alternative diversion program established by the 3638
court for a period not exceeding sixty days after a complaint is 3639
filed or until final disposition of the case, whichever comes 3640
first. 3641

If the court arranges for the board of a child temporarily 3642
detained in a certified foster home or arranges for the board of a 3643
child through a private child placing agency, the board of county 3644
commissioners shall pay a reasonable sum, which the court shall 3645
fix, for the board of the child. In order to have certified foster 3646
homes available for service, an agreed monthly subsidy may be paid 3647
in addition to a fixed rate per day for care of a child actually 3648
residing in the certified foster home. 3649

Sec. 2151.35. (A)(1) Except as otherwise provided by division 3650
(A)(3) of this section or in section 2152.13 of the Revised Code, 3651
the juvenile court may conduct its hearings in an informal manner 3652
and may adjourn its hearings from time to time. The court may 3653
exclude the general public from its hearings in a particular case 3654
if the court holds a separate hearing to determine whether that 3655
exclusion is appropriate. If the court decides that exclusion of 3656
the general public is appropriate, the court still may admit to a 3657
particular hearing or all of the hearings relating to a particular 3658
case those persons who have a direct interest in the case and 3659
those who demonstrate that their need for access outweighs the 3660
interest in keeping the hearing closed. 3661

Except cases involving children who are alleged to be unruly 3662
or delinquent children for being habitual or chronic truants and 3663
except as otherwise provided in section 2152.13 of the Revised 3664
Code, all cases involving children shall be heard separately and 3665

apart from the trial of cases against adults. The court may excuse 3666
the attendance of the child at the hearing in cases involving 3667
~~abused, neglected, or dependent~~ children in need of protective 3668
services. The court shall hear and determine all cases of children 3669
without a jury, except cases involving serious youthful offenders 3670
under section 2152.13 of the Revised Code. 3671

If a complaint alleges a child to be a delinquent child, 3672
unruly child, or juvenile traffic offender, the court shall 3673
require the parent, guardian, or custodian of the child to attend 3674
all proceedings of the court regarding the child. If a parent, 3675
guardian, or custodian fails to so attend, the court may find the 3676
parent, guardian, or custodian in contempt. 3677

If the court finds from clear and convincing evidence that 3678
the child violated section 2151.87 of the Revised Code, the court 3679
shall proceed in accordance with divisions (F) and (G) of that 3680
section. 3681

In determining whether a child is a child in need of 3682
protective services, the court shall comply with sections 2151.031 3683
to 2151.037 and section 2151.351 of the Revised Code. 3684

If the court at the adjudicatory hearing finds from clear and 3685
convincing evidence that the child is ~~an abused, neglected, or~~ 3686
~~dependent~~ a child in need of protective services, the court shall 3687
proceed, in accordance with division (B) of this section, to hold 3688
a dispositional hearing and hear the evidence as to the proper 3689
disposition to be made under section 2151.353 of the Revised Code. 3690
If the court at the adjudicatory hearing finds beyond a reasonable 3691
doubt that the child is a delinquent or unruly child or a juvenile 3692
traffic offender, the court shall proceed immediately, or at a 3693
postponed hearing, to hear the evidence as to the proper 3694
disposition to be made under section 2151.354 or Chapter 2152. of 3695
the Revised Code. If the court at the adjudicatory hearing finds 3696
beyond a reasonable doubt that the child is an unruly child for 3697

being an habitual truant, or that the child is an unruly child for 3698
being an habitual truant and that the parent, guardian, or other 3699
person having care of the child has failed to cause the child's 3700
attendance at school in violation of section 3321.38 of the 3701
Revised Code, the court shall proceed to hold a hearing to hear 3702
the evidence as to the proper disposition to be made in regard to 3703
the child under division (C)(1) of section 2151.354 of the Revised 3704
Code and the proper action to take in regard to the parent, 3705
guardian, or other person having care of the child under division 3706
(C)(2) of section 2151.354 of the Revised Code. If the court at 3707
the adjudicatory hearing finds beyond a reasonable doubt that the 3708
child is a delinquent child for being a chronic truant or for 3709
being an habitual truant who previously has been adjudicated an 3710
unruly child for being an habitual truant, or that the child is a 3711
delinquent child for either of those reasons and the parent, 3712
guardian, or other person having care of the child has failed to 3713
cause the child's attendance at school in violation of section 3714
3321.38 of the Revised Code, the court shall proceed to hold a 3715
hearing to hear the evidence as to the proper disposition to be 3716
made in regard to the child under division (A)(7)(a) of section 3717
2152.19 of the Revised Code and the proper action to take in 3718
regard to the parent, guardian, or other person having care of the 3719
child under division (A)(7)(b) of section 2152.19 of the Revised 3720
Code. 3721

If the court does not find the child to have violated section 3722
2151.87 of the Revised Code ~~or, to be an abused, neglected,~~ 3723
~~dependent, delinquent, or unruly~~ a child in need of protective 3724
services, or a juvenile traffic offender, it shall order that the 3725
case be dismissed and that the child be discharged from any 3726
detention or restriction theretofore ordered. 3727

(2) A record of all testimony and other oral proceedings in 3728
juvenile court shall be made in all proceedings that are held 3729

pursuant to section 2151.414 of the Revised Code or in which an 3730
order of disposition may be made pursuant to division (A)(4) of 3731
section 2151.353 of the Revised Code, and shall be made upon 3732
request in any other proceedings. The record shall be made as 3733
provided in section 2301.20 of the Revised Code. 3734

(3) The authority of a juvenile court to exclude the general 3735
public from its hearings that is provided by division (A)(1) of 3736
this section does not limit or affect any right of a victim of a 3737
crime or delinquent act, or of a victim's representative, under 3738
Chapter 2930. of the Revised Code. 3739

(B)(1) If the court at an adjudicatory hearing determines 3740
that a child is ~~an abused, neglected, or dependent~~ a child in need 3741
of protective services, the court shall not issue a dispositional 3742
order until after the court holds a separate dispositional 3743
hearing. The court may hold the dispositional hearing for ~~an a~~ 3744
child adjudicated ~~abused, neglected, or dependent~~ to be a child in 3745
need of protective services immediately after the adjudicatory 3746
hearing if all parties were served prior to the adjudicatory 3747
hearing with all documents required for the dispositional hearing. 3748
The dispositional hearing may not be held more than thirty days 3749
after the adjudicatory hearing is held. The court, upon the 3750
request of any party or the guardian ad litem of the child, may 3751
continue a dispositional hearing for a reasonable time not to 3752
exceed the time limits set forth in this division to enable a 3753
party to obtain or consult counsel. The dispositional hearing 3754
shall not be held more than ninety days after the date on which 3755
the complaint in the case was filed. 3756

If the dispositional hearing is not held within the period of 3757
time required by this division, the court, on its own motion or 3758
the motion of any party or the guardian ad litem of the child, 3759
shall dismiss the complaint without prejudice. 3760

(2) The dispositional hearing shall be conducted in 3761

accordance with all of the following: 3762

(a) The judge or referee who presided at the adjudicatory 3763
hearing shall preside, if possible, at the dispositional hearing; 3764

(b) The court may admit any evidence that is material and 3765
relevant, including, but not limited to, hearsay, opinion, and 3766
documentary evidence; 3767

(c) Medical examiners and each investigator who prepared a 3768
social history shall not be cross-examined, except upon consent of 3769
the parties, for good cause shown, or as the court in its 3770
discretion may direct. Any party may offer evidence supplementing, 3771
explaining, or disputing any information contained in the social 3772
history or other reports that may be used by the court in 3773
determining disposition. 3774

(3) After the conclusion of the dispositional hearing, the 3775
court shall enter an appropriate judgment within seven days and 3776
shall schedule the date for the hearing to be held pursuant to 3777
section 2151.415 of the Revised Code. The court may make any order 3778
of disposition that is set forth in section 2151.353 of the 3779
Revised Code. A copy of the judgment shall be given to each party 3780
and to the child's guardian ad litem. If the judgment is 3781
conditional, the order shall state the conditions of the judgment. 3782
If the child is not returned to the child's own home, the court 3783
shall determine which school district shall bear the cost of the 3784
child's education and shall comply with section 2151.36 of the 3785
Revised Code. 3786

(4) As part of its dispositional order, the court may issue 3787
any order described in division (B) of section 2151.33 of the 3788
Revised Code. 3789

(C) The court shall give all parties to the action and the 3790
child's guardian ad litem notice of the adjudicatory and 3791
dispositional hearings in accordance with the Juvenile Rules. 3792

(D) If the court issues an order pursuant to division (A)(4) 3793
of section 2151.353 of the Revised Code committing a child to the 3794
permanent custody of a public children services agency or a 3795
private child placing agency, the parents of the child whose 3796
parental rights were terminated cease to be parties to the action 3797
upon the issuance of the order. This division is not intended to 3798
eliminate or restrict any right of the parents to appeal the 3799
permanent custody order issued pursuant to division (A)(4) of 3800
section 2151.353 of the Revised Code. 3801

(E) Each juvenile court shall schedule its hearings in 3802
accordance with the time requirements of this chapter. 3803

(F) In cases regarding ~~abused, neglected, or dependent~~ 3804
children in need of protective services, the court may admit any 3805
statement of a child that the court determines to be excluded by 3806
the hearsay rule if the proponent of the statement informs the 3807
adverse party of the proponent's intention to offer the statement 3808
and of the particulars of the statement, including the name of the 3809
declarant, sufficiently in advance of the hearing to provide the 3810
party with a fair opportunity to prepare to challenge, respond to, 3811
or defend against the statement, and the court determines all of 3812
the following: 3813

(1) The statement has circumstantial guarantees of 3814
trustworthiness; 3815

(2) The statement is offered as evidence of a material fact; 3816

(3) The statement is more probative on the point for which it 3817
is offered than any other evidence that the proponent can procure 3818
through reasonable efforts; 3819

(4) The general purposes of the evidence rules and the 3820
interests of justice will best be served by the admission of the 3821
statement into evidence. 3822

(G) If a child is alleged to be ~~an abused~~ a child in need of 3823

protective services, the court may order that the testimony of the 3824
child be taken by deposition. On motion of the prosecuting 3825
attorney, guardian ad litem, or any party, or in its own 3826
discretion, the court may order that the deposition be videotaped. 3827
Any deposition taken under this division shall be taken with a 3828
judge or referee present. 3829

If a deposition taken under this division is intended to be 3830
offered as evidence at the hearing, it shall be filed with the 3831
court. Part or all of the deposition is admissible in evidence if 3832
counsel for all parties had an opportunity and similar motive at 3833
the time of the taking of the deposition to develop the testimony 3834
by direct, cross, or redirect examination and the judge determines 3835
that there is reasonable cause to believe that if the child were 3836
to testify in person at the hearing, the child would experience 3837
emotional trauma as a result of participating at the hearing. 3838

Sec. 2151.351. (A) A court may adjudicate a child to be a 3839
child in need of protective services only if it finds from clear 3840
and convincing evidence that the physical, sexual, or emotional 3841
harm or substantial risk of physical, sexual, or emotional harm to 3842
a child, exposure to substance misuse, or lack of necessary health 3843
care, legally required education, or necessary care or supervision 3844
resulted from an act or omission by a parent, legal guardian, or 3845
legal custodian of the child. 3846

(B) Evidence provided to support an allegation that a child 3847
is in need of protective services may be relevant to more than one 3848
category listed in the definition of "child in need of protective 3849
services" and may justify an adjudication of a child as a child in 3850
need of protective services regardless of the category or 3851
categories under which the case was initiated. 3852

If a court finds that there is no credible explanation for 3853
harm to a child or that the explanation given for any harm is at 3854

variance with the nature of the harm, the court may hold that the finding, by itself, constitutes clear and convincing evidence sufficient to support an adjudication that the child is a child in need of protective services.

(C) A child may be adjudicated a child in need of protective services due to one or more acts or omissions of a person other than the child's parent, legal custodian, or legal guardian, if the child's parent, legal guardian, or legal custodian has done any of the following:

(1) Required, directed, coerced, encouraged, or permitted the child to become a child in need of protective services;

(2) Knowingly or negligently failed to prevent the child from becoming a child in need of protective services;

(3) Knowingly or negligently placed the child at substantial risk of becoming a child in need of protective services;

(4) Placed the child with a long-term caregiver through a legally recognized mechanism, and the child became or was at substantial risk of becoming a child in need of protective services.

Sec. 2151.353. (A) If a child is adjudicated ~~an abused, neglected, or dependent~~ a child in need of protective services, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

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

(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a

motion requesting legal custody of the child or is identified as a 3885
proposed legal custodian in a complaint or motion filed prior to 3886
the dispositional hearing by any party to the proceedings. A 3887
person identified in a complaint or motion filed by a party to the 3888
proceedings as a proposed legal custodian shall be awarded legal 3889
custody of the child only if the person identified signs a 3890
statement of understanding for legal custody that contains at 3891
least the following provisions: 3892

(a) That it is the intent of the person to become the legal 3893
custodian of the child and the person is able to assume legal 3894
responsibility for the care and supervision of the child; 3895

(b) That the person understands that legal custody of the 3896
child in question is intended to be permanent in nature and that 3897
the person will be responsible as the custodian for the child 3898
until the child reaches the age of majority. Responsibility as 3899
custodian for the child shall continue beyond the age of majority 3900
if, at the time the child reaches the age of majority, the child 3901
is pursuing a diploma granted by the board of education or other 3902
governing authority, successful completion of the curriculum of 3903
any high school, successful completion of an individualized 3904
education program developed for the student by any high school, or 3905
an age and schooling certificate. Responsibility beyond the age of 3906
majority shall terminate when the child ceases to continuously 3907
pursue such an education, completes such an education, or is 3908
excused from such an education under standards adopted by the 3909
state board of education, whichever occurs first. 3910

(c) That the parents of the child have residual parental 3911
rights, privileges, and responsibilities, including, but not 3912
limited to, the privilege of reasonable visitation, consent to 3913
adoption, the privilege to determine the child's religious 3914
affiliation, and the responsibility for support; 3915

(d) That the person understands that the person must be 3916

present in court for the dispositional hearing in order to affirm 3917
the person's intention to become legal custodian, to affirm that 3918
the person understands the effect of the custodianship before the 3919
court, and to answer any questions that the court or any parties 3920
to the case may have. 3921

(4) Commit the child to the permanent custody of a public 3922
children services agency or private child placing agency, if the 3923
court determines in accordance with division (E) of section 3924
2151.414 of the Revised Code that the child cannot be placed with 3925
one of the child's parents within a reasonable time or should not 3926
be placed with either parent and determines in accordance with 3927
division (D)(1) of section 2151.414 of the Revised Code that the 3928
permanent commitment is in the best interest of the child. If the 3929
court grants permanent custody under this division, the court, 3930
upon the request of any party, shall file a written opinion 3931
setting forth its findings of fact and conclusions of law in 3932
relation to the proceeding. 3933

(5) Place the child in a planned permanent living arrangement 3934
with a public children services agency or private child placing 3935
agency, if a public children services agency or private child 3936
placing agency requests the court to place the child in a planned 3937
permanent living arrangement and if the court finds, by clear and 3938
convincing evidence, that a planned permanent living arrangement 3939
is in the best interest of the child and that one of the following 3940
exists: 3941

(a) The child, because of physical, mental, or psychological 3942
problems or needs, is unable to function in a family-like setting 3943
and must remain in residential or institutional care now and for 3944
the foreseeable future beyond the date of the dispositional 3945
hearing held pursuant to section 2151.35 of the Revised Code. 3946

(b) The parents of the child have significant physical, 3947
mental, or psychological problems and are unable to care for the 3948

child because of those problems, adoption is not in the best 3949
interest of the child, as determined in accordance with division 3950
(D)(1) of section 2151.414 of the Revised Code, and the child 3951
retains a significant and positive relationship with a parent or 3952
relative. 3953

(c) The child is sixteen years of age or older, has been 3954
counseled on the permanent placement options available to the 3955
child, is unwilling to accept or unable to adapt to a permanent 3956
placement, and is in an agency program preparing the child for 3957
independent living. 3958

(6) Order the removal from the child's home until further 3959
order of the court of the person who committed ~~abuse as described~~ 3960
~~in section 2151.031 of the Revised Code against the acts or~~ 3961
~~omissions that resulted in the child, who caused or allowed the~~ 3962
~~child to suffer neglect as described in section 2151.03 of the~~ 3963
~~Revised Code, or who is the parent, guardian, or custodian of a~~ 3964
~~child who is adjudicated a dependent child~~ becoming a child in 3965
need of protective services and order any person not to have 3966
contact with the child or the child's siblings. 3967

(B) No order for permanent custody or temporary custody of a 3968
child or the placement of a child in a planned permanent living 3969
arrangement shall be made pursuant to this section unless the 3970
complaint alleging that the abuse, neglect, or dependency child is 3971
a child in need of protective services contains a prayer 3972
requesting permanent custody, temporary custody, or the placement 3973
of the child in a planned permanent living arrangement as desired, 3974
the summons served on the parents of the child contains as is 3975
appropriate a full explanation that the granting of an order for 3976
permanent custody permanently divests them of their parental 3977
rights, a full explanation that an adjudication that the child is 3978
~~an abused, neglected, or dependent~~ a child in need of protective 3979
services may result in an order of temporary custody that will 3980

cause the removal of the child from their legal custody until the court terminates the order of temporary custody or permanently divests the parents of their parental rights, or a full explanation that the granting of an order for a planned permanent living arrangement will result in the removal of the child from their legal custody if any of the conditions listed in divisions (A)(5)(a) to (c) of this section are found to exist, and the summons served on the parents contains a full explanation of their right to be represented by counsel and to have counsel appointed pursuant to Chapter 120. of the Revised Code if they are indigent.

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

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

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

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

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

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(D) As part of its dispositional order, the court shall

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journalize a case plan for the child. The journalized case plan 4012
shall not be changed except as provided in section 2151.412 of the 4013
Revised Code. 4014

(E)(1) The court shall retain jurisdiction over any child for 4015
whom the court issues an order of disposition pursuant to division 4016
(A) of this section or pursuant to section 2151.414 or 2151.415 of 4017
the Revised Code until the child attains the age of eighteen years 4018
if the child is not mentally retarded, developmentally disabled, 4019
or physically impaired, the child attains the age of twenty-one 4020
years if the child is mentally retarded, developmentally disabled, 4021
or physically impaired, or the child is adopted and a final decree 4022
of adoption is issued, except that the court may retain 4023
jurisdiction over the child and continue any order of disposition 4024
under division (A) of this section or under section 2151.414 or 4025
2151.415 of the Revised Code for a specified period of time to 4026
enable the child to graduate from high school or vocational 4027
school. The court shall make an entry continuing its jurisdiction 4028
under this division in the journal. 4029

(2) Any public children services agency, any private child 4030
placing agency, the department of job and family services, or any 4031
party, other than any parent whose parental rights with respect to 4032
the child have been terminated pursuant to an order issued under 4033
division (A)(4) of this section, by filing a motion with the 4034
court, may at any time request the court to modify or terminate 4035
any order of disposition issued pursuant to division (A) of this 4036
section or section 2151.414 or 2151.415 of the Revised Code. The 4037
court shall hold a hearing upon the motion as if the hearing were 4038
the original dispositional hearing and shall give all parties to 4039
the action and the guardian ad litem notice of the hearing 4040
pursuant to the Juvenile Rules. If applicable, the court shall 4041
comply with section 2151.42 of the Revised Code. 4042

(F) Any temporary custody order issued pursuant to division 4043

(A) of this section shall terminate one year after the earlier of 4044
the date on which the complaint in the case was filed or the child 4045
was first placed into shelter care, except that, upon the filing 4046
of a motion pursuant to section 2151.415 of the Revised Code, the 4047
temporary custody order shall continue and not terminate until the 4048
court issues a dispositional order under that section. In 4049
resolving the motion, the court shall not order an existing 4050
temporary custody order to continue beyond two years after the 4051
date on which the complaint was filed or the child was first 4052
placed into shelter care, whichever date is earlier, regardless of 4053
whether any extensions have been previously ordered pursuant to 4054
division (D) of section 2151.415 of the Revised Code. 4055

(G)(1) No later than one year after the earlier of the date 4056
the complaint in the case was filed or the child was first placed 4057
in shelter care, a party may ask the court to extend an order for 4058
protective supervision for six months or to terminate the order. A 4059
party requesting extension or termination of the order shall file 4060
a written request for the extension or termination with the court 4061
and give notice of the proposed extension or termination in 4062
writing before the end of the day after the day of filing it to 4063
all parties and the child's guardian ad litem. If a public 4064
children services agency or private child placing agency requests 4065
termination of the order, the agency shall file a written status 4066
report setting out the facts supporting termination of the order 4067
at the time it files the request with the court. If no party 4068
requests extension or termination of the order, the court shall 4069
notify the parties that the court will extend the order for six 4070
months or terminate it and that it may do so without a hearing 4071
unless one of the parties requests a hearing. All parties and the 4072
guardian ad litem shall have seven days from the date a notice is 4073
sent pursuant to this division to object to and request a hearing 4074
on the proposed extension or termination. 4075

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

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

(2) If the court grants an extension of the order for protective supervision pursuant to division (G)(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 (G)(1) of this section with respect to 4108
extending or terminating the order. 4109

(3) If a court grants an extension pursuant to division 4110
(G)(2) of this section, the court shall terminate the order for 4111
protective supervision at the end of the extension. 4112

(H) The court shall not issue a dispositional order pursuant 4113
to division (A) of this section that removes a child from the 4114
child's home unless the court complies with section 2151.419 of 4115
the Revised Code and includes in the dispositional order the 4116
findings of fact required by that section. 4117

(I) If a motion or application for an order described in 4118
division (A)(6) of this section is made, the court shall not issue 4119
the order unless, prior to the issuance of the order, it provides 4120
to the person all of the following: 4121

(1) Notice and a copy of the motion or application; 4122

(2) The grounds for the motion or application; 4123

(3) An opportunity to present evidence and witnesses at a 4124
hearing regarding the motion or application; 4125

(4) An opportunity to be represented by counsel at the 4126
hearing. 4127

(J) The jurisdiction of the court shall terminate one year 4128
after the date of the award or, if the court takes any further 4129
action in the matter subsequent to the award, the date of the 4130
latest further action subsequent to the award, if the court awards 4131
legal custody of a child to either of the following: 4132

(1) A legal custodian who, at the time of the award of legal 4133
custody, resides in a county of this state other than the county 4134
in which the court is located; 4135

(2) A legal custodian who resides in the county in which the 4136
court is located at the time of the award of legal custody, but 4137

moves to a different county of this state prior to one year after 4138
the date of the award or, if the court takes any further action in 4139
the matter subsequent to the award, one year after the date of the 4140
latest further action subsequent to the award. 4141

The court in the county in which the legal custodian resides 4142
then shall have jurisdiction in the matter. 4143

Sec. 2151.359. (A)(1) In any proceeding in which a child has 4144
been adjudicated an unruly, ~~abused, neglected, or dependent~~ child 4145
or a child in need of protective services, on the application of a 4146
party, or on the court's own motion, the court may make an order 4147
restraining or otherwise controlling the conduct of any parent, 4148
guardian, or other custodian in the relationship of that 4149
individual to the child if the court finds that an order of that 4150
type is necessary to do either of the following: 4151

(a) Control any conduct or relationship that will be 4152
detrimental or harmful to the child. 4153

(b) Control any conduct or relationship that will tend to 4154
defeat the execution of the order of disposition made or to be 4155
made. 4156

(2) The court shall give due notice of the application or 4157
motion under division (A) of this section, the grounds for the 4158
application or motion, and an opportunity to be heard to the 4159
person against whom an order under this division is directed. The 4160
order may include a requirement that the child's parent, guardian, 4161
or other custodian enter into a recognizance with sufficient 4162
surety, conditioned upon the faithful discharge of any conditions 4163
or control required by the court. 4164

(B) The authority to make an order under division (A) of this 4165
section and any order made under that authority is in addition to 4166
the authority to make an order pursuant to division (C)(2) of 4167

section 2151.354 or division (A)(7)(b) of section 2152.19 of the Revised Code and to any order made under either division.

(C) A person's failure to comply with any order made by the court under this section is contempt of court under Chapter 2705. of the Revised Code.

Sec. 2151.3514. (A) As used in this section:

(1) "Alcohol and drug addiction program" has the same meaning as in section 3793.01 of the Revised Code;

(2) "Chemical dependency" means either of the following:

(a) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(b) The use of a drug of abuse to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

(3) "Drug of abuse" has the same meaning as in section 3719.011 of the Revised Code.

(4) "Medicaid" means the program established under Chapter 5111. of the Revised Code.

(B) If the juvenile court issues an order of temporary custody or protective supervision under division (A) of section 2151.353 of the Revised Code with respect to a child adjudicated to be ~~an abused, neglected, or dependent~~ a child in need of protective services and the alcohol or other drug addiction of a parent or other caregiver of the child was the basis for the adjudication ~~of abuse, neglect, or dependency~~, the court shall issue an order requiring the parent or other caregiver to submit to an assessment and, if needed, treatment from an alcohol and drug addiction program certified by the department of alcohol and

drug addiction services. The court may order the parent or other 4198
caregiver to submit to alcohol or other drug testing during, 4199
after, or both during and after, the treatment. The court shall 4200
send any order issued pursuant to this division to the public 4201
children services agency that serves the county in which the court 4202
is located for use as described in section 340.15 of the Revised 4203
Code. 4204

(C) Any order requiring alcohol or other drug testing that is 4205
issued pursuant to division (B) of this section shall require one 4206
alcohol or other drug test to be conducted each month during a 4207
period of twelve consecutive months beginning the month 4208
immediately following the month in which the order for alcohol or 4209
other drug testing is issued. Arrangements for administering the 4210
alcohol or other drug tests, as well as funding the costs of the 4211
tests, shall be locally determined in accordance with sections 4212
340.033 and 340.15 of the Revised Code. If a parent or other 4213
caregiver required to submit to alcohol or other drug tests under 4214
this section is not a recipient of medicaid, the agency that 4215
refers the parent or caregiver for the tests may require the 4216
parent or caregiver to reimburse the agency for the cost of 4217
conducting the tests. 4218

(D) The certified alcohol and drug addiction program that 4219
conducts any alcohol or other drug tests ordered in accordance 4220
with divisions (B) and (C) of this section shall send the results 4221
of the tests, along with the program's recommendations as to the 4222
benefits of continued treatment, to the court and to the public 4223
children services agency providing services to the involved 4224
family, according to federal regulations set forth in 42 C.F.R. 4225
Part 2, and division (B) of section 340.15 of the Revised Code. 4226
The court shall consider the results and the recommendations sent 4227
to it under this division in any adjudication or review by the 4228
court, according to section 2151.353, 2151.414, or 2151.419 of the 4229

Revised Code. 4230

Sec. 2151.3517. (A) On taking possession of a child pursuant 4231
to section 2151.3516 of the Revised Code, a law enforcement 4232
agency, hospital, or emergency medical service organization shall 4233
do all the following: 4234

(1) Perform any act necessary to protect the child's health 4235
or safety; 4236

(2) Notify the public children services agency of the county 4237
in which the agency, hospital, or organization is located that the 4238
child has been taken into possession; 4239

(3) If possible, make available to the parent who delivered 4240
the child forms developed under section 2151.3529 of the Revised 4241
Code that are designed to gather medical information concerning 4242
the child and the child's parents; 4243

(4) If possible, make available to the parent who delivered 4244
the child written materials developed under section 2151.3529 of 4245
the Revised Code that describe services available to assist 4246
parents and newborns; 4247

(5) If the child has suffered a physical or mental wound, 4248
injury, disability, or condition of a nature that reasonably 4249
indicates ~~abuse or neglect of~~ that the child is in need of 4250
protective services, attempt to identify and pursue the person who 4251
delivered the child. 4252

(B) An emergency medical service worker who takes possession 4253
of a child shall, in addition to any act performed under division 4254
(A)(1) of this section, perform any medical service the worker is 4255
authorized to perform that is necessary to protect the physical 4256
health or safety of the child. 4257

Sec. 2151.3520. If a juvenile court adjudicates a child a 4258

deserted child, the court shall commit the child to the temporary 4259
custody of a public children services agency or a private child 4260
placing agency. The court shall consider the order committing the 4261
child to the temporary custody of the agency to be an order of 4262
disposition issued under division (A)(2) of section 2151.353 of 4263
the Revised Code with respect to a child adjudicated a ~~neglected~~ 4264
child in need of protective services. 4265

Sec. 2151.3521. A court that issues an order pursuant to 4266
section 2151.3520 of the Revised Code shall treat the child who is 4267
the subject of the order the same as a child adjudicated a 4268
~~neglected~~ child in need of protective services when performing 4269
duties under Chapter 2151. of the Revised Code with respect to the 4270
child, except that there is a rebuttable presumption that it is 4271
not in the child's best interest to return the child to the 4272
natural parents. 4273

Sec. 2151.3522. A public children services agency or private 4274
child placing agency that receives temporary custody of a child 4275
adjudicated a deserted child shall prepare case plans, conduct 4276
investigations, conduct periodic administrative reviews of case 4277
plans, and provide services for the deserted child as if the child 4278
were adjudicated a ~~neglected~~ child in need of protective services 4279
and shall follow the same procedures under this chapter in 4280
performing those functions as if the deserted child was a 4281
~~neglected~~ child in need of protective services. 4282

Sec. 2151.3523. (A) A parent does not commit a criminal 4283
offense under the laws of this state and shall not be subject to 4284
criminal prosecution in this state for the act of voluntarily 4285
delivering a child under section 2151.3516 of the Revised Code. 4286

(B) A person who delivers or attempts to deliver a child who 4287

has suffered any physical or mental wound, injury, disability, or 4288
condition of a nature that reasonably indicates ~~abuse or neglect~~ 4289
~~of that~~ the child is a child in need of protective services is not 4290
immune from civil or criminal liability for ~~abuse or neglect~~ the 4291
wound, injury, disability, or condition. 4292

(C) A person or governmental entity that takes possession of 4293
a child pursuant to section 2151.3516 of the Revised Code or takes 4294
emergency temporary custody of and provides temporary emergency 4295
care for a child pursuant to section 2151.3518 of the Revised Code 4296
is immune from any civil liability that might otherwise be 4297
incurred or imposed as a result of these actions, unless the 4298
person or entity has acted in bad faith or with malicious purpose. 4299
The immunity provided by this division does not apply if the 4300
person or governmental entity has immunity from civil liability 4301
under section 9.86, 2744.02, or 2744.03 of the Revised Code for 4302
the action in question. 4303

(D) A person or governmental entity that takes possession of 4304
a child pursuant to section 2151.3516 of the Revised Code or takes 4305
emergency temporary custody of and provides temporary emergency 4306
care for a child pursuant to section 2151.3518 of the Revised Code 4307
is immune from any criminal liability that might otherwise be 4308
incurred or imposed as a result of these actions, unless the 4309
person or entity has acted in bad faith or with malicious purpose. 4310

(E) Divisions (C) and (D) of this section do not create a new 4311
cause of action or substantive legal right against a person or 4312
governmental entity, and do not affect any immunities from civil 4313
liability or defenses established by another section of the 4314
Revised Code or available at common law, to which a person or 4315
governmental entity may be entitled under circumstances not 4316
covered by this section. 4317

Sec. 2151.3524. (A) A parent who voluntarily delivers a child 4318

under section 2151.3516 of the Revised Code has the absolute right 4319
to remain anonymous. The anonymity of a parent who voluntarily 4320
delivers a child does not affect any duty imposed under sections 4321
2151.3516 or 2151.3517 of the Revised Code. A parent who 4322
voluntarily delivers a child may leave the place at which the 4323
parent delivers the child at any time after the delivery of the 4324
child. 4325

(B) Notwithstanding division (A) of this section, a parent 4326
who delivers or attempts to deliver a child who has suffered any 4327
physical or mental wound, injury, disability, or condition of a 4328
nature that reasonably indicates ~~abuse or neglect~~ of the child is 4329
a child in need of protective services does not have the right to 4330
remain anonymous and may be subject to arrest pursuant to Chapter 4331
2935. of the Revised Code. 4332

Sec. 2151.3527. (A) No person described in section 2151.3516 4333
of the Revised Code shall do the following with respect to a 4334
parent who voluntarily delivers a child under that section: 4335

(1) Coerce or otherwise try to force the parent into 4336
revealing the identity of the child's parents; 4337

(2) Pursue or follow the parent after the parent leaves the 4338
place at which the child was delivered; 4339

(3) Coerce or otherwise try to force the parent not to desert 4340
the child; 4341

(4) Coerce or otherwise try to force the parent to complete 4342
all or any part of the medical information forms received under 4343
division (A)(3) of section 2151.3517 of the Revised Code; 4344

(5) Coerce or otherwise try to force the parent to accept the 4345
materials made available under division (A)(4) of section 4346
2151.3517 of the Revised Code. 4347

(B) Divisions (A)(1) and (2) of this section do not apply to 4348
a person who delivers or attempts to deliver a child who has 4349
suffered any physical or mental wound, injury, disability, or 4350
condition of a nature that reasonably indicates ~~abuse or neglect~~ 4351
~~of that~~ the child is a child in need of protective services. 4352

Sec. 2151.36. Except as provided in section 2151.361 of the 4353
Revised Code, when a child has been committed as provided by this 4354
chapter or Chapter 2152. of the Revised Code, the juvenile court 4355
shall issue an order pursuant to Chapters 3119., 3121., 3123., and 4356
3125. of the Revised Code requiring that the parent, guardian, or 4357
person charged with the child's support pay for the care, support, 4358
maintenance, and education of the child. The juvenile court shall 4359
order that the parents, guardian, or person pay for the expenses 4360
involved in providing orthopedic, medical, or surgical treatment 4361
for, or for special care of, the child, enter a judgment for the 4362
amount due, and enforce the judgment by execution as in the court 4363
of common pleas. 4364

Any expenses incurred for the care, support, maintenance, 4365
education, orthopedic, medical, or surgical treatment, and special 4366
care of a child who has a legal settlement in another county shall 4367
be at the expense of the county of legal settlement if the consent 4368
of the juvenile judge of the county of legal settlement is first 4369
obtained. When the consent is obtained, the board of county 4370
commissioners of the county in which the child has a legal 4371
settlement shall reimburse the committing court for the expenses 4372
out of its general fund. If the department of job and family 4373
services considers it to be in the best interest of any 4374
~~delinquent, dependent, or unruly, abused, or neglected~~ child or a 4375
child in need of protective services who has a legal settlement in 4376
a foreign state or country that the child be returned to the state 4377
or country of legal settlement, the juvenile court may commit the 4378
child to the department for the child's return to that state or 4379

country. 4380

Any expenses ordered by the court for the care, support, 4381
maintenance, education, orthopedic, medical, or surgical 4382
treatment, or special care of a ~~dependent, neglected, abused,~~ 4383
child in need of protective services, an unruly, or delinquent 4384
child, or ~~of~~ a juvenile traffic offender under this chapter or 4385
Chapter 2152. of the Revised Code, except the part of the expense 4386
that may be paid by the state or federal government or paid by the 4387
parents, guardians, or person charged with the child's support 4388
pursuant to this section, shall be paid from the county treasury 4389
upon specifically itemized vouchers, certified to by the judge. 4390
The court shall not be responsible for any expenses resulting from 4391
the commitment of children to any home, public children services 4392
agency, private child placing agency, or other institution, 4393
association, or agency, unless the court authorized the expenses 4394
at the time of commitment. 4395

Sec. 2151.40. Every county, township, or municipal official 4396
or department, including the prosecuting attorney, shall render 4397
all assistance and co-operation within ~~his~~ the official's or 4398
department's jurisdictional power which may further the objects of 4399
sections 2151.01 to 2151.54 of the Revised Code. All institutions 4400
or agencies to which the juvenile court sends any child shall give 4401
to the court or to any officer appointed by it such information 4402
concerning such child as said court or officer requires. The court 4403
may seek the co-operation of all societies or organizations having 4404
for their object the protection or aid of children. 4405

On the request of the judge, when the child is represented by 4406
an attorney, or when a trial is requested the prosecuting attorney 4407
shall assist the court in presenting the evidence at any hearing 4408
or proceeding concerning an alleged or adjudicated delinquent, or 4409
~~unruly, abused, neglected, or dependent~~ child, a child in need of 4410

protective services, or a juvenile traffic offender. 4411

Sec. 2151.412. (A) Each public children services agency and 4412
private child placing agency shall prepare and maintain a case 4413
plan for any child to whom the agency is providing services and to 4414
whom any of the following applies: 4415

(1) The agency filed a complaint pursuant to section 2151.27 4416
of the Revised Code alleging that the child is ~~an abused,~~ 4417
~~neglected, or dependent~~ a child in need of protective services; 4418

(2) The agency has temporary or permanent custody of the 4419
child; 4420

(3) The child is living at home subject to an order for 4421
protective supervision; 4422

(4) The child is in a planned permanent living arrangement. 4423

Except as provided by division (A)(2) of section 5103.153 of 4424
the Revised Code, a private child placing agency providing 4425
services to a child who is the subject of a voluntary permanent 4426
custody surrender agreement entered into under division (B)(2) of 4427
section 5103.15 of the Revised Code is not required to prepare and 4428
maintain a case plan for that child. 4429

(B)(1) The director of job and family services shall adopt 4430
rules pursuant to Chapter 119. of the Revised Code setting forth 4431
the content and format of case plans required by division (A) of 4432
this section and establishing procedures for developing, 4433
implementing, and changing the case plans. The rules shall at a 4434
minimum comply with the requirements of Title IV-E of the "Social 4435
Security Act," 94 Stat. 501, 42 U.S.C. 671 (1980), as amended. 4436

(2) The director of job and family services shall adopt rules 4437
pursuant to Chapter 119. of the Revised Code requiring public 4438
children services agencies and private child placing agencies to 4439
maintain case plans for children and their families who are 4440

receiving services in their homes from the agencies and for whom 4441
case plans are not required by division (A) of this section. The 4442
agencies shall maintain case plans as required by those rules; 4443
however, the case plans shall not be subject to any other 4444
provision of this section except as specifically required by the 4445
rules. 4446

(C) Each public children services agency and private child 4447
placing agency that is required by division (A) of this section to 4448
maintain a case plan shall file the case plan with the court prior 4449
to the child's adjudicatory hearing but no later than thirty days 4450
after the earlier of the date on which the complaint in the case 4451
was filed or the child was first placed into shelter care. If the 4452
agency does not have sufficient information prior to the 4453
adjudicatory hearing to complete any part of the case plan, the 4454
agency shall specify in the case plan the additional information 4455
necessary to complete each part of the case plan and the steps 4456
that will be taken to obtain that information. All parts of the 4457
case plan shall be completed by the earlier of thirty days after 4458
the adjudicatory hearing or the date of the dispositional hearing 4459
for the child. 4460

(D) Any agency that is required by division (A) of this 4461
section to prepare a case plan shall attempt to obtain an 4462
agreement among all parties, including, but not limited to, the 4463
parents, guardian, or custodian of the child and the guardian ad 4464
litem of the child regarding the content of the case plan. If all 4465
parties agree to the content of the case plan and the court 4466
approves it, the court shall journalize it as part of its 4467
dispositional order. If the agency cannot obtain an agreement upon 4468
the contents of the case plan or the court does not approve it, 4469
the parties shall present evidence on the contents of the case 4470
plan at the dispositional hearing. The court, based upon the 4471
evidence presented at the dispositional hearing and the best 4472

interest of the child, shall determine the contents of the case 4473
plan and journalize it as part of the dispositional order for the 4474
child. 4475

(E)(1) All parties, including the parents, guardian, or 4476
custodian of the child, are bound by the terms of the journalized 4477
case plan. A party that fails to comply with the terms of the 4478
journalized case plan may be held in contempt of court. 4479

(2) Any party may propose a change to a substantive part of 4480
the case plan, including, but not limited to, the child's 4481
placement and the visitation rights of any party. A party 4482
proposing a change to the case plan shall file the proposed change 4483
with the court and give notice of the proposed change in writing 4484
before the end of the day after the day of filing it to all 4485
parties and the child's guardian ad litem. All parties and the 4486
guardian ad litem shall have seven days from the date the notice 4487
is sent to object to and request a hearing on the proposed change. 4488

(a) If it receives a timely request for a hearing, the court 4489
shall schedule a hearing pursuant to section 2151.417 of the 4490
Revised Code to be held no later than thirty days after the 4491
request is received by the court. The court shall give notice of 4492
the date, time, and location of the hearing to all parties and the 4493
guardian ad litem. The agency may implement the proposed change 4494
after the hearing, if the court approves it. The agency shall not 4495
implement the proposed change unless it is approved by the court. 4496

(b) If it does not receive a timely request for a hearing, 4497
the court may approve the proposed change without a hearing. If 4498
the court approves the proposed change without a hearing, it shall 4499
journalize the case plan with the change not later than fourteen 4500
days after the change is filed with the court. If the court does 4501
not approve the proposed change to the case plan, it shall 4502
schedule a hearing to be held pursuant to section 2151.417 of the 4503
Revised Code no later than thirty days after the expiration of the 4504

fourteen-day time period and give notice of the date, time, and 4505
location of the hearing to all parties and the guardian ad litem 4506
of the child. If, despite the requirements of division (E)(2) of 4507
this section, the court neither approves and journalizes the 4508
proposed change nor conducts a hearing, the agency may implement 4509
the proposed change not earlier than fifteen days after it is 4510
submitted to the court. 4511

(3) If an agency has reasonable cause to believe that a child 4512
is suffering from illness or injury and is not receiving proper 4513
care and that an appropriate change in the child's case plan is 4514
necessary to prevent immediate or threatened physical or emotional 4515
harm, to believe that a child is in immediate danger from the 4516
child's surroundings and that an immediate change in the child's 4517
case plan is necessary to prevent immediate or threatened physical 4518
or emotional harm to the child, or to believe that a parent, 4519
guardian, custodian, or other member of the child's household has 4520
~~abused or neglected~~ committed an act or omission that has caused 4521
the child to become a child in need of protective services and 4522
that the child is in danger of immediate or threatened physical or 4523
emotional harm from that person unless the agency makes an 4524
appropriate change in the child's case plan, it may implement the 4525
change without prior agreement or a court hearing and, before the 4526
end of the next day after the change is made, give all parties, 4527
the guardian ad litem of the child, and the court notice of the 4528
change. Before the end of the third day after implementing the 4529
change in the case plan, the agency shall file a statement of the 4530
change with the court and give notice of the filing accompanied by 4531
a copy of the statement to all parties and the guardian ad litem. 4532
All parties and the guardian ad litem shall have ten days from the 4533
date the notice is sent to object to and request a hearing on the 4534
change. 4535

(a) If it receives a timely request for a hearing, the court 4536

shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held no later than thirty days after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency shall continue to administer the case plan with the change after the hearing, if the court approves the change. If the court does not approve the change, the court shall make appropriate changes to the case plan and shall journalize the case plan.

(b) If it does not receive a timely request for a hearing, the court may approve the change without a hearing. If the court approves the change without a hearing, it shall journalize the case plan with the change within fourteen days after receipt of the change. If the court does not approve the change to the case plan, it shall schedule a hearing under section 2151.417 of the Revised Code to be held no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child.

(F)(1) All case plans for children in temporary custody shall have the following general goals:

(a) Consistent with the best interest and special needs of the child, to achieve a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed;

(b) To eliminate with all due speed the need for the out-of-home placement so that the child can safely return home.

(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the general goals of case plans for children subject to dispositional

orders for protective supervision, a planned permanent living arrangement, or permanent custody. 4568
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(G) In the agency's development of a case plan and the court's review of the case plan, the child's health and safety shall be the paramount concern. The agency and the court shall be guided by the following general priorities: 4570
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(1) A child who is residing with or can be placed with the child's parents within a reasonable time should remain in their legal custody even if an order of protective supervision is required for a reasonable period of time; 4574
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(2) If both parents of the child have abandoned the child, have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in the legal custody of a suitable member of the child's extended family; 4578
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(3) If a child described in division (G)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child; 4584
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(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency; 4589
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(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family 4596
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or suitable nonrelative is available to accept legal custody of 4599
the child, and if the agency has a reasonable expectation of 4600
placing the child for adoption, the child should be committed to 4601
the permanent custody of the public children services agency or 4602
private child placing agency; 4603

(6) If the child is to be placed for adoption or foster care, 4604
the placement shall not be delayed or denied on the basis of the 4605
child's or adoptive or foster family's race, color, or national 4606
origin. 4607

(H) The case plan for a child in temporary custody shall 4608
include at a minimum the following requirements if the child is or 4609
has been the victim of ~~abuse or neglect~~ an act or omission that 4610
caused the child to become a child in need of protective services 4611
or if the child witnessed the commission in the child's household 4612
of ~~abuse or neglect~~ an act or omission against a sibling of the 4613
child that caused the sibling to become a child in need of 4614
protective services, a parent of the child, or any other person in 4615
the child's household: 4616

(1) A requirement that the child's parents, guardian, or 4617
custodian participate in mandatory counseling; 4618

(2) A requirement that the child's parents, guardian, or 4619
custodian participate in any supportive services that are required 4620
by or provided pursuant to the child's case plan. 4621

(I) A case plan may include, as a supplement, a plan for 4622
locating a permanent family placement. The supplement shall not be 4623
considered part of the case plan for purposes of division (D) of 4624
this section. 4625

Sec. 2151.414. (A)(1) Upon the filing of a motion pursuant to 4626
section 2151.413 of the Revised Code for permanent custody of a 4627
child, the court shall schedule a hearing and give notice of the 4628

filing of the motion and of the hearing, in accordance with 4629
section 2151.29 of the Revised Code, to all parties to the action 4630
and to the child's guardian ad litem. The notice also shall 4631
contain a full explanation that the granting of permanent custody 4632
permanently divests the parents of their parental rights, a full 4633
explanation of their right to be represented by counsel and to 4634
have counsel appointed pursuant to Chapter 120. of the Revised 4635
Code if they are indigent, and the name and telephone number of 4636
the court employee designated by the court pursuant to section 4637
2151.314 of the Revised Code to arrange for the prompt appointment 4638
of counsel for indigent persons. 4639

The court shall conduct a hearing in accordance with section 4640
2151.35 of the Revised Code to determine if it is in the best 4641
interest of the child to permanently terminate parental rights and 4642
grant permanent custody to the agency that filed the motion. The 4643
adjudication that the child is ~~an abused, neglected, or dependent~~ 4644
a child in need of protective services and any dispositional order 4645
that has been issued in the case under section 2151.353 of the 4646
Revised Code pursuant to the adjudication shall not be 4647
readjudicated at the hearing and shall not be affected by a denial 4648
of the motion for permanent custody. 4649

(2) The court shall hold the hearing scheduled pursuant to 4650
division (A)(1) of this section not later than one hundred twenty 4651
days after the agency files the motion for permanent custody, 4652
except that, for good cause shown, the court may continue the 4653
hearing for a reasonable period of time beyond the 4654
one-hundred-twenty-day deadline. The court shall issue an order 4655
that grants, denies, or otherwise disposes of the motion for 4656
permanent custody, and journalize the order, not later than two 4657
hundred days after the agency files the motion. 4658

If a motion is made under division (D)(2) of section 2151.413 4659
of the Revised Code and no dispositional hearing has been held in 4660

the case, the court may hear the motion in the dispositional 4661
hearing required by division (B) of section 2151.35 of the Revised 4662
Code. If the court issues an order pursuant to section 2151.353 of 4663
the Revised Code granting permanent custody of the child to the 4664
agency, the court shall immediately dismiss the motion made under 4665
division (D)(2) of section 2151.413 of the Revised Code. 4666

The failure of the court to comply with the time periods set 4667
forth in division (A)(2) of this section does not affect the 4668
authority of the court to issue any order under this chapter and 4669
does not provide any basis for attacking the jurisdiction of the 4670
court or the validity of any order of the court. 4671

(B)(1) Except as provided in division (B)(2) of this section, 4672
the court may grant permanent custody of a child to a movant if 4673
the court determines at the hearing held pursuant to division (A) 4674
of this section, by clear and convincing evidence, that it is in 4675
the best interest of the child to grant permanent custody of the 4676
child to the agency that filed the motion for permanent custody 4677
and that any of the following apply: 4678

(a) The child is not abandoned or orphaned, has not been in 4679
the temporary custody of one or more public children services 4680
agencies or private child placing agencies for twelve or more 4681
months of a consecutive twenty-two-month period, or has not been 4682
in the temporary custody of one or more public children services 4683
agencies or private child placing agencies for twelve or more 4684
months of a consecutive twenty-two-month period if, as described 4685
in division (D)(1) of section 2151.413 of the Revised Code, the 4686
child was previously in the temporary custody of an equivalent 4687
agency in another state, and the child cannot be placed with 4688
either of the child's parents within a reasonable time or should 4689
not be placed with the child's parents. 4690

(b) The child is abandoned. 4691

(c) The child is orphaned, and there are no relatives of the child who are able to take permanent custody.

(d) The child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period, or the child has been in the temporary custody of one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D)(1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state.

For the purposes of division (B)(1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

(2) With respect to a motion made pursuant to division (D)(2) of section 2151.413 of the Revised Code, the court shall grant permanent custody of the child to the movant if the court determines in accordance with division (E) of this section 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) of this section that permanent custody is in the child's best interest.

(C) In making the determinations required by this section or division (A)(4) of section 2151.353 of the Revised Code, a court shall not consider the effect the granting of permanent custody to the agency would have upon any parent of the child. A written report of the guardian ad litem of the child shall be submitted to the court prior to or at the time of the hearing held pursuant to division (A) of this section or section 2151.35 of the Revised

Code but shall not be submitted under oath. 4724

If the court grants permanent custody of a child to a movant 4725
under this division, the court, upon the request of any party, 4726
shall file a written opinion setting forth its findings of fact 4727
and conclusions of law in relation to the proceeding. The court 4728
shall not deny an agency's motion for permanent custody solely 4729
because the agency failed to implement any particular aspect of 4730
the child's case plan. 4731

(D)(1) In determining the best interest of a child at a 4732
hearing held pursuant to division (A) of this section or for the 4733
purposes of division (A)(4) or (5) of section 2151.353 or division 4734
(C) of section 2151.415 of the Revised Code, the court shall 4735
consider all relevant factors, including, but not limited to, the 4736
following: 4737

(a) The interaction and interrelationship of the child with 4738
the child's parents, siblings, relatives, foster caregivers and 4739
out-of-home providers, and any other person who may significantly 4740
affect the child; 4741

(b) The wishes of the child, as expressed directly by the 4742
child or through the child's guardian ad litem, with due regard 4743
for the maturity of the child; 4744

(c) The custodial history of the child, including whether the 4745
child has been in the temporary custody of one or more public 4746
children services agencies or private child placing agencies for 4747
twelve or more months of a consecutive twenty-two-month period, or 4748
the child has been in the temporary custody of one or more public 4749
children services agencies or private child placing agencies for 4750
twelve or more months of a consecutive twenty-two-month period 4751
and, as described in division (D)(1) of section 2151.413 of the 4752
Revised Code, the child was previously in the temporary custody of 4753
an equivalent agency in another state; 4754

(d) The child's need for a legally secure permanent placement 4755
and whether that type of placement can be achieved without a grant 4756
of permanent custody to the agency; 4757

(e) Whether any of the factors in divisions (E)(7) to (11) of 4758
this section apply in relation to the parents and child. 4759

For the purposes of division (D)(1) of this section, a child 4760
shall be considered to have entered the temporary custody of an 4761
agency on the earlier of the date the child is adjudicated 4762
pursuant to section 2151.28 of the Revised Code or the date that 4763
is sixty days after the removal of the child from home. 4764

(2) If all of the following apply, permanent custody is in 4765
the best interest of the child and the court shall commit the 4766
child to the permanent custody of a public children services 4767
agency or private child placing agency: 4768

(a) The court determines by clear and convincing evidence 4769
that one or more of the factors in division (E) of this section 4770
exist and the child cannot be placed with one of the child's 4771
parents within a reasonable time or should not be placed with 4772
either parent. 4773

(b) The child has been in an agency's custody for two years 4774
or longer, and no longer qualifies for temporary custody pursuant 4775
to division (D) of section 2151.415 of the Revised Code. 4776

(c) The child does not meet the requirements for a planned 4777
permanent living arrangement pursuant to division (A)(5) of 4778
section 2151.353 of the Revised Code. 4779

(d) Prior to the dispositional hearing, no relative or other 4780
interested person has filed, or has been identified in, a motion 4781
for legal custody of the child. 4782

(E) In determining at a hearing held pursuant to division (A) 4783
of this section or for the purposes of division (A)(4) of section 4784

2151.353 of the Revised Code whether a child cannot be placed with 4785
either parent within a reasonable period of time or should not be 4786
placed with the parents, the court shall consider all relevant 4787
evidence. If the court determines, by clear and convincing 4788
evidence, at a hearing held pursuant to division (A) of this 4789
section or for the purposes of division (A)(4) of section 2151.353 4790
of the Revised Code that one or more of the following exist as to 4791
each of the child's parents, the court shall enter a finding that 4792
the child cannot be placed with either parent within a reasonable 4793
time or should not be placed with either parent: 4794

(1) Following the placement of the child outside the child's 4795
home and notwithstanding reasonable case planning and diligent 4796
efforts by the agency to assist the parents to remedy the problems 4797
that initially caused the child to be placed outside the home, the 4798
parent has failed continuously and repeatedly to substantially 4799
remedy the conditions causing the child to be placed outside the 4800
child's home. In determining whether the parents have 4801
substantially remedied those conditions, the court shall consider 4802
parental utilization of medical, psychiatric, psychological, and 4803
other social and rehabilitative services and material resources 4804
that were made available to the parents for the purpose of 4805
changing parental conduct to allow them to resume and maintain 4806
parental duties. 4807

(2) Chronic mental illness, chronic emotional illness, mental 4808
retardation, physical disability, or chemical dependency of the 4809
parent that is so severe that it makes the parent unable to 4810
provide an adequate permanent home for the child at the present 4811
time and, as anticipated, within one year after the court holds 4812
the hearing pursuant to division (A) of this section or for the 4813
purposes of division (A)(4) of section 2151.353 of the Revised 4814
Code; 4815

(3) The parent committed ~~any abuse as described in section~~ 4816

~~2151.031 of the Revised Code against the child, caused the child~~ 4817
~~to suffer any neglect as described in section 2151.03 of the~~ 4818
~~Revised Code, or allowed the child to suffer any neglect as~~ 4819
~~described in section 2151.03 of the Revised Code an act or~~ 4820
~~omission that indicates that the child is in need of protective~~ 4821
~~services and either of the following applies to the act or~~ 4822
~~omission:~~ 4823

(a) The act or omission occurred between the date that the 4824
original complaint alleging ~~abuse or neglect~~ the child to be a 4825
child in need of protective services was filed and the date of the 4826
filing of the motion for permanent custody; 4827

(b) The act or omission was an act or omission of such a 4828
seriousness, nature, or likelihood of recurrence that the court 4829
determines that the child's placement with the child's parent is a 4830
threat to the child's safety. 4831

(4) The parent has demonstrated a lack of commitment toward 4832
the child by failing to regularly support, visit, or communicate 4833
with the child when able to do so, or by other actions showing an 4834
unwillingness to provide an adequate permanent home for the child; 4835

(5) The parent is incarcerated for an offense committed 4836
against the child or a sibling of the child; 4837

(6) The parent has been convicted of or pleaded guilty to an 4838
offense under division (A) or (C) of section 2919.22 or under 4839
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 4840
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 4841
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 4842
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 4843
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, or 3716.11 of the 4844
Revised Code and the child or a sibling of the child was a victim 4845
of the offense or the parent has been convicted of or pleaded 4846
guilty to an offense under section 2903.04 of the Revised Code, a 4847

sibling of the child was the victim of the offense, and the parent 4848
who committed the offense poses an ongoing danger to the child or 4849
a sibling of the child. 4850

(7) The parent has been convicted of or pleaded guilty to one 4851
of the following: 4852

(a) An offense under section 2903.01, 2903.02, or 2903.03 of 4853
the Revised Code or under an existing or former law of this state, 4854
any other state, or the United States that is substantially 4855
equivalent to an offense described in those sections and the 4856
victim of the offense was a sibling of the child or the victim was 4857
another child who lived in the parent's household at the time of 4858
the offense; 4859

(b) An offense under section 2903.11, 2903.12, or 2903.13 of 4860
the Revised Code or under an existing or former law of this state, 4861
any other state, or the United States that is substantially 4862
equivalent to an offense described in those sections and the 4863
victim of the offense is the child, a sibling of the child, or 4864
another child who lived in the parent's household at the time of 4865
the offense; 4866

(c) An offense under division (B)(2) of section 2919.22 of 4867
the Revised Code or under an existing or former law of this state, 4868
any other state, or the United States that is substantially 4869
equivalent to the offense described in that section and the child, 4870
a sibling of the child, or another child who lived in the parent's 4871
household at the time of the offense is the victim of the offense; 4872

(d) An offense under section 2907.02, 2907.03, 2907.04, 4873
2907.05, or 2907.06 of the Revised Code or under an existing or 4874
former law of this state, any other state, or the United States 4875
that is substantially equivalent to an offense described in those 4876
sections and the victim of the offense is the child, a sibling of 4877
the child, or another child who lived in the parent's household at 4878

the time of the offense; 4879

(e) A conspiracy or attempt to commit, or complicity in 4880
committing, an offense described in division (E)(7)(a) or (d) of 4881
this section. 4882

~~(8) The parent has repeatedly withheld medical treatment or 4883
food from the child when the parent has the means to provide the 4884
treatment or food, and, in the case of withheld medical treatment,
the parent withheld it for a purpose other than to treat the 4885
physical or mental illness or defect of the child by spiritual 4886
means through prayer alone in accordance with the tenets of a 4887
recognized religious body. 4888
4889~~

~~(9) The parent has placed the child at substantial risk of 4890
harm two or more times due to alcohol or drug abuse and has 4891
rejected treatment two or more times or refused to participate in 4892
further treatment two or more times after a case plan issued 4893
pursuant to section 2151.412 of the Revised Code requiring 4894
treatment of the parent was journalized as part of a dispositional 4895
order issued with respect to the child or an order was issued by 4896
any other court requiring treatment of the parent. 4897~~

~~(10)(9) The parent has abandoned the child. 4898~~

~~(11)(10) The parent has had parental rights involuntarily 4899
terminated with respect to a sibling of the child pursuant to this 4900
section or section 2151.353 or 2151.415 of the Revised Code, or 4901
under an existing or former law of this state, any other state, or 4902
the United States that is substantially equivalent to those 4903
sections, and the parent has failed to provide clear and 4904
convincing evidence to prove that, notwithstanding the prior 4905
termination, the parent can provide a legally secure permanent 4906
placement and adequate care for the health, welfare, and safety of 4907
the child. 4908~~

~~(12)(11) The parent is incarcerated at the time of the filing 4909~~

of the motion for permanent custody or the dispositional hearing 4910
of the child and will not be available to care for the child for 4911
at least eighteen months after the filing of the motion for 4912
permanent custody or the dispositional hearing. 4913

~~(13)~~(12) The parent is repeatedly incarcerated, and the 4914
repeated incarceration prevents the parent from providing care for 4915
the child. 4916

~~(14)~~ The parent for any reason is unwilling to provide food, 4917
clothing, shelter, and other basic necessities for the child or to 4918
prevent the child from suffering physical, emotional, or sexual 4919
abuse or physical, emotional, or mental neglect. 4920

~~(15)~~ The parent has committed abuse as described in section 4921
2151.031 of the Revised Code against the child or caused or 4922
allowed the child to suffer neglect as described in section 4923
2151.03 of the Revised Code, and the court determines that the 4924
seriousness, nature, or likelihood of recurrence of the abuse or 4925
neglect makes the child's placement with the child's parent a 4926
threat to the child's safety. 4927

~~(16)~~(13) Any other factor the court considers relevant. 4928

(F) The parents of a child for whom the court has issued an 4929
order granting permanent custody pursuant to this section, upon 4930
the issuance of the order, cease to be parties to the action. This 4931
division is not intended to eliminate or restrict any right of the 4932
parents to appeal the granting of permanent custody of their child 4933
to a movant pursuant to this section. 4934

Sec. 2151.421. (A)(1)(a) No person described in division 4935
(A)(1)(b) of this section who is acting in an official or 4936
professional capacity and knows, or has reasonable cause to 4937
suspect based on facts that would cause a reasonable person in a 4938
similar position to suspect, that a child under eighteen years of 4939

age or a mentally retarded, developmentally disabled, or 4940
physically impaired child under twenty-one years of age has 4941
suffered or faces a threat of suffering any physical or mental 4942
wound, injury, disability, or condition of a nature that 4943
reasonably indicates ~~abuse or neglect of the child~~ is a child in 4944
need of protective services shall fail to immediately report that 4945
knowledge or reasonable cause to suspect to the entity or persons 4946
specified in this division. Except as provided in section 5120.173 4947
of the Revised Code, the person making the report shall make it to 4948
the public children services agency or a municipal or county peace 4949
officer in the county in which the child resides or in which the 4950
~~abuse or neglect~~ act or omission that indicates that the child is 4951
a child in need of protective services is occurring or has 4952
occurred. In the circumstances described in section 5120.173 of 4953
the Revised Code, the person making the report shall make it to 4954
the entity specified in that section. 4955

(b) Division (A)(1)(a) of this section applies to any person 4956
who is an attorney; physician, including a hospital intern or 4957
resident; dentist; podiatrist; practitioner of a limited branch of 4958
medicine as specified in section 4731.15 of the Revised Code; 4959
registered nurse; licensed practical nurse; visiting nurse; other 4960
health care professional; licensed psychologist; licensed school 4961
psychologist; independent marriage and family therapist or 4962
marriage and family therapist; speech pathologist or audiologist; 4963
coroner; administrator or employee of a child day-care center; 4964
administrator or employee of a residential camp or child day camp; 4965
administrator or employee of a certified child care agency or 4966
other public or private children services agency; school teacher; 4967
school employee; school authority; person engaged in social work 4968
or the practice of professional counseling; agent of a county 4969
humane society; person, other than a cleric, rendering spiritual 4970
treatment through prayer in accordance with the tenets of a 4971
well-recognized religion; employee of a county department of job 4972

and family services who is a professional and who works with 4973
children and families; superintendent, board member, or employee 4974
of a county board of developmental disabilities; investigative 4975
agent contracted with by a county board of developmental 4976
disabilities; employee of the department of developmental 4977
disabilities; employee of a facility or home that provides respite 4978
care in accordance with section 5123.171 of the Revised Code; 4979
employee of a home health agency; employee of an entity that 4980
provides homemaker services; a person performing the duties of an 4981
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 4982
or third party employed by a public children services agency to 4983
assist in providing child or family related services. 4984

(2) Except as provided in division (A)(3) of this section, an 4985
attorney or a physician is not required to make a report pursuant 4986
to division (A)(1) of this section concerning any communication 4987
the attorney or physician receives from a client or patient in an 4988
attorney-client or physician-patient relationship, if, in 4989
accordance with division (A) or (B) of section 2317.02 of the 4990
Revised Code, the attorney or physician could not testify with 4991
respect to that communication in a civil or criminal proceeding. 4992

(3) The client or patient in an attorney-client or 4993
physician-patient relationship described in division (A)(2) of 4994
this section is deemed to have waived any testimonial privilege 4995
under division (A) or (B) of section 2317.02 of the Revised Code 4996
with respect to any communication the attorney or physician 4997
receives from the client or patient in that attorney-client or 4998
physician-patient relationship, and the attorney or physician 4999
shall make a report pursuant to division (A)(1) of this section 5000
with respect to that communication, if all of the following apply: 5001

(a) The client or patient, at the time of the communication, 5002
is either a child under eighteen years of age or a mentally 5003
retarded, developmentally disabled, or physically impaired person 5004

under twenty-one years of age. 5005

(b) The attorney or physician knows, or has reasonable cause 5006
to suspect based on facts that would cause a reasonable person in 5007
similar position to suspect, as a result of the communication or 5008
any observations made during that communication, that the client 5009
or patient has suffered or faces a threat of suffering any 5010
physical or mental wound, injury, disability, or condition of a 5011
nature that reasonably indicates ~~abuse or neglect of that~~ the 5012
client or patient is a child in need of protective services. 5013

(c) The ~~abuse or neglect act or omission that indicates that~~ 5014
the client or patient is a child in need of protective services 5015
does not arise out of the client's or patient's attempt to have an 5016
abortion without the notification of her parents, guardian, or 5017
custodian in accordance with section 2151.85 of the Revised Code. 5018

(4)(a) No cleric and no person, other than a volunteer, 5019
designated by any church, religious society, or faith acting as a 5020
leader, official, or delegate on behalf of the church, religious 5021
society, or faith who is acting in an official or professional 5022
capacity, who knows, or has reasonable cause to believe based on 5023
facts that would cause a reasonable person in a similar position 5024
to believe, that a child under eighteen years of age or a mentally 5025
retarded, developmentally disabled, or physically impaired child 5026
under twenty-one years of age has suffered or faces a threat of 5027
suffering any physical or mental wound, injury, disability, or 5028
condition of a nature that reasonably indicates ~~abuse or neglect~~ 5029
~~of that~~ the child is a child in need of protective services, and 5030
who knows, or has reasonable cause to believe based on facts that 5031
would cause a reasonable person in a similar position to believe, 5032
that another cleric or another person, other than a volunteer, 5033
designated by a church, religious society, or faith acting as a 5034
leader, official, or delegate on behalf of the church, religious 5035
society, or faith caused, or poses the threat of causing, the 5036

wound, injury, disability, or condition that reasonably indicates 5037
~~abuse or neglect~~ that the child is a child in need of protective 5038
services shall fail to immediately report that knowledge or 5039
reasonable cause to believe to the entity or persons specified in 5040
this division. Except as provided in section 5120.173 of the 5041
Revised Code, the person making the report shall make it to the 5042
public children services agency or a municipal or county peace 5043
officer in the county in which the child resides or in which the 5044
~~abuse or neglect~~ act or omission that indicates that the child is 5045
a child in need of protective services is occurring or has 5046
occurred. In the circumstances described in section 5120.173 of 5047
the Revised Code, the person making the report shall make it to 5048
the entity specified in that section. 5049

(b) Except as provided in division (A)(4)(c) of this section, 5050
a cleric is not required to make a report pursuant to division 5051
(A)(4)(a) of this section concerning any communication the cleric 5052
receives from a penitent in a cleric-penitent relationship, if, in 5053
accordance with division (C) of section 2317.02 of the Revised 5054
Code, the cleric could not testify with respect to that 5055
communication in a civil or criminal proceeding. 5056

(c) The penitent in a cleric-penitent relationship described 5057
in division (A)(4)(b) of this section is deemed to have waived any 5058
testimonial privilege under division (C) of section 2317.02 of the 5059
Revised Code with respect to any communication the cleric receives 5060
from the penitent in that cleric-penitent relationship, and the 5061
cleric shall make a report pursuant to division (A)(4)(a) of this 5062
section with respect to that communication, if all of the 5063
following apply: 5064

(i) The penitent, at the time of the communication, is either 5065
a child under eighteen years of age or a mentally retarded, 5066
developmentally disabled, or physically impaired person under 5067
twenty-one years of age. 5068

(ii) The cleric knows, or has reasonable cause to believe 5069
based on facts that would cause a reasonable person in a similar 5070
position to believe, as a result of the communication or any 5071
observations made during that communication, the penitent has 5072
suffered or faces a threat of suffering any physical or mental 5073
wound, injury, disability, or condition of a nature that 5074
reasonably indicates abuse or neglect of the penitent. 5075

(iii) The ~~abuse or neglect~~ act or omission that indicates 5076
that the child is a child in need of protective services does not 5077
arise out of the penitent's attempt to have an abortion performed 5078
upon a child under eighteen years of age or upon a mentally 5079
retarded, developmentally disabled, or physically impaired person 5080
under twenty-one years of age without the notification of her 5081
parents, guardian, or custodian in accordance with section 2151.85 5082
of the Revised Code. 5083

(d) Divisions (A)(4)(a) and (c) of this section do not apply 5084
in a cleric-penitent relationship when the disclosure of any 5085
communication the cleric receives from the penitent is in 5086
violation of the sacred trust. 5087

(e) As used in divisions (A)(1) and (4) of this section, 5088
"cleric" and "sacred trust" have the same meanings as in section 5089
2317.02 of the Revised Code. 5090

(B) Anyone who knows, or has reasonable cause to suspect 5091
based on facts that would cause a reasonable person in similar 5092
circumstances to suspect, that a child under eighteen years of age 5093
or a mentally retarded, developmentally disabled, or physically 5094
impaired person under twenty-one years of age has suffered or 5095
faces a threat of suffering any physical or mental wound, injury, 5096
disability, or other condition of a nature that reasonably 5097
indicates ~~abuse or neglect of~~ that the child is a child in need of 5098
protective services may report or cause reports to be made of that 5099
knowledge or reasonable cause to suspect to the entity or persons 5100

specified in this division. Except as provided in section 5120.173 5101
of the Revised Code, a person making a report or causing a report 5102
to be made under this division shall make it or cause it to be 5103
made to the public children services agency or to a municipal or 5104
county peace officer. In the circumstances described in section 5105
5120.173 of the Revised Code, a person making a report or causing 5106
a report to be made under this division shall make it or cause it 5107
to be made to the entity specified in that section. 5108

(C) Any report made pursuant to division (A) or (B) of this 5109
section shall be made forthwith either by telephone or in person 5110
and shall be followed by a written report, if requested by the 5111
receiving agency or officer. The written report shall contain: 5112

(1) The names and addresses of the child and the child's 5113
parents or the person or persons having custody of the child, if 5114
known; 5115

(2) The child's age and the nature and extent of the child's 5116
injuries, ~~abuse, or neglect~~ or other harm that is known or 5117
reasonably suspected or believed, as applicable, to have occurred 5118
or of the threat of injury, ~~abuse, or neglect~~ or other harm that 5119
is known or reasonably suspected or believed, as applicable, to 5120
exist, including any evidence of previous injuries, abuse, or 5121
~~neglect, or other harm that indicates that the child was or is a~~ 5122
child in need of protective services; 5123

(3) Any other information that might be helpful in 5124
establishing the cause of the ~~injury, abuse, or neglect~~ act or 5125
omission that is known or reasonably suspected or believed, as 5126
applicable, to have occurred or of the threat of ~~injury, abuse, or~~ 5127
~~neglect~~ an act or omission that is known or reasonably suspected 5128
or believed, as applicable, to exist. 5129

Any person, who is required by division (A) of this section 5130
to report ~~child abuse or child neglect~~ an act or omission that 5131

indicates that a child is a child in need or protective services 5132
that is known or reasonably suspected or believed to have 5133
occurred, may take or cause to be taken color photographs of areas 5134
of trauma visible on a child and, if medically indicated, cause to 5135
be performed radiological examinations of the child. 5136

(D) As used in this division, "children's advocacy center" 5137
~~and "sexual abuse of a child" have~~ has the same ~~meanings~~ meaning 5138
as in section 2151.425 of the Revised Code. 5139

(1) When a municipal or county peace officer receives a 5140
report ~~concerning the possible abuse or neglect of~~ indicating that 5141
a child may be a child in need of protective services or the 5142
possible threat of ~~abuse or neglect of~~ an act or omission that 5143
would cause a child to be a child in need of protective services, 5144
upon receipt of the report, the municipal or county peace officer 5145
who receives the report shall refer the report to the appropriate 5146
public children services agency. 5147

(2) When a public children services agency receives a report 5148
pursuant to this division or division (A) or (B) of this section, 5149
upon receipt of the report, the public children services agency 5150
shall do ~~both~~ all of the following: 5151

(a) Provide written notice of the rights of and services 5152
available to a parent, legal guardian, or legal custodian of the 5153
child who is the subject of a report made under this section; 5154

(b) In addition to its own required protocol, notify the 5155
appropriate attendance officer or assistant provided for in 5156
section 3321.14 or 3321.15 of the Revised Code, if an agency 5157
discovers facts that may support an adjudication that a child is 5158
lacking legally required education as determined in accordance 5159
with section 2151.036 of the Revised Code; 5160

(c) Comply with section 2151.422 of the Revised Code; 5161

~~(b)~~(d) If the county served by the agency is also served by a 5162

children's advocacy center and the report alleges ~~sexual abuse of~~ 5163
a the child to be sexually harmed or alleges another type of ~~abuse~~ 5164
~~of act or omission against~~ a child that is specified in the 5165
memorandum of understanding that creates the center as being 5166
within the center's jurisdiction, comply regarding the report with 5167
the protocol and procedures for referrals and investigations, with 5168
the coordinating activities, and with the authority or 5169
responsibility for performing or providing functions, activities, 5170
and services stipulated in the interagency agreement entered into 5171
under section 2151.428 of the Revised Code relative to that 5172
center. 5173

(E) No township, municipal, or county peace officer shall 5174
remove a child about whom a report is made pursuant to this 5175
section from the child's parents, stepparents, or guardian or any 5176
other persons having custody of the child without consultation 5177
with the public children services agency, unless, in the judgment 5178
of the officer, and, if the report was made by physician, the 5179
physician, immediate removal is considered essential to protect 5180
the child from further ~~abuse or neglect~~ acts or omissions that 5181
would result in the child being a child in need of protective 5182
services. The agency that must be consulted shall be the agency 5183
conducting the investigation of the report as determined pursuant 5184
to section 2151.422 of the Revised Code. 5185

(F)(1) Except as provided in section 2151.422 of the Revised 5186
Code or in an interagency agreement entered into under section 5187
2151.428 of the Revised Code that applies to the particular 5188
report, the public children services agency shall investigate, 5189
within twenty-four hours, each report of ~~child abuse or child~~ 5190
~~neglect~~ an act or omission that indicates that a child is a child 5191
in need of protective services that is known or reasonably 5192
suspected or believed to have occurred and of a threat of ~~child~~ 5193
~~abuse or child neglect~~ such an act or omission that is known or 5194

reasonably suspected or believed to exist that is referred to it 5195
under this section to determine the circumstances surrounding the 5196
~~injuries, abuse, act~~ or ~~neglect~~ omission or the threat of ~~injury,~~ 5197
~~abuse, an act~~ or ~~neglect~~ omission, the cause of the injuries, 5198
~~abuse, neglect~~ other harm, or threat, and the person or persons 5199
responsible. The public children services agency may investigate 5200
the report only if there is a reason to believe that any alleged 5201
injury, harm, or risk of injury or harm to a child resulted from 5202
an act or omission by a parent, legal guardian, or legal custodian 5203
of the child. The investigation shall be made in cooperation with 5204
the law enforcement agency and in accordance with the memorandum 5205
of understanding prepared under division (J) of this section. A 5206
representative of the public children services agency shall, at 5207
the time of initial contact with the person subject to the 5208
investigation, inform the person of the specific complaints or 5209
allegations made against the person. The information shall be 5210
given in a manner that is consistent with division (H)(1) of this 5211
section and protects the rights of the person making the report 5212
under this section. 5213

A failure to make the investigation in accordance with the 5214
memorandum is not grounds for, and shall not result in, the 5215
dismissal of any charges or complaint arising from the report or 5216
the suppression of any evidence obtained as a result of the report 5217
and does not give, and shall not be construed as giving, any 5218
rights or any grounds for appeal or post-conviction relief to any 5219
person. The public children services agency shall report each case 5220
to the uniform statewide automated child welfare information 5221
system that the department of job and family services shall 5222
maintain in accordance with section 5101.13 of the Revised Code. 5223
The public children services agency shall submit a report of its 5224
investigation, in writing, to the law enforcement agency. 5225

(2) The public children services agency shall make any 5226

recommendations to the county prosecuting attorney or city 5227
director of law that it considers necessary to protect any 5228
children that are brought to its attention. 5229

(3) When there is no credible explanation for harm to a child 5230
or when the public children services agency has a reasonable 5231
belief that the explanation given for any harm is at variance with 5232
the nature of the harm, the public children services agency may 5233
presume, until a contrary credible explanation is presented, that 5234
the child is a child in need of protective services. 5235

(G)(1)(a) Except as provided in division (H)(3) of this 5236
section, anyone or any hospital, institution, school, health 5237
department, or agency participating in the making of reports under 5238
division (A) of this section, anyone or any hospital, institution, 5239
school, health department, or agency participating in good faith 5240
in the making of reports under division (B) of this section, and 5241
anyone participating in good faith in a judicial proceeding 5242
resulting from the reports, shall be immune from any civil or 5243
criminal liability for injury, death, or loss to person or 5244
property that otherwise might be incurred or imposed as a result 5245
of the making of the reports or the participation in the judicial 5246
proceeding. 5247

(b) Notwithstanding section 4731.22 of the Revised Code, the 5248
physician-patient privilege shall not be a ground for excluding 5249
evidence regarding a child's injuries, ~~abuse, or neglect, or other~~ 5250
harm that indicates that a child is a child in need of protective 5251
services or the cause of the injuries, ~~abuse, or neglect or other~~ 5252
harm in any judicial proceeding resulting from a report submitted 5253
pursuant to this section. 5254

(2) In any civil or criminal action or proceeding in which it 5255
is alleged and proved that participation in the making of a report 5256
under this section was not in good faith or participation in a 5257
judicial proceeding resulting from a report made under this 5258

section was not in good faith, the court shall award the 5259
prevailing party reasonable attorney's fees and costs and, if a 5260
civil action or proceeding is voluntarily dismissed, may award 5261
reasonable attorney's fees and costs to the party against whom the 5262
civil action or proceeding is brought. 5263

(H)(1) Except as provided in divisions (H)(4) and (N) of this 5264
section, a report made under this section is confidential. The 5265
information provided in a report made pursuant to this section and 5266
the name of the person who made the report shall not be released 5267
for use, and shall not be used, as evidence in any civil action or 5268
proceeding brought against the person who made the report. Nothing 5269
in this division shall preclude the use of reports of other 5270
incidents of known or suspected abuse or neglect in a civil action 5271
or proceeding brought pursuant to division (M) of this section 5272
against a person who is alleged to have violated division (A)(1) 5273
of this section, provided that any information in a report that 5274
would identify the child who is the subject of the report or the 5275
maker of the report, if the maker of the report is not the 5276
defendant or an agent or employee of the defendant, has been 5277
redacted. In a criminal proceeding, the report is admissible in 5278
evidence in accordance with the Rules of Evidence and is subject 5279
to discovery in accordance with the Rules of Criminal Procedure. 5280

5281

(2) No person shall permit or encourage the unauthorized 5282
dissemination of the contents of any report made under this 5283
section. 5284

(3) A person who knowingly makes or causes another person to 5285
make a false report under division (B) of this section that 5286
alleges that any person has committed an act or omission that 5287
resulted in a child being ~~an abused child or a neglected child~~ in 5288
need of protective services is guilty of a violation of section 5289
2921.14 of the Revised Code. 5290

(4) If a report is made pursuant to division (A) or (B) of this section and the child who is the subject of the report dies for any reason at any time after the report is made, but before the child attains eighteen years of age, the public children services agency or municipal or county peace officer to which the report was made or referred, on the request of the child fatality review board, shall submit a summary sheet of information providing a summary of the report to the review board of the county in which the deceased child resided at the time of death. On the request of the review board, the agency or peace officer may, at its discretion, make the report available to the review board. If the county served by the public children services agency is also served by a children's advocacy center and the report of alleged sexual ~~abuse~~ harm of a child or another type of ~~abuse~~ act or omission against a child is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction, the agency or center shall perform the duties and functions specified in this division in accordance with the interagency agreement entered into under section 2151.428 of the Revised Code relative to that advocacy center.

(5) A public children services agency shall advise a person alleged to have ~~inflicted abuse or neglect on~~ committed an act or omission against a child who is the subject of a report made pursuant to this section, including a report alleging ~~sexual abuse~~ of a child to be sexually harmed or another type of ~~abuse of~~ act or omission against a child referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, in writing of the disposition of the investigation. The agency shall not provide to the person any information that identifies the person who made the report, statements of witnesses, or police or other investigative reports.

