

As Referred by the Senate Rules and Reference Committee

134th General Assembly

Regular Session

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S. B. No. 216

Senator Johnson

Cosponsors: Senators Cirino, Brenner

A BILL

To amend sections 340.15, 2151.011, 2151.031, 1
2151.353, and 2151.3514; to amend, for the 2
purpose of adopting a new section number as 3
indicated in parentheses, section 2151.3514 4
(2151.46); and to enact sections 2151.261, 5
2151.461, 2151.462, 2151.463, 2151.465, 6
2151.466, 2151.468, 2151.469, 2151.4611, and 7
2151.4613 of the Revised Code to enact Dylan's 8
Law regarding parental custody of infants born 9
substance exposed. 10

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

Section 1. That sections 340.15, 2151.011, 2151.031, 11
2151.353, and 2151.3514 be amended; section 2151.3514 (2151.46) 12
be amended for the purpose of adopting a new section number as 13
indicated in parentheses; and sections 2151.261, 2151.461, 14
2151.462, 2151.463, 2151.465, 2151.466, 2151.468, 2151.469, 15
2151.4611, and 2151.4613 of the Revised Code be enacted to read 16
as follows: 17

Sec. 340.15. (A) A public children services agency that 18

identifies a child by a risk assessment conducted pursuant to 19
section 5153.16 of the Revised Code as being at imminent risk of 20
being abused or neglected because of an addiction of a parent, 21
guardian, or custodian of the child to a drug of abuse or 22
alcohol shall refer the child's addicted parent, guardian, or 23
custodian and, if the agency determines that the child needs 24
alcohol and drug addiction services, the child to a community 25
addiction services provider. A public children services agency 26
that is sent a court order issued pursuant to ~~division (B) of~~ 27
~~section 2151.3514~~ section 2151.46 or 2151.461 of the Revised 28
Code shall refer the addicted parent or other caregiver of the 29
child identified in the court order to a community addiction 30
services provider. On receipt of a referral under this division 31
and to the extent funding identified under division (A) (2) of 32
section 340.08 of the Revised Code is available, the provider 33
shall provide the following services to the addicted parent, 34
guardian, custodian, or caregiver and child in need of addiction 35
services: 36

(1) If it is determined pursuant to an initial screening 37
to be needed, assessment and appropriate treatment; 38

(2) Documentation of progress in accordance with a 39
treatment plan developed for the addicted parent, guardian, 40
custodian, caregiver, or child; 41

(3) If the referral is based on a court order issued 42
pursuant to ~~division (B) of section 2151.3514~~ section 2151.46 or 43
2151.461 of the Revised Code and the order requires the 44
specified parent or other caregiver of the child to submit to 45
alcohol or other drug testing during, after, or both during and 46
after, treatment, testing in accordance with the court order. 47

(B) The services described in division (A) of this section 48

shall have a priority as provided in the community addiction and 49
mental health plan and budget established pursuant to sections 50
340.03 and 340.08 of the Revised Code. Once a referral has been 51
received pursuant to this section, the public children services 52
agency and the community addiction services provider shall, in 53
accordance with 42 C.F.R. Part 2, share with each other any 54
information concerning the persons and services described in 55
that division that the agency and provider determine are 56
necessary to share. If the referral is based on a court order 57
issued pursuant to ~~division (B) of section 2151.3514~~ section 58
2151.46 or 2151.461 of the Revised Code, the results and 59
recommendations of the community addiction services provider 60
also shall be provided and used as described in division (D) of 61
~~that section 2151.46 of the Revised Code or in section 2151.465~~ 62
of the Revised Code. Information obtained or maintained by the 63
agency or provider pursuant to this section that could enable 64
the identification of any person described in division (A) of 65
this section is not a public record subject to inspection or 66
copying under section 149.43 of the Revised Code. 67

Sec. 2151.011. (A) As used in the Revised Code: 68

(1) "Juvenile court" means whichever of the following is 69
applicable that has jurisdiction under this chapter and Chapter 70
2152. of the Revised Code: 71

(a) The division of the court of common pleas specified in 72
section 2101.022 or 2301.03 of the Revised Code as having 73
jurisdiction under this chapter and Chapter 2152. of the Revised 74
Code or as being the juvenile division or the juvenile division 75
combined with one or more other divisions; 76

(b) The juvenile court of Cuyahoga county or Hamilton 77
county that is separately and independently created by section 78

2151.08 or Chapter 2153. of the Revised Code and that has 79
jurisdiction under this chapter and Chapter 2152. of the Revised 80
Code; 81

(c) If division (A)(1)(a) or (b) of this section does not 82
apply, the probate division of the court of common pleas. 83

(2) "Juvenile judge" means a judge of a court having 84
jurisdiction under this chapter. 85

(3) "Private child placing agency" means any association, 86
as defined in section 5103.02 of the Revised Code, that is 87
certified under section 5103.03 of the Revised Code to accept 88
temporary, permanent, or legal custody of children and place the 89
children for either foster care or adoption. 90

(4) "Private noncustodial agency" means any person, 91
organization, association, or society certified by the 92
department of job and family services that does not accept 93
temporary or permanent legal custody of children, that is 94
privately operated in this state, and that does one or more of 95
the following: 96

(a) Receives and cares for children for two or more 97
consecutive weeks; 98

(b) Participates in the placement of children in certified 99
foster homes; 100

(c) Provides adoption services in conjunction with a 101
public children services agency or private child placing agency. 102

(5) "Substance-exposed infant" means a child under the age 103
of twelve months who has been subjected to alcohol or other drug 104
abuse, as defined in section 5119.90 of the Revised Code, while 105
in utero. 106

