

**As Passed by the Senate**

**133rd General Assembly**

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**2019-2020**

**Sub. H. B. No. 8**

**Representatives Manchester, Galonski**

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

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

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**A BILL**

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

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

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

to read as follows: 10

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

(1) Place the child in protective supervision; 14

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

(a) A public children services agency; 17

(b) A private child placing agency; 18

(c) Either parent; 19

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

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

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

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

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

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

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

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

(4) Commit the child to the permanent custody of a public children services agency or private child placing agency, if the court determines in accordance with division (E) of section

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

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

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

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

relative. 97

(c) The child has been counseled on the permanent 98  
placement options available to the child, and is unwilling to 99  
accept or unable to adapt to a permanent placement. 100

(6) Order the removal from the child's home until further 101  
order of the court of the person who committed abuse as 102  
described in section 2151.031 of the Revised Code against the 103  
child, who caused or allowed the child to suffer neglect as 104  
described in section 2151.03 of the Revised Code, or who is the 105  
parent, guardian, or custodian of a child who is adjudicated a 106  
dependent child and order any person not to have contact with 107  
the child or the child's siblings. 108

(B) (1) When making a determination on whether to place a 109  
child in a planned permanent living arrangement pursuant to 110  
division (A) (5) (b) or (c) of this section, the court shall 111  
consider all relevant information that has been presented to the 112  
court, including information gathered from the child, the 113  
child's guardian ad litem, and the public children services 114  
agency or private child placing agency. 115

(2) A child who is placed in a planned permanent living 116  
arrangement pursuant to division (A) (5) (b) or (c) of this 117  
section shall be placed in an independent living setting or in a 118  
family setting in which the caregiver has been provided by the 119  
agency that has custody of the child with a notice that 120  
addresses the following: 121

(a) The caregiver understands that the planned permanent 122  
living arrangement is intended to be permanent in nature and 123  
that the caregiver will provide a stable placement for the child 124  
through the child's emancipation or until the court releases the 125

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

six months. 278

(2) If the court grants an extension of the order for 279  
protective supervision pursuant to division (H)(1) of this 280  
section, a party may, prior to termination of the extension, 281  
file with the court a request for an additional extension of six 282  
months or for termination of the order. The court and the 283  
parties shall comply with division (H)(1) of this section with 284  
respect to extending or terminating the order. 285

(3) If a court grants an extension pursuant to division 286  
(H)(2) of this section, the court shall terminate the order for 287  
protective supervision at the end of the extension. 288

(I) The court shall not issue a dispositional order 289  
pursuant to division (A) of this section that removes a child 290  
from the child's home unless the court complies with section 291  
2151.419 of the Revised Code and includes in the dispositional 292  
order the findings of fact required by that section. 293

(J) If a motion or application for an order described in 294  
division (A)(6) of this section is made, the court shall not 295  
issue the order unless, prior to the issuance of the order, it 296  
provides to the person all of the following: 297

(1) Notice and a copy of the motion or application; 298

(2) The grounds for the motion or application; 299

(3) An opportunity to present evidence and witnesses at a 300  
hearing regarding the motion or application; 301

(4) An opportunity to be represented by counsel at the 302  
hearing. 303

(K) The jurisdiction of the court shall terminate one year 304  
after the date of the award or, if the court takes any further 305

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

association.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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