(I) Any report that is required by this section, other than a report that is made to the state highway patrol as described in section 5120.173 of the Revised Code, shall result in protective services and emergency supportive services being made available by the public children services agency on behalf of the children about whom the report is made, in an effort to prevent further ~~neglect or abuse~~ acts or omissions that would result in the child being a child in need of protective services, to enhance their welfare, and, whenever possible, to preserve the family unit intact. The agency required to provide the services shall be the agency conducting the investigation of the report pursuant to section 2151.422 of the Revised Code.

(J)(1) Each public children services agency shall prepare a memorandum of understanding that is signed by all of the following:

(a) If there is only one juvenile judge in the county, the juvenile judge of the county or the juvenile judge's representative;

(b) If there is more than one juvenile judge in the county, a juvenile judge or the juvenile judges' representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative;

(c) The county peace officer;

(d) All chief municipal peace officers within the county;

(e) Other law enforcement officers handling ~~child abuse and neglect~~ cases regarding children in need of protective services in the county;

(f) The prosecuting attorney of the county;

(g) If the public children services agency is not the county

department of job and family services, the county department of 5353
job and family services; 5354

(h) The county humane society; 5355

(i) If the public children services agency participated in 5356
the execution of a memorandum of understanding under section 5357
2151.426 of the Revised Code establishing a children's advocacy 5358
center, each participating member of the children's advocacy 5359
center established by the memorandum. 5360

(2) A memorandum of understanding shall set forth the normal 5361
operating procedure to be employed by all concerned officials in 5362
the execution of their respective responsibilities under this 5363
section and division (C) of section 2919.21, division (B)(1) of 5364
section 2919.22, division (B) of section 2919.23, and section 5365
2919.24 of the Revised Code and shall have as two of its primary 5366
goals the elimination of all unnecessary interviews of children 5367
who are the subject of reports made pursuant to division (A) or 5368
(B) of this section and, when feasible, providing for only one 5369
interview of a child who is the subject of any report made 5370
pursuant to division (A) or (B) of this section. A failure to 5371
follow the procedure set forth in the memorandum by the concerned 5372
officials is not grounds for, and shall not result in, the 5373
dismissal of any charges or complaint arising from any reported 5374
case of ~~abuse or neglect~~ an act or omission that indicates that a 5375
child is a child in need of protective services or the suppression 5376
of any evidence obtained as a result of any reported ~~child abuse~~ 5377
~~or child neglect~~ act or omission that indicates that the child is 5378
a child in need of protective services and does not give, and 5379
shall not be construed as giving, any rights or any grounds for 5380
appeal or post-conviction relief to any person. 5381

(3) A memorandum of understanding shall include all of the 5382
following: 5383

(a) The roles and responsibilities for handling emergency and nonemergency cases of ~~abuse and neglect~~ acts or omissions that indicate that a child is a child in need of protective services;

(b) Standards and procedures to be used in handling and coordinating investigations of reported cases of ~~child abuse and reported cases of child neglect~~ acts or omissions that indicate that a child is a child in need of protective services, methods to be used in interviewing the child who is the subject of the report and who allegedly ~~was abused or neglected~~ is a child in need of protective services, and standards and procedures addressing the categories of persons who may interview the child ~~who is the subject of the report and who allegedly was abused or neglected~~.

(4) If a public children services agency participated in the execution of a memorandum of understanding under section 2151.426 of the Revised Code establishing a children's advocacy center, the agency shall incorporate the contents of that memorandum in the memorandum prepared pursuant to this section.

(5) The clerk of the court of common pleas in the county may sign the memorandum of understanding prepared under division (J)(1) of this section. If the clerk signs the memorandum of understanding, the clerk shall execute all relevant responsibilities as required of officials specified in the memorandum.

(K)(1) Except as provided in division (K)(4) of this section, a person who is required to make a report pursuant to division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report; 5416
5417

(b) Whether the agency or center is continuing to investigate the report; 5418
5419

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report; 5420
5421

(d) The general status of the health and safety of the child who is the subject of the report; 5422
5423

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court. 5424
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(2) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report. 5427
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When a municipal or county peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (K)(1) of this section. The recipient of the report shall include in the initial ~~child abuse or child neglect~~ report that the person making the report was so informed and, if provided at the time of the making of the report, shall include the person's name, address, and telephone number in the report. 5431
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Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those 5440
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5446

divisions. 5447

(3) A request made pursuant to division (K)(1) of this 5448
section is not a substitute for any report required to be made 5449
pursuant to division (A) of this section. 5450

(4) If an agency other than the agency that received or was 5451
referred the report is conducting the investigation of the report 5452
pursuant to section 2151.422 of the Revised Code, the agency 5453
conducting the investigation shall comply with the requirements of 5454
division (K) of this section. 5455

(L) The director of job and family services shall adopt rules 5456
in accordance with Chapter 119. of the Revised Code to implement 5457
this section. The department of job and family services may enter 5458
into a plan of cooperation with any other governmental entity to 5459
aid in ensuring that children are protected from ~~abuse and neglect~~ 5460
acts and omissions that result in the children being in need of 5461
protective services. The department shall make recommendations to 5462
the attorney general that the department determines are necessary 5463
to protect children from ~~child abuse and child neglect~~ acts and 5464
omissions that result in the children being in need of protective 5465
services. 5466

(M) Whoever violates division (A) of this section is liable 5467
for compensatory and exemplary damages to the child who would have 5468
been the subject of the report that was not made. A person who 5469
brings a civil action or proceeding pursuant to this division 5470
against a person who is alleged to have violated division (A)(1) 5471
of this section may use in the action or proceeding reports of 5472
other incidents of known or suspected ~~abuse or neglect~~ acts or 5473
omissions that would result in a child being a child in need of 5474
protective services, provided that any information in a report 5475
that would identify the child who is the subject of the report or 5476
the maker of the report, if the maker is not the defendant or an 5477
agent or employee of the defendant, has been redacted. 5478

(N)(1) As used in this division: 5479

(a) "Out-of-home care" includes a nonchartered nonpublic 5480
school if the alleged ~~child abuse or child neglect~~ acts or 5481
omissions that indicate that a child is a child in need of 5482
protective services, or alleged threat of ~~child abuse or child~~ 5483
~~neglect~~ acts or omissions that indicate that a child is a child in 5484
need of protective services, described in a report received by a 5485
public children services agency allegedly occurred in or involved 5486
the nonchartered nonpublic school and the alleged perpetrator 5487
named in the report holds a certificate, permit, or license issued 5488
by the state board of education under section 3301.071 or Chapter 5489
3319. of the Revised Code. 5490

(b) "Administrator, director, or other chief administrative 5491
officer" means the superintendent of the school district if the 5492
out-of-home care entity subject to a report made pursuant to this 5493
section is a school operated by the district. 5494

(2) No later than the end of the day following the day on 5495
which a public children services agency receives a report of 5496
alleged ~~child abuse or child neglect~~ acts or omissions that 5497
indicate that a child is a child in need of protective services, 5498
or a report of an alleged threat of ~~child abuse or child neglect~~ 5499
~~acts or omissions that indicate that a child is a child in need of~~ 5500
protective services, that allegedly occurred in or involved an 5501
out-of-home care entity, the agency shall provide written notice 5502
of the allegations contained in and the person named as the 5503
alleged perpetrator in the report to the administrator, director, 5504
or other chief administrative officer of the out-of-home care 5505
entity that is the subject of the report unless the administrator, 5506
director, or other chief administrative officer is named as an 5507
alleged perpetrator in the report. If the administrator, director, 5508
or other chief administrative officer of an out-of-home care 5509
entity is named as an alleged perpetrator in a report of alleged 5510

~~child abuse or child neglect acts or omissions that indicate that~~ 5511
~~a child is a child in need of protective services, or a report of~~ 5512
~~an alleged threat of child abuse or child neglect acts or~~ 5513
~~omissions that indicate that a child is a child in need of~~ 5514
~~protective services, that allegedly occurred in or involved the~~ 5515
out-of-home care entity, the agency shall provide the written 5516
notice to the owner or governing board of the out-of-home care 5517
entity that is the subject of the report. The agency shall not 5518
provide witness statements or police or other investigative 5519
reports. 5520

(3) No later than three days after the day on which a public 5521
children services agency that conducted the investigation as 5522
determined pursuant to section 2151.422 of the Revised Code makes 5523
a disposition of an investigation involving a report of alleged 5524
~~child abuse or child neglect acts or omissions that indicate that~~ 5525
~~a child is a child in need of protective services, or a report of~~ 5526
~~an alleged threat of child abuse or child neglect acts or~~ 5527
~~omissions that indicate that a child is a child in need of~~ 5528
~~protective services, that allegedly occurred in or involved an~~ 5529
out-of-home care entity, the agency shall send written notice of 5530
the disposition of the investigation to the administrator, 5531
director, or other chief administrative officer and the owner or 5532
governing board of the out-of-home care entity. The agency shall 5533
not provide witness statements or police or other investigative 5534
reports. 5535

(O) Nothing in this section shall preclude a public children 5536
services agency from acting under the scope of its authority under 5537
other sections of the Revised Code to conduct an investigation 5538
regarding, or to provide services for, a child who has been 5539
injured or who is at substantial risk of harm due to an act or 5540
omission by a person other than the child's parent, legal 5541
guardian, or legal custodian. 5542

Sec. 2151.423. A public children services agency shall 5543
disclose confidential information discovered during an 5544
investigation conducted pursuant to section 2151.421 or 2151.422 5545
of the Revised Code to any federal, state, or local government 5546
entity that needs the information to carry out its 5547
responsibilities to protect children from ~~abuse or neglect acts or~~ 5548
omissions that would cause any of the children to be a child in 5549
need of protective services. 5550

Information disclosed pursuant to this section is 5551
confidential and is not subject to disclosure pursuant to section 5552
149.43 or 1347.08 of the Revised Code by the agency to whom the 5553
information was disclosed. The agency receiving the information 5554
shall maintain the confidentiality of information disclosed 5555
pursuant to this section. 5556

Sec. 2151.425. As used in sections 2151.426 to 2151.428 of 5557
the Revised Code+ 5558

~~(A) "Children's, "children's~~ advocacy center" means a center 5559
operated by participating entities within a county or two or more 5560
contiguous counties to perform functions and activities and 5561
provide services, in accordance with the interagency agreement 5562
entered into under section 2151.428 of the Revised Code, regarding 5563
reports received under section 2151.421 of the Revised Code of an 5564
alleged ~~sexual abuse of~~ act or omission that indicates that a 5565
child is a child in need of protective services as a result of 5566
sexual harm or another type of abuse of a child that is specified 5567
in the memorandum of understanding that creates the center as 5568
being within the center's jurisdiction and regarding the children 5569
who are the subjects of the report. 5570

~~(B) "Sexual abuse of a child" means unlawful sexual conduct~~ 5571
~~or sexual contact, as those terms are defined in section 2907.01~~ 5572

~~of the Revised Code, with a person under eighteen years of age or 5573
a mentally retarded, developmentally disabled, or physically 5574
impaired person under twenty one years of age. 5575~~

Sec. 2151.426. (A)(1) A children's advocacy center may be 5576
established to serve a single county by execution of a memorandum 5577
of understanding regarding the participation in the operation of 5578
the center by any of the following entities in the county to be 5579
served by the center: 5580

(a) The public children services agency; 5581

(b) Representatives of any county or municipal law 5582
enforcement agencies serving the county that investigate any of 5583
the types of abuse specified in the memorandum of understanding 5584
creating the center as being within the center's jurisdiction; 5585

(c) The prosecuting attorney of the county or a village 5586
solicitor, city director of law, or similar chief legal officer of 5587
a municipal corporation in the county who prosecutes any of the 5588
types of abuse specified in the memorandum of understanding 5589
creating the center as being within the center's jurisdiction in 5590
the area to be served by the center; 5591

(d) Any other entity considered appropriate by all of the 5592
other entities executing the memorandum. 5593

(2) A children's advocacy center may be established to serve 5594
two or more contiguous counties if a memorandum of understanding 5595
regarding the participation in the operation of the center is 5596
executed by any of the entities described in division (A)(1) of 5597
this section in each county to be served by the center. 5598

(3) Any memorandum of understanding executed under this 5599
section may include a provision that specifies types of abuse of a 5600
child, in addition to ~~sexual abuse of~~ acts or omissions that 5601
indicate that a child has been sexually harmed, that are to be 5602

within the jurisdiction of the children's advocacy center created 5603
as a result of the execution of the memorandum. If a memorandum of 5604
understanding executed under this section does not include any 5605
provision of that nature, the children's advocacy center created 5606
as a result of the execution of the memorandum has jurisdiction 5607
only in relation to reports of alleged ~~sexual abuse of~~ acts or 5608
omissions against a child that indicate that the child is a child 5609
in need of protective services as a result of sexual harm. 5610

(B) Each entity that participates in the execution of a 5611
memorandum of understanding under this section shall cooperate in 5612
all of the following: 5613

(1) Developing a multidisciplinary team pursuant to section 5614
2151.427 of the Revised Code to perform the functions and 5615
activities and provide the services specified in the interagency 5616
agreement entered into under section 2151.428 of the Revised Code, 5617
regarding reports received under section 2151.421 of the Revised 5618
Code of alleged ~~sexual abuse of~~ acts or omissions against a child 5619
that indicate that the child is in need of protective services as 5620
a result of sexual harm and reports of allegations of another type 5621
of abuse of a child that is specified in the memorandum of 5622
understanding that creates the center as being within the center's 5623
jurisdiction, and regarding the children who are the subjects of 5624
the reports; 5625

(2) Participating in the operation of the center in 5626
compliance with standards for full membership established by the 5627
national children's alliance; 5628

(3) Employing the center's staff. 5629

(C) A center shall do both of the following: 5630

(1) Operate in accordance with sections 2151.427 and 2151.428 5631
of the Revised Code, the interagency agreement entered into under 5632
section 2151.428 of the Revised Code relative to the center, and 5633

the standards for full membership established by the national 5634
children's alliance; 5635

(2) Register annually with the attorney general. 5636

Sec. 2151.427. (A) The entities that participate in a 5637
memorandum of understanding executed under section 2151.426 of the 5638
Revised Code establishing a children's advocacy center shall 5639
assemble the center's multidisciplinary team. 5640

(B)(1) The multidisciplinary team for a single county center 5641
shall consist of the following members who serve the county: 5642

(a) Any county or municipal law enforcement officer; 5643

(b) The executive director of the public children services 5644
agency or a designee of the executive director; 5645

(c) The prosecuting attorney of the county or the prosecuting 5646
attorney's designee; 5647

(d) A mental health professional; 5648

(e) A medical health professional; 5649

(f) A victim advocate; 5650

(g) A center staff member; 5651

(h) Any other person considered appropriate by all of the 5652
entities that executed the memorandum. 5653

(2) If the center serves two or more contiguous counties, the 5654
multidisciplinary team shall consist of the members described in 5655
division (B)(1) of this section from the counties to be served by 5656
the center, with each county to be served by the center being 5657
represented on the multidisciplinary team by at least one member 5658
described in that division. 5659

(C) The multidisciplinary team shall perform the functions 5660
and activities and provide the services specified in the 5661

interagency agreement entered into under section 2151.428 of the Revised Code, regarding reports received under section 2151.421 of the Revised Code of alleged ~~sexual abuse of~~ acts or omissions against a child that indicate that the child is a child in need of protective services as a result of sexual harm and reports of allegations of another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction and regarding the children who are the subjects of the reports.

Sec. 2151.428. (A) If a children's advocacy center is established under section 2151.426 of the Revised Code, in addition to the memorandum of understanding executed under that section, each public children services agency that participates in the execution of the memorandum of understanding, the children's advocacy center, and the children's advocacy center's multidisciplinary team assembled under section 2151.427 of the Revised Code shall enter into an interagency agreement that stipulates all of the following regarding reports received under section 2151.421 of the Revised Code of alleged ~~sexual abuse of~~ acts or omissions against a child that indicate that the child is a child in need of protective services as a result of sexual harm and reports of allegations of another type of abuse of a child that is specified in the memorandum of understanding that creates the center as being within the center's jurisdiction:

(1) The protocol and procedures for any and all referrals and investigations of the reports;

(2) Any and all coordinating activities between the parties that enter into the agreement;

(3) The authority or responsibility for performing any and all functions and activities, and providing any and all services, regarding the reports and the children who are the subjects of the

reports. 5693

(B) The parties that enter into an interagency agreement 5694
under division (A) of this section shall comply with the agreement 5695
in referring the reports, investigating the reports, coordinating 5696
the activities between the parties, and performing and providing 5697
the functions, activities, and services relative to the reports 5698
and the children who are the subjects of the reports. 5699

(C) Nothing in this section, section 2151.421, or sections 5700
2151.425 to 2151.427 of the Revised Code pertaining to the 5701
operation of a children's advocacy center shall relieve any public 5702
official or agency from any legal obligation or responsibility. 5703

Sec. 2151.44. If it appears at the hearing of a child that 5704
any person has ~~abused~~ committed an act or omission that has caused 5705
the child to be a child in need of protective services or has 5706
aided, induced, caused, encouraged, or contributed to the 5707
~~dependency, neglect,~~ child becoming a child in need of protective 5708
services or to the delinquency of a child or acted in a way 5709
tending to cause delinquency in such child, or that a person 5710
charged with the care, support, education, or maintenance of any 5711
child has failed to support or sufficiently contribute toward the 5712
support, education, and maintenance of such child, the juvenile 5713
judge may order a complaint filed against such person and proceed 5714
to hear and dispose of the case as provided in sections 2151.01 to 5715
2151.54, ~~inclusive,~~ of the Revised Code. 5716

On the request of the judge, the prosecuting attorney shall 5717
prosecute all adults charged with violating such sections. 5718

Sec. 2151.03 2151.45. ~~(A) As used in this chapter, "neglected~~ 5719
~~child" includes any child:~~ 5720

~~(1) Who is abandoned by the child's parents, guardian, or~~ 5721
~~eustodian;~~ 5722

~~(2) Who lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian;~~ 5723
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~~(3) Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being;~~ 5725
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~~(4) Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition;~~ 5729
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~~(5) Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of sections 5103.16 and 5103.17 of the Revised Code;~~ 5732
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~~(6) Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare;~~ 5735
5736
5737

~~(7) Who is subjected to out of home care child neglect.~~ 5738

~~(B) Nothing in this chapter shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child. This ~~division~~ section does not abrogate or limit any person's responsibility under section 2151.421 of the Revised Code to report ~~child abuse~~ an act or omission that is known or reasonably suspected or believed to have occurred, ~~child neglect that is known or reasonably suspected or believed to have occurred,~~ that indicates that the child is or will become a child in need of protective services and children who are known to face or are reasonably suspected or believed to be facing a threat of suffering ~~abuse or neglect~~ that reasonably indicates that a child is a child in need of protective services and does not preclude any exercise of the authority of the state,~~ 5739
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any political subdivision, or any court to ensure that medical or 5754
surgical care or treatment is provided to a child when the child's 5755
health requires the provision of medical or surgical care or 5756
treatment. 5757

Sec. 2151.54. The juvenile court shall tax and collect the 5758
same fees and costs as are allowed the clerk of the court of 5759
common pleas for similar services. No fees or costs shall be taxed 5760
in cases of delinquent, or unruly, dependent, abused, or neglected 5761
children or children in need of protective services except as 5762
required by section 2743.70 or 2949.091 of the Revised Code or 5763
when specifically ordered by the court. The expense of 5764
transportation of children to places to which they have been 5765
committed, and the transportation of children to and from another 5766
state by police or other officers, acting upon order of the court, 5767
shall be paid from the county treasury upon specifically itemized 5768
vouchers certified to by the judge. 5769

If a child is adjudicated to be a delinquent child or a 5770
juvenile traffic offender and the juvenile court specifically is 5771
required, by section 2743.70 or 2949.091 of the Revised Code or 5772
any other section of the Revised Code, to impose a specified sum 5773
of money as court costs in addition to any other court costs that 5774
the court is required or permitted by law to impose, the court 5775
shall not waive the payment of the specified additional court 5776
costs that the section of the Revised Code specifically requires 5777
the court to impose unless the court determines that the child is 5778
indigent and the court either waives the payment of all court 5779
costs or enters an order in its journal stating that no court 5780
costs are to be taxed in the case. 5781

Sec. 2151.56. The governor is hereby authorized to execute a 5782
compact on behalf of this state with any other state or states 5783
legally joining therein in the form substantially as follows: 5784

THE INTERSTATE COMPACT ON JUVENILES 5785

The contracting states solemnly agree: 5786

Article I -- Findings and Purposes 5787

That juveniles who are not under proper supervision and 5788
control, or who have absconded, escaped or run away, are likely to 5789
endanger their own health, morals and welfare, and the health, 5790
morals and welfare of others. The cooperation of the states party 5791
to this compact is therefore necessary to provide for the welfare 5792
and protection of juveniles and of the public with respect to (1) 5793
cooperative supervision of delinquent juveniles on probation or 5794
parole; (2) the return, from one state to another, of delinquent 5795
juveniles who have escaped or absconded; (3) the return, from one 5796
state to another, of nondelinquent juveniles who have run away 5797
from home; and (4) additional measures for the protection of 5798
juveniles and of the public, which any two or more of the party 5799
states may find desirable to undertake cooperatively. In carrying 5800
out the provisions of this compact the party states shall be 5801
guided by the noncriminal, reformatory and protective policies 5802
which guide their laws concerning delinquent, ~~neglected or~~ 5803
~~dependent~~ juveniles or children in need of protective services 5804
generally. It shall be the policy of the states party to this 5805
compact to cooperate and observe their respective responsibilities 5806
for the prompt return and acceptance of juveniles and delinquent 5807
juveniles who become subject to the provisions of this compact. 5808
The provisions of this compact shall be reasonably and liberally 5809
construed to accomplish the foregoing purposes. 5810

Article II -- Existing Rights and Remedies 5811

That all remedies and procedures provided by this compact 5812
shall be in addition to and not in substitution for other rights, 5813
remedies and procedures, and shall not be in derogation of 5814
parental rights and responsibilities. 5815

Article III -- Definitions 5816

That, for the purposes of this compact, "delinquent juvenile" 5817
means any juvenile who has been adjudged delinquent and who, at 5818
the time the provisions of this compact are invoked, is still 5819
subject to the jurisdiction of the court that has made such 5820
adjudication or to the jurisdiction or supervision of an agency or 5821
institution pursuant to an order of such court; "probation or 5822
parole" means any kind of conditional release of juveniles 5823
authorized under the laws of the states party hereto; "court" 5824
means any court having jurisdiction over delinquent, ~~neglected or~~ 5825
~~dependent~~ children or children in need of protective services; 5826
"state" means any state, territory or possessions of the United 5827
States, the District of Columbia, and the Commonwealth of Puerto 5828
Rico; and "residence" or any variant thereof means a place at 5829
which a home or regular place of abode is maintained. 5830

Article IV -- Return of Runaways 5831

(a) That the parent, guardian, person or agency entitled to 5832
legal custody of a juvenile who has not been adjudged delinquent 5833
but who has run away without the consent of such parent, guardian, 5834
person or agency may petition the appropriate court in the 5835
demanding state for the issuance of a requisition for his return. 5836
The petition shall state the name and age of the juvenile, the 5837
name of the petitioner and the basis of entitlement to the 5838
juvenile's custody, the circumstances of his running away, his 5839
location if known at the time application is made, and such other 5840
facts as may tend to show that the juvenile who has run away is 5841
endangering his own welfare or the welfare of others and is not an 5842
emancipated minor. The petition shall be verified by affidavit, 5843
shall be executed in duplicate, and shall be accompanied by two 5844
certified copies of the document or documents on which the 5845
petitioner's entitlement to the juvenile's custody is based, such 5846
as birth records, letters of guardianship, or custody decrees. 5847
Such further affidavits and other documents as may be deemed 5848
proper may be submitted with such petition. The judge of the court 5849

to which this application is made may hold a hearing thereon to 5850
determine whether for the purposes of this compact the petitioner 5851
is entitled to the legal custody of the juvenile, whether or not 5852
it appears that the juvenile has in fact run away without consent, 5853
whether or not he is an emancipated minor, and whether or not it 5854
is in the best interest of the juvenile to compel his return to 5855
the state. If the judge determines, either with or without a 5856
hearing, that the juvenile should be returned, he shall present to 5857
the appropriate court or to the executive authority of the state 5858
where the juvenile is alleged to be located a written requisition 5859
for the return of such juvenile. Such requisition shall set forth 5860
the name and age of the juvenile, the determination of the court 5861
that the juvenile has run away without the consent of a parent, 5862
guardian, person or agency entitled to his legal custody, and that 5863
it is in the best interest and for the protection of such juvenile 5864
that he be returned. In the event that a proceeding for the 5865
adjudication of the juvenile as a delinquent, ~~neglected or~~ 5866
~~dependent~~ juvenile or a child in need of protective services is 5867
pending in the court at the time when such juvenile runs away, the 5868
court may issue a requisition for the return of such juvenile upon 5869
its own motion, regardless of the consent of the parent, guardian, 5870
person or agency entitled to legal custody, reciting therein the 5871
nature and circumstances of the pending proceeding. The 5872
requisition shall in every case be executed in duplicate and shall 5873
be signed by the judge. One copy of the requisition shall be filed 5874
with the compact administrator of the demanding state, there to 5875
remain on file subject to the provisions of law governing records 5876
of such court. Upon the receipt of a requisition demanding the 5877
return of a juvenile who has run away, the court or the executive 5878
authority to whom the requisition is addressed shall issue an 5879
order to any peace officer or other appropriate person directing 5880
him to take into custody and detain such juvenile. Such detention 5881
order must substantially recite the facts necessary to the 5882

validity of its issuance hereunder. No juvenile detained upon such 5883
order shall be delivered over to the officer whom the court 5884
demanding him shall have appointed to receive him, unless he shall 5885
first be taken forthwith before a judge of a court in the state, 5886
who shall inform him of the demand made for his return, and who 5887
may appoint counsel or guardian ad litem for him. If the judge of 5888
such court shall find that the requisition is in order, he shall 5889
deliver such juvenile over to the officer whom the court demanding 5890
him shall have appointed to receive him. The judge, however, may 5891
fix a reasonable time to be allowed for the purpose of testing the 5892
legality of the proceeding. 5893

Upon reasonable information that a person is a juvenile who 5894
has run away from another state party to this compact without the 5895
consent of a parent, guardian, person or agency entitled to his 5896
legal custody, such juvenile may be taken into custody without a 5897
requisition and brought forthwith before a judge of the 5898
appropriate court who may appoint counsel or guardian ad litem for 5899
such juvenile and who shall determine after a hearing whether 5900
sufficient cause exists to hold the person, subject to the order 5901
of the court, for his own protection and welfare, for such a time 5902
not exceeding ninety days as will enable his return to another 5903
state party to this compact pursuant to a requisition for his 5904
return from a court of that state. If, at the time when a state 5905
seeks the return of a juvenile who has run away, there is pending 5906
in the state wherein he is found any criminal charge, or any 5907
proceeding to have him adjudicated a delinquent juvenile for an 5908
act committed in such state, or if he is suspected of having 5909
committed within such state a criminal offense or an act of 5910
juvenile delinquency, he shall not be returned without the consent 5911
of such state until discharged from prosecution or other form of 5912
proceeding, imprisonment, detention or supervision for such 5913
offense or juvenile delinquency. The duly accredited officers of 5914
any state party to this compact, upon the establishment of their 5915

authority and the identity of the juvenile being returned, shall 5916
be permitted to transport such juvenile through any and all states 5917
party to this compact, without interference. Upon his return to 5918
the state from which he ran away, the juvenile shall be subject to 5919
such further proceedings as may be appropriate under the laws of 5920
that state. 5921

(b) That the state to which a juvenile is returned under this 5922
Article shall be responsible for payment of the transportation 5923
costs of such return. 5924

(c) That "juvenile" as used in this Article means any person 5925
who is a minor under the law of the state of residence of the 5926
parent, guardian, person or agency entitled to the legal custody 5927
of such minor. 5928

Article V -- Return of Escapees and Absconders 5929

(a) That the appropriate person or authority from whose 5930
probation or parole supervision a delinquent juvenile has 5931
absconded or from whose institutional custody he has escaped shall 5932
present to the appropriate court or to the executive authority of 5933
the state where the delinquent juvenile is alleged to be located a 5934
written requisition for the return of such delinquent juvenile. 5935
Such requisition shall state the name and age of the delinquent 5936
juvenile, the particulars of his adjudication as a delinquent 5937
juvenile, the circumstances of the breach of the terms of his 5938
probation or parole or of his escape from an institution or agency 5939
vested with his legal custody or supervision, and the location of 5940
such delinquent juvenile, if known, at the time the requisition is 5941
made. The requisition shall be verified by affidavit, shall be 5942
executed in duplicate, and shall be accompanied by two certified 5943
copies of the judgment, formal adjudication, or order of 5944
commitment which subjects such delinquent juvenile to probation or 5945
parole or to the legal custody of the institution or agency 5946
concerned. Such further affidavits and other documents as may be 5947

deemed proper may be submitted with such requisition. One copy of 5948
the requisition shall be filed with the compact administrator of 5949
the demanding state, there to remain on file subject to the 5950
provisions of law governing records of the appropriate court. Upon 5951
the receipt of a requisition demanding the return of a delinquent 5952
juvenile who has absconded or escaped, the court or the executive 5953
authority to whom the requisition is addressed shall issue an 5954
order to any peace officer or other appropriate person directing 5955
him to take into custody and detain such delinquent juvenile. Such 5956
detention order must substantially recite the facts necessary to 5957
the validity of its issuance hereunder. No delinquent juvenile 5958
detained upon such order shall be delivered over to the officer 5959
whom the appropriate person or authority demanding him shall have 5960
appointed to receive him, unless he shall first be taken forthwith 5961
before a judge of an appropriate court in the state, who shall 5962
inform him of the demand made for his return and who may appoint 5963
counsel or guardian ad litem for him. If the judge of such court 5964
shall find that the requisition is in order, he shall deliver such 5965
delinquent juvenile over to the officer whom the appropriate 5966
person or authority demanding him shall have appointed to receive 5967
him. The judge, however, may fix a reasonable time to be allowed 5968
for the purpose of testing the legality of the proceeding. 5969

Upon reasonable information that a person is a delinquent 5970
juvenile who has absconded while on probation or parole, or 5971
escaped from an institution or agency vested with his legal 5972
custody or supervision in any state party to this compact, such 5973
person may be taken into custody in any other state party to this 5974
compact without a requisition. But in such event, he must be taken 5975
forthwith before a judge of the appropriate court, who may appoint 5976
counsel or guardian ad litem for such person and who shall 5977
determine, after a hearing, whether sufficient cause exists to 5978
hold the person subject to the order of the court for such a time, 5979
not exceeding ninety days, as will enable his detention under a 5980

detention order issued on a requisition pursuant to this Article. 5981
If, at the time when a state seeks the return of a delinquent 5982
juvenile who has either absconded while on probation or parole or 5983
escaped from an institution or agency vested with his legal 5984
custody or supervision, there is pending in the state wherein he 5985
is detained any criminal charge or any proceeding to have him 5986
adjudicated a delinquent juvenile for an act committed in such 5987
state, or if he is suspected of having committed within such state 5988
a criminal offense or an act of juvenile delinquency, he shall not 5989
be returned without the consent of such state until discharged 5990
from prosecution or other form of proceeding, imprisonment, 5991
detention or supervision for such offense or juvenile delinquency. 5992
The duly accredited officers of any state party to this compact, 5993
upon the establishment of their authority and the identity of the 5994
delinquent juvenile being returned, shall be permitted to 5995
transport such delinquent juvenile through any and all states 5996
party to this compact, without interference. Upon his return to 5997
the state from which he escaped or absconded, the delinquent 5998
juvenile shall be subject to such further proceedings as may be 5999
appropriate under the laws of that state. 6000

(b) That the state to which a delinquent juvenile is returned 6001
under this Article shall be responsible for the payment of the 6002
transportation costs of such return. 6003

Article VI -- Voluntary Return Procedure 6004

That any delinquent juvenile who has absconded while on 6005
probation or parole, or escaped from an institution or agency 6006
vested with his legal custody or supervision in any state party to 6007
this compact, and any juvenile who has run away from any state 6008
party to this compact, who is taken into custody without a 6009
requisition in another state party to this compact under the 6010
provisions of Article IV (a) or of Article V (a), may consent to 6011
his immediate return to the state from which he absconded, escaped 6012

or ran away. Such consent shall be given by the juvenile or 6013
delinquent juvenile and his counsel or guardian ad litem if any, 6014
by executing or subscribing a writing, in the presence of a judge 6015
of the appropriate court, which states that the juvenile or 6016
delinquent juvenile and his counsel or guardian ad litem, if any, 6017
consent to his return to the demanding state. Before such consent 6018
shall be executed or subscribed, however, the judge, in the 6019
presence of counsel or guardian ad litem, if any, shall inform the 6020
juvenile or delinquent juvenile of his rights under this compact. 6021
When the consent has been duly executed, it shall be forwarded to 6022
and filed with the compact administrator of the state in which the 6023
court is located and the judge shall direct the officer having the 6024
juvenile or delinquent juvenile in custody to deliver him to the 6025
duly accredited officer or officers of the state demanding his 6026
return, and shall cause to be delivered to such officer or 6027
officers a copy of the consent. The court may, however, upon the 6028
request of the state to which the juvenile or delinquent juvenile 6029
is being returned, order him to return unaccompanied to such state 6030
and shall provide him with a copy of such court order; in such 6031
event a copy of the consent shall be forwarded to the compact 6032
administrator of the state to which said juvenile or delinquent 6033
juvenile is ordered to return. 6034

Article VII -- Cooperative Supervision of 6035

Probationers and Parolees 6036

(a) That the duly constituted judicial and administrative 6037
authorities of a state party to this compact (herein called 6038
"sending state") may permit any delinquent juvenile within such 6039
state, placed on probation or parole, to reside in any other state 6040
party to this compact (herein called "receiving state") while on 6041
probation or parole, and the receiving state shall accept such 6042
delinquent juvenile, if the parent, guardian or person entitled to 6043
the legal custody of such delinquent juvenile is residing or 6044
undertakes to reside within the receiving state. Before granting 6045

such permission, opportunity shall be given to the receiving state 6046
to make such investigations as it deems necessary. The authorities 6047
of the sending state shall send to the authorities of the 6048
receiving state copies of pertinent court orders, social case 6049
studies and all other available information which may be of value 6050
to and assist the receiving state in supervising a probationer or 6051
parolee under this compact. A receiving state, in its discretion, 6052
may agree to accept supervision of a probationer or parolee in 6053
cases where the parent, guardian or person entitled to the legal 6054
custody of the delinquent juvenile is not a resident of the 6055
receiving state, and if so accepted the sending state may transfer 6056
supervision accordingly. 6057

(b) That each receiving state will assume the duties of 6058
visitation and of supervision over any such delinquent juvenile 6059
and in the exercise of those duties will be governed by the same 6060
standards of visitation and supervision that prevail for its own 6061
delinquent juveniles released on probation or parole. 6062

(c) That, after consultation between the appropriate 6063
authorities of the sending state and of the receiving state as to 6064
the desirability and necessity of returning such a delinquent 6065
juvenile, the duly accredited officers of a sending state may 6066
enter a receiving state and there apprehend and retake any such 6067
delinquent juvenile on probation or parole. For that purpose, no 6068
formalities will be required, other than establishing the 6069
authority of the officer and the identity of the delinquent 6070
juvenile to be retaken and returned. The decision of the sending 6071
state to retake a delinquent juvenile on probation or parole shall 6072
be conclusive upon and not reviewable within the receiving state, 6073
but if, at the time the sending state seeks to retake a delinquent 6074
juvenile on probation or parole, there is pending against him 6075
within the receiving state any criminal charge or any proceeding 6076
to have him adjudicated a delinquent juvenile for any act 6077

committed in such state, or if he is suspected of having committed 6078
within such state a criminal offense or an act of juvenile 6079
delinquency, he shall not be returned without the consent of the 6080
receiving state until discharged from prosecution or other form of 6081
proceeding, imprisonment, detention or supervision for such 6082
offense or juvenile delinquency. The duly accredited officers of 6083
the sending state shall be permitted to transport delinquent 6084
juveniles being so returned through any and all states party to 6085
this compact, without interference. 6086

(d) That the sending state shall be responsible under this 6087
Article for paying the costs of transporting any delinquent 6088
juvenile to the receiving state or of returning any delinquent 6089
juvenile to the sending state. 6090

Article VIII -- Responsibility for Costs 6091

(a) That the provisions of Articles IV(b), V(b) and VII(d) of 6092
this compact shall not be construed to alter or affect any 6093
internal relationship among the departments, agencies and officers 6094
of and in the government of a party state, or between a party 6095
state and its subdivisions, as to the payment of costs, or 6096
responsibilities therefor. 6097

(b) That nothing in this compact shall be construed to 6098
prevent any party state or subdivision thereof from asserting any 6099
right against any person, agency or other entity in regard to 6100
costs for which such party state or subdivision thereof may be 6101
responsible pursuant to Articles IV(b), V(b) or VII(d) of this 6102
compact. 6103

Article IX -- Detention Practices 6104

That, to every extent possible, it shall be the policy of 6105
states party to this compact that no juvenile or delinquent 6106
juvenile shall be placed or detained in any prison, jail or lockup 6107
nor be detained or transported in association with criminal, 6108
vicious or dissolute persons. 6109

Article X -- Supplementary Agreements 6110

That the duly constituted administrative authorities of a 6111
state party to this compact may enter into supplementary 6112
agreements with any other state or states party hereto for the 6113
cooperative care, treatment and rehabilitation of delinquent 6114
juveniles whenever they shall find that such agreements will 6115
improve the facilities or programs available for such care, 6116
treatment and rehabilitation. Such care, treatment and 6117
rehabilitation may be provided in an institution located within 6118
any state entering into such supplementary agreement. Such 6119
supplementary agreements shall (1) provide the rates to be paid 6120
for the care, treatment and custody of such delinquent juveniles, 6121
taking into consideration the character of facilities, services 6122
and subsistence furnished; (2) provide that the delinquent 6123
juvenile shall be given a court hearing prior to his being sent to 6124
another state for care, treatment and custody; (3) provide that 6125
the state receiving such a delinquent juvenile in one of its 6126
institutions shall act solely as agent for the state sending such 6127
delinquent juvenile; (4) provide that the sending state shall at 6128
all times retain jurisdiction over delinquent juveniles sent to an 6129
institution in another state; (5) provide for reasonable 6130
inspection of such institutions by the sending state; (6) provide 6131
that the consent of the parent, guardian, person or agency 6132
entitled to the legal custody of said delinquent juvenile shall be 6133
secured prior to his being sent to another state; and (7) make 6134
provision for such other matters and details as shall be necessary 6135
to protect the rights and equities of such delinquent juveniles 6136
and of the cooperating states. 6137

Article XI -- Acceptance of Federal and Other Aid 6138

That any state party to this compact may accept any and all 6139
donations, gifts and grants of money, equipment and services from 6140
the federal or any local government, or any agency thereof and 6141
from any person, firm or corporation, for any of the purposes and 6142

functions of this compact, and may receive and utilize the same 6143
subject to the terms, conditions and regulations governing such 6144
donations, gifts and grants. 6145

Article XIII -- Compact Administrators 6146

That the governor of each state party to this compact shall 6147
designate an officer who, acting jointly with like officers of 6148
other party states, shall promulgate rules and regulations to 6149
carry out more effectively the terms and provisions of this 6150
compact. 6151

Article XIII -- Execution of Compact 6152

That this compact shall become operative immediately upon its 6153
execution by any state as between it and any other state or states 6154
so executing. When executed it shall have the full force and 6155
effect of law within such state, the form of execution to be in 6156
accordance with the laws of the executing state. 6157

Article XIV -- Renunciation 6158

That this compact shall continue in force and remain binding 6159
upon each executing state until renounced by it. Renunciation of 6160
this compact shall be by the same authority which executed it, by 6161
sending six months' notice in writing of its intention to withdraw 6162
from the compact to the other states party hereto. The duties and 6163
obligations of a renouncing state under Article VII hereof shall 6164
continue as to parolees and probationers residing therein at the 6165
time of withdrawal until retaken or finally discharged. 6166
Supplementary agreements entered into under Article X hereof shall 6167
be subject to renunciation as provided by such supplementary 6168
agreements, and shall not be subject to the six months' 6169
renunciation notice of the present Article. 6170

Article XV -- Severability 6171

That the provisions of this compact shall be severable and if 6172
any phrase, clause, sentence or provision of this compact is 6173
declared to be contrary to the constitution of any participating 6174

state or of the United States or the applicability thereof to any 6175
government, agency, person or circumstance is held invalid, the 6176
validity of the remainder of this compact and the applicability 6177
thereof to any government, agency, person or circumstance shall 6178
not be affected thereby. If this compact shall be held contrary to 6179
the constitution of any state participating therein, the compact 6180
shall remain in full force and effect as to the remaining states 6181
and in full force and effect as to the state affected as to all 6182
severable matters. 6183

Sec. 2151.65. Upon the advice and recommendation of the 6184
juvenile judge, the board of county commissioners may provide by 6185
purchase, lease, construction, or otherwise a school, forestry 6186
camp, or other facility or facilities where delinquent children, 6187
as defined in section 2152.02 of the Revised Code, ~~dependent~~ 6188
~~children, abused~~ children in need of protective services, unruly 6189
children, as defined in section 2151.022 of the Revised Code, or 6190
~~neglected children or~~ juvenile traffic offenders may be held for 6191
training, treatment, and rehabilitation. Upon the joint advice and 6192
recommendation of the juvenile judges of two or more adjoining or 6193
neighboring counties, the boards of county commissioners of such 6194
counties may form themselves into a joint board and proceed to 6195
organize a district for the establishment and support of a school, 6196
forestry camp, or other facility or facilities for the use of the 6197
juvenile courts of such counties, where delinquent, ~~dependent,~~ 6198
~~abused, or~~ unruly, ~~or neglected~~ children, children in need of 6199
protective services, or juvenile traffic offenders may be held for 6200
treatment, training, and rehabilitation, by using a site or 6201
buildings already established in one such county, or by providing 6202
for the purchase of a site and the erection of the necessary 6203
buildings thereon. Such county or district school, forestry camp, 6204
or other facility or facilities shall be maintained as provided in 6205
Chapters 2151. and 2152. of the Revised Code. Children who are 6206

adjudged to be delinquent, ~~dependent, neglected, abused, or~~ unruly 6207
children, children in need of protective services, or juvenile 6208
traffic offenders may be committed to and held in any such school, 6209
forestry camp, or other facility or facilities for training, 6210
treatment, and rehabilitation. 6211

The juvenile court shall determine: 6212

(A) The children to be admitted to any school, forestry camp, 6213
or other facility maintained under this section; 6214

(B) The period such children shall be trained, treated, and 6215
rehabilitated at such facility; 6216

(C) The removal and transfer of children from such facility. 6217

Sec. 2151.86. (A)(1) The appointing or hiring officer of any 6218
entity that appoints or employs any person responsible for a 6219
child's care in out-of-home care shall request the superintendent 6220
of BCII to conduct a criminal records check with respect to any 6221
person who is under final consideration for appointment or 6222
employment as a person responsible for a child's care in 6223
out-of-home care, except that section 3319.39 of the Revised Code 6224
shall apply instead of this section if the out-of-home care entity 6225
is a public school, educational service center, or chartered 6226
nonpublic school. 6227

(2) At the times specified in this division, the 6228
administrative director of an agency, or attorney, who arranges an 6229
adoption for a prospective adoptive parent shall request the 6230
superintendent of BCII to conduct a criminal records check with 6231
respect to that prospective adoptive parent and a criminal records 6232
check with respect to all persons eighteen years of age or older 6233
who reside with the prospective adoptive parent. The 6234
administrative director or attorney shall request a criminal 6235
records check pursuant to this division at the time of the initial 6236

home study, every four years after the initial home study at the 6237
time of an update, and at the time that an adoptive home study is 6238
completed as a new home study. 6239

(3) Before a recommending agency submits a recommendation to 6240
the department of job and family services on whether the 6241
department should issue a certificate to a foster home under 6242
section 5103.03 of the Revised Code, and every four years 6243
thereafter prior to a recertification under that section, the 6244
administrative director of the agency shall request that the 6245
superintendent of BCII conduct a criminal records check with 6246
respect to the prospective foster caregiver and a criminal records 6247
check with respect to all other persons eighteen years of age or 6248
older who reside with the foster caregiver. 6249

(B)(1) If a person subject to a criminal records check under 6250
division (A)(1) of this section does not present proof that the 6251
person has been a resident of this state for the five-year period 6252
immediately prior to the date upon which the criminal records 6253
check is requested or does not provide evidence that within that 6254
five-year period the superintendent of BCII has requested 6255
information about the person from the federal bureau of 6256
investigation in a criminal records check, the appointing or 6257
hiring officer shall request that the superintendent of BCII 6258
obtain information from the federal bureau of investigation as a 6259
part of the criminal records check, including fingerprint-based 6260
checks of national crime information databases as described in 42 6261
U.S.C. 671. If a person subject to a criminal records check under 6262
division (A)(1) of this section presents proof that the person has 6263
been a resident of this state for that five-year period, the 6264
appointing or hiring officer or attorney may request that the 6265
superintendent of BCII include information from the federal bureau 6266
of investigation in the criminal records check, including 6267
fingerprint-based checks of national crime information databases 6268

as described in 42 U.S.C. 671. 6269

When the administrative director of an agency, or attorney, 6270
who arranges an adoption for a prospective parent requests, at the 6271
time of the initial home study, a criminal records check for a 6272
person pursuant to division (A)(2) of this section, the 6273
administrative director or attorney shall request that the 6274
superintendent of BCII obtain information from the federal bureau 6275
of investigation as part of the criminal records check, including 6276
fingerprint-based checks of national crime information databases 6277
as described in 42 U.S.C. 671, for the person subject to the 6278
criminal records check. In all other cases in which the 6279
administrative director of an agency, or attorney, who arranges an 6280
adoption for a prospective parent requests a criminal records 6281
check for a person pursuant to division (A)(2) of this section, 6282
the administrative director or attorney may request that the 6283
superintendent of BCII include information from the federal bureau 6284
of investigation in the criminal records check, including 6285
fingerprint-based checks of national crime information databases 6286
as described in 42 U.S.C. 671. 6287

When the administrative director of a recommending agency 6288
requests, before submitting a recommendation to the department of 6289
job and family services on whether the department should issue a 6290
certificate to a foster home under section 5103.03 of the Revised 6291
Code, a criminal records check for a person pursuant to division 6292
(A)(3) of this section, the administrative director shall request 6293
that the superintendent of BCII obtain information from the 6294
federal bureau of investigation as part of a criminal records 6295
check, including fingerprint-based checks of national crime 6296
information databases as described in 42 U.S.C. 671, for the 6297
person subject to the criminal records check. In all other cases 6298
in which the administrative director of a recommending agency 6299
requests a criminal records check for a person pursuant to 6300

division (A)(3) of this section, the administrative director may 6301
request that the superintendent of BCII include information from 6302
the federal bureau of investigation in the criminal records check, 6303
including fingerprint-based checks of national crime information 6304
databases as described in 42 U.S.C. 671. 6305

Prior to a hearing on a final decree of adoption or 6306
interlocutory order of adoption by a probate court, the 6307
administrative director of an agency, or an attorney, who arranges 6308
an adoption for a prospective parent shall provide to the clerk of 6309
the probate court either of the following: 6310

(a) Any information received pursuant to a request made under 6311
this division from the superintendent of BCII or the federal 6312
bureau of investigation as part of the criminal records check, 6313
including fingerprint-based checks of national crime information 6314
databases as described in 42 U.S.C. 671, for the person subject to 6315
the criminal records check; 6316

(b) Written notification that the person subject to a 6317
criminal records check pursuant to this division failed upon 6318
request to provide the information necessary to complete the form 6319
or failed to provide impressions of the person's fingerprints as 6320
required under division (B)(2) of this section. 6321

(2) An appointing or hiring officer, administrative director, 6322
or attorney required by division (A) of this section to request a 6323
criminal records check shall provide to each person subject to a 6324
criminal records check a copy of the form prescribed pursuant to 6325
division (C)(1) of section 109.572 of the Revised Code and a 6326
standard impression sheet to obtain fingerprint impressions 6327
prescribed pursuant to division (C)(2) of section 109.572 of the 6328
Revised Code, obtain the completed form and impression sheet from 6329
the person, and forward the completed form and impression sheet to 6330
the superintendent of BCII at the time the criminal records check 6331
is requested. 6332

Any person subject to a criminal records check who receives 6333
pursuant to this division a copy of the form prescribed pursuant 6334
to division (C)(1) of section 109.572 of the Revised Code and a 6335
copy of an impression sheet prescribed pursuant to division (C)(2) 6336
of that section and who is requested to complete the form and 6337
provide a set of fingerprint impressions shall complete the form 6338
or provide all the information necessary to complete the form and 6339
shall provide the impression sheet with the impressions of the 6340
person's fingerprints. If a person subject to a criminal records 6341
check, upon request, fails to provide the information necessary to 6342
complete the form or fails to provide impressions of the person's 6343
fingerprints, the appointing or hiring officer shall not appoint 6344
or employ the person as a person responsible for a child's care in 6345
out-of-home care, a probate court may not issue a final decree of 6346
adoption or an interlocutory order of adoption making the person 6347
an adoptive parent, and the department of job and family services 6348
shall not issue a certificate authorizing the prospective foster 6349
caregiver to operate a foster home. 6350

(C)(1) No appointing or hiring officer shall appoint or 6351
employ a person as a person responsible for a child's care in 6352
out-of-home care, the department of job and family services shall 6353
not issue a certificate under section 5103.03 of the Revised Code 6354
authorizing a prospective foster caregiver to operate a foster 6355
home, and no probate court shall issue a final decree of adoption 6356
or an interlocutory order of adoption making a person an adoptive 6357
parent if the person or, in the case of a prospective foster 6358
caregiver or prospective adoptive parent, any person eighteen 6359
years of age or older who resides with the prospective foster 6360
caregiver or prospective adoptive parent previously has been 6361
convicted of or pleaded guilty to any of the violations described 6362
in division (A)(8) of section 109.572 of the Revised Code, unless 6363
the person meets rehabilitation standards established in rules 6364
adopted under division (F) of this section. 6365

(2) The appointing or hiring officer may appoint or employ a person as a person responsible for a child's care in out-of-home care conditionally until the criminal records check required by this section is completed and the officer receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (C)(1) of this section, the person subject to the criminal records check does not qualify for appointment or employment, the officer shall release the person from appointment or employment.

(3) Prior to certification or recertification under section 5103.03 of the Revised Code, the prospective foster caregiver subject to a criminal records check under division (A)(3) of this section shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state. The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable. If a person has had a revocation in another state within the five years prior to the date of the application, the department of job and family services shall not issue a foster home certificate to the prospective foster caregiver.

(D) The appointing or hiring officer, administrative director, or attorney shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request pursuant to division (A) of this section. The officer, director, or attorney may charge the person subject to

the criminal records check a fee for the costs the officer, 6398
director, or attorney incurs in obtaining the criminal records 6399
check. A fee charged under this division shall not exceed the 6400
amount of fees the officer, director, or attorney pays for the 6401
criminal records check. If a fee is charged under this division, 6402
the officer, director, or attorney shall notify the person who is 6403
the applicant at the time of the person's initial application for 6404
appointment or employment, an adoption to be arranged, or a 6405
certificate to operate a foster home of the amount of the fee and 6406
that, unless the fee is paid, the person who is the applicant will 6407
not be considered for appointment or employment or as an adoptive 6408
parent or foster caregiver. 6409

(E) The report of any criminal records check conducted by the 6410
bureau of criminal identification and investigation in accordance 6411
with section 109.572 of the Revised Code and pursuant to a request 6412
made under division (A) of this section is not a public record for 6413
the purposes of section 149.43 of the Revised Code and shall not 6414
be made available to any person other than the following: 6415

(1) The person who is the subject of the criminal records 6416
check or the person's representative; 6417

(2) The appointing or hiring officer, administrative 6418
director, or attorney requesting the criminal records check or the 6419
officer's, director's, or attorney's representative; 6420

(3) The department of job and family services, a county 6421
department of job and family services, or a public children 6422
services agency; 6423

(4) Any court, hearing officer, or other necessary individual 6424
involved in a case dealing with the denial of employment, a final 6425
decree of adoption or interlocutory order of adoption, or a foster 6426
home certificate. 6427

(F) The director of job and family services shall adopt rules 6428

in accordance with Chapter 119. of the Revised Code to implement 6429
this section. The rules shall include rehabilitation standards a 6430
person who has been convicted of or pleaded guilty to an offense 6431
listed in division (A)(8) of section 109.572 of the Revised Code 6432
must meet for an appointing or hiring officer to appoint or employ 6433
the person as a person responsible for a child's care in 6434
out-of-home care, a probate court to issue a final decree of 6435
adoption or interlocutory order of adoption making the person an 6436
adoptive parent, or the department to issue a certificate 6437
authorizing the prospective foster caregiver to operate a foster 6438
home or not revoke a foster home certificate for a violation 6439
specified in section 5103.0328 of the Revised Code. 6440

(G) An appointing or hiring officer, administrative director, 6441
or attorney required by division (A) of this section to request a 6442
criminal records check shall inform each person who is the 6443
applicant, at the time of the person's initial application for 6444
appointment or employment, an adoption to be arranged, or a foster 6445
home certificate, that the person subject to the criminal records 6446
check is required to provide a set of impressions of the person's 6447
fingerprints and that a criminal records check is required to be 6448
conducted and satisfactorily completed in accordance with section 6449
109.572 of the Revised Code. 6450

(H) The department of job and family services may waive the 6451
requirement that a criminal records check based on fingerprints be 6452
conducted for an adult resident of a prospective adoptive or 6453
foster home or the home of a foster caregiver if the recommending 6454
agency documents to the department's satisfaction that the adult 6455
resident is physically unable to comply with the fingerprinting 6456
requirement and poses no danger to foster children or adoptive 6457
children who may be placed in the home. In such cases, the 6458
recommending or approving agency shall request that the bureau of 6459
criminal identification and investigation conduct a criminal 6460

records check using the person's name and social security number. 6461

(I) As used in this section: 6462

(1) "Children's hospital" means any of the following: 6463

(a) A hospital registered under section 3701.07 of the 6464
Revised Code that provides general pediatric medical and surgical 6465
care, and in which at least seventy-five per cent of annual 6466
inpatient discharges for the preceding two calendar years were 6467
individuals less than eighteen years of age; 6468

(b) A distinct portion of a hospital registered under section 6469
3701.07 of the Revised Code that provides general pediatric 6470
medical and surgical care, has a total of at least one hundred 6471
fifty registered pediatric special care and pediatric acute care 6472
beds, and in which at least seventy-five per cent of annual 6473
inpatient discharges for the preceding two calendar years were 6474
individuals less than eighteen years of age; 6475

(c) A distinct portion of a hospital, if the hospital is 6476
registered under section 3701.07 of the Revised Code as a 6477
children's hospital and the children's hospital meets all the 6478
requirements of division (I)(1)(a) of this section. 6479

(2) "Criminal records check" has the same meaning as in 6480
section 109.572 of the Revised Code. 6481

(3) "Person responsible for a child's care in out-of-home 6482
care" has the same meaning as in section ~~2151.011~~ 2151.03 of the 6483
Revised Code, except that it does not include a prospective 6484
employee of the department of youth services or a person 6485
responsible for a child's care in a hospital or medical clinic 6486
other than a children's hospital. 6487

(4) "Person subject to a criminal records check" means the 6488
following: 6489

(a) A person who is under final consideration for appointment 6490

or employment as a person responsible for a child's care in 6491
out-of-home care; 6492

(b) A prospective adoptive parent; 6493

(c) A prospective foster caregiver; 6494

(d) A person eighteen years old or older who resides with a 6495
prospective foster caregiver or a prospective adoptive parent. 6496

(5) "Recommending agency" means a public children services 6497
agency, private child placing agency, or private noncustodial 6498
agency to which the department of job and family services has 6499
delegated a duty to inspect and approve foster homes. 6500

(6) "Superintendent of BCII" means the superintendent of the 6501
bureau of criminal identification and investigation. 6502

Sec. 2151.99. (A)(1) Except as otherwise provided in division 6503
(A)(2) of this section, whoever violates division (D)(2) or (3) of 6504
section 2151.313 or division ~~7~~ (A)(4) ~~7~~ or (H)(2) of section 6505
2151.421 of the Revised Code is guilty of a misdemeanor of the 6506
fourth degree. 6507

(2) Whoever violates division (A)(4) of section 2151.421 of 6508
the Revised Code knowing that a child has been ~~abused or neglected~~ 6509
a victim of an act or omission that indicates that the child is a 6510
child in need of protective services and knowing that the person 6511
who committed the ~~abuse or neglect~~ act or omission was a cleric or 6512
another person, other than a volunteer, designated by a church, 6513
religious society, or faith acting as a leader, official, or 6514
delegate on behalf of the church, religious society, or faith, is 6515
guilty of a misdemeanor of the first degree if the person who 6516
violates that division ~~(A)(4) of this section~~ and the person who 6517
committed the ~~abuse or neglect~~ act or omission belong to the same 6518
church, religious society, or faith. 6519

(B) Whoever violates division (D)(1) of section 2151.313 of 6520

the Revised Code is guilty of a minor misdemeanor. 6521

(C) Whoever violates division (A)(1) of section 2151.421 of 6522
the Revised Code shall be punished as follows: 6523

(1) Except as otherwise provided in division (C)(2) of this 6524
section, the offender is guilty of a misdemeanor of the fourth 6525
degree. 6526

(2) The offender is guilty of a misdemeanor of the first 6527
degree if the child who is the subject of the required report that 6528
the offender fails to make suffers or faces the threat of 6529
suffering the physical or mental wound, injury, disability, or 6530
condition that would be the basis of the required report when the 6531
child is under the direct care or supervision of the offender who 6532
is then acting in the offender's official or professional capacity 6533
or when the child is under the direct care or supervision of 6534
another person over whom the offender while acting in the 6535
offender's official or professional capacity has supervisory 6536
control. 6537

Sec. 2152.02. As used in this chapter: 6538

(A) "Act charged" means the act that is identified in a 6539
complaint, indictment, or information alleging that a child is a 6540
delinquent child. 6541

(B) "Admitted to a department of youth services facility" 6542
includes admission to a facility operated, or contracted for, by 6543
the department and admission to a comparable facility outside this 6544
state by another state or the United States. 6545

(C)(1) "Child" means a person who is under eighteen years of 6546
age, except as otherwise provided in divisions (C)(2) to (6) of 6547
this section. 6548

(2) Subject to division (C)(3) of this section, any person 6549
who violates a federal or state law or a municipal ordinance prior 6550

to attaining eighteen years of age shall be deemed a "child" 6551
irrespective of that person's age at the time the complaint with 6552
respect to that violation is filed or the hearing on the complaint 6553
is held. 6554

(3) Any person who, while under eighteen years of age, 6555
commits an act that would be a felony if committed by an adult and 6556
who is not taken into custody or apprehended for that act until 6557
after the person attains twenty-one years of age is not a child in 6558
relation to that act. 6559

(4) Any person whose case is transferred for criminal 6560
prosecution pursuant to section 2152.12 of the Revised Code shall 6561
be deemed after the transfer not to be a child in the transferred 6562
case. 6563

(5) Any person whose case is transferred for criminal 6564
prosecution pursuant to section 2152.12 of the Revised Code and 6565
who subsequently is convicted of or pleads guilty to a felony in 6566
that case, and any person who is adjudicated a delinquent child 6567
for the commission of an act, who has a serious youthful offender 6568
dispositional sentence imposed for the act pursuant to section 6569
2152.13 of the Revised Code, and whose adult portion of the 6570
dispositional sentence is invoked pursuant to section 2152.14 of 6571
the Revised Code, shall be deemed after the transfer or invocation 6572
not to be a child in any case in which a complaint is filed 6573
against the person. 6574

(6) The juvenile court has jurisdiction over a person who is 6575
adjudicated a delinquent child or juvenile traffic offender prior 6576
to attaining eighteen years of age until the person attains 6577
twenty-one years of age, and, for purposes of that jurisdiction 6578
related to that adjudication, except as otherwise provided in this 6579
division, a person who is so adjudicated a delinquent child or 6580
juvenile traffic offender shall be deemed a "child" until the 6581
person attains twenty-one years of age. If a person is so 6582

adjudicated a delinquent child or juvenile traffic offender and 6583
the court makes a disposition of the person under this chapter, at 6584
any time after the person attains eighteen years of age, the 6585
places at which the person may be held under that disposition are 6586
not limited to places authorized under this chapter solely for 6587
confinement of children, and the person may be confined under that 6588
disposition, in accordance with division (F)(2) of section 2152.26 6589
of the Revised Code, in places other than those authorized under 6590
this chapter solely for confinement of children. 6591

(D) "Chronic truant" means any child of compulsory school age 6592
who is absent without legitimate excuse for absence from the 6593
public school the child is supposed to attend for seven or more 6594
consecutive school days, ten or more school days in one school 6595
month, or fifteen or more school days in a school year. 6596

(E) "Community corrections facility," "public safety beds," 6597
"release authority," and "supervised release" have the same 6598
meanings as in section 5139.01 of the Revised Code. 6599

(F) "Delinquent child" includes any of the following: 6600

(1) Any child, except a juvenile traffic offender, who 6601
violates any law of this state or the United States, or any 6602
ordinance of a political subdivision of the state, that would be 6603
an offense if committed by an adult; 6604

(2) Any child who violates any lawful order of the court made 6605
under this chapter or under Chapter 2151. of the Revised Code 6606
other than an order issued under section 2151.87 of the Revised 6607
Code; 6608

(3) Any child who violates division (C) of section 2907.39, 6609
division (A) of section 2923.211, or division (C)(1) or (D) of 6610
section 2925.55 of the Revised Code; 6611

(4) Any child who is a habitual truant and who previously has 6612
been adjudicated an unruly child for being a habitual truant; 6613

(5) Any child who is a chronic truant. 6614

(G) "Discretionary serious youthful offender" means a person 6615
who is eligible for a discretionary SYO and who is not transferred 6616
to adult court under a mandatory or discretionary transfer. 6617

(H) "Discretionary SYO" means a case in which the juvenile 6618
court, in the juvenile court's discretion, may impose a serious 6619
youthful offender disposition under section 2152.13 of the Revised 6620
Code. 6621

(I) "Discretionary transfer" means that the juvenile court 6622
has discretion to transfer a case for criminal prosecution under 6623
division (B) of section 2152.12 of the Revised Code. 6624

(J) "Drug abuse offense," "felony drug abuse offense," and 6625
"minor drug possession offense" have the same meanings as in 6626
section 2925.01 of the Revised Code. 6627

(K) "Electronic monitoring" and "electronic monitoring 6628
device" have the same meanings as in section 2929.01 of the 6629
Revised Code. 6630

(L) "Economic loss" means any economic detriment suffered by 6631
a victim of a delinquent act or juvenile traffic offense as a 6632
direct and proximate result of the delinquent act or juvenile 6633
traffic offense and includes any loss of income due to lost time 6634
at work because of any injury caused to the victim and any 6635
property loss, medical cost, or funeral expense incurred as a 6636
result of the delinquent act or juvenile traffic offense. 6637
"Economic loss" does not include non-economic loss or any punitive 6638
or exemplary damages. 6639

(M) "Firearm" has the same meaning as in section 2923.11 of 6640
the Revised Code. 6641

(N) "Juvenile traffic offender" means any child who violates 6642
any traffic law, traffic ordinance, or traffic regulation of this 6643

state, the United States, or any political subdivision of this 6644
state, other than a resolution, ordinance, or regulation of a 6645
political subdivision of this state the violation of which is 6646
required to be handled by a parking violations bureau or a joint 6647
parking violations bureau pursuant to Chapter 4521. of the Revised 6648
Code. 6649

(O) A "legitimate excuse for absence from the public school 6650
the child is supposed to attend" has the same meaning as in 6651
section ~~2151.011~~ 2151.03 of the Revised Code. 6652

(P) "Mandatory serious youthful offender" means a person who 6653
is eligible for a mandatory SYO and who is not transferred to 6654
adult court under a mandatory or discretionary transfer. 6655

(Q) "Mandatory SYO" means a case in which the juvenile court 6656
is required to impose a mandatory serious youthful offender 6657
disposition under section 2152.13 of the Revised Code. 6658

(R) "Mandatory transfer" means that a case is required to be 6659
transferred for criminal prosecution under division (A) of section 6660
2152.12 of the Revised Code. 6661

(S) "Mental illness" has the same meaning as in section 6662
5122.01 of the Revised Code. 6663

(T) "Mentally retarded person" has the same meaning as in 6664
section 5123.01 of the Revised Code. 6665

(U) "Monitored time" and "repeat violent offender" have the 6666
same meanings as in section 2929.01 of the Revised Code. 6667

(V) "Of compulsory school age" has the same meaning as in 6668
section 3321.01 of the Revised Code. 6669

(W) "Public record" has the same meaning as in section 149.43 6670
of the Revised Code. 6671

(X) "Serious youthful offender" means a person who is 6672
eligible for a mandatory SYO or discretionary SYO but who is not 6673

transferred to adult court under a mandatory or discretionary transfer. 6674
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(Y) "Sexually oriented offense," "juvenile offender registrant," "child-victim oriented offense," "tier I sex offender/child-victim offender," "tier II sex offender/child-victim offender," "tier III sex offender/child-victim offender," and "public registry-qualified juvenile offender registrant" have the same meanings as in section 2950.01 of the Revised Code. 6676
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(Z) "Traditional juvenile" means a case that is not transferred to adult court under a mandatory or discretionary transfer, that is eligible for a disposition under sections 2152.16, 2152.17, 2152.19, and 2152.20 of the Revised Code, and that is not eligible for a disposition under section 2152.13 of the Revised Code. 6683
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(AA) "Transfer" means the transfer for criminal prosecution of a case involving the alleged commission by a child of an act that would be an offense if committed by an adult from the juvenile court to the appropriate court that has jurisdiction of the offense. 6689
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(BB) "Category one offense" means any of the following: 6694

(1) A violation of section 2903.01 or 2903.02 of the Revised Code; 6695
6696

(2) A violation of section 2923.02 of the Revised Code involving an attempt to commit aggravated murder or murder. 6697
6698

(CC) "Category two offense" means any of the following: 6699

(1) A violation of section 2903.03, 2905.01, 2907.02, 2909.02, 2911.01, or 2911.11 of the Revised Code; 6700
6701

(2) A violation of section 2903.04 of the Revised Code that is a felony of the first degree; 6702
6703

(3) A violation of section 2907.12 of the Revised Code as it 6704
existed prior to September 3, 1996. 6705

(DD) "Non-economic loss" means nonpecuniary harm suffered by 6706
a victim of a delinquent act or juvenile traffic offense as a 6707
result of or related to the delinquent act or juvenile traffic 6708
offense, including, but not limited to, pain and suffering; loss 6709
of society, consortium, companionship, care, assistance, 6710
attention, protection, advice, guidance, counsel, instruction, 6711
training, or education; mental anguish; and any other intangible 6712
loss. 6713

Sec. 2152.19. (A) If a child is adjudicated a delinquent 6714
child, the court may make any of the following orders of 6715
disposition, in addition to any other disposition authorized or 6716
required by this chapter: 6717

(1) Any order that is authorized by section 2151.353 of the 6718
Revised Code for the care and protection of ~~an abused, neglected,~~ 6719
~~or dependent~~ a child in need of protective services; 6720

(2) Commit the child to the temporary custody of any school, 6721
camp, institution, or other facility operated for the care of 6722
delinquent children by the county, by a district organized under 6723
section 2152.41 or 2151.65 of the Revised Code, or by a private 6724
agency or organization, within or without the state, that is 6725
authorized and qualified to provide the care, treatment, or 6726
placement required, including, but not limited to, a school, camp, 6727
or facility operated under section 2151.65 of the Revised Code; 6728

(3) Place the child in a detention facility or district 6729
detention facility operated under section 2152.41 of the Revised 6730
Code, for up to ninety days; 6731

(4) Place the child on community control under any sanctions, 6732
services, and conditions that the court prescribes. As a condition 6733

of community control in every case and in addition to any other 6734
condition that it imposes upon the child, the court shall require 6735
the child to abide by the law during the period of community 6736
control. As referred to in this division, community control 6737
includes, but is not limited to, the following sanctions and 6738
conditions: 6739

(a) A period of basic probation supervision in which the 6740
child is required to maintain contact with a person appointed to 6741
supervise the child in accordance with sanctions imposed by the 6742
court; 6743

(b) A period of intensive probation supervision in which the 6744
child is required to maintain frequent contact with a person 6745
appointed by the court to supervise the child while the child is 6746
seeking or maintaining employment and participating in training, 6747
education, and treatment programs as the order of disposition; 6748

(c) A period of day reporting in which the child is required 6749
each day to report to and leave a center or another approved 6750
reporting location at specified times in order to participate in 6751
work, education or training, treatment, and other approved 6752
programs at the center or outside the center; 6753

(d) A period of community service of up to five hundred hours 6754
for an act that would be a felony or a misdemeanor of the first 6755
degree if committed by an adult, up to two hundred hours for an 6756
act that would be a misdemeanor of the second, third, or fourth 6757
degree if committed by an adult, or up to thirty hours for an act 6758
that would be a minor misdemeanor if committed by an adult; 6759

(e) A requirement that the child obtain a high school 6760
diploma, a certificate of high school equivalence, vocational 6761
training, or employment; 6762

(f) A period of drug and alcohol use monitoring; 6763

(g) A requirement of alcohol or drug assessment or 6764

counseling, or a period in an alcohol or drug treatment program 6765
with a level of security for the child as determined necessary by 6766
the court; 6767

(h) A period in which the court orders the child to observe a 6768
curfew that may involve daytime or evening hours; 6769

(i) A requirement that the child serve monitored time; 6770

(j) A period of house arrest without electronic monitoring or 6771
continuous alcohol monitoring; 6772

(k) A period of electronic monitoring or continuous alcohol 6773
monitoring without house arrest, or house arrest with electronic 6774
monitoring or continuous alcohol monitoring or both electronic 6775
monitoring and continuous alcohol monitoring, that does not exceed 6776
the maximum sentence of imprisonment that could be imposed upon an 6777
adult who commits the same act. 6778

A period of house arrest with electronic monitoring or 6779
continuous alcohol monitoring or both electronic monitoring and 6780
continuous alcohol monitoring, imposed under this division shall 6781
not extend beyond the child's twenty-first birthday. If a court 6782
imposes a period of house arrest with electronic monitoring or 6783
continuous alcohol monitoring or both electronic monitoring and 6784
continuous alcohol monitoring, upon a child under this division, 6785
it shall require the child: to remain in the child's home or other 6786
specified premises for the entire period of house arrest with 6787
electronic monitoring or continuous alcohol monitoring or both 6788
except when the court permits the child to leave those premises to 6789
go to school or to other specified premises. Regarding electronic 6790
monitoring, the court also shall require the child to be monitored 6791
by a central system that can determine the child's location at 6792
designated times; to report periodically to a person designated by 6793
the court; and to enter into a written contract with the court 6794
agreeing to comply with all requirements imposed by the court, 6795

agreeing to pay any fee imposed by the court for the costs of the 6796
house arrest with electronic monitoring, and agreeing to waive the 6797
right to receive credit for any time served on house arrest with 6798
electronic monitoring toward the period of any other dispositional 6799
order imposed upon the child if the child violates any of the 6800
requirements of the dispositional order of house arrest with 6801
electronic monitoring. The court also may impose other reasonable 6802
requirements upon the child. 6803

Unless ordered by the court, a child shall not receive credit 6804
for any time served on house arrest with electronic monitoring or 6805
continuous alcohol monitoring or both toward any other 6806
dispositional order imposed upon the child for the act for which 6807
was imposed the dispositional order of house arrest with 6808
electronic monitoring or continuous alcohol monitoring. As used in 6809
this division and division (A)(4)(1) of this section, "continuous 6810
alcohol monitoring" has the same meaning as in section 2929.01 of 6811
the Revised Code. 6812

(1) A suspension of the driver's license, probationary 6813
driver's license, or temporary instruction permit issued to the 6814
child for a period of time prescribed by the court, or a 6815
suspension of the registration of all motor vehicles registered in 6816
the name of the child for a period of time prescribed by the 6817
court. A child whose license or permit is so suspended is 6818
ineligible for issuance of a license or permit during the period 6819
of suspension. At the end of the period of suspension, the child 6820
shall not be reissued a license or permit until the child has paid 6821
any applicable reinstatement fee and complied with all 6822
requirements governing license reinstatement. 6823

(5) Commit the child to the custody of the court; 6824

(6) Require the child to not be absent without legitimate 6825
excuse from the public school the child is supposed to attend for 6826
five or more consecutive days, seven or more school days in one 6827

school month, or twelve or more school days in a school year; 6828

(7)(a) If a child is adjudicated a delinquent child for being 6829
a chronic truant or a habitual truant who previously has been 6830
adjudicated an unruly child for being a habitual truant, do either 6831
or both of the following: 6832

(i) Require the child to participate in a truancy prevention 6833
mediation program; 6834

(ii) Make any order of disposition as authorized by this 6835
section, except that the court shall not commit the child to a 6836
facility described in division (A)(2) or (3) of this section 6837
unless the court determines that the child violated a lawful court 6838
order made pursuant to division (C)(1)(e) of section 2151.354 of 6839
the Revised Code or division (A)(6) of this section. 6840

(b) If a child is adjudicated a delinquent child for being a 6841
chronic truant or a habitual truant who previously has been 6842
adjudicated an unruly child for being a habitual truant and the 6843
court determines that the parent, guardian, or other person having 6844
care of the child has failed to cause the child's attendance at 6845
school in violation of section 3321.38 of the Revised Code, do 6846
either or both of the following: 6847

(i) Require the parent, guardian, or other person having care 6848
of the child to participate in a truancy prevention mediation 6849
program; 6850

(ii) Require the parent, guardian, or other person having 6851
care of the child to participate in any community service program, 6852
preferably a community service program that requires the 6853
involvement of the parent, guardian, or other person having care 6854
of the child in the school attended by the child. 6855

(8) Make any further disposition that the court finds proper, 6856
except that the child shall not be placed in any of the following: 6857

(a) A state correctional institution, a county, multicounty, 6858
or municipal jail or workhouse, or another place in which an adult 6859
convicted of a crime, under arrest, or charged with a crime is 6860
held; 6861

(b) A community corrections facility, if the child would be 6862
covered by the definition of public safety beds for purposes of 6863
sections 5139.41 to 5139.43 of the Revised Code if the court 6864
exercised its authority to commit the child to the legal custody 6865
of the department of youth services for institutionalization or 6866
institutionalization in a secure facility pursuant to this 6867
chapter. 6868

(B) If a child is adjudicated a delinquent child, in addition 6869
to any order of disposition made under division (A) of this 6870
section, the court, in the following situations and for the 6871
specified periods of time, shall suspend the child's temporary 6872
instruction permit, restricted license, probationary driver's 6873
license, or nonresident operating privilege, or suspend the 6874
child's ability to obtain such a permit: 6875

(1) If the child is adjudicated a delinquent child for 6876
violating section 2923.122 of the Revised Code, impose a class 6877
four suspension of the child's license, permit, or privilege from 6878
the range specified in division (A)(4) of section 4510.02 of the 6879
Revised Code or deny the child the issuance of a license or permit 6880
in accordance with division (F)(1) of section 2923.122 of the 6881
Revised Code. 6882

(2) If the child is adjudicated a delinquent child for 6883
committing an act that if committed by an adult would be a drug 6884
abuse offense or for violating division (B) of section 2917.11 of 6885
the Revised Code, suspend the child's license, permit, or 6886
privilege for a period of time prescribed by the court. The court, 6887
in its discretion, may terminate the suspension if the child 6888
attends and satisfactorily completes a drug abuse or alcohol abuse 6889

education, intervention, or treatment program specified by the 6890
court. During the time the child is attending a program described 6891
in this division, the court shall retain the child's temporary 6892
instruction permit, probationary driver's license, or driver's 6893
license, and the court shall return the permit or license if it 6894
terminates the suspension as described in this division. 6895

(C) The court may establish a victim-offender mediation 6896
program in which victims and their offenders meet to discuss the 6897
offense and suggest possible restitution. If the court obtains the 6898
assent of the victim of the delinquent act committed by the child, 6899
the court may require the child to participate in the program. 6900

(D)(1) If a child is adjudicated a delinquent child for 6901
committing an act that would be a felony if committed by an adult 6902
and if the child caused, attempted to cause, threatened to cause, 6903
or created a risk of physical harm to the victim of the act, the 6904
court, prior to issuing an order of disposition under this 6905
section, shall order the preparation of a victim impact statement 6906
by the probation department of the county in which the victim of 6907
the act resides, by the court's own probation department, or by a 6908
victim assistance program that is operated by the state, a county, 6909
a municipal corporation, or another governmental entity. The court 6910
shall consider the victim impact statement in determining the 6911
order of disposition to issue for the child. 6912

(2) Each victim impact statement shall identify the victim of 6913
the act for which the child was adjudicated a delinquent child, 6914
itemize any economic loss suffered by the victim as a result of 6915
the act, identify any physical injury suffered by the victim as a 6916
result of the act and the seriousness and permanence of the 6917
injury, identify any change in the victim's personal welfare or 6918
familial relationships as a result of the act and any 6919
psychological impact experienced by the victim or the victim's 6920
family as a result of the act, and contain any other information 6921

related to the impact of the act upon the victim that the court 6922
requires. 6923

(3) A victim impact statement shall be kept confidential and 6924
is not a public record. However, the court may furnish copies of 6925
the statement to the department of youth services if the 6926
delinquent child is committed to the department or to both the 6927
adjudicated delinquent child or the adjudicated delinquent child's 6928
counsel and the prosecuting attorney. The copy of a victim impact 6929
statement furnished by the court to the department pursuant to 6930
this section shall be kept confidential and is not a public 6931
record. If an officer is preparing pursuant to section 2947.06 or 6932
2951.03 of the Revised Code or Criminal Rule 32.2a presentence 6933
investigation report pertaining to a person, the court shall make 6934
available to the officer, for use in preparing the report, a copy 6935
of any victim impact statement regarding that person. The copies 6936
of a victim impact statement that are made available to the 6937
adjudicated delinquent child or the adjudicated delinquent child's 6938
counsel and the prosecuting attorney pursuant to this division 6939
shall be returned to the court by the person to whom they were 6940
made available immediately following the imposition of an order of 6941
disposition for the child under this chapter. 6942

The copy of a victim impact statement that is made available 6943
pursuant to this division to an officer preparing a criminal 6944
presentence investigation report shall be returned to the court by 6945
the officer immediately following its use in preparing the report. 6946

(4) The department of youth services shall work with local 6947
probation departments and victim assistance programs to develop a 6948
standard victim impact statement. 6949

(E) If a child is adjudicated a delinquent child for being a 6950
chronic truant or a habitual truant who previously has been 6951
adjudicated an unruly child for being a habitual truant and the 6952
court determines that the parent, guardian, or other person having 6953

care of the child has failed to cause the child's attendance at 6954
school in violation of section 3321.38 of the Revised Code, in 6955
addition to any order of disposition it makes under this section, 6956
the court shall warn the parent, guardian, or other person having 6957
care of the child that any subsequent adjudication of the child as 6958
an unruly or delinquent child for being a habitual or chronic 6959
truant may result in a criminal charge against the parent, 6960
guardian, or other person having care of the child for a violation 6961
of division (C) of section 2919.21 or section 2919.24 of the 6962
Revised Code. 6963

(F)(1) During the period of a delinquent child's community 6964
control granted under this section, authorized probation officers 6965
who are engaged within the scope of their supervisory duties or 6966
responsibilities may search, with or without a warrant, the person 6967
of the delinquent child, the place of residence of the delinquent 6968
child, and a motor vehicle, another item of tangible or intangible 6969
personal property, or other real property in which the delinquent 6970
child has a right, title, or interest or for which the delinquent 6971
child has the express or implied permission of a person with a 6972
right, title, or interest to use, occupy, or possess if the 6973
probation officers have reasonable grounds to believe that the 6974
delinquent child is not abiding by the law or otherwise is not 6975
complying with the conditions of the delinquent child's community 6976
control. The court that places a delinquent child on community 6977
control under this section shall provide the delinquent child with 6978
a written notice that informs the delinquent child that authorized 6979
probation officers who are engaged within the scope of their 6980
supervisory duties or responsibilities may conduct those types of 6981
searches during the period of community control if they have 6982
reasonable grounds to believe that the delinquent child is not 6983
abiding by the law or otherwise is not complying with the 6984
conditions of the delinquent child's community control. The court 6985
also shall provide the written notice described in division (E)(2) 6986

of this section to each parent, guardian, or custodian of the 6987
delinquent child who is described in that division. 6988

(2) The court that places a child on community control under 6989
this section shall provide the child's parent, guardian, or other 6990
custodian with a written notice that informs them that authorized 6991
probation officers may conduct searches pursuant to division 6992
(E)(1) of this section. The notice shall specifically state that a 6993
permissible search might extend to a motor vehicle, another item 6994
of tangible or intangible personal property, or a place of 6995
residence or other real property in which a notified parent, 6996
guardian, or custodian has a right, title, or interest and that 6997
the parent, guardian, or custodian expressly or impliedly permits 6998
the child to use, occupy, or possess. 6999

(G) If a juvenile court commits a delinquent child to the 7000
custody of any person, organization, or entity pursuant to this 7001
section and if the delinquent act for which the child is so 7002
committed is a sexually oriented offense or is a child-victim 7003
oriented offense, the court in the order of disposition shall do 7004
one of the following: 7005

(1) Require that the child be provided treatment as described 7006
in division (A)(2) of section 5139.13 of the Revised Code; 7007

(2) Inform the person, organization, or entity that it is the 7008
preferred course of action in this state that the child be 7009
provided treatment as described in division (A)(2) of section 7010
5139.13 of the Revised Code and encourage the person, 7011
organization, or entity to provide that treatment. 7012

Sec. 2152.71. (A)(1) The juvenile court shall maintain 7013
records of all official cases brought before it, including, but 7014
not limited to, an appearance docket, a journal, and, in cases 7015
pertaining to an alleged delinquent child, arrest and custody 7016
records, complaints, journal entries, and hearing summaries. The 7017

court shall maintain a separate docket for traffic cases and shall 7018
record all traffic cases on the separate docket instead of on the 7019
general appearance docket. The parents, guardian, or other 7020
custodian of any child affected, if they are living, or the 7021
nearest of kin of the child, if the parents are deceased, may 7022
inspect these records, either in person or by counsel, during the 7023
hours in which the court is open. Division (A)(1) of this section 7024
does not require the release or authorize the inspection of arrest 7025
or incident reports, law enforcement investigatory reports or 7026
records, or witness statements. 7027

(2) The juvenile court shall send to the superintendent of 7028
the bureau of criminal identification and investigation, pursuant 7029
to section 109.57 of the Revised Code, a weekly report containing 7030
a summary of each case that has come before it and that involves 7031
the disposition of a child who is a delinquent child for 7032
committing an act that would be a felony or an offense of violence 7033
if committed by an adult. 7034

(B) The clerk of the court shall maintain a statistical 7035
record that includes all of the following: 7036

(1) The number of complaints that are filed with, or 7037
indictments or information made to, the court that allege that a 7038
child is a delinquent child, in relation to which the court 7039
determines under division (D) of section 2151.27 of the Revised 7040
Code that the victim of the alleged delinquent act was sixty-five 7041
years of age or older or permanently and totally disabled at the 7042
time of the alleged commission of the act; 7043

(2) The number of complaints, indictments, or information 7044
described in division (B)(1) of this section that result in the 7045
child being adjudicated a delinquent child; 7046

(3) The number of complaints, indictments, or information 7047
described in division (B)(2) of this section in which the act upon 7048

which the delinquent child adjudication is based caused property damage or would be a theft offense, as defined in division (K) of section 2913.01 of the Revised Code, if committed by an adult;

(4) The number of complaints, indictments, or information described in division (B)(3) of this section that result in the delinquent child being required as an order of disposition made under division (A) of section 2152.20 of the Revised Code to make restitution for all or part of the property damage caused by the child's delinquent act or for all or part of the value of the property that was the subject of the delinquent act that would be a theft offense if committed by an adult;

(5) The number of complaints, indictments, or information described in division (B)(2) of this section in which the act upon which the delinquent child adjudication is based would have been an offense of violence if committed by an adult;

(6) The number of complaints, indictments, or information described in division (B)(5) of this section that result in the delinquent child being committed as an order of disposition made under section 2152.16, divisions (A) and (B) of section 2152.17, or division (A)(2) of section 2152.19 of the Revised Code to any facility for delinquent children operated by the county, a district, or a private agency or organization or to the department of youth services;

(7) The number of complaints, indictments, or information described in division (B)(1) of this section that result in the case being transferred for criminal prosecution to an appropriate court having jurisdiction of the offense under section 2152.12 of the Revised Code.