(B) As used in this chapter:	107
(1) "Adequate parental care" means the provision by a	108
child's parent or parents, guardian, or custodian of adequate	109
food, clothing, and shelter to ensure the child's health and	110
physical safety and the provision by a child's parent or parents	111
of specialized services warranted by the child's physical or	112
mental needs.	113
(2) "Adult" means an individual who is eighteen years of	114
age or older.	115
(3) "Agreement for temporary custody" means a voluntary	116
agreement authorized by section 5103.15 of the Revised Code that	117
transfers the temporary custody of a child to a public children	118
services agency or a private child placing agency.	119
(4) "Alternative response" means the public children	120
services agency's response to a report of child abuse or neglect	121
that engages the family in a comprehensive evaluation of child	122
safety, risk of subsequent harm, and family strengths and needs	123
and that does not include a determination as to whether child	124
abuse or neglect occurred.	125
(5) "Certified foster home" means a foster home, as	126
defined in section 5103.02 of the Revised Code, certified under	127
section 5103.03 of the Revised Code.	128
(6) "Child" means a person who is under eighteen years of	129
age, except that the juvenile court has jurisdiction over any	130
person who is adjudicated an unruly child prior to attaining	131
eighteen years of age until the person attains twenty-one years	132
of age, and, for purposes of that jurisdiction related to that	133
adjudication, a person who is so adjudicated an unruly child	134
shall be deemed a "child" until the person attains twenty-one	135

years of age. 136

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code. 137
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(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education. 144
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(9) "Commit" means to vest custody as ordered by the court. 152
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(10) "Counseling" includes both of the following: 154

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child. 155
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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under 161
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Chapter 4757. of the Revised Code to engage in social work or	165
professional counseling.	166
(11) "Custodian" means a person who has legal custody of a	167
child or a public children services agency or private child	168
placing agency that has permanent, temporary, or legal custody	169
of a child.	170
(12) "Delinquent child" has the same meaning as in section	171
2152.02 of the Revised Code.	172
(13) "Detention" means the temporary care of children	173
pending court adjudication or disposition, or execution of a	174
court order, in a public or private facility designed to	175
physically restrict the movement and activities of children.	176
(14) "Developmental disability" has the same meaning as in	177
section 5123.01 of the Revised Code.	178
(15) "Differential response approach" means an approach	179
that a public children services agency may use to respond to	180
accepted reports of child abuse or neglect with either an	181
alternative response or a traditional response.	182
(16) "Foster caregiver" has the same meaning as in section	183
5103.02 of the Revised Code.	184
(17) "Guardian" means a person, association, or	185
corporation that is granted authority by a probate court	186
pursuant to Chapter 2111. of the Revised Code to exercise	187
parental rights over a child to the extent provided in the	188
court's order and subject to the residual parental rights of the	189
child's parents.	190
(18) "Habitual truant" means any child of compulsory	191
school age who is absent without legitimate excuse for absence	192

from the public school the child is supposed to attend for 193
thirty or more consecutive hours, forty-two or more hours in one 194
school month, or seventy-two or more hours in a school year. 195

(19) "Intellectual disability" has the same meaning as in 196
section 5123.01 of the Revised Code. 197

(20) "Juvenile traffic offender" has the same meaning as 198
in section 2152.02 of the Revised Code. 199

(21) "Legal custody" means a legal status that vests in 200
the custodian the right to have physical care and control of the 201
child and to determine where and with whom the child shall live, 202
and the right and duty to protect, train, and discipline the 203
child and to provide the child with food, shelter, education, 204
and medical care, all subject to any residual parental rights, 205
privileges, and responsibilities. An individual granted legal 206
custody shall exercise the rights and responsibilities 207
personally unless otherwise authorized by any section of the 208
Revised Code or by the court. 209

(22) A "legitimate excuse for absence from the public 210
school the child is supposed to attend" includes, but is not 211
limited to, any of the following: 212

(a) The fact that the child in question has enrolled in 213
and is attending another public or nonpublic school in this or 214
another state; 215

(b) The fact that the child in question is excused from 216
attendance at school for any of the reasons specified in section 217
3321.04 of the Revised Code; 218

(c) The fact that the child in question has received an 219
age and schooling certificate in accordance with section 3331.01 220
of the Revised Code. 221

(23) "Mental illness" has the same meaning as in section	222
5122.01 of the Revised Code.	223
(24) "Mental injury" means any behavioral, cognitive,	224
emotional, or mental disorder in a child caused by an act or	225
omission that is described in section 2919.22 of the Revised	226
Code and is committed by the parent or other person responsible	227
for the child's care.	228
(25) "Nonsecure care, supervision, or training" means	229
care, supervision, or training of a child in a facility that	230
does not confine or prevent movement of the child within the	231
facility or from the facility.	232
(26) "Of compulsory school age" has the same meaning as in	233
section 3321.01 of the Revised Code.	234
(27) "Organization" means any institution, public,	235
semipublic, or private, and any private association, society, or	236
agency located or operating in the state, incorporated or	237
unincorporated, having among its functions the furnishing of	238
protective services or care for children, or the placement of	239
children in certified foster homes or elsewhere.	240
(28) "Out-of-home care" means detention facilities,	241
shelter facilities, certified children's crisis care facilities,	242
certified foster homes, placement in a prospective adoptive home	243
prior to the issuance of a final decree of adoption,	244
organizations, certified organizations, child day-care centers,	245
type A family day-care homes, type B family day-care homes,	246
child care provided by in-home aides, group home providers,	247
group homes, institutions, state institutions, residential	248
facilities, residential care facilities, residential camps, day	249
camps, private, nonprofit therapeutic wilderness camps, public	250

schools, chartered nonpublic schools, educational service 251
centers, hospitals, and medical clinics that are responsible for 252
the care, physical custody, or control of children. 253

