



**Sub. S.B. 27**

124th General Assembly  
(As Passed by the General Assembly)

**Sens. Mumper, Jacobson, Blessing, Amstutz, Spada, Carnes, Fingerhut, Mead, McLin, Espy, Robert Gardner, Nein, Harris**

**Reps. Kearns, Seitz, D. Miller, R. Miller, Jolivette, Beatty, Patton, Barnes, Cirelli, Olan, Allen, Carey, Roman, Sulzer, Hoops, Coates, Barrett, Webster, White, Widowfield, Carmichael, Salerno, Latell, Collier, Schaffer, Hagan, Distel, Redfern, Flowers, Young, Latta, Clancy, Schmidt, Reidelbach, Otterman, Woodard, Key, Jones, Fessler, Willamowski**

**Effective date: \***

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**ACT SUMMARY**

- Requires a public or private entity that places for adoption a child found to be a delinquent child for committing specified criminal acts to inform the prospective adoptive parents about the child's social history, history of delinquent acts and violent acts, and mental and emotional evaluations.
- Requires, in certain circumstances, a public or private entity to conduct a psychological examination of the delinquent child and provide a written report of the examination to the prospective adoptive parents.
- Permits a juvenile court, at its discretion and on consideration of certain criteria, to issue an order for support of a child if the parents enter into an agreement placing the child in the temporary custody of a public children services agency or private child placing agency or the child is committed as provided in the Juvenile Code.
- Makes changes to the law governing the provision of information about adoption to foster caregivers seeking to adopt a foster child in their care.

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*\* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

- Requires the Department of Job and Family Services to develop a standardized form for the disclosure of information about a child to prospective adoptive parents.
- Makes changes to the law governing prefinalization assessments and reports of the assessments made prior to adoption finalization.
- Requires the Director of Job and Family Services, in conjunction with the Director of Mental Health, to create a task force to advise the General Assembly on programs or initiatives that may better assist foster and adoptive parents in dealing with children with behavioral problems.

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## **CONTENT AND OPERATION**

### **Information to prospective adoptive parents**

(secs. 2151.62 and 2152.72)

Entities placing certain delinquent children in a certified foster home are required to provide the foster caregivers the following background information before placing the child:

- (1) A written report of the child's social history;
- (2) A written report of all the acts committed by the child of which the entity is aware that resulted in the child being adjudicated a delinquent child and the disposition made by the court, unless the records related to the act have been sealed;
- (3) A written report describing any other violent act committed by the child of which the entity is aware;
- (4) The substantial and material conclusions and recommendations of the child's psychiatric or psychological examination or, if no examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders.

If records of an adjudication that a child is a delinquent child have been sealed and an entity knows the records have been sealed, the entity must provide the foster caregivers a written statement that the records have been sealed.

The act makes these provisions also applicable to situations in which the delinquent child is placed with prospective adoptive parents. The delinquent

children subject to the provisions are children who have been adjudicated delinquent for an act to which any of the following applies:

(1) The act is a violation of the prohibition against aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, aggravated assault, assault, rape, sexual battery, or gross sexual imposition.

(2) The act is a violation of the prohibition against conspiracy and involved an attempt to commit aggravated murder or murder.

(3) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification that relates to the use or possession of a firearm, during the commission of that act.

(4) The act would be a felony if committed by an adult, and the court determined that the child, if an adult, would be guilty of a specification that the child wore or carried body armor while committing the act.

### **Psychological examination**

(secs. 2151.62 and 2152.72)

Continuing law requires the entity that places a delinquent child in a certified foster home to conduct a psychological examination of the child unless an examination was conducted no more than one year prior to the child's placement. No later than 60 days after placing the child, the entity must provide the foster caregiver a written report detailing the substantial and material conclusions and recommendations of the examination.

The act requires the entity that places the delinquent child for adoption to conduct a psychological examination of the child the same as if the child were being placed in a certified foster home. The act expands the exception applicable to the examination requirement for a child placed in a certified foster home. The act also establishes exceptions for the examination requirement for a child placed for adoption. The exceptions are the same for both and are as follows:

(1) An entity is not required to conduct the examination if an examination was conducted no more than one year prior to the child's placement and exception (2) does not apply;

(2) An entity is not required to conduct the examination if a foster caregiver seeks to adopt the foster caregiver's foster child and an examination was conducted no more than two years prior to the date the foster caregiver seeks to adopt the child.

The act also extends to prospective adoptive parents the existing requirement that the foster caregiver receive a written report within 60 days of the placement detailing the substantial and material conclusions and recommendations of the examination.

**Costs of providing information and psychological examination**

(secs. 2151.62 and 2152.72)

The entity that places the delinquent child in a certified foster home is generally required to pay the expenses of conducting the examinations and preparing the reports and assessments discussed above.