(C) The clerk of the court shall compile an annual summary covering the preceding calendar year showing all of the information for that year contained in the statistical record

maintained under division (B) of this section. The statistical 7080
record and the annual summary shall be public records open for 7081
inspection. Neither the statistical record nor the annual summary 7082
shall include the identity of any party to a case. 7083

(D) Not later than June of each year, the court shall prepare 7084
an annual report covering the preceding calendar year showing the 7085
number and kinds of cases that have come before it, the 7086
disposition of the cases, and any other data pertaining to the 7087
work of the court that the juvenile judge directs. The court shall 7088
file copies of the report with the board of county commissioners. 7089
With the approval of the board, the court may print or cause to be 7090
printed copies of the report for distribution to persons and 7091
agencies interested in the court or community program for 7092
~~dependent, neglected, abused, or~~ children in need of protective 7093
services, delinquent children, and juvenile traffic offenders. The 7094
court shall include the number of copies ordered printed and the 7095
estimated cost of each printed copy on each copy of the report 7096
printed for distribution. 7097

(E) If an officer is preparing pursuant to section 2947.06 or 7098
2951.03 of the Revised Code or Criminal Rule 32.2 a presentence 7099
investigation report pertaining to a person, the court shall make 7100
available to the officer, for use in preparing the report, any 7101
records it possesses regarding any adjudications of that person as 7102
a delinquent child or regarding the dispositions made relative to 7103
those adjudications. The records to be made available pursuant to 7104
this division include, but are not limited to, any social history 7105
or report of a mental or physical examination regarding the person 7106
that was prepared pursuant to Juvenile Rule 32. 7107

Sec. 2301.03. (A) In Franklin county, the judges of the court 7108
of common pleas whose terms begin on January 1, 1953, January 2, 7109
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 7110

successors, shall have the same qualifications, exercise the same 7111
powers and jurisdiction, and receive the same compensation as 7112
other judges of the court of common pleas of Franklin county and 7113
shall be elected and designated as judges of the court of common 7114
pleas, division of domestic relations. They shall have all the 7115
powers relating to juvenile courts, and all cases under Chapters 7116
2151. and 2152. of the Revised Code, all parentage proceedings 7117
under Chapter 3111. of the Revised Code over which the juvenile 7118
court has jurisdiction, and all divorce, dissolution of marriage, 7119
legal separation, and annulment cases shall be assigned to them. 7120
In addition to the judge's regular duties, the judge who is senior 7121
in point of service shall serve on the children services board and 7122
the county advisory board and shall be the administrator of the 7123
domestic relations division and its subdivisions and departments. 7124

7125
(B) In Hamilton county: 7126

(1) The judge of the court of common pleas, whose term begins 7127
on January 1, 1957, and successors, and the judge of the court of 7128
common pleas, whose term begins on February 14, 1967, and 7129
successors, shall be the juvenile judges as provided in Chapters 7130
2151. and 2152. of the Revised Code, with the powers and 7131
jurisdiction conferred by those chapters. 7132

(2) The judges of the court of common pleas whose terms begin 7133
on January 5, 1957, January 16, 1981, and July 1, 1991, and 7134
successors, shall be elected and designated as judges of the court 7135
of common pleas, division of domestic relations, and shall have 7136
assigned to them all divorce, dissolution of marriage, legal 7137
separation, and annulment cases coming before the court. On or 7138
after the first day of July and before the first day of August of 7139
1991 and each year thereafter, a majority of the judges of the 7140
division of domestic relations shall elect one of the judges of 7141
the division as administrative judge of that division. If a 7142

majority of the judges of the division of domestic relations are 7143
unable for any reason to elect an administrative judge for the 7144
division before the first day of August, a majority of the judges 7145
of the Hamilton county court of common pleas, as soon as possible 7146
after that date, shall elect one of the judges of the division of 7147
domestic relations as administrative judge of that division. The 7148
term of the administrative judge shall begin on the earlier of the 7149
first day of August of the year in which the administrative judge 7150
is elected or the date on which the administrative judge is 7151
elected by a majority of the judges of the Hamilton county court 7152
of common pleas and shall terminate on the date on which the 7153
administrative judge's successor is elected in the following year. 7154

In addition to the judge's regular duties, the administrative 7155
judge of the division of domestic relations shall be the 7156
administrator of the domestic relations division and its 7157
subdivisions and departments and shall have charge of the 7158
employment, assignment, and supervision of the personnel of the 7159
division engaged in handling, servicing, or investigating divorce, 7160
dissolution of marriage, legal separation, and annulment cases, 7161
including any referees considered necessary by the judges in the 7162
discharge of their various duties. 7163

The administrative judge of the division of domestic 7164
relations also shall designate the title, compensation, expense 7165
allowances, hours, leaves of absence, and vacations of the 7166
personnel of the division, and shall fix the duties of its 7167
personnel. The duties of the personnel, in addition to those 7168
provided for in other sections of the Revised Code, shall include 7169
the handling, servicing, and investigation of divorce, dissolution 7170
of marriage, legal separation, and annulment cases and counseling 7171
and conciliation services that may be made available to persons 7172
requesting them, whether or not the persons are parties to an 7173
action pending in the division. 7174

The board of county commissioners shall appropriate the sum 7175
of money each year as will meet all the administrative expenses of 7176
the division of domestic relations, including reasonable expenses 7177
of the domestic relations judges and the division counselors and 7178
other employees designated to conduct the handling, servicing, and 7179
investigation of divorce, dissolution of marriage, legal 7180
separation, and annulment cases, conciliation and counseling, and 7181
all matters relating to those cases and counseling, and the 7182
expenses involved in the attendance of division personnel at 7183
domestic relations and welfare conferences designated by the 7184
division, and the further sum each year as will provide for the 7185
adequate operation of the division of domestic relations. 7186

The compensation and expenses of all employees and the salary 7187
and expenses of the judges shall be paid by the county treasurer 7188
from the money appropriated for the operation of the division, 7189
upon the warrant of the county auditor, certified to by the 7190
administrative judge of the division of domestic relations. 7191

The summonses, warrants, citations, subpoenas, and other 7192
writs of the division may issue to a bailiff, constable, or staff 7193
investigator of the division or to the sheriff of any county or 7194
any marshal, constable, or police officer, and the provisions of 7195
law relating to the subpoenaing of witnesses in other cases shall 7196
apply insofar as they are applicable. When a summons, warrant, 7197
citation, subpoena, or other writ is issued to an officer, other 7198
than a bailiff, constable, or staff investigator of the division, 7199
the expense of serving it shall be assessed as a part of the costs 7200
in the case involved. 7201

(3) The judge of the court of common pleas of Hamilton county 7202
whose term begins on January 3, 1997, and the successors to that 7203
judge shall each be elected and designated as the drug court judge 7204
of the court of common pleas of Hamilton county. The drug court 7205
judge may accept or reject any case referred to the drug court 7206

judge under division (B)(3) of this section. After the drug court 7207
judge accepts a referred case, the drug court judge has full 7208
authority over the case, including the authority to conduct 7209
arraignment, accept pleas, enter findings and dispositions, 7210
conduct trials, order treatment, and if treatment is not 7211
successfully completed pronounce and enter sentence. 7212

A judge of the general division of the court of common pleas 7213
of Hamilton county and a judge of the Hamilton county municipal 7214
court may refer to the drug court judge any case, and any 7215
companion cases, the judge determines meet the criteria described 7216
under divisions (B)(3)(a) and (b) of this section. If the drug 7217
court judge accepts referral of a referred case, the case, and any 7218
companion cases, shall be transferred to the drug court judge. A 7219
judge may refer a case meeting the criteria described in divisions 7220
(B)(3)(a) and (b) of this section that involves a violation of a 7221
condition of a community control sanction to the drug court judge, 7222
and, if the drug court judge accepts the referral, the referring 7223
judge and the drug court judge have concurrent jurisdiction over 7224
the case. 7225

A judge of the general division of the court of common pleas 7226
of Hamilton county and a judge of the Hamilton county municipal 7227
court may refer a case to the drug court judge under division 7228
(B)(3) of this section if the judge determines that both of the 7229
following apply: 7230

(a) One of the following applies: 7231

(i) The case involves a drug abuse offense, as defined in 7232
section 2925.01 of the Revised Code, that is a felony of the third 7233
or fourth degree if the offense is committed prior to July 1, 7234
1996, a felony of the third, fourth, or fifth degree if the 7235
offense is committed on or after July 1, 1996, or a misdemeanor. 7236

(ii) The case involves a theft offense, as defined in section 7237

2913.01 of the Revised Code, that is a felony of the third or 7238
fourth degree if the offense is committed prior to July 1, 1996, a 7239
felony of the third, fourth, or fifth degree if the offense is 7240
committed on or after July 1, 1996, or a misdemeanor, and the 7241
defendant is drug or alcohol dependent or in danger of becoming 7242
drug or alcohol dependent and would benefit from treatment. 7243

(b) All of the following apply: 7244

(i) The case involves an offense for which a community 7245
control sanction may be imposed or is a case in which a mandatory 7246
prison term or a mandatory jail term is not required to be 7247
imposed. 7248

(ii) The defendant has no history of violent behavior. 7249

(iii) The defendant has no history of mental illness. 7250

(iv) The defendant's current or past behavior, or both, is 7251
drug or alcohol driven. 7252

(v) The defendant demonstrates a sincere willingness to 7253
participate in a fifteen-month treatment process. 7254

(vi) The defendant has no acute health condition. 7255

(vii) If the defendant is incarcerated, the county prosecutor 7256
approves of the referral. 7257

(4) If the administrative judge of the court of common pleas 7258
of Hamilton county determines that the volume of cases pending 7259
before the drug court judge does not constitute a sufficient 7260
caseload for the drug court judge, the administrative judge, in 7261
accordance with the Rules of Superintendence for Courts of Common 7262
Pleas, shall assign individual cases to the drug court judge from 7263
the general docket of the court. If the assignments so occur, the 7264
administrative judge shall cease the assignments when the 7265
administrative judge determines that the volume of cases pending 7266
before the drug court judge constitutes a sufficient caseload for 7267

the drug court judge. 7268

(5) As used in division (B) of this section, "community 7269
control sanction," "mandatory prison term," and "mandatory jail 7270
term" have the same meanings as in section 2929.01 of the Revised 7271
Code. 7272

(C)(1) In Lorain county: 7273

(a) The judges of the court of common pleas whose terms begin 7274
on January 3, 1959, January 4, 1989, and January 2, 1999, and 7275
successors, and the judge of the court of common pleas whose term 7276
begins on February 9, 2009, shall have the same qualifications, 7277
exercise the same powers and jurisdiction, and receive the same 7278
compensation as the other judges of the court of common pleas of 7279
Lorain county and shall be elected and designated as the judges of 7280
the court of common pleas, division of domestic relations. The 7281
judges of the court of common pleas whose terms begin on January 7282
3, 1959, January 4, 1989, and January 2, 1999, and successors, 7283
shall have all of the powers relating to juvenile courts, and all 7284
cases under Chapters 2151. and 2152. of the Revised Code, all 7285
parentage proceedings over which the juvenile court has 7286
jurisdiction, and all divorce, dissolution of marriage, legal 7287
separation, and annulment cases shall be assigned to them, except 7288
cases that for some special reason are assigned to some other 7289
judge of the court of common pleas. From February 9, 2009, through 7290
September 28, 2009, the judge of the court of common pleas whose 7291
term begins on February 9, 2009, shall have all the powers 7292
relating to juvenile courts, and cases under Chapters 2151. and 7293
2152. of the Revised Code, parentage proceedings over which the 7294
juvenile court has jurisdiction, and divorce, dissolution of 7295
marriage, legal separation, and annulment cases shall be assigned 7296
to that judge, except cases that for some special reason are 7297
assigned to some other judge of the court of common pleas. 7298

(b) From January 1, 2006, through September 28, 2009, the 7299

judges of the court of common pleas, division of domestic 7300
relations, in addition to the powers and jurisdiction set forth in 7301
division (C)(1)(a) of this section, shall have jurisdiction over 7302
matters that are within the jurisdiction of the probate court 7303
under Chapter 2101. and other provisions of the Revised Code. 7304
7305

(c) The judge of the court of common pleas, division of 7306
domestic relations, whose term begins on February 9, 2009, is the 7307
successor to the probate judge who was elected in 2002 for a term 7308
that began on February 9, 2003. After September 28, 2009, the 7309
judge of the court of common pleas, division of domestic 7310
relations, whose term begins on February 9, 2009, shall be the 7311
probate judge. 7312

(2)(a) From February 9, 2009, through September 28, 2009, 7313
with respect to Lorain county, all references in law to the 7314
probate court shall be construed as references to the court of 7315
common pleas, division of domestic relations, and all references 7316
to the probate judge shall be construed as references to the 7317
judges of the court of common pleas, division of domestic 7318
relations. 7319

(b) From February 9, 2009, through September 28, 2009, with 7320
respect to Lorain county, all references in law to the clerk of 7321
the probate court shall be construed as references to the judge 7322
who is serving pursuant to Rule 4 of the Rules of Superintendence 7323
for the Courts of Ohio as the administrative judge of the court of 7324
common pleas, division of domestic relations. 7325
7326

(D) In Lucas county: 7327

(1) The judges of the court of common pleas whose terms begin 7328
on January 1, 1955, and January 3, 1965, and successors, shall 7329
have the same qualifications, exercise the same powers and 7330

jurisdiction, and receive the same compensation as other judges of 7331
the court of common pleas of Lucas county and shall be elected and 7332
designated as judges of the court of common pleas, division of 7333
domestic relations. All divorce, dissolution of marriage, legal 7334
separation, and annulment cases shall be assigned to them. 7335

The judge of the division of domestic relations, senior in 7336
point of service, shall be considered as the presiding judge of 7337
the court of common pleas, division of domestic relations, and 7338
shall be charged exclusively with the assignment and division of 7339
the work of the division and the employment and supervision of all 7340
other personnel of the domestic relations division. 7341

(2) The judges of the court of common pleas whose terms begin 7342
on January 5, 1977, and January 2, 1991, and successors shall have 7343
the same qualifications, exercise the same powers and 7344
jurisdiction, and receive the same compensation as other judges of 7345
the court of common pleas of Lucas county, shall be elected and 7346
designated as judges of the court of common pleas, juvenile 7347
division, and shall be the juvenile judges as provided in Chapters 7348
2151. and 2152. of the Revised Code with the powers and 7349
jurisdictions conferred by those chapters. In addition to the 7350
judge's regular duties, the judge of the court of common pleas, 7351
juvenile division, senior in point of service, shall be the 7352
administrator of the juvenile division and its subdivisions and 7353
departments and shall have charge of the employment, assignment, 7354
and supervision of the personnel of the division engaged in 7355
handling, servicing, or investigating juvenile cases, including 7356
any referees considered necessary by the judges of the division in 7357
the discharge of their various duties. 7358

The judge of the court of common pleas, juvenile division, 7359
senior in point of service, also shall designate the title, 7360
compensation, expense allowance, hours, leaves of absence, and 7361
vacation of the personnel of the division and shall fix the duties 7362

of the personnel of the division. The duties of the personnel, in 7363
addition to other statutory duties include the handling, 7364
servicing, and investigation of juvenile cases and counseling and 7365
conciliation services that may be made available to persons 7366
requesting them, whether or not the persons are parties to an 7367
action pending in the division. 7368

(3) If one of the judges of the court of common pleas, 7369
division of domestic relations, or one of the judges of the 7370
juvenile division is sick, absent, or unable to perform that 7371
judge's judicial duties or the volume of cases pending in that 7372
judge's division necessitates it, the duties shall be performed by 7373
the judges of the other of those divisions. 7374

(E) In Mahoning county: 7375

(1) The judge of the court of common pleas whose term began 7376
on January 1, 1955, and successors, shall have the same 7377
qualifications, exercise the same powers and jurisdiction, and 7378
receive the same compensation as other judges of the court of 7379
common pleas of Mahoning county, shall be elected and designated 7380
as judge of the court of common pleas, division of domestic 7381
relations, and shall be assigned all the divorce, dissolution of 7382
marriage, legal separation, and annulment cases coming before the 7383
court. In addition to the judge's regular duties, the judge of the 7384
court of common pleas, division of domestic relations, shall be 7385
the administrator of the domestic relations division and its 7386
subdivisions and departments and shall have charge of the 7387
employment, assignment, and supervision of the personnel of the 7388
division engaged in handling, servicing, or investigating divorce, 7389
dissolution of marriage, legal separation, and annulment cases, 7390
including any referees considered necessary in the discharge of 7391
the various duties of the judge's office. 7392

The judge also shall designate the title, compensation, 7393
expense allowances, hours, leaves of absence, and vacations of the 7394

personnel of the division and shall fix the duties of the 7395
personnel of the division. The duties of the personnel, in 7396
addition to other statutory duties, include the handling, 7397
servicing, and investigation of divorce, dissolution of marriage, 7398
legal separation, and annulment cases and counseling and 7399
conciliation services that may be made available to persons 7400
requesting them, whether or not the persons are parties to an 7401
action pending in the division. 7402

(2) The judge of the court of common pleas whose term began 7403
on January 2, 1969, and successors, shall have the same 7404
qualifications, exercise the same powers and jurisdiction, and 7405
receive the same compensation as other judges of the court of 7406
common pleas of Mahoning county, shall be elected and designated 7407
as judge of the court of common pleas, juvenile division, and 7408
shall be the juvenile judge as provided in Chapters 2151. and 7409
2152. of the Revised Code, with the powers and jurisdictions 7410
conferred by those chapters. In addition to the judge's regular 7411
duties, the judge of the court of common pleas, juvenile division, 7412
shall be the administrator of the juvenile division and its 7413
subdivisions and departments and shall have charge of the 7414
employment, assignment, and supervision of the personnel of the 7415
division engaged in handling, servicing, or investigating juvenile 7416
cases, including any referees considered necessary by the judge in 7417
the discharge of the judge's various duties. 7418

The judge also shall designate the title, compensation, 7419
expense allowances, hours, leaves of absence, and vacation of the 7420
personnel of the division and shall fix the duties of the 7421
personnel of the division. The duties of the personnel, in 7422
addition to other statutory duties, include the handling, 7423
servicing, and investigation of juvenile cases and counseling and 7424
conciliation services that may be made available to persons 7425
requesting them, whether or not the persons are parties to an 7426

action pending in the division. 7427

(3) If a judge of the court of common pleas, division of 7428
domestic relations or juvenile division, is sick, absent, or 7429
unable to perform that judge's judicial duties, or the volume of 7430
cases pending in that judge's division necessitates it, that 7431
judge's duties shall be performed by another judge of the court of 7432
common pleas. 7433

(F) In Montgomery county: 7434

(1) The judges of the court of common pleas whose terms begin 7435
on January 2, 1953, and January 4, 1977, and successors, shall 7436
have the same qualifications, exercise the same powers and 7437
jurisdiction, and receive the same compensation as other judges of 7438
the court of common pleas of Montgomery county and shall be 7439
elected and designated as judges of the court of common pleas, 7440
division of domestic relations. These judges shall have assigned 7441
to them all divorce, dissolution of marriage, legal separation, 7442
and annulment cases. 7443

The judge of the division of domestic relations, senior in 7444
point of service, shall be charged exclusively with the assignment 7445
and division of the work of the division and shall have charge of 7446
the employment and supervision of the personnel of the division 7447
engaged in handling, servicing, or investigating divorce, 7448
dissolution of marriage, legal separation, and annulment cases, 7449
including any necessary referees, except those employees who may 7450
be appointed by the judge, junior in point of service, under this 7451
section and sections 2301.12, 2301.18, and 2301.19 of the Revised 7452
Code. The judge of the division of domestic relations, senior in 7453
point of service, also shall designate the title, compensation, 7454
expense allowances, hours, leaves of absence, and vacation of the 7455
personnel of the division and shall fix their duties. 7456

(2) The judges of the court of common pleas whose terms begin 7457

on January 1, 1953, and January 1, 1993, and successors, shall 7458
have the same qualifications, exercise the same powers and 7459
jurisdiction, and receive the same compensation as other judges of 7460
the court of common pleas of Montgomery county, shall be elected 7461
and designated as judges of the court of common pleas, juvenile 7462
division, and shall be, and have the powers and jurisdiction of, 7463
the juvenile judge as provided in Chapters 2151. and 2152. of the 7464
Revised Code. 7465

In addition to the judge's regular duties, the judge of the 7466
court of common pleas, juvenile division, senior in point of 7467
service, shall be the administrator of the juvenile division and 7468
its subdivisions and departments and shall have charge of the 7469
employment, assignment, and supervision of the personnel of the 7470
juvenile division, including any necessary referees, who are 7471
engaged in handling, servicing, or investigating juvenile cases. 7472
The judge, senior in point of service, also shall designate the 7473
title, compensation, expense allowances, hours, leaves of absence, 7474
and vacation of the personnel of the division and shall fix their 7475
duties. The duties of the personnel, in addition to other 7476
statutory duties, shall include the handling, servicing, and 7477
investigation of juvenile cases and of any counseling and 7478
conciliation services that are available upon request to persons, 7479
whether or not they are parties to an action pending in the 7480
division. 7481

If one of the judges of the court of common pleas, division 7482
of domestic relations, or one of the judges of the court of common 7483
pleas, juvenile division, is sick, absent, or unable to perform 7484
that judge's duties or the volume of cases pending in that judge's 7485
division necessitates it, the duties of that judge may be 7486
performed by the judge or judges of the other of those divisions. 7487

(G) In Richland county: 7488

(1) The judge of the court of common pleas whose term begins 7489

on January 1, 1957, and successors, shall have the same 7490
qualifications, exercise the same powers and jurisdiction, and 7491
receive the same compensation as the other judges of the court of 7492
common pleas of Richland county and shall be elected and 7493
designated as judge of the court of common pleas, division of 7494
domestic relations. That judge shall be assigned and hear all 7495
divorce, dissolution of marriage, legal separation, and annulment 7496
cases, all domestic violence cases arising under section 3113.31 7497
of the Revised Code, and all post-decree proceedings arising from 7498
any case pertaining to any of those matters. The division of 7499
domestic relations has concurrent jurisdiction with the juvenile 7500
division of the court of common pleas of Richland county to 7501
determine the care, custody, or control of any child not a ward of 7502
another court of this state, and to hear and determine a request 7503
for an order for the support of any child if the request is not 7504
ancillary to an action for divorce, dissolution of marriage, 7505
annulment, or legal separation, a criminal or civil action 7506
involving an allegation of domestic violence, or an action for 7507
support brought under Chapter 3115. of the Revised Code. Except in 7508
cases that are subject to the exclusive original jurisdiction of 7509
the juvenile court, the judge of the division of domestic 7510
relations shall be assigned and hear all cases pertaining to 7511
paternity or parentage, the care, custody, or control of children, 7512
parenting time or visitation, child support, or the allocation of 7513
parental rights and responsibilities for the care of children, all 7514
proceedings arising under Chapter 3111. of the Revised Code, all 7515
proceedings arising under the uniform interstate family support 7516
act contained in Chapter 3115. of the Revised Code, and all 7517
post-decree proceedings arising from any case pertaining to any of 7518
those matters. 7519

In addition to the judge's regular duties, the judge of the 7520
court of common pleas, division of domestic relations, shall be 7521
the administrator of the domestic relations division and its 7522

subdivisions and departments. The judge shall have charge of the 7523
employment, assignment, and supervision of the personnel of the 7524
domestic relations division, including any magistrates the judge 7525
considers necessary for the discharge of the judge's duties. The 7526
judge shall also designate the title, compensation, expense 7527
allowances, hours, leaves of absence, vacation, and other 7528
employment-related matters of the personnel of the division and 7529
shall fix their duties. 7530

(2) The judge of the court of common pleas whose term begins 7531
on January 3, 2005, and successors, shall have the same 7532
qualifications, exercise the same powers and jurisdiction, and 7533
receive the same compensation as other judges of the court of 7534
common pleas of Richland county, shall be elected and designated 7535
as judge of the court of common pleas, juvenile division, and 7536
shall be, and have the powers and jurisdiction of, the juvenile 7537
judge as provided in Chapters 2151. and 2152. of the Revised Code. 7538
Except in cases that are subject to the exclusive original 7539
jurisdiction of the juvenile court, the judge of the juvenile 7540
division shall not have jurisdiction or the power to hear, and 7541
shall not be assigned, any case pertaining to paternity or 7542
parentage, the care, custody, or control of children, parenting 7543
time or visitation, child support, or the allocation of parental 7544
rights and responsibilities for the care of children or any 7545
post-decree proceeding arising from any case pertaining to any of 7546
those matters. The judge of the juvenile division shall not have 7547
jurisdiction or the power to hear, and shall not be assigned, any 7548
proceeding under the uniform interstate family support act 7549
contained in Chapter 3115. of the Revised Code. 7550

In addition to the judge's regular duties, the judge of the 7551
juvenile division shall be the administrator of the juvenile 7552
division and its subdivisions and departments. The judge shall 7553
have charge of the employment, assignment, and supervision of the 7554

personnel of the juvenile division who are engaged in handling, 7555
servicing, or investigating juvenile cases, including any 7556
magistrates whom the judge considers necessary for the discharge 7557
of the judge's various duties. 7558

The judge of the juvenile division also shall designate the 7559
title, compensation, expense allowances, hours, leaves of absence, 7560
and vacation of the personnel of the division and shall fix their 7561
duties. The duties of the personnel, in addition to other 7562
statutory duties, include the handling, servicing, and 7563
investigation of juvenile cases and providing any counseling, 7564
conciliation, and mediation services that the court makes 7565
available to persons, whether or not the persons are parties to an 7566
action pending in the court, who request the services. 7567

(H) In Stark county, the judges of the court of common pleas 7568
whose terms begin on January 1, 1953, January 2, 1959, and January 7569
1, 1993, and successors, shall have the same qualifications, 7570
exercise the same powers and jurisdiction, and receive the same 7571
compensation as other judges of the court of common pleas of Stark 7572
county and shall be elected and designated as judges of the court 7573
of common pleas, division of domestic relations. They shall have 7574
all the powers relating to juvenile courts, and all cases under 7575
Chapters 2151. and 2152. of the Revised Code, all parentage 7576
proceedings over which the juvenile court has jurisdiction, and 7577
all divorce, dissolution of marriage, legal separation, and 7578
annulment cases, except cases that are assigned to some other 7579
judge of the court of common pleas for some special reason, shall 7580
be assigned to the judges. 7581

The judge of the division of domestic relations, second most 7582
senior in point of service, shall have charge of the employment 7583
and supervision of the personnel of the division engaged in 7584
handling, servicing, or investigating divorce, dissolution of 7585
marriage, legal separation, and annulment cases, and necessary 7586

referees required for the judge's respective court. 7587

The judge of the division of domestic relations, senior in 7588
point of service, shall be charged exclusively with the 7589
administration of sections 2151.13, 2151.16, 2151.17, and 2152.71 7590
of the Revised Code and with the assignment and division of the 7591
work of the division and the employment and supervision of all 7592
other personnel of the division, including, but not limited to, 7593
that judge's necessary referees, but excepting those employees who 7594
may be appointed by the judge second most senior in point of 7595
service. The senior judge further shall serve in every other 7596
position in which the statutes permit or require a juvenile judge 7597
to serve. 7598

(I) In Summit county: 7599

(1) The judges of the court of common pleas whose terms begin 7600
on January 4, 1967, and January 6, 1993, and successors, shall 7601
have the same qualifications, exercise the same powers and 7602
jurisdiction, and receive the same compensation as other judges of 7603
the court of common pleas of Summit county and shall be elected 7604
and designated as judges of the court of common pleas, division of 7605
domestic relations. The judges of the division of domestic 7606
relations shall have assigned to them and hear all divorce, 7607
dissolution of marriage, legal separation, and annulment cases 7608
that come before the court. Except in cases that are subject to 7609
the exclusive original jurisdiction of the juvenile court, the 7610
judges of the division of domestic relations shall have assigned 7611
to them and hear all cases pertaining to paternity, custody, 7612
visitation, child support, or the allocation of parental rights 7613
and responsibilities for the care of children and all post-decree 7614
proceedings arising from any case pertaining to any of those 7615
matters. The judges of the division of domestic relations shall 7616
have assigned to them and hear all proceedings under the uniform 7617
interstate family support act contained in Chapter 3115. of the 7618

Revised Code. 7619

The judge of the division of domestic relations, senior in 7620
point of service, shall be the administrator of the domestic 7621
relations division and its subdivisions and departments and shall 7622
have charge of the employment, assignment, and supervision of the 7623
personnel of the division, including any necessary referees, who 7624
are engaged in handling, servicing, or investigating divorce, 7625
dissolution of marriage, legal separation, and annulment cases. 7626
That judge also shall designate the title, compensation, expense 7627
allowances, hours, leaves of absence, and vacations of the 7628
personnel of the division and shall fix their duties. The duties 7629
of the personnel, in addition to other statutory duties, shall 7630
include the handling, servicing, and investigation of divorce, 7631
dissolution of marriage, legal separation, and annulment cases and 7632
of any counseling and conciliation services that are available 7633
upon request to all persons, whether or not they are parties to an 7634
action pending in the division. 7635

(2) The judge of the court of common pleas whose term begins 7636
on January 1, 1955, and successors, shall have the same 7637
qualifications, exercise the same powers and jurisdiction, and 7638
receive the same compensation as other judges of the court of 7639
common pleas of Summit county, shall be elected and designated as 7640
judge of the court of common pleas, juvenile division, and shall 7641
be, and have the powers and jurisdiction of, the juvenile judge as 7642
provided in Chapters 2151. and 2152. of the Revised Code. Except 7643
in cases that are subject to the exclusive original jurisdiction 7644
of the juvenile court, the judge of the juvenile division shall 7645
not have jurisdiction or the power to hear, and shall not be 7646
assigned, any case pertaining to paternity, custody, visitation, 7647
child support, or the allocation of parental rights and 7648
responsibilities for the care of children or any post-decree 7649
proceeding arising from any case pertaining to any of those 7650

matters. The judge of the juvenile division shall not have 7651
jurisdiction or the power to hear, and shall not be assigned, any 7652
proceeding under the uniform interstate family support act 7653
contained in Chapter 3115. of the Revised Code. 7654

The juvenile judge shall be the administrator of the juvenile 7655
division and its subdivisions and departments and shall have 7656
charge of the employment, assignment, and supervision of the 7657
personnel of the juvenile division, including any necessary 7658
referees, who are engaged in handling, servicing, or investigating 7659
juvenile cases. The judge also shall designate the title, 7660
compensation, expense allowances, hours, leaves of absence, and 7661
vacation of the personnel of the division and shall fix their 7662
duties. The duties of the personnel, in addition to other 7663
statutory duties, shall include the handling, servicing, and 7664
investigation of juvenile cases and of any counseling and 7665
conciliation services that are available upon request to persons, 7666
whether or not they are parties to an action pending in the 7667
division. 7668

(J) In Trumbull county, the judges of the court of common 7669
pleas whose terms begin on January 1, 1953, and January 2, 1977, 7670
and successors, shall have the same qualifications, exercise the 7671
same powers and jurisdiction, and receive the same compensation as 7672
other judges of the court of common pleas of Trumbull county and 7673
shall be elected and designated as judges of the court of common 7674
pleas, division of domestic relations. They shall have all the 7675
powers relating to juvenile courts, and all cases under Chapters 7676
2151. and 2152. of the Revised Code, all parentage proceedings 7677
over which the juvenile court has jurisdiction, and all divorce, 7678
dissolution of marriage, legal separation, and annulment cases 7679
shall be assigned to them, except cases that for some special 7680
reason are assigned to some other judge of the court of common 7681
pleas. 7682

(K) In Butler county: 7683

(1) The judges of the court of common pleas whose terms begin 7684
on January 1, 1957, and January 4, 1993, and successors, shall 7685
have the same qualifications, exercise the same powers and 7686
jurisdiction, and receive the same compensation as other judges of 7687
the court of common pleas of Butler county and shall be elected 7688
and designated as judges of the court of common pleas, division of 7689
domestic relations. The judges of the division of domestic 7690
relations shall have assigned to them all divorce, dissolution of 7691
marriage, legal separation, and annulment cases coming before the 7692
court, except in cases that for some special reason are assigned 7693
to some other judge of the court of common pleas. The judge senior 7694
in point of service shall be charged with the assignment and 7695
division of the work of the division and with the employment and 7696
supervision of all other personnel of the domestic relations 7697
division. 7698

The judge senior in point of service also shall designate the 7699
title, compensation, expense allowances, hours, leaves of absence, 7700
and vacations of the personnel of the division and shall fix their 7701
duties. The duties of the personnel, in addition to other 7702
statutory duties, shall include the handling, servicing, and 7703
investigation of divorce, dissolution of marriage, legal 7704
separation, and annulment cases and providing any counseling and 7705
conciliation services that the division makes available to 7706
persons, whether or not the persons are parties to an action 7707
pending in the division, who request the services. 7708

(2) The judges of the court of common pleas whose terms begin 7709
on January 3, 1987, and January 2, 2003, and successors, shall 7710
have the same qualifications, exercise the same powers and 7711
jurisdiction, and receive the same compensation as other judges of 7712
the court of common pleas of Butler county, shall be elected and 7713
designated as judges of the court of common pleas, juvenile 7714

division, and shall be the juvenile judges as provided in Chapters 7715
2151. and 2152. of the Revised Code, with the powers and 7716
jurisdictions conferred by those chapters. The judge of the court 7717
of common pleas, juvenile division, who is senior in point of 7718
service, shall be the administrator of the juvenile division and 7719
its subdivisions and departments. The judge, senior in point of 7720
service, shall have charge of the employment, assignment, and 7721
supervision of the personnel of the juvenile division who are 7722
engaged in handling, servicing, or investigating juvenile cases, 7723
including any referees whom the judge considers necessary for the 7724
discharge of the judge's various duties. 7725

The judge, senior in point of service, also shall designate 7726
the title, compensation, expense allowances, hours, leaves of 7727
absence, and vacation of the personnel of the division and shall 7728
fix their duties. The duties of the personnel, in addition to 7729
other statutory duties, include the handling, servicing, and 7730
investigation of juvenile cases and providing any counseling and 7731
conciliation services that the division makes available to 7732
persons, whether or not the persons are parties to an action 7733
pending in the division, who request the services. 7734

(3) If a judge of the court of common pleas, division of 7735
domestic relations or juvenile division, is sick, absent, or 7736
unable to perform that judge's judicial duties or the volume of 7737
cases pending in the judge's division necessitates it, the duties 7738
of that judge shall be performed by the other judges of the 7739
domestic relations and juvenile divisions. 7740

(L)(1) In Cuyahoga county, the judges of the court of common 7741
pleas whose terms begin on January 8, 1961, January 9, 1961, 7742
January 18, 1975, January 19, 1975, and January 13, 1987, and 7743
successors, shall have the same qualifications, exercise the same 7744
powers and jurisdiction, and receive the same compensation as 7745
other judges of the court of common pleas of Cuyahoga county and 7746

shall be elected and designated as judges of the court of common 7747
pleas, division of domestic relations. They shall have all the 7748
powers relating to all divorce, dissolution of marriage, legal 7749
separation, and annulment cases, except in cases that are assigned 7750
to some other judge of the court of common pleas for some special 7751
reason. 7752

(2) The administrative judge is administrator of the domestic 7753
relations division and its subdivisions and departments and has 7754
the following powers concerning division personnel: 7755

(a) Full charge of the employment, assignment, and 7756
supervision; 7757

(b) Sole determination of compensation, duties, expenses, 7758
allowances, hours, leaves, and vacations. 7759

(3) "Division personnel" include persons employed or referees 7760
engaged in hearing, servicing, investigating, counseling, or 7761
conciliating divorce, dissolution of marriage, legal separation 7762
and annulment matters. 7763

(M) In Lake county: 7764

(1) The judge of the court of common pleas whose term begins 7765
on January 2, 1961, and successors, shall have the same 7766
qualifications, exercise the same powers and jurisdiction, and 7767
receive the same compensation as the other judges of the court of 7768
common pleas of Lake county and shall be elected and designated as 7769
judge of the court of common pleas, division of domestic 7770
relations. The judge shall be assigned all the divorce, 7771
dissolution of marriage, legal separation, and annulment cases 7772
coming before the court, except in cases that for some special 7773
reason are assigned to some other judge of the court of common 7774
pleas. The judge shall be charged with the assignment and division 7775
of the work of the division and with the employment and 7776
supervision of all other personnel of the domestic relations 7777

division. 7778

The judge also shall designate the title, compensation, 7779
expense allowances, hours, leaves of absence, and vacations of the 7780
personnel of the division and shall fix their duties. The duties 7781
of the personnel, in addition to other statutory duties, shall 7782
include the handling, servicing, and investigation of divorce, 7783
dissolution of marriage, legal separation, and annulment cases and 7784
providing any counseling and conciliation services that the 7785
division makes available to persons, whether or not the persons 7786
are parties to an action pending in the division, who request the 7787
services. 7788

(2) The judge of the court of common pleas whose term begins 7789
on January 4, 1979, and successors, shall have the same 7790
qualifications, exercise the same powers and jurisdiction, and 7791
receive the same compensation as other judges of the court of 7792
common pleas of Lake county, shall be elected and designated as 7793
judge of the court of common pleas, juvenile division, and shall 7794
be the juvenile judge as provided in Chapters 2151. and 2152. of 7795
the Revised Code, with the powers and jurisdictions conferred by 7796
those chapters. The judge of the court of common pleas, juvenile 7797
division, shall be the administrator of the juvenile division and 7798
its subdivisions and departments. The judge shall have charge of 7799
the employment, assignment, and supervision of the personnel of 7800
the juvenile division who are engaged in handling, servicing, or 7801
investigating juvenile cases, including any referees whom the 7802
judge considers necessary for the discharge of the judge's various 7803
duties. 7804

The judge also shall designate the title, compensation, 7805
expense allowances, hours, leaves of absence, and vacation of the 7806
personnel of the division and shall fix their duties. The duties 7807
of the personnel, in addition to other statutory duties, include 7808
the handling, servicing, and investigation of juvenile cases and 7809

providing any counseling and conciliation services that the 7810
division makes available to persons, whether or not the persons 7811
are parties to an action pending in the division, who request the 7812
services. 7813

(3) If a judge of the court of common pleas, division of 7814
domestic relations or juvenile division, is sick, absent, or 7815
unable to perform that judge's judicial duties or the volume of 7816
cases pending in the judge's division necessitates it, the duties 7817
of that judge shall be performed by the other judges of the 7818
domestic relations and juvenile divisions. 7819

(N) In Erie county: 7820

(1) The judge of the court of common pleas whose term begins 7821
on January 2, 1971, and the successors to that judge whose terms 7822
begin before January 2, 2007, shall have the same qualifications, 7823
exercise the same powers and jurisdiction, and receive the same 7824
compensation as the other judge of the court of common pleas of 7825
Erie county and shall be elected and designated as judge of the 7826
court of common pleas, division of domestic relations. The judge 7827
shall have all the powers relating to juvenile courts, and shall 7828
be assigned all cases under Chapters 2151. and 2152. of the 7829
Revised Code, parentage proceedings over which the juvenile court 7830
has jurisdiction, and divorce, dissolution of marriage, legal 7831
separation, and annulment cases, except cases that for some 7832
special reason are assigned to some other judge. 7833

On or after January 2, 2007, the judge of the court of common 7834
pleas who is elected in 2006 shall be the successor to the judge 7835
of the domestic relations division whose term expires on January 7836
1, 2007, shall be designated as judge of the court of common 7837
pleas, juvenile division, and shall be the juvenile judge as 7838
provided in Chapters 2151. and 2152. of the Revised Code with the 7839
powers and jurisdictions conferred by those chapters. 7840

(2) The judge of the court of common pleas, general division, 7841
whose term begins on January 1, 2005, and successors, the judge of 7842
the court of common pleas, general division whose term begins on 7843
January 2, 2005, and successors, and the judge of the court of 7844
common pleas, general division, whose term begins February 9, 7845
2009, and successors, shall have assigned to them, in addition to 7846
all matters that are within the jurisdiction of the general 7847
division of the court of common pleas, all divorce, dissolution of 7848
marriage, legal separation, and annulment cases coming before the 7849
court, and all matters that are within the jurisdiction of the 7850
probate court under Chapter 2101., and other provisions, of the 7851
Revised Code. 7852

(O) In Greene county: 7853

(1) The judge of the court of common pleas whose term begins 7854
on January 1, 1961, and successors, shall have the same 7855
qualifications, exercise the same powers and jurisdiction, and 7856
receive the same compensation as the other judges of the court of 7857
common pleas of Greene county and shall be elected and designated 7858
as the judge of the court of common pleas, division of domestic 7859
relations. The judge shall be assigned all divorce, dissolution of 7860
marriage, legal separation, annulment, uniform reciprocal support 7861
enforcement, and domestic violence cases and all other cases 7862
related to domestic relations, except cases that for some special 7863
reason are assigned to some other judge of the court of common 7864
pleas. 7865

The judge shall be charged with the assignment and division 7866
of the work of the division and with the employment and 7867
supervision of all other personnel of the division. The judge also 7868
shall designate the title, compensation, hours, leaves of absence, 7869
and vacations of the personnel of the division and shall fix their 7870
duties. The duties of the personnel of the division, in addition 7871
to other statutory duties, shall include the handling, servicing, 7872

and investigation of divorce, dissolution of marriage, legal 7873
separation, and annulment cases and the provision of counseling 7874
and conciliation services that the division considers necessary 7875
and makes available to persons who request the services, whether 7876
or not the persons are parties in an action pending in the 7877
division. The compensation for the personnel shall be paid from 7878
the overall court budget and shall be included in the 7879
appropriations for the existing judges of the general division of 7880
the court of common pleas. 7881

(2) The judge of the court of common pleas whose term begins 7882
on January 1, 1995, and successors, shall have the same 7883
qualifications, exercise the same powers and jurisdiction, and 7884
receive the same compensation as the other judges of the court of 7885
common pleas of Greene county, shall be elected and designated as 7886
judge of the court of common pleas, juvenile division, and, on or 7887
after January 1, 1995, shall be the juvenile judge as provided in 7888
Chapters 2151. and 2152. of the Revised Code with the powers and 7889
jurisdiction conferred by those chapters. The judge of the court 7890
of common pleas, juvenile division, shall be the administrator of 7891
the juvenile division and its subdivisions and departments. The 7892
judge shall have charge of the employment, assignment, and 7893
supervision of the personnel of the juvenile division who are 7894
engaged in handling, servicing, or investigating juvenile cases, 7895
including any referees whom the judge considers necessary for the 7896
discharge of the judge's various duties. 7897

The judge also shall designate the title, compensation, 7898
expense allowances, hours, leaves of absence, and vacation of the 7899
personnel of the division and shall fix their duties. The duties 7900
of the personnel, in addition to other statutory duties, include 7901
the handling, servicing, and investigation of juvenile cases and 7902
providing any counseling and conciliation services that the court 7903
makes available to persons, whether or not the persons are parties 7904

to an action pending in the court, who request the services. 7905

(3) If one of the judges of the court of common pleas, 7906
general division, is sick, absent, or unable to perform that 7907
judge's judicial duties or the volume of cases pending in the 7908
general division necessitates it, the duties of that judge of the 7909
general division shall be performed by the judge of the division 7910
of domestic relations and the judge of the juvenile division. 7911

(P) In Portage county, the judge of the court of common 7912
pleas, whose term begins January 2, 1987, and successors, shall 7913
have the same qualifications, exercise the same powers and 7914
jurisdiction, and receive the same compensation as the other 7915
judges of the court of common pleas of Portage county and shall be 7916
elected and designated as judge of the court of common pleas, 7917
division of domestic relations. The judge shall be assigned all 7918
divorce, dissolution of marriage, legal separation, and annulment 7919
cases coming before the court, except in cases that for some 7920
special reason are assigned to some other judge of the court of 7921
common pleas. The judge shall be charged with the assignment and 7922
division of the work of the division and with the employment and 7923
supervision of all other personnel of the domestic relations 7924
division. 7925

The judge also shall designate the title, compensation, 7926
expense allowances, hours, leaves of absence, and vacations of the 7927
personnel of the division and shall fix their duties. The duties 7928
of the personnel, in addition to other statutory duties, shall 7929
include the handling, servicing, and investigation of divorce, 7930
dissolution of marriage, legal separation, and annulment cases and 7931
providing any counseling and conciliation services that the 7932
division makes available to persons, whether or not the persons 7933
are parties to an action pending in the division, who request the 7934
services. 7935

(Q) In Clermont county, the judge of the court of common 7936

pleas, whose term begins January 2, 1987, and successors, shall 7937
have the same qualifications, exercise the same powers and 7938
jurisdiction, and receive the same compensation as the other 7939
judges of the court of common pleas of Clermont county and shall 7940
be elected and designated as judge of the court of common pleas, 7941
division of domestic relations. The judge shall be assigned all 7942
divorce, dissolution of marriage, legal separation, and annulment 7943
cases coming before the court, except in cases that for some 7944
special reason are assigned to some other judge of the court of 7945
common pleas. The judge shall be charged with the assignment and 7946
division of the work of the division and with the employment and 7947
supervision of all other personnel of the domestic relations 7948
division. 7949

The judge also shall designate the title, compensation, 7950
expense allowances, hours, leaves of absence, and vacations of the 7951
personnel of the division and shall fix their duties. The duties 7952
of the personnel, in addition to other statutory duties, shall 7953
include the handling, servicing, and investigation of divorce, 7954
dissolution of marriage, legal separation, and annulment cases and 7955
providing any counseling and conciliation services that the 7956
division makes available to persons, whether or not the persons 7957
are parties to an action pending in the division, who request the 7958
services. 7959

(R) In Warren county, the judge of the court of common pleas, 7960
whose term begins January 1, 1987, and successors, shall have the 7961
same qualifications, exercise the same powers and jurisdiction, 7962
and receive the same compensation as the other judges of the court 7963
of common pleas of Warren county and shall be elected and 7964
designated as judge of the court of common pleas, division of 7965
domestic relations. The judge shall be assigned all divorce, 7966
dissolution of marriage, legal separation, and annulment cases 7967
coming before the court, except in cases that for some special 7968

reason are assigned to some other judge of the court of common 7969
pleas. The judge shall be charged with the assignment and division 7970
of the work of the division and with the employment and 7971
supervision of all other personnel of the domestic relations 7972
division. 7973

The judge also shall designate the title, compensation, 7974
expense allowances, hours, leaves of absence, and vacations of the 7975
personnel of the division and shall fix their duties. The duties 7976
of the personnel, in addition to other statutory duties, shall 7977
include the handling, servicing, and investigation of divorce, 7978
dissolution of marriage, legal separation, and annulment cases and 7979
providing any counseling and conciliation services that the 7980
division makes available to persons, whether or not the persons 7981
are parties to an action pending in the division, who request the 7982
services. 7983

(S) In Licking county, the judges of the court of common 7984
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 7985
and successors, shall have the same qualifications, exercise the 7986
same powers and jurisdiction, and receive the same compensation as 7987
the other judges of the court of common pleas of Licking county 7988
and shall be elected and designated as judges of the court of 7989
common pleas, division of domestic relations. The judges shall be 7990
assigned all divorce, dissolution of marriage, legal separation, 7991
and annulment cases, all cases arising under Chapter 3111. of the 7992
Revised Code, all proceedings involving child support, the 7993
allocation of parental rights and responsibilities for the care of 7994
children and the designation for the children of a place of 7995
residence and legal custodian, parenting time, and visitation, and 7996
all post-decree proceedings and matters arising from those cases 7997
and proceedings, except in cases that for some special reason are 7998
assigned to another judge of the court of common pleas. The 7999
administrative judge of the division of domestic relations shall 8000

be charged with the assignment and division of the work of the 8001
division and with the employment and supervision of the personnel 8002
of the division. 8003

The administrative judge of the division of domestic 8004
relations shall designate the title, compensation, expense 8005
allowances, hours, leaves of absence, and vacations of the 8006
personnel of the division and shall fix the duties of the 8007
personnel of the division. The duties of the personnel of the 8008
division, in addition to other statutory duties, shall include the 8009
handling, servicing, and investigation of divorce, dissolution of 8010
marriage, legal separation, and annulment cases, cases arising 8011
under Chapter 3111. of the Revised Code, and proceedings involving 8012
child support, the allocation of parental rights and 8013
responsibilities for the care of children and the designation for 8014
the children of a place of residence and legal custodian, 8015
parenting time, and visitation and providing any counseling and 8016
conciliation services that the division makes available to 8017
persons, whether or not the persons are parties to an action 8018
pending in the division, who request the services. 8019

(T) In Allen county, the judge of the court of common pleas, 8020
whose term begins January 1, 1993, and successors, shall have the 8021
same qualifications, exercise the same powers and jurisdiction, 8022
and receive the same compensation as the other judges of the court 8023
of common pleas of Allen county and shall be elected and 8024
designated as judge of the court of common pleas, division of 8025
domestic relations. The judge shall be assigned all divorce, 8026
dissolution of marriage, legal separation, and annulment cases, 8027
all cases arising under Chapter 3111. of the Revised Code, all 8028
proceedings involving child support, the allocation of parental 8029
rights and responsibilities for the care of children and the 8030
designation for the children of a place of residence and legal 8031
custodian, parenting time, and visitation, and all post-decree 8032

proceedings and matters arising from those cases and proceedings, 8033
except in cases that for some special reason are assigned to 8034
another judge of the court of common pleas. The judge shall be 8035
charged with the assignment and division of the work of the 8036
division and with the employment and supervision of the personnel 8037
of the division. 8038

The judge shall designate the title, compensation, expense 8039
allowances, hours, leaves of absence, and vacations of the 8040
personnel of the division and shall fix the duties of the 8041
personnel of the division. The duties of the personnel of the 8042
division, in addition to other statutory duties, shall include the 8043
handling, servicing, and investigation of divorce, dissolution of 8044
marriage, legal separation, and annulment cases, cases arising 8045
under Chapter 3111. of the Revised Code, and proceedings involving 8046
child support, the allocation of parental rights and 8047
responsibilities for the care of children and the designation for 8048
the children of a place of residence and legal custodian, 8049
parenting time, and visitation, and providing any counseling and 8050
conciliation services that the division makes available to 8051
persons, whether or not the persons are parties to an action 8052
pending in the division, who request the services. 8053

(U) In Medina county, the judge of the court of common pleas 8054
whose term begins January 1, 1995, and successors, shall have the 8055
same qualifications, exercise the same powers and jurisdiction, 8056
and receive the same compensation as other judges of the court of 8057
common pleas of Medina county and shall be elected and designated 8058
as judge of the court of common pleas, division of domestic 8059
relations. The judge shall be assigned all divorce, dissolution of 8060
marriage, legal separation, and annulment cases, all cases arising 8061
under Chapter 3111. of the Revised Code, all proceedings involving 8062
child support, the allocation of parental rights and 8063
responsibilities for the care of children and the designation for 8064

the children of a place of residence and legal custodian, 8065
parenting time, and visitation, and all post-decree proceedings 8066
and matters arising from those cases and proceedings, except in 8067
cases that for some special reason are assigned to another judge 8068
of the court of common pleas. The judge shall be charged with the 8069
assignment and division of the work of the division and with the 8070
employment and supervision of the personnel of the division. 8071

The judge shall designate the title, compensation, expense 8072
allowances, hours, leaves of absence, and vacations of the 8073
personnel of the division and shall fix the duties of the 8074
personnel of the division. The duties of the personnel, in 8075
addition to other statutory duties, include the handling, 8076
servicing, and investigation of divorce, dissolution of marriage, 8077
legal separation, and annulment cases, cases arising under Chapter 8078
3111. of the Revised Code, and proceedings involving child 8079
support, the allocation of parental rights and responsibilities 8080
for the care of children and the designation for the children of a 8081
place of residence and legal custodian, parenting time, and 8082
visitation, and providing counseling and conciliation services 8083
that the division makes available to persons, whether or not the 8084
persons are parties to an action pending in the division, who 8085
request the services. 8086

(V) In Fairfield county, the judge of the court of common 8087
pleas whose term begins January 2, 1995, and successors, shall 8088
have the same qualifications, exercise the same powers and 8089
jurisdiction, and receive the same compensation as the other 8090
judges of the court of common pleas of Fairfield county and shall 8091
be elected and designated as judge of the court of common pleas, 8092
division of domestic relations. The judge shall be assigned all 8093
divorce, dissolution of marriage, legal separation, and annulment 8094
cases, all cases arising under Chapter 3111. of the Revised Code, 8095
all proceedings involving child support, the allocation of 8096

parental rights and responsibilities for the care of children and 8097
the designation for the children of a place of residence and legal 8098
custodian, parenting time, and visitation, and all post-decree 8099
proceedings and matters arising from those cases and proceedings, 8100
except in cases that for some special reason are assigned to 8101
another judge of the court of common pleas. The judge also has 8102
concurrent jurisdiction with the probate-juvenile division of the 8103
court of common pleas of Fairfield county with respect to and may 8104
hear cases to determine the custody of a child, as defined in 8105
section ~~2151.011~~ 2151.03 of the Revised Code, who is not the ward 8106
of another court of this state, cases that are commenced by a 8107
parent, guardian, or custodian of a child, as defined in section 8108
~~2151.011~~ 2151.03 of the Revised Code, to obtain an order requiring 8109
a parent of the child to pay child support for that child when the 8110
request for that order is not ancillary to an action for divorce, 8111
dissolution of marriage, annulment, or legal separation, a 8112
criminal or civil action involving an allegation of domestic 8113
violence, an action for support under Chapter 3115. of the Revised 8114
Code, or an action that is within the exclusive original 8115
jurisdiction of the probate-juvenile division of the court of 8116
common pleas of Fairfield county and that involves an allegation 8117
that the child is ~~an abused, neglected, or dependent~~ a child in
need of protective services, and post-decree proceedings and 8118
matters arising from those types of cases. 8119
8120

The judge of the domestic relations division shall be charged 8121
with the assignment and division of the work of the division and 8122
with the employment and supervision of the personnel of the 8123
division. 8124

The judge shall designate the title, compensation, expense 8125
allowances, hours, leaves of absence, and vacations of the 8126
personnel of the division and shall fix the duties of the 8127
personnel of the division. The duties of the personnel of the 8128

division, in addition to other statutory duties, shall include the 8129
handling, servicing, and investigation of divorce, dissolution of 8130
marriage, legal separation, and annulment cases, cases arising 8131
under Chapter 3111. of the Revised Code, and proceedings involving 8132
child support, the allocation of parental rights and 8133
responsibilities for the care of children and the designation for 8134
the children of a place of residence and legal custodian, 8135
parenting time, and visitation, and providing any counseling and 8136
conciliation services that the division makes available to 8137
persons, regardless of whether the persons are parties to an 8138
action pending in the division, who request the services. When the 8139
judge hears a case to determine the custody of a child, as defined 8140
in section ~~2151.011~~ 2151.03 of the Revised Code, who is not the 8141
ward of another court of this state or a case that is commenced by 8142
a parent, guardian, or custodian of a child, as defined in section 8143
~~2151.011~~ 2151.03 of the Revised Code, to obtain an order requiring 8144
a parent of the child to pay child support for that child when the 8145
request for that order is not ancillary to an action for divorce, 8146
dissolution of marriage, annulment, or legal separation, a 8147
criminal or civil action involving an allegation of domestic 8148
violence, an action for support under Chapter 3115. of the Revised 8149
Code, or an action that is within the exclusive original 8150
jurisdiction of the probate-juvenile division of the court of 8151
common pleas of Fairfield county and that involves an allegation 8152
that the child is ~~an abused, neglected, or dependent~~ a child in 8153
need of protective services, the duties of the personnel of the 8154
domestic relations division also include the handling, servicing, 8155
and investigation of those types of cases. 8156

(W)(1) In Clark county, the judge of the court of common 8157
pleas whose term begins on January 2, 1995, and successors, shall 8158
have the same qualifications, exercise the same powers and 8159
jurisdiction, and receive the same compensation as other judges of 8160
the court of common pleas of Clark county and shall be elected and 8161

designated as judge of the court of common pleas, domestic 8162
relations division. The judge shall have all the powers relating 8163
to juvenile courts, and all cases under Chapters 2151. and 2152. 8164
of the Revised Code and all parentage proceedings under Chapter 8165
3111. of the Revised Code over which the juvenile court has 8166
jurisdiction shall be assigned to the judge of the division of 8167
domestic relations. All divorce, dissolution of marriage, legal 8168
separation, annulment, uniform reciprocal support enforcement, and 8169
other cases related to domestic relations shall be assigned to the 8170
domestic relations division, and the presiding judge of the court 8171
of common pleas shall assign the cases to the judge of the 8172
domestic relations division and the judges of the general 8173
division. 8174

(2) In addition to the judge's regular duties, the judge of 8175
the division of domestic relations shall serve on the children 8176
services board and the county advisory board. 8177

(3) If the judge of the court of common pleas of Clark 8178
county, division of domestic relations, is sick, absent, or unable 8179
to perform that judge's judicial duties or if the presiding judge 8180
of the court of common pleas of Clark county determines that the 8181
volume of cases pending in the division of domestic relations 8182
necessitates it, the duties of the judge of the division of 8183
domestic relations shall be performed by the judges of the general 8184
division or probate division of the court of common pleas of Clark 8185
county, as assigned for that purpose by the presiding judge of 8186
that court, and the judges so assigned shall act in conjunction 8187
with the judge of the division of domestic relations of that 8188
court. 8189

(X) In Scioto county, the judge of the court of common pleas 8190
whose term begins January 2, 1995, and successors, shall have the 8191
same qualifications, exercise the same powers and jurisdiction, 8192
and receive the same compensation as other judges of the court of 8193

common pleas of Scioto county and shall be elected and designated 8194
as judge of the court of common pleas, division of domestic 8195
relations. The judge shall be assigned all divorce, dissolution of 8196
marriage, legal separation, and annulment cases, all cases arising 8197
under Chapter 3111. of the Revised Code, all proceedings involving 8198
child support, the allocation of parental rights and 8199
responsibilities for the care of children and the designation for 8200
the children of a place of residence and legal custodian, 8201
parenting time, visitation, and all post-decree proceedings and 8202
matters arising from those cases and proceedings, except in cases 8203
that for some special reason are assigned to another judge of the 8204
court of common pleas. The judge shall be charged with the 8205
assignment and division of the work of the division and with the 8206
employment and supervision of the personnel of the division. 8207

The judge shall designate the title, compensation, expense 8208
allowances, hours, leaves of absence, and vacations of the 8209
personnel of the division and shall fix the duties of the 8210
personnel of the division. The duties of the personnel, in 8211
addition to other statutory duties, include the handling, 8212
servicing, and investigation of divorce, dissolution of marriage, 8213
legal separation, and annulment cases, cases arising under Chapter 8214
3111. of the Revised Code, and proceedings involving child 8215
support, the allocation of parental rights and responsibilities 8216
for the care of children and the designation for the children of a 8217
place of residence and legal custodian, parenting time, and 8218
visitation, and providing counseling and conciliation services 8219
that the division makes available to persons, whether or not the 8220
persons are parties to an action pending in the division, who 8221
request the services. 8222

(Y) In Auglaize county, the judge of the probate and juvenile 8223
divisions of the Auglaize county court of common pleas also shall 8224
be the administrative judge of the domestic relations division of 8225

the court and shall be assigned all divorce, dissolution of 8226
marriage, legal separation, and annulment cases coming before the 8227
court. The judge shall have all powers as administrator of the 8228
domestic relations division and shall have charge of the personnel 8229
engaged in handling, servicing, or investigating divorce, 8230
dissolution of marriage, legal separation, and annulment cases, 8231
including any referees considered necessary for the discharge of 8232
the judge's various duties. 8233

(Z)(1) In Marion county, the judge of the court of common 8234
pleas whose term begins on February 9, 1999, and the successors to 8235
that judge, shall have the same qualifications, exercise the same 8236
powers and jurisdiction, and receive the same compensation as the 8237
other judges of the court of common pleas of Marion county and 8238
shall be elected and designated as judge of the court of common 8239
pleas, domestic relations-juvenile-probate division. Except as 8240
otherwise specified in this division, that judge, and the 8241
successors to that judge, shall have all the powers relating to 8242
juvenile courts, and all cases under Chapters 2151. and 2152. of 8243
the Revised Code, all cases arising under Chapter 3111. of the 8244
Revised Code, all divorce, dissolution of marriage, legal 8245
separation, and annulment cases, all proceedings involving child 8246
support, the allocation of parental rights and responsibilities 8247
for the care of children and the designation for the children of a 8248
place of residence and legal custodian, parenting time, and 8249
visitation, and all post-decree proceedings and matters arising 8250
from those cases and proceedings shall be assigned to that judge 8251
and the successors to that judge. Except as provided in division 8252
(Z)(2) of this section and notwithstanding any other provision of 8253
any section of the Revised Code, on and after February 9, 2003, 8254
the judge of the court of common pleas of Marion county whose term 8255
begins on February 9, 1999, and the successors to that judge, 8256
shall have all the powers relating to the probate division of the 8257
court of common pleas of Marion county in addition to the powers 8258

previously specified in this division, and shall exercise 8259
concurrent jurisdiction with the judge of the probate division of 8260
that court over all matters that are within the jurisdiction of 8261
the probate division of that court under Chapter 2101., and other 8262
provisions, of the Revised Code in addition to the jurisdiction of 8263
the domestic relations-juvenile-probate division of that court 8264
otherwise specified in division (Z)(1) of this section. 8265

(2) The judge of the domestic relations-juvenile-probate 8266
division of the court of common pleas of Marion county or the 8267
judge of the probate division of the court of common pleas of 8268
Marion county, whichever of those judges is senior in total length 8269
of service on the court of common pleas of Marion county, 8270
regardless of the division or divisions of service, shall serve as 8271
the clerk of the probate division of the court of common pleas of 8272
Marion county. 8273

(3) On and after February 9, 2003, all references in law to 8274
"the probate court," "the probate judge," "the juvenile court," or 8275
"the judge of the juvenile court" shall be construed, with respect 8276
to Marion county, as being references to both "the probate 8277
division" and "the domestic relations-juvenile-probate division" 8278
and as being references to both "the judge of the probate 8279
division" and "the judge of the domestic relations- 8280
juvenile-probate division." On and after February 9, 2003, all 8281
references in law to "the clerk of the probate court" shall be 8282
construed, with respect to Marion county, as being references to 8283
the judge who is serving pursuant to division (Z)(2) of this 8284
section as the clerk of the probate division of the court of 8285
common pleas of Marion county. 8286

(AA) In Muskingum county, the judge of the court of common 8287
pleas whose term begins on January 2, 2003, and successors, shall 8288
have the same qualifications, exercise the same powers and 8289
jurisdiction, and receive the same compensation as the other 8290

judges of the court of common pleas of Muskingum county and shall 8291
be elected and designated as the judge of the court of common 8292
pleas, division of domestic relations. The judge shall be assigned 8293
all divorce, dissolution of marriage, legal separation, and 8294
annulment cases, all cases arising under Chapter 3111. of the 8295
Revised Code, all proceedings involving child support, the 8296
allocation of parental rights and responsibilities for the care of 8297
children and the designation for the children of a place of 8298
residence and legal custodian, parenting time, and visitation, and 8299
all post-decree proceedings and matters arising from those cases 8300
and proceedings, except in cases that for some special reason are 8301
assigned to another judge of the court of common pleas. The judge 8302
shall be charged with the assignment and division of the work of 8303
the division and with the employment and supervision of the 8304
personnel of the division. 8305

The judge shall designate the title, compensation, expense 8306
allowances, hours, leaves of absence, and vacations of the 8307
personnel of the division and shall fix the duties of the 8308
personnel of the division. The duties of the personnel of the 8309
division, in addition to other statutory duties, shall include the 8310
handling, servicing, and investigation of divorce, dissolution of 8311
marriage, legal separation, and annulment cases, cases arising 8312
under Chapter 3111. of the Revised Code, and proceedings involving 8313
child support, the allocation of parental rights and 8314
responsibilities for the care of children and the designation for 8315
the children of a place of residence and legal custodian, 8316
parenting time, and visitation and providing any counseling and 8317
conciliation services that the division makes available to 8318
persons, whether or not the persons are parties to an action 8319
pending in the division, who request the services. 8320

(BB) In Henry county, the judge of the court of common pleas 8321
whose term begins on January 1, 2005, and successors, shall have 8322

the same qualifications, exercise the same powers and 8323
jurisdiction, and receive the same compensation as the other judge 8324
of the court of common pleas of Henry county and shall be elected 8325
and designated as the judge of the court of common pleas, division 8326
of domestic relations. The judge shall have all of the powers 8327
relating to juvenile courts, and all cases under Chapter 2151. or 8328
2152. of the Revised Code, all parentage proceedings arising under 8329
Chapter 3111. of the Revised Code over which the juvenile court 8330
has jurisdiction, all divorce, dissolution of marriage, legal 8331
separation, and annulment cases, all proceedings involving child 8332
support, the allocation of parental rights and responsibilities 8333
for the care of children and the designation for the children of a 8334
place of residence and legal custodian, parenting time, and 8335
visitation, and all post-decree proceedings and matters arising 8336
from those cases and proceedings shall be assigned to that judge, 8337
except in cases that for some special reason are assigned to the 8338
other judge of the court of common pleas. 8339

(CC)(1) In Logan county, the judge of the court of common 8340
pleas whose term begins January 2, 2005, and the successors to 8341
that judge, shall have the same qualifications, exercise the same 8342
powers and jurisdiction, and receive the same compensation as the 8343
other judges of the court of common pleas of Logan county and 8344
shall be elected and designated as judge of the court of common 8345
pleas, domestic relations-juvenile-probate division. Except as 8346
otherwise specified in this division, that judge, and the 8347
successors to that judge, shall have all the powers relating to 8348
juvenile courts, and all cases under Chapters 2151. and 2152. of 8349
the Revised Code, all cases arising under Chapter 3111. of the 8350
Revised Code, all divorce, dissolution of marriage, legal 8351
separation, and annulment cases, all proceedings involving child 8352
support, the allocation of parental rights and responsibilities 8353
for the care of children and designation for the children of a 8354
place of residence and legal custodian, parenting time, and 8355

visitation, and all post-decree proceedings and matters arising 8356
from those cases and proceedings shall be assigned to that judge 8357
and the successors to that judge. Notwithstanding any other 8358
provision of any section of the Revised Code, on and after January 8359
2, 2005, the judge of the court of common pleas of Logan county 8360
whose term begins on January 2, 2005, and the successors to that 8361
judge, shall have all the powers relating to the probate division 8362
of the court of common pleas of Logan county in addition to the 8363
powers previously specified in this division and shall exercise 8364
concurrent jurisdiction with the judge of the probate division of 8365
that court over all matters that are within the jurisdiction of 8366
the probate division of that court under Chapter 2101., and other 8367
provisions, of the Revised Code in addition to the jurisdiction of 8368
the domestic relations-juvenile-probate division of that court 8369
otherwise specified in division (CC)(1) of this section. 8370

(2) The judge of the domestic relations-juvenile-probate 8371
division of the court of common pleas of Logan county or the 8372
probate judge of the court of common pleas of Logan county who is 8373
elected as the administrative judge of the probate division of the 8374
court of common pleas of Logan county pursuant to Rule 4 of the 8375
Rules of Superintendence shall be the clerk of the probate 8376
division and juvenile division of the court of common pleas of 8377
Logan county. The clerk of the court of common pleas who is 8378
elected pursuant to section 2303.01 of the Revised Code shall keep 8379
all of the journals, records, books, papers, and files pertaining 8380
to the domestic relations cases. 8381

(3) On and after January 2, 2005, all references in law to 8382
"the probate court," "the probate judge," "the juvenile court," or 8383
"the judge of the juvenile court" shall be construed, with respect 8384
to Logan county, as being references to both "the probate 8385
division" and the "domestic relations-juvenile-probate division" 8386
and as being references to both "the judge of the probate 8387

division" and the "judge of the domestic 8388
relations-juvenile-probate division." On and after January 2, 8389
2005, all references in law to "the clerk of the probate court" 8390
shall be construed, with respect to Logan county, as being 8391
references to the judge who is serving pursuant to division 8392
(CC)(2) of this section as the clerk of the probate division of 8393
the court of common pleas of Logan county. 8394

(DD)(1) In Champaign county, the judge of the court of common 8395
pleas whose term begins February 9, 2003, and the judge of the 8396
court of common pleas whose term begins February 10, 2009, and the 8397
successors to those judges, shall have the same qualifications, 8398
exercise the same powers and jurisdiction, and receive the same 8399
compensation as the other judges of the court of common pleas of 8400
Champaign county and shall be elected and designated as judges of 8401
the court of common pleas, domestic relations-juvenile-probate 8402
division. Except as otherwise specified in this division, those 8403
judges, and the successors to those judges, shall have all the 8404
powers relating to juvenile courts, and all cases under Chapters 8405
2151. and 2152. of the Revised Code, all cases arising under 8406
Chapter 3111. of the Revised Code, all divorce, dissolution of 8407
marriage, legal separation, and annulment cases, all proceedings 8408
involving child support, the allocation of parental rights and 8409
responsibilities for the care of children and the designation for 8410
the children of a place of residence and legal custodian, 8411
parenting time, and visitation, and all post-decree proceedings 8412
and matters arising from those cases and proceedings shall be 8413
assigned to those judges and the successors to those judges. 8414
Notwithstanding any other provision of any section of the Revised 8415
Code, on and after February 9, 2009, the judges designated by this 8416
division as judges of the court of common pleas of Champaign 8417
county, domestic relations-juvenile-probate division, and the 8418
successors to those judges, shall have all the powers relating to 8419
probate courts in addition to the powers previously specified in 8420

this division and shall exercise jurisdiction over all matters 8421
that are within the jurisdiction of probate courts under Chapter 8422
2101., and other provisions, of the Revised Code in addition to 8423
the jurisdiction of the domestic relations-juvenile-probate 8424
division otherwise specified in division (DD)(1) of this section. 8425

(2) On and after February 9, 2009, all references in law to 8426
"the probate court," "the probate judge," "the juvenile court," or 8427
"the judge of the juvenile court" shall be construed with respect 8428
to Champaign county as being references to the "domestic 8429
relations-juvenile-probate division" and as being references to 8430
the "judge of the domestic relations-juvenile-probate division." 8431
On and after February 9, 2009, all references in law to "the clerk 8432
of the probate court" shall be construed with respect to Champaign 8433
county as being references to the judge who is serving pursuant to 8434
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 8435
the administrative judge of the court of common pleas, domestic 8436
relations-juvenile-probate division. 8437

(EE) If a judge of the court of common pleas, division of 8438
domestic relations, or juvenile judge, of any of the counties 8439
mentioned in this section is sick, absent, or unable to perform 8440
that judge's judicial duties or the volume of cases pending in the 8441
judge's division necessitates it, the duties of that judge shall 8442
be performed by another judge of the court of common pleas of that 8443
county, assigned for that purpose by the presiding judge of the 8444
court of common pleas of that county to act in place of or in 8445
conjunction with that judge, as the case may require. 8446

Sec. 2317.01. All persons are competent witnesses except 8447
those of unsound mind and children under ten years of age who 8448
appear incapable of receiving just impressions of the facts and 8449
transactions respecting which they are examined, or of relating 8450
them truly. 8451

In a hearing in ~~an abuse, neglect, or dependency~~ a child in 8452
need of protective services case, any examination made by the 8453
court to determine whether a child is a competent witness shall be 8454
conducted by the court in an office or room other than a courtroom 8455
or hearing room, shall be conducted in the presence of only those 8456
individuals considered necessary by the court for the conduct of 8457
the examination or the well-being of the child, and shall be 8458
conducted with a court reporter present. The court may allow the 8459
prosecutor, guardian ad litem, or attorney for any party to submit 8460
questions for use by the court in determining whether the child is 8461
a competent witness. 8462

Sec. 2317.02. The following persons shall not testify in 8463
certain respects: 8464

(A)(1) An attorney, concerning a communication made to the 8465
attorney by a client in that relation or the attorney's advice to 8466
a client, except that the attorney may testify by express consent 8467
of the client or, if the client is deceased, by the express 8468
consent of the surviving spouse or the executor or administrator 8469
of the estate of the deceased client. However, if the client 8470
voluntarily testifies or is deemed by section 2151.421 of the 8471
Revised Code to have waived any testimonial privilege under this 8472
division, the attorney may be compelled to testify on the same 8473
subject. 8474

The testimonial privilege established under this division 8475
does not apply concerning a communication between a client who has 8476
since died and the deceased client's attorney if the communication 8477
is relevant to a dispute between parties who claim through that 8478
deceased client, regardless of whether the claims are by testate 8479
or intestate succession or by inter vivos transaction, and the 8480
dispute addresses the competency of the deceased client when the 8481
deceased client executed a document that is the basis of the 8482

dispute or whether the deceased client was a victim of fraud, 8483
undue influence, or duress when the deceased client executed a 8484
document that is the basis of the dispute. 8485

(2) An attorney, concerning a communication made to the 8486
attorney by a client in that relationship or the attorney's advice 8487
to a client, except that if the client is an insurance company, 8488
the attorney may be compelled to testify, subject to an in camera 8489
inspection by a court, about communications made by the client to 8490
the attorney or by the attorney to the client that are related to 8491
the attorney's aiding or furthering an ongoing or future 8492
commission of bad faith by the client, if the party seeking 8493
disclosure of the communications has made a prima facie showing of 8494
bad faith, fraud, or criminal misconduct by the client. 8495

(B)(1) A physician or a dentist concerning a communication 8496
made to the physician or dentist by a patient in that relation or 8497
the physician's or dentist's advice to a patient, except as 8498
otherwise provided in this division, division (B)(2), and division 8499
(B)(3) of this section, and except that, if the patient is deemed 8500
by section 2151.421 of the Revised Code to have waived any 8501
testimonial privilege under this division, the physician may be 8502
compelled to testify on the same subject. 8503

The testimonial privilege established under this division 8504
does not apply, and a physician or dentist may testify or may be 8505
compelled to testify, in any of the following circumstances: 8506

(a) In any civil action, in accordance with the discovery 8507
provisions of the Rules of Civil Procedure in connection with a 8508
civil action, or in connection with a claim under Chapter 4123. of 8509
the Revised Code, under any of the following circumstances: 8510

(i) If the patient or the guardian or other legal 8511
representative of the patient gives express consent; 8512

(ii) If the patient is deceased, the spouse of the patient or 8513

the executor or administrator of the patient's estate gives 8514
express consent; 8515

(iii) If a medical claim, dental claim, chiropractic claim, 8516
or optometric claim, as defined in section 2305.113 of the Revised 8517
Code, an action for wrongful death, any other type of civil 8518
action, or a claim under Chapter 4123. of the Revised Code is 8519
filed by the patient, the personal representative of the estate of 8520
the patient if deceased, or the patient's guardian or other legal 8521
representative. 8522

(b) In any civil action concerning court-ordered treatment or 8523
services received by a patient, if the court-ordered treatment or 8524
services were ordered as part of a case plan journalized under 8525
section 2151.412 of the Revised Code or the court-ordered 8526
treatment or services are necessary or relevant to ~~dependency,~~ 8527
~~neglect, or abuse~~ child in need of protective services proceedings 8528
or temporary or permanent custody proceedings under Chapter 2151. 8529
of the Revised Code. 8530

(c) In any criminal action concerning any test or the results 8531
of any test that determines the presence or concentration of 8532
alcohol, a drug of abuse, a combination of them, a controlled 8533
substance, or a metabolite of a controlled substance in the 8534
patient's whole blood, blood serum or plasma, breath, urine, or 8535
other bodily substance at any time relevant to the criminal 8536
offense in question. 8537

(d) In any criminal action against a physician or dentist. In 8538
such an action, the testimonial privilege established under this 8539
division does not prohibit the admission into evidence, in 8540
accordance with the Rules of Evidence, of a patient's medical or 8541
dental records or other communications between a patient and the 8542
physician or dentist that are related to the action and obtained 8543
by subpoena, search warrant, or other lawful means. A court that 8544
permits or compels a physician or dentist to testify in such an 8545

action or permits the introduction into evidence of patient 8546
records or other communications in such an action shall require 8547
that appropriate measures be taken to ensure that the 8548
confidentiality of any patient named or otherwise identified in 8549
the records is maintained. Measures to ensure confidentiality that 8550
may be taken by the court include sealing its records or deleting 8551
specific information from its records. 8552

(e)(i) If the communication was between a patient who has 8553
since died and the deceased patient's physician or dentist, the 8554
communication is relevant to a dispute between parties who claim 8555
through that deceased patient, regardless of whether the claims 8556
are by testate or intestate succession or by inter vivos 8557
transaction, and the dispute addresses the competency of the 8558
deceased patient when the deceased patient executed a document 8559
that is the basis of the dispute or whether the deceased patient 8560
was a victim of fraud, undue influence, or duress when the 8561
deceased patient executed a document that is the basis of the 8562
dispute. 8563

(ii) If neither the spouse of a patient nor the executor or 8564
administrator of that patient's estate gives consent under 8565
division (B)(1)(a)(ii) of this section, testimony or the 8566
disclosure of the patient's medical records by a physician, 8567
dentist, or other health care provider under division (B)(1)(e)(i) 8568
of this section is a permitted use or disclosure of protected 8569
health information, as defined in 45 C.F.R. 160.103, and an 8570
authorization or opportunity to be heard shall not be required. 8571

(iii) Division (B)(1)(e)(i) of this section does not require 8572
a mental health professional to disclose psychotherapy notes, as 8573
defined in 45 C.F.R. 164.501. 8574

(iv) An interested person who objects to testimony or 8575
disclosure under division (B)(1)(e)(i) of this section may seek a 8576
protective order pursuant to Civil Rule 26. 8577

(v) A person to whom protected health information is 8578
disclosed under division (B)(1)(e)(i) of this section shall not 8579
use or disclose the protected health information for any purpose 8580
other than the litigation or proceeding for which the information 8581
was requested and shall return the protected health information to 8582
the covered entity or destroy the protected health information, 8583
including all copies made, at the conclusion of the litigation or 8584
proceeding. 8585

(2)(a) If any law enforcement officer submits a written 8586
statement to a health care provider that states that an official 8587
criminal investigation has begun regarding a specified person or 8588
that a criminal action or proceeding has been commenced against a 8589
specified person, that requests the provider to supply to the 8590
officer copies of any records the provider possesses that pertain 8591
to any test or the results of any test administered to the 8592
specified person to determine the presence or concentration of 8593
alcohol, a drug of abuse, a combination of them, a controlled 8594
substance, or a metabolite of a controlled substance in the 8595
person's whole blood, blood serum or plasma, breath, or urine at 8596
any time relevant to the criminal offense in question, and that 8597
conforms to section 2317.022 of the Revised Code, the provider, 8598
except to the extent specifically prohibited by any law of this 8599
state or of the United States, shall supply to the officer a copy 8600
of any of the requested records the provider possesses. If the 8601
health care provider does not possess any of the requested 8602
records, the provider shall give the officer a written statement 8603
that indicates that the provider does not possess any of the 8604
requested records. 8605

(b) If a health care provider possesses any records of the 8606
type described in division (B)(2)(a) of this section regarding the 8607
person in question at any time relevant to the criminal offense in 8608
question, in lieu of personally testifying as to the results of 8609

the test in question, the custodian of the records may submit a 8610
certified copy of the records, and, upon its submission, the 8611
certified copy is qualified as authentic evidence and may be 8612
admitted as evidence in accordance with the Rules of Evidence. 8613
Division (A) of section 2317.422 of the Revised Code does not 8614
apply to any certified copy of records submitted in accordance 8615
with this division. Nothing in this division shall be construed to 8616
limit the right of any party to call as a witness the person who 8617
administered the test to which the records pertain, the person 8618
under whose supervision the test was administered, the custodian 8619
of the records, the person who made the records, or the person 8620
under whose supervision the records were made. 8621

(3)(a) If the testimonial privilege described in division 8622
(B)(1) of this section does not apply as provided in division 8623
(B)(1)(a)(iii) of this section, a physician or dentist may be 8624
compelled to testify or to submit to discovery under the Rules of 8625
Civil Procedure only as to a communication made to the physician 8626
or dentist by the patient in question in that relation, or the 8627
physician's or dentist's advice to the patient in question, that 8628
related causally or historically to physical or mental injuries 8629
that are relevant to issues in the medical claim, dental claim, 8630
chiropractic claim, or optometric claim, action for wrongful 8631
death, other civil action, or claim under Chapter 4123. of the 8632
Revised Code. 8633

(b) If the testimonial privilege described in division (B)(1) 8634
of this section does not apply to a physician or dentist as 8635
provided in division (B)(1)(c) of this section, the physician or 8636
dentist, in lieu of personally testifying as to the results of the 8637
test in question, may submit a certified copy of those results, 8638
and, upon its submission, the certified copy is qualified as 8639
authentic evidence and may be admitted as evidence in accordance 8640
with the Rules of Evidence. Division (A) of section 2317.422 of 8641

the Revised Code does not apply to any certified copy of results 8642
submitted in accordance with this division. Nothing in this 8643
division shall be construed to limit the right of any party to 8644
call as a witness the person who administered the test in 8645
question, the person under whose supervision the test was 8646
administered, the custodian of the results of the test, the person 8647
who compiled the results, or the person under whose supervision 8648
the results were compiled. 8649

(4) The testimonial privilege described in division (B)(1) of 8650
this section is not waived when a communication is made by a 8651
physician to a pharmacist or when there is communication between a 8652
patient and a pharmacist in furtherance of the physician-patient 8653
relation. 8654

(5)(a) As used in divisions (B)(1) to (4) of this section, 8655
"communication" means acquiring, recording, or transmitting any 8656
information, in any manner, concerning any facts, opinions, or 8657
statements necessary to enable a physician or dentist to diagnose, 8658
treat, prescribe, or act for a patient. A "communication" may 8659
include, but is not limited to, any medical or dental, office, or 8660
hospital communication such as a record, chart, letter, 8661
memorandum, laboratory test and results, x-ray, photograph, 8662
financial statement, diagnosis, or prognosis. 8663

(b) As used in division (B)(2) of this section, "health care 8664
provider" means a hospital, ambulatory care facility, long-term 8665
care facility, pharmacy, emergency facility, or health care 8666
practitioner. 8667

(c) As used in division (B)(5)(b) of this section: 8668

(i) "Ambulatory care facility" means a facility that provides 8669
medical, diagnostic, or surgical treatment to patients who do not 8670
require hospitalization, including a dialysis center, ambulatory 8671
surgical facility, cardiac catheterization facility, diagnostic 8672

imaging center, extracorporeal shock wave lithotripsy center, home 8673
health agency, inpatient hospice, birthing center, radiation 8674
therapy center, emergency facility, and an urgent care center. 8675
"Ambulatory health care facility" does not include the private 8676
office of a physician or dentist, whether the office is for an 8677
individual or group practice. 8678

(ii) "Emergency facility" means a hospital emergency 8679
department or any other facility that provides emergency medical 8680
services. 8681

(iii) "Health care practitioner" has the same meaning as in 8682
section 4769.01 of the Revised Code. 8683

(iv) "Hospital" has the same meaning as in section 3727.01 of 8684
the Revised Code. 8685

(v) "Long-term care facility" means a nursing home, 8686
residential care facility, or home for the aging, as those terms 8687
are defined in section 3721.01 of the Revised Code; an adult care 8688
facility, as defined in section 3722.01 of the Revised Code; a 8689
nursing facility or intermediate care facility for the mentally 8690
retarded, as those terms are defined in section 5111.20 of the 8691
Revised Code; a facility or portion of a facility certified as a 8692
skilled nursing facility under Title XVIII of the "Social Security 8693
Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended. 8694

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 8695
the Revised Code. 8696

(d) As used in divisions (B)(1) and (2) of this section, 8697
"drug of abuse" has the same meaning as in section 4506.01 of the 8698
Revised Code. 8699

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 8700
apply to doctors of medicine, doctors of osteopathic medicine, 8701
doctors of podiatry, and dentists. 8702

(7) Nothing in divisions (B)(1) to (6) of this section 8703
affects, or shall be construed as affecting, the immunity from 8704
civil liability conferred by section 307.628 of the Revised Code 8705
or the immunity from civil liability conferred by section 2305.33 8706
of the Revised Code upon physicians who report an employee's use 8707
of a drug of abuse, or a condition of an employee other than one 8708
involving the use of a drug of abuse, to the employer of the 8709
employee in accordance with division (B) of that section. As used 8710
in division (B)(7) of this section, "employee," "employer," and 8711
"physician" have the same meanings as in section 2305.33 of the 8712
Revised Code. 8713

(C)(1) A cleric, when the cleric remains accountable to the 8714
authority of that cleric's church, denomination, or sect, 8715
concerning a confession made, or any information confidentially 8716
communicated, to the cleric for a religious counseling purpose in 8717
the cleric's professional character. The cleric may testify by 8718
express consent of the person making the communication, except 8719
when the disclosure of the information is in violation of a sacred 8720
trust and except that, if the person voluntarily testifies or is 8721
deemed by division (A)(4)(c) of section 2151.421 of the Revised 8722
Code to have waived any testimonial privilege under this division, 8723
the cleric may be compelled to testify on the same subject except 8724
when disclosure of the information is in violation of a sacred 8725
trust. 8726

(2) As used in division (C) of this section: 8727

(a) "Cleric" means a member of the clergy, rabbi, priest, 8728
Christian Science practitioner, or regularly ordained, accredited, 8729
or licensed minister of an established and legally cognizable 8730
church, denomination, or sect. 8731

(b) "Sacred trust" means a confession or confidential 8732
communication made to a cleric in the cleric's ecclesiastical 8733
capacity in the course of discipline enjoined by the church to 8734

which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;

(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;

(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.