(29) "Out-of-home care child abuse" means any of the 254
following when committed by a person responsible for the care of 255
a child in out-of-home care: 256

(a) Engaging in sexual activity with a child in the 257
person's care; 258

(b) Denial to a child, as a means of punishment, of proper 259
or necessary subsistence, education, medical care, or other care 260
necessary for a child's health; 261

(c) Use of restraint procedures on a child that cause 262
injury or pain; 263

(d) Administration of prescription drugs or psychotropic 264
medication to the child without the written approval and ongoing 265
supervision of a licensed physician; 266

(e) Commission of any act, other than by accidental means, 267
that results in any injury to or death of the child in out-of- 268
home care or commission of any act by accidental means that 269
results in an injury to or death of a child in out-of-home care 270
and that is at variance with the history given of the injury or 271
death. 272

(30) "Out-of-home care child neglect" means any of the 273
following when committed by a person responsible for the care of 274
a child in out-of-home care: 275

(a) Failure to provide reasonable supervision according to 276
the standards of care appropriate to the age, mental and 277
physical condition, or other special needs of the child; 278

(b) Failure to provide reasonable supervision according to	279
the standards of care appropriate to the age, mental and	280
physical condition, or other special needs of the child, that	281
results in sexual or physical abuse of the child by any person;	282
(c) Failure to develop a process for all of the following:	283
(i) Administration of prescription drugs or psychotropic	284
drugs for the child;	285
(ii) Assuring that the instructions of the licensed	286
physician who prescribed a drug for the child are followed;	287
(iii) Reporting to the licensed physician who prescribed	288
the drug all unfavorable or dangerous side effects from the use	289
of the drug.	290
(d) Failure to provide proper or necessary subsistence,	291
education, medical care, or other individualized care necessary	292
for the health or well-being of the child;	293
(e) Confinement of the child to a locked room without	294
monitoring by staff;	295
(f) Failure to provide ongoing security for all	296
prescription and nonprescription medication;	297
(g) Isolation of a child for a period of time when there	298
is substantial risk that the isolation, if continued, will	299
impair or retard the mental health or physical well-being of the	300
child.	301
(31) "Permanent custody" means a legal status that vests	302
in a public children services agency or a private child placing	303
agency, all parental rights, duties, and obligations, including	304
the right to consent to adoption, and divests the natural	305
parents or adoptive parents of all parental rights, privileges,	306

and obligations, including all residual rights and obligations. 307

(32) "Permanent surrender" means the act of the parents 308
or, if a child has only one parent, of the parent of a child, by 309
a voluntary agreement authorized by section 5103.15 of the 310
Revised Code, to transfer the permanent custody of the child to 311
a public children services agency or a private child placing 312
agency. 313

(33) "Person" means an individual, association, 314
corporation, or partnership and the state or any of its 315
political subdivisions, departments, or agencies. 316

(34) "Person responsible for a child's care in out-of-home 317
care" means any of the following: 318

(a) Any foster caregiver, in-home aide, or provider; 319

(b) Any administrator, employee, or agent of any of the 320
following: a public or private detention facility; shelter 321
facility; certified children's crisis care facility; 322
organization; certified organization; child day-care center; 323
type A family day-care home; licensed type B family day-care 324
home; group home; institution; state institution; residential 325
facility; residential care facility; residential camp; day camp; 326
school district; community school; chartered nonpublic school; 327
educational service center; hospital; or medical clinic; 328

(c) Any person who supervises or coaches children as part 329
of an extracurricular activity sponsored by a school district, 330
public school, or chartered nonpublic school; 331

(d) Any other person who performs a similar function with 332
respect to, or has a similar relationship to, children. 333

(35) "Physical impairment" means having one or more of the 334

following conditions that substantially limit one or more of an 335
individual's major life activities, including self-care, 336
receptive and expressive language, learning, mobility, and self- 337
direction: 338

(a) A substantial impairment of vision, speech, or 339
hearing; 340

(b) A congenital orthopedic impairment; 341

(c) An orthopedic impairment caused by disease, rheumatic 342
fever or any other similar chronic or acute health problem, or 343
amputation or another similar cause. 344

(36) "Placement for adoption" means the arrangement by a 345
public children services agency or a private child placing 346
agency with a person for the care and adoption by that person of 347
a child of whom the agency has permanent custody. 348

(37) "Placement in foster care" means the arrangement by a 349
public children services agency or a private child placing 350
agency for the out-of-home care of a child of whom the agency 351
has temporary custody or permanent custody. 352

(38) "Planned permanent living arrangement" means an order 353
of a juvenile court pursuant to which both of the following 354
apply: 355

(a) The court gives legal custody of a child to a public 356
children services agency or a private child placing agency 357
without the termination of parental rights. 358

(b) The order permits the agency to make an appropriate 359
placement of the child and to enter into a written agreement 360
with a foster care provider or with another person or agency 361
with whom the child is placed. 362

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

(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

(41) "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.

(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, 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.

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

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

(45) "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.