(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a professional clinical counselor, professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family therapist, or registered under Chapter 4757. of the Revised Code as a social work assistant concerning a

confidential communication received from a client in that relation 8766
or the person's advice to a client unless any of the following 8767
applies: 8768

(a) The communication or advice indicates clear and present 8769
danger to the client or other persons. For the purposes of this 8770
division, cases in which there are indications of ~~present or~~ past 8771
child abuse or neglect of the client or past or present acts or 8772
omissions in relation to the client that indicate that the client 8773
is or was a child in need of protective services constitute a 8774
clear and present danger. 8775

(b) The client gives express consent to the testimony. 8776

(c) If the client is deceased, the surviving spouse or the 8777
executor or administrator of the estate of the deceased client 8778
gives express consent. 8779

(d) The client voluntarily testifies, in which case the 8780
school guidance counselor or person licensed or registered under 8781
Chapter 4757. of the Revised Code may be compelled to testify on 8782
the same subject. 8783

(e) The court in camera determines that the information 8784
communicated by the client is not germane to the counselor-client, 8785
marriage and family therapist-client, or social worker-client 8786
relationship. 8787

(f) A court, in an action brought against a school, its 8788
administration, or any of its personnel by the client, rules after 8789
an in-camera inspection that the testimony of the school guidance 8790
counselor is relevant to that action. 8791

(g) The testimony is sought in a civil action and concerns 8792
court-ordered treatment or services received by a patient as part 8793
of a case plan journalized under section 2151.412 of the Revised 8794
Code or the court-ordered treatment or services are necessary or 8795
relevant to ~~dependency, neglect, or abuse~~ child in need of 8796

protective services proceedings or temporary or permanent custody 8797
proceedings under Chapter 2151. of the Revised Code. 8798

(2) Nothing in division (G)(1) of this section shall relieve 8799
a school guidance counselor or a person licensed or registered 8800
under Chapter 4757. of the Revised Code from the requirement to 8801
report information concerning ~~child abuse or neglect~~ acts or 8802
omissions that indicate that a child is in need of protective 8803
services under section 2151.421 of the Revised Code. 8804

(H) A mediator acting under a mediation order issued under 8805
division (A) of section 3109.052 of the Revised Code or otherwise 8806
issued in any proceeding for divorce, dissolution, legal 8807
separation, annulment, or the allocation of parental rights and 8808
responsibilities for the care of children, in any action or 8809
proceeding, other than a criminal, or delinquency, ~~child abuse,~~ 8810
~~child neglect, or dependent child~~ action or proceeding or an 8811
action or proceeding regarding a child in need of protective 8812
services, that is brought by or against either parent who takes 8813
part in mediation in accordance with the order and that pertains 8814
to the mediation process, to any information discussed or 8815
presented in the mediation process, to the allocation of parental 8816
rights and responsibilities for the care of the parents' children, 8817
or to the awarding of parenting time rights in relation to their 8818
children; 8819

(I) A communications assistant, acting within the scope of 8820
the communication assistant's authority, when providing 8821
telecommunications relay service pursuant to section 4931.35 of 8822
the Revised Code or Title II of the "Communications Act of 1934," 8823
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication 8824
made through a telecommunications relay service. Nothing in this 8825
section shall limit the obligation of a communications assistant 8826
to divulge information or testify when mandated by federal law or 8827
regulation or pursuant to subpoena in a criminal proceeding. 8828

Nothing in this section shall limit any immunity or privilege 8829
granted under federal law or regulation. 8830

(J)(1) A chiropractor in a civil proceeding concerning a 8831
communication made to the chiropractor by a patient in that 8832
relation or the chiropractor's advice to a patient, except as 8833
otherwise provided in this division. The testimonial privilege 8834
established under this division does not apply, and a chiropractor 8835
may testify or may be compelled to testify, in any civil action, 8836
in accordance with the discovery provisions of the Rules of Civil 8837
Procedure in connection with a civil action, or in connection with 8838
a claim under Chapter 4123. of the Revised Code, under any of the 8839
following circumstances: 8840

(a) If the patient or the guardian or other legal 8841
representative of the patient gives express consent. 8842

(b) If the patient is deceased, the spouse of the patient or 8843
the executor or administrator of the patient's estate gives 8844
express consent. 8845

(c) If a medical claim, dental claim, chiropractic claim, or 8846
optometric claim, as defined in section 2305.113 of the Revised 8847
Code, an action for wrongful death, any other type of civil 8848
action, or a claim under Chapter 4123. of the Revised Code is 8849
filed by the patient, the personal representative of the estate of 8850
the patient if deceased, or the patient's guardian or other legal 8851
representative. 8852

(2) If the testimonial privilege described in division (J)(1) 8853
of this section does not apply as provided in division (J)(1)(c) 8854
of this section, a chiropractor may be compelled to testify or to 8855
submit to discovery under the Rules of Civil Procedure only as to 8856
a communication made to the chiropractor by the patient in 8857
question in that relation, or the chiropractor's advice to the 8858
patient in question, that related causally or historically to 8859

physical or mental injuries that are relevant to issues in the 8860
medical claim, dental claim, chiropractic claim, or optometric 8861
claim, action for wrongful death, other civil action, or claim 8862
under Chapter 4123. of the Revised Code. 8863

(3) The testimonial privilege established under this division 8864
does not apply, and a chiropractor may testify or be compelled to 8865
testify, in any criminal action or administrative proceeding. 8866

(4) As used in this division, "communication" means 8867
acquiring, recording, or transmitting any information, in any 8868
manner, concerning any facts, opinions, or statements necessary to 8869
enable a chiropractor to diagnose, treat, or act for a patient. A 8870
communication may include, but is not limited to, any 8871
chiropractic, office, or hospital communication such as a record, 8872
chart, letter, memorandum, laboratory test and results, x-ray, 8873
photograph, financial statement, diagnosis, or prognosis. 8874

(K)(1) Except as provided under division (K)(2) of this 8875
section, a critical incident stress management team member 8876
concerning a communication received from an individual who 8877
receives crisis response services from the team member, or the 8878
team member's advice to the individual, during a debriefing 8879
session. 8880

(2) The testimonial privilege established under division 8881
(K)(1) of this section does not apply if any of the following are 8882
true: 8883

(a) The communication or advice indicates clear and present 8884
danger to the individual who receives crisis response services or 8885
to other persons. For purposes of this division, cases in which 8886
there are indications of ~~present~~ or past child abuse or neglect of 8887
the individual and cases in which there are indications of past or 8888
present acts or omissions that indicate that a child is or was a 8889
child in need of protective services constitute a clear and 8890

present danger. 8891

(b) The individual who received crisis response services 8892
gives express consent to the testimony. 8893

(c) If the individual who received crisis response services 8894
is deceased, the surviving spouse or the executor or administrator 8895
of the estate of the deceased individual gives express consent. 8896

(d) The individual who received crisis response services 8897
voluntarily testifies, in which case the team member may be 8898
compelled to testify on the same subject. 8899

(e) The court in camera determines that the information 8900
communicated by the individual who received crisis response 8901
services is not germane to the relationship between the individual 8902
and the team member. 8903

(f) The communication or advice pertains or is related to any 8904
criminal act. 8905

(3) As used in division (K) of this section: 8906

(a) "Crisis response services" means consultation, risk 8907
assessment, referral, and on-site crisis intervention services 8908
provided by a critical incident stress management team to 8909
individuals affected by crisis or disaster. 8910

(b) "Critical incident stress management team member" or 8911
"team member" means an individual specially trained to provide 8912
crisis response services as a member of an organized community or 8913
local crisis response team that holds membership in the Ohio 8914
critical incident stress management network. 8915

(c) "Debriefing session" means a session at which crisis 8916
response services are rendered by a critical incident stress 8917
management team member during or after a crisis or disaster. 8918

(L)(1) Subject to division (L)(2) of this section and except 8919
as provided in division (L)(3) of this section, an employee 8920

assistance professional, concerning a communication made to the 8921
employee assistance professional by a client in the employee 8922
assistance professional's official capacity as an employee 8923
assistance professional. 8924

(2) Division (L)(1) of this section applies to an employee 8925
assistance professional who meets either or both of the following 8926
requirements: 8927

(a) Is certified by the employee assistance certification 8928
commission to engage in the employee assistance profession; 8929

(b) Has education, training, and experience in all of the 8930
following: 8931

(i) Providing workplace-based services designed to address 8932
employer and employee productivity issues; 8933

(ii) Providing assistance to employees and employees' 8934
dependents in identifying and finding the means to resolve 8935
personal problems that affect the employees or the employees' 8936
performance; 8937

(iii) Identifying and resolving productivity problems 8938
associated with an employee's concerns about any of the following 8939
matters: health, marriage, family, finances, substance abuse or 8940
other addiction, workplace, law, and emotional issues; 8941

(iv) Selecting and evaluating available community resources; 8942

(v) Making appropriate referrals; 8943

(vi) Local and national employee assistance agreements; 8944

(vii) Client confidentiality. 8945

(3) Division (L)(1) of this section does not apply to any of 8946
the following: 8947

(a) A criminal action or proceeding involving an offense 8948
under sections 2903.01 to 2903.06 of the Revised Code if the 8949

employee assistance professional's disclosure or testimony relates 8950
directly to the facts or immediate circumstances of the offense; 8951

(b) A communication made by a client to an employee 8952
assistance professional that reveals the contemplation or 8953
commission of a crime or serious, harmful act; 8954

(c) A communication that is made by a client who is an 8955
unemancipated minor or an adult adjudicated to be incompetent and 8956
indicates that the client was the victim of a crime or abuse or 8957
the victim of an act or omission that indicates that the 8958
unemancipated minor was a child in need of protective services; 8959

(d) A civil proceeding to determine an individual's mental 8960
competency or a criminal action in which a plea of not guilty by 8961
reason of insanity is entered; 8962

(e) A civil or criminal malpractice action brought against 8963
the employee assistance professional; 8964

(f) When the employee assistance professional has the express 8965
consent of the client or, if the client is deceased or disabled, 8966
the client's legal representative; 8967

(g) When the testimonial privilege otherwise provided by 8968
division (L)(1) of this section is abrogated under law. 8969

Sec. 2501.02. Each judge of a court of appeals shall have 8970
been admitted to practice as an attorney at law in this state and 8971
have, for a total of six years preceding the judge's appointment 8972
or commencement of the judge's term, engaged in the practice of 8973
law in this state or served as a judge of a court of record in any 8974
jurisdiction in the United States, or both. One judge shall be 8975
chosen in each court of appeals district every two years, and 8976
shall hold office for six years, beginning on the ninth day of 8977
February next after the judge's election. 8978

In addition to the original jurisdiction conferred by Section 8979

3 of Article IV, Ohio Constitution, the court shall have 8980
jurisdiction upon an appeal upon questions of law to review, 8981
affirm, modify, set aside, or reverse judgments or final orders of 8982
courts of record inferior to the court of appeals within the 8983
district, including the finding, order, or judgment of a juvenile 8984
court that a child is delinquent, ~~neglected, abused, or dependent~~ 8985
or is a child in need of protective services, for prejudicial 8986
error committed by such lower court. 8987

The court, on good cause shown, may issue writs of 8988
supersedeas in any case, and all other writs, not specially 8989
provided for or prohibited by statute, necessary to enforce the 8990
administration of justice. 8991

Sec. 2710.05. (A) There is no privilege under section 2710.03 8992
of the Revised Code for a mediation communication to which any of 8993
the following applies: 8994

(1) The mediation communication is contained in a written 8995
agreement evidenced by a record signed by all parties to the 8996
agreement. 8997

(2) The mediation communication is available to the public 8998
under section 149.43 of the Revised Code or made during a session 8999
of a mediation that is open, or is required by law to be open, to 9000
the public; 9001

(3) The mediation communication is an imminent threat or 9002
statement of a plan to inflict bodily injury or commit a crime of 9003
violence. 9004

(4) The mediation communication is intentionally used to 9005
plan, attempt to commit, or commit a crime or to conceal an 9006
ongoing crime or ongoing criminal activity. 9007

(5) The mediation communication is sought or offered to prove 9008
or disprove a claim or complaint of professional misconduct or 9009

malpractice filed against a mediator. 9010

(6) Except as otherwise provided in division (C) of this 9011
section, the mediation communication is sought or offered to prove 9012
or disprove a claim or complaint of professional misconduct or 9013
malpractice filed against a mediation party, nonparty participant, 9014
or representative of a party based on conduct occurring during a 9015
mediation. 9016

(7) Except as provided in sections 2317.02 and 3109.052 of 9017
the Revised Code, the mediation communication is sought or offered 9018
to prove or disprove abuse, neglect, abandonment, or exploitation 9019
in a proceeding in which ~~a child or an~~ adult protective services 9020
agency is a party or to prove or disprove acts or omissions that 9021
indicate that a child is a child in need of protective services in 9022
a proceeding in which a child is a party, unless the case is 9023
referred by a court to mediation and a public agency participates. 9024

(8) The mediation communication is required to be disclosed 9025
pursuant to section 2921.22 of the Revised Code. 9026

(9) The mediation communication is sought in connection with 9027
or offered in any criminal proceeding involving a felony, a 9028
delinquent child proceeding based on what would be a felony if 9029
committed by an adult, or a proceeding initiated by the state or a 9030
child protection agency in which it is alleged that a child is ~~an~~ 9031
~~abused, neglected, or dependent child~~ a child in need of 9032
protective services. 9033

(B) There is no privilege under section 2710.03 of the 9034
Revised Code if a court, administrative agency, or arbitrator 9035
finds, after a hearing in camera, that the party seeking discovery 9036
or the proponent of the evidence has shown that the evidence is 9037
not otherwise available, that the disclosure is necessary in the 9038
particular case to prevent a manifest injustice, and that the 9039
mediation communication is sought or offered in either of the 9040

following: 9041

(1) A court proceeding involving a misdemeanor; 9042

(2) Except as otherwise provided in division (C) of this 9043
section, a proceeding to prove a claim to rescind or reform or a 9044
defense to avoid liability on a contract arising out of the 9045
mediation. 9046

(C) A mediator may not be compelled to provide evidence of a 9047
mediation communication referred to in division (A)(6) or (B)(2) 9048
of this section. 9049

(D) If a mediation communication is not privileged under 9050
division (A) or (B) of this section, only the portion of the 9051
communication necessary for the application of the exception from 9052
nondisclosure may be admitted. Admission of evidence under 9053
division (A) or (B) of this section does not render the evidence, 9054
or any other mediation communication, discoverable or admissible 9055
for any other purpose. 9056

Sec. 2901.13. (A)(1) Except as provided in division (A)(2) or 9057
(3) of this section or as otherwise provided in this section, a 9058
prosecution shall be barred unless it is commenced within the 9059
following periods after an offense is committed: 9060

(a) For a felony, six years; 9061

(b) For a misdemeanor other than a minor misdemeanor, two 9062
years; 9063

(c) For a minor misdemeanor, six months. 9064

(2) There is no period of limitation for the prosecution of a 9065
violation of section 2903.01 or 2903.02 of the Revised Code. 9066

(3) Except as otherwise provided in divisions (B) to (H) of 9067
this section, a prosecution of any of the following offenses shall 9068
be barred unless it is commenced within twenty years after the 9069

offense is committed: 9070

(a) A violation of section 2903.03, 2903.04, 2905.01, 9071
2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 9072
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 9073
2911.02, 2911.11, 2911.12, or 2917.02 of the Revised Code, a 9074
violation of section 2903.11 or 2903.12 of the Revised Code if the 9075
victim is a peace officer, a violation of section 2903.13 of the 9076
Revised Code that is a felony, or a violation of former section 9077
2907.12 of the Revised Code; 9078

(b) A conspiracy to commit, attempt to commit, or complicity 9079
in committing a violation set forth in division (A)(3)(a) of this 9080
section. 9081

(B)(1) Except as otherwise provided in division (B)(2) of 9082
this section, if the period of limitation provided in division 9083
(A)(1) or (3) of this section has expired, prosecution shall be 9084
commenced for an offense of which an element is fraud or breach of 9085
a fiduciary duty, within one year after discovery of the offense 9086
either by an aggrieved person, or by the aggrieved person's legal 9087
representative who is not a party to the offense. 9088

(2) If the period of limitation provided in division (A)(1) 9089
or (3) of this section has expired, prosecution for a violation of 9090
section 2913.49 of the Revised Code shall be commenced within five 9091
years after discovery of the offense either by an aggrieved person 9092
or the aggrieved person's legal representative who is not a party 9093
to the offense. 9094

(C)(1) If the period of limitation provided in division 9095
(A)(1) or (3) of this section has expired, prosecution shall be 9096
commenced for the following offenses during the following 9097
specified periods of time: 9098

(a) For an offense involving misconduct in office by a public 9099
servant, at any time while the accused remains a public servant, 9100

or within two years thereafter; 9101

(b) For an offense by a person who is not a public servant 9102
but whose offense is directly related to the misconduct in office 9103
of a public servant, at any time while that public servant remains 9104
a public servant, or within two years thereafter. 9105

(2) As used in this division: 9106

(a) An "offense is directly related to the misconduct in 9107
office of a public servant" includes, but is not limited to, a 9108
violation of section 101.71, 101.91, 121.61 or 2921.13, division 9109
(F) or (H) of section 102.03, division (A) of section 2921.02, 9110
division (A) or (B) of section 2921.43, or division (F) or (G) of 9111
section 3517.13 of the Revised Code, that is directly related to 9112
an offense involving misconduct in office of a public servant. 9113

(b) "Public servant" has the same meaning as in section 9114
2921.01 of the Revised Code. 9115

(D) An offense is committed when every element of the offense 9116
occurs. In the case of an offense of which an element is a 9117
continuing course of conduct, the period of limitation does not 9118
begin to run until such course of conduct or the accused's 9119
accountability for it terminates, whichever occurs first. 9120

(E) A prosecution is commenced on the date an indictment is 9121
returned or an information filed, or on the date a lawful arrest 9122
without a warrant is made, or on the date a warrant, summons, 9123
citation, or other process is issued, whichever occurs first. A 9124
prosecution is not commenced by the return of an indictment or the 9125
filing of an information unless reasonable diligence is exercised 9126
to issue and execute process on the same. A prosecution is not 9127
commenced upon issuance of a warrant, summons, citation, or other 9128
process, unless reasonable diligence is exercised to execute the 9129
same. 9130

(F) The period of limitation shall not run during any time 9131

when the corpus delicti remains undiscovered. 9132

(G) The period of limitation shall not run during any time 9133
when the accused purposely avoids prosecution. Proof that the 9134
accused departed this state or concealed the accused's identity or 9135
whereabouts is prima-facie evidence of the accused's purpose to 9136
avoid prosecution. 9137

(H) The period of limitation shall not run during any time a 9138
prosecution against the accused based on the same conduct is 9139
pending in this state, even though the indictment, information, or 9140
process that commenced the prosecution is quashed or the 9141
proceedings on the indictment, information, or process are set 9142
aside or reversed on appeal. 9143

(I) The period of limitation for a violation of any provision 9144
of Title XXIX of the Revised Code that involves a physical or 9145
mental wound, injury, disability, or condition of a nature that 9146
reasonably indicates ~~abuse or neglect of that~~ a child under 9147
eighteen years of age or of a mentally retarded, developmentally 9148
disabled, or physically impaired child under twenty-one years of 9149
age is a child in need of protective services shall not begin to 9150
run until either of the following occurs: 9151

(1) The victim of the offense reaches the age of majority. 9152

(2) A public children services agency, or a municipal or 9153
county peace officer that is not the parent or guardian of the 9154
child, in the county in which the child resides or in which the 9155
~~abuse or neglect act or omission indicating that the child is in~~ 9156
need of protective services is occurring or has occurred has been 9157
notified that ~~abuse or neglect act or omission~~ is known, 9158
suspected, or believed to have occurred. 9159

(J) As used in this section, "peace officer" has the same 9160
meaning as in section 2935.01 of the Revised Code. 9161

Sec. 2919.21. (A) No person shall abandon, or fail to provide 9162
adequate support to: 9163

(1) The person's spouse, as required by law; 9164

(2) The person's child who is under age eighteen, or mentally 9165
or physically handicapped child who is under age twenty-one; 9166

(3) The person's aged or infirm parent or adoptive parent, 9167
who from lack of ability and means is unable to provide adequately 9168
for the parent's own support. 9169

(B) No person shall abandon, or fail to provide support as 9170
established by a court order to, another person whom, by court 9171
order or decree, the person is legally obligated to support. 9172

(C) No person shall aid, abet, induce, cause, encourage, or 9173
contribute to a child or a ward of the juvenile court becoming a 9174
~~dependent child, as defined in section 2151.04 of the Revised~~ 9175
~~Code, or a neglected child, as defined in section 2151.03~~ child in 9176
need of protective supervision as a result of the child lacking 9177
necessary health care as determined in accordance with section 9178
2151.035 of the Revised Code, lacking legally required education 9179
as determined in accordance with section 2151.036 of the Revised 9180
Code, or lacking necessary care or supervision as determined in 9181
accordance with section 2151.037 of the Revised Code. 9182

(D) It is an affirmative defense to a charge of failure to 9183
provide adequate support under division (A) of this section or a 9184
charge of failure to provide support established by a court order 9185
under division (B) of this section that the accused was unable to 9186
provide adequate support or the established support but did 9187
provide the support that was within the accused's ability and 9188
means. 9189

(E) It is an affirmative defense to a charge under division 9190
(A)(3) of this section that the parent abandoned the accused or 9191

failed to support the accused as required by law, while the 9192
accused was under age eighteen, or was mentally or physically 9193
handicapped and under age twenty-one. 9194

(F) It is not a defense to a charge under division (B) of 9195
this section that the person whom a court has ordered the accused 9196
to support is being adequately supported by someone other than the 9197
accused. 9198

(G)(1) Except as otherwise provided in this division, whoever 9199
violates division (A) or (B) of this section is guilty of 9200
nonsupport of dependents, a misdemeanor of the first degree. If 9201
the offender previously has been convicted of or pleaded guilty to 9202
a violation of division (A)(2) or (B) of this section or if the 9203
offender has failed to provide support under division (A)(2) or 9204
(B) of this section for a total accumulated period of twenty-six 9205
weeks out of one hundred four consecutive weeks, whether or not 9206
the twenty-six weeks were consecutive, then a violation of 9207
division (A)(2) or (B) of this section is a felony of the fifth 9208
degree. If the offender previously has been convicted of or 9209
pleaded guilty to a felony violation of this section, a violation 9210
of division (A)(2) or (B) of this section is a felony of the 9211
fourth degree. If the offender is guilty of nonsupport of 9212
dependents by reason of failing to provide support to the 9213
offender's child as required by a child support order issued on or 9214
after April 15, 1985, pursuant to section 2151.23, 2151.231, 9215
2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, or 9216
3115.31 of the Revised Code, the court, in addition to any other 9217
sentence imposed, shall assess all court costs arising out of the 9218
charge against the person and require the person to pay any 9219
reasonable attorney's fees of any adverse party other than the 9220
state, as determined by the court, that arose in relation to the 9221
charge. 9222

(2) Whoever violates division (C) of this section is guilty 9223

of contributing to the nonsupport of dependents, a misdemeanor of 9224
the first degree. Each day of violation of division (C) of this 9225
section is a separate offense. 9226

Sec. 2919.22. (A) No person, who is the parent, guardian, 9227
custodian, person having custody or control, or person in loco 9228
parentis of a child under eighteen years of age or a mentally or 9229
physically handicapped child under twenty-one years of age, shall 9230
create a substantial risk to the health or safety of the child, by 9231
violating a duty of care, protection, or support. It is not a 9232
violation of a duty of care, protection, or support under this 9233
division when the parent, guardian, custodian, or person having 9234
custody or control of a child treats the physical or mental 9235
illness or defect of the child by spiritual means through prayer 9236
alone, in accordance with the tenets of a recognized religious 9237
body. 9238

(B) No person shall do any of the following to a child under 9239
eighteen years of age or a mentally or physically handicapped 9240
child under twenty-one years of age: 9241

(1) Abuse the child; 9242

(2) Torture or cruelly abuse the child; 9243

(3) Administer corporal punishment or other physical 9244
disciplinary measure, or physically restrain the child in a cruel 9245
manner or for a prolonged period, which punishment, discipline, or 9246
restraint is excessive under the circumstances and creates a 9247
substantial risk of serious physical harm to the child; 9248

(4) Repeatedly administer unwarranted disciplinary measures 9249
to the child, when there is a substantial risk that such conduct, 9250
if continued, will seriously impair or retard the child's mental 9251
health or development; 9252

(5) Entice, coerce, permit, encourage, compel, hire, employ, 9253

use, or allow the child to act, model, or in any other way 9254
participate in, or be photographed for, the production, 9255
presentation, dissemination, or advertisement of any material or 9256
performance that the offender knows or reasonably should know is 9257
obscene, is sexually oriented matter, or is nudity-oriented 9258
matter; 9259

(6) Allow the child to be on the same parcel of real property 9260
and within one hundred feet of, or, in the case of more than one 9261
housing unit on the same parcel of real property, in the same 9262
housing unit and within one hundred feet of, any act in violation 9263
of section 2925.04 or 2925.041 of the Revised Code when the person 9264
knows that the act is occurring, whether or not any person is 9265
prosecuted for or convicted of the violation of section 2925.04 or 9266
2925.041 of the Revised Code that is the basis of the violation of 9267
this division. 9268

(C)(1) No person shall operate a vehicle, streetcar, or 9269
trackless trolley within this state in violation of division (A) 9270
of section 4511.19 of the Revised Code when one or more children 9271
under eighteen years of age are in the vehicle, streetcar, or 9272
trackless trolley. Notwithstanding any other provision of law, a 9273
person may be convicted at the same trial or proceeding of a 9274
violation of this division and a violation of division (A) of 9275
section 4511.19 of the Revised Code that constitutes the basis of 9276
the charge of the violation of this division. For purposes of 9277
sections 4511.191 to 4511.197 of the Revised Code and all related 9278
provisions of law, a person arrested for a violation of this 9279
division shall be considered to be under arrest for operating a 9280
vehicle while under the influence of alcohol, a drug of abuse, or 9281
a combination of them or for operating a vehicle with a prohibited 9282
concentration of alcohol, a controlled substance, or a metabolite 9283
of a controlled substance in the whole blood, blood serum or 9284
plasma, breath, or urine. 9285

(2) As used in division (C)(1) of this section:	9286
(a) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	9287 9288
(b) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.	9289 9290
(D)(1) Division (B)(5) of this section does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies or research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.	9291 9292 9293 9294 9295 9296 9297 9298
(2) Mistake of age is not a defense to a charge under division (B)(5) of this section.	9299 9300
(3) In a prosecution under division (B)(5) of this section, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.	9301 9302 9303 9304 9305 9306
(4) As used in this division and division (B)(5) of this section:	9307 9308
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	9309 9310 9311
(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.	9312 9313 9314 9315

(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(E)(1) Whoever violates this section is guilty of endangering children.

(2) If the offender violates division (A) or (B)(1) of this section, endangering children is one of the following, and, in the circumstances described in division (E)(2)(e) of this section, that division applies:

(a) Except as otherwise provided in division (E)(2)(b), (c), or (d) of this section, a misdemeanor of the first degree;

(b) If the offender previously has been convicted of an offense under this section ~~or~~ of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, or of permitting or causing a child to become a child in need of protective services, except as otherwise provided in division (E)(2)(c) or (d) of this section, a felony of the fourth degree;

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;

(d) If the violation is a violation of division (B)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree.

(e) If the violation is a felony violation of division (B)(1) of this section and the offender also is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, the court shall sentence the offender to a mandatory prison term as provided in division (D)(7) of section 2929.14 of the Revised Code and shall

order the offender to make restitution as provided in division 9347
(B)(8) of section 2929.18 of the Revised Code. 9348

(3) If the offender violates division (B)(2), (3), (4), or 9349
(6) of this section, except as otherwise provided in this 9350
division, endangering children is a felony of the third degree. If 9351
the violation results in serious physical harm to the child 9352
involved, or if the offender previously has been convicted of an 9353
offense under this section ~~or~~ of any offense involving neglect, 9354
abandonment, contributing to the delinquency of, or physical abuse 9355
of a child, or of permitting or causing a child to become a child 9356
in need of protective services, endangering children is a felony 9357
of the second degree. If the offender violates division (B)(2), 9358
(3), or (4) of this section and the offender also is convicted of 9359
or pleads guilty to a specification as described in section 9360
2941.1422 of the Revised Code that was included in the indictment, 9361
count in the indictment, or information charging the offense, the 9362
court shall sentence the offender to a mandatory prison term as 9363
provided in division (D)(7) of section 2929.14 of the Revised Code 9364
and shall order the offender to make restitution as provided in 9365
division (B)(8) of section 2929.18 of the Revised Code. If the 9366
offender violates division (B)(6) of this section and the drug 9367
involved is methamphetamine, the court shall impose a mandatory 9368
prison term on the offender as follows: 9369

(a) If the violation is a violation of division (B)(6) of 9370
this section that is a felony of the third degree under division 9371
(E)(3) of this section and the drug involved is methamphetamine, 9372
except as otherwise provided in this division, the court shall 9373
impose as a mandatory prison term one of the prison terms 9374
prescribed for a felony of the third degree that is not less than 9375
two years. If the violation is a violation of division (B)(6) of 9376
this section that is a felony of the third degree under division 9377
(E)(3) of this section, if the drug involved is methamphetamine, 9378

and if the offender previously has been convicted of or pleaded 9379
guilty to a violation of division (B)(6) of this section, a 9380
violation of division (A) of section 2925.04 of the Revised Code, 9381
or a violation of division (A) of section 2925.041 of the Revised 9382
Code, the court shall impose as a mandatory prison term one of the 9383
prison terms prescribed for a felony of the third degree that is 9384
not less than five years. 9385

(b) If the violation is a violation of division (B)(6) of 9386
this section that is a felony of the second degree under division 9387
(E)(3) of this section and the drug involved is methamphetamine, 9388
except as otherwise provided in this division, the court shall 9389
impose as a mandatory prison term one of the prison terms 9390
prescribed for a felony of the second degree that is not less than 9391
three years. If the violation is a violation of division (B)(6) of 9392
this section that is a felony of the second degree under division 9393
(E)(3) of this section, if the drug involved is methamphetamine, 9394
and if the offender previously has been convicted of or pleaded 9395
guilty to a violation of division (B)(6) of this section, a 9396
violation of division (A) of section 2925.04 of the Revised Code, 9397
or a violation of division (A) of section 2925.041 of the Revised 9398
Code, the court shall impose as a mandatory prison term one of the 9399
prison terms prescribed for a felony of the second degree that is 9400
not less than five years. 9401

(4) If the offender violates division (B)(5) of this section, 9402
endangering children is a felony of the second degree. If the 9403
offender also is convicted of or pleads guilty to a specification 9404
as described in section 2941.1422 of the Revised Code that was 9405
included in the indictment, count in the indictment, or 9406
information charging the offense, the court shall sentence the 9407
offender to a mandatory prison term as provided in division (D)(7) 9408
of section 2929.14 of the Revised Code and shall order the 9409
offender to make restitution as provided in division (B)(8) of 9410

section 2929.18 of the Revised Code. 9411

(5) If the offender violates division (C) of this section, 9412
the offender shall be punished as follows: 9413

(a) Except as otherwise provided in division (E)(5)(b) or (c) 9414
of this section, endangering children in violation of division (C) 9415
of this section is a misdemeanor of the first degree. 9416

(b) If the violation results in serious physical harm to the 9417
child involved or the offender previously has been convicted of an 9418
offense under this section ~~or~~, of any offense involving neglect, 9419
abandonment, contributing to the delinquency of, or physical abuse 9420
of a child, or of permitting or causing a child to become a child 9421
in need of protective services, except as otherwise provided in 9422
division (E)(5)(c) of this section, endangering children in 9423
violation of division (C) of this section is a felony of the fifth 9424
degree. 9425

(c) If the violation results in serious physical harm to the 9426
child involved and if the offender previously has been convicted 9427
of a violation of division (C) of this section, section 2903.06 or 9428
2903.08 of the Revised Code, section 2903.07 of the Revised Code 9429
as it existed prior to March 23, 2000, or section 2903.04 of the 9430
Revised Code in a case in which the offender was subject to the 9431
sanctions described in division (D) of that section, endangering 9432
children in violation of division (C) of this section is a felony 9433
of the fourth degree. 9434

(d) In addition to any term of imprisonment, fine, or other 9435
sentence, penalty, or sanction it imposes upon the offender 9436
pursuant to division (E)(5)(a), (b), or (c) of this section or 9437
pursuant to any other provision of law and in addition to any 9438
suspension of the offender's driver's or commercial driver's 9439
license or permit or nonresident operating privilege under Chapter 9440
4506., 4509., 4510., or 4511. of the Revised Code or under any 9441

other provision of law, the court also may impose upon the 9442
offender a class seven suspension of the offender's driver's or 9443
commercial driver's license or permit or nonresident operating 9444
privilege from the range specified in division (A)(7) of section 9445
4510.02 of the Revised Code. 9446

(e) In addition to any term of imprisonment, fine, or other 9447
sentence, penalty, or sanction imposed upon the offender pursuant 9448
to division (E)(5)(a), (b), (c), or (d) of this section or 9449
pursuant to any other provision of law for the violation of 9450
division (C) of this section, if as part of the same trial or 9451
proceeding the offender also is convicted of or pleads guilty to a 9452
separate charge charging the violation of division (A) of section 9453
4511.19 of the Revised Code that was the basis of the charge of 9454
the violation of division (C) of this section, the offender also 9455
shall be sentenced in accordance with section 4511.19 of the 9456
Revised Code for that violation of division (A) of section 4511.19 9457
of the Revised Code. 9458

(F)(1)(a) A court may require an offender to perform not more 9459
than two hundred hours of supervised community service work under 9460
the authority of an agency, subdivision, or charitable 9461
organization. The requirement shall be part of the community 9462
control sanction or sentence of the offender, and the court shall 9463
impose the community service in accordance with and subject to 9464
divisions (F)(1)(a) and (b) of this section. The court may require 9465
an offender whom it requires to perform supervised community 9466
service work as part of the offender's community control sanction 9467
or sentence to pay the court a reasonable fee to cover the costs 9468
of the offender's participation in the work, including, but not 9469
limited to, the costs of procuring a policy or policies of 9470
liability insurance to cover the period during which the offender 9471
will perform the work. If the court requires the offender to 9472
perform supervised community service work as part of the 9473

offender's community control sanction or sentence, the court shall 9474
do so in accordance with the following limitations and criteria: 9475

(i) The court shall require that the community service work 9476
be performed after completion of the term of imprisonment or jail 9477
term imposed upon the offender for the violation of division (C) 9478
of this section, if applicable. 9479

(ii) The supervised community service work shall be subject 9480
to the limitations set forth in divisions (B)(1), (2), and (3) of 9481
section 2951.02 of the Revised Code. 9482

(iii) The community service work shall be supervised in the 9483
manner described in division (B)(4) of section 2951.02 of the 9484
Revised Code by an official or person with the qualifications 9485
described in that division. The official or person periodically 9486
shall report in writing to the court concerning the conduct of the 9487
offender in performing the work. 9488

(iv) The court shall inform the offender in writing that if 9489
the offender does not adequately perform, as determined by the 9490
court, all of the required community service work, the court may 9491
order that the offender be committed to a jail or workhouse for a 9492
period of time that does not exceed the term of imprisonment that 9493
the court could have imposed upon the offender for the violation 9494
of division (C) of this section, reduced by the total amount of 9495
time that the offender actually was imprisoned under the sentence 9496
or term that was imposed upon the offender for that violation and 9497
by the total amount of time that the offender was confined for any 9498
reason arising out of the offense for which the offender was 9499
convicted and sentenced as described in sections 2949.08 and 9500
2967.191 of the Revised Code, and that, if the court orders that 9501
the offender be so committed, the court is authorized, but not 9502
required, to grant the offender credit upon the period of the 9503
commitment for the community service work that the offender 9504
adequately performed. 9505

(b) If a court, pursuant to division (F)(1)(a) of this section, orders an offender to perform community service work as part of the offender's community control sanction or sentence and if the offender does not adequately perform all of the required community service work, as determined by the court, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code. The court may order that a person committed pursuant to this division shall receive hour-for-hour credit upon the period of the commitment for the community service work that the offender adequately performed. No commitment pursuant to this division shall exceed the period of the term of imprisonment that the sentencing court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under that sentence or term and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code.

(2) Division (F)(1) of this section does not limit or affect the authority of the court to suspend the sentence imposed upon a misdemeanor offender and place the offender under a community control sanction pursuant to section 2929.25 of the Revised Code, to require a misdemeanor or felony offender to perform supervised community service work in accordance with division (B) of section 2951.02 of the Revised Code, or to place a felony offender under a

community control sanction. 9539

(G)(1) If a court suspends an offender's driver's or 9540
commercial driver's license or permit or nonresident operating 9541
privilege under division (E)(5)(d) of this section, the period of 9542
the suspension shall be consecutive to, and commence after, the 9543
period of suspension of the offender's driver's or commercial 9544
driver's license or permit or nonresident operating privilege that 9545
is imposed under Chapter 4506., 4509., 4510., or 4511. of the 9546
Revised Code or under any other provision of law in relation to 9547
the violation of division (C) of this section that is the basis of 9548
the suspension under division (E)(5)(d) of this section or in 9549
relation to the violation of division (A) of section 4511.19 of 9550
the Revised Code that is the basis for that violation of division 9551
(C) of this section. 9552

(2) An offender is not entitled to request, and the court 9553
shall not grant to the offender, limited driving privileges if the 9554
offender's license, permit, or privilege has been suspended under 9555
division (E)(5)(d) of this section and the offender, within the 9556
preceding six years, has been convicted of or pleaded guilty to 9557
three or more violations of one or more of the following: 9558

(a) Division (C) of this section; 9559

(b) Any equivalent offense, as defined in section 4511.181 of 9560
the Revised Code. 9561

(H)(1) If a person violates division (C) of this section and 9562
if, at the time of the violation, there were two or more children 9563
under eighteen years of age in the motor vehicle involved in the 9564
violation, the offender may be convicted of a violation of 9565
division (C) of this section for each of the children, but the 9566
court may sentence the offender for only one of the violations. 9567

(2)(a) If a person is convicted of or pleads guilty to a 9568
violation of division (C) of this section but the person is not 9569

also convicted of and does not also plead guilty to a separate 9570
charge charging the violation of division (A) of section 4511.19 9571
of the Revised Code that was the basis of the charge of the 9572
violation of division (C) of this section, both of the following 9573
apply: 9574

(i) For purposes of the provisions of section 4511.19 of the 9575
Revised Code that set forth the penalties and sanctions for a 9576
violation of division (A) of section 4511.19 of the Revised Code, 9577
the conviction of or plea of guilty to the violation of division 9578
(C) of this section shall not constitute a violation of division 9579
(A) of section 4511.19 of the Revised Code; 9580

(ii) For purposes of any provision of law that refers to a 9581
conviction of or plea of guilty to a violation of division (A) of 9582
section 4511.19 of the Revised Code and that is not described in 9583
division (H)(2)(a)(i) of this section, the conviction of or plea 9584
of guilty to the violation of division (C) of this section shall 9585
constitute a conviction of or plea of guilty to a violation of 9586
division (A) of section 4511.19 of the Revised Code. 9587

(b) If a person is convicted of or pleads guilty to a 9588
violation of division (C) of this section and the person also is 9589
convicted of or pleads guilty to a separate charge charging the 9590
violation of division (A) of section 4511.19 of the Revised Code 9591
that was the basis of the charge of the violation of division (C) 9592
of this section, the conviction of or plea of guilty to the 9593
violation of division (C) of this section shall not constitute, 9594
for purposes of any provision of law that refers to a conviction 9595
of or plea of guilty to a violation of division (A) of section 9596
4511.19 of the Revised Code, a conviction of or plea of guilty to 9597
a violation of division (A) of section 4511.19 of the Revised 9598
Code. 9599

(I) As used in this section: 9600

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code; 9601
9602

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code; 9603
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(3) "Methamphetamine" has the same meaning as in section 2925.01 of the Revised Code. 9605
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Sec. 2919.23. (A) No person, knowing the person is without privilege to do so or being reckless in that regard, shall entice, take, keep, or harbor a person identified in division (A)(1), (2), or (3) of this section from the parent, guardian, or custodian of the person identified in division (A)(1), (2), or (3) of this section: 9607
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(1) A child under the age of eighteen, or a mentally or physically handicapped child under the age of twenty-one; 9613
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(2) A person committed by law to an institution for delinquent, or unruly, neglected, abused, or dependent children or children in need of protective services; 9615
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(3) A person committed by law to an institution for the mentally ill or mentally retarded. 9618
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(B) No person shall aid, abet, induce, cause, or encourage a child or a ward of the juvenile court who has been committed to the custody of any person, department, or public or private institution to leave the custody of that person, department, or institution without legal consent. 9620
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(C) It is an affirmative defense to a charge of enticing or taking under division (A)(1) of this section, that the actor reasonably believed that the actor's conduct was necessary to preserve the child's health or safety. It is an affirmative defense to a charge of keeping or harboring under division (A) of this section, that the actor in good faith gave notice to law 9625
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enforcement or judicial authorities within a reasonable time after 9631
the child or committed person came under the actor's shelter, 9632
protection, or influence. 9633

(D)(1) Whoever violates this section is guilty of 9634
interference with custody. 9635

(2) Except as otherwise provided in this division, a 9636
violation of division (A)(1) of this section is a misdemeanor of 9637
the first degree. If the child who is the subject of a violation 9638
of division (A)(1) of this section is removed from the state or if 9639
the offender previously has been convicted of an offense under 9640
this section, a violation of division (A)(1) of this section is a 9641
felony of the fifth degree. If the child who is the subject of a 9642
violation of division (A)(1) of this section suffers physical harm 9643
as a result of the violation, a violation of division (A)(1) of 9644
this section is a felony of the fourth degree. 9645

(3) A violation of division (A)(2) or (3) of this section is 9646
a misdemeanor of the third degree. 9647

(4) A violation of division (B) of this section is a 9648
misdemeanor of the first degree. Each day of violation of division 9649
(B) of this section is a separate offense. 9650

Sec. 2921.14. (A) No person shall knowingly make or cause 9651
another person to make a false report under division (B) of 9652
section 2151.421 of the Revised Code alleging that any person has 9653
committed an act or omission that resulted in a child being ~~an~~ 9654
~~abused child as defined in section 2151.031 of the Revised Code or~~ 9655
~~a neglected child as defined in section 2151.03 of the Revised~~ 9656
~~Code~~ a child in need of protective services due to any of the 9657
following: 9658

(1) Physical harm, as determined in accordance with section 9659
2151.031 of the Revised Code; 9660

<u>(2) Sexual harm, as determined in accordance with section 2151.032 of the Revised Code;</u>	9661 9662
<u>(3) Emotional harm, as determined in accordance with section 2151.033 of the Revised Code;</u>	9663 9664
<u>(4) Harm by exposure to substance misuse, as determined in accordance with section 2151.034 of the Revised Code.</u>	9665 9666
(B) Whoever violates this section is guilty of making or causing a false report of child abuse or that a child neglect is a child in need of protective services , a misdemeanor of the first degree.	9667 9668 9669 9670
Sec. 2921.32. (A) No person, with purpose to hinder the discovery, apprehension, prosecution, conviction, or punishment of another for crime or to assist another to benefit from the commission of a crime, and no person, with purpose to hinder the discovery, apprehension, prosecution, adjudication as a delinquent child, or disposition of a child for an act that if committed by an adult would be a crime or to assist a child to benefit from the commission of an act that if committed by an adult would be a crime, shall do any of the following:	9671 9672 9673 9674 9675 9676 9677 9678 9679
(1) Harbor or conceal the other person or child;	9680
(2) Provide the other person or child with money, transportation, a weapon, a disguise, or other means of avoiding discovery or apprehension;	9681 9682 9683
(3) Warn the other person or child of impending discovery or apprehension;	9684 9685
(4) Destroy or conceal physical evidence of the crime or act, or induce any person to withhold testimony or information or to elude legal process summoning the person to testify or supply evidence;	9686 9687 9688 9689
(5) Communicate false information to any person;	9690

(6) Prevent or obstruct any person, by means of force, 9691
intimidation, or deception, from performing any act to aid in the 9692
discovery, apprehension, or prosecution of the other person or 9693
child. 9694

(B) A person may be prosecuted for, and may be convicted of 9695
or adjudicated a delinquent child for committing, a violation of 9696
division (A) of this section regardless of whether the person or 9697
child aided ultimately is apprehended for, is charged with, is 9698
convicted of, pleads guilty to, or is adjudicated a delinquent 9699
child for committing the crime or act the person or child aided 9700
committed. The crime or act the person or child aided committed 9701
shall be used under division (C) of this section in determining 9702
the penalty for the violation of division (A) of this section, 9703
regardless of whether the person or child aided ultimately is 9704
apprehended for, is charged with, is convicted of, pleads guilty 9705
to, or is adjudicated a delinquent child for committing the crime 9706
or act the person or child aided committed. 9707

(C)(1) Whoever violates this section is guilty of obstructing 9708
justice. 9709

(2) If the crime committed by the person aided is a 9710
misdemeanor or if the act committed by the child aided would be a 9711
misdemeanor if committed by an adult, obstructing justice is a 9712
misdemeanor of the same degree as the crime committed by the 9713
person aided or a misdemeanor of the same degree that the act 9714
committed by the child aided would be if committed by an adult. 9715

(3) Except as otherwise provided in divisions (C)(4) and (5) 9716
of this section, if the crime committed by the person aided is a 9717
felony or if the act committed by the child aided would be a 9718
felony if committed by an adult, obstructing justice is a felony 9719
of the fifth degree. 9720

(4) If the crime committed by the person aided is aggravated 9721

murder, murder, or a felony of the first or second degree or if 9722
the act committed by the child aided would be one of those 9723
offenses if committed by an adult and if the offender knows or has 9724
reason to believe that the crime committed by the person aided is 9725
one of those offenses or that the act committed by the child aided 9726
would be one of those offenses if committed by an adult, 9727
obstructing justice is a felony of the third degree. 9728

(5) If the crime or act committed by the person or child 9729
aided is an act of terrorism, obstructing justice is one of the 9730
following: 9731

(a) Except as provided in division (C)(5)(b) of this section, 9732
a felony of the second degree; 9733

(b) If the act of terrorism resulted in the death of a person 9734
who was not a participant in the act of terrorism, a felony of the 9735
first degree. 9736

(D) As used in this section: 9737

(1) "Adult" and "child" have the same meanings as in section 9738
~~2151.011~~ 2151.03 of the Revised Code. 9739

(2) "Delinquent child" has the same meaning as in section 9740
2152.02 of the Revised Code. 9741

(3) "Act of terrorism" has the same meaning as in section 9742
2909.21 of the Revised Code. 9743

Sec. 2927.02. (A) As used in this section and section 9744
2927.021 of the Revised Code: 9745

(1) "Child" has the same meaning as in section ~~2151.011~~ 9746
2151.03 of the Revised Code. 9747

(2) "Cigarette" includes clove cigarettes and hand-rolled 9748
cigarettes. 9749

(3) "Distribute" means to furnish, give, or provide 9750

cigarettes, other tobacco products, or papers used to roll 9751
cigarettes to the ultimate consumer of the cigarettes, other 9752
tobacco products, or papers used to roll cigarettes. 9753

(4) "Proof of age" means a driver's license, a commercial 9754
driver's license, a military identification card, a passport, or 9755
an identification card issued under sections 4507.50 to 4507.52 of 9756
the Revised Code that shows that a person is eighteen years of age 9757
or older. 9758

(5) "Tobacco product" means any product that is made from 9759
tobacco, including, but not limited to, a cigarette, a cigar, pipe 9760
tobacco, chewing tobacco, or snuff. 9761

(6) "Vending machine" has the same meaning as "coin machine" 9762
in section 2913.01 of the Revised Code. 9763

(B) No manufacturer, producer, distributor, wholesaler, or 9764
retailer of cigarettes, other tobacco products, or papers used to 9765
roll cigarettes, no agent, employee, or representative of a 9766
manufacturer, producer, distributor, wholesaler, or retailer of 9767
cigarettes, other tobacco products, or papers used to roll 9768
cigarettes, and no other person shall do any of the following: 9769

(1) Give, sell, or otherwise distribute cigarettes, other 9770
tobacco products, or papers used to roll cigarettes to any child; 9771

(2) Give away, sell, or distribute cigarettes, other tobacco 9772
products, or papers used to roll cigarettes in any place that does 9773
not have posted in a conspicuous place a sign stating that giving, 9774
selling, or otherwise distributing cigarettes, other tobacco 9775
products, or papers used to roll cigarettes to a person under 9776
eighteen years of age is prohibited by law; 9777

(3) Knowingly furnish any false information regarding the 9778
name, age, or other identification of any child with purpose to 9779
obtain cigarettes, other tobacco products, or papers used to roll 9780
cigarettes for that child; 9781

(4) Manufacture, sell, or distribute in this state any pack 9782
or other container of cigarettes containing fewer than twenty 9783
cigarettes or any package of roll-your-own tobacco containing less 9784
than six-tenths of one ounce of tobacco; 9785

(5) Sell cigarettes in a smaller quantity than that placed in 9786
the pack or other container by the manufacturer. 9787

(C) No person shall sell or offer to sell cigarettes or other 9788
tobacco products by or from a vending machine, except in the 9789
following locations: 9790

(1) An area within a factory, business, office, or other 9791
place not open to the general public; 9792

(2) An area to which children are not generally permitted 9793
access; 9794

(3) Any other place not identified in division (C)(1) or (2) 9795
of this section, upon all of the following conditions: 9796

(a) The vending machine is located within the immediate 9797
vicinity, plain view, and control of the person who owns or 9798
operates the place, or an employee of that person, so that all 9799
cigarettes and other tobacco product purchases from the vending 9800
machine will be readily observed by the person who owns or 9801
operates the place or an employee of that person. For the purpose 9802
of this section, a vending machine located in any unmonitored 9803
area, including an unmonitored coatroom, restroom, hallway, or 9804
outer waiting area, shall not be considered located within the 9805
immediate vicinity, plain view, and control of the person who owns 9806
or operates the place, or an employee of that person. 9807

(b) The vending machine is inaccessible to the public when 9808
the place is closed. 9809

(D) The following are affirmative defenses to a charge under 9810
division (B)(1) of this section: 9811

(1) The child was accompanied by a parent, spouse who is 9812
eighteen years of age or older, or legal guardian of the child. 9813

(2) The person who gave, sold, or distributed cigarettes, 9814
other tobacco products, or papers used to roll cigarettes to a 9815
child under division (B)(1) of this section is a parent, spouse 9816
who is eighteen years of age or older, or legal guardian of the 9817
child. 9818

(E) It is not a violation of division (B)(1) or (2) of this 9819
section for a person to give or otherwise distribute to a child 9820
cigarettes, other tobacco products, or papers used to roll 9821
cigarettes while the child is participating in a research protocol 9822
if all of the following apply: 9823

(1) The parent, guardian, or legal custodian of the child has 9824
consented in writing to the child participating in the research 9825
protocol. 9826

(2) An institutional human subjects protection review board, 9827
or an equivalent entity, has approved the research protocol. 9828

(3) The child is participating in the research protocol at 9829
the facility or location specified in the research protocol. 9830

(F)(1) Whoever violates division (B)(1), (2), (4), or (5) or 9831
(C) of this section is guilty of illegal distribution of 9832
cigarettes or other tobacco products, a misdemeanor of the fourth 9833
degree. If the offender previously has been convicted of a 9834
violation of division (B)(1), (2), (4), or (5) or (C) of this 9835
section, illegal distribution of cigarettes or other tobacco 9836
products is a misdemeanor of the third degree. 9837

(2) Whoever violates division (B)(3) of this section is 9838
guilty of permitting children to use cigarettes or other tobacco 9839
products, a misdemeanor of the fourth degree. If the offender 9840
previously has been convicted of a violation of division (B)(3) of 9841
this section, permitting children to use cigarettes or other 9842

tobacco products is a misdemeanor of the third degree. 9843

(G) Any cigarettes, other tobacco products, or papers used to 9844
roll cigarettes that are given, sold, or otherwise distributed to 9845
a child in violation of this section and that are used, possessed, 9846
purchased, or received by a child in violation of section 2151.87 9847
of the Revised Code are subject to seizure and forfeiture as 9848
contraband under Chapter 2981. of the Revised Code. 9849

Sec. 2930.01. As used in this chapter: 9850

(A) "Crime" means any of the following: 9851

(1) A felony; 9852

(2) A violation of section 2903.05, 2903.06, 2903.13, 9853
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 9854
Revised Code, a violation of section 2903.07 of the Revised Code 9855
as it existed prior to March 23, 2000, or a violation of a 9856
substantially equivalent municipal ordinance; 9857

(3) A violation of division (A) or (B) of section 4511.19, 9858
division (A) or (B) of section 1547.11, or division (A)(3) of 9859
section 4561.15 of the Revised Code or of a municipal ordinance 9860
substantially similar to any of those divisions that is the 9861
proximate cause of a vehicle, streetcar, trackless trolley, 9862
aquatic device, or aircraft accident in which the victim receives 9863
injuries for which the victim receives medical treatment either at 9864
the scene of the accident by emergency medical services personnel 9865
or at a hospital, ambulatory care facility, physician's office, 9866
specialist's office, or other medical care facility. 9867

(4) A motor vehicle accident to which both of the following 9868
apply: 9869

(a) The motor vehicle accident is caused by a violation of a 9870
provision of the Revised Code that is a misdemeanor of the first 9871
degree or higher. 9872

(b) As a result of the motor vehicle accident, the victim 9873
receives injuries for which the victim receives medical treatment 9874
either at the scene of the accident by emergency medical services 9875
personnel or at a hospital, ambulatory care facility, physician's 9876
office, specialist's office, or other medical care facility. 9877

(B) "Custodial agency" means one of the following: 9878

(1) The entity that has custody of a defendant or an alleged 9879
juvenile offender who is incarcerated for a crime, is under 9880
detention for the commission of a specified delinquent act, or who 9881
is detained after a finding of incompetence to stand trial or not 9882
guilty by reason of insanity relative to a crime, including any of 9883
the following: 9884

(a) The department of rehabilitation and correction or the 9885
adult parole authority; 9886

(b) A county sheriff; 9887

(c) The entity that administers a jail, as defined in section 9888
2929.01 of the Revised Code; 9889

(d) The entity that administers a community-based 9890
correctional facility and program or a district community-based 9891
correctional facility and program; 9892

(e) The department of mental health or other entity to which 9893
a defendant found incompetent to stand trial or not guilty by 9894
reason of insanity is committed. 9895

(2) The entity that has custody of an alleged juvenile 9896
offender pursuant to an order of disposition of a juvenile court, 9897
including the department of youth services or a school, camp, 9898
institution, or other facility operated for the care of delinquent 9899
children. 9900

(C) "Defendant" means a person who is alleged to be the 9901
perpetrator of a crime in a police report or in a complaint, 9902

indictment, or information that charges the commission of a crime 9903
and that provides the basis for the criminal prosecution and 9904
subsequent proceedings to which this chapter makes reference. 9905

(D) "Member of the victim's family" means a spouse, child, 9906
stepchild, sibling, parent, stepparent, grandparent, or other 9907
relative of a victim but does not include a person who is charged 9908
with, convicted of, or adjudicated to be a delinquent child for 9909
the crime or specified delinquent act against the victim or 9910
another crime or specified delinquent act arising from the same 9911
conduct, criminal episode, or plan. 9912

(E) "Prosecutor" means one of the following: 9913

(1) With respect to a criminal case, it has the same meaning 9914
as in section 2935.01 of the Revised Code and also includes the 9915
attorney general and, when appropriate, the employees of any 9916
person listed in section 2935.01 of the Revised Code or of the 9917
attorney general. 9918

(2) With respect to a delinquency proceeding, it includes any 9919
person listed in division (C) of section 2935.01 of the Revised 9920
Code or an employee of a person listed in that division who 9921
prosecutes a delinquency proceeding. 9922

(F) "Public agency" means an office, agency, department, 9923
bureau, or other governmental entity of the state or of a 9924
political subdivision of the state. 9925

(G) "Public official" has the same meaning as in section 9926
2921.01 of the Revised Code. 9927

(H) "Victim" means either of the following: 9928

(1) A person who is identified as the victim of a crime or 9929
specified delinquent act in a police report or in a complaint, 9930
indictment, or information that charges the commission of a crime 9931
and that provides the basis for the criminal prosecution or 9932

delinquency proceeding and subsequent proceedings to which this 9933
chapter makes reference. 9934

(2) A person who receives injuries as a result of a vehicle, 9935
streetcar, trackless trolley, aquatic device, or aircraft accident 9936
that is proximately caused by a violation described in division 9937
(A)(3) of this section or a motor vehicle accident that is 9938
proximately caused by a violation described in division (A)(4) of 9939
this section and who receives medical treatment as described in 9940
division (A)(3) or (4) of this section, whichever is applicable. 9941

(I) "Victim's representative" means a member of the victim's 9942
family or another person who pursuant to the authority of section 9943
2930.02 of the Revised Code exercises the rights of a victim under 9944
this chapter. 9945

(J) "Court" means a court of common pleas, juvenile court, 9946
municipal court, or county court. 9947

(K) "Delinquency proceeding" means all proceedings in a 9948
juvenile court that are related to a case in which a complaint has 9949
been filed alleging that a child is a delinquent child. 9950

(L) "Case" means a delinquency proceeding and all related 9951
activity or a criminal prosecution and all related activity. 9952

(M) The "defense" means the defense against criminal charges 9953
in a criminal prosecution or the defense against a delinquent 9954
child complaint in a delinquency proceeding. 9955

(N) The "prosecution" means the prosecution of criminal 9956
charges in a criminal prosecution or the prosecution of a 9957
delinquent child complaint in a delinquency proceeding. 9958

(O) "Specified delinquent act" means any of the following: 9959

(1) An act committed by a child that if committed by an adult 9960
would be a felony; 9961

(2) An act committed by a child that is a violation of a 9962

section listed in division (A)(1) or (2) of this section or is a violation of a substantially equivalent municipal ordinance;

(3) An act committed by a child that is described in division (A)(3) or (4) of this section.

(P)(1) "Alleged juvenile offender" means a child who is alleged to have committed a specified delinquent act in a police report or in a complaint in juvenile court that charges the commission of a specified delinquent act and that provides the basis for the delinquency proceeding and all subsequent proceedings to which this chapter makes reference.

(2) As used in divisions (O) and (P)(1) of this section, "child" has the same meaning as in section ~~2151.011~~ 2151.03 of the Revised Code.

(Q) "Motor vehicle accident" means any accident involving a motor vehicle.

(R) "Motor vehicle" has the same meaning as in section 4509.01 of the Revised Code.

(S) "Aircraft" has the same meaning as in section 4561.01 of the Revised Code.

(T) "Aquatic device" means any vessel, or any water skis, aquaplane, or similar device.

(U) "Vehicle," "streetcar," and "trackless trolley" have the same meanings as in section 4511.01 of the Revised Code.

(V) "Vehicle, streetcar, trackless trolley, aquatic device, or aircraft accident" means any accident involving a vehicle, streetcar, trackless trolley, aquatic device, or aircraft.

(W) "Vessel" has the same meaning as in section 1547.01 of the Revised Code.

Sec. 2945.42. No person is disqualified as a witness in a

criminal prosecution by reason of the person's interest in the 9992
prosecution as a party or otherwise or by reason of the person's 9993
conviction of crime. Husband and wife are competent witnesses to 9994
testify in behalf of each other in all criminal prosecutions and 9995
to testify against each other in all actions, prosecutions, and 9996
proceedings for personal injury of either by the other, bigamy, or 9997
~~failure to provide for, neglect of, or cruelty to their children~~ 9998
causing a child under eighteen years of age or their physically or 9999
mentally handicapped child under twenty-one years of age to become 10000
a child in need of protective services. A spouse may testify 10001
against his or her spouse in a prosecution under a provision of 10002
sections 2903.11 to 2903.13, 2919.21, 2919.22, or 2919.25 of the 10003
Revised Code for cruelty to, neglect of, or abandonment of such 10004
spouse, in a prosecution against his or her spouse under section 10005
2903.211 or 2911.211, of the Revised Code for the commission of 10006
the offense against the spouse who is testifying, in a prosecution 10007
under section 2919.27 of the Revised Code involving a protection 10008
order issued or consent agreement approved pursuant to section 10009
2919.26 or 3113.31 of the Revised Code for the commission of the 10010
offense against the spouse who is testifying, or in a prosecution 10011
under section 2907.02 of the Revised Code for the commission of 10012
rape or under former section 2907.12 of the Revised Code for 10013
felonious sexual penetration against such spouse in a case in 10014
which the offense can be committed against a spouse. Such 10015
interest, conviction, or relationship may be shown for the purpose 10016
of affecting the credibility of the witness. Husband or wife shall 10017
not testify concerning a communication made by one to the other, 10018
or act done by either in the presence of the other, during 10019
coverture, unless the communication was made or act done in the 10020
known presence or hearing of a third person competent to be a 10021
witness, or in case of personal injury by either the husband or 10022
wife to the other, or rape or the former offense of felonious 10023
sexual penetration in a case in which the offense can be committed 10024

against a spouse, or bigamy, or ~~failure to provide for, or neglect~~ 10025
~~or cruelty of either to their children~~ causing a child under 10026
eighteen years of age or their physically or mentally handicapped 10027
child under twenty-one years of age to become a child in need of 10028
protective services, violation of a protection order or consent 10029
agreement, or neglect or abandonment of a spouse under a provision 10030
of those sections. The presence or whereabouts of the husband or 10031
wife is not an act under this section. The rule is the same if the 10032
marital relation has ceased to exist. 10033

Sec. 3101.01. (A) Male persons of the age of eighteen years, 10034
and female persons of the age of sixteen years, not nearer of kin 10035
than second cousins, and not having a husband or wife living, may 10036
be joined in marriage. A marriage may only be entered into by one 10037
man and one woman. A minor shall first obtain the consent of the 10038
minor's parents, surviving parent, parent who is designated the 10039
residential parent and legal custodian of the minor by a court of 10040
competent jurisdiction, guardian, or any one of the following who 10041
has been awarded permanent custody of the minor by a court 10042
exercising juvenile jurisdiction: 10043

(1) An adult person; 10044

(2) The department of job and family services or any child 10045
welfare organization certified by the department; 10046

(3) A public children services agency. 10047

(B) For the purposes of division (A) of this section, a minor 10048
shall not be required to obtain the consent of a parent ~~who~~ 10049
resides to whom any of the following apply: 10050

(1) The parent resides in a foreign country, ~~has neglected~~ 10051
~~or~~ 10052

(2) The parent has abandoned the minor or caused the minor to 10053
be a child lacking necessary health care as determined in 10054

accordance with section 2151.035 of the Revised Code, lacking 10055
legally required education as determined in accordance with 10056
section 2151.036 of the Revised Code, or lacking necessary care or 10057
supervision as determined in accordance with section 2151.037 of 10058
the Revised Code, for a period of one year or longer immediately 10059
preceding the minor's application for a marriage license,~~has;~~ 10060

(3) The parent has been adjudged incompetent,~~is;~~ 10061

(4) The parent is an inmate of a state mental or correctional 10062
institution,~~has;~~ 10063

(5) The parent has been permanently deprived of parental 10064
rights and responsibilities for the care of the minor and the 10065
right to have the minor live with the parent and to be the legal 10066
custodian of the minor by a court exercising juvenile 10067
jurisdiction,~~or has;~~ 10068

(6) The parent has been deprived of parental rights and 10069
responsibilities for the care of the minor and the right to have 10070
the minor live with the parent and to be the legal custodian of 10071
the minor by the appointment of a guardian of the person of the 10072
minor by the probate court or by another court of competent 10073
jurisdiction. 10074

(C)(1) Any marriage between persons of the same sex is 10075
against the strong public policy of this state. Any marriage 10076
between persons of the same sex shall have no legal force or 10077
effect in this state and, if attempted to be entered into in this 10078
state, is void ab initio and shall not be recognized by this 10079
state. 10080

(2) Any marriage entered into by persons of the same sex in 10081
any other jurisdiction shall be considered and treated in all 10082
respects as having no legal force or effect in this state and 10083
shall not be recognized by this state. 10084

(3) The recognition or extension by the state of the specific 10085

statutory benefits of a legal marriage to nonmarital relationships 10086
between persons of the same sex or different sexes is against the 10087
strong public policy of this state. Any public act, record, or 10088
judicial proceeding of this state, as defined in section 9.82 of 10089
the Revised Code, that extends the specific statutory benefits of 10090
legal marriage to nonmarital relationships between persons of the 10091
same sex or different sexes is void ab initio. Nothing in division 10092
(C)(3) of this section shall be construed to do either of the 10093
following: 10094

(a) Prohibit the extension of specific benefits otherwise 10095
enjoyed by all persons, married or unmarried, to nonmarital 10096
relationships between persons of the same sex or different sexes, 10097
including the extension of benefits conferred by any statute that 10098
is not expressly limited to married persons, which includes but is 10099
not limited to benefits available under Chapter 4117. of the 10100
Revised Code; 10101

(b) Affect the validity of private agreements that are 10102
otherwise valid under the laws of this state. 10103

(4) Any public act, record, or judicial proceeding of any 10104
other state, country, or other jurisdiction outside this state 10105
that extends the specific benefits of legal marriage to nonmarital 10106
relationships between persons of the same sex or different sexes 10107
shall be considered and treated in all respects as having no legal 10108
force or effect in this state and shall not be recognized by this 10109
state. 10110

Sec. 3107.013. An agency arranging an adoption pursuant to an 10111
application submitted to the agency under section 3107.012 of the 10112
Revised Code for a foster caregiver seeking to adopt the foster 10113
caregiver's foster child shall provide the foster caregiver 10114
information about adoption, including information about state 10115
adoption law, adoption assistance available pursuant to section 10116

5153.163 of the Revised Code and Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, the types of behavior that the prospective adoptive parents may anticipate from children who have ~~experienced abuse and neglect~~ been children in need of protective services, suggested interventions and the assistance available if the child exhibits those types of behavior after adoption, and other adoption issues the department of job and family services identifies. The agency shall provide the information to the foster caregiver in accordance with rules the department of job and family services shall adopt in accordance with Chapter 119. of the Revised Code.

Sec. 3107.034. (A) Whenever a prospective adoptive parent or a person eighteen years of age or older who resides with a prospective adoptive parent has resided in another state within the five-year period immediately prior to the date on which a criminal records check is requested for the person under division (A) of section 2151.86 of the Revised Code, the administrative director of an agency, or attorney, who arranges the adoption for the prospective adoptive parent shall request a check of the central registry of abuse and neglect of this state from the department of job and family services regarding the prospective adoptive parent or the person eighteen years of age or older who resides with the prospective adoptive parent to enable the agency or attorney to check any child abuse and neglect registry maintained by that other state. The administrative director or attorney shall make the request and shall review the results of the check before a final decree of adoption or an interlocutory order of adoption making the person an adoptive parent may be made. Information received pursuant to the request shall be considered for purposes of this chapter as if it were a summary report required under section 3107.033 of the Revised Code. The department of job and family services shall comply with any

request to check the central registry that is similar to the 10149
request described in this division and that is received from any 10150
other state. 10151

(B) The summary report of a search of the uniform statewide 10152
automated child welfare information system established in section 10153
5101.13 of the Revised Code that is required under section 10154
3107.033 of the Revised Code shall contain, if applicable, a 10155
chronological list of ~~abuse and neglect~~ child in need of 10156
protective services determinations or allegations that are based 10157
on reports made under section 2151.421 of the Revised Code 10158
indicating that a child is in need of protective services, of 10159
which the person seeking to adopt is subject and in regards to 10160
which a public children services agency has done one of the 10161
following: 10162

(1) Determined that abuse or neglect occurred or acts or 10163
omissions indicating that a child is a child in need of protective 10164
services occurred; 10165

(2) Initiated an investigation, and the investigation is 10166
ongoing; 10167

(3) Initiated an investigation and the agency was unable to 10168
determine whether abuse ~~or~~, neglect, or such acts or omissions 10169
occurred. 10170

(C) The summary report required under section 3107.033 of the 10171
Revised Code shall not contain any of the following: 10172

(1) An abuse ~~and~~, neglect, or child in need of protective 10173
services determination of which the person seeking to adopt is 10174
subject and in regards to which a public children services agency 10175
determined that abuse ~~or~~, neglect, or an act or omission 10176
indicating that the child is a child in need of protective 10177
services did not occur; 10178

(2) Information or reports the dissemination of which is 10179

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(3) The name of the person who or entity that made, or participated in the making of, the report ~~of abuse or neglect~~ under section 2151.421 of the Revised Code.

(D)(1) An application for adoption may be denied based on a summary report containing the information described under division (B)(1) of this section, when considered within the totality of the circumstances. An application that is denied may be appealed using the procedure adopted pursuant to division (B) of section 3107.033 of the Revised Code.

(2) An application for adoption shall not be denied solely based on a summary report containing the information described under division (B)(2) or (3) of this section.

Sec. 3107.12. (A) Except as provided in division (B) of this section, an assessor shall conduct a prefinalization assessment of a minor and petitioner before a court issues a final decree of adoption or finalizes an interlocutory order of adoption for the minor. On completion of the assessment, the assessor shall prepare a written report of the assessment and provide a copy of the report to the court before which the adoption petition is pending.

The report of a prefinalization assessment shall include all of the following:

(1) The adjustment of the minor and the petitioner to the adoptive placement;

(2) The present and anticipated needs of the minor and the petitioner, as determined by a review of the minor's medical and social history, for adoption-related services, including assistance under Title IV-E of the "Social Security Act," 94 Stat.

501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 10210
the Revised Code and counseling, case management services, crisis 10211
services, diagnostic services, and therapeutic counseling. 10212

(3) The physical, mental, and developmental condition of the 10213
minor; 10214

(4) If known, the minor's biological family background, 10215
including identifying information about the biological or other 10216
legal parents; 10217

(5) The reasons for the minor's placement with the 10218
petitioner, the petitioner's attitude toward the proposed 10219
adoption, and the circumstances under which the minor was placed 10220
in the home of the petitioner; 10221

(6) The attitude of the minor toward the proposed adoption, 10222
if the minor's age makes this feasible; 10223

(7) If the minor is an Indian child, as defined in 25 10224
U.S.C.A. 1903(4), how the placement complies with the "Indian 10225
Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as 10226
amended; 10227

(8) If known, the minor's psychological background, including 10228
prior abuse of the child, prior acts or omissions against the 10229
child that could have caused the child to become a child in need 10230
of protective services, and behavioral problems of the child; 10231

(9) If applicable, the documents or forms required under 10232
sections 3107.032, 3107.10, and 3107.101 of the Revised Code. 10233

The assessor shall file the prefinalization report with the 10234
court not later than twenty days prior to the date scheduled for 10235
the final hearing on the adoption unless the court determines 10236
there is good cause for filing the report at a later date. 10237

The assessor shall provide a copy of the written report of 10238
the assessment to the petitioner with the identifying information 10239

about the biological or other legal parents redacted. 10240

(B) This section does not apply if the petitioner is the 10241
minor's stepparent, unless a court, after determining a 10242
prefinalization assessment is in the best interest of the minor, 10243
orders that an assessor conduct a prefinalization assessment. 10244

(C) The director of job and family services shall adopt rules 10245
in accordance with Chapter 119. of the Revised Code defining 10246
"counseling," "case management services," "crisis services," 10247
"diagnostic services," and "therapeutic counseling" for the 10248
purpose of this section. 10249

Sec. 3107.161. (A) As used in this section, "the least 10250
detrimental available alternative" means the alternative that 10251
would have the least long-term negative impact on the child. 10252

(B) When a court makes a determination in a contested 10253
adoption concerning the best interest of a child, the court shall 10254
consider all relevant factors including, but not limited to, all 10255
of the following: 10256

(1) The least detrimental available alternative for 10257
safeguarding the child's growth and development; 10258

(2) The age and health of the child at the time the best 10259
interest determination is made and, if applicable, at the time the 10260
child was removed from the home; 10261

(3) The wishes of the child in any case in which the child's 10262
age and maturity makes this feasible; 10263

(4) The duration of the separation of the child from a 10264
parent; 10265

(5) Whether the child will be able to enter into a more 10266
stable and permanent family relationship, taking into account the 10267
conditions of the child's current placement, the likelihood of 10268
future placements, and the results of prior placements; 10269

(6) The likelihood of safe reunification with a parent within a reasonable period of time;	10270 10271
(7) The importance of providing permanency, stability, and continuity of relationships for the child;	10272 10273
(8) The child's interaction and interrelationship with the child's parents, siblings, and any other person who may significantly affect the child's best interest;	10274 10275 10276
(9) The child's adjustment to the child's current home, school, and community;	10277 10278
(10) The mental and physical health of all persons involved in the situation;	10279 10280
(11) Whether any person involved in the situation has been convicted of, pleaded guilty to, or accused of any criminal offense involving any act <u>or omission</u> that resulted in a child being abused or , <u>neglected, or a child in need of protective services</u> ; whether the person, in a case in which a child has been adjudicated to be an abused or neglected child, <u>or a child in need of protective services</u> , has been determined to be the perpetrator of the abusive or neglectful act <u>or omission</u> that is the basis of the adjudication; whether the person has been convicted of, pleaded guilty to, or accused of a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the person's family or household; and whether the person has been convicted of, pleaded guilty to, or accused of any offense involving a victim who at the time of the commission of the offense was a member of the person's family or household and caused physical harm to the victim in the commission of the offense.	10281 10282 10283 10284 10285 10286 10287 10288 10289 10290 10291 10292 10293 10294 10295 10296 10297
(C) A person who contests an adoption has the burden of providing the court material evidence needed to determine what is in the best interest of the child and must establish that the	10298 10299 10300

child's current placement is not the least detrimental available 10301
alternative. 10302

Sec. 3109.04. (A) In any divorce, legal separation, or 10303
annulment proceeding and in any proceeding pertaining to the 10304
allocation of parental rights and responsibilities for the care of 10305
a child, upon hearing the testimony of either or both parents and 10306
considering any mediation report filed pursuant to section 10307
3109.052 of the Revised Code and in accordance with sections 10308
3127.01 to 3127.53 of the Revised Code, the court shall allocate 10309
the parental rights and responsibilities for the care of the minor 10310
children of the marriage. Subject to division (D)(2) of this 10311
section, the court may allocate the parental rights and 10312
responsibilities for the care of the children in either of the 10313
following ways: 10314

(1) If neither parent files a pleading or motion in 10315
accordance with division (G) of this section, if at least one 10316
parent files a pleading or motion under that division but no 10317
parent who filed a pleading or motion under that division also 10318
files a plan for shared parenting, or if at least one parent files 10319
both a pleading or motion and a shared parenting plan under that 10320
division but no plan for shared parenting is in the best interest 10321
of the children, the court, in a manner consistent with the best 10322
interest of the children, shall allocate the parental rights and 10323
responsibilities for the care of the children primarily to one of 10324
the parents, designate that parent as the residential parent and 10325
the legal custodian of the child, and divide between the parents 10326
the other rights and responsibilities for the care of the 10327
children, including, but not limited to, the responsibility to 10328
provide support for the children and the right of the parent who 10329
is not the residential parent to have continuing contact with the 10330
children. 10331

(2) If at least one parent files a pleading or motion in accordance with division (G) of this section and a plan for shared parenting pursuant to that division and if a plan for shared parenting is in the best interest of the children and is approved by the court in accordance with division (D)(1) of this section, the court may allocate the parental rights and responsibilities for the care of the children to both parents and issue a shared parenting order requiring the parents to share all or some of the aspects of the physical and legal care of the children in accordance with the approved plan for shared parenting. If the court issues a shared parenting order under this division and it is necessary for the purpose of receiving public assistance, the court shall designate which one of the parents' residences is to serve as the child's home. The child support obligations of the parents under a shared parenting order issued under this division shall be determined in accordance with Chapters 3119., 3121., 3123., and 3125. of the Revised Code.

(B)(1) When making the allocation of the parental rights and responsibilities for the care of the children under this section in an original proceeding or in any proceeding for modification of a prior order of the court making the allocation, the court shall take into account that which would be in the best interest of the children. In determining the child's best interest for purposes of making its allocation of the parental rights and responsibilities for the care of the child and for purposes of resolving any issues related to the making of that allocation, the court, in its discretion, may and, upon the request of either party, shall interview in chambers any or all of the involved children regarding their wishes and concerns with respect to the allocation.

(2) If the court interviews any child pursuant to division (B)(1) of this section, all of the following apply:

(a) The court, in its discretion, may and, upon the motion of either parent, shall appoint a guardian ad litem for the child.

(b) The court first shall determine the reasoning ability of the child. If the court determines that the child does not have sufficient reasoning ability to express the child's wishes and concern with respect to the allocation of parental rights and responsibilities for the care of the child, it shall not determine the child's wishes and concerns with respect to the allocation. If the court determines that the child has sufficient reasoning ability to express the child's wishes or concerns with respect to the allocation, it then shall determine whether, because of special circumstances, it would not be in the best interest of the child to determine the child's wishes and concerns with respect to the allocation. If the court determines that, because of special circumstances, it would not be in the best interest of the child to determine the child's wishes and concerns with respect to the allocation and shall enter its written findings of fact and opinion in the journal. If the court determines that it would be in the best interests of the child to determine the child's wishes and concerns with respect to the allocation, it shall proceed to make that determination.

(c) The interview shall be conducted in chambers, and no person other than the child, the child's attorney, the judge, any necessary court personnel, and, in the judge's discretion, the attorney of each parent shall be permitted to be present in the chambers during the interview.

(3) No person shall obtain or attempt to obtain from a child a written or recorded statement or affidavit setting forth the child's wishes and concerns regarding the allocation of parental rights and responsibilities concerning the child. No court, in determining the child's best interest for purposes of making its

allocation of the parental rights and responsibilities for the 10396
care of the child or for purposes of resolving any issues related 10397
to the making of that allocation, shall accept or consider a 10398
written or recorded statement or affidavit that purports to set 10399
forth the child's wishes and concerns regarding those matters. 10400

(C) Prior to trial, the court may cause an investigation to 10401
be made as to the character, family relations, past conduct, 10402
earning ability, and financial worth of each parent and may order 10403
the parents and their minor children to submit to medical, 10404
psychological, and psychiatric examinations. The report of the 10405
investigation and examinations shall be made available to either 10406
parent or the parent's counsel of record not less than five days 10407
before trial, upon written request. The report shall be signed by 10408
the investigator, and the investigator shall be subject to 10409
cross-examination by either parent concerning the contents of the 10410
report. The court may tax as costs all or any part of the expenses 10411
for each investigation. 10412

If the court determines that either parent previously has 10413
been convicted of or pleaded guilty to any criminal offense 10414
involving any act that resulted in a child being a neglected child 10415
or a child in need of protective services, that either parent 10416
previously has been determined to be the perpetrator of the 10417
~~neglectful~~ act or omission that is the basis of an adjudication 10418
that a child is a neglected child or a child in need of protective 10419
services, or that there is reason to believe that either parent 10420
has acted in a manner resulting in a child being a neglected child 10421
or a child in need of protective services, the court shall 10422
consider that fact against naming that parent the residential 10423
parent and against granting a shared parenting decree. When the 10424
court allocates parental rights and responsibilities for the care 10425
of children or determines whether to grant shared parenting in any 10426
proceeding, it shall consider whether either parent or any member 10427

of the household of either parent has been convicted of or pleaded 10428
guilty to a violation of section 2919.25 of the Revised Code or a 10429
sexually oriented offense involving a victim who at the time of 10430
the commission of the offense was a member of the family or 10431
household that is the subject of the proceeding, has been 10432
convicted of or pleaded guilty to any sexually oriented offense or 10433
other offense involving a victim who at the time of the commission 10434
of the offense was a member of the family or household that is the 10435
subject of the proceeding and caused physical harm to the victim 10436
in the commission of the offense, or has been determined to be the 10437
perpetrator of the ~~abusive act~~ or omission that is the basis of an 10438
adjudication that a child is an abused child or a child in need of 10439
protective services. If the court determines that either parent 10440
has been convicted of or pleaded guilty to a violation of section 10441
2919.25 of the Revised Code or a sexually oriented offense 10442
involving a victim who at the time of the commission of the 10443
offense was a member of the family or household that is the 10444
subject of the proceeding, has been convicted of or pleaded guilty 10445
to any sexually oriented offense or other offense involving a 10446
victim who at the time of the commission of the offense was a 10447
member of the family or household that is the subject of the 10448
proceeding and caused physical harm to the victim in the 10449
commission of the offense, or has been determined to be the 10450
perpetrator of the abusive act that is the basis of an 10451
adjudication that a child is an abused child, it may designate 10452
that parent as the residential parent and may issue a shared 10453
parenting decree or order only if it determines that it is in the 10454
best interest of the child to name that parent the residential 10455
parent or to issue a shared parenting decree or order and it makes 10456
specific written findings of fact to support its determination. 10457

(D)(1)(a) Upon the filing of a pleading or motion by either 10458
parent or both parents, in accordance with division (G) of this 10459
section, requesting shared parenting and the filing of a shared 10460

parenting plan in accordance with that division, the court shall 10461
comply with division (D)(1)(a)(i), (ii), or (iii) of this section, 10462
whichever is applicable: 10463

(i) If both parents jointly make the request in their 10464
pleadings or jointly file the motion and also jointly file the 10465
plan, the court shall review the parents' plan to determine if it 10466
is in the best interest of the children. If the court determines 10467
that the plan is in the best interest of the children, the court 10468
shall approve it. If the court determines that the plan or any 10469
part of the plan is not in the best interest of the children, the 10470
court shall require the parents to make appropriate changes to the 10471
plan to meet the court's objections to it. If changes to the plan 10472
are made to meet the court's objections, and if the new plan is in 10473
the best interest of the children, the court shall approve the 10474
plan. If changes to the plan are not made to meet the court's 10475
objections, or if the parents attempt to make changes to the plan 10476
to meet the court's objections, but the court determines that the 10477
new plan or any part of the new plan still is not in the best 10478
interest of the children, the court may reject the portion of the 10479
parents' pleadings or deny their motion requesting shared 10480
parenting of the children and proceed as if the request in the 10481
pleadings or the motion had not been made. The court shall not 10482
approve a plan under this division unless it determines that the 10483
plan is in the best interest of the children. 10484

(ii) If each parent makes a request in the parent's pleadings 10485
or files a motion and each also files a separate plan, the court 10486
shall review each plan filed to determine if either is in the best 10487
interest of the children. If the court determines that one of the 10488
filed plans is in the best interest of the children, the court may 10489
approve the plan. If the court determines that neither filed plan 10490
is in the best interest of the children, the court may order each 10491
parent to submit appropriate changes to the parent's plan or both 10492

of the filed plans to meet the court's objections, or may select 10493
one of the filed plans and order each parent to submit appropriate 10494
changes to the selected plan to meet the court's objections. If 10495
changes to the plan or plans are submitted to meet the court's 10496
objections, and if any of the filed plans with the changes is in 10497
the best interest of the children, the court may approve the plan 10498
with the changes. If changes to the plan or plans are not 10499
submitted to meet the court's objections, or if the parents submit 10500
changes to the plan or plans to meet the court's objections but 10501
the court determines that none of the filed plans with the 10502
submitted changes is in the best interest of the children, the 10503
court may reject the portion of the parents' pleadings or deny 10504
their motions requesting shared parenting of the children and 10505
proceed as if the requests in the pleadings or the motions had not 10506
been made. If the court approves a plan under this division, 10507
either as originally filed or with submitted changes, or if the 10508
court rejects the portion of the parents' pleadings or denies 10509
their motions requesting shared parenting under this division and 10510
proceeds as if the requests in the pleadings or the motions had 10511
not been made, the court shall enter in the record of the case 10512
findings of fact and conclusions of law as to the reasons for the 10513
approval or the rejection or denial. Division (D)(1)(b) of this 10514
section applies in relation to the approval or disapproval of a 10515
plan under this division. 10516

(iii) If each parent makes a request in the parent's 10517
pleadings or files a motion but only one parent files a plan, or 10518
if only one parent makes a request in the parent's pleadings or 10519
files a motion and also files a plan, the court in the best 10520
interest of the children may order the other parent to file a plan 10521
for shared parenting in accordance with division (G) of this 10522
section. The court shall review each plan filed to determine if 10523
any plan is in the best interest of the children. If the court 10524
determines that one of the filed plans is in the best interest of 10525

the children, the court may approve the plan. If the court 10526
determines that no filed plan is in the best interest of the 10527
children, the court may order each parent to submit appropriate 10528
changes to the parent's plan or both of the filed plans to meet 10529
the court's objections or may select one filed plan and order each 10530
parent to submit appropriate changes to the selected plan to meet 10531
the court's objections. If changes to the plan or plans are 10532
submitted to meet the court's objections, and if any of the filed 10533
plans with the changes is in the best interest of the children, 10534
the court may approve the plan with the changes. If changes to the 10535
plan or plans are not submitted to meet the court's objections, or 10536
if the parents submit changes to the plan or plans to meet the 10537
court's objections but the court determines that none of the filed 10538
plans with the submitted changes is in the best interest of the 10539
children, the court may reject the portion of the parents' 10540
pleadings or deny the parents' motion or reject the portion of the 10541
parents' pleadings or deny their motions requesting shared 10542
parenting of the children and proceed as if the request or 10543
requests or the motion or motions had not been made. If the court 10544
approves a plan under this division, either as originally filed or 10545
with submitted changes, or if the court rejects the portion of the 10546
pleadings or denies the motion or motions requesting shared 10547
parenting under this division and proceeds as if the request or 10548
requests or the motion or motions had not been made, the court 10549
shall enter in the record of the case findings of fact and 10550
conclusions of law as to the reasons for the approval or the 10551
rejection or denial. Division (D)(1)(b) of this section applies in 10552
relation to the approval or disapproval of a plan under this 10553
division. 10554

(b) The approval of a plan under division (D)(1)(a)(ii) or 10555
(iii) of this section is discretionary with the court. The court 10556
shall not approve more than one plan under either division and 10557
shall not approve a plan under either division unless it 10558

determines that the plan is in the best interest of the children. 10559
If the court, under either division, does not determine that any 10560
filed plan or any filed plan with submitted changes is in the best 10561
interest of the children, the court shall not approve any plan. 10562

(c) Whenever possible, the court shall require that a shared 10563
parenting plan approved under division (D)(1)(a)(i), (ii), or 10564
(iii) of this section ensure the opportunity for both parents to 10565
have frequent and continuing contact with the child, unless 10566
frequent and continuing contact with any parent would not be in 10567
the best interest of the child. 10568

(d) If a court approves a shared parenting plan under 10569
division (D)(1)(a)(i), (ii), or (iii) of this section, the 10570
approved plan shall be incorporated into a final shared parenting 10571
decree granting the parents the shared parenting of the children. 10572
Any final shared parenting decree shall be issued at the same time 10573
as and shall be appended to the final decree of dissolution, 10574
divorce, annulment, or legal separation arising out of the action 10575
out of which the question of the allocation of parental rights and 10576
responsibilities for the care of the children arose. 10577

No provisional shared parenting decree shall be issued in 10578
relation to any shared parenting plan approved under division 10579
(D)(1)(a)(i), (ii), or (iii) of this section. A final shared 10580
parenting decree issued under this division has immediate effect 10581
as a final decree on the date of its issuance, subject to 10582
modification or termination as authorized by this section. 10583

(2) If the court finds, with respect to any child under 10584
eighteen years of age, that it is in the best interest of the 10585
child for neither parent to be designated the residential parent 10586
and legal custodian of the child, it may commit the child to a 10587
relative of the child or certify a copy of its findings, together 10588
with as much of the record and the further information, in 10589
narrative form or otherwise, that it considers necessary or as the 10590

juvenile court requests, to the juvenile court for further 10591
proceedings, and, upon the certification, the juvenile court has 10592
exclusive jurisdiction. 10593

(E)(1)(a) The court shall not modify a prior decree 10594
allocating parental rights and responsibilities for the care of 10595
children unless it finds, based on facts that have arisen since 10596
the prior decree or that were unknown to the court at the time of 10597
the prior decree, that a change has occurred in the circumstances 10598
of the child, the child's residential parent, or either of the 10599
parents subject to a shared parenting decree, and that the 10600
modification is necessary to serve the best interest of the child. 10601
In applying these standards, the court shall retain the 10602
residential parent designated by the prior decree or the prior 10603
shared parenting decree, unless a modification is in the best 10604
interest of the child and one of the following applies: 10605

(i) The residential parent agrees to a change in the 10606
residential parent or both parents under a shared parenting decree 10607
agree to a change in the designation of residential parent. 10608

(ii) The child, with the consent of the residential parent or 10609
of both parents under a shared parenting decree, has been 10610
integrated into the family of the person seeking to become the 10611
residential parent. 10612

(iii) The harm likely to be caused by a change of environment 10613
is outweighed by the advantages of the change of environment to 10614
the child. 10615

(b) One or both of the parents under a prior decree 10616
allocating parental rights and responsibilities for the care of 10617
children that is not a shared parenting decree may file a motion 10618
requesting that the prior decree be modified to give both parents 10619
shared rights and responsibilities for the care of the children. 10620
The motion shall include both a request for modification of the 10621

prior decree and a request for a shared parenting order that 10622
complies with division (G) of this section. Upon the filing of the 10623
motion, if the court determines that a modification of the prior 10624
decree is authorized under division (E)(1)(a) of this section, the 10625
court may modify the prior decree to grant a shared parenting 10626
order, provided that the court shall not modify the prior decree 10627
to grant a shared parenting order unless the court complies with 10628
divisions (A) and (D)(1) of this section and, in accordance with 10629
those divisions, approves the submitted shared parenting plan and 10630
determines that shared parenting would be in the best interest of 10631
the children. 10632

(2) In addition to a modification authorized under division 10633
(E)(1) of this section: 10634

(a) Both parents under a shared parenting decree jointly may 10635
modify the terms of the plan for shared parenting approved by the 10636
court and incorporated by it into the shared parenting decree. 10637
Modifications under this division may be made at any time. The 10638
modifications to the plan shall be filed jointly by both parents 10639
with the court, and the court shall include them in the plan, 10640
unless they are not in the best interest of the children. If the 10641
modifications are not in the best interests of the children, the 10642
court, in its discretion, may reject the modifications or make 10643
modifications to the proposed modifications or the plan that are 10644
in the best interest of the children. Modifications jointly 10645
submitted by both parents under a shared parenting decree shall be 10646
effective, either as originally filed or as modified by the court, 10647
upon their inclusion by the court in the plan. Modifications to 10648
the plan made by the court shall be effective upon their inclusion 10649
by the court in the plan. 10650

(b) The court may modify the terms of the plan for shared 10651
parenting approved by the court and incorporated by it into the 10652
shared parenting decree upon its own motion at any time if the 10653

court determines that the modifications are in the best interest 10654
of the children or upon the request of one or both of the parents 10655
under the decree. Modifications under this division may be made at 10656
any time. The court shall not make any modification to the plan 10657
under this division, unless the modification is in the best 10658
interest of the children. 10659

(c) The court may terminate a prior final shared parenting 10660
decree that includes a shared parenting plan approved under 10661
division (D)(1)(a)(i) of this section upon the request of one or 10662
both of the parents or whenever it determines that shared 10663
parenting is not in the best interest of the children. The court 10664
may terminate a prior final shared parenting decree that includes 10665
a shared parenting plan approved under division (D)(1)(a)(ii) or 10666
(iii) of this section if it determines, upon its own motion or 10667
upon the request of one or both parents, that shared parenting is 10668
not in the best interest of the children. If modification of the 10669
terms of the plan for shared parenting approved by the court and 10670
incorporated by it into the final shared parenting decree is 10671
attempted under division (E)(2)(a) of this section and the court 10672
rejects the modifications, it may terminate the final shared 10673
parenting decree if it determines that shared parenting is not in 10674
the best interest of the children. 10675

(d) Upon the termination of a prior final shared parenting 10676
decree under division (E)(2)(c) of this section, the court shall 10677
proceed and issue a modified decree for the allocation of parental 10678
rights and responsibilities for the care of the children under the 10679
standards applicable under divisions (A), (B), and (C) of this 10680
section as if no decree for shared parenting had been granted and 10681
as if no request for shared parenting ever had been made. 10682

(F)(1) In determining the best interest of a child pursuant 10683
to this section, whether on an original decree allocating parental 10684
rights and responsibilities for the care of children or a 10685

modification of a decree allocating those rights and 10686
responsibilities, the court shall consider all relevant factors, 10687
including, but not limited to: 10688

(a) The wishes of the child's parents regarding the child's 10689
care; 10690

(b) If the court has interviewed the child in chambers 10691
pursuant to division (B) of this section regarding the child's 10692
wishes and concerns as to the allocation of parental rights and 10693
responsibilities concerning the child, the wishes and concerns of 10694
the child, as expressed to the court; 10695

(c) The child's interaction and interrelationship with the 10696
child's parents, siblings, and any other person who may 10697
significantly affect the child's best interest; 10698

(d) The child's adjustment to the child's home, school, and 10699
community; 10700

(e) The mental and physical health of all persons involved in 10701
the situation; 10702

(f) The parent more likely to honor and facilitate 10703
court-approved parenting time rights or visitation and 10704
companionship rights; 10705

(g) Whether either parent has failed to make all child 10706
support payments, including all arrearages, that are required of 10707
that parent pursuant to a child support order under which that 10708
parent is an obligor; 10709

(h) Whether either parent or any member of the household of 10710
either parent previously has been convicted of or pleaded guilty 10711
to any criminal offense involving any act or omission that 10712
resulted in a child being an abused child ~~or~~ a neglected child, 10713
or a child in need of protective services; whether either parent, 10714
in a case in which a child has been adjudicated an abused child 10715

~~or~~, a neglected child, or a child in need of protective services, 10716
previously has been determined to be the perpetrator of the 10717
~~abusive or neglectful~~ act or omission that is the basis of an 10718
adjudication; whether either parent or any member of the household 10719
of either parent previously has been convicted of or pleaded 10720
guilty to a violation of section 2919.25 of the Revised Code or a 10721
sexually oriented offense involving a victim who at the time of 10722
the commission of the offense was a member of the family or 10723
household that is the subject of the current proceeding; whether 10724
either parent or any member of the household of either parent 10725
previously has been convicted of or pleaded guilty to any offense 10726
involving a victim who at the time of the commission of the 10727
offense was a member of the family or household that is the 10728
subject of the current proceeding and caused physical harm to the 10729
victim in the commission of the offense; and whether there is 10730
reason to believe that either parent has acted in a manner 10731
resulting in a child being an abused child ~~or~~, a neglected child, 10732
or a child in need of protective services; 10733

(i) Whether the residential parent or one of the parents 10734
subject to a shared parenting decree has continuously and 10735
willfully denied the other parent's right to parenting time in 10736
accordance with an order of the court; 10737

(j) Whether either parent has established a residence, or is 10738
planning to establish a residence, outside this state. 10739

(2) In determining whether shared parenting is in the best 10740
interest of the children, the court shall consider all relevant 10741
factors, including, but not limited to, the factors enumerated in 10742
division (F)(1) of this section, the factors enumerated in section 10743
3119.23 of the Revised Code, and all of the following factors: 10744

(a) The ability of the parents to cooperate and make 10745
decisions jointly, with respect to the children; 10746

(b) The ability of each parent to encourage the sharing of love, affection, and contact between the child and the other parent;

(c) Any history of, or potential for, child abuse or causing a child to be a child in need of protective services due to physical harm, as determined in accordance with section 2151.031 of the Revised Code, sexual harm, as determined in accordance with section 2151.032 of the Revised Code, emotional harm, as determined in accordance with section 2151.033 of the Revised Code, or harm by exposure to substance misuse, as determined in accordance with section 2151.034 of the Revised Code, spouse abuse, other domestic violence, or parental kidnapping by either parent;

(d) The geographic proximity of the parents to each other, as the proximity relates to the practical considerations of shared parenting;

(e) The recommendation of the guardian ad litem of the child, if the child has a guardian ad litem.

(3) When allocating parental rights and responsibilities for the care of children, the court shall not give preference to a parent because of that parent's financial status or condition.

(G) Either parent or both parents of any children may file a pleading or motion with the court requesting the court to grant both parents shared parental rights and responsibilities for the care of the children in a proceeding held pursuant to division (A) of this section. If a pleading or motion requesting shared parenting is filed, the parent or parents filing the pleading or motion also shall file with the court a plan for the exercise of shared parenting by both parents. If each parent files a pleading or motion requesting shared parenting but only one parent files a plan or if only one parent files a pleading or motion requesting

shared parenting and also files a plan, the other parent as 10778
ordered by the court shall file with the court a plan for the 10779
exercise of shared parenting by both parents. The plan for shared 10780
parenting shall be filed with the petition for dissolution of 10781
marriage, if the question of parental rights and responsibilities 10782
for the care of the children arises out of an action for 10783
dissolution of marriage, or, in other cases, at a time at least 10784
thirty days prior to the hearing on the issue of the parental 10785
rights and responsibilities for the care of the children. A plan 10786
for shared parenting shall include provisions covering all factors 10787
that are relevant to the care of the children, including, but not 10788
limited to, provisions covering factors such as physical living 10789
arrangements, child support obligations, provision for the 10790
children's medical and dental care, school placement, and the 10791
parent with which the children will be physically located during 10792
legal holidays, school holidays, and other days of special 10793
importance. 10794

(H) If an appeal is taken from a decision of a court that 10795
grants or modifies a decree allocating parental rights and 10796
responsibilities for the care of children, the court of appeals 10797
shall give the case calendar priority and handle it expeditiously. 10798

(I) Upon receipt of an order to active military service in 10799
the uniformed services, a parent who is subject to an order 10800
allocating parental rights and responsibilities or in relation to 10801
whom an action to allocate parental rights and responsibilities is 10802
pending and who is ordered to active military service shall notify 10803
the other parent who is subject to the order or in relation to 10804
whom the case is pending of the order to active military service 10805
within three days of receiving the military service order. Either 10806
parent may apply to the court for a hearing to expedite an 10807
allocation or modification proceeding. The application shall 10808
include the date on which the active military service begins. 10809

The court shall schedule a hearing upon receipt of the application and hold the hearing not later than thirty days after receipt of the application, except that the court shall give the case calendar priority and handle the case expeditiously if exigent circumstances exist in the case.

The court shall not modify a prior decree allocating parental rights and responsibilities unless the court determines that there has been a change in circumstances of the child, the child's residential parent, or either of the parents subject to a shared parenting decree, and that modification is necessary to serve the best interest of the child. The court may consider active military service in the uniformed services in determining whether a change in circumstances exists under this section and shall make specific written findings of fact to support any modification under this division.

Upon application by either parent, the court may modify a prior decree allocating parental rights and responsibilities after the parent's active military service has been terminated, hearing testimony and making specific written findings of fact to support the modification.

Nothing in this division shall prevent a court from issuing a temporary order allocating or modifying parental rights and responsibilities for the duration of the parent's active military service.

(J) As used in this section:

~~(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code.~~

~~(2) "Active military service" means the performance of active military duty by a member of the uniformed services for a period of more than thirty days.~~

~~(3) "Neglected child" has the same meaning as in section~~

~~2151.03 of the Revised Code.~~ 10841

~~(4)(2)~~ "Sexually oriented offense" has the same meaning as in 10842
section 2950.01 of the Revised Code. 10843

~~(5)(3)~~ "Uniformed services" means the United States armed 10844
forces, army national guard and air national guard when engaged in 10845
active duty for training, or the commissioned corps of the United 10846
States public health service. 10847

(K) As used in the Revised Code, "shared parenting" means 10848
that the parents share, in the manner set forth in the plan for 10849
shared parenting that is approved by the court under division 10850
(D)(1) and described in division (L)(6) of this section, all or 10851
some of the aspects of physical and legal care of their children. 10852

(L) For purposes of the Revised Code: 10853

(1) A parent who is granted the care, custody, and control of 10854
a child under an order that was issued pursuant to this section 10855
prior to April 11, 1991, and that does not provide for shared 10856
parenting has "custody of the child" and "care, custody, and 10857
control of the child" under the order, and is the "residential 10858
parent," the "residential parent and legal custodian," or the 10859
"custodial parent" of the child under the order. 10860

(2) A parent who primarily is allocated the parental rights 10861
and responsibilities for the care of a child and who is designated 10862
as the residential parent and legal custodian of the child under 10863
an order that is issued pursuant to this section on or after April 10864
11, 1991, and that does not provide for shared parenting has 10865
"custody of the child" and "care, custody, and control of the 10866
child" under the order, and is the "residential parent," the 10867
"residential parent and legal custodian," or the "custodial 10868
parent" of the child under the order. 10869

(3) A parent who is not granted custody of a child under an 10870
order that was issued pursuant to this section prior to April 11, 10871

1991, and that does not provide for shared parenting is the 10872
"parent who is not the residential parent," the "parent who is not 10873
the residential parent and legal custodian," or the "noncustodial 10874
parent" of the child under the order. 10875

(4) A parent who is not primarily allocated the parental 10876
rights and responsibilities for the care of a child and who is not 10877
designated as the residential parent and legal custodian of the 10878
child under an order that is issued pursuant to this section on or 10879
after April 11, 1991, and that does not provide for shared 10880
parenting is the "parent who is not the residential parent," the 10881
"parent who is not the residential parent and legal custodian," or 10882
the "noncustodial parent" of the child under the order. 10883

(5) Unless the context clearly requires otherwise, if an 10884
order is issued by a court pursuant to this section and the order 10885
provides for shared parenting of a child, both parents have 10886
"custody of the child" or "care, custody, and control of the 10887
child" under the order, to the extent and in the manner specified 10888
in the order. 10889

(6) Unless the context clearly requires otherwise and except 10890
as otherwise provided in the order, if an order is issued by a 10891
court pursuant to this section and the order provides for shared 10892
parenting of a child, each parent, regardless of where the child 10893
is physically located or with whom the child is residing at a 10894
particular point in time, as specified in the order, is the 10895
"residential parent," the "residential parent and legal 10896
custodian," or the "custodial parent" of the child. 10897

(7) Unless the context clearly requires otherwise and except 10898
as otherwise provided in the order, a designation in the order of 10899
a parent as the residential parent for the purpose of determining 10900
the school the child attends, as the custodial parent for purposes 10901
of claiming the child as a dependent pursuant to section 152(e) of 10902
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 10903

1, as amended, or as the residential parent for purposes of 10904
receiving public assistance pursuant to division (A)(2) of this 10905
section, does not affect the designation pursuant to division 10906
(L)(6) of this section of each parent as the "residential parent," 10907
the "residential parent and legal custodian," or the "custodial 10908
parent" of the child. 10909

(M) The court shall require each parent of a child to file an 10910
affidavit attesting as to whether the parent, and the members of 10911
the parent's household, have been convicted of or pleaded guilty 10912
to any of the offenses identified in divisions (C) and (F)(1)(h) 10913
of this section. 10914

Sec. 3109.051. (A) If a divorce, dissolution, legal 10915
separation, or annulment proceeding involves a child and if the 10916
court has not issued a shared parenting decree, the court shall 10917
consider any mediation report filed pursuant to section 3109.052 10918
of the Revised Code and, in accordance with division (C) of this 10919
section, shall make a just and reasonable order or decree 10920
permitting each parent who is not the residential parent to have 10921
parenting time with the child at the time and under the conditions 10922
that the court directs, unless the court determines that it would 10923
not be in the best interest of the child to permit that parent to 10924
have parenting time with the child and includes in the journal its 10925
findings of fact and conclusions of law. Whenever possible, the 10926
order or decree permitting the parenting time shall ensure the 10927
opportunity for both parents to have frequent and continuing 10928
contact with the child, unless frequent and continuing contact by 10929
either parent with the child would not be in the best interest of 10930
the child. The court shall include in its final decree a specific 10931
schedule of parenting time for that parent. Except as provided in 10932
division (E)(6) of section 3113.31 of the Revised Code, if the 10933
court, pursuant to this section, grants parenting time to a parent 10934
or companionship or visitation rights to any other person with 10935

respect to any child, it shall not require the public children 10936
services agency to provide supervision of or other services 10937
related to that parent's exercise of parenting time or that 10938
person's exercise of companionship or visitation rights with 10939
respect to the child. This section does not limit the power of a 10940
juvenile court pursuant to Chapter 2151. of the Revised Code to 10941
issue orders with respect to children who are alleged to be 10942
~~abused, neglected, or dependent~~ children in need of protective 10943
services or to make dispositions of children who are adjudicated 10944
~~abused, neglected, or dependent~~ children in need of protective 10945
services or of a common pleas court to issue orders pursuant to 10946
section 3113.31 of the Revised Code. 10947

(B)(1) In a divorce, dissolution of marriage, legal 10948
separation, annulment, or child support proceeding that involves a 10949
child, the court may grant reasonable companionship or visitation 10950
rights to any grandparent, any person related to the child by 10951
consanguinity or affinity, or any other person other than a 10952
parent, if all of the following apply: 10953

(a) The grandparent, relative, or other person files a motion 10954
with the court seeking companionship or visitation rights. 10955

(b) The court determines that the grandparent, relative, or 10956
other person has an interest in the welfare of the child. 10957

(c) The court determines that the granting of the 10958
companionship or visitation rights is in the best interest of the 10959
child. 10960

(2) A motion may be filed under division (B)(1) of this 10961
section during the pendency of the divorce, dissolution of 10962
marriage, legal separation, annulment, or child support proceeding 10963
or, if a motion was not filed at that time or was filed at that 10964
time and the circumstances in the case have changed, at any time 10965
after a decree or final order is issued in the case. 10966

(C) When determining whether to grant parenting time rights 10967
to a parent pursuant to this section or section 3109.12 of the 10968
Revised Code or to grant companionship or visitation rights to a 10969
grandparent, relative, or other person pursuant to this section or 10970
section 3109.11 or 3109.12 of the Revised Code, when establishing 10971
a specific parenting time or visitation schedule, and when 10972
determining other parenting time matters under this section or 10973
section 3109.12 of the Revised Code or visitation matters under 10974
this section or section 3109.11 or 3109.12 of the Revised Code, 10975
the court shall consider any mediation report that is filed 10976
pursuant to section 3109.052 of the Revised Code and shall 10977
consider all other relevant factors, including, but not limited 10978
to, all of the factors listed in division (D) of this section. In 10979
considering the factors listed in division (D) of this section for 10980
purposes of determining whether to grant parenting time or 10981
visitation rights, establishing a specific parenting time or 10982
visitation schedule, determining other parenting time matters 10983
under this section or section 3109.12 of the Revised Code or 10984
visitation matters under this section or under section 3109.11 or 10985
3109.12 of the Revised Code, and resolving any issues related to 10986
the making of any determination with respect to parenting time or 10987
visitation rights or the establishment of any specific parenting 10988
time or visitation schedule, the court, in its discretion, may 10989
interview in chambers any or all involved children regarding their 10990
wishes and concerns. If the court interviews any child concerning 10991
the child's wishes and concerns regarding those parenting time or 10992
visitation matters, the interview shall be conducted in chambers, 10993
and no person other than the child, the child's attorney, the 10994
judge, any necessary court personnel, and, in the judge's 10995
discretion, the attorney of each parent shall be permitted to be 10996
present in the chambers during the interview. No person shall 10997
obtain or attempt to obtain from a child a written or recorded 10998
statement or affidavit setting forth the wishes and concerns of 10999

the child regarding those parenting time or visitation matters. A 11000
court, in considering the factors listed in division (D) of this 11001
section for purposes of determining whether to grant any parenting 11002
time or visitation rights, establishing a parenting time or 11003
visitation schedule, determining other parenting time matters 11004
under this section or section 3109.12 of the Revised Code or 11005
visitation matters under this section or under section 3109.11 or 11006
3109.12 of the Revised Code, or resolving any issues related to 11007
the making of any determination with respect to parenting time or 11008
visitation rights or the establishment of any specific parenting 11009
time or visitation schedule, shall not accept or consider a 11010
written or recorded statement or affidavit that purports to set 11011
forth the child's wishes or concerns regarding those parenting 11012
time or visitation matters. 11013

(D) In determining whether to grant parenting time to a 11014
parent pursuant to this section or section 3109.12 of the Revised 11015
Code or companionship or visitation rights to a grandparent, 11016
relative, or other person pursuant to this section or section 11017
3109.11 or 3109.12 of the Revised Code, in establishing a specific 11018
parenting time or visitation schedule, and in determining other 11019
parenting time matters under this section or section 3109.12 of 11020
the Revised Code or visitation matters under this section or 11021
section 3109.11 or 3109.12 of the Revised Code, the court shall 11022
consider all of the following factors: 11023

(1) The prior interaction and interrelationships of the child 11024
with the child's parents, siblings, and other persons related by 11025
consanguinity or affinity, and with the person who requested 11026
companionship or visitation if that person is not a parent, 11027
sibling, or relative of the child; 11028

(2) The geographical location of the residence of each parent 11029
and the distance between those residences, and if the person is 11030
not a parent, the geographical location of that person's residence 11031

and the distance between that person's residence and the child's residence; 11032
11033

(3) The child's and parents' available time, including, but not limited to, each parent's employment schedule, the child's school schedule, and the child's and the parents' holiday and vacation schedule; 11034
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(4) The age of the child; 11038

(5) The child's adjustment to home, school, and community; 11039

(6) If the court has interviewed the child in chambers, pursuant to division (C) of this section, regarding the wishes and concerns of the child as to parenting time by the parent who is not the residential parent or companionship or visitation by the grandparent, relative, or other person who requested companionship or visitation, as to a specific parenting time or visitation schedule, or as to other parenting time or visitation matters, the wishes and concerns of the child, as expressed to the court; 11040
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(7) The health and safety of the child; 11049

(8) The amount of time that will be available for the child to spend with siblings; 11050
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(9) The mental and physical health of all parties; 11052

(10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation; 11053
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(11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child ~~or~~, a neglected child, or a child in need of protective 11058
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11061

services; whether either parent, in a case in which a child has 11062
been adjudicated an abused child ~~or~~, a neglected child, or a child 11063
in need of protective services, previously has been determined to 11064
be the perpetrator of the ~~abusive or neglectful~~ act or omission 11065
that is the basis of the adjudication; and whether there is reason 11066
to believe that either parent has acted in a manner resulting in a 11067
child being an abused child ~~or~~, a neglected child, or a child in 11068
need of protective services; 11069

(12) In relation to requested companionship or visitation by 11070
a person other than a parent, whether the person previously has 11071
been convicted of or pleaded guilty to any criminal offense 11072
involving any act or omission that resulted in a child being an 11073
abused child ~~or~~, a neglected child, a child in need of protective 11074
services, or would have resulted in the child being a child in 11075
need of protective services had the person been the parent of the 11076
child; whether the person, in a case in which a child has been 11077
adjudicated an abused child ~~or~~, a neglected child, or a child in 11078
need of protective services, previously has been determined to be 11079
the perpetrator of the ~~abusive or neglectful~~ act or omission that 11080
is the basis of the adjudication; whether either parent previously 11081
has been convicted of or pleaded guilty to a violation of section 11082
2919.25 of the Revised Code involving a victim who at the time of 11083
the commission of the offense was a member of the family or 11084
household that is the subject of the current proceeding; whether 11085
either parent previously has been convicted of an offense 11086
involving a victim who at the time of the commission of the 11087
offense was a member of the family or household that is the 11088
subject of the current proceeding and caused physical harm to the 11089
victim in the commission of the offense; and whether there is 11090
reason to believe that the person has acted in a manner resulting 11091
in a child being an abused child ~~or~~, a neglected child, or a child 11092
in need of protective services; 11093

(13) Whether the residential parent or one of the parents subject to a shared parenting decree has continuously and willfully denied the other parent's right to parenting time in accordance with an order of the court;

(14) Whether either parent has established a residence or is planning to establish a residence outside this state;

(15) In relation to requested companionship or visitation by a person other than a parent, the wishes and concerns of the child's parents, as expressed by them to the court;

(16) Any other factor in the best interest of the child.

(E) The remarriage of a residential parent of a child does not affect the authority of a court under this section to grant parenting time rights with respect to the child to the parent who is not the residential parent or to grant reasonable companionship or visitation rights with respect to the child to any grandparent, any person related by consanguinity or affinity, or any other person.

(F)(1) If the court, pursuant to division (A) of this section, denies parenting time to a parent who is not the residential parent or denies a motion for reasonable companionship or visitation rights filed under division (B) of this section and the parent or movant files a written request for findings of fact and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a

residence other than the residence specified in the parenting time 11125
order or decree of the court, the parent shall file a notice of 11126
intent to relocate with the court that issued the order or decree. 11127
Except as provided in divisions (G)(2), (3), and (4) of this 11128
section, the court shall send a copy of the notice to the parent 11129
who is not the residential parent. Upon receipt of the notice, the 11130
court, on its own motion or the motion of the parent who is not 11131
the residential parent, may schedule a hearing with notice to both 11132
parents to determine whether it is in the best interest of the 11133
child to revise the parenting time schedule for the child. 11134

11135
(2) When a court grants parenting time rights to a parent who 11136
is not the residential parent, the court shall determine whether 11137
that parent has been convicted of or pleaded guilty to a violation 11138
of section 2919.25 of the Revised Code involving a victim who at 11139
the time of the commission of the offense was a member of the 11140
family or household that is the subject of the proceeding, has 11141
been convicted of or pleaded guilty to any other offense involving 11142
a victim who at the time of the commission of the offense was a 11143
member of the family or household that is the subject of the 11144
proceeding and caused physical harm to the victim in the 11145
commission of the offense, or has been determined to be the 11146
perpetrator of the ~~abusive~~ act or omission that is the basis of an 11147
adjudication that a child is an abused child or a child in need of 11148
protective services. If the court determines that that parent has 11149
not been so convicted and has not been determined to be the 11150
perpetrator of an ~~abusive~~ act or omission that is the basis of a 11151
~~child-abuse~~ such an adjudication, the court shall issue an order 11152
stating that a copy of any notice of relocation that is filed with 11153
the court pursuant to division (G)(1) of this section will be sent 11154
to the parent who is given the parenting time rights in accordance 11155
with division (G)(1) of this section. 11156

If the court determines that the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the ~~abusive act~~ or omission that is the basis of an adjudication that a child is an abused child or a child in need of protective services, it shall issue an order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order granting parenting time rights to a parent who is not the residential parent and did not require the residential parent in that order to give the parent who is granted the parenting time rights notice of any change of address and if the residential parent files a notice of relocation pursuant to division (G)(1) of this section, the court shall determine if the parent who is granted the parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty

to any other offense involving a victim who at the time of the 11190
commission of the offense was a member of the family or household 11191
that is the subject of the proceeding and caused physical harm to 11192
the victim in the commission of the offense, or has been 11193
determined to be the perpetrator of the ~~abusive~~ act or omission 11194
that is the basis of an adjudication that a child is an abused 11195
child or a child in need of protective services. If the court 11196
determines that the parent who is granted the parenting time 11197
rights has not been so convicted and has not been determined to be 11198
the perpetrator of an ~~abusive~~ act or omission that is the basis of 11199
~~a child abuse~~ such an adjudication, the court shall issue an order 11200
stating that a copy of any notice of relocation that is filed with 11201
the court pursuant to division (G)(1) of this section will be sent 11202
to the parent who is granted parenting time rights in accordance 11203
with division (G)(1) of this section. 11204

If the court determines that the parent who is granted the 11205
parenting time rights has been convicted of or pleaded guilty to a 11206
violation of section 2919.25 of the Revised Code involving a 11207
victim who at the time of the commission of the offense was a 11208
member of the family or household that is the subject of the 11209
proceeding, has been convicted of or pleaded guilty to any other 11210
offense involving a victim who at the time of the commission of 11211
the offense was a member of the family or household that is the 11212
subject of the proceeding and caused physical harm to the victim 11213
in the commission of the offense, or has been determined to be the 11214
perpetrator of the ~~abusive~~ act or omission that is the basis of an 11215
adjudication that a child is an abused child or a child in need of 11216
protective services, it shall issue an order stating that that 11217
parent will not be given a copy of any notice of relocation that 11218
is filed with the court pursuant to division (G)(1) of this 11219
section unless the court determines that it is in the best 11220
interest of the children to give that parent a copy of the notice 11221
of relocation, issues an order stating that that parent will be 11222

given a copy of any notice of relocation filed pursuant to 11223
division (G)(1) of this section, and issues specific written 11224
findings of fact in support of its determination. 11225

(4) If a parent who is granted parenting time rights pursuant 11226
to this section or any other section of the Revised Code is 11227
authorized by an order issued pursuant to this section or any 11228
other court order to receive a copy of any notice of relocation 11229
that is filed pursuant to division (G)(1) of this section or 11230
pursuant to court order, if the residential parent intends to move 11231
to a residence other than the residence address specified in the 11232
parenting time order, and if the residential parent does not want 11233
the parent who is granted the parenting time rights to receive a 11234
copy of the relocation notice because the parent with parenting 11235
time rights has been convicted of or pleaded guilty to a violation 11236
of section 2919.25 of the Revised Code involving a victim who at 11237
the time of the commission of the offense was a member of the 11238
family or household that is the subject of the proceeding, has 11239
been convicted of or pleaded guilty to any other offense involving 11240
a victim who at the time of the commission of the offense was a 11241
member of the family or household that is the subject of the 11242
proceeding and caused physical harm to the victim in the 11243
commission of the offense, or has been determined to be the 11244
perpetrator of the ~~abusive~~ act or omission that is the basis of an 11245
adjudication that a child is an abused child or a child in need of 11246
protective services, the residential parent may file a motion with 11247
the court requesting that the parent who is granted the parenting 11248
time rights not receive a copy of any notice of relocation. Upon 11249
the filing of the motion, the court shall schedule a hearing on 11250
the motion and give both parents notice of the date, time, and 11251
location of the hearing. If the court determines that the parent 11252
who is granted the parenting time rights has been so convicted or 11253
has been determined to be the perpetrator of an ~~abusive~~ act or 11254
omission that is the basis of ~~a child abuse~~ an adjudication that 11255

the child is an abused child or a child in need of protective services, the court shall issue an order stating that the parent who is granted the parenting time rights will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section or that the residential parent is no longer required to give that parent a copy of any notice of relocation unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination. If it does not so find, it shall dismiss the motion.

(H)(1) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who

knowingly fails to comply with the order or division (H) of this 11289
section is in contempt of court. 11290

(2) Subject to section 3125.16 and division (F) of section 11291
3319.321 of the Revised Code, subsequent to the issuance of an 11292
order under division (H)(1) of this section, the keeper of any 11293
record that is related to a particular child and to which the 11294
residential parent legally is provided access shall permit the 11295
parent of the child who is not the residential parent to have 11296
access to the record under the same terms and conditions under 11297
which access is provided to the residential parent, unless the 11298
residential parent has presented the keeper of the record with a 11299
copy of an order issued under division (H)(1) of this section that 11300
limits the terms and conditions under which the parent who is not 11301
the residential parent is to have access to records pertaining to 11302
the child and the order pertains to the record in question. If the 11303
residential parent presents the keeper of the record with a copy 11304
of that type of order, the keeper of the record shall permit the 11305
parent who is not the residential parent to have access to the 11306
record only in accordance with the most recent order that has been 11307
issued pursuant to division (H)(1) of this section and presented 11308
to the keeper by the residential parent or the parent who is not 11309
the residential parent. Any keeper of any record who knowingly 11310
fails to comply with division (H) of this section or with any 11311
order issued pursuant to division (H)(1) of this section is in 11312
contempt of court. 11313

(3) The prosecuting attorney of any county may file a 11314
complaint with the court of common pleas of that county requesting 11315
the court to issue a protective order preventing the disclosure 11316
pursuant to division (H)(1) or (2) of this section of any 11317
confidential law enforcement investigatory record. The court shall 11318
schedule a hearing on the motion and give notice of the date, 11319
time, and location of the hearing to all parties. 11320

(I) A court that issues a parenting time order or decree 11321
pursuant to this section or section 3109.12 of the Revised Code 11322
shall determine whether the parent granted the right of parenting 11323
time is to be permitted access, in accordance with section 11324
5104.011 of the Revised Code, to any child day-care center that 11325
is, or that in the future may be, attended by the children with 11326
whom the right of parenting time is granted. Unless the court 11327
determines that the parent who is not the residential parent 11328
should not have access to the center to the same extent that the 11329
residential parent is granted access to the center, the parent who 11330
is not the residential parent and who is granted parenting time 11331
rights is entitled to access to the center to the same extent that 11332
the residential parent is granted access to the center. If the 11333
court determines that the parent who is not the residential parent 11334
should not have access to the center to the same extent that the 11335
residential parent is granted such access under division (C) of 11336
section 5104.011 of the Revised Code, the court shall specify the 11337
terms and conditions under which the parent who is not the 11338
residential parent is to have access to the center, provided that 11339
the access shall not be greater than the access that is provided 11340
to the residential parent under division (C) of section 5104.011 11341
of the Revised Code, the court shall enter its written findings of 11342
fact and opinions in the journal, and the court shall include the 11343
terms and conditions of access in the parenting time order or 11344
decree. 11345

(J)(1) Subject to division (F) of section 3319.321 of the 11346
Revised Code, when a court issues an order or decree allocating 11347
parental rights and responsibilities for the care of a child, the 11348
parent of the child who is not the residential parent of the child 11349
is entitled to access, under the same terms and conditions under 11350
which access is provided to the residential parent, to any student 11351
activity that is related to the child and to which the residential 11352
parent of the child legally is provided access, unless the court 11353

determines that it would not be in the best interest of the child 11354
to grant the parent who is not the residential parent access to 11355
the student activities under those same terms and conditions. If 11356
the court determines that the parent of the child who is not the 11357
residential parent should not have access to any student activity 11358
that is related to the child under the same terms and conditions 11359
as provided for the residential parent, the court shall specify 11360
the terms and conditions under which the parent who is not the 11361
residential parent is to have access to those student activities, 11362
shall enter its written findings of facts and opinion in the 11363
journal, and shall issue an order containing the terms and 11364
conditions to both the residential parent and the parent of the 11365
child who is not the residential parent. The court shall include 11366
in every order issued pursuant to this division notice that any 11367
school official or employee who knowingly fails to comply with the 11368
order or division (J) of this section is in contempt of court. 11369

(2) Subject to division (F) of section 3319.321 of the 11370
Revised Code, subsequent to the issuance of an order under 11371
division (J)(1) of this section, all school officials and 11372
employees shall permit the parent of the child who is not the 11373
residential parent to have access to any student activity under 11374
the same terms and conditions under which access is provided to 11375
the residential parent of the child, unless the residential parent 11376
has presented the school official or employee, the board of 11377
education of the school, or the governing body of the chartered 11378
nonpublic school with a copy of an order issued under division 11379
(J)(1) of this section that limits the terms and conditions under 11380
which the parent who is not the residential parent is to have 11381
access to student activities related to the child and the order 11382
pertains to the student activity in question. If the residential 11383
parent presents the school official or employee, the board of 11384
education of the school, or the governing body of the chartered 11385
nonpublic school with a copy of that type of order, the school 11386

official or employee shall permit the parent who is not the residential parent to have access to the student activity only in accordance with the most recent order that has been issued pursuant to division (J)(1) of this section and presented to the school official or employee, the board of education of the school, or the governing body of the chartered nonpublic school by the residential parent or the parent who is not the residential parent. Any school official or employee who knowingly fails to comply with division (J) of this section or with any order issued pursuant to division (J)(1) of this section is in contempt of court.

(K) If any person is found in contempt of court for failing to comply with or interfering with any order or decree granting parenting time rights issued pursuant to this section or section 3109.12 of the Revised Code or companionship or visitation rights issued pursuant to this section, section 3109.11 or 3109.12 of the Revised Code, or any other provision of the Revised Code, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt, and may award reasonable compensatory parenting time or visitation to the person whose right of parenting time or visitation was affected by the failure or interference if such compensatory parenting time or visitation is in the best interest of the child. Any compensatory parenting time or visitation awarded under this division shall be included in an order issued by the court and, to the extent possible, shall be governed by the same terms and conditions as was the parenting time or visitation that was affected by the failure or interference.

(L) Any parent who requests reasonable parenting time rights

with respect to a child under this section or section 3109.12 of 11419
the Revised Code or any person who requests reasonable 11420
companionship or visitation rights with respect to a child under 11421
this section, section 3109.11 or 3109.12 of the Revised Code, or 11422
any other provision of the Revised Code may file a motion with the 11423
court requesting that it waive all or any part of the costs that 11424
may accrue in the proceedings. If the court determines that the 11425
movant is indigent and that the waiver is in the best interest of 11426
the child, the court, in its discretion, may waive payment of all 11427
or any part of the costs of those proceedings. 11428

(M) The juvenile court has exclusive jurisdiction to enter 11429
the orders in any case certified to it from another court. 11430

(N) As used in this section: 11431

(1) ~~"Abused child" has the same meaning as in section 11432
2151.031 of the Revised Code, and "neglected child" has the same 11433
meaning as in section 2151.03 of the Revised Code. 11434~~

~~(2) "Record" means any record, document, file, or other 11435
material that contains information directly related to a child, 11436
including, but not limited to, any of the following: 11437~~

(a) Records maintained by public and nonpublic schools; 11438

(b) Records maintained by facilities that provide child care, 11439
as defined in section 5104.01 of the Revised Code, publicly funded 11440
child care, as defined in section 5104.01 of the Revised Code, or 11441
pre-school services operated by or under the supervision of a 11442
school district board of education or a nonpublic school; 11443

(c) Records maintained by hospitals, other facilities, or 11444
persons providing medical or surgical care or treatment for the 11445
child; 11446

(d) Records maintained by agencies, departments, 11447
instrumentalities, or other entities of the state or any political 11448

subdivision of the state, other than a child support enforcement 11449
agency. Access to records maintained by a child support 11450
enforcement agency is governed by section 3125.16 of the Revised 11451
Code. 11452

~~(3)~~(2) "Confidential law enforcement investigatory record" 11453
has the same meaning as in section 149.43 of the Revised Code. 11454

Sec. 3109.052. (A) If a proceeding for divorce, dissolution, 11455
legal separation, annulment, or the allocation of parental rights 11456
and responsibilities for the care of a child involves one or more 11457
children, if the parents of the children do not agree upon an 11458
appropriate allocation of parental rights and responsibilities for 11459
the care of their children or do not agree upon a specific 11460
schedule of parenting time for their children, the court may order 11461
the parents to mediate their differences on those matters in 11462
accordance with mediation procedures adopted by the court by local 11463
rule. When the court determines whether mediation is appropriate 11464
in any proceeding, it shall consider whether either parent 11465
previously has been convicted of or pleaded guilty to a violation 11466
of section 2919.25 of the Revised Code involving a victim who at 11467
the time of the commission of the offense was a member of the 11468
family or household that is the subject of the proceeding, whether 11469
either parent previously has been convicted of or pleaded guilty 11470
to an offense involving a victim who at the time of the commission 11471
of the offense was a member of the family or household that is the 11472
subject of the proceeding and caused physical harm to the victim 11473
in the commission of the offense, and whether either parent has 11474
been determined to be the perpetrator of the ~~abusive~~ act or 11475
omission that is the basis of an adjudication that a child is an 11476
abused child or a child in need of protective services. If either 11477
parent has been convicted of or pleaded guilty to a violation of 11478
section 2919.25 of the Revised Code involving a victim who at the 11479
time of the commission of the offense was a member of the family 11480

or household that is the subject of the proceeding, has been 11481
convicted of or pleaded guilty to any other offense involving a 11482
victim who at the time of the commission of the offense was a 11483
member of the family or household that is the subject of the 11484
proceeding and caused physical harm to the victim in the 11485
commission of the offense, or has been determined to be the 11486
perpetrator of the ~~abusive~~ act or omission that is the basis of an 11487
adjudication that a child is an abused child or a child in need of 11488
protective services, the court may order mediation only if the 11489
court determines that it is in the best interests of the parties 11490
to order mediation and makes specific written findings of fact to 11491
support its determination. 11492

If a court issues an order pursuant to this division 11493
requiring mediation, it also may order the parents to file a 11494
mediation report within a specified period of time and order the 11495
parents to pay the cost of mediation, unless either or both of the 11496
parents file a motion requesting that the court waive that 11497
requirement. Upon the filing of a motion requesting the waiver of 11498
that requirement, the court, for good cause shown, may waive the 11499
requirement that either or both parents pay the cost of mediation 11500
or may require one of the parents to pay the entire cost of 11501
mediation. Any mediation procedures adopted by local court rule 11502
for use under this division shall include, but are not limited to, 11503
provisions establishing qualifications for mediators who may be 11504
employed or used and provisions establishing standards for the 11505
conduct of the mediation. 11506

(B) If a mediation order is issued under division (A) of this 11507
section and the order requires the parents to file a mediation 11508
report, the mediator and each parent who takes part in mediation 11509
in accordance with the order jointly shall file a report of the 11510
results of the mediation process with the court that issued the 11511
order under that division. A mediation report shall indicate only 11512

whether agreement has been reached on any of the issues that were 11513
the subject of the mediation, and, if agreement has been reached, 11514
the content and details of the agreement. No mediation report 11515
shall contain any background information concerning the mediation 11516
process or any information discussed or presented in the process. 11517
The court shall consider the mediation report when it allocates 11518
parental rights and responsibilities for the care of children 11519
under section 3109.04 of the Revised Code and when it establishes 11520
a specific schedule of parenting time under section 3109.051 of 11521
the Revised Code. The court is not bound by the mediation report 11522
and shall consider the best interest of the children when making 11523
that allocation or establishing the parenting time schedule. 11524

(C) If a mediation order is issued under division (A) of this 11525
section, the mediator shall not be made a party to, and shall not 11526
be called as a witness or testify in, any action or proceeding, 11527
other than a criminal, ~~or delinquency, child abuse, child neglect,~~ 11528
~~or dependent child~~ action or proceeding, or an action or 11529
proceeding concerning a child in need of protective services, that 11530
is brought by or against either parent and that pertains to the 11531
mediation process, to any information discussed or presented in 11532
the mediation process, to the allocation of parental rights and 11533
responsibilities for the care of the parents' children, or to the 11534
awarding of parenting time rights in relation to their children. 11535
The mediator shall not be made a party to, or be called as a 11536
witness or testify in, such an action or proceeding even if both 11537
parents give their prior consent to the mediator being made a 11538
party to or being called as a witness or to testify in the action 11539
or proceeding. 11540

(D) Division (A) of this section does not apply to either of 11541
the following: 11542

(1) Any proceeding, or the use of mediation in any proceeding 11543
that is not a proceeding for divorce, dissolution, legal 11544

separation, annulment, or the allocation of parental rights and 11545
responsibilities for the care of a child; 11546

(2) The use of mediation in any proceeding for divorce, 11547
dissolution, legal separation, annulment, or the allocation of 11548
parental rights and responsibilities for the care of a child, in 11549
relation to issues other than the appropriate allocation of 11550
parental rights and responsibilities for the care of the parents' 11551
children and other than a specific parenting time schedule for the 11552
parents' children. 11553

Sec. 3109.11. If either the father or mother of an unmarried 11554
minor child is deceased, the court of common pleas of the county 11555
in which the minor child resides may grant the parents and other 11556
relatives of the deceased father or mother reasonable 11557
companionship or visitation rights with respect to the minor child 11558
during the child's minority if the parent or other relative files 11559
a complaint requesting reasonable companionship or visitation 11560
rights and if the court determines that the granting of the 11561
companionship or visitation rights is in the best interest of the 11562
minor child. In determining whether to grant any person reasonable 11563
companionship or visitation rights with respect to any child, the 11564
court shall consider all relevant factors, including, but not 11565
limited to, the factors set forth in division (D) of section 11566
3109.051 of the Revised Code. Divisions (C), (K), and (L) of 11567
section 3109.051 of the Revised Code apply to the determination of 11568
reasonable companionship or visitation rights under this section 11569
and to any order granting any such rights that is issued under 11570
this section. 11571

The remarriage of the surviving parent of the child or the 11572
adoption of the child by the spouse of the surviving parent of the 11573
child does not affect the authority of the court under this 11574
section to grant reasonable companionship or visitation rights 11575

with respect to the child to a parent or other relative of the 11576
child's deceased father or mother. 11577

If the court denies a request for reasonable companionship or 11578
visitation rights made pursuant to this section and the 11579
complainant files a written request for findings of fact and 11580
conclusions of law, the court shall state in writing its findings 11581
of fact and conclusions of law in accordance with Civil Rule 52. 11582

Except as provided in division (E)(6) of section 3113.31 of 11583
the Revised Code, if the court, pursuant to this section, grants 11584
any person companionship or visitation rights with respect to any 11585
child, it shall not require the public children services agency to 11586
provide supervision of or other services related to that person's 11587
exercise of companionship or visitation rights with respect to the 11588
child. This section does not limit the power of a juvenile court 11589
pursuant to Chapter 2151. of the Revised Code to issue orders with 11590
respect to children who are alleged to be ~~abused, neglected, or~~ 11591
~~dependent~~ children in need of protective services or to make 11592
dispositions of children who are adjudicated ~~abused, neglected, or~~ 11593
~~dependent~~ children in need of protective services or of a common 11594
pleas court to issue orders pursuant to section 3113.31 of the 11595
Revised Code. 11596

Sec. 3109.12. (A) If a child is born to an unmarried woman, 11597
the parents of the woman and any relative of the woman may file a 11598
complaint requesting the court of common pleas of the county in 11599
which the child resides to grant them reasonable companionship or 11600
visitation rights with the child. If a child is born to an 11601
unmarried woman and if the father of the child has acknowledged 11602
the child and that acknowledgment has become final pursuant to 11603
section 2151.232, 3111.25, or 3111.821 of the Revised Code or has 11604
been determined in an action under Chapter 3111. of the Revised 11605
Code to be the father of the child, the father may file a 11606

complaint requesting that the court of appropriate jurisdiction of 11607
the county in which the child resides grant him reasonable 11608
parenting time rights with the child and the parents of the father 11609
and any relative of the father may file a complaint requesting 11610
that the court grant them reasonable companionship or visitation 11611
rights with the child. 11612

(B) The court may grant the parenting time rights or 11613
companionship or visitation rights requested under division (A) of 11614
this section, if it determines that the granting of the parenting 11615
time rights or companionship or visitation rights is in the best 11616
interest of the child. In determining whether to grant reasonable 11617
parenting time rights or reasonable companionship or visitation 11618
rights with respect to any child, the court shall consider all 11619
relevant factors, including, but not limited to, the factors set 11620
forth in division (D) of section 3109.051 of the Revised Code. 11621
Divisions (C), (K), and (L) of section 3109.051 of the Revised 11622
Code apply to the determination of reasonable parenting time 11623
rights or reasonable companionship or visitation rights under this 11624
section and to any order granting any such rights that is issued 11625
under this section. 11626

The marriage or remarriage of the mother or father of a child 11627
does not affect the authority of the court under this section to 11628
grant the natural father reasonable parenting time rights or the 11629
parents or relatives of the natural father or the parents or 11630
relatives of the mother of the child reasonable companionship or 11631
visitation rights with respect to the child. 11632

If the court denies a request for reasonable parenting time 11633
rights or reasonable companionship or visitation rights made 11634
pursuant to division (A) of this section and the complainant files 11635
a written request for findings of fact and conclusions of law, the 11636
court shall state in writing its findings of fact and conclusions 11637

of law in accordance with Civil Rule 52. 11638

Except as provided in division (E)(6) of section 3113.31 of 11639
the Revised Code, if the court, pursuant to this section, grants 11640
parenting time rights or companionship or visitation rights with 11641
respect to any child, it shall not require the public children 11642
services agency to provide supervision of or other services 11643
related to that parent's exercise of parenting time rights with 11644
the child or that person's exercise of companionship or visitation 11645
rights with the child. This section does not limit the power of a 11646
juvenile court pursuant to Chapter 2151. of the Revised Code to 11647
issue orders with respect to children who are alleged to be 11648
~~abused, neglected, or dependent~~ children in need of protective 11649
services or to make dispositions of children who are adjudicated 11650
~~abused, neglected, or dependent~~ children in need of protective 11651
services or of a common pleas court to issue orders pursuant to 11652
section 3113.31 of the Revised Code. 11653

Sec. 3109.13. As used in sections 3109.13 to 3109.18 of the 11654
Revised Code: 11655

(A) "~~Child abuse and child neglect prevention programs~~ 11656
Programs for the prevention of children becoming children in need 11657
of protective services" means programs that use primary and 11658
secondary prevention strategies that are conducted at the local 11659
level and activities and projects of statewide significance 11660
designed to strengthen families and prevent ~~child abuse and child~~ 11661
~~neglect acts and omissions that cause a child to be a child in~~ 11662
need of protective services. 11663

(B) "Primary prevention strategies" are activities and 11664
services provided to the public designed to prevent or reduce the 11665
prevalence of ~~child abuse and child neglect~~ acts and omissions 11666
that cause a child to be a child in need of protective services 11667
before signs of ~~abuse or neglect~~ such acts or omissions can be 11668

observed. 11669

(C) "Secondary prevention strategies" are activities and 11670
services that are provided to a specific population identified as 11671
having risk factors for ~~child abuse and child neglect~~ being the 11672
victim of an act or omission that would cause a child to be a 11673
child in need of protective services and are designed to intervene 11674
at the earliest warning signs of ~~child abuse or child neglect~~ such 11675
acts or omissions, or whenever a child can be identified as being 11676
at risk of ~~abuse or neglect~~ being a victim of such an act or 11677
omission. 11678

Sec. 3109.15. There is hereby created within the department 11679
of job and family services the children's trust fund board 11680
consisting of fifteen members. The directors of alcohol and drug 11681
addiction services, health, and job and family services shall be 11682
members of the board. Eight public members shall be appointed by 11683
the governor. These members shall be persons with demonstrated 11684
knowledge in programs for children, shall be representative of the 11685
demographic composition of this state, and, to the extent 11686
practicable, shall be representative of the following categories: 11687
the educational community; the legal community; the social work 11688
community; the medical community; the voluntary sector; and 11689
professional providers of ~~child abuse and child neglect~~ services 11690
for children in need of protective services. Five of these members 11691
shall be residents of metropolitan statistical areas as defined by 11692
the United States office of management and budget where the 11693
population exceeds four hundred thousand; no two such members 11694
shall be residents of the same metropolitan statistical area. Two 11695
members of the board shall be members of the house of 11696
representatives appointed by the speaker of the house of 11697
representatives and shall be members of two different political 11698
parties. Two members of the board shall be members of the senate 11699
appointed by the president of the senate and shall be members of 11700

two different political parties. All members of the board 11701
appointed by the speaker of the house of representatives or the 11702
president of the senate shall serve until the expiration of the 11703
sessions of the general assembly during which they were appointed. 11704
They may be reappointed to an unlimited number of successive terms 11705
of two years at the pleasure of the speaker of the house of 11706
representatives or president of the senate. Public members shall 11707
serve terms of three years. Each member shall serve until the 11708
member's successor is appointed, or until a period of sixty days 11709
has elapsed, whichever occurs first. No public member may serve 11710
more than two consecutive full terms. All vacancies on the board 11711
shall be filled for the balance of the unexpired term in the same 11712
manner as the original appointment. 11713

Any member of the board may be removed by the member's 11714
appointing authority for misconduct, incompetency, or neglect of 11715
duty after first being given the opportunity to be heard in the 11716
member's own behalf. Pursuant to section 3.17 of the Revised Code, 11717
a member, except a member of the general assembly or a judge of 11718
any court in the state, who fails to attend at least three-fifths 11719
of the regular and special meetings held by the board during any 11720
two-year period forfeits the member's position on the board. 11721

Each member of the board shall serve without compensation but 11723
shall be reimbursed for all actual and necessary expenses incurred 11724
in the performance of official duties. 11725

At the beginning of the first year of each even-numbered 11726
general assembly, the chairperson of the board shall be appointed 11727
by the speaker of the house of representatives from among members 11728
of the board who are members of the house of representatives. At 11729
the beginning of the first year of each odd-numbered general 11730
assembly, the chairperson of the board shall be appointed by the 11731
president of the senate from among the members of the board who 11732

are senate members. 11733

The board shall biennially select a vice-chair from among its 11734
nonlegislative members. 11735

Sec. 3109.16. The children's trust fund board, upon the 11736
recommendation of the director of job and family services, shall 11737
approve the employment of an executive director who will 11738
administer the programs of the board. The department of job and 11739
family services shall provide budgetary, procurement, accounting, 11740
and other related management functions for the board and may adopt 11741
rules in accordance with Chapter 119. of the Revised Code for 11742
these purposes. An amount not to exceed three per cent of the 11743
total amount of fees deposited in the children's trust fund in 11744
each fiscal year may be used for costs directly related to these 11745
administrative functions of the department. Each fiscal year, the 11746
board shall approve a budget for administrative expenditures for 11747
the next fiscal year. 11748

The board shall meet at least quarterly at the call of the 11749
chairperson to conduct its official business. All business 11750
transactions of the board shall be conducted in public meetings. 11751
Eight members of the board constitute a quorum. A majority of the 11752
board members is required to adopt the state plan for the 11753
allocation of funds from the children's trust fund. A majority of 11754
the quorum is required to make all other decisions of the board. 11755

The board may apply for and accept federal and other funds 11756
for the purpose of funding ~~child abuse and child neglect~~ 11757
~~prevention~~ programs for the prevention of children becoming 11758
children in need of protective services. In addition, the board 11759
may accept gifts and donations from any source, including 11760
individuals, philanthropic foundations or organizations, 11761
corporations, or corporation endowments. The acceptance and use of 11762
federal funds shall not entail any commitment or pledge of state 11763

funds, nor obligate the general assembly to continue the programs 11764
or activities for which the federal funds are made available. All 11765
funds received in the manner described in this section shall be 11766
transmitted to the treasurer of state, who shall credit them to 11767
the children's trust fund created in section 3109.14 of the 11768
Revised Code. 11769

Sec. 3109.17. (A) For each fiscal biennium, the children's 11770
trust fund board shall establish a biennial state plan for 11771
comprehensive ~~child abuse and child neglect~~ prevention of children 11772
becoming children in need of protective services. The plan shall 11773
be transmitted to the governor, the president and minority leader 11774
of the senate, and the speaker and minority leader of the house of 11775
representatives and shall be made available to the general public. 11776
The board may define in the state plan the term "effective public 11777
notice." If the board does not define that term in the state plan, 11778
the board shall include in the state plan the definition of 11779
"effective public notice" specified in rules adopted by the 11780
department of job and family services. 11781

(B) In developing and carrying out the state plan, the 11782
children's trust fund board shall, in accordance with rules 11783
adopted by the department pursuant to Chapter 119. of the Revised 11784
Code, do all of the following: 11785

(1) Ensure that an opportunity exists for assistance through 11786
~~child abuse and child neglect~~ prevention programs for the 11787
prevention of children becoming children in need of protective 11788
services to persons throughout the state of various social and 11789
economic backgrounds; 11790

(2) Before the thirtieth day of October of each year, notify 11791
each ~~child abuse and child neglect~~ prevention advisory board for 11792
the prevention of children becoming children in need of protective 11793
services of the amount estimated to be allocated to that advisory 11794

board for the following fiscal year; 11795

(3) Develop criteria for county or district local allocation 11796
plans, including criteria for determining the plans' 11797
effectiveness; 11798

(4) Review, and approve or disapprove, county or district 11799
local allocation plans, as described in section 3109.171 of the 11800
Revised Code; 11801

(5) Allocate funds to each ~~child abuse and child neglect~~ 11802
~~prevention~~ advisory board for the prevention of children becoming 11803
children in need of protective services for the purpose of funding 11804
~~child abuse and child neglect prevention~~ programs for the 11805
prevention of children becoming children in need of protective 11806
services. Funds shall be allocated among advisory boards according 11807
to a formula based on the ratio of the number of children under 11808
age eighteen in the county or multicounty district to the number 11809
of children under age eighteen in the state, as shown in the most 11810
recent federal decennial census of population. Subject to the 11811
availability of funds and except as provided in section 3109.171 11812
of the Revised Code, each advisory board shall receive a minimum 11813
of ten thousand dollars per fiscal year. In the case of an 11814
advisory board that serves a multicounty district, the advisory 11815
board shall receive, subject to available funds and except as 11816
provided in section 3109.171 of the Revised Code, a minimum of ten 11817
thousand dollars per fiscal year for each county in the district. 11818
Funds shall be disbursed to the advisory boards twice annually. At 11819
least fifty per cent of the funds allocated to an advisory board 11820
for a fiscal year shall be disbursed to the advisory board not 11821
later than the thirtieth day of September. The remainder of the 11822
funds allocated to the advisory board for that fiscal year shall 11823
be disbursed before the thirty-first day of March. 11824

The board shall specify the criteria ~~child abuse and child~~ 11825
~~neglect prevention~~ advisory boards for the prevention of children 11826

becoming children in need of protective services are to use in 11827
reviewing applications under division (F)(3) of section 3109.18 of 11828
the Revised Code. 11829

(6) Allocate funds to entities other than ~~child abuse and~~ 11830
~~child neglect prevention~~ advisory boards for the prevention of 11831
children becoming children in need of protective services for the 11832
purpose of funding ~~child abuse and child neglect prevention~~ 11833
programs for the prevention of children becoming children in need 11834
of protective services that have statewide significance and that 11835
have been approved by the children's trust fund board; 11836

(7) Provide for the monitoring of expenditures from the 11837
children's trust fund and of programs that receive money from the 11838
children's trust fund; 11839

(8) Establish reporting requirements for advisory boards; 11840

(9) Collaborate with appropriate persons and government 11841
entities and facilitate the exchange of information among those 11842
persons and entities for the ~~purpose of child abuse and child~~ 11843
~~neglect prevention~~ of children becoming children in need of 11844
protective services; 11845

(10) Provide for the education of the public and 11846
professionals for the ~~purpose of child abuse and child neglect~~ 11847
prevention of children becoming children in need of protective 11848
services; 11849

(11) Create and provide to each advisory board a children's 11850
trust fund grant application form; 11851

(12) Specify the information to be included in a semiannual 11852
and an annual report completed by a children's advocacy center for 11853
which ~~a child abuse and child neglect prevention~~ an advisory board 11854
for the prevention of children becoming children in need of 11855
protective services uses funds allocated to the advisory board 11856
under section 3109.172 of the Revised Code, and each other person 11857

or entity that is a recipient of a children's trust fund grant 11858
under division (K)(1) of section 3109.18 of the Revised Code. 11859

(C) The children's trust fund board shall prepare a report 11860
for each fiscal biennium that delineates the expenditure of money 11861
from the children's trust fund. On or before January 1, 2002, and 11862
on or before the first day of January of a year that follows the 11863
end of a fiscal biennium of this state, the board shall file a 11864
copy of the report with the governor, the president and minority 11865
leader of the senate, and the speaker and minority leader of the 11866
house of representatives. 11867

(D) The children's trust fund board shall develop a list of 11868
all state and federal sources of funding that might be available 11869
for establishing, operating, or establishing and operating a 11870
children's advocacy center under sections 2151.425 to 2151.428 of 11871
the Revised Code. The board periodically shall update the list as 11872
necessary. The board shall maintain, or provide for the 11873
maintenance of, the list at an appropriate location. That location 11874
may be the offices of the department of job and family services. 11875
The board shall provide the list upon request to any children's 11876
advocacy center or to any person or entity identified in section 11877
2151.426 of the Revised Code as a person or entity that may 11878
participate in the establishment of a children's advocacy center. 11879

Sec. 3109.171. (A) On receipt of a local allocation plan from 11880
~~a child abuse and child neglect prevention~~ an advisory board for 11881
the prevention of children becoming children in need of protective 11882
services submitted pursuant to division (F)(1) of section 3109.18 11883
of the Revised Code, the children's trust fund board may do either 11884
of the following: 11885

(1) Approve the plan; 11886

(2) Require that the advisory board make changes to the plan 11887
and submit an amended plan to the board. 11888

(B) If an advisory board fails to submit to the children's trust fund board a local allocation plan pursuant to division (F)(1) of section 3109.18 of the Revised Code that is postmarked on or before the first day of April preceding the fiscal year for which the plan is developed, if an advisory board fails to submit an amended plan pursuant to division (A)(2) of this section, or if a plan or an amended plan submitted by an advisory board is not approved by the children's trust fund board, the children's trust fund board may do either of the following for the fiscal year for which the plan was to have been developed:

(1) Deny funding to the advisory board;

(2) Allocate a reduced amount of funds to the advisory board, on a pro-rata daily basis.

(C) If an advisory board fails to submit to the children's trust fund board an annual report pursuant to division (K)(2) of section 3109.18 of the Revised Code not later than the fifteenth day of August following the year for which the report is written, the board, for the following fiscal year, may allocate a reduced amount of funds to the advisory board on a pro-rata daily basis.