(46) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

(47) "Residential facility" means a home or facility that 391
is licensed by the department of developmental disabilities 392
under section 5123.19 of the Revised Code and in which a child 393
with a developmental disability resides. 394

(48) "Residual parental rights, privileges, and 395
responsibilities" means those rights, privileges, and 396
responsibilities remaining with the natural parent after the 397
transfer of legal custody of the child, including, but not 398
necessarily limited to, the privilege of reasonable visitation, 399
consent to adoption, the privilege to determine the child's 400
religious affiliation, and the responsibility for support. 401

(49) "School day" means the school day established by the 402
board of education of the applicable school district pursuant to 403
section 3313.481 of the Revised Code. 404

(50) "School year" has the same meaning as in section 405
3313.62 of the Revised Code. 406

(51) "Secure correctional facility" means a facility under 407
the direction of the department of youth services that is 408
designed to physically restrict the movement and activities of 409
children and used for the placement of children after 410
adjudication and disposition. 411

(52) "Sexual activity" has the same meaning as in section 412
2907.01 of the Revised Code. 413

(53) "Shelter" means the temporary care of children in 414
physically unrestricted facilities pending court adjudication or 415
disposition. 416

(54) "Shelter for victims of domestic violence" has the 417
same meaning as in section 3113.33 of the Revised Code. 418

(55) "Temporary custody" means legal custody of a child 419
who is removed from the child's home, which custody may be 420
terminated at any time at the discretion of the court or, if the 421
legal custody is granted in an agreement for temporary custody, 422
by the person who executed the agreement. 423

(56) "Traditional response" means a public children 424
services agency's response to a report of child abuse or neglect 425
that encourages engagement of the family in a comprehensive 426
evaluation of the child's current and future safety needs and a 427
fact-finding process to determine whether child abuse or neglect 428
occurred and the circumstances surrounding the alleged harm or 429
risk of harm. 430

(C) For the purposes of this chapter, a child shall be 431
presumed abandoned when the parents of the child have failed to 432
visit or maintain contact with the child for more than ninety 433
days, regardless of whether the parents resume contact with the 434
child after that period of ninety days. 435

Sec. 2151.031. As used in this chapter, an "abused child" 436
includes any child who: 437

(A) Is the victim of "sexual activity" as defined under 438
Chapter 2907. of the Revised Code, where such activity would 439
constitute an offense under that chapter, except that the court 440
need not find that any person has been convicted of the offense 441
in order to find that the child is an abused child; 442

(B) Is endangered as defined in section 2919.22 of the 443
Revised Code, except that the court need not find that any 444
person has been convicted under that section in order to find 445
that the child is an abused child; 446

(C) Exhibits evidence of any physical or mental injury or 447

death, inflicted other than by accidental means, or an injury or 448
death which is at variance with the history given of it. Except 449
as provided in division (D) of this section, a child exhibiting 450
evidence of corporal punishment or other physical disciplinary 451
measure by a parent, guardian, custodian, person having custody 452
or control, or person in loco parentis of a child is not an 453
abused child under this division if the measure is not 454
prohibited under section 2919.22 of the Revised Code. 455

(D) Because of the acts of ~~his~~ the child's parents, 456
guardian, or custodian, suffers physical or mental injury that 457
harms or threatens to harm the child's health or welfare. 458

(E) Is subjected to out-of-home care child abuse. 459

(F) Is a substance-exposed infant, but not as a result of 460
the mother's medication-assisted treatment. 461

Sec. 2151.261. (A) Except as provided under section 462
2151.26 of the Revised Code, a public children services agency 463
shall conduct an alcohol or drug test on an infant or the 464
infant's mother if the agency receives a report of child abuse 465
regarding an alleged substance-exposed infant. 466

(B) If the alcohol or drug test conducted under division 467
(A) of this section returns a positive result, the agency shall 468
file a complaint pursuant to section 2151.27 of the Revised 469
Code. 470

(C) A child shall not be adjudicated an abused child as a 471
result of being a substance-exposed infant if the court hearing 472
a complaint described in division (B) of this section determines 473
the mother's or infant's positive result from a drug test was 474
due to medication-assisted treatment. 475

Sec. 2151.353. (A) ~~If~~ Except as provided under section 476

2151.462 of the Revised Code, if a child is adjudicated an 477
abused, neglected, or dependent child, the court may make any of 478
the following orders of disposition: 479

(1) Place the child in protective supervision; 480

(2) Commit the child to the temporary custody of any of 481
the following: 482

(a) A public children services agency; 483

(b) A private child placing agency; 484

(c) Either parent; 485

(d) A relative residing within or outside the state; 486

(e) A probation officer for placement in a certified 487
foster home; 488

(f) Any other person approved by the court. 489

(3) Award legal custody of the child to either parent or 490
to any other person who, prior to the dispositional hearing, 491
files a motion requesting legal custody of the child or is 492
identified as a proposed legal custodian in a complaint or 493
motion filed prior to the dispositional hearing by any party to 494
the proceedings. A person identified in a complaint or motion 495
filed by a party to the proceedings as a proposed legal 496
custodian shall be awarded legal custody of the child only if 497
the person identified signs a statement of understanding for 498
legal custody that contains at least the following provisions: 499

(a) That it is the intent of the person to become the 500
legal custodian of the child and the person is able to assume 501
legal responsibility for the care and supervision of the child; 502

(b) That the person understands that legal custody of the 503

child in question is intended to be permanent in nature and that 504
the person will be responsible as the custodian for the child 505
until the child reaches the age of majority. Responsibility as 506
custodian for the child shall continue beyond the age of 507
majority if, at the time the child reaches the age of majority, 508
the child is pursuing a diploma granted by the board of 509
education or other governing authority, successful completion of 510
the curriculum of any high school, successful completion of an 511
individualized education program developed for the student by 512
any high school, or an age and schooling certificate. 513
Responsibility beyond the age of majority shall terminate when 514
the child ceases to continuously pursue such an education, 515
completes such an education, or is excused from such an 516
education under standards adopted by the state board of 517
education, whichever occurs first. 518

(c) That the parents of the child have residual parental 519
rights, privileges, and responsibilities, including, but not 520
limited to, the privilege of reasonable visitation, consent to 521
adoption, the privilege to determine the child's religious 522
affiliation, and the responsibility for support; 523

(d) That the person understands that the person must be 524
present in court for the dispositional hearing in order to 525
affirm the person's intention to become legal custodian, to 526
affirm that the person understands the effect of the 527
custodianship before the court, and to answer any questions that 528
the court or any parties to the case may have. 529

(4) Commit the child to the permanent custody of a public 530
children services agency or private child placing agency, if the 531
court determines in accordance with division (E) of section 532
2151.414 of the Revised Code that the child cannot be placed 533

with one of the child's parents within a reasonable time or 534
should not be placed with either parent and determines in 535
accordance with division (D) (1) of section 2151.414 of the 536
Revised Code that the permanent commitment is in the best 537
interest of the child. If the court grants permanent custody 538
under this division, the court, upon the request of any party, 539
shall file a written opinion setting forth its findings of fact 540
and conclusions of law in relation to the proceeding. 541

(5) Place the child in a planned permanent living 542
arrangement with a public children services agency or private 543
child placing agency, if a public children services agency or 544
private child placing agency requests the court to place the 545
child in a planned permanent living arrangement and if the court 546
finds, by clear and convincing evidence, that a planned 547
permanent living arrangement is in the best interest of the 548
child, that the child is sixteen years of age or older, and that 549
one of the following exists: 550

(a) The child, because of physical, mental, or 551
psychological problems or needs, is unable to function in a 552
family-like setting and must remain in residential or 553
institutional care now and for the foreseeable future beyond the 554
date of the dispositional hearing held pursuant to section 555
2151.35 of the Revised Code. 556

(b) The parents of the child have significant physical, 557
mental, or psychological problems and are unable to care for the 558
child because of those problems, adoption is not in the best 559
interest of the child, as determined in accordance with division 560
(D) (1) of section 2151.414 of the Revised Code, and the child 561
retains a significant and positive relationship with a parent or 562
relative. 563

(c) The child has been counseled on the permanent 564
placement options available to the child, and is unwilling to 565
accept or unable to adapt to a permanent placement. 566

(6) Order the removal from the child's home until further 567
order of the court of the person who committed abuse as 568
described in section 2151.031 of the Revised Code against the 569
child, who caused or allowed the child to suffer neglect as 570
described in section 2151.03 of the Revised Code, or who is the 571
parent, guardian, or custodian of a child who is adjudicated a 572
dependent child and order any person not to have contact with 573
the child or the child's siblings. 574

(B) (1) When making a determination on whether to place a 575
child in a planned permanent living arrangement pursuant to 576
division (A) (5) (b) or (c) of this section, the court shall 577
consider all relevant information that has been presented to the 578
court, including information gathered from the child, the 579
child's guardian ad litem, and the public children services 580
agency or private child placing agency. 581

(2) A child who is placed in a planned permanent living 582
arrangement pursuant to division (A) (5) (b) or (c) of this 583
section shall be placed in an independent living setting or in a 584
family setting in which the caregiver has been provided by the 585
agency that has custody of the child with a notice that 586
addresses the following: 587

(a) The caregiver understands that the planned permanent 588
living arrangement is intended to be permanent in nature and 589
that the caregiver will provide a stable placement for the child 590
through the child's emancipation or until the court releases the 591
child from the custody of the agency, whichever occurs first. 592

(b) The caregiver is expected to actively participate in 593
the youth's independent living case plan, attend agency team 594
meetings and court hearings as appropriate, complete training, 595
as developed and implemented under section 5103.035 of the 596
Revised Code, related to providing the child independent living 597
services, and assist in the child's transition into adulthood. 598

(3) The department of job and family services shall 599
develop a model notice to be provided by an agency that has 600
custody of a child to a caregiver under division (B)(2) of this 601
section. The agency may modify the model notice to apply to the 602
needs of the agency. 603

(C) No order for permanent custody or temporary custody of 604
a child or the placement of a child in a planned permanent 605
living arrangement shall be made pursuant to this section unless 606
the complaint alleging the abuse, neglect, or dependency 607
contains a prayer requesting permanent custody, temporary 608
custody, or the placement of the child in a planned permanent 609
living arrangement as desired, the summons served on the parents 610
of the child contains as is appropriate a full explanation that 611
the granting of an order for permanent custody permanently 612
divests them of their parental rights, a full explanation that 613
an adjudication that the child is an abused, neglected, or 614
dependent child may result in an order of temporary custody that 615
will cause the removal of the child from their legal custody 616
until the court terminates the order of temporary custody or 617
permanently divests the parents of their parental rights, or a 618
full explanation that the granting of an order for a planned 619
permanent living arrangement will result in the removal of the 620
child from their legal custody if any of the conditions listed 621
in divisions (A)(5)(a) to (c) of this section are found to 622
exist, and the summons served on the parents contains a full 623

explanation of their right to be represented by counsel and to 624
have counsel appointed pursuant to Chapter 120. of the Revised 625
Code if they are indigent. 626

If after making disposition as authorized by division (A) 627
(2) of this section, a motion is filed that requests permanent 628
custody of the child, the court may grant permanent custody of 629
the child to the movant in accordance with section 2151.414 of 630
the Revised Code. 631

(D) If the court issues an order for protective 632
supervision pursuant to division (A)(1) of this section, the 633
court may place any reasonable restrictions upon the child, the 634
child's parents, guardian, or custodian, or any other person, 635
including, but not limited to, any of the following: 636