Sec. 3109.172. (A)(1) Each ~~child abuse and child neglect prevention~~ advisory board for the prevention of children becoming children in need of protective services may request from the children's trust fund board funds in addition to the funds allocated to the advisory board under section 3109.17 of the Revised Code to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center as follows:

(a) If the advisory board serves a single county, the board may request an amount not to exceed five thousand dollars as one-time, start-up costs for the establishment and operation of a children's advocacy center that serves the county.

(b) If the advisory board serves a multicounty district, for 11920
each county within the district, the advisory board may request an 11921
amount not to exceed five thousand dollars as one-time, start-up 11922
costs for the establishment and operation of a children's advocacy 11923
center that serves the county in relation to which the use is 11924
being made. 11925

(2) Expenditures may be made under division (A)(1) of this 11926
section for a children's advocacy center that is established to 11927
serve a single county or that is established to serve two or more 11928
contiguous counties, provided that the county in relation to which 11929
the expenditure is made is served by the center for which the 11930
advisory board uses the amount as one-time, start-up costs. 11931

(B) Each children's advocacy center may annually request from 11932
the children's trust fund board funds in addition to the funds 11933
allocated to the advisory board under section 3109.17 of the 11934
Revised Code to conduct primary prevention strategies. 11935

(C) On receipt of a request made pursuant to this section, 11936
the children's trust fund board shall review and approve or 11937
disapprove the request. If the board disapproves the request, the 11938
board shall send to the requestor written notice of the 11939
disapproval that states the reasons for the disapproval. 11940

(D) No funds allocated to ~~a child abuse and child neglect~~ 11941
~~prevention~~ an advisory board for the prevention of children 11942
becoming children in need of protective services under this 11943
section may be used as start-up costs for any children's advocacy 11944
center unless the center has as a component a primary prevention 11945
strategy. 11946

No ~~child abuse and child neglect~~ advisory board for the 11947
prevention of children becoming children in need of protective 11948
services that serves a single county and that, in any fiscal year, 11949
uses funds allocated under this section as start-up costs for a 11950

children's advocacy center may use any amount out of any funds so 11951
allocated to the advisory board for the same center in a different 11952
fiscal year or for a different center in any fiscal year. No ~~child~~ 11953
~~abuse and child neglect~~ advisory board for the prevention of 11954
children becoming children in need of protective services that 11955
serves a multicounty district and that, in any fiscal year, uses 11956
funds so allocated to the advisory board as start-up costs of a 11957
children's advocacy center in relation to a particular county 11958
within the district may use any amount out of any funds so 11959
allocated to the advisory board, in relation to the same county, 11960
for the same center in a different fiscal year or for a different 11961
center in any fiscal year. 11962

Sec. 3109.18. (A)(1) A board of county commissioners may 11963
establish a ~~child abuse and child neglect prevention~~ an advisory 11964
board for the prevention of children becoming children in need of 11965
protective services or may designate the county family and 11966
children first council to serve as the ~~child abuse and child~~ 11967
~~neglect prevention~~ advisory board for the prevention of children 11968
becoming children in need of protective services. The boards of 11969
county commissioners of two or more contiguous counties may 11970
instead form a multicounty district to be served by a ~~child abuse~~ 11971
~~and child neglect prevention~~ an advisory board for the prevention 11972
of children becoming children in need of protective services or 11973
may designate a regional family and children first council to 11974
serve as the district ~~child abuse and child neglect prevention~~ 11975
advisory board for the prevention of children becoming children in 11976
need of protective services. Each advisory board shall meet at 11977
least twice a year. 11978

(2) The county auditor is hereby designated as the auditor 11979
and fiscal officer of the advisory board. In the case of a 11980
multicounty district, the boards of county commissioners that 11981
formed the district shall designate the auditor of one of the 11982

counties as the auditor and fiscal officer of the advisory board. 11983

(B) Each county that establishes an advisory board or, in a 11984
multicounty district, the auditor who has been designated as the 11985
auditor and fiscal officer of the advisory board, shall establish 11986
a fund in the county treasury known as the county or district 11987
children's trust fund. The auditor shall deposit all funds 11988
received from the children's trust fund board into that fund, and 11989
the auditor shall distribute money from the fund at the request of 11990
the advisory board. 11991

(C) Each January, the board of county commissioners of a 11992
county that has established an advisory board or, in a multicounty 11993
district, the board of county commissioners of the county served 11994
by the auditor who has been designated as the auditor and fiscal 11995
officer for the advisory board, shall appropriate the amount 11996
described in division (B)(2) of section 3109.17 of the Revised 11997
Code for distribution by the advisory board to ~~child abuse and~~ 11998
~~child neglect prevention~~ programs for the prevention of children 11999
becoming children in need of protective services. 12000

(D)(1) Except in the case of a county or regional family and 12001
children first council that is designated to serve as a ~~child~~ 12002
~~abuse and child neglect prevention~~ an advisory board for the 12003
prevention of children becoming children in need of protective 12004
services, each advisory board shall consist of an odd number of 12005
members from both the public and private sectors, including all of 12006
the following: 12007

(a) A representative of an agency responsible for the 12008
administration of children's services in the county or district; 12009

(b) A provider of alcohol or drug addiction services or a 12010
representative of a board of alcohol, drug addiction, and mental 12011
health services that serves the county or district; 12012

(c) A provider of mental health services or a representative 12013

of a board of alcohol, drug addiction, and mental health services	12014
that serves the county or district;	12015
(d) A representative of a county board of developmental	12016
disabilities that serves the county or district;	12017
(e) A representative of the educational community appointed	12018
by the superintendent of the school district with largest	12019
enrollment in the county or multicounty district.	12020
(2) The following groups and entities may be represented on	12021
the advisory board:	12022
(a) Parent groups;	12023
(b) Juvenile justice officials;	12024
(c) Pediatricians, health department nurses, and other	12025
representatives of the medical community;	12026
(d) School personnel;	12027
(e) Counselors and social workers;	12028
(f) Head start agencies;	12029
(g) Child care providers;	12030
(h) Other persons with demonstrated knowledge in programs for	12031
children.	12032
(3) Of the members first appointed, at least one shall serve	12033
for a term of three years, at least one for a term of two years,	12034
and at least one for a term of one year. Thereafter, each member	12035
shall serve a term of three years. Each member shall serve until	12036
the member's successor is appointed. All vacancies on the board	12037
shall be filled for the balance of the unexpired term in the same	12038
manner as the original appointment.	12039
(E) Each child abuse and child neglect prevention advisory	12040
board <u>for the prevention of children becoming children in need of</u>	12041
<u>protective services</u> may incur reasonable costs not to exceed five	12042

per cent of the funds allocated to the county or district under 12043
section 3109.17 of the Revised Code, for the purpose of carrying 12044
out the functions of the advisory board. 12045

(F) Each ~~child abuse and child neglect prevention~~ advisory 12046
board for the prevention of children becoming children in need of 12047
protective services shall do all of the following: 12048

(1) For each fiscal biennium, develop a local allocation plan 12049
for the purpose of preventing ~~child abuse and child neglect~~ 12050
children becoming children in need of protective services and 12051
submit the plan to the children's trust fund board on or before 12052
the first day of April preceding the fiscal year for which the 12053
plan is developed; 12054

(2) Provide effective public notice, as defined by the 12055
children's trust fund board in the state plan or, if the board 12056
does not define the term in the state plan, as defined in rules 12057
adopted by the department of job and family services, to potential 12058
applicants about the availability of funds from the children's 12059
trust fund, including an estimate of the amount of money available 12060
for grants within each county or district, the date of at least 12061
one public hearing, information on obtaining a copy of the grant 12062
application form, and the deadline for submitting grant 12063
applications; 12064

(3) Review all applications received using criteria specified 12065
in the state plan adopted by the board under section 3109.17 of 12066
the Revised Code; 12067

(4) Consistent with the local allocation plan developed 12068
pursuant to division (F)(1) of this section, make grants to ~~child~~ 12069
~~abuse and child neglect prevention~~ programs for the prevention of 12070
children becoming children in need of protective services. 12071

(5) Establish any reporting requirements for grant 12072
recipients, in addition to those specified by the children's trust 12073

fund board, and for children's advocacy centers for which funds 12074
are used in accordance with section 3109.172 of the Revised Code. 12075

(G) A member of ~~a child abuse and child neglect prevention an~~ 12076
advisory board for the prevention of children becoming children in 12077
need of protective services shall not participate in the 12078
development of a local allocation plan under division (F)(1) of 12079
this section if it is reasonable to expect that the member's 12080
judgment could be affected by the member's own financial, 12081
business, property, or personal interest or other conflict of 12082
interest. For purposes of this division, "conflict of interest" 12083
means the taking of any action that violates any applicable 12084
provision of Chapter 102. or 2921. of the Revised Code. Questions 12085
relating to the existence of a conflict of interest pertaining to 12086
Chapter 2921. of the Revised Code shall be submitted by the 12087
advisory board to the local prosecuting attorney for resolution. 12088
Questions relating to the existence of a conflict of interest 12089
pertaining to Chapter 102. of the Revised Code shall be submitted 12090
by the advisory board to the Ohio ethics commission for 12091
resolution. 12092

(H) Each advisory board shall assist the children's trust 12093
fund board in monitoring programs that receive money from the 12094
children's trust fund and shall perform such other duties for the 12095
local administration of the children's trust fund as the 12096
children's trust fund board requires. 12097

(I) A children's advocacy center for which ~~a child abuse and~~ 12098
~~child neglect prevention an~~ advisory board for the prevention of 12099
children becoming children in need of protective services uses any 12100
amount out of the funds allocated to the advisory board under 12101
section 3109.172 of the Revised Code, as start-up costs for the 12102
establishment and operation of the center, shall use the moneys so 12103
received only for establishment and operation of the center in 12104
accordance with sections 2151.425 to 2151.428 of the Revised Code. 12105

Any other person or entity that is a recipient of a grant from the children's trust fund shall use the grant funds only to fund primary and secondary ~~child abuse and child neglect prevention~~ programs for the prevention of children becoming children in need of protective services. Any grant funds that are not spent by the recipient of the funds within the time specified by the terms of the grant shall be returned to the county treasurer. Any grant funds returned that are not redistributed by the advisory board within the state fiscal year in which they are received shall be returned to the treasurer of state. The treasurer of state shall deposit such unspent moneys into the children's trust fund to be spent for purposes consistent with the state plan adopted under section 3109.17 of the Revised Code.

(J) Applications for grants from the children's trust fund shall be made to the advisory board on forms prescribed by the children's trust fund board.

(K)(1) Each children's advocacy center for which ~~a child abuse and child neglect prevention~~ an advisory board for the prevention of children becoming children in need of protective services uses any amount out of the funds allocated to the advisory board under section 3109.172 of the Revised Code, as start-up costs for the establishment and operation of the center, and each other person or entity that is a recipient of a children's trust fund grant from an advisory board shall file with the advisory board a copy of a semi-annual and an annual report that includes the information required by the children's trust fund board.

(2) Each advisory board shall file with the children's trust fund board, not later than the fifteenth day of August following the year for which the report is written, a copy of an annual report regarding the county or district local allocation plan that contains the information required by the children's trust fund

board, and regarding the advisory board's use of any amount out of 12138
the funds allocated to the advisory board under section 3109.172 12139
of the Revised Code as start-up costs for the establishment and 12140
operation of a children's advocacy center. 12141

Sec. 3109.46. If the court to which notice is sent under 12142
section 3109.44 of the Revised Code is a juvenile court that 12143
issued a custody order described in that section, the court shall 12144
retain jurisdiction over the order. If the court to which notice 12145
is sent is not a juvenile court but the court issued a custody 12146
order described in that section, the court shall transfer 12147
jurisdiction over the custody order to the juvenile court of the 12148
county in which the child has a residence or legal settlement. 12149

On receipt of the notice in cases in which the custody order 12150
was issued by a juvenile court or after jurisdiction is 12151
transferred, the juvenile court with jurisdiction shall terminate 12152
the custody order. 12153

The termination order shall be treated as a complaint filed 12154
under section 2151.27 of the Revised Code alleging the child 12155
subject of the custody order to be a ~~dependent~~ child in need of 12156
protective services. If a juvenile court issued the terminated 12157
custody order under a prior juvenile proceeding under Chapter 12158
2151. of the Revised Code in which the child was adjudicated ~~an~~ 12159
~~abused, neglected, dependent~~ a child in need of protective 12160
services, an unruly, or delinquent child, or a juvenile traffic 12161
offender, the court shall treat the termination order as a new 12162
complaint. 12163

Sec. 3109.51. As used in sections 3109.52 to 3109.80 of the 12164
Revised Code: 12165

(A) "Child" means a person under eighteen years of age. 12166

(B) "Custodian" means an individual with legal custody of a 12167

child. 12168

(C) "Guardian" means an individual granted authority by a 12169
probate court pursuant to Chapter 2111. of the Revised Code to 12170
exercise parental rights over a child to the extent provided in 12171
the court's order and subject to the residual parental rights, 12172
privileges, and responsibilities of the child's parents. 12173

(D) "Legal custody" and "residual parental rights, 12174
privileges, and responsibilities" have the same meanings as in 12175
section ~~2151.011~~ 2151.03 of the Revised Code. 12176

Sec. 3109.53. To create a power of attorney under section 12177
3109.52 of the Revised Code, a parent, guardian, or custodian 12178
shall use a form that is identical in form and content to the 12179
following: 12180

POWER OF ATTORNEY 12181

I, the undersigned, residing at, in the county of 12182
....., state of, hereby appoint the child's 12183
grandparent,, residing at, in the county of 12184
....., in the state of Ohio, with whom the child of whom I 12185
am the parent, guardian, or custodian is residing, my attorney in 12186
fact to exercise any and all of my rights and responsibilities 12187
regarding the care, physical custody, and control of the child, 12188
....., born, having social security number 12189
(optional), except my authority to consent to marriage 12190
or adoption of the child, and to perform all acts 12191
necessary in the execution of the rights and responsibilities 12192
hereby granted, as fully as I might do if personally present. The 12193
rights I am transferring under this power of attorney include the 12194
ability to enroll the child in school, to obtain from the school 12195
district educational and behavioral information about the child, 12196
to consent to all school-related matters regarding the child, and 12197
to consent to medical, psychological, or dental treatment for the 12198

child. This transfer does not affect my rights in any future 12199
proceedings concerning the custody of the child or the allocation 12200
of the parental rights and responsibilities for the care of the 12201
child and does not give the attorney in fact legal custody of the 12202
child. This transfer does not terminate my right to have regular 12203
contact with the child. 12204

I hereby certify that I am transferring the rights and 12205
responsibilities designated in this power of attorney because one 12206
of the following circumstances exists: 12207

(1) I am: (a) Seriously ill, incarcerated, or about to be 12208
incarcerated, (b) Temporarily unable to provide financial support 12209
or parental guidance to the child, (c) Temporarily unable to 12210
provide adequate care and supervision of the child because of my 12211
physical or mental condition, (d) Homeless or without a residence 12212
because the current residence is destroyed or otherwise 12213
uninhabitable, or (e) In or about to enter a residential treatment 12214
program for substance abuse; 12215

(2) I am a parent of the child, the child's other parent is 12216
deceased, and I have authority to execute the power of attorney; 12217
or 12218

(3) I have a well-founded belief that the power of attorney 12219
is in the child's best interest. 12220

I hereby certify that I am not transferring my rights and 12221
responsibilities regarding the child for the purpose of enrolling 12222
the child in a school or school district so that the child may 12223
participate in the academic or interscholastic athletic programs 12224
provided by that school or district. 12225

I understand that this document does not authorize a child 12226
support enforcement agency to redirect child support payments to 12227
the grandparent designated as attorney in fact. I further 12228
understand that to have an existing child support order modified 12229

or a new child support order issued administrative or judicial 12230
proceedings must be initiated. 12231

If there is a court order naming me the residential parent 12232
and legal custodian of the child who is the subject of this power 12233
of attorney and I am the sole parent signing this document, I 12234
hereby certify that one of the following is the case: 12235

(1) I have made reasonable efforts to locate and provide 12236
notice of the creation of this power of attorney to the other 12237
parent and have been unable to locate that parent; 12238

(2) The other parent is prohibited from receiving a notice of 12239
relocation; or 12240

(3) The parental rights of the other parent have been 12241
terminated by order of a juvenile court. 12242

This POWER OF ATTORNEY is valid until the occurrence of 12243
whichever of the following events occurs first: (1) one year 12244
elapses following the date this POWER OF ATTORNEY is notarized; 12245
(2) I revoke this POWER OF ATTORNEY in writing; (3) the child 12246
ceases to reside with the grandparent designated as attorney in 12247
fact; (4) this POWER OF ATTORNEY is terminated by court order; (5) 12248
the death of the child who is the subject of the power of 12249
attorney; or (6) the death of the grandparent designated as the 12250
attorney in fact. 12251

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 12252
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 12253
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 12254
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 12255
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 12256
BOTH. 12257

Witness my hand this day of, 12258
..... 12259

Parent/Custodian/Guardian's signature	12260
.....	12261
Parent's signature	12262
.....	12263
Grandparent designated as attorney in fact	12264
State of Ohio)	12265
) ss:	12266
County of)	12267
Subscribed, sworn to, and acknowledged before me this day	12268
of,	12269
.....	12270
Notary Public	12271
Notices:	12272
1. A power of attorney may be executed only if one of the following circumstances exists: (1) The parent, guardian, or custodian of the child is: (a) Seriously ill, incarcerated, or about to be incarcerated; (b) Temporarily unable to provide financial support or parental guidance to the child; (c) Temporarily unable to provide adequate care and supervision of the child because of the parent's, guardian's, or custodian's physical or mental condition; (d) Homeless or without a residence because the current residence is destroyed or otherwise uninhabitable; or (e) In or about to enter a residential treatment program for substance abuse; (2) One of the child's parents is deceased and the other parent, with authority to do so, seeks to execute a power of attorney; or (3) The parent, guardian, or custodian has a well-founded belief that the power of attorney is in the child's best interest.	12273
2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact	12274

must be notarized by an Ohio notary public.

3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact. 12275
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 12276
5. A parent, guardian, or custodian who creates a second or subsequent power of attorney regarding a child who is the subject of a prior power of attorney must file the power of attorney with the juvenile court of the county in which the attorney in fact resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the power of attorney is in the child's best interest. 12277

6. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 12278
7. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 12279
8. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) one year elapses following the date the power of attorney is notarized; (2) the power of attorney is revoked in writing by the person who created it; (3) the child ceases to live with the grandparent who is the attorney in fact; (4) the power of attorney is terminated by court order; (5) the death of the child who is the subject of the power of attorney; or (6) the death of the grandparent designated as the attorney in fact. 12280
- If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following: 12281
- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 12282
- (b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 12283
- (c) The court in which the power of attorney was filed after its creation; and 12284
- (d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of 12285

its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

9. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 12286

Additional information: 12287

To the grandparent designated as attorney in fact: 12288

12289

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you. 12290

2. You must include with the power of attorney the following information: 12291

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 12292

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or 12293

that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 12294

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 12295

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act or omission that resulted in a child being an abused child ~~or~~ a neglected child, or a child in need of protective services or previously have been determined, in a case in which a child has been adjudicated an abused child ~~or~~ a neglected child, or a child in need of protective services, to be the perpetrator of the ~~abusive or neglectful~~ act or omission that was the basis of the adjudication. 12296

To school officials: 12297

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 12298
2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 12299
3. A school district or school official that reasonably and in 12300

good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.

- To health care providers: 12301
1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized. 12302
 2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official. 12303
- Sec. 3109.58.** (A) As used in this section, "temporary custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section ~~2151.011~~ 2151.03 of the Revised Code. 12304
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12307
- (B) A power of attorney created pursuant to section 3109.52 of the Revised Code may not be executed with respect to a child while any of the following proceedings are pending regarding the child: 12308
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- (1) A proceeding for the appointment of a guardian for, or the adoption of, the child; 12312
12313
 - (2) A juvenile proceeding in which one of the following applies: 12314
12315
- (a) The temporary, permanent, or legal custody of the child or the placement of the child in a planned permanent living 12316
12317

arrangement has been requested. 12318

(b) The child is the subject of an ex parte emergency custody 12319
order issued under division (D) of section 2151.31 of the Revised 12320
Code, and no hearing has yet been held regarding the child under 12321
division (A) of section 2151.314 of the Revised Code. 12322

(c) The child is the subject of a temporary custody order 12323
issued under section 2151.33 of the Revised Code. 12324

(3) A proceeding for divorce, dissolution, legal separation, 12325
annulment, or allocation of parental rights and responsibilities 12326
regarding the child. 12327

Sec. 3109.66. The caretaker authorization affidavit that a 12328
grandparent described in section 3109.65 of the Revised Code may 12329
execute shall be identical in form and content to the following: 12330

CARETAKER AUTHORIZATION AFFIDAVIT 12331

Use of this affidavit is authorized by sections 3109.65 to 3109.73 12332
of the Ohio Revised Code. 12333

Completion of items 1-7 and the signing and notarization of this 12334
affidavit is sufficient to authorize the grandparent signing to 12335
exercise care, physical custody, and control of the child who is 12336
its subject, including authority to enroll the child in school, to 12337
discuss with the school district the child's educational progress, 12338
to consent to all school-related matters regarding the child, and 12339
to consent to medical, psychological, or dental treatment for the 12340
child. 12341

The child named below lives in my home, I am 18 years of age or 12342
older, and I am the child's grandparent. 12343

1. Name of child: 12344
2. Child's date and year of birth: 12345
3. Child's social security number (optional): 12346
4. My name: 12347

5. My home address: 12348
6. My date and year of birth: 12349
7. My Ohio driver's license number or identification card number: 12350
8. Despite having made reasonable attempts, I am either: 12351
- (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or 12352
- (b) ~~I am unable~~ Unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or 12353
- (c) ~~I am unable~~ Unable to locate or contact one of the child's parents and I am not required to contact the other parent because there is a custody order regarding the child and one of the following is the case: 12354
- (i) The parent has been prohibited from receiving notice of a relocation; or 12355
- (ii) The parental rights of the parent have been terminated. 12356
9. I hereby certify that this affidavit is not being executed for the purpose of enrolling the child in a school or school district so that the child may participate in the academic or interscholastic athletic programs provided by that school or district. 12357
- I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated. 12358
- WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 12359 12360 12361 12362 12363
- I declare that the foregoing is true and correct: 12364

Signed:..... Date:.....	12365
Grandparent	12366
State of Ohio)	12367
) ss:	12368
County of)	12369
Subscribed, sworn to, and acknowledged before me this day	12370
of,	12371
.....	12372
Notary Public	12373
Notices:	12374
1. The grandparent's signature must be notarized by an Ohio notary public.	12375
2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	12376
3. A grandparent who executes a second or subsequent caretaker authorization affidavit regarding a child who is the subject of a prior caretaker authorization affidavit must file the affidavit with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the caretaker authorization affidavit is in the child's best interest.	12377
4. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent legal custody of the child.	12378
5. A person or entity that relies on this affidavit, in good	12379

faith, has no obligation to make any further inquiry or investigation.

6. This affidavit terminates on the occurrence of whichever of 12380
the following occurs first: (1) one year elapses following the
date the affidavit is notarized; (2) the child ceases to live
with the grandparent who signs this form; (3) the parent,
guardian, or custodian of the child acts to negate, reverse,
or otherwise disapprove an action or decision of the
grandparent who signed this affidavit; or (4) the affidavit is
terminated by court order; (5) the death of the child who is
the subject of the affidavit; or (6) the death of the
grandparent who executed the affidavit.

A parent, guardian, or custodian may negate, reverse, or 12381
disapprove a grandparent's action or decision only by
delivering written notice of negation, reversal, or
disapproval to the grandparent and the person acting on the
grandparent's action or decision in reliance on this
affidavit.

If this affidavit terminates other than by the death of the 12382
grandparent, the grandparent who signed this affidavit shall
notify, in writing, all of the following:

(a) Any schools, health care providers, or health insurance 12383
coverage provider with which the child has been involved
through the grandparent;

(b) Any other person or entity that has an ongoing 12384
relationship with the child or grandparent such that the
person or entity would reasonably rely on the affidavit unless
notified of the termination;

(c) The court in which the affidavit was filed after its 12385
creation.

The grandparent shall make the notifications not later than 12386
one week after the date the affidavit terminates.

7. The decision of a grandparent to consent to or to refuse 12387

medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child.

- Additional information: 12388
- To caretakers: 12389
1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you. 12390
 2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 12391
 3. You must include with the caretaker authorization affidavit the following information: 12392
 - (a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 12393
 - (b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or 12394

that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 12395

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 12396

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child ~~or~~, a neglected child, or a child in need of protective services or previously have been determined, in a case in which a child has been adjudicated an abused child ~~or~~, a neglected child, or a child in need of protective services, to be the perpetrator of the ~~abusive or neglectful~~ act or omission that was the basis of the adjudication. 12397

To school officials: 12398

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 12399
2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5. 12400
3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 12401

4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 12402
- To health care providers: 12403
1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 12404
2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 12405
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of 12406

negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit.

Sec. 3109.68. (A) As used in this section, "temporary custody," "permanent custody," and "planned permanent living arrangement" have the same meanings as in section ~~2151.011~~ 2151.03 of the Revised Code.

(B) A caretaker authorization affidavit may not be executed with respect to a child while any of the following proceedings are pending regarding the child:

(1) A proceeding for the appointment of a guardian for, or the adoption of, the child;

(2) A juvenile proceeding in which one of the following applies:

(a) The temporary, permanent, or legal custody of the child or the placement of the child in a planned permanent living arrangement has been requested.

(b) The child is the subject of an ex parte emergency custody order issued under division (D) of section 2151.31 of the Revised Code, and no hearing has yet been held regarding the child under division (A) of section 2151.314 of the Revised Code.

(c) The child is the subject of a temporary custody order issued under section 2151.33 of the Revised Code.

(3) A proceeding for divorce, dissolution, legal separation, annulment, or allocation of parental rights and responsibilities regarding the child.

Sec. 3109.74. (A) A person who creates a power of attorney under section 3109.52 of the Revised Code or executes a caretaker authorization affidavit under section 3109.67 of the Revised Code

shall file the power of attorney or affidavit with the juvenile 12433
court of the county in which the grandparent designated as 12434
attorney in fact or grandparent who executed the affidavit resides 12435
or any other court that has jurisdiction over the child under a 12436
previously filed motion or proceeding. The power of attorney or 12437
affidavit shall be filed not later than five days after the date 12438
it is created or executed and may be sent to the court by 12439
certified mail. 12440

(B) A power of attorney filed under this section shall be 12441
accompanied by a receipt showing that the notice of creation of 12442
the power of attorney was sent to the parent who is not the 12443
residential parent and legal custodian by certified mail under 12444
section 3109.55 of the Revised Code. 12445

(C)(1) The grandparent designated as attorney in fact or the 12446
grandparent who executed the affidavit shall include with the 12447
power of attorney or the caretaker authorization affidavit the 12448
information described in section 3109.27 of the Revised Code. 12449

(2) If the grandparent provides information that the 12450
grandparent previously has been convicted of or pleaded guilty to 12451
any criminal offense involving any act or omission that resulted 12452
in a child being an abused child ~~or~~, a neglected child, or a child 12453
in need of protective services or previously has been determined, 12454
in a case in which a child has been adjudicated an abused child 12455
~~or~~, a neglected child, or a child in need of protective services, 12456
to be the perpetrator of the ~~abusive or neglectful~~ act or omission 12457
that was the basis of the adjudication, the court may report that 12458
information to the public children services agency pursuant to 12459
section 2151.421 of the Revised Code. Upon the receipt of that 12460
information, the public children services agency shall initiate an 12461
investigation pursuant to section 2151.421 of the Revised Code. 12462

(3) If the court has reason to believe that a power of 12463

attorney or caretaker authorization affidavit is not in the best 12464
interest of the child, the court may report that information to 12465
the public children services agency pursuant to section 2151.421 12466
of the Revised Code. Upon receipt of that information, the public 12467
children services agency shall initiate an investigation pursuant 12468
to section 2151.421 of the Revised Code. The public children 12469
services agency shall submit a report of its investigation to the 12470
court not later than thirty days after the court reports the 12471
information to the public children services agency or not later 12472
than forty-five days after the court reports the information to 12473
the public children services agency when information that is 12474
needed to determine the case disposition cannot be compiled within 12475
thirty days and the reasons are documented in the case record. 12476

(D) The court shall waive any filing fee imposed for the 12477
filing of the power of attorney or caretaker authorization 12478
affidavit. 12479

Sec. 3109.77. (A) On the filing of a power of attorney or 12480
caretaker authorization affidavit under section 3109.76 of the 12481
Revised Code, the court in which the power of attorney or 12482
caretaker authorization affidavit was filed shall schedule a 12483
hearing to determine whether the power of attorney or affidavit is 12484
in the child's best interest. The court shall provide notice of 12485
the date, time, and location of the hearing to the parties and to 12486
the parent who is not the residential parent and legal custodian 12487
unless one of the following circumstances applies: 12488

(1) In accordance with section 3109.051 of the Revised Code, 12489
that parent is not to be given a notice of relocation. 12490

(2) The parent's parental rights have been terminated by 12491
order of a juvenile court pursuant to Chapter 2151. of the Revised 12492
Code. 12493

(3) The parent cannot be located with reasonable efforts. 12494

(4) The power of attorney was created by both parents. 12495

(B) The hearing shall be held not later than ten days after 12496
the date the power of attorney or affidavit was filed with the 12497
court. At the hearing, the parties and the parent who is not the 12498
residential parent and legal custodian may present evidence and be 12499
represented by counsel. 12500

(C) At the conclusion of the hearing, the court may take any 12501
of the following actions that the court determines is in the 12502
child's best interest: 12503

(1) Approve the power of attorney or affidavit. If approved, 12504
the power of attorney or affidavit shall remain in effect unless 12505
otherwise terminated under section 3109.59 of the Revised Code 12506
with respect to a power of attorney or section 3109.70 of the 12507
Revised Code with respect to an affidavit. 12508

(2) Issue an order terminating the power of attorney or 12509
affidavit and ordering the child returned to the child's parent, 12510
guardian, or custodian. If the parent, guardian, or custodian of 12511
the child cannot be located, the court shall treat the filing of 12512
the power of attorney or affidavit with the court as a complaint 12513
under section 2151.27 of the Revised Code that the child is a 12514
~~dependent~~ child in need of protective services. 12515

(3) Treat the filing of the power of attorney or affidavit as 12516
a petition for legal custody and award legal custody of the child 12517
to the grandparent designated as the attorney in fact under the 12518
power of attorney or to the grandparent who executed the 12519
affidavit. 12520

(D) The court shall conduct a de novo review of any order 12521
issued under division (C) of this section if all of the following 12522
apply regarding the parent who is not the residential parent and 12523
legal custodian: 12524

(1) The parent did not appear at the hearing from which the 12525

order was issued.	12526
(2) The parent was not represented by counsel at the hearing.	12527
(3) The parent filed a motion with the court not later than	12528
fourteen days after receiving notice of the hearing pursuant to	12529
division (A) of this section.	12530
Sec. 3113.31. (A) As used in this section:	12531
(1) "Domestic violence" means the occurrence of one or more	12532
of the following acts against a family or household member:	12533
(a) Attempting to cause or recklessly causing bodily injury;	12534
(b) Placing another person by the threat of force in fear of	12535
imminent serious physical harm or committing a violation of	12536
section 2903.211 or 2911.211 of the Revised Code;	12537
(c) Committing any act <u>or omission</u> with respect to a child	12538
that would result in the child being an abused a child, as defined	12539
in section 2151.031 of the Revised Code <u>in need of protective</u>	12540
<u>services due to physical harm as determined in accordance with</u>	12541
<u>section 2151.031 of the Revised Code, sexual harm as determined in</u>	12542
<u>accordance with section 2151.032 of the Revised Code, or emotional</u>	12543
<u>harm as determined in accordance with section 2151.033 of the</u>	12544
<u>Revised Code;</u>	12545
(d) Committing a sexually oriented offense.	12546
(2) "Court" means the domestic relations division of the	12547
court of common pleas in counties that have a domestic relations	12548
division, and the court of common pleas in counties that do not	12549
have a domestic relations division.	12550
(3) "Family or household member" means any of the following:	12551
(a) Any of the following who is residing with or has resided	12552
with the respondent:	12553
(i) A spouse, a person living as a spouse, or a former spouse	12554

of the respondent; 12555

(ii) A parent or a child of the respondent, or another person 12556
related by consanguinity or affinity to the respondent; 12557

(iii) A parent or a child of a spouse, person living as a 12558
spouse, or former spouse of the respondent, or another person 12559
related by consanguinity or affinity to a spouse, person living as 12560
a spouse, or former spouse of the respondent. 12561

(b) The natural parent of any child of whom the respondent is 12562
the other natural parent or is the putative other natural parent. 12563

(4) "Person living as a spouse" means a person who is living 12564
or has lived with the respondent in a common law marital 12565
relationship, who otherwise is cohabiting with the respondent, or 12566
who otherwise has cohabited with the respondent within five years 12567
prior to the date of the alleged occurrence of the act in 12568
question. 12569

(5) "Victim advocate" means a person who provides support and 12570
assistance for a person who files a petition under this section. 12571

(6) "Sexually oriented offense" has the same meaning as in 12572
section 2950.01 of the Revised Code. 12573

(B) The court has jurisdiction over all proceedings under 12574
this section. The petitioner's right to relief under this section 12575
is not affected by the petitioner's leaving the residence or 12576
household to avoid further domestic violence. 12577

(C) A person may seek relief under this section on the 12578
person's own behalf, or any parent or adult household member may 12579
seek relief under this section on behalf of any other family or 12580
household member, by filing a petition with the court. The 12581
petition shall contain or state: 12582

(1) An allegation that the respondent engaged in domestic 12583
violence against a family or household member of the respondent, 12584

including a description of the nature and extent of the domestic violence; 12585
12586

(2) The relationship of the respondent to the petitioner, and to the victim if other than the petitioner; 12587
12588

(3) A request for relief under this section. 12589

(D)(1) If a person who files a petition pursuant to this section requests an ex parte order, the court shall hold an ex parte hearing on the same day that the petition is filed. The court, for good cause shown at the ex parte hearing, may enter any temporary orders, with or without bond, including, but not limited to, an order described in division (E)(1)(a), (b), or (c) of this section, that the court finds necessary to protect the family or household member from domestic violence. Immediate and present danger of domestic violence to the family or household member constitutes good cause for purposes of this section. Immediate and present danger includes, but is not limited to, situations in which the respondent has threatened the family or household member with bodily harm, in which the respondent has threatened the family or household member with a sexually oriented offense, or in which the respondent previously has been convicted of or pleaded guilty to an offense that constitutes domestic violence against the family or household member. 12590
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(2)(a) If the court, after an ex parte hearing, issues an order described in division (E)(1)(b) or (c) of this section, the court shall schedule a full hearing for a date that is within seven court days after the ex parte hearing. If any other type of protection order that is authorized under division (E) of this section is issued by the court after an ex parte hearing, the court shall schedule a full hearing for a date that is within ten court days after the ex parte hearing. The court shall give the respondent notice of, and an opportunity to be heard at, the full hearing. The court shall hold the full hearing on the date 12607
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scheduled under this division unless the court grants a 12617
continuance of the hearing in accordance with this division. Under 12618
any of the following circumstances or for any of the following 12619
reasons, the court may grant a continuance of the full hearing to 12620
a reasonable time determined by the court: 12621

(i) Prior to the date scheduled for the full hearing under 12622
this division, the respondent has not been served with the 12623
petition filed pursuant to this section and notice of the full 12624
hearing. 12625

(ii) The parties consent to the continuance. 12626

(iii) The continuance is needed to allow a party to obtain 12627
counsel. 12628

(iv) The continuance is needed for other good cause. 12629

(b) An ex parte order issued under this section does not 12630
expire because of a failure to serve notice of the full hearing 12631
upon the respondent before the date set for the full hearing under 12632
division (D)(2)(a) of this section or because the court grants a 12633
continuance under that division. 12634

(3) If a person who files a petition pursuant to this section 12635
does not request an ex parte order, or if a person requests an ex 12636
parte order but the court does not issue an ex parte order after 12637
an ex parte hearing, the court shall proceed as in a normal civil 12638
action and grant a full hearing on the matter. 12639

(E)(1) After an ex parte or full hearing, the court may grant 12640
any protection order, with or without bond, or approve any consent 12641
agreement to bring about a cessation of domestic violence against 12642
the family or household members. The order or agreement may: 12643

(a) Direct the respondent to refrain from abusing or from 12644
committing sexually oriented offenses against the family or 12645
household members; 12646

(b) Grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by evicting the respondent, when the residence or household is owned or leased solely by the petitioner or other family or household member, or by ordering the respondent to vacate the premises, when the residence or household is jointly owned or leased by the respondent, and the petitioner or other family or household member;

(c) When the respondent has a duty to support the petitioner or other family or household member living in the residence or household and the respondent is the sole owner or lessee of the residence or household, grant possession of the residence or household to the petitioner or other family or household member, to the exclusion of the respondent, by ordering the respondent to vacate the premises, or, in the case of a consent agreement, allow the respondent to provide suitable, alternative housing;

(d) Temporarily allocate parental rights and responsibilities for the care of, or establish temporary parenting time rights with regard to, minor children, if no other court has determined, or is determining, the allocation of parental rights and responsibilities for the minor children or parenting time rights;

(e) Require the respondent to maintain support, if the respondent customarily provides for or contributes to the support of the family or household member, or if the respondent has a duty to support the petitioner or family or household member;

(f) Require the respondent, petitioner, victim of domestic violence, or any combination of those persons, to seek counseling;

(g) Require the respondent to refrain from entering the residence, school, business, or place of employment of the petitioner or family or household member;

(h) Grant other relief that the court considers equitable and

fair, including, but not limited to, ordering the respondent to 12678
permit the use of a motor vehicle by the petitioner or other 12679
family or household member and the apportionment of household and 12680
family personal property. 12681

(2) If a protection order has been issued pursuant to this 12682
section in a prior action involving the respondent and the 12683
petitioner or one or more of the family or household members or 12684
victims, the court may include in a protection order that it 12685
issues a prohibition against the respondent returning to the 12686
residence or household. If it includes a prohibition against the 12687
respondent returning to the residence or household in the order, 12688
it also shall include in the order provisions of the type 12689
described in division (E)(7) of this section. This division does 12690
not preclude the court from including in a protection order or 12691
consent agreement, in circumstances other than those described in 12692
this division, a requirement that the respondent be evicted from 12693
or vacate the residence or household or refrain from entering the 12694
residence, school, business, or place of employment of the 12695
petitioner or a family or household member, and, if the court 12696
includes any requirement of that type in an order or agreement, 12697
the court also shall include in the order provisions of the type 12698
described in division (E)(7) of this section. 12699

(3)(a) Any protection order issued or consent agreement 12700
approved under this section shall be valid until a date certain, 12701
but not later than five years from the date of its issuance or 12702
approval unless modified or terminated as provided in division 12703
(E)(8) of this section. 12704

(b) Subject to the limitation on the duration of an order or 12705
agreement set forth in division (E)(3)(a) of this section, any 12706
order under division (E)(1)(d) of this section shall terminate on 12707
the date that a court in an action for divorce, dissolution of 12708
marriage, or legal separation brought by the petitioner or 12709

respondent issues an order allocating parental rights and 12710
responsibilities for the care of children or on the date that a 12711
juvenile court in an action brought by the petitioner or 12712
respondent issues an order awarding legal custody of minor 12713
children. Subject to the limitation on the duration of an order or 12714
agreement set forth in division (E)(3)(a) of this section, any 12715
order under division (E)(1)(e) of this section shall terminate on 12716
the date that a court in an action for divorce, dissolution of 12717
marriage, or legal separation brought by the petitioner or 12718
respondent issues a support order or on the date that a juvenile 12719
court in an action brought by the petitioner or respondent issues 12720
a support order. 12721

(c) Any protection order issued or consent agreement approved 12722
pursuant to this section may be renewed in the same manner as the 12723
original order or agreement was issued or approved. 12724

(4) A court may not issue a protection order that requires a 12725
petitioner to do or to refrain from doing an act that the court 12726
may require a respondent to do or to refrain from doing under 12727
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 12728
section unless all of the following apply: 12729

(a) The respondent files a separate petition for a protection 12730
order in accordance with this section. 12731

(b) The petitioner is served notice of the respondent's 12732
petition at least forty-eight hours before the court holds a 12733
hearing with respect to the respondent's petition, or the 12734
petitioner waives the right to receive this notice. 12735

(c) If the petitioner has requested an ex parte order 12736
pursuant to division (D) of this section, the court does not delay 12737
any hearing required by that division beyond the time specified in 12738
that division in order to consolidate the hearing with a hearing 12739
on the petition filed by the respondent. 12740

(d) After a full hearing at which the respondent presents 12741
evidence in support of the request for a protection order and the 12742
petitioner is afforded an opportunity to defend against that 12743
evidence, the court determines that the petitioner has committed 12744
an act of domestic violence or has violated a temporary protection 12745
order issued pursuant to section 2919.26 of the Revised Code, that 12746
both the petitioner and the respondent acted primarily as 12747
aggressors, and that neither the petitioner nor the respondent 12748
acted primarily in self-defense. 12749

(5) No protection order issued or consent agreement approved 12750
under this section shall in any manner affect title to any real 12751
property. 12752

(6)(a) If a petitioner, or the child of a petitioner, who 12753
obtains a protection order or consent agreement pursuant to 12754
division (E)(1) of this section or a temporary protection order 12755
pursuant to section 2919.26 of the Revised Code and is the subject 12756
of a parenting time order issued pursuant to section 3109.051 or 12757
3109.12 of the Revised Code or a visitation or companionship order 12758
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 12759
Revised Code or division (E)(1)(d) of this section granting 12760
parenting time rights to the respondent, the court may require the 12761
public children services agency of the county in which the court 12762
is located to provide supervision of the respondent's exercise of 12763
parenting time or visitation or companionship rights with respect 12764
to the child for a period not to exceed nine months, if the court 12765
makes the following findings of fact: 12766

(i) The child is in danger from the respondent; 12767

(ii) No other person or agency is available to provide the 12768
supervision. 12769

(b) A court that requires an agency to provide supervision 12770
pursuant to division (E)(6)(a) of this section shall order the 12771

respondent to reimburse the agency for the cost of providing the supervision, if it determines that the respondent has sufficient income or resources to pay that cost.

(7)(a) If a protection order issued or consent agreement approved under this section includes a requirement that the respondent be evicted from or vacate the residence or household or refrain from entering the residence, school, business, or place of employment of the petitioner or a family or household member, the order or agreement shall state clearly that the order or agreement cannot be waived or nullified by an invitation to the respondent from the petitioner or other family or household member to enter the residence, school, business, or place of employment or by the respondent's entry into one of those places otherwise upon the consent of the petitioner or other family or household member.

(b) Division (E)(7)(a) of this section does not limit any discretion of a court to determine that a respondent charged with a violation of section 2919.27 of the Revised Code, with a violation of a municipal ordinance substantially equivalent to that section, or with contempt of court, which charge is based on an alleged violation of a protection order issued or consent agreement approved under this section, did not commit the violation or was not in contempt of court.

(8)(a) The court may modify or terminate as provided in division (E)(8) of this section a protection order or consent agreement that was issued after a full hearing under this section. The court that issued the protection order or approved the consent agreement shall hear a motion for modification or termination of the protection order or consent agreement pursuant to division (E)(8) of this section.

(b) Either the petitioner or the respondent of the original protection order or consent agreement may bring a motion for modification or termination of a protection order or consent

agreement that was issued or approved after a full hearing. The 12804
court shall require notice of the motion to be made as provided by 12805
the Rules of Civil Procedure. If the petitioner for the original 12806
protection order or consent agreement has requested that the 12807
petitioner's address be kept confidential, the court shall not 12808
disclose the address to the respondent of the original protection 12809
order or consent agreement or any other person, except as 12810
otherwise required by law. The moving party has the burden of 12811
proof to show, by a preponderance of the evidence, that 12812
modification or termination of the protection order or consent 12813
agreement is appropriate because either the protection order or 12814
consent agreement is no longer needed or because the terms of the 12815
original protection order or consent agreement are no longer 12816
appropriate. 12817

(c) In considering whether to modify or terminate a 12818
protection order or consent agreement issued or approved under 12819
this section, the court shall consider all relevant factors, 12820
including, but not limited to, the following: 12821

(i) Whether the petitioner consents to modification or 12822
termination of the protection order or consent agreement; 12823

(ii) Whether the petitioner fears the respondent; 12824

(iii) The current nature of the relationship between the 12825
petitioner and the respondent; 12826

(iv) The circumstances of the petitioner and respondent, 12827
including the relative proximity of the petitioner's and 12828
respondent's workplaces and residences and whether the petitioner 12829
and respondent have minor children together; 12830

(v) Whether the respondent has complied with the terms and 12831
conditions of the original protection order or consent agreement; 12832

(vi) Whether the respondent has a continuing involvement with 12833
illegal drugs or alcohol; 12834

(vii) Whether the respondent has been convicted of or pleaded guilty to an offense of violence since the issuance of the protection order or approval of the consent agreement; 12835
12836
12837

(viii) Whether any other protection orders, consent agreements, restraining orders, or no contact orders have been issued against the respondent pursuant to this section, section 2919.26 of the Revised Code, any other provision of state law, or the law of any other state; 12838
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(ix) Whether the respondent has participated in any domestic violence treatment, intervention program, or other counseling addressing domestic violence and whether the respondent has completed the treatment, program, or counseling; 12843
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(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved; 12847
12848

(xi) The age and health of the respondent; 12849

(xii) When the last incident of abuse, threat of harm, or commission of a sexually oriented offense occurred or other relevant information concerning the safety and protection of the petitioner or other protected parties. 12850
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(d) If a protection order or consent agreement is modified or terminated as provided in division (E)(8) of this section, the court shall issue copies of the modified or terminated order or agreement as provided in division (F) of this section. A petitioner may also provide notice of the modification or termination to the judicial and law enforcement officials in any county other than the county in which the order or agreement is modified or terminated as provided in division (N) of this section. 12854
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(e) If the respondent moves for modification or termination of a protection order or consent agreement pursuant to this section, the court may assess costs against the respondent for the 12863
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12865

filing of the motion. 12866

(F)(1) A copy of any protection order, or consent agreement, 12867
that is issued, approved, modified, or terminated under this 12868
section shall be issued by the court to the petitioner, to the 12869
respondent, and to all law enforcement agencies that have 12870
jurisdiction to enforce the order or agreement. The court shall 12871
direct that a copy of an order be delivered to the respondent on 12872
the same day that the order is entered. 12873

(2) Upon the issuance of a protection order or the approval 12874
of a consent agreement under this section, the court shall provide 12875
the parties to the order or agreement with the following notice 12876
orally or by form: 12877

"NOTICE 12878

As a result of this order or consent agreement, it may be 12879
unlawful for you to possess or purchase a firearm, including a 12880
rifle, pistol, or revolver, or ammunition pursuant to federal law 12881
under 18 U.S.C. 922(g)(8). If you have any questions whether this 12882
law makes it illegal for you to possess or purchase a firearm or 12883
ammunition, you should consult an attorney." 12884

(3) All law enforcement agencies shall establish and maintain 12885
an index for the protection orders and the approved consent 12886
agreements delivered to the agencies pursuant to division (F)(1) 12887
of this section. With respect to each order and consent agreement 12888
delivered, each agency shall note on the index the date and time 12889
that it received the order or consent agreement. 12890

(4) Regardless of whether the petitioner has registered the 12891
order or agreement in the county in which the officer's agency has 12892
jurisdiction pursuant to division (N) of this section, any officer 12893
of a law enforcement agency shall enforce a protection order 12894
issued or consent agreement approved by any court in this state in 12895
accordance with the provisions of the order or agreement, 12896

including removing the respondent from the premises, if 12897
appropriate. 12898

(G) Any proceeding under this section shall be conducted in 12899
accordance with the Rules of Civil Procedure, except that an order 12900
under this section may be obtained with or without bond. An order 12901
issued under this section, other than an ex parte order, that 12902
grants a protection order or approves a consent agreement, that 12903
refuses to grant a protection order or approve a consent agreement 12904
that modifies or terminates a protection order or consent 12905
agreement, or that refuses to modify or terminate a protection 12906
order or consent agreement, is a final, appealable order. The 12907
remedies and procedures provided in this section are in addition 12908
to, and not in lieu of, any other available civil or criminal 12909
remedies. 12910

(H) The filing of proceedings under this section does not 12911
excuse a person from filing any report or giving any notice 12912
required by section 2151.421 of the Revised Code or by any other 12913
law. When a petition under this section alleges domestic violence 12914
against minor children, the court shall report the fact, or cause 12915
reports to be made, to a county, township, or municipal peace 12916
officer under section 2151.421 of the Revised Code. 12917

(I) Any law enforcement agency that investigates a domestic 12918
dispute shall provide information to the family or household 12919
members involved regarding the relief available under this section 12920
and section 2919.26 of the Revised Code. 12921

(J) Notwithstanding any provision of law to the contrary and 12922
regardless of whether a protection order is issued or a consent 12923
agreement is approved by a court of another county or a court of 12924
another state, no court or unit of state or local government shall 12925
charge any fee, cost, deposit, or money in connection with the 12926
filing of a petition pursuant to this section or in connection 12927
with the filing, issuance, registration, or service of a 12928

protection order or consent agreement, or for obtaining a 12929
certified copy of a protection order or consent agreement. 12930

(K)(1) The court shall comply with Chapters 3119., 3121., 12931
3123., and 3125. of the Revised Code when it makes or modifies an 12932
order for child support under this section. 12933

(2) If any person required to pay child support under an 12934
order made under this section on or after April 15, 1985, or 12935
modified under this section on or after December 31, 1986, is 12936
found in contempt of court for failure to make support payments 12937
under the order, the court that makes the finding, in addition to 12938
any other penalty or remedy imposed, shall assess all court costs 12939
arising out of the contempt proceeding against the person and 12940
require the person to pay any reasonable attorney's fees of any 12941
adverse party, as determined by the court, that arose in relation 12942
to the act of contempt. 12943

(L)(1) A person who violates a protection order issued or a 12944
consent agreement approved under this section is subject to the 12945
following sanctions: 12946

(a) Criminal prosecution for a violation of section 2919.27 12947
of the Revised Code, if the violation of the protection order or 12948
consent agreement constitutes a violation of that section; 12949

(b) Punishment for contempt of court. 12950

(2) The punishment of a person for contempt of court for 12951
violation of a protection order issued or a consent agreement 12952
approved under this section does not bar criminal prosecution of 12953
the person for a violation of section 2919.27 of the Revised Code. 12954
However, a person punished for contempt of court is entitled to 12955
credit for the punishment imposed upon conviction of a violation 12956
of that section, and a person convicted of a violation of that 12957
section shall not subsequently be punished for contempt of court 12958
arising out of the same activity. 12959

(M) In all stages of a proceeding under this section, a petitioner may be accompanied by a victim advocate.

(N)(1) A petitioner who obtains a protection order or consent agreement under this section or a temporary protection order under section 2919.26 of the Revised Code may provide notice of the issuance or approval of the order or agreement to the judicial and law enforcement officials in any county other than the county in which the order is issued or the agreement is approved by registering that order or agreement in the other county pursuant to division (N)(2) of this section and filing a copy of the registered order or registered agreement with a law enforcement agency in the other county in accordance with that division. A person who obtains a protection order issued by a court of another state may provide notice of the issuance of the order to the judicial and law enforcement officials in any county of this state by registering the order in that county pursuant to section 2919.272 of the Revised Code and filing a copy of the registered order with a law enforcement agency in that county.

(2) A petitioner may register a temporary protection order, protection order, or consent agreement in a county other than the county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement and present that certified copy to the clerk of the court of common pleas or the clerk of a municipal court or county court in the county in which the order or agreement is to be registered.

(b) Upon accepting the certified copy of the order or agreement for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order or agreement and give the petitioner

a copy of the order or agreement that bears that proof of 12992
registration. 12993

(3) The clerk of each court of common pleas, the clerk of 12994
each municipal court, and the clerk of each county court shall 12995
maintain a registry of certified copies of temporary protection 12996
orders, protection orders, or consent agreements that have been 12997
issued or approved by courts in other counties and that have been 12998
registered with the clerk. 12999

Sec. 3127.01. (A) As used in the Revised Code, "uniform child 13000
custody jurisdiction and enforcement act" means the act addressing 13001
interstate recognition and enforcement of child custody orders 13002
adopted in 1997 by the national conference of commissioners on 13003
uniform state laws or any law substantially similar to the act 13004
adopted by another state. 13005

(B) As used in sections 3127.01 to 3127.53 of the Revised 13006
Code: 13007

(1) "Abandoned" means the parents of a child have failed to 13008
visit or maintain contact with the child for more than ninety 13009
days, regardless of whether the parents resume contact with the 13010
child after that ninety-day period. 13011

(2) "Child" means an individual who has not attained eighteen 13012
years of age. 13013

(3) "Child custody determination" means a judgment, decree, 13014
or other order of a court that provides for legal custody, 13015
physical custody, parenting time, or visitation with respect to a 13016
child. "Child custody determination" includes an order that 13017
allocates parental rights and responsibilities. "Child custody 13018
determination" includes permanent, temporary, initial, and 13019
modification orders. "Child custody determination" does not 13020
include an order or the portion of an order relating to child 13021

support or other monetary obligations of an individual. 13022

(4) "Child custody proceeding" means a proceeding in which 13023
legal custody, physical custody, parenting time, or visitation 13024
with respect to a child is an issue. "Child custody proceeding" 13025
may include a proceeding for divorce, separation, ~~neglect, abuse,~~ 13026
~~dependency,~~ guardianship, parentage, termination of parental 13027
rights, or protection from domestic violence, or a proceeding to 13028
determine if a child is a child in need of protective services. 13029
"Child custody proceeding" does not include a proceeding regarding 13030
juvenile delinquency, contractual emancipation, or enforcement 13031
pursuant to sections 3127.31 to 3127.47 of the Revised Code. 13032

(5) "Commencement" means the filing of the first pleading in 13033
a proceeding. 13034

(6) "Court" means an entity authorized under the law of a 13035
state to establish, enforce, or modify a child custody 13036
determination. 13037

(7) "Home state" means the state in which a child lived with 13038
a parent or a person acting as a parent for at least six 13039
consecutive months immediately preceding the commencement of a 13040
child custody proceeding and, if a child is less than six months 13041
old, the state in which the child lived from birth with any of 13042
them. A period of temporary absence of any of them is counted as 13043
part of the six-month or other period. 13044

(8) "Initial determination" means the first child custody 13045
determination concerning a particular child. 13046

(9) "Issuing court" means the court that makes a child 13047
custody determination for which enforcement is sought under 13048
sections 3127.01 to 3127.53 of the Revised Code. 13049

(10) "Issuing state" means the state in which a child custody 13050
determination is made. 13051

(11) "Modification" means a child custody determination that changes, replaces, supersedes, or is otherwise made after a determination concerning the same child, whether or not it is made by the court that made the previous determination.

(12) "Person" means an individual; corporation; business trust; estate; trust; partnership; limited liability company; association; joint venture; government; governmental subdivision, agency, or instrumentality; public corporation; or any other legal or commercial entity.

(13) "Person acting as a parent" means a person, other than the child's parent, who meets both of the following criteria:

(a) The person has physical custody of the child or has had physical custody for a period of six consecutive months, including any temporary absence from the child, within one year immediately before the commencement of a child custody proceeding; and

(b) The person has been awarded legal custody by a court or claims a right to legal custody under the law of this state.

(14) "Physical custody" means the physical care and supervision of a child.

(15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) "Tribe" means an Indian tribe or Alaskan Native village that is recognized by federal or state law.

(17) "Warrant" means an order issued by a court authorizing law enforcement officers to take physical custody of a child.

Sec. 3127.23. (A) Each party in a child custody proceeding, in the party's first pleading or in an affidavit attached to that pleading, shall give information if reasonably ascertainable under

oath as to the child's present address or whereabouts, the places 13082
where the child has lived within the last five years, and the name 13083
and present address of each person with whom the child has lived 13084
during that period. In this pleading or affidavit, each party also 13085
shall include all of the following information: 13086

(1) Whether the party has participated as a party, a witness, 13087
or in any other capacity in any other proceeding concerning the 13088
allocation, between the parents of the same child, of parental 13089
rights and responsibilities for the care of the child including 13090
any designation of parenting time rights and the designation of 13091
the residential parent and legal custodian of the child or that 13092
otherwise concerned the custody of or visitation with the same 13093
child and, if so, the court, case number and the date of the child 13094
custody determination, if any; 13095

(2) Whether the party knows of any proceedings that could 13096
affect the current proceeding, including proceedings for 13097
enforcement of child custody determinations, proceedings relating 13098
to domestic violence or protection orders, proceedings to 13099
adjudicate the child as ~~an abused, neglected, or dependent~~ a child 13100
in need of protective services, proceedings seeking termination of 13101
parental rights, and adoptions, and, if so, the court, the case 13102
number, and the nature of the proceeding; 13103

(3) Whether the party knows of any person who is not a party 13104
to the proceeding and has physical custody of the child or claims 13105
to be a parent of the child who is designated the residential 13106
parent and legal custodian of the child or to have parenting time 13107
rights with respect to the child or to be a person other than a 13108
parent of the child who has custody or visitation rights with 13109
respect to the child and, if so, the names and addresses of those 13110
persons. 13111

(B) If the declaration under division (A)(1), (2), or (3) of 13112

this section is in the affirmative, the declarant shall give 13113
additional information as required by the court. The court may 13114
examine the parties under oath as to details of the information 13115
furnished and as to other matters pertinent to the court's 13116
jurisdiction and the disposition of the case. 13117

(C) Each party has a continuing duty to inform the court of 13118
any child custody proceeding concerning the child in this or any 13119
other state that could affect the current proceeding. 13120

(D) If a party alleges in an affidavit or a pleading under 13121
oath that the health, safety, or liberty of a party or child would 13122
be jeopardized by the disclosure of identifying information, the 13123
information shall be sealed and may not be disclosed to the other 13124
party or the public unless the court orders the disclosure to be 13125
made after a hearing in which the court takes into consideration 13126
the health, safety, and liberty of the party or child and 13127
determines that the disclosure is in the interests of justice. 13128

(E) A public children services agency, acting pursuant to a 13129
complaint or an action on a complaint filed under section 2151.27 13130
of the Revised Code, is not subject to the requirements of this 13131
section. 13132

~~(F) As used in this section, "abused child" has the same 13133
meaning as in section 2151.031 of the Revised Code, "neglected 13134
child" has the same meaning as in section 2151.03 of the Revised 13135
Code, and "dependent child" has the same meaning as in section 13136
2151.04 of the Revised Code. 13137~~

Sec. 3127.38. (A) A petition for enforcement pursuant to 13138
sections 3127.31 to 3127.46 of the Revised Code must be verified. 13139
All orders sought to be enforced and any order confirming 13140
registration must be attached to the petition. The orders attached 13141
to the petition shall be the original or a certified copy, 13142
whichever a court requires. 13143

(B) A petition for enforcement of a child custody determination shall state all of the following:	13144 13145
(1) Whether the court that issued the child custody determination identified the jurisdictional basis it relied upon in exercising jurisdiction and, if so, what the basis was;	13146 13147 13148
(2) Whether the determination for which enforcement is sought has been vacated, stayed, or modified by a court whose decision must be enforced under this chapter and, if so, identify the court, the case number, and the nature of the proceeding;	13149 13150 13151 13152
(3) Whether any proceeding has been commenced that could affect the current proceeding, including proceedings for enforcement of child custody determinations, proceedings relating to domestic violence or protection orders, proceedings to adjudicate the child as an abused, neglected, or dependent <u>a child in need of protective services</u> , proceedings seeking termination of parental rights, and adoptions, and, if so, the court, the case number, and the nature of the proceeding;	13153 13154 13155 13156 13157 13158 13159 13160
(4) The present physical address of the child and the respondent, if known;	13161 13162
(5) Whether relief in addition to the immediate physical custody of the child and attorney's fees is sought, including a request for assistance from law enforcement officials and, if so, the relief sought;	13163 13164 13165 13166
(6) If the child custody determination has been registered and confirmed under section 3127.35 of the Revised Code, the date and place of registration.	13167 13168 13169
(C) Upon the filing of a petition, the court shall issue an order directing the respondent to appear in person with or without the child at a hearing and may enter any order necessary to ensure the safety of the parties and the child. If possible, the hearing must be held on the next judicial day after service of the order.	13170 13171 13172 13173 13174

If holding the hearing on that date is impossible, the court shall 13175
hold the hearing on the first judicial day possible. The court may 13176
extend the date of the hearing at the request of the petitioner. 13177

(D) An order issued under division (C) of this section shall 13178
state the time and place of the hearing and advise the respondent 13179
that at the hearing the court will order that the petitioner may 13180
take immediate physical custody of the child and that the 13181
respondent pay fees, costs, and expenses under section 3127.42 of 13182
the Revised Code and may schedule a hearing to determine whether 13183
further relief is appropriate, unless the respondent appears and 13184
establishes either of the following: 13185

(1) That the child custody determination has not been 13186
registered and confirmed under section 3127.35 of the Revised Code 13187
and that one of the following circumstances applies: 13188

(a) The issuing court did not have jurisdiction under 13189
sections 3127.15 to 3127.24 of the Revised Code or a similar 13190
statute of another state. 13191

(b) The child custody determination for which enforcement is 13192
sought has been vacated, stayed, or modified by a court having 13193
jurisdiction to do so under sections 3127.15 to 3127.24 of the 13194
Revised Code or a similar statute of another state. 13195

(c) The respondent was entitled to notice of the child 13196
custody proceeding for which enforcement is sought, but notice was 13197
not given in accordance with the standards of section 3127.07 of 13198
the Revised Code or a similar statute of another state. 13199

(2) That the child custody determination for which 13200
enforcement is sought was registered and confirmed under section 13201
3127.35 of the Revised Code but has been vacated, stayed, or 13202
modified by a court of a state having jurisdiction to do so under 13203
sections 3127.15 to 3127.24 of the Revised Code or a similar 13204
statute of another state. 13205

Sec. 3301.121. (A) In addition to the duties and 13206
responsibilities of the superintendent of public instruction set 13207
forth in section 3301.12 of the Revised Code, the superintendent, 13208
in accordance with this section and section 3313.662 of the 13209
Revised Code, shall conduct an adjudication procedure to determine 13210
whether to permanently exclude from attending any of the public 13211
schools of this state any pupil who is the subject of a resolution 13212
forwarded to the superintendent by a board of education pursuant 13213
to division (D) of section 3313.662 of the Revised Code. 13214

(B)(1) Except as provided in division (B)(3) of this section, 13215
within fourteen days after receipt of a resolution forwarded by a 13216
board of education pursuant to division (D) of section 3313.662 of 13217
the Revised Code, the superintendent of public instruction or the 13218
superintendent's designee shall provide the pupil who is the 13219
subject of the resolution and that pupil's parent, guardian, or 13220
custodian with a notice of an opportunity for an adjudication 13221
hearing on the proposed permanent exclusion of the pupil from 13222
attending any of the public schools of this state. The notice 13223
shall include all of the following: 13224

(a) The date, time, and place of the permanent exclusion 13225
adjudication hearing; 13226

(b) A statement informing the pupil and the pupil's parent, 13227
guardian, or custodian that the pupil may attend the adjudication 13228
hearing at the date, time, and place set forth in the notice, that 13229
the failure of the pupil or the pupil's parent, guardian, or 13230
custodian to attend the adjudication hearing will result in a 13231
waiver of the pupil's right to present evidence, testimony, and 13232
factors in mitigation of the pupil's permanent exclusion at an 13233
adjudication hearing on the proposed permanent exclusion, and that 13234
the pupil shall be accorded all of the following rights: 13235

(i) The right to testify, to present evidence and the 13236

testimony of witnesses, and to confront, cross-examine, and compel	13237
the attendance of witnesses;	13238
(ii) The right to a record of the hearing;	13239
(iii) The right to written findings.	13240
(c) A statement informing the pupil and the pupil's parent,	13241
guardian, or custodian that the pupil has the right to be	13242
represented by counsel at the adjudication hearing.	13243
(d) A statement informing the pupil and the pupil's parent,	13244
guardian, or custodian that, if the pupil by failing to attend the	13245
hearing waives the pupil's right to present evidence, testimony,	13246
and factors in mitigation of the pupil's permanent exclusion at an	13247
adjudication hearing on the proposed permanent exclusion, the	13248
superintendent is required to review the information relevant to	13249
the permanent exclusion that is available to the superintendent	13250
and is permitted to enter an order requiring the pupil's permanent	13251
exclusion from attending any of the public schools of this state	13252
at any time within seven days after the conclusion of the	13253
adjudication hearing.	13254
(2) The superintendent or the superintendent's designee shall	13255
provide the notice required by division (B)(1) of this section to	13256
the pupil and to the pupil's parent, guardian, or custodian by	13257
certified mail or personal service.	13258
(3)(a) If a pupil who is the subject of a resolution	13259
forwarded to the superintendent of public instruction by a board	13260
of education pursuant to section 3313.662 of the Revised Code is	13261
in the custody of the department of youth services pursuant to a	13262
disposition under any provision of Chapter 2152. of the Revised	13263
Code, other than division (A)(1)(a) of section 2152.16 of the	13264
Revised Code, at the time the resolution is forwarded, the	13265
department shall notify in writing the superintendent of public	13266
instruction and the board of education that forwarded the	13267

resolution of that fact. Upon receipt of the notice, the 13268
superintendent shall delay providing the notice required by 13269
division (B)(1) of this section and the adjudication of the 13270
request for permanent exclusion until the superintendent receives 13271
further notice from the department pursuant to division (B)(3)(b) 13272
of this section. 13273

(b) At least sixty days before a pupil described in division 13274
(B)(3)(a) of this section will be released from 13275
institutionalization or institutionalization in a secure facility 13276
by the department of youth services, the department shall notify 13277
in writing the superintendent of public instruction and the board 13278
of education that forwarded the resolution pursuant to section 13279
3313.662 of the Revised Code of the impending release and shall 13280
provide in that notice information regarding the extent of the 13281
education the pupil received while in the custody of the 13282
department, including whether the pupil has obtained a certificate 13283
of high school equivalence. 13284

If the pupil has not obtained a certificate of high school 13285
equivalence while in the custody of the department of youth 13286
services, the superintendent of public instruction shall provide 13287
the notice required by division (B)(1) of this section and, at 13288
least thirty days before the pupil is to be released from 13289
institutionalization or institutionalization in a secure facility, 13290
conduct an adjudication procedure to determine whether to 13291
permanently exclude the pupil from attending the public schools of 13292
this state in accordance with this section. If the pupil has 13293
obtained a certificate of high school equivalence while in the 13294
custody of the department, the superintendent, in the 13295
superintendent's discretion, may conduct the adjudication. 13296

(C)(1) Except as provided in division (B)(3) of this section, 13297
the date of the adjudication hearing set forth in the notice 13298
required by division (B)(1) of this section shall be a date no 13299

less than fourteen days nor more than twenty-one days from the 13300
date the superintendent sends the notice by certified mail or 13301
initiates personal service of the notice. 13302

(2) The superintendent, for good cause shown on the written 13303
request of the pupil or the pupil's parent, guardian, or 13304
custodian, or on the superintendent's own motion, may grant 13305
reasonable continuances of any adjudication hearing held under 13306
this section but shall not grant either party total continuances 13307
in excess of ten days. 13308

(3) If a pupil or the pupil's parent, guardian, or custodian 13309
does not appear at the adjudication hearing on a proposed 13310
permanent exclusion, the superintendent or the referee appointed 13311
by the superintendent shall proceed to conduct an adjudication 13312
hearing on the proposed permanent exclusion on the date for the 13313
adjudication hearing that is set forth in the notice provided 13314
pursuant to division (B)(1) of this section or on the date to 13315
which the hearing was continued pursuant to division (C)(2) of 13316
this section. 13317

(D)(1) The superintendent or a referee appointed by the 13318
superintendent may conduct an adjudication hearing to determine 13319
whether to permanently exclude a pupil in one of the following 13320
counties: 13321

(a) The county in which the superintendent holds the 13322
superintendent's office; 13323

(b) Upon the request of the pupil or the pupil's parent, 13324
guardian, custodian, or attorney, in the county in which the board 13325
of education that forwarded the resolution requesting the 13326
permanent exclusion is located if the superintendent, in the 13327
superintendent's discretion and upon consideration of evidence of 13328
hardship presented on behalf of the requesting pupil, determines 13329
that the hearing should be conducted in that county. 13330

(2) The superintendent of public instruction or a referee 13331
appointed by the superintendent shall conduct an adjudication 13332
hearing on a proposed permanent exclusion of a pupil. The referee 13333
may be an attorney admitted to the practice of law in this state 13334
but shall not be an attorney that represents the board of 13335
education that forwarded the resolution requesting the permanent 13336
exclusion. 13337

(3) The superintendent or referee who conducts an 13338
adjudication hearing under this section may administer oaths, 13339
issue subpoenas to compel the attendance of witnesses and 13340
evidence, and enforce the subpoenas by a contempt proceeding in 13341
the court of common pleas as provided by law. The superintendent 13342
or referee may require the separation of witnesses and may bar 13343
from the proceedings any person whose presence is not essential to 13344
the proceedings. 13345

(4) The superintendent of public instruction shall request 13346
the department of rehabilitation and correction, the sheriff, the 13347
department of youth services, or any publicly funded out-of-home 13348
care entity that has legal custody of a pupil who is the subject 13349
of an adjudication hearing held pursuant to this section to 13350
transport the pupil to the place of the adjudication hearing at 13351
the time and date set for the hearing. The department, sheriff, or 13352
publicly funded out-of-home care entity that receives the request 13353
shall provide transportation for the pupil who is the subject of 13354
the adjudication hearing to the place of the hearing at the time 13355
and date set for the hearing. The department, sheriff, or entity 13356
shall pay the cost of transporting the pupil to and from the 13357
hearing. 13358

(E)(1) An adjudication hearing held pursuant to this section 13359
shall be adversary in nature, shall be conducted fairly and 13360
impartially, and may be conducted without the formalities of a 13361
criminal proceeding. A pupil whose permanent exclusion is being 13362

adjudicated has the right to be represented by counsel at the 13363
adjudication hearing. If the pupil has the financial capacity to 13364
retain counsel, the superintendent or the referee is not required 13365
to provide counsel for the pupil. At the adjudication hearing, the 13366
pupil also has the right to cross-examine witnesses against the 13367
pupil, to testify, to present evidence and the testimony of 13368
witnesses on the pupil's behalf, and to raise factors in 13369
mitigation of the pupil's being permanently excluded. 13370

(2) In an adjudication hearing held pursuant to this section 13371
and section 3313.662 of the Revised Code, a representative of the 13372
school district of the board of education that adopted and 13373
forwarded the resolution requesting the permanent exclusion of the 13374
pupil shall present the case for permanent exclusion to the 13375
superintendent or the referee. The representative of the school 13376
district may be an attorney admitted to the practice of law in 13377
this state. At the adjudication hearing, the representative of the 13378
school district shall present evidence in support of the requested 13379
permanent exclusion. The superintendent or the superintendent's 13380
designee shall consider the entire school record of the pupil who 13381
is the subject of the adjudication and shall consider any of the 13382
following information that is available: 13383

(a) The academic record of the pupil and a record of any 13384
extracurricular activities in which the pupil previously was 13385
involved; 13386

(b) The disciplinary record of the pupil and any available 13387
records of the pupil's prior behavioral problems other than the 13388
behavioral problems contained in the disciplinary record; 13389

(c) The social history of the pupil; 13390

(d) The pupil's response to the imposition of prior 13391
discipline and sanctions imposed for behavioral problems; 13392

(e) Evidence regarding the seriousness of and any aggravating 13393

factors related to the offense that is the basis of the resolution seeking permanent exclusion;	13394 13395
(f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;	13396 13397
(g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;	13398 13399 13400
(h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;	13401 13402 13403
(i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study.	13404 13405 13406 13407 13408 13409 13410
(3) In any adjudication hearing conducted pursuant to this section and section 3313.662 of the Revised Code, a court order that proves the adjudication or conviction that is the basis for the resolution of the board of education seeking permanent exclusion is sufficient evidence to prove that the pupil committed a violation as specified in division (F)(1) of this section.	13411 13412 13413 13414 13415 13416
(4) The superintendent or the referee shall make or cause to be made a record of any adjudication hearing conducted pursuant to this section.	13417 13418 13419
(5) A referee who conducts an adjudication hearing pursuant to this section shall promptly report the referee's findings in writing to the superintendent at the conclusion of the adjudication hearing.	13420 13421 13422 13423

(F) If an adjudication hearing is conducted or a determination is made pursuant to this section and section 3313.662 of the Revised Code, the superintendent shall review and consider the evidence presented, the entire school record of the pupil, and any available information described in divisions (E)(2)(a) to (i) of this section and shall not enter an order of permanent exclusion unless the superintendent or the superintendent's appointed referee finds, by a preponderance of the evidence, both of the following:

(1) That the pupil was convicted of or adjudicated a delinquent child for committing a violation listed in division (A) of section 3313.662 of the Revised Code and that the violation was committed when the child was sixteen years of age or older;

(2) That the pupil's continued attendance in the public school system may endanger the health and safety of other pupils or school employees.

(G)(1) Within seven days after the conclusion of an adjudication hearing that is conducted pursuant to this section, the superintendent of public instruction shall enter an order in relation to the permanent exclusion of the pupil who is the subject of the hearing or determination.

(2) If the superintendent or a referee makes the findings described in divisions (F)(1) and (2) of this section, the superintendent shall issue a written order that permanently excludes the pupil from attending any of the public schools of this state and immediately shall send a written notice of the order to the board of education that forwarded the resolution, to the pupil who was the subject of the resolution, to that pupil's parent, guardian, or custodian, and to that pupil's attorney, that includes all of the following:

(a) A copy of the order of permanent exclusion;

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian of the pupil's right to appeal the order of permanent exclusion pursuant to division (H) of this section and of the possible revocation of the permanent exclusion pursuant to division (I) of this section if a final judicial determination reverses the conviction or adjudication that was the basis for the permanent exclusion;

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian of the provisions of divisions (F), (G), and (H) of section 3313.662 of the Revised Code.

(3) If the superintendent or a referee does not make the findings described in divisions (F)(1) and (2) of this section, the superintendent shall issue a written order that rejects the resolution of the board of education and immediately shall send written notice of that fact to the board of education that forwarded the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.

(H) A pupil may appeal an order of permanent exclusion made by the superintendent of public instruction pursuant to this section and section 3313.662 of the Revised Code to the court of common pleas of the county in which the board of education that forwarded the resolution requesting the permanent exclusion is located. The appeal shall be conducted in accordance with Chapter 2505. of the Revised Code.

(I) If a final judicial determination reverses the conviction or adjudication that is the basis of a permanent exclusion ordered under this section, the superintendent of public instruction, upon receipt of a certified copy of an order reflecting that final determination from the pupil or that pupil's parent, guardian, custodian, or attorney, shall revoke the order of permanent exclusion.

(J) As used in this section:	13487
(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.	13488 13489
(2) "Out-of-home care" and "legal custody" have the same meanings as in section 2151.011 <u>2151.03</u> of the Revised Code.	13490 13491
(3) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.	13492 13493
Sec. 3301.54. (A)(1) Each preschool program shall be directed and supervised by a director, a head teacher, an elementary principal, or a site administrator who is on site and responsible for supervision of the program. Except as otherwise provided in division (A)(2), (3), or (4) of this section, this person shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code and have completed at least four courses in child development or early childhood education from an accredited college, university, or technical college.	13494 13495 13496 13497 13498 13499 13500 13501 13502 13503 13504
(2) If the person was employed prior to July 1, 1988, by a school district board of education or an eligible nonpublic school to direct a preschool program, the person shall be considered to meet the requirements of this section if the person holds a valid kindergarten-primary certificate described under former division (A) of section 3319.22 of the Revised Code as it existed on January 1, 1996.	13505 13506 13507 13508 13509 13510 13511
(3) If the person is employed to direct a preschool program operated by an eligible, nontax-supported, nonpublic school, the person shall be considered to meet the requirements of this section if the person holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.	13512 13513 13514 13515 13516

(B) Each preschool staff member shall be at least eighteen 13517
years of age and have a high school diploma or a certification of 13518
high school equivalency issued by the state board of education or 13519
a comparable agency of another state, except that a staff member 13520
may be less than eighteen years of age if the staff member is a 13521
graduate of a two-year vocational child-care training program 13522
approved by the state board of education, or is a student enrolled 13523
in the second year of such a program that leads to high school 13524
graduation, provided that the student performs duties in the 13525
preschool program under the continuous supervision of an 13526
experienced preschool staff member and receives periodic 13527
supervision from the vocational child-care training program 13528
teacher-coordinator in the student's high school. 13529

A preschool staff member shall annually complete fifteen 13530
hours of inservice training in child development or early 13531
childhood education, ~~child abuse recognition and prevention~~ 13532
recognizing children who are children in need of protective 13533
services and preventing children from becoming children in need of 13534
protective services, and first aid, and in the prevention, 13535
recognition, and management of communicable diseases, until a 13536
total of forty-five hours has been completed, unless the staff 13537
member holds an associate or higher degree in child development or 13538
early childhood education from an accredited college, university, 13539
or technical college, or any type of educator license designated 13540
as appropriate for teaching in an associate teaching position in a 13541
preschool setting issued by the state board of education pursuant 13542
to section 3319.22 of the Revised Code. 13543

Sec. 3301.56. (A) The director of each preschool program 13544
shall be responsible for the following: 13545

(1) Ensuring that the health and safety of the children are 13546
safeguarded by an organized program of school health services 13547

designed to identify child health problems and to coordinate 13548
school and community health resources for children, as evidenced 13549
by but not limited to: 13550

(a) Requiring immunization and compliance with emergency 13551
medical authorization requirements in accordance with rules 13552
adopted by the state board of education under section 3301.53 of 13553
the Revised Code; 13554

(b) Providing procedures for emergency situations, including 13555
fire drills, rapid dismissals, tornado drills, and school safety 13556
drills in accordance with section 3737.73 of the Revised Code, and 13557
keeping records of such drills or dismissals; 13558

(c) Posting emergency procedures in preschool rooms and 13559
making them available to school personnel, children, and parents; 13560

(d) Posting emergency numbers by each telephone; 13561

(e) Supervising grounds, play areas, and other facilities 13562
when scheduled for use by children; 13563

(f) Providing first-aid facilities and materials. 13564

(2) Maintaining cumulative records for each child; 13565

(3) Supervising each child's admission, placement, and 13566
withdrawal according to established procedures; 13567

(4) Preparing at least once annually for each group of 13568
children in the program a roster of names and telephone numbers of 13569
parents, guardians, and custodians of children in the group and, 13570
on request, furnishing the roster for each group to the parents, 13571
guardians, and custodians of children in that group. The director 13572
may prepare a similar roster of all children in the program and, 13573
on request, make it available to the parents, guardians, and 13574
custodians, of children in the program. The director shall not 13575
include in either roster the name or telephone number of any 13576
parent, guardian, or custodian who requests that the parent's, 13577

guardian's, or custodian's name or number not be included, and 13578
shall not furnish any roster to any person other than a parent, 13579
guardian, or custodian of a child in the program. 13580

(5) Ensuring that clerical and custodial services are 13581
provided for the program; 13582

(6) Supervising the instructional program and the daily 13583
operation of the program; 13584

(7) Supervising and evaluating preschool staff members 13585
according to a planned sequence of observations and evaluation 13586
conferences, and supervising nonteaching employees. 13587

(B)(1) In each program the maximum number of children per 13588
preschool staff member and the maximum group size by age category 13589
of children shall be as follows: 13590

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	13591 13592 13593 13594 13595 13596 13597
12 months to less than 18 months	12	1:6	13598
18 months to less than 30 months	14	1:7	13599
30 months to less than 3 years	16	1:8	13600
3-year-olds	24	1:12	13601
4- and 5-year-olds not in school	28	1:14	13602

(2) When age groups are combined, the maximum number of 13603
children per preschool staff member shall be determined by the age 13604
of the youngest child in the group, except that when no more than 13605
one child thirty months of age or older receives child care in a 13606
group in which all the other children are in the next older age 13607
group, the maximum number of children per child-care staff member 13608

and maximum group size requirements of the older age group 13609
established under division (B)(1) of this section shall apply. 13610

(3) In a room where children are napping, if all the children 13611
are at least eighteen months of age, the maximum number of 13612
children per preschool staff member shall, for a period not to 13613
exceed one and one-half hours in any twenty-four hour day, be 13614
twice the maximum number of children per preschool staff member 13615
established under division (B)(1) of this section if all the 13616
following criteria are met: 13617

(a) At least one preschool staff member is present in the 13618
room; 13619

(b) Sufficient preschool staff members are present on the 13620
preschool program premises to comply with division (B)(1) of this 13621
section; 13622

(c) Naptime preparations have been completed and the children 13623
are resting or napping. 13624

(4) Any accredited program that uses the Montessori method 13625
endorsed by the American Montessori society or the association 13626
Montessori internationale as its primary method of instruction and 13627
is licensed as a preschool program under section 3301.58 of the 13628
Revised Code may combine preschool children of ages three to five 13629
years old with children enrolled in kindergarten. Notwithstanding 13630
anything to the contrary in division (B)(2) of this section, when 13631
such age groups are combined, the maximum number of children per 13632
preschool staff member shall be twelve and the maximum group size 13633
shall be twenty-four children. 13634

(C) In each building in which a preschool program is operated 13635
there shall be on the premises, and readily available at all 13636
times, at least one employee who has completed a course in first 13637
aid and in the prevention, recognition, and management of 13638
communicable diseases which is approved by the state department of 13639

health, and an employee who has completed a course in ~~child abuse~~ 13640
~~recognition and prevention~~ recognizing children who are children 13641
in need of protective services and preventing children from 13642
becoming children in need of protective services. 13643

(D) Any parent, guardian, or custodian of a child enrolled in 13644
a preschool program shall be permitted unlimited access to the 13645
school during its hours of operation to contact the parent's, 13646
guardian's, or custodian's child, evaluate the care provided by 13647
the program, or evaluate the premises, or for other purposes 13648
approved by the director. Upon entering the premises, the parent, 13649
guardian, or custodian shall report to the school office. 13650

Sec. 3313.64. (A) As used in this section and in section 13651
3313.65 of the Revised Code: 13652

(1)(a) Except as provided in division (A)(1)(b) of this 13653
section, "parent" means either parent, unless the parents are 13654
separated or divorced or their marriage has been dissolved or 13655
annulled, in which case "parent" means the parent who is the 13656
residential parent and legal custodian of the child. When a child 13657
is in the legal custody of a government agency or a person other 13658
than the child's natural or adoptive parent, "parent" means the 13659
parent with residual parental rights, privileges, and 13660
responsibilities. When a child is in the permanent custody of a 13661
government agency or a person other than the child's natural or 13662
adoptive parent, "parent" means the parent who was divested of 13663
parental rights and responsibilities for the care of the child and 13664
the right to have the child live with the parent and be the legal 13665
custodian of the child and all residual parental rights, 13666
privileges, and responsibilities. 13667

(b) When a child is the subject of a power of attorney 13668
executed under sections 3109.51 to 3109.62 of the Revised Code, 13669
"parent" means the grandparent designated as attorney in fact 13670

under the power of attorney. When a child is the subject of a 13671
caretaker authorization affidavit executed under sections 3109.64 13672
to 3109.73 of the Revised Code, "parent" means the grandparent 13673
that executed the affidavit. 13674

(2) "Legal custody," "permanent custody," and "residual 13675
parental rights, privileges, and responsibilities" have the same 13676
meanings as in section ~~2151.011~~ 2151.03 of the Revised Code. 13677

(3) "School district" or "district" means a city, local, or 13678
exempted village school district and excludes any school operated 13679
in an institution maintained by the department of youth services. 13680

(4) Except as used in division (C)(2) of this section, "home" 13681
means a home, institution, foster home, group home, or other 13682
residential facility in this state that receives and cares for 13683
children, to which any of the following applies: 13684

(a) The home is licensed, certified, or approved for such 13685
purpose by the state or is maintained by the department of youth 13686
services. 13687

(b) The home is operated by a person who is licensed, 13688
certified, or approved by the state to operate the home for such 13689
purpose. 13690

(c) The home accepted the child through a placement by a 13691
person licensed, certified, or approved to place a child in such a 13692
home by the state. 13693

(d) The home is a children's home created under section 13694
5153.21 or 5153.36 of the Revised Code. 13695

(5) "Agency" means all of the following: 13696

(a) A public children services agency; 13697

(b) An organization that holds a certificate issued by the 13698
Ohio department of job and family services in accordance with the 13699
requirements of section 5103.03 of the Revised Code and assumes 13700

temporary or permanent custody of children through commitment, 13701
agreement, or surrender, and places children in family homes for 13702
the purpose of adoption; 13703

(c) Comparable agencies of other states or countries that 13704
have complied with applicable requirements of section 2151.39 of 13705
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 13706
5103.23 to 5103.237 of the Revised Code. 13707

(6) A child is placed for adoption if either of the following 13708
occurs: 13709

(a) An agency to which the child has been permanently 13710
committed or surrendered enters into an agreement with a person 13711
pursuant to section 5103.16 of the Revised Code for the care and 13712
adoption of the child. 13713

(b) The child's natural parent places the child pursuant to 13714
section 5103.16 of the Revised Code with a person who will care 13715
for and adopt the child. 13716

(7) "Preschool child with a disability" has the same meaning 13717
as in section 3323.01 of the Revised Code. 13718

(8) "Child," unless otherwise indicated, includes preschool 13719
children with disabilities. 13720

(9) "Active duty" means active duty pursuant to an executive 13721
order of the president of the United States, an act of the 13722
congress of the United States, or section 5919.29 or 5923.21 of 13723
the Revised Code. 13724

(B) Except as otherwise provided in section 3321.01 of the 13725
Revised Code for admittance to kindergarten and first grade, a 13726
child who is at least five but under twenty-two years of age and 13727
any preschool child with a disability shall be admitted to school 13728
as provided in this division. 13729

(1) A child shall be admitted to the schools of the school 13730

district in which the child's parent resides. 13731

(2) A child who does not reside in the district where the 13732
child's parent resides shall be admitted to the schools of the 13733
district in which the child resides if any of the following 13734
applies: 13735

(a) The child is in the legal or permanent custody of a 13736
government agency or a person other than the child's natural or 13737
adoptive parent. 13738

(b) The child resides in a home. 13739

(c) The child requires special education. 13740

(3) A child who is not entitled under division (B)(2) of this 13741
section to be admitted to the schools of the district where the 13742
child resides and who is residing with a resident of this state 13743
with whom the child has been placed for adoption shall be admitted 13744
to the schools of the district where the child resides unless 13745
either of the following applies: 13746

(a) The placement for adoption has been terminated. 13747

(b) Another school district is required to admit the child 13748
under division (B)(1) of this section. 13749

Division (B) of this section does not prohibit the board of 13750
education of a school district from placing a child with a 13751
disability who resides in the district in a special education 13752
program outside of the district or its schools in compliance with 13753
Chapter 3323. of the Revised Code. 13754

(C) A district shall not charge tuition for children admitted 13755
under division (B)(1) or (3) of this section. If the district 13756
admits a child under division (B)(2) of this section, tuition 13757
shall be paid to the district that admits the child as provided in 13758
divisions (C)(1) to (3) of this section, unless division (C)(4) of 13759
this section applies to the child: 13760

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential

placement and the other parent, if living and not in such a 13792
facility or placement, was not known to reside in this state, 13793
tuition shall be paid by the district determined under division 13794
(D) of section 3313.65 of the Revised Code as the district 13795
required to pay any tuition while the parent was in such facility 13796
or placement; 13797

(e) If the department of education has determined, pursuant 13798
to division (A)(2) of section 2151.362 of the Revised Code, that a 13799
school district other than the one named in the court's initial 13800
order, or in a prior determination of the department, is 13801
responsible to bear the cost of educating the child, the district 13802
so determined shall be responsible for that cost. 13803

(3) If the child is not in the permanent or legal custody of 13804
a government agency or person other than the child's parent and 13805
the child resides in a home, tuition shall be paid by one of the 13806
following: 13807

(a) The school district in which the child's parent resides; 13808

(b) If the child's parent is not a resident of this state, 13809
the home in which the child resides. 13810

(4) Division (C)(4) of this section applies to any child who 13811
is admitted to a school district under division (B)(2) of this 13812
section, resides in a home that is not a foster home or a home 13813
maintained by the department of youth services, receives 13814
educational services at the home in which the child resides 13815
pursuant to a contract between the home and the school district 13816
providing those services, and does not receive special education. 13817

In the case of a child to which division (C)(4) of this 13818
section applies, the total educational cost to be paid for the 13819
child shall be determined by a formula approved by the department 13820
of education, which formula shall be designed to calculate a per 13821
diem cost for the educational services provided to the child for 13822

each day the child is served and shall reflect the total actual 13823
cost incurred in providing those services. The department shall 13824
certify the total educational cost to be paid for the child to 13825
both the school district providing the educational services and, 13826
if different, the school district that is responsible to pay 13827
tuition for the child. The department shall deduct the certified 13828
amount from the state basic aid funds payable under Chapter 3317. 13829
of the Revised Code to the district responsible to pay tuition and 13830
shall pay that amount to the district providing the educational 13831
services to the child. 13832

(D) Tuition required to be paid under divisions (C)(2) and 13833
(3)(a) of this section shall be computed in accordance with 13834
section 3317.08 of the Revised Code. Tuition required to be paid 13835
under division (C)(3)(b) of this section shall be computed in 13836
accordance with section 3317.081 of the Revised Code. If a home 13837
fails to pay the tuition required by division (C)(3)(b) of this 13838
section, the board of education providing the education may 13839
recover in a civil action the tuition and the expenses incurred in 13840
prosecuting the action, including court costs and reasonable 13841
attorney's fees. If the prosecuting attorney or city director of 13842
law represents the board in such action, costs and reasonable 13843
attorney's fees awarded by the court, based upon the prosecuting 13844
attorney's, director's, or one of their designee's time spent 13845
preparing and presenting the case, shall be deposited in the 13846
county or city general fund. 13847

(E) A board of education may enroll a child free of any 13848
tuition obligation for a period not to exceed sixty days, on the 13849
sworn statement of an adult resident of the district that the 13850
resident has initiated legal proceedings for custody of the child. 13851

(F) In the case of any individual entitled to attend school 13852
under this division, no tuition shall be charged by the school 13853
district of attendance and no other school district shall be 13854

required to pay tuition for the individual's attendance. 13855

Notwithstanding division (B), (C), or (E) of this section: 13856

(1) All persons at least eighteen but under twenty-two years 13857
of age who live apart from their parents, support themselves by 13858
their own labor, and have not successfully completed the high 13859
school curriculum or the individualized education program 13860
developed for the person by the high school pursuant to section 13861
3323.08 of the Revised Code, are entitled to attend school in the 13862
district in which they reside. 13863

(2) Any child under eighteen years of age who is married is 13864
entitled to attend school in the child's district of residence. 13865

(3) A child is entitled to attend school in the district in 13866
which either of the child's parents is employed if the child has a 13867
medical condition that may require emergency medical attention. 13868
The parent of a child entitled to attend school under division 13869
(F)(3) of this section shall submit to the board of education of 13870
the district in which the parent is employed a statement from the 13871
child's physician certifying that the child's medical condition 13872
may require emergency medical attention. The statement shall be 13873
supported by such other evidence as the board may require. 13874

(4) Any child residing with a person other than the child's 13875
parent is entitled, for a period not to exceed twelve months, to 13876
attend school in the district in which that person resides if the 13877
child's parent files an affidavit with the superintendent of the 13878
district in which the person with whom the child is living resides 13879
stating all of the following: 13880

(a) That the parent is serving outside of the state in the 13881
armed services of the United States; 13882

(b) That the parent intends to reside in the district upon 13883
returning to this state; 13884

(c) The name and address of the person with whom the child is 13885

living while the parent is outside the state. 13886

(5) Any child under the age of twenty-two years who, after 13887
the death of a parent, resides in a school district other than the 13888
district in which the child attended school at the time of the 13889
parent's death is entitled to continue to attend school in the 13890
district in which the child attended school at the time of the 13891
parent's death for the remainder of the school year, subject to 13892
approval of that district board. 13893

(6) A child under the age of twenty-two years who resides 13894
with a parent who is having a new house built in a school district 13895
outside the district where the parent is residing is entitled to 13896
attend school for a period of time in the district where the new 13897
house is being built. In order to be entitled to such attendance, 13898
the parent shall provide the district superintendent with the 13899
following: 13900

(a) A sworn statement explaining the situation, revealing the 13901
location of the house being built, and stating the parent's 13902
intention to reside there upon its completion; 13903

(b) A statement from the builder confirming that a new house 13904
is being built for the parent and that the house is at the 13905
location indicated in the parent's statement. 13906

(7) A child under the age of twenty-two years residing with a 13907
parent who has a contract to purchase a house in a school district 13908
outside the district where the parent is residing and who is 13909
waiting upon the date of closing of the mortgage loan for the 13910
purchase of such house is entitled to attend school for a period 13911
of time in the district where the house is being purchased. In 13912
order to be entitled to such attendance, the parent shall provide 13913
the district superintendent with the following: 13914

(a) A sworn statement explaining the situation, revealing the 13915
location of the house being purchased, and stating the parent's 13916

intent to reside there; 13917

(b) A statement from a real estate broker or bank officer 13918
confirming that the parent has a contract to purchase the house, 13919
that the parent is waiting upon the date of closing of the 13920
mortgage loan, and that the house is at the location indicated in 13921
the parent's statement. 13922

The district superintendent shall establish a period of time 13923
not to exceed ninety days during which the child entitled to 13924
attend school under division (F)(6) or (7) of this section may 13925
attend without tuition obligation. A student attending a school 13926
under division (F)(6) or (7) of this section shall be eligible to 13927
participate in interscholastic athletics under the auspices of 13928
that school, provided the board of education of the school 13929
district where the student's parent resides, by a formal action, 13930
releases the student to participate in interscholastic athletics 13931
at the school where the student is attending, and provided the 13932
student receives any authorization required by a public agency or 13933
private organization of which the school district is a member 13934
exercising authority over interscholastic sports. 13935

(8) A child whose parent is a full-time employee of a city, 13936
local, or exempted village school district, or of an educational 13937
service center, may be admitted to the schools of the district 13938
where the child's parent is employed, or in the case of a child 13939
whose parent is employed by an educational service center, in the 13940
district that serves the location where the parent's job is 13941
primarily located, provided the district board of education 13942
establishes such an admission policy by resolution adopted by a 13943
majority of its members. Any such policy shall take effect on the 13944
first day of the school year and the effective date of any 13945
amendment or repeal may not be prior to the first day of the 13946
subsequent school year. The policy shall be uniformly applied to 13947
all such children and shall provide for the admission of any such 13948

child upon request of the parent. No child may be admitted under 13949
this policy after the first day of classes of any school year. 13950

(9) A child who is with the child's parent under the care of 13951
a shelter for victims of domestic violence, as defined in section 13952
3113.33 of the Revised Code, is entitled to attend school free in 13953
the district in which the child is with the child's parent, and no 13954
other school district shall be required to pay tuition for the 13955
child's attendance in that school district. 13956

The enrollment of a child in a school district under this 13957
division shall not be denied due to a delay in the school 13958
district's receipt of any records required under section 3313.672 13959
of the Revised Code or any other records required for enrollment. 13960
Any days of attendance and any credits earned by a child while 13961
enrolled in a school district under this division shall be 13962
transferred to and accepted by any school district in which the 13963
child subsequently enrolls. The state board of education shall 13964
adopt rules to ensure compliance with this division. 13965

(10) Any child under the age of twenty-two years whose parent 13966
has moved out of the school district after the commencement of 13967
classes in the child's senior year of high school is entitled, 13968
subject to the approval of that district board, to attend school 13969
in the district in which the child attended school at the time of 13970
the parental move for the remainder of the school year and for one 13971
additional semester or equivalent term. A district board may also 13972
adopt a policy specifying extenuating circumstances under which a 13973
student may continue to attend school under division (F)(10) of 13974
this section for an additional period of time in order to 13975
successfully complete the high school curriculum for the 13976
individualized education program developed for the student by the 13977
high school pursuant to section 3323.08 of the Revised Code. 13978

(11) As used in this division, "grandparent" means a parent 13979
of a parent of a child. A child under the age of twenty-two years 13980

who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F)(11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such

attendance in any school year, both of the following occur: 14013

(a) The superintendent of the district in which the child is 14014
entitled to attend school under division (B), (C), or (E) of this 14015
section contacts the superintendent of another district for 14016
purposes of this division; 14017

(b) The superintendents of both districts enter into a 14018
written agreement that consents to the attendance and specifies 14019
that the purpose of such attendance is to protect the student's 14020
physical or mental well-being or to deal with other extenuating 14021
circumstances deemed appropriate by the superintendents. 14022

While an agreement is in effect under this division for a 14023
student who is not receiving special education under Chapter 3323. 14024
of the Revised Code and notwithstanding Chapter 3327. of the 14025
Revised Code, the board of education of neither school district 14026
involved in the agreement is required to provide transportation 14027
for the student to and from the school where the student attends. 14028

A student attending a school of a district pursuant to this 14029
division shall be allowed to participate in all student 14030
activities, including interscholastic athletics, at the school 14031
where the student is attending on the same basis as any student 14032
who has always attended the schools of that district while of 14033
compulsory school age. 14034

(13) All school districts shall comply with the 14035
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 14036
seq., for the education of homeless children. Each city, local, 14037
and exempted village school district shall comply with the 14038
requirements of that act governing the provision of a free, 14039
appropriate public education, including public preschool, to each 14040
homeless child. 14041

When a child loses permanent housing and becomes a homeless 14042
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 14043

such a homeless person changes temporary living arrangements, the 14044
child's parent or guardian shall have the option of enrolling the 14045
child in either of the following: 14046

(a) The child's school of origin, as defined in 42 U.S.C.A. 14047
11432(g)(3)(C); 14048

(b) The school that is operated by the school district in 14049
which the shelter where the child currently resides is located and 14050
that serves the geographic area in which the shelter is located. 14051

(14) A child under the age of twenty-two years who resides 14052
with a person other than the child's parent is entitled to attend 14053
school in the school district in which that person resides if both 14054
of the following apply: 14055

(a) That person has been appointed, through a military power 14056
of attorney executed under section 574(a) of the "National Defense 14057
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 14058
U.S.C. 1044b, or through a comparable document necessary to 14059
complete a family care plan, as the parent's agent for the care, 14060
custody, and control of the child while the parent is on active 14061
duty as a member of the national guard or a reserve unit of the 14062
armed forces of the United States or because the parent is a 14063
member of the armed forces of the United States and is on a duty 14064
assignment away from the parent's residence. 14065

(b) The military power of attorney or comparable document 14066
includes at least the authority to enroll the child in school. 14067

The entitlement to attend school in the district in which the 14068
parent's agent under the military power of attorney or comparable 14069
document resides applies until the end of the school year in which 14070
the military power of attorney or comparable document expires. 14071

(G) A board of education, after approving admission, may 14072
waive tuition for students who will temporarily reside in the 14073
district and who are either of the following: 14074

(1) Residents or domiciliaries of a foreign nation who 14075
request admission as foreign exchange students; 14076

(2) Residents or domiciliaries of the United States but not 14077
of Ohio who request admission as participants in an exchange 14078
program operated by a student exchange organization. 14079

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 14080
3327.04, and 3327.06 of the Revised Code, a child may attend 14081
school or participate in a special education program in a school 14082
district other than in the district where the child is entitled to 14083
attend school under division (B) of this section. 14084

(I)(1) Notwithstanding anything to the contrary in this 14085
section or section 3313.65 of the Revised Code, a child under 14086
twenty-two years of age may attend school in the school district 14087
in which the child, at the end of the first full week of October 14088
of the school year, was entitled to attend school as otherwise 14089
provided under this section or section 3313.65 of the Revised 14090
Code, if at that time the child was enrolled in the schools of the 14091
district but since that time the child or the child's parent has 14092
relocated to a new address located outside of that school district 14093
and within the same county as the child's or parent's address 14094
immediately prior to the relocation. The child may continue to 14095
attend school in the district, and at the school to which the 14096
child was assigned at the end of the first full week of October of 14097
the current school year, for the balance of the school year. 14098
Division (I)(1) of this section applies only if both of the 14099
following conditions are satisfied: 14100

(a) The board of education of the school district in which 14101
the child was entitled to attend school at the end of the first 14102
full week in October and of the district to which the child or 14103
child's parent has relocated each has adopted a policy to enroll 14104
children described in division (I)(1) of this section. 14105

(b) The child's parent provides written notification of the 14106
relocation outside of the school district to the superintendent of 14107
each of the two school districts. 14108

(2) At the beginning of the school year following the school 14109
year in which the child or the child's parent relocated outside of 14110
the school district as described in division (I)(1) of this 14111
section, the child is not entitled to attend school in the school 14112
district under that division. 14113

(3) Any person or entity owing tuition to the school district 14114
on behalf of the child at the end of the first full week in 14115
October, as provided in division (C) of this section, shall 14116
continue to owe such tuition to the district for the child's 14117
attendance under division (I)(1) of this section for the lesser of 14118
the balance of the school year or the balance of the time that the 14119
child attends school in the district under division (I)(1) of this 14120
section. 14121

(4) A pupil who may attend school in the district under 14122
division (I)(1) of this section shall be entitled to 14123
transportation services pursuant to an agreement between the 14124
district and the district in which the child or child's parent has 14125
relocated unless the districts have not entered into such 14126
agreement, in which case the child shall be entitled to 14127
transportation services in the same manner as a pupil attending 14128
school in the district under interdistrict open enrollment as 14129
described in division (H) of section 3313.981 of the Revised Code, 14130
regardless of whether the district has adopted an open enrollment 14131
policy as described in division (B)(1)(b) or (c) of section 14132
3313.98 of the Revised Code. 14133

(J) This division does not apply to a child receiving special 14134
education. 14135

A school district required to pay tuition pursuant to 14136

division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall
be construed to require or authorize, the admission to a public
school in this state of a pupil who has been permanently excluded
from public school attendance by the superintendent of public
instruction pursuant to sections 3301.121 and 3313.662 of the
Revised Code.

(M) In accordance with division (B)(1) of this section, a
child whose parent is a member of the national guard or a reserve
unit of the armed forces of the United States and is called to
active duty, or a child whose parent is a member of the armed
forces of the United States and is ordered to a temporary duty
assignment outside of the district, may continue to attend school
in the district in which the child's parent lived before being
called to active duty or ordered to a temporary duty assignment
outside of the district, as long as the child's parent continues
to be a resident of that district, and regardless of where the
child lives as a result of the parent's active duty status or
temporary duty assignment. However, the district is not
responsible for providing transportation for the child if the
child lives outside of the district as a result of the parent's
active duty status or temporary duty assignment.

Sec. 3313.662. (A) The superintendent of public instruction,
pursuant to this section and the adjudication procedures of
section 3301.121 of the Revised Code, may issue an adjudication
order that permanently excludes a pupil from attending any of the
public schools of this state if the pupil is convicted of, or
adjudicated a delinquent child for, committing, when the pupil was
sixteen years of age or older, an act that would be a criminal
offense if committed by an adult and if the act is any of the
following:

(1) A violation of section 2923.122 of the Revised Code;

(2) A violation of section 2923.12 of the Revised Code, of a substantially similar municipal ordinance, or of section 2925.03 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district;

(3) A violation of section 2925.11 of the Revised Code, other than a violation of that section that would be a minor drug possession offense, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of a city, local, exempted village, or joint vocational school district;

(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former section 2907.12 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district, if the victim at the time of the commission of the act was an employee of that board of education;

(5) Complicity in any violation described in division (A)(1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (A)(1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, a board of education of a city, local, exempted village, or joint vocational school district.

(B) A pupil may be suspended or expelled in accordance with section 3313.66 of the Revised Code prior to being permanently excluded from public school attendance under this section and section 3301.121 of the Revised Code.

(C)(1) If the superintendent of a city, local, exempted village, or joint vocational school district in which a pupil attends school obtains or receives proof that the pupil has been convicted of committing when the pupil was sixteen years of age or older a violation listed in division (A) of this section or adjudicated a delinquent child for the commission when the pupil was sixteen years of age or older of a violation listed in division (A) of this section, the superintendent may issue to the board of education of the school district a request that the pupil be permanently excluded from public school attendance, if both of the following apply:

(a) After obtaining or receiving proof of the conviction or adjudication, the superintendent or the superintendent's designee determines that the pupil's continued attendance in school may endanger the health and safety of other pupils or school employees and gives the pupil and the pupil's parent, guardian, or custodian written notice that the superintendent intends to recommend to the board of education that the board adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil from public school attendance.

(b) The superintendent or the superintendent's designee forwards to the board of education the superintendent's written recommendation that includes the determinations the superintendent or designee made pursuant to division (C)(1)(a) of this section and a copy of the proof the superintendent received showing that the pupil has been convicted of or adjudicated a delinquent child for a violation listed in division (A) of this section that was committed when the pupil was sixteen years of age or older.

(2) Within fourteen days after receipt of a recommendation from the superintendent pursuant to division (C)(1)(b) of this section that a pupil be permanently excluded from public school attendance, the board of education of a city, local, exempted

village, or joint vocational school district, after review and 14263
consideration of all of the following available information, may 14264
adopt a resolution requesting the superintendent of public 14265
instruction to permanently exclude the pupil who is the subject of 14266
the recommendation from public school attendance: 14267

(a) The academic record of the pupil and a record of any 14268
extracurricular activities in which the pupil previously was 14269
involved; 14270

(b) The disciplinary record of the pupil and any available 14271
records of the pupil's prior behavioral problems other than the 14272
behavioral problems contained in the disciplinary record; 14273

(c) The social history of the pupil; 14274

(d) The pupil's response to the imposition of prior 14275
discipline and sanctions imposed for behavioral problems; 14276

(e) Evidence regarding the seriousness of and any aggravating 14277
factors related to the offense that is the basis of the resolution 14278
seeking permanent exclusion; 14279

(f) Any mitigating circumstances surrounding the offense that 14280
gave rise to the request for permanent exclusion; 14281

(g) Evidence regarding the probable danger posed to the 14282
health and safety of other pupils or of school employees by the 14283
continued presence of the pupil in a public school setting; 14284

(h) Evidence regarding the probable disruption of the 14285
teaching of any school district's graded course of study by the 14286
continued presence of the pupil in a public school setting; 14287

(i) Evidence regarding the availability of alternative 14288
sanctions of a less serious nature than permanent exclusion that 14289
would enable the pupil to remain in a public school setting 14290
without posing a significant danger to the health and safety of 14291
other pupils or of school employees and without posing a threat of 14292

the disruption of the teaching of any district's graded course of study. 14293
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(3) If the board does not adopt a resolution requesting the superintendent of public instruction to permanently exclude the pupil, it immediately shall send written notice of that fact to the superintendent who sought the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian. 14295
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(D)(1) Upon adoption of a resolution under division (C) of this section, the board of education immediately shall forward to the superintendent of public instruction the written resolution, proof of the conviction or adjudication that is the basis of the resolution, a copy of the pupil's entire school record, and any other relevant information and shall forward a copy of the resolution to the pupil who is the subject of the recommendation and to that pupil's parent, guardian, or custodian. 14301
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(2) The board of education that adopted and forwarded the resolution requesting the permanent exclusion of the pupil to the superintendent of public instruction promptly shall designate a representative of the school district to present the case for permanent exclusion to the superintendent or the referee appointed by the superintendent. The representative of the school district may be an attorney admitted to the practice of law in this state. At the adjudication hearing held pursuant to section 3301.121 of the Revised Code, the representative of the school district shall present evidence in support of the requested permanent exclusion. 14309
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(3) Upon receipt of a board of education's resolution requesting the permanent exclusion of a pupil from public school attendance, the superintendent of public instruction, in accordance with the adjudication procedures of section 3301.121 of the Revised Code, promptly shall issue an adjudication order that either permanently excludes the pupil from attending any of the 14319
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public schools of this state or that rejects the resolution of the board of education.

(E) Notwithstanding any provision of section 3313.64 of the Revised Code or an order of any court of this state that otherwise requires the admission of the pupil to a school, no school official in a city, local, exempted village, or joint vocational school district knowingly shall admit to any school in the school district a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction.

(F)(1)(a) Upon determining that the school attendance of a pupil who has been permanently excluded from public school attendance no longer will endanger the health and safety of other students or school employees, the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school may issue to the board of education of the school district a recommendation, including the reasons for the recommendation, that the permanent exclusion of a pupil be revoked and the pupil be allowed to return to the public schools of the state.

If any violation which in whole or in part gave rise to the permanent exclusion of any pupil involved the pupil's bringing a firearm to a school operated by the board of education of a school district or onto any other property owned or operated by such a board, no superintendent shall recommend under this division an effective date for the revocation of the pupil's permanent exclusion that is less than one year after the date on which the last such firearm incident occurred. However, on a case-by-case basis, a superintendent may recommend an earlier effective date for such a revocation for any of the reasons for which the superintendent may reduce the one-year expulsion requirement in division (B)(2) of section 3313.66 of the Revised Code.

(b) Upon receipt of the recommendation of the superintendent

that a permanent exclusion of a pupil be revoked, the board of 14357
education of a city, local, exempted village, or joint vocational 14358
school district may adopt a resolution by a majority vote of its 14359
members requesting the superintendent of public instruction to 14360
revoke the permanent exclusion of the pupil. Upon adoption of the 14361
resolution, the board of education shall forward a copy of the 14362
resolution, the reasons for the resolution, and any other relevant 14363
information to the superintendent of public instruction. 14364

(c) Upon receipt of a resolution of a board of education 14365
requesting the revocation of a permanent exclusion of a pupil, the 14366
superintendent of public instruction, in accordance with the 14367
adjudication procedures of Chapter 119. of the Revised Code, shall 14368
issue an adjudication order that revokes the permanent exclusion 14369
of the pupil from public school attendance or that rejects the 14370
resolution of the board of education. 14371

(2)(a) A pupil who has been permanently excluded pursuant to 14372
this section and section 3301.121 of the Revised Code may request 14373
the superintendent of any city, local, exempted village, or joint 14374
vocational school district in which the pupil desires to attend 14375
school to admit the pupil on a probationary basis for a period not 14376
to exceed ninety school days. Upon receiving the request, the 14377
superintendent may enter into discussions with the pupil and with 14378
the pupil's parent, guardian, or custodian or a person designated 14379
by the pupil's parent, guardian, or custodian to develop a 14380
probationary admission plan designed to assist the pupil's 14381
probationary admission to the school. The plan may include a 14382
treatment program, a behavioral modification program, or any other 14383
program reasonably designed to meet the educational needs of the 14384
child and the disciplinary requirements of the school. 14385

If any violation which in whole or in part gave rise to the 14386
permanent exclusion of the pupil involved the pupil's bringing a 14387
firearm to a school operated by the board of education of any 14388

school district or onto any other property owned or operated by 14389
such a board, no plan developed under this division for the pupil 14390
shall include an effective date for the probationary admission of 14391
the pupil that is less than one year after the date on which the 14392
last such firearm incident occurred except that on a case-by-case 14393
basis, a plan may include an earlier effective date for such an 14394
admission for any of the reasons for which the superintendent of 14395
the district may reduce the one-year expulsion requirement in 14396
division (B)(2) of section 3313.66 of the Revised Code. 14397

(b) If the superintendent of a school district, a pupil, and 14398
the pupil's parent, guardian, or custodian or a person designated 14399
by the pupil's parent, guardian, or custodian agree upon a 14400
probationary admission plan prepared pursuant to division 14401
(F)(2)(a) of this section, the superintendent of the school 14402
district shall issue to the board of education of the school 14403
district a recommendation that the pupil be allowed to attend 14404
school within the school district under probationary admission, 14405
the reasons for the recommendation, and a copy of the agreed upon 14406
probationary admission plan. Within fourteen days after the board 14407
of education receives the recommendation, reasons, and plan, the 14408
board may adopt the recommendation by a majority vote of its 14409
members. If the board adopts the recommendation, the pupil may 14410
attend school under probationary admission within that school 14411
district for a period not to exceed ninety days or any additional 14412
probationary period permitted under divisions (F)(2)(d) and (e) of 14413
this section in accordance with the probationary admission plan 14414
prepared pursuant to division (F)(2)(a) of this section. 14415

(c) If a pupil who is permitted to attend school under 14416
probationary admission pursuant to division (F)(2)(b) of this 14417
section fails to comply with the probationary admission plan 14418
prepared pursuant to division (F)(2)(a) of this section, the 14419
superintendent of the school district immediately may remove the 14420

pupil from the school and issue to the board of education of the school district a recommendation that the probationary admission be revoked. Within five days after the board of education receives the recommendation, the board may adopt the recommendation to revoke the pupil's probationary admission by a majority vote of its members. If a majority of the board does not adopt the recommendation to revoke the pupil's probationary admission, the pupil shall continue to attend school in compliance with the pupil's probationary admission plan.

(d) If a pupil who is permitted to attend school under probationary admission pursuant to division (F)(2)(b) of this section complies with the probationary admission plan prepared pursuant to division (F)(2)(a) of this section, the pupil or the pupil's parent, guardian, or custodian, at any time before the expiration of the ninety-day probationary admission period, may request the superintendent of the school district to extend the terms and period of the pupil's probationary admission for a period not to exceed ninety days or to issue a recommendation pursuant to division (F)(1) of this section that the pupil's permanent exclusion be revoked and the pupil be allowed to return to the public schools of this state.

(e) If a pupil is granted an extension of the pupil's probationary admission pursuant to division (F)(2)(d) of this section, the pupil or the pupil's parent, guardian, or custodian, in the manner described in that division, may request, and the superintendent and board, in the manner described in that division, may recommend and grant, subsequent probationary admission periods not to exceed ninety days each. If a pupil who is permitted to attend school under an extension of a probationary admission plan complies with the probationary admission plan prepared pursuant to the extension, the pupil or the pupil's parent, guardian, or custodian may request a revocation of the

pupil's permanent exclusion in the manner described in division 14453
(F)(2)(d) of this section. 14454

(f) Any extension of a probationary admission requested by a 14455
pupil or a pupil's parent, guardian, or custodian pursuant to 14456
divisions (F)(2)(d) or (e) of this section shall be subject to the 14457
adoption and approval of a probationary admission plan in the 14458
manner described in divisions (F)(2)(a) and (b) of this section 14459
and may be terminated as provided in division (F)(2)(c) of this 14460
section. 14461

(g) If the pupil has complied with any probationary admission 14462
plan and the superintendent issues a recommendation that seeks 14463
revocation of the pupil's permanent exclusion pursuant to division 14464
(F)(1) of this section, the pupil's compliance with any 14465
probationary admission plan may be considered along with other 14466
relevant factors in any determination or adjudication conducted 14467
pursuant to division (F)(1) of this section. 14468

(G)(1) Except as provided in division (G)(2) of this section, 14469
any information regarding the permanent exclusion of a pupil shall 14470
be included in the pupil's official records and shall be included 14471
in any records sent to any school district that requests the 14472
pupil's records. 14473

(2) When a pupil who has been permanently excluded from 14474
public school attendance reaches the age of twenty-two or when the 14475
permanent exclusion of a pupil has been revoked, all school 14476
districts that maintain records regarding the pupil's permanent 14477
exclusion shall remove all references to the exclusion from the 14478
pupil's file and shall destroy them. 14479

A pupil who has reached the age of twenty-two or whose 14480
permanent exclusion has been revoked may send a written notice to 14481
the superintendent of any school district maintaining records of 14482
the pupil's permanent exclusion requesting the superintendent to 14483

ensure that the records are removed from the pupil's file and 14484
destroyed. Upon receipt of the request and a determination that 14485
the pupil is twenty-two years of age or older or that the pupil's 14486
permanent exclusion has been revoked, the superintendent shall 14487
ensure that the records are removed from the pupil's file and 14488
destroyed. 14489

(H)(1) This section does not apply to any of the following: 14490

(a) An institution that is a residential facility, that 14491
receives and cares for children, that is maintained by the 14492
department of youth services, and that operates a school chartered 14493
by the state board of education under section 3301.16 of the 14494
Revised Code; 14495

(b) Any on-premises school operated by an out-of-home care 14496
entity, other than a school district, that is chartered by the 14497
state board of education under section 3301.16 of the Revised 14498
Code; 14499

(c) Any school operated in connection with an out-of-home 14500
care entity or a nonresidential youth treatment program that 14501
enters into a contract or agreement with a school district for the 14502
provision of educational services in a setting other than a 14503
setting that is a building or structure owned or controlled by the 14504
board of education of the school district during normal school 14505
hours. 14506

(2) This section does not prohibit any person who has been 14507
permanently excluded pursuant to this section and section 3301.121 14508
of the Revised Code from seeking a certificate of high school 14509
equivalence. A person who has been permanently excluded may be 14510
permitted to participate in a course of study in preparation for 14511
the tests of general educational development, except that the 14512
person shall not participate during normal school hours in that 14513
course of study in any building or structure owned or controlled 14514

by the board of education of a school district. 14515

(3) This section does not relieve any school district from 14516
any requirement under section 2151.362 or 3313.64 of the Revised 14517
Code to pay for the cost of educating any child who has been 14518
permanently excluded pursuant to this section and section 3301.121 14519
of the Revised Code. 14520

(I) As used in this section: 14521

(1) "Permanently exclude" means to forever prohibit an 14522
individual from attending any public school in this state that is 14523
operated by a city, local, exempted village, or joint vocational 14524
school district. 14525

(2) "Permanent exclusion" means the prohibition of a pupil 14526
forever from attending any public school in this state that is 14527
operated by a city, local, exempted village, or joint vocational 14528
school district. 14529

(3) "Out-of-home care" has the same meaning as in section 14530
~~2151.011~~ 2151.03 of the Revised Code. 14531

(4) "Certificate of high school equivalence" has the same 14532
meaning as in section 4109.06 of the Revised Code. 14533

(5) "Nonresidential youth treatment program" means a program 14534
designed to provide services to persons under the age of eighteen 14535
in a setting that does not regularly provide long-term overnight 14536
care, including settlement houses, diversion and prevention 14537
programs, run-away centers, and alternative education programs. 14538

(6) "Firearm" has the same meaning as provided pursuant to 14539
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 14540
8001(a)(2). 14541

(7) "Minor drug possession offense" has the same meaning as 14542
in section 2925.01 of the Revised Code. 14543

Sec. 3321.17. The attendance officer and assistants provided 14544
for by section 3321.14 or 3321.15 of the Revised Code shall be 14545
vested with police powers, may serve warrants, and may enter 14546
workshops, factories, stores, and all other places where children 14547
are employed and do whatever is necessary in the way of 14548
investigation or otherwise to enforce the laws relating to 14549
compulsory education and the employment of minors. The attendance 14550
officer or assistant may also take into custody any youth of 14551
compulsory school age not legally employed on an age and schooling 14552
certificate who is not attending school and shall conduct such 14553
youth to the school he has been attending or should rightfully 14554
attend. 14555

The attendance officer and assistants may provide written 14556
notice to an appropriate public children services agency if the 14557
officer or assistant believes that the agency's intervention may 14558
help to assist a child who is lacking legally required education 14559
as defined in section 2151.036 of the Revised Code. 14560

Sec. 3321.19. (A) As used in this section and section 14561
3321.191 of the Revised Code: 14562

(1) "Habitual truant" has the same meaning as in section 14563
~~2151.011~~ 2151.03 of the Revised Code. 14564

(2) "Chronic truant" has the same meaning as in section 14565
2152.02 of the Revised Code. 14566

(B) When a board of education of any city, exempted village, 14567
local, joint vocational, or cooperative education school district 14568
or the governing board of any educational service center 14569
determines that a student in its district has been truant and the 14570
parent, guardian, or other person having care of the child has 14571
failed to cause the student's attendance at school, the board may 14572
require the parent, guardian, or other person having care of the 14573

child pursuant to division (B) of this section to attend an 14574
educational program established pursuant to rules adopted by the 14575
state board of education for the purpose of encouraging parental 14576
involvement in compelling the attendance of the child at school. 14577

No parent, guardian, or other person having care of a child 14578
shall fail without good cause to attend an educational program 14579
described in this division if the parent, guardian, or other 14580
person has been served notice pursuant to division (C) of this 14581
section. 14582

(C) On the request of the superintendent of schools, the 14583
superintendent of any educational service center, the board of 14584
education of any city, exempted village, local, joint vocational, 14585
or cooperative education school district, or the governing board 14586
of any educational service center or when it otherwise comes to 14587
the notice of the attendance officer or other appropriate officer 14588
of the school district, the attendance officer or other 14589
appropriate officer shall examine into any case of supposed 14590
truancy within the district and shall warn the child, if found 14591
truant, and the child's parent, guardian, or other person having 14592
care of the child, in writing, of the legal consequences of being 14593
an habitual or chronic truant. When any child of compulsory school 14594
age, in violation of law, is not attending school, the attendance 14595
or other appropriate officer shall notify the parent, guardian, or 14596
other person having care of that child of the fact, and require 14597
the parent, guardian, or other person to cause the child to attend 14598
school immediately. The parent, guardian, or other person having 14599
care of the child shall cause the child's attendance at school. 14600
Upon the failure of the parent, guardian, or other person having 14601
care of the child to do so, the attendance officer or other 14602
appropriate officer, if so directed by the superintendent, the 14603
district board, or the educational service center governing board, 14604
shall send notice requiring the attendance of that parent, 14605

guardian, or other person at a parental education program 14606
established pursuant to division (B) of this section and, subject 14607
to divisions (D) and (E) of this section, may file a complaint 14608
against the parent, guardian, or other person having care of the 14609
child in any court of competent jurisdiction. 14610

(D) Upon the failure of the parent, guardian, or other person 14611
having care of the child to cause the child's attendance at 14612
school, if the child is considered an habitual truant, the board 14613
of education of the school district or the governing board of the 14614
educational service center shall do either or both of the 14615
following: 14616

(1) Take any appropriate action as an intervention strategy 14617
contained in the policy developed by the board pursuant to section 14618
3321.191 of the Revised Code; 14619

(2) File a complaint in the juvenile court of the county in 14620
which the child has a residence or legal settlement or in which 14621
the child is supposed to attend school jointly against the child 14622
and the parent, guardian, or other person having care of the 14623
child. A complaint filed in the juvenile court under this division 14624
shall allege that the child is an unruly child for being an 14625
habitual truant or is a delinquent child for being an habitual 14626
truant who previously has been adjudicated an unruly child for 14627
being an habitual truant and that the parent, guardian, or other 14628
person having care of the child has violated section 3321.38 of 14629
the Revised Code. 14630

(E) Upon the failure of the parent, guardian, or other person 14631
having care of the child to cause the child's attendance at 14632
school, if the child is considered a chronic truant, the board of 14633
education of the school district or the governing board of the 14634
educational service center shall file a complaint in the juvenile 14635
court of the county in which the child has a residence or legal 14636
settlement or in which the child is supposed to attend school 14637

jointly against the child and the parent, guardian, or other 14638
person having care of the child. A complaint filed in the juvenile 14639
court under this division shall allege that the child is a 14640
delinquent child for being a chronic truant and that the parent, 14641
guardian, or other person having care of the child has violated 14642
section 3321.38 of the Revised Code. 14643

Sec. 3321.22. (A) Except as provided in division (B) of this 14644
section, if a complaint is filed against the parent, guardian, or 14645
other person in charge of a child for a failure to cause the child 14646
to attend school or a part-time school or class and if the parent, 14647
guardian, or other person proves an inability to do so, then the 14648
parent, guardian, or other person in charge of a child shall be 14649
discharged. Upon the discharge, the attendance officer shall file 14650
a complaint before the judge of the juvenile court of the county 14651
alleging that the child is a delinquent child, unruly child, or 14652
~~dependent a child within the meaning of section 2151.022, 2151.04,~~ 14653
~~or 2152.02 of the Revised Code~~ in need of protective services as a 14654
result of lacking necessary care or supervision as determined in 14655
accordance with section 2151.037 of the Revised Code. The judge 14656
shall hear the complaint and if the judge determines that the 14657
child is a delinquent child, unruly child, or ~~dependent a child~~ 14658
~~within one of those sections~~ in need of protective services the 14659
judge shall deal with the child according to section 2151.35 or 14660
2151.36 of the Revised Code. 14661

(B) Division (A) of this section does not apply regarding a 14662
complaint filed under division (D) or (E) of section 3321.19 of 14663
the Revised Code or otherwise filed and alleging that a child is 14664
an habitual truant or chronic truant. 14665

(C) As used in this section: 14666

(1) "Delinquent child" has the same meaning as in section 14667
2152.02 of the Revised Code. 14668

<u>(2) "Unruly child" has the same meaning as in section</u>	14669
<u>2151.022 of the Revised Code.</u>	14670
Sec. 3701.503. As used in sections 3701.504 to 3701.509 of	14671
the Revised Code:	14672
(A) "Parent" means either parent, unless the parents are	14673
separated or divorced or their marriage has been dissolved or	14674
annulled, in which case "parent" means the parent who is the	14675
residential parent and legal custodian.	14676
(B) "Guardian" has the same meaning as in section 2111.01 of	14677
the Revised Code.	14678
(C) "Custodian" means, except as used in division (A) of this	14679
section, a government agency or an individual, other than the	14680
parent or guardian, with legal or permanent custody of a child as	14681
defined in section 2151.011 <u>2151.03</u> of the Revised Code.	14682
(D) "Hearing screening" means the identification of newborns	14683
and infants who may have a hearing impairment, through the use of	14684
a physiologic test.	14685
(E) "Hearing evaluation" means evaluation through the use of	14686
audiological procedures by an audiologist or physician.	14687
(F) "Hearing impairment" means a loss of hearing in one or	14688
both ears in the frequency region important for speech recognition	14689
and comprehension.	14690
(G) "Newborn" means a child who is less than thirty days old.	14691
(H) "Infant" means a child who is at least thirty days but	14692
less than twenty-four months old.	14693
(I) "Freestanding birthing center" has the same meaning as in	14694
section 3702.51 of the Revised Code.	14695
(J) "Physician" means an individual authorized under Chapter	14696
4731. of the Revised Code to practice medicine and surgery or	14697

osteopathic medicine and surgery.	14698
(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology.	14699 14700
(L) "Hospital" means a hospital that has a maternity unit or newborn nursery.	14701 14702
(M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care.	14703 14704 14705 14706 14707
(N) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	14708 14709 14710
Sec. 3730.01. As used in this chapter:	14711
(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.	14712 14713 14714
(B) "Body piercing" includes ear piercing except when the ear piercing procedure is performed with an ear piercing gun.	14715 14716
(C) "Business" means any entity that provides services for compensation.	14717 14718
(D) "Custodian" has the same meaning as in section 2151.011 <u>2151.03</u> of the Revised Code.	14719 14720
(E) "Ear piercing gun" means a mechanical device that pierces the ear by forcing a disposable single-use stud or solid needle through the ear.	14721 14722 14723
(F) "Guardian" has the same meaning as in section 2111.01 of the Revised Code.	14724 14725

Sec. 4501.21. (A) There is hereby created in the state 14726
treasury the license plate contribution fund. The fund shall 14727
consist of all contributions paid by motor vehicle registrants and 14728
collected by the registrar of motor vehicles pursuant to sections 14729
4503.491, 4503.493, 4503.50, 4503.501, 4503.502, 4503.51, 14730
4503.522, 4503.523, 4503.545, 4503.55, 4503.551, 4503.552, 14731
4503.553, 4503.561, 4503.562, 4503.591, 4503.67, 4503.68, 4503.69, 14732
4503.71, 4503.711, 4503.712, 4503.72, 4503.73, 4503.74, 4503.75, 14733
4503.85, and 4503.92 of the Revised Code. 14734

(B) The registrar shall pay the contributions the registrar 14735
collects in the fund as follows: 14736

The registrar shall pay the contributions received pursuant 14737
to section 4503.491 of the Revised Code to the breast cancer fund 14738
of Ohio, which shall use that money only to pay for programs that 14739
provide assistance and education to Ohio breast cancer patients 14740
and that improve access for such patients to quality health care 14741
and clinical trials and shall not use any of the money for 14742
abortion information, counseling, services, or other 14743
abortion-related activities. 14744

The registrar shall pay the contributions received pursuant 14745
to section 4503.493 of the Revised Code to the autism society of 14746
Ohio, which shall use the contributions for programs and autism 14747
awareness efforts throughout the state. 14748

The registrar shall pay the contributions the registrar 14749
receives pursuant to section 4503.50 of the Revised Code to the 14750
future farmers of America foundation, which shall deposit the 14751
contributions into its general account to be used for educational 14752
and scholarship purposes of the future farmers of America 14753
foundation. 14754

The registrar shall pay the contributions the registrar 14755
receives pursuant to section 4503.501 of the Revised Code to the 14756

4-H youth development program of the Ohio state university 14757
extension program, which shall use those contributions to pay the 14758
expenses it incurs in conducting its educational activities. 14759

The registrar shall pay the contributions received pursuant 14760
to section 4503.502 of the Revised Code to the Ohio cattlemen's 14761
foundation, which shall use those contributions for scholarships 14762
and other educational activities. 14763

The registrar shall pay each contribution the registrar 14764
receives pursuant to section 4503.51 of the Revised Code to the 14765
university or college whose name or marking or design appears on 14766
collegiate license plates that are issued to a person under that 14767
section. A university or college that receives contributions from 14768
the fund shall deposit the contributions into its general 14769
scholarship fund. 14770

The registrar shall pay the contributions the registrar 14771
receives pursuant to section 4503.522 of the Revised Code to the 14772
"friends of Perry's victory and international peace memorial, 14773
incorporated," a nonprofit corporation organized under the laws of 14774
this state, to assist that organization in paying the expenses it 14775
incurs in sponsoring or holding charitable, educational, and 14776
cultural events at the monument. 14777

The registrar shall pay the contributions the registrar 14778
receives pursuant to section 4503.523 of the Revised Code to the 14779
fairport lights foundation, which shall use the money to pay for 14780
the restoration, maintenance, and preservation of the lighthouses 14781
of fairport harbor. 14782

The registrar shall pay the contributions the registrar 14783
receives pursuant to section 4503.55 of the Revised Code to the 14784
pro football hall of fame, which shall deposit the contributions 14785
into a special bank account that it establishes and which shall be 14786
separate and distinct from any other account the pro football hall 14787

of fame maintains, to be used exclusively for the purpose of 14788
promoting the pro football hall of fame as a travel destination. 14789

The registrar shall pay the contributions that are paid to 14790
the registrar pursuant to section 4503.545 of the Revised Code to 14791
the national rifle association foundation, which shall use the 14792
money to pay the costs of the educational activities and programs 14793
the foundation holds or sponsors in this state. 14794

The registrar shall pay to the Ohio pet fund the 14795
contributions the registrar receives pursuant to section 4503.551 14796
of the Revised Code and any other money from any other source, 14797
including donations, gifts, and grants, that is designated by the 14798
source to be paid to the Ohio pet fund. The Ohio pet fund shall 14799
use the moneys it receives under this section to support programs 14800
for the sterilization of dogs and cats and for educational 14801
programs concerning the proper veterinary care of those animals, 14802
and for expenses of the Ohio pet fund that are reasonably 14803
necessary for it to obtain and maintain its tax-exempt status and 14804
to perform its duties. 14805

The registrar shall pay the contributions the registrar 14806
receives pursuant to section 4503.552 of the Revised Code to the 14807
rock and roll hall of fame and museum, incorporated. 14808

The registrar shall pay the contributions the registrar 14809
receives pursuant to section 4503.553 of the Revised Code to the 14810
Ohio coalition for animals, incorporated, a nonprofit corporation. 14811
Except as provided in division (B) of this section, the coalition 14812
shall distribute the money to its members, and the members shall 14813
use the money only to pay for educational, charitable, and other 14814
programs of each coalition member that provide care for unwanted, 14815
abused, and neglected horses. The Ohio coalition for animals may 14816
use a portion of the money to pay for reasonable marketing costs 14817
incurred in the design and promotion of the license plate and for 14818
administrative costs incurred in the disbursement and management 14819

of funds received under this section. 14820

The registrar shall pay the contributions the registrar 14821
receives pursuant to section 4503.561 of the Revised Code to the 14822
state of Ohio chapter of ducks unlimited, inc., which shall 14823
deposit the contributions into a special bank account that it 14824
establishes. The special bank account shall be separate and 14825
distinct from any other account the state of Ohio chapter of ducks 14826
unlimited, inc., maintains and shall be used exclusively for the 14827
purpose of protecting, enhancing, restoring, and managing wetlands 14828
and conserving wildlife habitat. The state of Ohio chapter of 14829
ducks unlimited, inc., annually shall notify the registrar in 14830
writing of the name, address, and account to which such payments 14831
are to be made. 14832

The registrar shall pay the contributions the registrar 14833
receives pursuant to section 4503.562 of the Revised Code to the 14834
Mahoning river consortium, which shall use the money to pay the 14835
expenses it incurs in restoring and maintaining the Mahoning river 14836
watershed. 14837

The registrar shall pay to a sports commission created 14838
pursuant to section 4503.591 of the Revised Code each contribution 14839
the registrar receives under that section that an applicant pays 14840
to obtain license plates that bear the logo of a professional 14841
sports team located in the county of that sports commission and 14842
that is participating in the license plate program pursuant to 14843
division (E) of that section, irrespective of the county of 14844
residence of an applicant. 14845

The registrar shall pay to a community charity each 14846
contribution the registrar receives under section 4503.591 of the 14847
Revised Code that an applicant pays to obtain license plates that 14848
bear the logo of a professional sports team that is participating 14849
in the license plate program pursuant to division (G) of that 14850
section. 14851

The registrar shall pay the contributions the registrar receives pursuant to section 4503.67 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.68 of the Revised Code to the great river council of the girl scouts of the United States of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the girl scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.69 of the Revised Code to the Dan Beard council of the boy scouts of America. The council shall distribute all contributions in an equitable manner throughout the state to regional councils of the boy scouts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.71 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the fees into its general account to be used for purposes of the fraternal order of police of Ohio, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.711 of the Revised Code to the fraternal order of police of Ohio, incorporated, which shall deposit the contributions into an account that it creates to be used for the purpose of advancing and protecting the law enforcement profession, promoting improved law enforcement methods, and teaching respect for law and order.

The registrar shall pay the contributions received pursuant to section 4503.712 of the Revised Code to Ohio concerns of police survivors, which shall use those contributions to provide whatever

assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty. 14883
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the organization known on March 31, 2003, as the Ohio CASA/GAL association, a private, nonprofit corporation organized under Chapter 1702. of the Revised Code. The Ohio CASA/GAL association shall use these contributions to pay the expenses it incurs in administering a program to secure the proper representation in the courts of this state of ~~abused, neglected, and dependent~~ children in need of protective services, and for the training and supervision of persons participating in that program. 14885
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.73 of the Revised Code to Wright B. Flyer, incorporated, which shall deposit the contributions into its general account to be used for purposes of Wright B. Flyer, incorporated. 14895
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.74 of the Revised Code to the Columbus zoological park association, which shall disburse the moneys to Ohio's major metropolitan zoos, as defined in section 4503.74 of the Revised Code, in accordance with a written agreement entered into by the major metropolitan zoos. 14900
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.75 of the Revised Code to the rotary foundation, located on March 31, 2003, in Evanston, Illinois, to be placed in a fund known as the permanent fund and used to endow educational and humanitarian programs of the rotary foundation. 14906
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the 14912
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Ohio sea grant college program to be used for Lake Erie area 14914
research projects. 14915

The registrar shall pay the contributions received pursuant 14916
to section 4503.92 of the Revised Code to support our troops, 14917
incorporated, a national nonprofit corporation, which shall use 14918
those contributions in accordance with its articles of 14919
incorporation and for the benefit of servicemembers of the armed 14920
forces of the United States and their families when they are in 14921
financial need. 14922

(C) All investment earnings of the license plate contribution 14923
fund shall be credited to the fund. Not later than the first day 14924
of May of every year, the registrar shall distribute to each 14925
entity described in division (B) of this section the investment 14926
income the fund earned the previous calendar year. The amount of 14927
such a distribution paid to an entity shall be proportionate to 14928
the amount of money the entity received from the fund during the 14929
previous calendar year. 14930

Sec. 5101.13. (A) The department of job and family services 14931
shall establish and maintain a uniform statewide automated child 14932
welfare information system in accordance with the requirements of 14933
42 U.S.C.A. 674(a)(3)(C) and related federal regulations and 14934
guidelines. The information system shall contain records regarding 14935
any of the following: 14936

(1) Investigations of children and families, and children's 14937
care in out-of-home care, in accordance with sections 2151.421 and 14938
5153.16 of the Revised Code; 14939

(2) Care and treatment provided to children and families; 14940

(3) Any other information related to children and families 14941
that state or federal law, regulation, or rule requires the 14942
department or a public children services agency to maintain. 14943

(B) The department shall plan implementation of the information system on a county-by-county basis and shall finalize statewide implementation by all public children services agencies as described in section 5153.02 of the Revised Code not later than January 1, 2008.

(C) The department shall promptly notify all public children services agencies of the initiation and completion of statewide implementation of the statewide information system established under division (A) of this section.

(D) "Out-of-home care" has the same meaning as in section ~~2151.011~~ 2151.03 of the Revised Code.

Sec. 5101.28. (A)(1) On request of the department of job and family services or a county agency, a law enforcement agency shall provide information regarding public assistance recipients to enable the department or county agency to determine, for eligibility purposes, whether a recipient or a member of a recipient's assistance group is a fugitive felon or violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under state or federal law.

(2) A county agency may enter into a written agreement with a local law enforcement agency establishing procedures concerning access to information and providing for compliance with division (F) of this section.

(B) To the extent permitted by federal law, the department and county agencies shall provide information, except information directly related to the receipt of medical assistance or medical services, regarding recipients of public assistance under a program administered by the state department or a county agency pursuant to Chapter 5107., 5108., or 5115. of the Revised Code to law enforcement agencies on request for the purposes of investigations, prosecutions, and criminal and civil proceedings

that are within the scope of the law enforcement agencies' 14975
official duties. 14976

(C) Information about a recipient shall be exchanged, 14977
obtained, or shared only if the department, county agency, or law 14978
enforcement agency requesting the information gives sufficient 14979
information to specifically identify the recipient. In addition to 14980
the recipient's name, identifying information may include the 14981
recipient's current or last known address, social security number, 14982
other identifying number, age, gender, physical characteristics, 14983
any information specified in an agreement entered into under 14984
division (A) of this section, or any information considered 14985
appropriate by the department or agency. 14986

(D)(1) The department and its officers and employees are not 14987
liable in damages in a civil action for any injury, death, or loss 14988
to person or property that allegedly arises from the release of 14989
information in accordance with divisions (A), (B), and (C) of this 14990
section. This section does not affect any immunity or defense that 14991
the department and its officers and employees may be entitled to 14992
under another section of the Revised Code or the common law of 14993
this state, including section 9.86 of the Revised Code. 14994

(2) The county agencies and their employees are not liable in 14995
damages in a civil action for any injury, death, or loss to person 14996
or property that allegedly arises from the release of information 14997
in accordance with divisions (A), (B), and (C) of this section. 14998
"Employee" has the same meaning as in division (B) of section 14999
2744.01 of the Revised Code. This section does not affect any 15000
immunity or defense that the county agencies and their employees 15001
may be entitled to under another section of the Revised Code or 15002
the common law of this state, including section 2744.02 and 15003
division (A)(6) of section 2744.03 of the Revised Code. 15004

(E) To the extent permitted by federal law, the department 15005
and county agencies shall provide access to information to the 15006

auditor of state acting pursuant to Chapter 117. or sections 15007
5101.181 and 5101.182 of the Revised Code and to any other 15008
government entity authorized by federal law to conduct an audit of 15009
or similar activity involving a public assistance program. 15010

(F) The auditor of state shall prepare an annual report on 15011
the outcome of the agreements required under division (A) of this 15012
section. The report shall include the number of fugitive felons, 15013
probation and parole violators, and violators of community control 15014
sanctions and post-release control sanctions apprehended during 15015
the immediately preceding year as a result of the exchange of 15016
information pursuant to that division. The auditor of state shall 15017
file the report with the governor, the president and minority 15018
leader of the senate, and the speaker and minority leader of the 15019
house of representatives. The state department, county agencies, 15020
and law enforcement agencies shall cooperate with the auditor of 15021
state's office in gathering the information required under this 15022
division. 15023

(G) To the extent permitted by federal law, the department of 15024
job and family services, county departments of job and family 15025
services, and employees of the departments may report to a public 15026
children services agency or other appropriate agency information 15027
on known or suspected ~~physical or mental injury, sexual abuse acts~~ 15028
~~or exploitation, or negligent treatment or maltreatment, of~~ 15029
omissions against a child receiving public assistance that 15030
indicate that the child is in need of protective services, if 15031
circumstances indicate that the child's health or welfare is 15032
threatened. 15033

(H) As used in this section: 15034

(1) "Community control sanction" has the same meaning as in 15035
section 2929.01 of the Revised Code. 15036

(2) "Post-release control sanction" has the same meaning as 15037

in section 2967.01 of the Revised Code. 15038

Sec. 5101.46. (A) As used in this section: 15039

(1) "Title XX" means Title XX of the "Social Security Act," 15040
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 15041

(2) "Respective local agency" means, with respect to the 15042
department of job and family services, a county department of job 15043
and family services; with respect to the department of mental 15044
health, a board of alcohol, drug addiction, and mental health 15045
services; and with respect to the department of developmental 15046
disabilities, a county board of developmental disabilities. 15047

(3) "Federal poverty guidelines" means the poverty guidelines 15048
as revised annually by the United States department of health and 15049
human services in accordance with section 673(2) of the "Omnibus 15050
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 15051
9902, as amended, for a family size equal to the size of the 15052
family of the person whose income is being determined. 15053

(B) The departments of job and family services, mental 15054
health, and developmental disabilities, with their respective 15055
local agencies, shall administer the provision of social services 15056
funded through grants made under Title XX. The social services 15057
furnished with Title XX funds shall be directed at the following 15058
goals: 15059

(1) Achieving or maintaining economic self-support to 15060
prevent, reduce, or eliminate dependency; 15061

(2) Achieving or maintaining self-sufficiency, including 15062
reduction or prevention of dependency; 15063

(3) Preventing or remedying neglect, abuse, or exploitation 15064
of ~~children and~~ adults unable to protect their own interests, 15065
preventing or remedying an act or omission that indicates that a 15066
child is a child in need of protective services, or preserving, 15067

rehabilitating, or reuniting families; 15068

(4) Preventing or reducing inappropriate institutional care 15069
by providing for community-based care, home-based care, or other 15070
forms of less intensive care; 15071

(5) Securing referral or admission for institutional care 15072
when other forms of care are not appropriate, or providing 15073
services to individuals in institutions. 15074

(C)(1) All federal funds received under Title XX shall be 15075
appropriated as follows: 15076

(a) Seventy-two and one-half per cent to the department of 15077
job and family services; 15078

(b) Twelve and ninety-three one-hundredths per cent to the 15079
department of mental health; 15080

(c) Fourteen and fifty-seven one-hundredths per cent to the 15081
department of developmental disabilities. 15082

(2) Each state department shall, subject to the approval of 15083
the controlling board, develop formulas for the distribution of 15084
their Title XX appropriations to their respective local agencies. 15085
The formulas shall take into account the total population of the 15086
area that is served by the agency, the percentage of the 15087
population in the area that falls below the federal poverty 15088
guidelines, and the agency's history of and ability to utilize 15089
Title XX funds. 15090

(3) Each of the state departments shall expend no more than 15091
three per cent of its Title XX appropriation for state 15092
administrative costs. Each of the department's respective local 15093
agencies shall expend no more than fourteen per cent of its Title 15094
XX appropriation for local administrative costs. 15095

(4) The department of job and family services shall expend no 15096
more than two per cent of its Title XX appropriation for the 15097

training of the following: 15098

(a) Employees of county departments of job and family 15099
services; 15100

(b) Providers of services under contract with the state 15101
departments' respective local agencies; 15102

(c) Employees of a public children services agency directly 15103
engaged in providing Title XX services. 15104

(D) The department of job and family services shall prepare a 15105
biennial comprehensive Title XX social services plan on the 15106
intended use of Title XX funds. The department shall develop a 15107
method for obtaining public comment during the development of the 15108
plan and following its completion. 15109

For each state fiscal year, the department of job and family 15110
services shall prepare a report on the actual use of Title XX 15111
funds. The department shall make the annual report available for 15112
public inspection. 15113

The departments of mental health and developmental 15114
disabilities shall prepare and submit to the department of job and 15115
family services the portions of each biennial plan and annual 15116
report that apply to services for mental health and mental 15117
retardation and developmental disabilities. Each respective local 15118
agency of the three state departments shall submit information as 15119
necessary for the preparation of biennial plans and annual 15120
reports. 15121

(E) Each county department shall adopt a county profile for 15122
the administration and provision of Title XX social services in 15123
the county. In developing its county profile, the county 15124
department shall take into consideration the comments and 15125
recommendations received from the public by the county family 15126
services planning committee pursuant to section 329.06 of the 15127
Revised Code. As part of its preparation of the county profile, 15128

the county department may prepare a local needs report analyzing 15129
the need for Title XX social services. 15130

The county department shall submit the county profile to the 15131
board of county commissioners for its review. Once the county 15132
profile has been approved by the board, the county department 15133
shall file a copy of the county profile with the department of job 15134
and family services. The department shall approve the county 15135
profile if the department determines the profile provides for the 15136
Title XX social services to meet the goals specified in division 15137
(B) of this section. 15138

(F) Any of the three state departments and their respective 15139
local agencies may require that an entity under contract to 15140
provide social services with Title XX funds submit to an audit on 15141
the basis of alleged misuse or improper accounting of funds. If an 15142
audit is required, the social services provider shall reimburse 15143
the state department or local agency for the cost it incurred in 15144
conducting the audit or having the audit conducted. 15145

If an audit demonstrates that a social services provider is 15146
responsible for one or more adverse findings, the provider shall 15147
reimburse the appropriate state department or its respective local 15148
agency the amount of the adverse findings. The amount shall not be 15149
reimbursed with Title XX funds received under this section. The 15150
three state departments and their respective local agencies may 15151
terminate or refuse to enter into a Title XX contract with a 15152
social services provider if there are adverse findings in an audit 15153
that are the responsibility of the provider. 15154

(G) The department of job and family services may adopt rules 15155
to implement and carry out the purposes of this section. Rules 15156
governing financial and operational matters of the department or 15157
matters between the department and county departments of job and 15158
family services shall be adopted as internal management rules in 15159
accordance with section 111.15 of the Revised Code. Rules 15160

governing eligibility for services, program participation, and 15161
other matters pertaining to applicants and participants shall be 15162
adopted in accordance with Chapter 119. of the Revised Code. 15163

Sec. 5103.04. No association whose object embraces the care 15164
of ~~dependent, neglected, abused,~~ children in need of protective 15165
services or delinquent children, or the placing of such children 15166
in private homes, shall be incorporated unless the proposed 15167
articles of incorporation have been submitted first to the 15168
department of job and family services. The secretary of state 15169
shall not issue a certificate of incorporation to such association 15170
~~until~~ until there is filed in the secretary of state's office the 15171
certificate of the department that it has examined the articles of 15172
incorporation, that in its judgment the incorporators are 15173
reputable and respectable persons, the proposed work is needed, 15174
and the incorporation of such association is desirable and for the 15175
public good. 15176

Amendments proposed to the articles of incorporation of any 15177
such association shall be submitted in like manner to the 15178
department, and the secretary of state shall not record such 15179
amendment or issue a certificate therefor until there is filed in 15180
the secretary of state's office the certificate of the department 15181
that it has examined such amendment, that the association in 15182
question is performing in good faith the work undertaken by it, 15183
and that such amendment is a proper one, and for the public good. 15184

Sec. 5103.07. The department of job and family services shall 15185
administer funds received under Title IV-B of the "Social Security 15186
Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, as amended, and the 15187
"Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 15188
U.S.C.A. 5101, as amended. In administering these funds, the 15189
department may establish a child welfare services program and a 15190
~~child abuse and neglect prevention and adoption reform~~ program for 15191

the prevention of children becoming children in need of protective services and adoption reform. The department has all powers necessary for the adequate administration of these funds and programs. The director of job and family services may adopt rules as necessary to carry out the purposes of this section.

Sec. 5103.12. (A) As used in this section: 15198

(1) "Hearing" has the same meaning as in section 119.01 of the Revised Code. 15199
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(2) "Permanent custody" has the same meaning as in section ~~2151.011~~ 2151.03 of the Revised Code. 15201
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(B) The department of job and family services may enter into agreements with public children services agencies and private child placing agencies under which the department will make payments to encourage the adoptive placement of children in the permanent custody of a public children services agency. If the department terminates, or refuses to enter into or renew, an agreement with a public children services agency or private child placing agency under this section, the agency is entitled to a hearing. 15203
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Notwithstanding section 127.16 of the Revised Code, the department is not required to follow competitive selection procedures or to receive the approval of the controlling board to enter into agreements under this section or to make payments pursuant to the agreements. 15212
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules that establish all of the following: 15217
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(1) A single, uniform agreement that, at a minimum, prescribes a payment schedule and the terms and conditions with 15220
15221

which a public children services agency or private child placing agency must comply to receive a payment; 15222
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(2) Eligibility requirements a public children services agency or private child placing agency must meet to enter into an agreement with the department; 15224
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(3) Eligibility requirements that a child who is the subject of an agreement must meet; 15227
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(4) Other administrative and operational requirements. 15229

Sec. 5103.13. (A) As used in this section and section 5103.131 of the Revised Code: 15230
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(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following: 15232
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(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services; 15235
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(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has legal custody or permanent custody of the preteen and determines that an emergency situation exists necessitating the preteen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere. 15239
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(b) "Children's crisis care facility" does not include either of the following: 15245
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(i) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth 15247
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services, the department of mental health, or the department of 15252
developmental disabilities; 15253

(ii) Any individual who provides care for only a 15254
single-family group, placed there by their parents or other 15255
relative having custody. 15256

(2) "Legal custody" and "permanent custody" have the same 15257
meanings as in section ~~2151.011~~ 2151.03 of the Revised Code. 15258

(3) "Preteen" means an individual under thirteen years of 15259
age. 15260

(B) No person shall operate a children's crisis care facility 15261
or hold a children's crisis care facility out as a certified 15262
children's crisis care facility unless there is a valid children's 15263
crisis care facility certificate issued under this section for the 15264
facility. 15265

(C) A person seeking to operate a children's crisis care 15266
facility shall apply to the director of job and family services to 15267
obtain a certificate for the facility. The director shall certify 15268
the person's children's crisis care facility if the facility meets 15269
all of the certification standards established in rules adopted 15270
under division (F) of this section and the person complies with 15271
all of the rules governing the certification of children's crisis 15272
care facilities adopted under that division. The issuance of a 15273
children's crisis care facility certificate does not exempt the 15274
facility from a requirement to obtain another certificate or 15275
license mandated by law. 15276

(D)(1) No certified children's crisis care facility shall do 15277
any of the following: 15278

(a) Provide residential care to a preteen for more than one 15279
hundred twenty days in a calendar year; 15280

(b) Subject to division (D)(1)(c) of this section and except 15281

as provided in division (D)(2) of this section, provide 15282
residential care to a preteen for more than sixty consecutive 15283
days; 15284

(c) Except as provided in division (D)(3) of this section, 15285
provide residential care to a preteen for more than seventy-two 15286
consecutive hours if a public children services agency or private 15287
child placing agency placed the preteen in the facility; 15288

(d) Fail to comply with section 2151.86 of the Revised Code. 15289

(2) A certified children's crisis care facility may provide 15290
residential care to a preteen for up to ninety consecutive days, 15291
other than a preteen placed in the facility by a public children 15292
services agency or private child placing agency, if any of the 15293
following are the case: 15294

(a) The preteen's parent or other caretaker is enrolled in an 15295
alcohol and drug addiction program certified under section 3793.06 15296
of the Revised Code or a community mental health service certified 15297
under section 5119.611 of the Revised Code; 15298

(b) The preteen's parent or other caretaker is an inpatient 15299
in a hospital; 15300

(c) The preteen's parent or other caretaker is incarcerated; 15301

(d) A physician has diagnosed the preteen's parent or other 15302
caretaker as medically incapacitated. 15303

(3) A certified children's crisis care facility may provide 15304
residential care to a preteen placed in the facility by a public 15305
children services agency or private child placing agency for more 15306
than seventy-two consecutive hours if the director of job and 15307
family services or the director's designee issues the agency a 15308
waiver of the seventy-two consecutive hour limitation. The waiver 15309
may authorize the certified children's crisis care facility to 15310
provide residential care to the preteen for up to fourteen 15311

consecutive days. 15312

(E) The director of job and family services may suspend or 15313
revoke a children's crisis care facility's certificate pursuant to 15314
Chapter 119. of the Revised Code if the facility violates division 15315
(D) of this section or ceases to meet any of the certification 15316
standards established in rules adopted under division (F) of this 15317
section or the facility's operator ceases to comply with any of 15318
the rules governing the certification of children's crisis care 15319
facilities adopted under that division. 15320

(F) Not later than ninety days after September 21, 2006, the 15321
director of job and family services shall adopt rules pursuant to 15322
Chapter 119. of the Revised Code for the certification of 15323
children's crisis care facilities. The rules shall specify that a 15324
certificate shall not be issued to an applicant if the conditions 15325
at the children's crisis care facility would jeopardize the health 15326
or safety of the preteens placed in the facility. 15327

Sec. 5103.161. As used in this section, "permanent custody" 15329
has the same meaning as in section ~~2151.011~~ 2151.03 of the Revised 15330
Code. 15331

If a private child placing agency or public children services 15332
agency has placed a child in a foster home or with a relative of 15333
the child, other than a parent of the child, the agency shall 15334
notify the child's foster caregiver or relative if the agency 15335
seeks permanent custody of the child, or, if the agency already 15336
has permanent custody of the child, seeks to place the child for 15337
adoption. The notice also shall inform the foster caregiver or 15338
relative that the foster caregiver or relative can be considered 15339
for adoption. If the foster caregiver or relative informs the 15340
agency that the foster caregiver or relative wants to adopt the 15341
child, the agency shall inform the foster caregiver or relative of 15342

the process for obtaining an application to adopt the child and 15343
that the child may be placed for adoption in another home even if 15344
the foster caregiver or relative submits the application. If the 15345
agency is given permanent custody of the child and the foster 15346
caregiver or relative has informed the agency of the foster 15347
caregiver's or relative's desire to adopt the child, the agency 15348
shall consider giving preference to an adult relative over a 15349
nonrelative caregiver when determining an adoptive placement for 15350
the child, provided the adult relative satisfies all relevant 15351
child protection standards and the agency determines that the 15352
placement is in the child's best interest. 15353

Sec. 5103.18. (A)(1) Prior to certification or 15354
recertification as a foster home under section 5103.03 of the 15355
Revised Code, a recommending agency shall obtain a summary report 15356
of a search of the uniform statewide automated child welfare 15357
information system, established under section 5101.13 of the 15358
Revised Code, from an entity listed in section 5101.132 of the 15359
Revised Code. 15360

(2) Whenever a prospective foster parent or any other person 15361
eighteen years of age or older who resides with a prospective 15362
foster parent has resided in another state within the five-year 15363
period immediately prior to the date on which a criminal records 15364
check is requested for the person under division (A) of section 15365
2151.86 of the Revised Code, the recommending agency shall request 15366
a check of the central registry of abuse and neglect of this state 15367
from the department of job and family services regarding the 15368
prospective foster parent or the person eighteen years of age or 15369
older who resides with the prospective foster parent to enable the 15370
agency to check any child abuse and neglect registry maintained by 15371
that other state. The recommending agency shall make the request 15372
and shall review the results of the check before the prospective 15373
foster parent may be finally approved for placement of a child. 15374

Information received pursuant to such a request shall be 15375
considered for purposes of this chapter as if it were a summary 15376
report required under division (A) of this section. The department 15377
of job and family services shall comply with any request to check 15378
the central registry that is similar to the request described in 15379
this division and that is received from any other state. 15380

(B)(1) The summary report required under division (A) of this 15381
section shall contain, if applicable, a chronological list of 15382
~~abuse and neglect~~ determinations that a child is, or allegations 15383
that are based on reports made under section 2151.421 of the 15384
Revised Code indicating that a child is in need of protective 15385
services, of which a person seeking to become a foster caregiver 15386
of a child is subject and in regards to which a public children 15387
services agency has done one of the following: 15388

(a) Determined that abuse or neglect occurred or an act or 15389
omission that indicates that a child is a child in need of 15390
protective services occurred; 15391

(b) Initiated an investigation, and the investigation is 15392
ongoing; 15393

(c) Initiated an investigation, and the agency was unable to 15394
determine whether abuse or neglect occurred or an act or omission 15395
that indicates that a child is a child in need of protective 15396
services occurred. 15397

(2) The summary report required under division (A) of this 15398
section shall not contain any of the following: 15399

(a) An abuse ~~and~~, neglect, or child in need of protective 15400
services determination of which a person seeking to become a 15401
foster caregiver of a child is subject and in regards to which a 15402
public children services agency determined that abuse ~~or~~, neglect, 15403
or an act or omission did not occur; 15404

(b) Information or reports the dissemination of which is 15405

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse ~~or~~ neglect, or a child being a child in need of protective services.