(1) Order a party, within forty-eight hours after the 637
issuance of the order, to vacate the child's home indefinitely 638
or for a specified period of time; 639

(2) Order a party, a parent of the child, or a physical 640
custodian of the child to prevent any particular person from 641
having contact with the child; 642

(3) Issue an order restraining or otherwise controlling 643
the conduct of any person which conduct would not be in the best 644
interest of the child. 645

(E) As part of its dispositional order, the court shall 646
journalize a case plan for the child. The journalized case plan 647
shall not be changed except as provided in section 2151.412 of 648
the Revised Code. 649

(F) (1) The court shall retain jurisdiction over any child 650
for whom the court issues an order of disposition pursuant to 651
division (A) of this section or pursuant to section 2151.414 or 652

2151.415 of the Revised Code until the child attains the age of 653
eighteen years if the child does not have a developmental 654
disability or physical impairment, the child attains the age of 655
twenty-one years if the child has a developmental disability or 656
physical impairment, or the child is adopted and a final decree 657
of adoption is issued, except that the court may retain 658
jurisdiction over the child and continue any order of 659
disposition under division (A) of this section or under section 660
2151.414 or 2151.415 of the Revised Code for a specified period 661
of time to enable the child to graduate from high school or 662
vocational school. The court shall make an entry continuing its 663
jurisdiction under this division in the journal. 664

(2) Any public children services agency, any private child 665
placing agency, the department of job and family services, or 666
any party, other than any parent whose parental rights with 667
respect to the child have been terminated pursuant to an order 668
issued under division (A) (4) of this section, by filing a motion 669
with the court, may at any time request the court to modify or 670
terminate any order of disposition issued pursuant to division 671
(A) of this section or section 2151.414 or 2151.415 of the 672
Revised Code. The court shall hold a hearing upon the motion as 673
if the hearing were the original dispositional hearing and shall 674
give all parties to the action and the guardian ad litem notice 675
of the hearing pursuant to the Juvenile Rules. If applicable, 676
the court shall comply with section 2151.42 of the Revised Code. 677

(G) Any temporary custody order issued pursuant to 678
division (A) of this section shall terminate one year after the 679
earlier of the date on which the complaint in the case was filed 680
or the child was first placed into shelter care, except that, 681
upon the filing of a motion pursuant to section 2151.415 of the 682
Revised Code, the temporary custody order shall continue and not 683

terminate until the court issues a dispositional order under 684
that section. In resolving the motion, the court shall not order 685
an existing temporary custody order to continue beyond two years 686
after the date on which the complaint was filed or the child was 687
first placed into shelter care, whichever date is earlier, 688
regardless of whether any extensions have been previously 689
ordered pursuant to division (D) of section 2151.415 of the 690
Revised Code. 691

(H) (1) No later than one year after the earlier of the 692
date the complaint in the case was filed or the child was first 693
placed in shelter care, a party may ask the court to extend an 694
order for protective supervision for six months or to terminate 695
the order. A party requesting extension or termination of the 696
order shall file a written request for the extension or 697
termination with the court and give notice of the proposed 698
extension or termination in writing before the end of the day 699
after the day of filing it to all parties and the child's 700
guardian ad litem. If a public children services agency or 701
private child placing agency requests termination of the order, 702
the agency shall file a written status report setting out the 703
facts supporting termination of the order at the time it files 704
the request with the court. If no party requests extension or 705
termination of the order, the court shall notify the parties 706
that the court will extend the order for six months or terminate 707
it and that it may do so without a hearing unless one of the 708
parties requests a hearing. All parties and the guardian ad 709
litem shall have seven days from the date a notice is sent 710
pursuant to this division to object to and request a hearing on 711
the proposed extension or termination. 712

(a) If it receives a timely request for a hearing, the 713
court shall schedule a hearing to be held no later than thirty 714

days after the request is received by the court. The court shall 715
give notice of the date, time, and location of the hearing to 716
all parties and the guardian ad litem. At the hearing, the court 717
shall determine whether extension or termination of the order is 718
in the child's best interest. If termination is in the child's 719
best interest, the court shall terminate the order. If extension 720
is in the child's best interest, the court shall extend the 721
order for six months. 722

(b) If it does not receive a timely request for a hearing, 723
the court may extend the order for six months or terminate it 724
without a hearing and shall journalize the order of extension or 725
termination not later than fourteen days after receiving the 726
request for extension or termination or after the date the court 727
notifies the parties that it will extend or terminate the order. 728
If the court does not extend or terminate the order, it shall 729
schedule a hearing to be held no later than thirty days after 730
the expiration of the applicable fourteen-day time period and 731
give notice of the date, time, and location of the hearing to 732
all parties and the child's guardian ad litem. At the hearing, 733
the court shall determine whether extension or termination of 734
the order is in the child's best interest. If termination is in 735
the child's best interest, the court shall terminate the order. 736
If extension is in the child's best interest, the court shall 737
issue an order extending the order for protective supervision 738
six months. 739

(2) If the court grants an extension of the order for 740
protective supervision pursuant to division (H)(1) of this 741
section, a party may, prior to termination of the extension, 742
file with the court a request for an additional extension of six 743
months or for termination of the order. The court and the 744
parties shall comply with division (H)(1) of this section with 745

respect to extending or terminating the order. 746

(3) If a court grants an extension pursuant to division 747
(H) (2) of this section, the court shall terminate the order for 748
protective supervision at the end of the extension. 749

(I) The court shall not issue a dispositional order 750
pursuant to division (A) of this section that removes a child 751
from the child's home unless the court complies with section 752
2151.419 of the Revised Code and includes in the dispositional 753
order the findings of fact required by that section. 754