(C)(1) A foster home certification or recertification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) Not later than January 1, 2008, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

Sec. 5104.011. (A) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of child day-care centers, including, but not limited to, parent cooperative centers, part-time centers, drop-in centers, and school child centers, which rules shall reflect the various forms of child care and the needs of children receiving child care or publicly funded child care and shall include specific rules for school child care centers that are developed in consultation with the department of education. The rules shall not require an existing school facility that is in compliance with applicable building codes to undergo an additional building code inspection or to have structural modifications. The rules shall include the following:

(1) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;	15437 15438 15439 15440
(2) Standards for ensuring that the physical surroundings of the center are safe and sanitary including, but not limited to, the physical environment, the physical plant, and the equipment of the center;	15441 15442 15443 15444
(3) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;	15445 15446 15447
(4) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.	15448 15449 15450 15451 15452 15453 15454 15455 15456 15457
(5) Admissions policies and procedures, health care policies and procedures, including, but not limited to, procedures for the isolation of children with communicable diseases, first aid and emergency procedures, procedures for discipline and supervision of children, standards for the provision of nutritious meals and snacks, and procedures for screening children and employees, including, but not limited to, any necessary physical examinations and immunizations;	15458 15459 15460 15461 15462 15463 15464 15465
(6) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children,	15466 15467

parents, and employees are protected and that responsibilities of	15468
parents and employees are met;	15469
(7) Procedures for ensuring the safety and adequate	15470
supervision of children traveling off the premises of the center	15471
while under the care of a center employee;	15472
(8) Procedures for record keeping, organization, and	15473
administration;	15474
(9) Procedures for issuing, renewing, denying, and revoking a	15475
license that are not otherwise provided for in Chapter 119. of the	15476
Revised Code;	15477
(10) Inspection procedures;	15478
(11) Procedures and standards for setting initial and renewal	15479
license application fees;	15480
(12) Procedures for receiving, recording, and responding to	15481
complaints about centers;	15482
(13) Procedures for enforcing section 5104.04 of the Revised	15483
Code;	15484
(14) A standard requiring the inclusion, on and after July 1,	15485
1987, of a current department of job and family services toll-free	15486
telephone number on each center provisional license or license	15487
which any person may use to report a suspected violation by the	15488
center of this chapter or rules adopted pursuant to this chapter;	15489
(15) Requirements for the training of administrators and	15490
child-care staff members in first aid, in prevention, recognition,	15491
and management of communicable diseases, and in child abuse	15492
recognition and prevention <u>recognizing children who are children</u>	15493
<u>in need of protective services and preventing children from</u>	15494
<u>becoming children in need of protective services.</u> Training	15495
requirements for child day-care centers adopted under this	15496
division shall be consistent with divisions (B)(6) and (C)(1) of	15497

this section. 15498

(16) Procedures to be used by licensees for checking the 15499
references of potential employees of centers and procedures to be 15500
used by the director for checking the references of applicants for 15501
licenses to operate centers; 15502

(17) Standards providing for the special needs of children 15503
who are handicapped or who require treatment for health conditions 15504
while the child is receiving child care or publicly funded child 15505
care in the center; 15506

(18) A procedure for reporting of injuries of children that 15507
occur at the center; 15508

(19) Any other procedures and standards necessary to carry 15509
out this chapter. 15510

(B)(1) The child day-care center shall have, for each child 15511
for whom the center is licensed, at least thirty-five square feet 15512
of usable indoor floor space wall-to-wall regularly available for 15513
the child care operation exclusive of any parts of the structure 15514
in which the care of children is prohibited by law or by rules 15515
adopted by the board of building standards. The minimum of 15516
thirty-five square feet of usable indoor floor space shall not 15517
include hallways, kitchens, storage areas, or any other areas that 15518
are not available for the care of children, as determined by the 15519
director, in meeting the space requirement of this division, and 15520
bathrooms shall be counted in determining square footage only if 15521
they are used exclusively by children enrolled in the center, 15522
except that the exclusion of hallways, kitchens, storage areas, 15523
bathrooms not used exclusively by children enrolled in the center, 15524
and any other areas not available for the care of children from 15525
the minimum of thirty-five square feet of usable indoor floor 15526
space shall not apply to: 15527

(a) Centers licensed prior to or on September 1, 1986, that 15528

continue under licensure after that date; 15529

(b) Centers licensed prior to or on September 1, 1986, that 15530
are issued a new license after that date solely due to a change of 15531
ownership of the center. 15532

(2) The child day-care center shall have on the site a safe 15533
outdoor play space which is enclosed by a fence or otherwise 15534
protected from traffic or other hazards. The play space shall 15535
contain not less than sixty square feet per child using such space 15536
at any one time, and shall provide an opportunity for supervised 15537
outdoor play each day in suitable weather. The director may exempt 15538
a center from the requirement of this division, if an outdoor play 15539
space is not available and if all of the following are met: 15540

(a) The center provides an indoor recreation area that has 15541
not less than sixty square feet per child using the space at any 15542
one time, that has a minimum of one thousand four hundred forty 15543
square feet of space, and that is separate from the indoor space 15544
required under division (B)(1) of this section. 15545

(b) The director has determined that there is regularly 15546
available and scheduled for use a conveniently accessible and safe 15547
park, playground, or similar outdoor play area for play or 15548
recreation. 15549

(c) The children are closely supervised during play and while 15550
traveling to and from the area. 15551

The director also shall exempt from the requirement of this 15552
division a child day-care center that was licensed prior to 15553
September 1, 1986, if the center received approval from the 15554
director prior to September 1, 1986, to use a park, playground, or 15555
similar area, not connected with the center, for play or 15556
recreation in lieu of the outdoor space requirements of this 15557
section and if the children are closely supervised both during 15558
play and while traveling to and from the area and except if the 15559

director determines upon investigation and inspection pursuant to 15560
 section 5104.04 of the Revised Code and rules adopted pursuant to 15561
 that section that the park, playground, or similar area, as well 15562
 as access to and from the area, is unsafe for the children. 15563

(3) The child day-care center shall have at least two 15564
 responsible adults available on the premises at all times when 15565
 seven or more children are in the center. The center shall 15566
 organize the children in the center in small groups, shall provide 15567
 child-care staff to give continuity of care and supervision to the 15568
 children on a day-by-day basis, and shall ensure that no child is 15569
 left alone or unsupervised. Except as otherwise provided in 15570
 division (E) of this section, the maximum number of children per 15571
 child-care staff member and maximum group size, by age category of 15572
 children, are as follows: 15573

	Maximum Number of		
	Children Per	Maximum	
Age Category	Child-Care	Group	
of Children	Staff Member	Size	
(a) Infants:			15578
(i) Less than twelve			15579
months old	5:1, or		15580
	12:2 if two		15581
	child-care		15582
	staff members		15583
	are in the room	12	15584
(ii) At least twelve			15585
months old, but			15586
less than eighteen			15587
months old	6:1	12	15588
(b) Toddlers:			15589
(i) At least eighteen			15590
months old, but			15591

less than thirty			15592
months old	7:1	14	15593
(ii) At least thirty months			15594
old, but less than			15595
three years old	8:1	16	15596
(c) Preschool			15597
children:			15598
(i) Three years old	12:1	24	15599
(ii) Four years old and			15600
five years old who			15601
are not school			15602
children	14:1	28	15603
(d) School children:			15604
(i) A child who is			15605
enrolled in or is			15606
eligible to be			15607
enrolled in a grade			15608
of kindergarten			15609
or above, but			15610
is less than			15611
eleven years old	18:1	36	15612
(ii) Eleven through fourteen			15613
years old	20:1	40	15614
Except as otherwise provided in division (E) of this section,			15615
the maximum number of children per child-care staff member and			15616
maximum group size requirements of the younger age group shall			15617
apply when age groups are combined.			15618
(4)(a) The child day-care center administrator shall show the			15619
director both of the following:			15620
(i) Evidence of at least high school graduation or			15621
certification of high school equivalency by the state board of			15622
education or the appropriate agency of another state;			15623

(ii) Evidence of having completed at least two years of training in an accredited college, university, or technical college, including courses in child development or early childhood education, or at least two years of experience in supervising and giving daily care to children attending an organized group program.

(b) In addition to the requirements of division (B)(4)(a) of this section, any administrator employed or designated on or after September 1, 1986, shall show evidence of, and any administrator employed or designated prior to September 1, 1986, shall show evidence within six years after such date of, at least one of the following:

(i) Two years of experience working as a child-care staff member in a center and at least four courses in child development or early childhood education from an accredited college, university, or technical college, except that a person who has two years of experience working as a child-care staff member in a particular center and who has been promoted to or designated as administrator of that center shall have one year from the time the person was promoted to or designated as administrator to complete the required four courses;

(ii) Two years of training, including at least four courses in child development or early childhood education from an accredited college, university, or technical college;

(iii) A child development associate credential issued by the national child development associate credentialing commission;

(iv) An associate or higher degree in child development or early childhood education from an accredited college, technical college, or university, or a license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education.

(5) All child-care staff members of a child day-care center shall be at least eighteen years of age, and shall furnish the director evidence of at least high school graduation or certification of high school equivalency by the state board of education or the appropriate agency of another state or evidence of completion of a training program approved by the department of job and family services or state board of education, except as follows:

(a) A child-care staff member may be less than eighteen years of age if the staff member is either of the following:

(i) A graduate of a two-year vocational child-care training program approved by the state board of education;

(ii) A student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(b) A child-care staff member shall be exempt from the educational requirements of this division if the staff member:

(i) Prior to January 1, 1972, was employed or designated by a child day-care center and has been continuously employed since either by the same child day-care center employer or at the same child day-care center; or

(ii) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center

under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter.

(6) Every child care staff member of a child day-care center annually shall complete fifteen hours of inservice training in child development or early childhood education, ~~child abuse recognition and prevention~~ recognizing children who are children in need of protective services and preventing children from becoming children in need of protective services, first aid, and in prevention, recognition, and management of communicable diseases, until a total of forty-five hours of training has been completed, unless the staff member furnishes one of the following to the director:

(a) Evidence of an associate or higher degree in child development or early childhood education from an accredited college, university, or technical college;

(b) A license designated for teaching in an associate teaching position in a preschool setting issued by the state board of education;

(c) Evidence of a child development associate credential;

(d) Evidence of a preprimary credential from the American Montessori society or the association Montessori internationale. For the purposes of division (B)(6) of this section, "hour" means sixty minutes.

(7) The administrator of each child day-care center shall prepare at least once annually and for each group of children at the center a roster of names and telephone numbers of parents, custodians, or guardians of each group of children attending the center and upon request shall furnish the roster for each group to

the parents, custodians, or guardians of the children in that 15717
group. The administrator may prepare a roster of names and 15718
telephone numbers of all parents, custodians, or guardians of 15719
children attending the center and upon request shall furnish the 15720
roster to the parents, custodians, or guardians of the children 15721
who attend the center. The administrator shall not include in any 15722
roster the name or telephone number of any parent, custodian, or 15723
guardian who requests the administrator not to include the 15724
parent's, custodian's, or guardian's name or number and shall not 15725
furnish any roster to any person other than a parent, custodian, 15726
or guardian of a child who attends the center. 15727

(C)(1) Each child day-care center shall have on the center 15728
premises and readily available at all times at least one 15729
child-care staff member who has completed a course in first aid 15730
and in prevention, recognition, and management of communicable 15731
diseases which is approved by the state department of health and a 15732
staff member who has completed a course in ~~child abuse recognition~~ 15733
~~and prevention training which~~ recognizing children who are 15734
children in need of protective services and preventing children 15735
from becoming children in need of protective services that is 15736
approved by the department of job and family services. 15737

(2) The administrator of each child day-care center shall 15738
maintain enrollment, health, and attendance records for all 15739
children attending the center and health and employment records 15740
for all center employees. The records shall be confidential, 15741
except as otherwise provided in division (B)(7) of this section 15742
and except that they shall be disclosed by the administrator to 15743
the director upon request for the purpose of administering and 15744
enforcing this chapter and rules adopted pursuant to this chapter. 15745
Neither the center nor the licensee, administrator, or employees 15746
of the center shall be civilly or criminally liable in damages or 15747
otherwise for records disclosed to the director by the 15748

administrator pursuant to this division. It shall be a defense to 15749
any civil or criminal charge based upon records disclosed by the 15750
administrator to the director that the records were disclosed 15751
pursuant to this division. 15752

(3)(a) Any parent who is the residential parent and legal 15753
custodian of a child enrolled in a child day-care center and any 15754
custodian or guardian of such a child shall be permitted unlimited 15755
access to the center during its hours of operation for the 15756
purposes of contacting their children, evaluating the care 15757
provided by the center, evaluating the premises of the center, or 15758
for other purposes approved by the director. A parent of a child 15759
enrolled in a child day-care center who is not the child's 15760
residential parent shall be permitted unlimited access to the 15761
center during its hours of operation for those purposes under the 15762
same terms and conditions under which the residential parent of 15763
that child is permitted access to the center for those purposes. 15764
However, the access of the parent who is not the residential 15765
parent is subject to any agreement between the parents and, to the 15766
extent described in division (C)(3)(b) of this section, is subject 15767
to any terms and conditions limiting the right of access of the 15768
parent who is not the residential parent, as described in division 15769
(I) of section 3109.051 of the Revised Code, that are contained in 15770
a parenting time order or decree issued under that section, 15771
section 3109.12 of the Revised Code, or any other provision of the 15772
Revised Code. 15773

(b) If a parent who is the residential parent of a child has 15774
presented the administrator or the administrator's designee with a 15775
copy of a parenting time order that limits the terms and 15776
conditions under which the parent who is not the residential 15777
parent is to have access to the center, as described in division 15778
(I) of section 3109.051 of the Revised Code, the parent who is not 15779
the residential parent shall be provided access to the center only 15780

to the extent authorized in the order. If the residential parent 15781
has presented such an order, the parent who is not the residential 15782
parent shall be permitted access to the center only in accordance 15783
with the most recent order that has been presented to the 15784
administrator or the administrator's designee by the residential 15785
parent or the parent who is not the residential parent. 15786

(c) Upon entering the premises pursuant to division (C)(3)(a) 15787
or (b) of this section, the parent who is the residential parent 15788
and legal custodian, the parent who is not the residential parent, 15789
or the custodian or guardian shall notify the administrator or the 15790
administrator's designee of the parent's, custodian's, or 15791
guardian's presence. 15792

(D) The director of job and family services, in addition to 15793
the rules adopted under division (A) of this section, shall adopt 15794
rules establishing minimum requirements for child day-care 15795
centers. The rules shall include, but not be limited to, the 15796
requirements set forth in divisions (B) and (C) of this section. 15797
Except as provided in section 5104.07 of the Revised Code, the 15798
rules shall not change the square footage requirements of division 15799
(B)(1) or (2) of this section; the maximum number of children per 15800
child-care staff member and maximum group size requirements of 15801
division (B)(3) of this section; the educational and experience 15802
requirements of division (B)(4) of this section; the age, 15803
educational, and experience requirements of division (B)(5) of 15804
this section; the number of inservice training hours required 15805
under division (B)(6) of this section; or the requirement for at 15806
least annual preparation of a roster for each group of children of 15807
names and telephone numbers of parents, custodians, or guardians 15808
of each group of children attending the center that must be 15809
furnished upon request to any parent, custodian, or guardian of 15810
any child in that group required under division (B)(7) of this 15811
section; however, the rules shall provide procedures for 15812

determining compliance with those requirements. 15813

(E)(1) When age groups are combined, the maximum number of 15814
children per child-care staff member shall be determined by the 15815
age of the youngest child in the group, except that when no more 15816
than one child thirty months of age or older receives services in 15817
a group in which all the other children are in the next older age 15818
group, the maximum number of children per child-care staff member 15819
and maximum group size requirements of the older age group 15820
established under division (B)(3) of this section shall apply. 15821

(2) The maximum number of toddlers or preschool children per 15822
child-care staff member in a room where children are napping shall 15823
be twice the maximum number of children per child-care staff 15824
member established under division (B)(3) of this section if all 15825
the following criteria are met: 15826

(a) At least one child-care staff member is present in the 15827
room. 15828

(b) Sufficient child-care staff members are on the child 15829
day-care center premises to meet the maximum number of children 15830
per child-care staff member requirements established under 15831
division (B)(3) of this section. 15832

(c) Naptime preparations are complete and all napping 15833
children are resting or sleeping on cots. 15834

(d) The maximum number established under division (E)(2) of 15835
this section is in effect for no more than one and one-half hours 15836
during a twenty-four-hour day. 15837

(F) The director of job and family services shall adopt rules 15838
pursuant to Chapter 119. of the Revised Code governing the 15839
operation of type A family day-care homes, including, but not 15840
limited to, parent cooperative type A homes, part-time type A 15841
homes, drop-in type A homes, and school child type A homes, which 15842
shall reflect the various forms of child care and the needs of 15843

children receiving child care. The rules shall include the 15844
following: 15845

(1) Submission of a site plan and descriptive plan of 15846
operation to demonstrate how the type A home proposes to meet the 15847
requirements of this chapter and rules adopted pursuant to this 15848
chapter for the initial license application; 15849

(2) Standards for ensuring that the physical surroundings of 15850
the type A home are safe and sanitary, including, but not limited 15851
to, the physical environment, the physical plant, and the 15852
equipment of the type A home; 15853

(3) Standards for the supervision, care, and discipline of 15854
children receiving child care or publicly funded child care in the 15855
type A home; 15856

(4) Standards for a program of activities, and for play 15857
equipment, materials, and supplies, to enhance the development of 15858
each child; however, any educational curricula, philosophies, and 15859
methodologies that are developmentally appropriate and that 15860
enhance the social, emotional, intellectual, and physical 15861
development of each child shall be permissible; 15862

(5) Admissions policies and procedures, health care policies 15863
and procedures, including, but not limited to, procedures for the 15864
isolation of children with communicable diseases, first aid and 15865
emergency procedures, procedures for discipline and supervision of 15866
children, standards for the provision of nutritious meals and 15867
snacks, and procedures for screening children and employees, 15868
including, but not limited to, any necessary physical examinations 15869
and immunizations; 15870

(6) Methods for encouraging parental participation in the 15871
type A home and methods for ensuring that the rights of children, 15872
parents, and employees are protected and that the responsibilities 15873
of parents and employees are met; 15874

(7) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	15875 15876 15877
(8) Procedures for record keeping, organization, and administration;	15878 15879
(9) Procedures for issuing, renewing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	15880 15881 15882
(10) Inspection procedures;	15883
(11) Procedures and standards for setting initial and renewal license application fees;	15884 15885
(12) Procedures for receiving, recording, and responding to complaints about type A homes;	15886 15887
(13) Procedures for enforcing section 5104.04 of the Revised Code;	15888 15889
(14) A standard requiring the inclusion, on or after July 1, 1987, of a current department of job and family services toll-free telephone number on each type A home provisional license or license which any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	15890 15891 15892 15893 15894 15895
(15) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention <u>recognizing children who are children in need of protective services and preventing children from becoming children in need of protective services</u> ;	15896 15897 15898 15899 15900 15901
(16) Procedures to be used by licensees for checking the references of potential employees of type A homes and procedures to be used by the director for checking the references of	15902 15903 15904

applicants for licenses to operate type A homes;	15905
(17) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	15906 15907 15908 15909
(18) Standards for the maximum number of children per child-care staff member;	15910 15911
(19) Requirements for the amount of usable indoor floor space for each child;	15912 15913
(20) Requirements for safe outdoor play space;	15914
(21) Qualifications and training requirements for administrators and for child-care staff members;	15915 15916
(22) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	15917 15918 15919
(23) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	15920 15921
(24) Any other procedures and standards necessary to carry out this chapter.	15922 15923
(G) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the certification of type B family day-care homes.	15924 15925 15926
(1) The rules shall include all of the following:	15927
(a) Procedures, standards, and other necessary provisions for granting limited certification to type B family day-care homes that are operated by the following adult providers:	15928 15929 15930
(i) Persons who provide child care for eligible children who are great-grandchildren, grandchildren, nieces, nephews, or siblings of the provider or for eligible children whose caretaker	15931 15932 15933

parent is a grandchild, child, niece, nephew, or sibling of the 15934
provider; 15935

(ii) Persons who provide child care for eligible children all 15936
of whom are the children of the same caretaker parent; 15937

(b) Procedures for the director to ensure, that type B homes 15938
that receive a limited certification provide child care to 15939
children in a safe and sanitary manner; 15940

(c) Requirements for the type B home to notify parents with 15941
children in the type B home that the type B home is also certified 15942
as a foster home under section 5103.03 of the Revised Code. 15943

With regard to providers who apply for limited certification, 15944
a provider shall be granted a provisional limited certification on 15945
signing a declaration under oath attesting that the provider meets 15946
the standards for limited certification. Such provisional limited 15947
certifications shall remain in effect for no more than sixty 15948
calendar days and shall entitle the provider to offer publicly 15949
funded child care during the provisional period. Except as 15950
otherwise provided in division (G)(1) of this section, section 15951
5104.013 or 5104.09 of the Revised Code, or division (A)(2) of 15952
section 5104.11 of the Revised Code, prior to the expiration of 15953
the provisional limited certificate, a county department of job 15954
and family services shall inspect the home and shall grant limited 15955
certification to the provider if the provider meets the 15956
requirements of this division. Limited certificates remain valid 15957
for two years unless earlier revoked. Except as otherwise provided 15958
in division (G)(1) of this section, providers operating under 15959
limited certification shall be inspected annually. 15960

If a provider is a person described in division (G)(1)(a)(i) 15961
of this section or a person described in division (G)(1)(a)(ii) of 15962
this section who is a friend of the caretaker parent, the provider 15963
and the caretaker parent may verify in writing to the county 15964

department of job and family services that minimum health and 15965
safety requirements are being met in the home. Except as otherwise 15966
provided in section 5104.013 or 5104.09 or in division (A)(2) of 15967
section 5104.11 of the Revised Code, if such verification is 15968
provided, the county shall waive any inspection required by this 15969
chapter and grant limited certification to the provider. 15970

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(2) The rules shall provide for safeguarding the health, 15972
safety, and welfare of children receiving child care or publicly 15973
funded child care in a certified type B home and shall include the 15974
following: 15975

(a) Standards for ensuring that the type B home and the 15976
physical surroundings of the type B home are safe and sanitary, 15977
including, but not limited to, physical environment, physical 15978
plant, and equipment; 15979

(b) Standards for the supervision, care, and discipline of 15980
children receiving child care or publicly funded child care in the 15981
home; 15982

(c) Standards for a program of activities, and for play 15983
equipment, materials, and supplies to enhance the development of 15984
each child; however, any educational curricula, philosophies, and 15985
methodologies that are developmentally appropriate and that 15986
enhance the social, emotional, intellectual, and physical 15987
development of each child shall be permissible; 15988

(d) Admission policies and procedures, health care, first aid 15989
and emergency procedures, procedures for the care of sick 15990
children, procedures for discipline and supervision of children, 15991
nutritional standards, and procedures for screening children and 15992
authorized providers, including, but not limited to, any necessary 15993
physical examinations and immunizations; 15994

(e) Methods of encouraging parental participation and 15995

ensuring that the rights of children, parents, and authorized providers are protected and the responsibilities of parents and authorized providers are met;	15996 15997 15998
(f) Standards for the safe transport of children when under the care of authorized providers;	15999 16000
(g) Procedures for issuing, renewing, denying, refusing to renew, or revoking certificates;	16001 16002
(h) Procedures for the inspection of type B homes that require, at a minimum, that each type B home be inspected prior to certification to ensure that the home is safe and sanitary;	16003 16004 16005
(i) Procedures for record keeping and evaluation;	16006
(j) Procedures for receiving, recording, and responding to complaints;	16007 16008
(k) Standards providing for the special needs of children who are handicapped or who receive treatment for health conditions while the child is receiving child care or publicly funded child care in the type B home;	16009 16010 16011 16012
(l) Requirements for the amount of usable indoor floor space for each child;	16013 16014
(m) Requirements for safe outdoor play space;	16015
(n) Qualification and training requirements for authorized providers;	16016 16017
(o) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	16018 16019 16020
(p) Requirements for the type B home to notify parents with children in the type B home that the type B home is also certified as a foster home under section 5103.03 of the Revised Code;	16021 16022 16023
(q) Any other procedures and standards necessary to carry out	16024

this chapter. 16025

(H) The director shall adopt rules pursuant to Chapter 119. 16026
of the Revised Code governing the certification of in-home aides. 16027
The rules shall include procedures, standards, and other necessary 16028
provisions for granting limited certification to in-home aides who 16029
provide child care for eligible children who are 16030
great-grandchildren, grandchildren, nieces, nephews, or siblings 16031
of the in-home aide or for eligible children whose caretaker 16032
parent is a grandchild, child, niece, nephew, or sibling of the 16033
in-home aide. The rules shall require, and shall include 16034
procedures for the director to ensure, that in-home aides that 16035
receive a limited certification provide child care to children in 16036
a safe and sanitary manner. The rules shall provide for 16037
safeguarding the health, safety, and welfare of children receiving 16038
publicly funded child care in their own home and shall include the 16039
following: 16040

(1) Standards for ensuring that the child's home and the 16041
physical surroundings of the child's home are safe and sanitary, 16042
including, but not limited to, physical environment, physical 16043
plant, and equipment; 16044

(2) Standards for the supervision, care, and discipline of 16045
children receiving publicly funded child care in their own home; 16046

(3) Standards for a program of activities, and for play 16047
equipment, materials, and supplies to enhance the development of 16048
each child; however, any educational curricula, philosophies, and 16049
methodologies that are developmentally appropriate and that 16050
enhance the social, emotional, intellectual, and physical 16051
development of each child shall be permissible; 16052

(4) Health care, first aid, and emergency procedures, 16053
procedures for the care of sick children, procedures for 16054
discipline and supervision of children, nutritional standards, and 16055

procedures for screening children and in-home aides, including,	16056
but not limited to, any necessary physical examinations and	16057
immunizations;	16058
(5) Methods of encouraging parental participation and	16059
ensuring that the rights of children, parents, and in-home aides	16060
are protected and the responsibilities of parents and in-home	16061
aides are met;	16062
(6) Standards for the safe transport of children when under	16063
the care of in-home aides;	16064
(7) Procedures for issuing, renewing, denying, refusing to	16065
renew, or revoking certificates;	16066
(8) Procedures for inspection of homes of children receiving	16067
publicly funded child care in their own homes;	16068
(9) Procedures for record keeping and evaluation;	16069
(10) Procedures for receiving, recording, and responding to	16070
complaints;	16071
(11) Qualifications and training requirements for in-home	16072
aides;	16073
(12) Standards providing for the special needs of children	16074
who are handicapped or who receive treatment for health conditions	16075
while the child is receiving publicly funded child care in the	16076
child's own home;	16077
(13) Any other procedures and standards necessary to carry	16078
out this chapter.	16079
(I) To the extent that any rules adopted for the purposes of	16080
this section require a health care professional to perform a	16081
physical examination, the rules shall include as a health care	16082
professional a physician assistant, a clinical nurse specialist, a	16083
certified nurse practitioner, or a certified nurse-midwife.	16084
(J)(1) The director of job and family services shall do all	16085

of the following: 16086

(a) Provide or make available in either paper or electronic 16087
form to each licensee notice of proposed rules governing the 16088
licensure of child day-care centers and type A homes; 16089

(b) Give public notice of hearings regarding the rules to 16090
each licensee at least thirty days prior to the date of the public 16091
hearing, in accordance with section 119.03 of the Revised Code; 16092
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(c) At least thirty days before the effective date of a rule, 16094
provide, in either paper or electronic form, a copy of the adopted 16095
rule to each licensee. 16096

(2) The director shall do all of the following: 16097

(a) Send to each county director of job and family services a 16098
notice of proposed rules governing the certification of type B 16099
family homes and in-home aides that includes an internet web site 16100
address where the proposed rules can be viewed; 16101

(b) Give public notice of hearings regarding the proposed 16102
rules not less than thirty days in advance; 16103

(c) Provide to each county director of job and family 16104
services an electronic copy of each adopted rule at least 16105
forty-five days prior to the rule's effective date. 16106

(3) The county director of job and family services shall 16107
provide or make available in either paper or electronic form to 16108
each authorized provider and in-home aide copies of proposed rules 16109
and shall give public notice of hearings regarding the rules to 16110
each authorized provider and in-home aide at least thirty days 16111
prior to the date of the public hearing, in accordance with 16112
section 119.03 of the Revised Code. At least thirty days before 16113
the effective date of a rule, the county director of job and 16114
family services shall provide, in either paper or electronic form, 16115

copies of the adopted rule to each authorized provider and in-home aide. 16116
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(4) Additional copies of proposed and adopted rules shall be made available by the director of job and family services to the public on request at no charge. 16118
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(5) The director of job and family services shall recommend standards for imposing sanctions on persons and entities that are licensed or certified under this chapter and that violate any provision of this chapter. The standards shall be based on the scope and severity of the violations. The director shall provide copies of the recommendations to the governor, the speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public. 16121
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(6) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code that establish standards for the training of individuals whom any county department of job and family services employs, with whom any county department of job and family services contracts, or with whom the director of job and family services contracts, to inspect or investigate type B family day-care homes pursuant to section 5104.11 of the Revised Code. The department shall provide training in accordance with those standards for individuals in the categories described in this division. 16130
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(K) The director of job and family services shall review all rules adopted pursuant to this chapter at least once every seven years. 16140
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(L) Notwithstanding any provision of the Revised Code, the director of job and family services shall not regulate in any way under this chapter or rules adopted pursuant to this chapter, instruction in religious or moral doctrines, beliefs, or values. 16143
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Sec. 5104.06. (A) The director of job and family services 16147
shall provide consultation, technical assistance, and training to 16148
child day-care centers and type A family day-care homes to improve 16149
programs and facilities providing child care including, but not 16150
limited to, assistance in meeting the requirements of Chapter 16151
5104. and rules adopted pursuant to Chapter 5104. of the Revised 16152
Code and shall furnish information regarding ~~child abuse~~ 16153
identification and reporting of child abuse acts or omissions that 16154
would cause a child to be a child in need of protective services. 16155

(B) The director of job and family services shall provide 16156
consultation and technical assistance to county departments of job 16157
and family services to assist the departments with the 16158
implementation of certification of type B family day-care home 16159
providers and in-home aides. 16160

Sec. 5104.11. (A)(1) Every person desiring to receive 16161
certification for a type B family day-care home to provide 16162
publicly funded child care shall apply for certification to the 16163
county director of job and family services on such forms as the 16164
director of job and family services prescribes. The county 16165
director shall provide at no charge to each applicant a copy of 16166
rules for certifying type B family day-care homes adopted pursuant 16167
to this chapter. 16168

(2) Except as provided in division (G)(1) of section 5104.011 16169
of the Revised Code, after receipt of an application for 16170
certification from a type B family day-care home, the county 16171
director of job and family services shall inspect the home. If it 16172
complies with this chapter and any applicable rules adopted under 16173
this chapter, the county department shall certify the type B 16174
family day-care home to provide publicly funded child care 16175
pursuant to this chapter and any rules adopted under it. The 16176
director of job and family services or a county director of job 16177

and family services may contract with a government entity or a 16178
private nonprofit entity for that entity to inspect and certify 16179
type B family day-care homes pursuant to this section. The county 16180
department of job and family services, government entity, or 16181
nonprofit entity shall conduct the inspection prior to the 16182
issuance of a certificate for the type B home and, as part of that 16183
inspection, ensure that the type B home is safe and sanitary. 16184

(3)(a) On receipt of an application for certification for a 16185
type B family day-care home to provide publicly funded child care 16186
or for renewal of such certification, the county department shall 16187
request from both of the following information concerning any 16188
~~abuse or neglect~~ report of an act or omission that indicates that 16189
a child is a child in need of protective services made pursuant to 16190
section 2151.421 of the Revised Code of which the applicant, any 16191
other adult residing in the applicant's home, or a person 16192
designated by the applicant to be an emergency or substitute 16193
caregiver for the applicant is the subject: 16194

(i) The public children services agency, until the county 16195
department is notified by the department of job and family 16196
services that the uniform statewide automated child welfare 16197
information system has been finalized statewide; 16198

(ii) Upon receipt of notification under division (D) of 16199
section 5101.13 of the Revised Code that the uniform statewide 16200
automated child welfare information system has been implemented 16201
statewide, the uniform statewide automated child welfare 16202
information system via the department. 16203

(b) The county department shall consider any information 16204
provided by the agency or the department pursuant to section 16205
5153.175 of the Revised Code. If the county department determines 16206
that the information, when viewed within the totality of the 16207
circumstances, reasonably leads to the conclusion that the 16208
applicant may directly or indirectly endanger the health, safety, 16209

or welfare of children, the county department shall deny the 16210
application for certification or renewal of certification, or 16211
revoke the certification of an authorized provider. 16212

(c) As used in division (A)(3) of this section, "public 16213
children services agency" means either an entity separate from the 16214
county department or the part of the county department that serves 16215
as the county's public children services agency, as appropriate. 16216

(4) Except as provided in division (A)(5) of this section, an 16217
authorized provider of a type B family day-care home that receives 16218
a certificate pursuant to this section to provide publicly funded 16219
child care is an independent contractor and is not an employee of 16220
the county department of job and family services that issues the 16221
certificate. 16222

(5) For purposes of Chapter 4141. of the Revised Code, 16223
determinations concerning the employment of an authorized provider 16224
of a type B family day-care home that receives a certificate 16225
pursuant to this section shall be determined under Chapter 4141. 16226
of the Revised Code. 16227

(B) If the county director of job and family services 16228
determines that the type B family day-care home complies with this 16229
chapter and any rules adopted under it, the county director shall 16230
issue to the provider a certificate to provide publicly funded 16231
child care, which certificate is valid for twelve months, unless 16232
revoked earlier. The county director may revoke the certificate 16233
after determining that revocation is necessary. The authorized 16234
provider shall post the certificate in a conspicuous place in the 16235
certified type B home that is accessible to parents, custodians, 16236
or guardians at all times. The certificate shall state the name 16237
and address of the authorized provider, the maximum number of 16238
children who may be cared for at any one time in the certified 16239
type B home, the expiration date of the certification, and the 16240
name and telephone number of the county director who issued the 16241

certificate. 16242

(C)(1) The county director shall inspect every certified type 16243
B family day-care home at least twice within each twelve-month 16244
period of the operation of the certified type B home. A minimum of 16245
one inspection shall be unannounced and all inspections may be 16246
unannounced. Upon receipt of a complaint, the county director 16247
shall investigate the certified type B home, and division (C)(2) 16248
of this section applies regarding the complaint. The authorized 16249
provider shall permit the county director to inspect any part of 16250
the certified type B home. The county director shall prepare a 16251
written inspection report and furnish one copy to the authorized 16252
provider within a reasonable time after the inspection. 16253

(2) Upon receipt of a complaint as described in division 16254
(C)(1) of this section, in addition to the investigation that is 16255
required under that division, both of the following apply: 16256

(a) If the complaint alleges that a child suffered physical 16257
harm while receiving child care at the certified type B family 16258
day-care home or that the noncompliance with law or act alleged in 16259
the complaint involved, resulted in, or poses a substantial risk 16260
of physical harm to a child receiving child care at the home, the 16261
county director shall inspect the home. 16262

(b) If division (C)(2)(a) of this section does not apply 16263
regarding the complaint, the county director may inspect the 16264
certified type B family day-care home. 16265

(3) Division (C)(2) of this section does not limit, restrict, 16266
or negate any duty of the county director to inspect a certified 16267
type B family day-care home that otherwise is imposed under this 16268
section, or any authority of the county director to inspect a home 16269
that otherwise is granted under this section when the county 16270
director believes the inspection is necessary and it is permitted 16271
under the grant. 16272

(D) The county director of job and family services, in 16273
accordance with rules adopted pursuant to section 5104.052 of the 16274
Revised Code regarding fire safety and fire prevention, shall 16275
inspect each type B home that applies to be certified that is 16276
providing or is to provide publicly funded child care. 16277

(E) All materials that are supplied by the department of job 16278
and family services to type A family day-care home providers, type 16279
B family day-care home providers, in-home aides, persons who 16280
desire to be type A family day-care home providers, type B family 16281
day-care home providers, or in-home aides, and caretaker parents 16282
shall be written at no higher than the sixth grade reading level. 16283
The department may employ a readability expert to verify its 16284
compliance with this division. 16285

Sec. 5107.02. As used in this chapter: 16286

(A) "Adult" means an individual who is not a minor child. 16287

(B) "Assistance group" means a group of individuals treated 16288
as a unit for purposes of determining eligibility for and the 16289
amount of assistance provided under Ohio works first. 16290

(C) "Custodian" means an individual who has legal custody, as 16291
defined in section ~~2151.011~~ 2151.03 of the Revised Code, of a 16292
minor child or comparable status over a minor child created by a 16293
court of competent jurisdiction in another state. 16294

(D) "Domestic violence" means being subjected to any of the 16295
following: 16296

(1) Physical acts that resulted in, or threatened to result 16297
in, physical injury to the individual; 16298

(2) Sexual abuse; 16299

(3) Sexual activity involving a dependent child; 16300

(4) Being forced as the caretaker relative of a dependent 16301

child to engage in nonconsensual sexual acts or activities;	16302
(5) Threats of, or attempts at, physical or sexual abuse;	16303
(6) Mental abuse;	16304
(7) Neglect or deprivation of medical care.	16305
(E) "Guardian" means an individual that is granted authority	16306
by a probate court pursuant to Chapter 2111. of the Revised Code,	16307
or a court of competent jurisdiction in another state, to exercise	16308
parental rights over a minor child to the extent provided in the	16309
court's order and subject to residual parental rights of the minor	16310
child's parents.	16311
(F) "LEAP program" means the learning, earning, and parenting	16312
program conducted under section 5107.30 of the Revised Code.	16313
	16314
(G) "Minor child" means either of the following:	16315
(1) An individual who has not attained age eighteen;	16316
(2) An individual who has not attained age nineteen and is a	16317
full-time student in a secondary school or in the equivalent level	16318
of vocational or technical training.	16319
(H) "Minor head of household" means a minor child who is	16320
either of the following:	16321
(1) Is married, at least six months pregnant, and a member of	16322
an assistance group that does not include an adult;	16323
(2) Is married and is a parent of a child included in the	16324
same assistance group that does not include an adult.	16325
(I) "Ohio works first" means the program established by this	16326
chapter known as temporary assistance for needy families in Title	16327
IV-A.	16328
(J) "Payment standard" means the amount specified in rules	16329
adopted under section 5107.05 of the Revised Code that is the	16330

maximum amount of cash assistance an assistance group may receive 16331
under Ohio works first from state and federal funds. 16332

(K) "Specified relative" means the following individuals who 16333
are age eighteen or older: 16334

(1) The following individuals related by blood or adoption: 16335

(a) Grandparents, including grandparents with the prefix 16336
"great," "great-great," or "great-great-great"; 16337

(b) Siblings; 16338

(c) Aunts, uncles, nephews, and nieces, including such 16339
relatives with the prefix "great," "great-great," "grand," or 16340
"great-grand"; 16341

(d) First cousins and first cousins once removed. 16342

(2) Stepparents and stepsiblings; 16343

(3) Spouses and former spouses of individuals named in 16344
division (K)(1) or (2) of this section. 16345

(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title 16346
IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 16347
301, as amended. 16348

Sec. 5107.10. (A) As used in this section: 16349

(1) "Countable income," "gross earned income," and "gross 16350
unearned income" have the meanings established in rules adopted 16351
under section 5107.05 of the Revised Code. 16352

(2) "Federal poverty guidelines" has the same meaning as in 16353
section 5101.46 of the Revised Code, except that references to a 16354
person's family in the definition shall be deemed to be references 16355
to the person's assistance group. 16356

(3) "Gross income" means gross earned income and gross 16357
unearned income. 16358

(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment.

(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code.

(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements:

(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following:

(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives

supplemental security income or federal, state, or local foster care or adoption assistance; 16390
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(d) A woman at least six months pregnant. 16392

(2) The assistance group must meet the income requirements established by division (D) of this section. 16393
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(3) No member of the assistance group may be involved in a strike. 16395
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(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and sections 5101.58, 5101.59, and 5101.83 of the Revised Code. 16397
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(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code. 16400
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(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following: 16403
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(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17 and 5117.10 of the Revised Code require be disregarded. The assistance group is ineligible to participate in Ohio works first if the assistance group's gross income, less the amounts disregarded, exceeds fifty per cent of the federal poverty guidelines. 16407
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(b) If the assistance group's gross income, less the amounts disregarded pursuant to division (D)(1)(a) of this section, does not exceed fifty per cent of the federal poverty guidelines, determine whether the assistance group's countable income is less 16416
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than the payment standard. The assistance group is ineligible to 16420
participate in Ohio works first if the assistance group's 16421
countable income equals or exceeds the payment standard. 16422

(2) For the purpose of determining whether an assistance 16423
group meets the income requirement established by division 16424
(D)(1)(a) of this section, the annual revision that the United 16425
States department of health and human services makes to the 16426
federal poverty guidelines shall go into effect on the first day 16427
of July of the year for which the revision is made. 16428

(3) To determine whether an assistance group participating in 16429
Ohio works first continues to be eligible to participate, a county 16430
department of job and family services shall determine whether the 16431
assistance group's countable income continues to be less than the 16432
payment standard. In making this determination, the county 16433
department shall disregard the first two hundred fifty dollars and 16434
fifty per cent of the remainder of the assistance group's gross 16435
earned income. No amounts shall be disregarded from the assistance 16436
group's gross unearned income. The assistance group ceases to be 16437
eligible to participate in Ohio works first if its countable 16438
income, less the amounts disregarded, equals or exceeds the 16439
payment standard. 16440

(4) If an assistance group reapplies to participate in Ohio 16441
works first not more than four months after ceasing to 16442
participate, a county department of job and family services shall 16443
use the income requirement established by division (D)(3) of this 16444
section to determine eligibility for resumed participation rather 16445
than the income requirement established by division (D)(1) of this 16446
section. 16447

(E)(1) An assistance group may continue to participate in 16448
Ohio works first even though a public children services agency 16449
removes the assistance group's minor children from the assistance 16450
group's home due to ~~abuse, neglect, or dependency~~ the children 16451

being children in need of protective services if the agency does 16452
both of the following: 16453

(a) Notifies the county department of job and family services 16454
at the time the agency removes the children that it believes the 16455
children will be able to return to the assistance group within six 16456
months; 16457

(b) Informs the county department at the end of each of the 16458
first five months after the agency removes the children that the 16459
parent, guardian, custodian, or specified relative of the children 16460
is cooperating with the case plans prepared for the children under 16461
section 2151.412 of the Revised Code and that the agency is making 16462
reasonable efforts to return the children to the assistance group. 16463

(2) An assistance group may continue to participate in Ohio 16464
works first pursuant to division (E)(1) of this section for not 16465
more than six payment months. This division does not affect the 16466
eligibility of an assistance group that includes a woman at least 16467
six months pregnant. 16468

Sec. 5111.88. (A) As used in sections 5111.88 to 5111.8811 of 16469
the Revised Code: 16470

(1) "Adult" means an individual at least eighteen years of 16471
age. 16472

(2) "Authorized representative" means the following: 16473

(a) In the case of a consumer who is a minor, the consumer's 16474
parent, custodian, or guardian; 16475

(b) In the case of a consumer who is an adult, an individual 16476
selected by the consumer pursuant to section 5111.8810 of the 16477
Revised Code to act on the consumer's behalf for purposes 16478
regarding home care attendant services. 16479

(3) "Authorizing health care professional" means a health 16480
care professional who, pursuant to section 5111.887 of the Revised 16481

Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both. 16482
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(4) "Consumer" means an individual to whom all of the following apply: 16484
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(a) The individual is enrolled in a participating medicaid waiver component. 16486
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(b) The individual has a medically determinable physical impairment to which both of the following apply: 16488
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(i) It is expected to last for a continuous period of not less than twelve months. 16490
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(ii) It causes the individual to require assistance with activities of daily living, self-care, and mobility, including either assistance with self-administration of medication or the performance of nursing tasks, or both. 16492
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(c) In the case of an individual who is an adult, the individual is mentally alert and is, or has an authorized representative who is, capable of selecting, directing the actions of, and dismissing a home care attendant. 16496
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(d) In the case of an individual who is a minor, the individual has an authorized representative who is capable of selecting, directing the actions of, and dismissing a home care attendant. 16500
16501
16502
16503

(5) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 16504
16505

(6) "Custodian" has the same meaning as in section ~~2151.011~~ 2151.03 of the Revised Code. 16506
16507

(7) "Gastrostomy tube" means a percutaneously inserted catheter that terminates in the stomach. 16508
16509

(8) "Guardian" has the same meaning as in section 2111.01 of the Revised Code. 16510
16511

- (9) "Health care professional" means a physician or registered nurse. 16512
16513
- (10) "Home care attendant" means an individual holding a valid medicaid provider agreement in accordance with section 5111.881 of the Revised Code that authorizes the individual to provide home care attendant services to consumers. 16514
16515
16516
16517
- (11) "Home care attendant services" means all of the following as provided by a home care attendant: 16518
16519
- (a) Personal care aide services; 16520
- (b) Assistance with the self-administration of medication; 16521
- (c) Assistance with nursing tasks. 16522
- (12) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum. 16523
16524
- (13) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code. 16525
16526
- (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code. 16527
16528
- (15) "Minor" means an individual under eighteen years of age. 16529
- (16) "Participating medicaid waiver component" means both of the following: 16530
16531
- (a) The medicaid waiver component known as Ohio home care that the department of job and family services administers; 16532
16533
- (b) The medicaid waiver component known as Ohio transitions II aging carve-out that the department of job and family services administers. 16534
16535
16536
- (17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 16537
16538
16539
- (18) "Practice of nursing as a registered nurse," "practice 16540

of nursing as a licensed practical nurse," and "registered nurse" 16541
have the same meanings as in section 4723.01 of the Revised Code. 16542
"Registered nurse" includes an advanced practice nurse, as defined 16543
in section 4723.01 of the Revised Code. 16544

(19) "Schedule II," "schedule III," "schedule IV," and 16545
"schedule V" have the same meanings as in section 3719.01 of the 16546
Revised Code. 16547

(B) The director of job and family services may submit 16548
requests to the United States secretary of health and human 16549
services to amend the federal medicaid waivers authorizing the 16550
participating medicaid waiver components to have those components 16551
cover home care attendant services in accordance with sections 16552
5111.88 to 5111.8810 and rules adopted under section 5111.8811 of 16553
the Revised Code. Notwithstanding sections 5111.881 to 5111.8811 16554
of the Revised Code, those sections shall be implemented regarding 16555
a participating medicaid waiver component only if the secretary 16556
approves a waiver amendment for the component. 16557

Sec. 5120.173. Any person who is required to report ~~abuse an~~ 16558
act or neglect of omission that indicates that a child under 16559
eighteen years of age is a child in need of protective services 16560
that is reasonably suspected or believed to have occurred or the 16561
threat of which is reasonably suspected or believed to exist 16562
pursuant to division (A) of section 2151.421 of the Revised Code, 16563
any person who is permitted to report or cause a report to be made 16564
of reasonably suspected ~~abuse acts or neglect of omissions that~~ 16565
indicate that a child under eighteen years of age is a child in 16566
need of protective services pursuant to division (B) of that 16567
section, any person who is required to report suspected abuse or 16568
neglect of a person with mental retardation or a developmental 16569
disability pursuant to division (C) of section 5123.61 of the 16570
Revised Code, and any person who is permitted to report suspected 16571

abuse or neglect of a person with mental retardation or a 16572
developmental disability pursuant to division (F) of that section 16573
and who makes or causes the report to be made, shall direct that 16574
report to the state highway patrol if the child or the person with 16575
mental retardation or a developmental disability is an inmate in 16576
the custody of a state correctional institution. If the state 16577
highway patrol determines after receipt of the report that it is 16578
probable that an act or omission that indicates that a child is a 16579
child in need of protective services or that abuse or neglect of 16580
the inmate occurred, the patrol shall report its findings to the 16581
department of rehabilitation and correction, to the court that 16582
sentenced the inmate for the offense for which the inmate is in 16583
the custody of the department, and to the chairperson and 16584
vice-chairperson of the correctional institution inspection 16585
committee established by section 103.71 of the Revised Code. 16586

Sec. 5122.39. (A) Mentally ill minors shall remain under the 16587
natural guardianship of their parents, notwithstanding 16588
hospitalization pursuant to this chapter, unless parental rights 16589
have been terminated pursuant to a court finding that the minor is 16590
~~neglected or dependent~~ a child in need of protective services due 16591
to lacking necessary health care as determined in accordance with 16592
section 2151.035 of the Revised Code, lacking legally required 16593
education as determined in accordance with section 2151.036 of the 16594
Revised Code, or lacking necessary care or supervision as 16595
determined in accordance with section 2151.037 of the Revised 16596
Code. Where a mentally ill minor is found to be ~~dependent or~~ 16597
~~neglected~~ such a child in need of protective services, the public 16598
children's services agency in the county of residence has final 16599
guardianship authority and responsibility. 16600

(B) In no case shall the guardianship of a mentally ill 16601
person be assigned to the chief medical officer or any staff 16602
member of a hospital, board, or agency from which the person is 16603

receiving mental health services. 16604

Sec. 5123.93. Minors with mental retardation shall remain 16605
under the guardianship of their parents or of a guardian appointed 16606
pursuant to Chapter 2111. of the Revised Code, notwithstanding 16607
institutionalization pursuant to any section of this chapter, 16608
unless parental rights have been terminated pursuant to a court 16609
finding that the child is ~~neglected, abused, or dependent~~ a child 16610
in need of protective services pursuant to Chapter 2151. of the 16611
Revised Code. If a minor with mental retardation has been found to 16612
be ~~dependent, abused, or neglected~~ a child in need of protective 16613
services, the public children services agency to whom permanent 16614
custody has been assigned pursuant to Chapter 2151. of the Revised 16615
Code shall have the same authority and responsibility it would 16616
have if the child were not mentally retarded and were not 16617
institutionalized. In no case shall the guardianship of a person 16618
with mental retardation be assigned to the managing officer or any 16619
other employee of an institution in which the person is 16620
institutionalized, or be assigned, unless there is a relationship 16621
by blood or marriage or unless the service is a protective service 16622
as defined in section 5123.55 of the Revised Code, to a person or 16623
agency who provides services to the person with mental 16624
retardation. 16625

Sec. 5139.05. (A) The juvenile court may commit any child to 16626
the department of youth services as authorized in Chapter 2152. of 16627
the Revised Code, provided that any child so committed shall be at 16628
least ten years of age at the time of the child's delinquent act, 16629
and, if the child is ten or eleven years of age, the delinquent 16630
act is a violation of section 2909.03 of the Revised Code or would 16631
be aggravated murder, murder, or a first or second degree felony 16632
offense of violence if committed by an adult. Any order to commit 16633
a child to an institution under the control and management of the 16634

department shall have the effect of ordering that the child be committed to the department and assigned to an institution as follows:

(1) For an indefinite term consisting of the prescribed minimum period specified by the court under division (A)(1) of section 2152.16 of the Revised Code and a maximum period not to exceed the child's attainment of twenty-one years of age, if the child was committed pursuant to section 2152.16 of the Revised Code;

(2) Until the child's attainment of twenty-one years of age, if the child was committed for aggravated murder or murder pursuant to section 2152.16 of the Revised Code;

(3) For a period of commitment that shall be in addition to, and shall be served consecutively with and prior to, a period of commitment described in division (A)(1) or (2) of this section, if the child was committed pursuant to section 2152.17 of the Revised Code;

(4) If the child is ten or eleven years of age, to an institution, a residential care facility, a residential facility, or a facility licensed by the department of job and family services that the department of youth services considers best designated for the training and rehabilitation of the child and protection of the public. The child shall be housed separately from children who are twelve years of age or older until the child is released or discharged or until the child attains twelve years of age, whichever occurs first. Upon the child's attainment of twelve years of age, if the child has not been released or discharged, the department is not required to house the child separately.

(B)(1) Except as otherwise provided in section 5139.54 of the Revised Code, the release authority of the department of youth

services, in accordance with section 5139.51 of the Revised Code 16666
and at any time after the end of the minimum period specified 16667
under division (A)(1) of section 2152.16 of the Revised Code, may 16668
grant the release from custody of any child committed to the 16669
department. 16670

The order committing a child to the department of youth 16671
services shall state that the child has been adjudicated a 16672
delinquent child and state the minimum period. The jurisdiction of 16673
the court terminates at the end of the minimum period except as 16674
follows: 16675

(a) In relation to judicial release procedures, supervision, 16676
and violations; 16677

(b) With respect to functions of the court related to the 16678
revocation of supervised release that are specified in sections 16679
5139.51 and 5139.52 of the Revised Code; 16680

(c) In relation to its duties relating to serious youthful 16681
offender dispositional sentences under sections 2152.13 and 16682
2152.14 of the Revised Code. 16683

(2) When a child has been committed to the department under 16684
section 2152.16 of the Revised Code, the department shall retain 16685
legal custody of the child until one of the following: 16686

(a) The department discharges the child to the exclusive 16687
management, control, and custody of the child's parent or the 16688
guardian of the child's person or, if the child is eighteen years 16689
of age or older, discharges the child. 16690

(b) The committing court, upon its own motion, upon petition 16691
of the parent, guardian of the person, or next friend of a child, 16692
or upon petition of the department, terminates the department's 16693
legal custody of the child. 16694

(c) The committing court grants the child a judicial release 16695

to court supervision under section 2152.22 of the Revised Code. 16696

(d) The department's legal custody of the child is terminated 16697
automatically by the child attaining twenty-one years of age. 16698

(e) If the child is subject to a serious youthful offender 16699
dispositional sentence, the adult portion of that dispositional 16700
sentence is imposed under section 2152.14 of the Revised Code. 16701

(C) When a child is committed to the department of youth 16702
services, the department may assign the child to a hospital for 16703
mental, physical, and other examination, inquiry, or treatment for 16704
the period of time that is necessary. The department may remove 16705
any child in its custody to a hospital for observation, and a 16706
complete report of every observation at the hospital shall be made 16707
in writing and shall include a record of observation, treatment, 16708
and medical history and a recommendation for future treatment, 16709
custody, and maintenance. The department shall thereupon order the 16710
placement and treatment that it determines to be most conducive to 16711
the purposes of Chapters 2151. and 5139. of the Revised Code. The 16712
committing court and all public authorities shall make available 16713
to the department all pertinent data in their possession with 16714
respect to the case. 16715

(D) Records maintained by the department of youth services 16716
pertaining to the children in its custody shall be accessible only 16717
to department employees, except by consent of the department, upon 16718
the order of the judge of a court of record, or as provided in 16719
divisions (D)(1) and (2) of this section. These records shall not 16720
be considered "public records," as defined in section 149.43 of 16721
the Revised Code. 16722

(1) Except as otherwise provided by a law of this state or 16723
the United States, the department of youth services may release 16724
records that are maintained by the department of youth services 16725
and that pertain to children in its custody to the department of 16726

rehabilitation and correction regarding persons who are under the 16727
jurisdiction of the department of rehabilitation and correction 16728
and who have previously been committed to the department of youth 16729
services. The department of rehabilitation and correction may use 16730
those records for the limited purpose of carrying out the duties 16731
of the department of rehabilitation and correction. Records 16732
released by the department of youth services to the department of 16733
rehabilitation and correction shall remain confidential and shall 16734
not be considered public records as defined in section 149.43 of 16735
the Revised Code. 16736

(2) The department of youth services shall provide to the 16737
superintendent of the school district in which a child discharged 16738
or released from the custody of the department is entitled to 16739
attend school under section 3313.64 or 3313.65 of the Revised Code 16740
the records described in divisions (D)(4)(a) to (d) of section 16741
2152.18 of the Revised Code. Subject to the provisions of section 16742
3319.321 of the Revised Code and the Family Educational Rights and 16743
Privacy Act, 20 U.S.C. 1232g, as amended, the records released to 16744
the superintendent shall remain confidential and shall not be 16745
considered public records as defined in section 149.43 of the 16746
Revised Code. 16747

(E)(1) When a child is committed to the department of youth 16748
services, the department, orally or in writing, shall notify the 16749
parent, guardian, or custodian of a child that the parent, 16750
guardian, or custodian may request at any time from the 16751
superintendent of the institution in which the child is located 16752
any of the information described in divisions (E)(1)(a), (b), (c), 16753
and (d) of this section. The parent, guardian, or custodian may 16754
provide the department with the name, address, and telephone 16755
number of the parent, guardian, or custodian, and, until the 16756
department is notified of a change of name, address, or telephone 16757
number, the department shall use the name, address, and telephone 16758

number provided by the parent, guardian, or custodian to provide 16759
notices or answer inquiries concerning the following information: 16760

(a) When the department of youth services makes a permanent 16761
assignment of the child to a facility, the department, orally or 16762
in writing and on or before the third business day after the day 16763
the permanent assignment is made, shall notify the parent, 16764
guardian, or custodian of the child of the name of the facility to 16765
which the child has been permanently assigned. 16766

If a parent, guardian, or custodian of a child who is 16767
committed to the department of youth services requests, orally or 16768
in writing, the department to provide the parent, guardian, or 16769
custodian with the name of the facility in which the child is 16770
currently located, the department, orally or in writing and on or 16771
before the next business day after the day on which the request is 16772
made, shall provide the name of that facility to the parent, 16773
guardian, or custodian. 16774

(b) If a parent, guardian, or custodian of a child who is 16775
committed to the department of youth services, orally or in 16776
writing, asks the superintendent of the institution in which the 16777
child is located whether the child is being disciplined by the 16778
personnel of the institution, what disciplinary measure the 16779
personnel of the institution are using for the child, or why the 16780
child is being disciplined, the superintendent or the 16781
superintendent's designee, on or before the next business day 16782
after the day on which the request is made, shall provide the 16783
parent, guardian, or custodian with written or oral responses to 16784
the questions. 16785

(c) If a parent, guardian, or custodian of a child who is 16786
committed to the department of youth services, orally or in 16787
writing, asks the superintendent of the institution in which the 16788
child is held whether the child is receiving any medication from 16789
personnel of the institution, what type of medication the child is 16790

receiving, or what condition of the child the medication is 16791
intended to treat, the superintendent or the superintendent's 16792
designee, on or before the next business day after the day on 16793
which the request is made, shall provide the parent, guardian, or 16794
custodian with oral or written responses to the questions. 16795

(d) When a major incident occurs with respect to a child who 16796
is committed to the department of youth services, the department, 16797
as soon as reasonably possible after the major incident occurs, 16798
shall notify the parent, guardian, or custodian of the child that 16799
a major incident has occurred with respect to the child and of all 16800
the details of that incident that the department has ascertained. 16801

(2) The failure of the department of youth services to 16802
provide any notification required by or answer any requests made 16803
pursuant to division (E) of this section does not create a cause 16804
of action against the state. 16805

(F) The department of youth services, as a means of 16806
punishment while the child is in its custody, shall not prohibit a 16807
child who is committed to the department from seeing that child's 16808
parent, guardian, or custodian during standard visitation periods 16809
allowed by the department of youth services unless the 16810
superintendent of the institution in which the child is held 16811
determines that permitting that child to visit with the child's 16812
parent, guardian, or custodian would create a safety risk to that 16813
child, that child's parents, guardian, or custodian, the personnel 16814
of the institution, or other children held in that institution. 16815

(G) As used in this section: 16816

(1) "Permanent assignment" means the assignment or transfer 16817
for an extended period of time of a child who is committed to the 16818
department of youth services to a facility in which the child will 16819
receive training or participate in activities that are directed 16820
toward the child's successful rehabilitation. "Permanent 16821

assignment" does not include the transfer of a child to a facility 16822
for judicial release hearings pursuant to section 2152.22 of the 16823
Revised Code or for any other temporary assignment or transfer to 16824
a facility. 16825

(2) "Major incident" means the escape or attempted escape of 16826
a child who has been committed to the department of youth services 16827
from the facility to which the child is assigned; the return to 16828
the custody of the department of a child who has escaped or 16829
otherwise fled the custody and control of the department without 16830
authorization; the allegation of any sexual activity with a child 16831
committed to the department; physical injury to a child committed 16832
to the department as a result of alleged abuse by department 16833
staff; an accident resulting in injury to a child committed to the 16834
department that requires medical care or treatment outside the 16835
institution in which the child is located; the discovery of a 16836
controlled substance upon the person or in the property of a child 16837
committed to the department; a suicide attempt by a child 16838
committed to the department; a suicide attempt by a child 16839
committed to the department that results in injury to the child 16840
requiring emergency medical services outside the institution in 16841
which the child is located; the death of a child committed to the 16842
department; an injury to a visitor at an institution under the 16843
control of the department that is caused by a child committed to 16844
the department; and the commission or suspected commission of an 16845
act by a child committed to the department that would be an 16846
offense if committed by an adult. 16847

(3) "Sexual activity" has the same meaning as in section 16848
2907.01 of the Revised Code. 16849

(4) "Controlled substance" has the same meaning as in section 16850
3719.01 of the Revised Code. 16851

(5) "Residential care facility" and "residential facility" 16852
have the same meanings as in section ~~2151.01~~ 2151.03 of the 16853

Revised Code. 16854

Sec. 5153.122. Each PCSA caseworker hired after January 1, 16855
2007, shall complete at least one hundred two hours of in-service 16856
training during the first year of the caseworker's continuous 16857
employment as a PCSA caseworker, except that the executive 16858
director of the public children services agency may waive the 16859
training requirement for a school of social work graduate who 16860
participated in the university partnership program described in 16861
division (E) of section 5101.141 of the Revised Code. The training 16862
shall consist of courses in all of the following: 16863

(A) Recognizing~~g~~ and accepting reports that a child is in 16864
need of protective services and preventing circumstances that 16865
could result in a child abuse, neglect, and dependency being in 16866
need of protective services; 16867

(B) Assessing child safety; 16868

(C) Assessing risks; 16869

(D) Interviewing persons; 16870

(E) Investigating cases; 16871

(F) Intervening; 16872

(G) Providing services to children and their families; 16873

(H) The importance of and need for accurate data; 16874

(I) Preparation for court; 16875

(J) Maintenance of case record information; 16876

(K) The legal duties of PCSA caseworkers to protect the 16877
constitutional and statutory rights of children and families from 16878
the initial time of contact during investigation through 16879
treatment, including instruction regarding parents' rights and the 16880
limitations that the Fourth Amendment to the United States 16881
Constitution places upon caseworkers and their investigations; 16882

(L) Content on other topics relevant to ~~child abuse, neglect, and dependency~~ children in need of protective services, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies. 16883
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After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties. 16887
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During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to a child abuse being in need of protective services as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment. 16891
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Sec. 5153.123. Each PCSA caseworker supervisor shall complete at least sixty hours of in-service training during the first year of the supervisor's continuous employment as a PCSA caseworker supervisor. The training shall include courses in screening reports ~~of that a child abuse, neglect, or dependency is in need of protective services~~. After a PCSA caseworker supervisor's first year of continuous employment as a PCSA caseworker supervisor, the supervisor annually shall complete thirty hours of training in areas relevant to the supervisor's assigned duties. During the first two years of continuous employment as a PCSA caseworker supervisor, each PCSA caseworker supervisor shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to a child abuse being in 16901
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need of protective services as established in rules the director 16914
of job and family services shall adopt pursuant to Chapter 119. of 16915
the Revised Code. The twelve hours may be in addition to the 16916
training required during the supervisor's first year of employment 16917
or part of the training required during the second year of 16918
employment. 16919

Sec. 5153.16. (A) Except as provided in section 2151.422 of 16920
the Revised Code, in accordance with rules adopted under section 16921
5153.166 of the Revised Code, and on behalf of children in the 16922
county whom the public children services agency considers to be in 16923
need of public care or protective services, the public children 16924
services agency shall do all of the following: 16925

(1) Make an investigation concerning any child alleged to be 16926
~~an abused, neglected, or dependent~~ a child in need of protective 16927
services; 16928

(2) Enter into agreements with the parent, guardian, or other 16929
person having legal custody of any child, or with the department 16930
of job and family services, department of mental health, 16931
department of developmental disabilities, other department, any 16932
certified organization within or outside the county, or any agency 16933
or institution outside the state, having legal custody of any 16934
child, with respect to the custody, care, or placement of any 16935
child, or with respect to any matter, in the interests of the 16936
child, provided the permanent custody of a child shall not be 16937
transferred by a parent to the public children services agency 16938
without the consent of the juvenile court; 16939

(3) Accept custody of children committed to the public 16940
children services agency by a court exercising juvenile 16941
jurisdiction; 16942

(4) Provide such care as the public children services agency 16943
considers to be in the best interests of any child adjudicated to 16944

be an ~~abused, neglected, or dependent~~ a child the agency finds to 16945
be in need of ~~public care or service~~ protective services; 16946

(5) Provide social services to any unmarried girl adjudicated 16947
to be an ~~abused, neglected, or dependent~~ a child in need of 16948
protective services who is pregnant with or has been delivered of 16949
a child; 16950

(6) Make available to the bureau for children with medical 16951
handicaps of the department of health at its request any 16952
information concerning a crippled child found to be in need of 16953
treatment under sections 3701.021 to 3701.028 of the Revised Code 16954
who is receiving services from the public children services 16955
agency; 16956

(7) Provide temporary emergency care for any child considered 16957
by the public children services agency to be in need of such care, 16958
without agreement or commitment; 16959

(8) Find certified foster homes, within or outside the 16960
county, for the care of children, including handicapped children 16961
from other counties attending special schools in the county; 16962

(9) Subject to the approval of the board of county 16963
commissioners and the state department of job and family services, 16964
establish and operate a training school or enter into an agreement 16965
with any municipal corporation or other political subdivision of 16966
the county respecting the operation, acquisition, or maintenance 16967
of any children's home, training school, or other institution for 16968
the care of children maintained by such municipal corporation or 16969
political subdivision; 16970

(10) Acquire and operate a county children's home, establish, 16971
maintain, and operate a receiving home for the temporary care of 16972
children, or procure certified foster homes for this purpose; 16973

(11) Enter into an agreement with the trustees of any 16974
district children's home, respecting the operation of the district 16975

children's home in cooperation with the other county boards in the 16976
district; 16977

(12) Cooperate with, make its services available to, and act 16978
as the agent of persons, courts, the department of job and family 16979
services, the department of health, and other organizations within 16980
and outside the state, in matters relating to the welfare of 16981
children, except that the public children services agency shall 16982
not be required to provide supervision of or other services 16983
related to the exercise of parenting time rights granted pursuant 16984
to section 3109.051 or 3109.12 of the Revised Code or 16985
companionship or visitation rights granted pursuant to section 16986
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 16987
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 16988
a common pleas court, pursuant to division (E)(6) of section 16989
3113.31 of the Revised Code, requires the provision of supervision 16990
or other services related to the exercise of the parenting time 16991
rights or companionship or visitation rights; 16992

(13) Make investigations at the request of any superintendent 16993
of schools in the county or the principal of any school concerning 16994
the application of any child adjudicated to be ~~an abused,~~ 16995
~~neglected, or dependent~~ a child in need of protective services for 16996
release from school, where such service is not provided through a 16997
school attendance department; 16998

(14) Administer funds provided under Title IV-E of the 16999
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 17000
amended, in accordance with rules adopted under section 5101.141 17001
of the Revised Code; 17002

(15) In addition to administering Title IV-E adoption 17003
assistance funds, enter into agreements to make adoption 17004
assistance payments under section 5153.163 of the Revised Code; 17005

(16) Implement a system of safety and risk assessment, in 17006

accordance with rules adopted by the director of job and family 17007
services, to assist the public children services agency in 17008
determining the risk of ~~abuse or neglect~~ to a child becoming a 17009
child in need of protective services; 17010

(17) Enter into a plan of cooperation with the board of 17011
county commissioners under section 307.983 of the Revised Code and 17012
comply with each fiscal agreement the board enters into under 17013
section 307.98 of the Revised Code that include family services 17014
duties of public children services agencies and contracts the 17015
board enters into under sections 307.981 and 307.982 of the 17016
Revised Code that affect the public children services agency; 17017

(18) Make reasonable efforts to prevent the removal of an 17018
alleged or adjudicated ~~abused, neglected, or dependent~~ child in 17019
need of protective services from the child's home, eliminate the 17020
continued removal of the child from the child's home, or make it 17021
possible for the child to return home safely, except that 17022
reasonable efforts of that nature are not required when a court 17023
has made a determination under division (A)(2) of section 2151.419 17024
of the Revised Code; 17025

(19) Make reasonable efforts to place the child in a timely 17026
manner in accordance with the permanency plan approved under 17027
division (E) of section 2151.417 of the Revised Code and to 17028
complete whatever steps are necessary to finalize the permanent 17029
placement of the child; 17030

(20) Administer a Title IV-A program identified under 17031
division (A)(4)(c) or (f) of section 5101.80 of the Revised Code 17032
that the department of job and family services provides for the 17033
public children services agency to administer under the 17034
department's supervision pursuant to section 5101.801 of the 17035
Revised Code; 17036

(21) Administer the kinship permanency incentive program 17037

created under section 5101.802 of the Revised Code under the supervision of the director of job and family services; (17038
17039)

(22) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code. (17040
17041)

(B) The public children services agency shall use the system implemented pursuant to division (A)(16) of this section in connection with an investigation undertaken pursuant to division (F)(1) of section 2151.421 of the Revised Code to assess both of the following: (17042
17043
17044
17045
17046)

(1) The ongoing safety of the child; (17047)

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case. (17048
17049
17050)

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following: (17051
17052
17053
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17056)

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; (17057
17058
17059
17060)

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: (17061
17062
17063)

(i) County departments of job and family services; (17064)

(ii) Boards of alcohol, drug addiction, and mental health services; (17065
17066)

(iii) County boards of developmental disabilities; (17067)

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	17068 17069
(v) Private and government providers of services;	17070
(vi) Managed care organizations and prepaid health plans.	17071
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	17072 17073 17074 17075 17076
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	17077 17078 17079 17080 17081 17082 17083 17084
Sec. 5153.171. (A) On receipt by a public children services agency of a request for the release of information about a child under eighteen years of age who was a resident of the county served by the agency at the time of death and whose death may have been caused by abuse, neglect, <u>an act or omission that would have resulted in the child being a child in need of protective services</u> , or other criminal conduct, the director of the agency immediately shall confer with the prosecuting attorney of that county. After the executive director confers with the prosecuting attorney, the following apply:	17085 17086 17087 17088 17089 17090 17091 17092 17093 17094
(1) If the prosecuting attorney intends to prosecute a person for causing the child's death, the prosecuting attorney shall determine the information described in division (A) of section	17095 17096 17097

5153.172 of the Revised Code that may be released, if any, and 17098
notify the director of the intent to prosecute and the 17099
determination of what information may be released. Except as 17100
provided in section 5153.173 of the Revised Code, on receipt of 17101
the notice, the director shall release the information the 17102
prosecutor determines may be released and no other information. 17103

(2) If the prosecuting attorney does not intend to prosecute 17104
a person for causing the death of the child, the prosecuting 17105
attorney shall notify the director that no prosecution is 17106
intended. Except as provided in section 5153.173 of the Revised 17107
Code, on receipt of the notice, the director shall release the 17108
information described in division (A) of section 5153.172 of the 17109
Revised Code. 17110

(B) A public children services agency director who releases 17111
information in accordance with this section in good faith shall 17112
not be subject to civil or criminal liability for injury, death, 17113
or loss to person or property incurred or imposed as a result of 17114
provision of the information. 17115

Sec. 5153.172. (A) Notwithstanding sections 2151.421, 17116
3701.243, 5153.17, and any other section of the Revised Code 17117
pertaining to confidentiality and unless precluded by section 17118
5153.173 of the Revised Code, the director shall disclose the 17119
following information concerning a deceased child in accordance 17120
with section 5153.171 of the Revised Code: 17121

(1) The child's name; 17122

(2) A summary report of the chronology of reports of abuse 17123
or, neglect reports, or acts or omissions that indicate that a 17124
child is in need of protective services made pursuant to section 17125
2151.421 of the Revised Code of which the child is the subject and 17126
the final disposition of the investigations of the reports or, if 17127
investigations have not been completed, the status of any 17128

investigations; 17129

(3) Services provided to or purchased for the child or to 17130
which the child was referred by a public children services agency; 17131

(4) Actions taken by a public children services agency in 17132
response to any report of abuse ~~or~~, neglect, or acts or omissions 17133
that indicate that a child is in need of protective services of 17134
which the child was the subject. 17135

(B) No person may release, pursuant to a request made under 17136
this section concerning a deceased child, the name of any person 17137
or entity that made a report or participated in making a report of 17138
child abuse or neglect or acts or omissions that indicate that a 17139
child is in need of protective services of which the child was the 17140
subject; the names of the parents or siblings of the child; the 17141
contents of any psychological, psychiatric, therapeutic, clinical, 17142
or medical reports or evaluations regarding the child; witness 17143
statements; police or other investigative reports; or any other 17144
information other than the information that may be released in 17145
accordance with this section. 17146

Sec. 5153.175. (A) Notwithstanding division (H)(1) of section 17147
2151.421, section 5153.17, and any other section of the Revised 17148
Code pertaining to confidentiality, when a public children 17149
services agency has determined that ~~child abuse or neglect~~ an act 17150
or omission that indicates that a child is a child in need of 17151
protective services occurred and that ~~abuse act~~ or neglect 17152
omission involves a person who has applied for licensure or 17153
renewal of licensure as a type A family day-care home or 17154
certification or renewal of certification as a type B family 17155
day-care home, the agency shall promptly provide to the department 17156
of job and family services or to a county department of job and 17157
family services any information the agency determines to be 17158
relevant for the purpose of evaluating the fitness of the person, 17159

including, but not limited to, both of the following: 17160

(1) A summary report of the chronology of ~~abuse and neglect~~ 17161
child in need of protective services reports made pursuant to 17162
section 2151.421 of the Revised Code of which the person is the 17163
subject where the agency determined that ~~abuse or neglect~~ an act 17164
or omission that indicates that a child is a child in need of 17165
protective services occurred and the final disposition of the 17166
investigation of the reports or, if the investigations have not 17167
been completed, the status of the investigations; 17168

(2) Any underlying documentation concerning those reports. 17169

(B) The agency shall not include in the information provided 17170
to the department or county department under division (A) of this 17171
section the name of the person or entity that made the report or 17172
participated in the making of the report ~~of child abuse or neglect~~ 17173
made pursuant to section 2151.421 of the Revised Code. 17174

(C) Upon provision of information under division (A) of this 17175
section, the agency shall notify the department or county 17176
department of both of the following: 17177

(1) That the information is confidential; 17178

(2) That unauthorized dissemination of the information is a 17179
violation of division (H)(2) of section 2151.421 of the Revised 17180
Code and any person who permits or encourages unauthorized 17181
dissemination of the information is guilty of a misdemeanor of the 17182
fourth degree pursuant to section 2151.99 of the Revised Code. 17183

Sec. 5153.52. The board of county commissioners of any county 17184
which has no county children's home may aid an incorporated 17185
children's home or other unincorporated society, whose object is 17186
the care, aid, and education of ~~neglected or~~ destitute children or 17187
children in need of protective services as a result of lacking 17188
necessary health care as determined in accordance with section 17189

2151.035 of the Revised Code, lacking legally required education 17190
as determined in accordance with section 2151.036 of the Revised 17191
Code, or lacking necessary care or supervision as determined in 17192
accordance with section 2151.037 of the Revised Code, by 17193
contributing toward the purchase of land for such home or society, 17194
the erection of buildings by it, or of additions to existing 17195
buildings, or other improvements, to an amount not to exceed 17196
twenty-five hundred dollars in any one year. 17197

The board of any such county may submit to the people of such 17198
county, under section 133.18 of the Revised Code, the question of 17199
whether bonds of such county shall be issued for the purposes of 17200
this section. If the people of such county approve the issue of 17201
bonds, the board may issue the bonds under Chapter 133. of the 17202
Revised Code, as if they were being issued for the construction of 17203
a county children's home owned by the county, and may use the 17204
proceeds of such bond issue for the purposes of and without the 17205
restriction as to amount imposed by this section. 17206

The board may contribute an amount not to exceed five hundred 17207
dollars in any one year for the purpose of keeping such property 17208
in repair. If such children's home ceases to exist, so that the 17209
property so purchased ceases to be used for the purpose of a 17210
children's home by the corporation, such county shall have a lien 17211
upon the property for the amount of money contributed for its 17212
purchase, and if such corporation fails to maintain, manage, and 17213
control such home so as to subserve the purpose of a children's 17214
home for which it was incorporated, the board may enforce such 17215
lien or, if it prefers may, upon approval of the department of job 17216
and family services, first being obtained, organize such home into 17217
a county children's home. The title to such property, where the 17218
county has contributed the whole amount of the purchase money, 17219
shall vest in and be the property of such county. 17220

Section 2. That existing sections 109.65, 109.73, 109.741, 17221
109.77, 109.79, 109.93, 121.37, 121.38, 307.021, 307.86, 340.15, 17222
2101.17, 2151.011, 2151.03, 2151.10, 2151.141, 2151.18, 2151.23, 17223
2151.24, 2151.27, 2151.28, 2151.281, 2151.282, 2151.31, 2151.312, 17224
2151.314, 2151.33, 2151.331, 2151.35, 2151.353, 2151.359, 17225
2151.3514, 2151.3517, 2151.3520, 2151.3521, 2151.3522, 2151.3523, 17226
2151.3524, 2151.3527, 2151.36, 2151.40, 2151.412, 2151.414, 17227
2151.421, 2151.423, 2151.425, 2151.426, 2151.427, 2151.428, 17228
2151.44, 2151.54, 2151.56, 2151.65, 2151.86, 2151.99, 2152.02, 17229
2152.19, 2152.71, 2301.03, 2317.01, 2317.02, 2501.02, 2710.05, 17230
2901.13, 2919.21, 2919.22, 2919.23, 2921.14, 2921.32, 2927.02, 17231
2930.01, 2945.42, 3101.01, 3107.013, 3107.034, 3107.12, 3107.161, 17232
3109.04, 3109.051, 3109.052, 3109.11, 3109.12, 3109.13, 3109.15, 17233
3109.16, 3109.17, 3109.171, 3109.172, 3109.18, 3109.46, 3109.51, 17234
3109.53, 3109.58, 3109.66, 3109.68, 3109.74, 3109.77, 3113.31, 17235
3127.01, 3127.23, 3127.38, 3301.121, 3301.54, 3301.56, 3313.64, 17236
3313.662, 3321.17, 3321.19, 3321.22, 3701.503, 3730.01, 4501.21, 17237
5101.13, 5101.28, 5101.46, 5103.04, 5103.07, 5103.12, 5103.13, 17238
5103.161, 5103.18, 5104.011, 5104.06, 5104.11, 5107.02, 5107.10, 17239
5111.88, 5120.173, 5122.39, 5123.93, 5139.05, 5153.122, 5153.123, 17240
5153.16, 5153.171, 5153.172, 5153.175, and 5153.52 and sections 17241
2151.031, 2151.04, and 2151.05 of the Revised Code are hereby 17242
repealed. 17243

Section 3. A child may be adjudicated a child in need of 17244
protective services under this act only in relation to acts and 17245
omissions committed on or after the effective date of this act. 17246
The provisions of this act that relate to children in need of 17247
protective services only apply to acts or omissions that indicate 17248
that a child is a child in need of protective services that are 17249
committed on or after the effective date of this act. In relation 17250
to acts and omissions committed prior to the effective date of 17251

this act, the law in effect prior to that date shall apply. 17252

Section 4. Not later than the effective date of this act, the 17253
Ohio Department of Job and Family Services shall begin making any 17254
changes in the Uniform Statewide Automated Child Welfare 17255
Information System established under section 5101.13 of the 17256
Revised Code that may be necessary to accommodate the changes in 17257
terminology made by Section 1 of this act relating to children in 17258
need of protective services. The Department shall complete all the 17259
necessary changes within one year after the effective date of this 17260
act. 17261

Section 5. The General Assembly, applying the principle 17262
stated in division (B) of section 1.52 of the Revised Code that 17263
amendments are to be harmonized if reasonably capable of 17264
simultaneous operation, finds that the following sections, 17265
presented in this act as composites of the sections as amended by 17266
the acts indicated, are the resulting versions of the sections in 17267
effect prior to the effective date of the sections as presented in 17268
this act: 17269

Section 109.77 of the Revised Code is presented in this act 17270
as a composite of the section as amended by both Am. Sub. H.B. 1 17271
and Sub. S.B. 79 of the 128th General Assembly. 17272

Section 121.37 of the Revised Code is presented in this act 17273
as a composite of the section as amended by both Am. Sub. H.B. 1 17274
and Sub. S.B. 79 of the 128th General Assembly. 17275

Section 2151.141 of the Revised Code is presented in this act 17276
as a composite of the section as amended by both Sub. H.B. 412 and 17277
Am. Sub. S.B. 179 of the 123rd General Assembly. 17278

Section 2151.23 of the Revised Code is presented in this act 17279
as a composite of the section as amended by both Am. Sub. H.B. 214 17280

and Am. Sub. S.B. 10 of the 127th General Assembly.	17281
Section 2151.281 of the Revised Code is presented in this act	17282
as a composite of the section as amended by both Am. Sub. S.B. 17	17283
and Am. Sub. S.B. 238 of the 126th General Assembly.	17284
Section 2151.99 of the Revised Code is presented in this act	17285
as a composite of the section as amended by both Am. Sub. S.B. 17	17286
and Sub. S.B. 137 of the 126th General Assembly.	17287
Section 2152.71 of the Revised Code is presented in this act	17288
as a composite of the section as amended by both Sub. H.B. 247 and	17289
Sub. H.B. 393 of the 124th General Assembly.	17290
Section 2901.13 of the Revised Code is presented in this act	17291
as a composite of the section as amended by both Sub. H.B. 46 and	17292
S.B. 219 of the 127th General Assembly.	17293