(J) If a motion or application for an order described in 755
division (A) (6) of this section is made, the court shall not 756
issue the order unless, prior to the issuance of the order, it 757
provides to the person all of the following: 758

(1) Notice and a copy of the motion or application; 759

(2) The grounds for the motion or application; 760

(3) An opportunity to present evidence and witnesses at a 761
hearing regarding the motion or application; 762

(4) An opportunity to be represented by counsel at the 763
hearing. 764

(K) The jurisdiction of the court shall terminate one year 765
after the date of the award or, if the court takes any further 766
action in the matter subsequent to the award, the date of the 767
latest further action subsequent to the award, if the court 768
awards legal custody of a child to either of the following: 769

(1) A legal custodian who, at the time of the award of 770
legal custody, resides in a county of this state other than the 771
county in which the court is located; 772

(2) A legal custodian who resides in the county in which 773
the court is located at the time of the award of legal custody, 774
but moves to a different county of this state prior to one year 775
after the date of the award or, if the court takes any further 776
action in the matter subsequent to the award, one year after the 777
date of the latest further action subsequent to the award. 778

The court in the county in which the legal custodian 779
resides then shall have jurisdiction in the matter. 780

Sec. ~~2151.3514~~ 2151.46. (A) As used in ~~this section~~: 781

~~(1) "Community this section and sections 2151.461 to~~ 782
~~2151.4613 of the Revised Code, "community addiction services~~ 783
~~provider" has the same meaning as in section 5119.01 of the~~ 784
~~Revised Code.~~ 785

~~(2) "Chemical dependency" means either of the following:~~ 786

~~(a) The chronic and habitual use of alcoholic beverages to~~ 787
~~the extent that the user no longer can control the use of~~ 788
~~alcohol or endangers the user's health, safety, or welfare or~~ 789
~~that of others;~~ 790

~~(b) The use of a drug of abuse to the extent that the user~~ 791
~~becomes physically or psychologically dependent on the drug or~~ 792
~~endangers the user's health, safety, or welfare or that of~~ 793
~~others.~~ 794

~~(3) "Drug of abuse" has the same meaning as in section~~ 795
~~3719.011 of the Revised Code.~~ 796

(B) ~~If~~ Except as provided for a child adjudicated an 797
abused child as a result of being a substance-exposed infant in 798
accordance with section 2151.461 of the Revised Code, if the 799
juvenile court issues an order of temporary custody or 800

protective supervision under division (A) of section 2151.353 of 801
the Revised Code with respect to a child adjudicated to be an 802
abused, neglected, or dependent child and the alcohol or other 803
drug addiction of a parent or other caregiver of the child was 804
the basis for the adjudication of abuse, neglect, or dependency, 805
the court shall issue an order requiring the parent or other 806
caregiver to submit to an assessment and, if needed, treatment 807
from a community addiction services provider. The court may 808
order the parent or other caregiver to submit to alcohol or 809
other drug testing during, after, or both during and after, the 810
treatment. The court shall send any order issued pursuant to 811
this division to the public children services agency that serves 812
the county in which the court is located for use as described in 813
section 340.15 of the Revised Code. 814

(C) Any order requiring alcohol or other drug testing that 815
is issued pursuant to division (B) of this section shall require 816
one alcohol or other drug test to be conducted each month during 817
a period of twelve consecutive months beginning the month 818
immediately following the month in which the order for alcohol 819
or other drug testing is issued. Arrangements for administering 820
the alcohol or other drug tests, as well as funding the costs of 821
the tests, shall be locally determined in accordance with 822
sections 340.03 and 340.15 of the Revised Code. If a parent or 823
other caregiver required to submit to alcohol or other drug 824
tests under this section is not a recipient of medicaid, the 825
agency that refers the parent or caregiver for the tests may 826
require the parent or caregiver to reimburse the agency for the 827
cost of conducting the tests. 828

(D) The community addiction services provider that 829
conducts any alcohol or other drug tests ordered in accordance 830
with divisions (B) and (C) of this section shall send the 831

results of the tests, along with the provider's recommendations 832
as to the benefits of continued treatment, to the court and to 833
the public children services agency providing services to the 834
involved family, according to federal regulations set forth in 835
42 C.F.R. Part 2, and division (B) of section 340.15 of the 836
Revised Code. The court shall consider the results and the 837
recommendations sent to it under this division in any 838
adjudication or review by the court, according to section 839
2151.353, 2151.414, or 2151.419 of the Revised Code. 840

Sec. 2151.461. Except as provided under section 2151.4611 841
of the Revised Code, if the juvenile court issues an order of 842
temporary custody under division (A) of section 2151.353 of the 843
Revised Code with respect to a child adjudicated an abused child 844
as a result of being a substance-exposed infant, the court shall 845
issue an order requiring both of the child's parents to do all 846
of the following: 847

(A) Complete a course specific to caring for a newborn 848
experiencing alcohol or drug withdrawal; 849

(B) Complete an inpatient rehabilitation program provided 850
by a community addiction services provider; 851

(C) Undergo, and be approved through, a home study 852
conducted by an assessor in accordance with section 3107.031 of 853
the Revised Code. 854

Sec. 2151.462. Except as provided under section 2151.4611 855
of the Revised Code, the court shall not make either of the 856
following orders of disposition for a child adjudicated an 857
abused child as a result of being a substance-exposed infant: 858

(A) Commit the child to the temporary custody of either of 859
the child's parents or any person who resides in the household 860

of either of the child's parents;

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(B) Place the child in protective supervision.

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Sec. 2151.463. The court shall issue both of the following
orders regarding a child adjudicated an abused child as a result
of being a substance-exposed infant:

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(A) Prohibiting any contact between the child's parent and
the child, to remain in effect until the court determines that
the parent has met the requirements under section 2151.461 of
the Revised Code;

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(B) Prohibiting the child's parent and the child from
residing together, to remain in effect until the court
determines the parent has met the reunification requirements
under section 2151.468 of the Revised Code.

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Sec. 2151.465. (A) On completion of the requirements
described under section 2151.461 of the Revised Code, the court
shall order the child's parent or parents, as applicable, to
submit to alcohol or drug testing. The court shall send any
order issued pursuant to this division to the public children
services agency that serves the county in which the court is
located for use as described in section 340.15 of the Revised
Code.

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(B) Any order requiring alcohol or drug testing under
division (A) of this section shall require the testing to be
conducted as follows:

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(1) Each month for a minimum of three consecutive months,
beginning the month immediately following the month in which the
order for alcohol or other drug testing is issued, at random
intervals, until reunification occurs under section 2151.468 of
the Revised Code;

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(2) Each month during a period of six consecutive months, 890
at random intervals, after reunification occurs under section 891
2151.468 of the Revised Code. 892

(C) Arrangements for administering the alcohol or other 893
drug tests, as well as funding the costs of the tests, shall be 894
determined in accordance with sections 340.03 and 340.15 of the 895
Revised Code. If a parent required to submit to alcohol or drug 896
testing under this section is not a recipient of medicaid, the 897
agency that refers the parent for the tests may require the 898
parent to reimburse the agency for the cost of conducting the 899
tests. 900

(D) The community addiction services provider that 901
conducts any alcohol or other drug tests ordered in accordance 902
with divisions (A) and (B) of this section shall send the 903
results of the tests, along with the provider's recommendations 904
as to the benefits of continued treatment, to the court and to 905
the public children services agency providing services to the 906
involved family, according to federal regulations set forth in 907
42 C.F.R. Part 2, and division (B) of section 340.15 of the 908
Revised Code. The court shall consider the results and the 909
recommendations in any proceeding under section 2151.353, 910
2151.414, or 2151.419 of the Revised Code. 911

Sec. 2151.466. After compliance with the requirements 912
described under section 2151.461 of the Revised Code, and on 913
continued receipt of negative alcohol or drug tests under 914
section 2151.465 of the Revised Code, the court shall permit the 915
parent or parents, as applicable, to incrementally transition to 916
full-time care of the child adjudicated to be an abused child as 917
a result of being a substance-exposed infant through visits 918
supervised by the public children services agency and then 919

through unsupervised weekend visits. 920

Sec. 2151.468. The court shall order the reunification of 921
the parent and child if all of the following apply: 922

(A) The parent has complied with all of the requirements 923
under section 2151.461 of the Revised Code. 924

(B) The parent has tested negative to three consecutive 925
alcohol or drug tests ordered under division (B)(1) of section 926
2151.465 of the Revised Code. 927

(C) Except as provided under section 2151.4611 of the 928
Revised Code, the child has been in temporary custody for a 929
minimum of six months. 930

(D) The parent is not the subject of a pending criminal 931
proceeding. 932

Sec. 2151.469. (A) On reunification of the parent and 933
child, the court shall order the parent to do all of the 934
following: 935

(1) Receive a caseworker from a public children services 936
agency for a home visit once a month for a period of three 937
months; 938

(2) Take the child to be examined by a health care 939
professional not less than once a month for a period of six 940
months, pursuant to which the health care professional shall 941
submit evidence of each medical visit to the agency; 942

(3) Continue to submit to alcohol or drug tests in 943
accordance with the order issued under division (B)(2) of 944
section 2151.465 of the Revised Code; 945

(4) If the other parent has not met the requirements for 946

reunification under section 2151.468 of the Revised Code, comply 947
with the court's orders regarding contact and visitation with 948
the other parent. 949

(B) If a home visit or medical appointment described under 950
divisions (A) (1) and (2) of this section needs to be 951
rescheduled, the caseworker shall be notified not later than 952
twenty-four hours prior to the originally scheduled visit or 953
appointment and the parent shall schedule a follow-up visit or 954
appointment. 955

Sec. 2151.4611. (A) The court shall award legal custody of 956
a child adjudicated to be an abused child as the result of being 957
a substance-exposed infant to the child's father if, on 958
investigation of the father by the public children services 959
agency, the agency deems the father fit to care for the child. 960

Sec. 2151.4613. If a parent violates or fails to comply 961
with sections 2151.469 or 2151.4611 of the Revised Code or the 962
parent's alcohol or drug test returns a positive result, the 963
public children services agency shall file a complaint under 964
section 2151.27 of the Revised Code regarding the child 965
adjudicated to be an abused child as a result of being a 966
substance-exposed infant. 967

Section 2. That existing sections 340.15, 2151.011, 968
2151.031, 2151.353, and 2151.3514 of the Revised Code are hereby 969
repealed. 970

Section 3. This act shall be known as Dylan's Law. 971

Section 4. Section 2151.353 of the Revised Code is 972
presented in this act as a composite of the section as amended 973
by H.B. 8 and H.B. 166, both of the 133rd General Assembly, H.B. 974
49 of the 132nd General Assembly, and H.B. 50 and H.B. 158 both 975

of the 131st General Assembly. The General Assembly, applying	976
the principle stated in division (B) of section 1.52 of the	977
Revised Code that amendments are to be harmonized if reasonably	978
capable of simultaneous operation, finds that the composite is	979
the resulting version of the section in effect prior to the	980
effective date of the section as presented in this act.	981