If one of the following entities is placing a child in a certified foster home with the assistance of or by contracting with a public children services agency (PCSA), a private child placing agency (PCPA), or private noncustodial agency (PNA), the entity must also provide the background information, pay the expenses of preparing that information, and, if a new psychological examination is required to be conducted, pay the expenses of conducting it:

- (1) The Department of Youth Services;
- (2) A juvenile court with temporary or permanent custody of a child;
- (3) A PCSA or PCPA with temporary or permanent custody of the child.

The agency that receives the background information must provide the entity that sent the information written acknowledgment that it received the information and provided it to the foster caregivers. The entity must keep the acknowledgment and provide a copy to the agency. An entity that places a child in a certified foster care home with the assistance of or by contracting with an agency remains responsible for providing the background information to the foster caregivers, unless the entity receives written acknowledgment that the agency provided the information to the prospective parents.

The act makes the above provisions applicable in situations in which the delinquent child is placed for adoption. The act provides that all information that would be provided to a foster caregiver must be given to a prospective adoptive parent.

### **Acknowledgment of receipt**

(secs. 2151.62 and 2152.72)

Once the foster caregivers receive the information described above, they must provide to the entity that places the child in the foster caregivers' home a written acknowledgment that the foster caregivers received the information. The entity must keep the acknowledgment and provide a copy to the foster caregivers. The act applies these provisions to placements with prospective adoptive parents to the same extent as foster caregivers.

### **Penalty**

(secs. 2151.62, 2152.72, and 2151.99)

A person employed by an entity required to provide foster caregivers background information and the results of psychological examinations who is made responsible by that entity for the child's placement in a certified foster home is prohibited from failing to provide the foster caregivers the required background information and examination results. A violation of this prohibition is a minor misdemeanor. The act applies these provisions to placements with prospective adoptive parents to the same extent as foster caregivers.

### **Support orders for adopted children placed in temporary custody**

(secs. 2151.36, 2151.361, 2919.231, and 3119.01)

When a child has been committed as provided in the Juvenile Code, a juvenile court is required to issue an order requiring that the parent, guardian, or person charged with the child's support pay for the care, support, maintenance, and education of the child. The juvenile court must do all of the following: (1) order that the parents, guardian, or person pay for the expenses involved in providing orthopedic, medical, or surgical treatment for, or for special care of, the child, (2) enter a judgment for the amount due, and (3) enforce the judgment by execution as in the court of common pleas.

The act permits a juvenile court, in its discretion, to issue a support order if the parents of a child enter into an agreement with a PCSA or PCPA to place the child into the temporary custody of the agency or the child is committed under the Juvenile Code and the parents adopted the child. In exercising its discretion concerning issuing an order for support under this provision, the juvenile court must consider all pertinent issues, including all of the following: (1) the ability of the adoptive parents to pay for the care, support, maintenance, and education of the child, (2) the chances for reunification of the parents and child, (3) whether issuing the support order will encourage the reunification of the parents and child

or undermine that reunification, (4) whether the problem underlying the agreement to place the child into temporary custody existed prior to the parents' adoption of the child and whether the parents were informed of the problem prior to that adoption, (5) whether the problem underlying the agreement to place the child into temporary custody began after the parents' adoption of the child, (6) whether the parents have contributed to the child's problems, and (7) whether the parents are part of the solution to the child's problems.

**Information about adoption provided to foster caregivers**

(sec. 3107.013)

Prior law required an agency arranging an adoption pursuant to an application submitted to the agency for a foster caregiver seeking to adopt the foster caregiver's foster child to offer to provide the foster caregiver information about adoption, including information about state adoption law, adoption assistance available under certain provisions of state and federal law, and other adoption issues the Department of Job and Family Services (ODJFS) identifies. If the foster caregiver informed the agency that the foster caregiver wanted the information, the agency was required to provide it to the foster caregiver in accordance with ODJFS rules.

The act removes the optional nature of the above provision and instead requires an agency arranging an adoption pursuant to an application submitted to the agency for a foster caregiver seeking to adopt the foster caregiver's foster child to provide the foster caregiver the information about adoption described above. The agency must also provide to the prospective adoptive parents the following additional information: (1) the types of behavior that the prospective adoptive parents may anticipate from children who have experienced abuse and neglect, and (2) suggested interventions and assistance available if the child exhibits those types of behaviors after adoption.

**Form for disclosure of information**

(sec. 3107.17)

The act requires ODJFS to develop a standardized form for the disclosure of information about a prospective adoptive child to prospective adoptive parents. The information disclosed must include all background information available on the child. ODJFS must distribute the form to all agencies.

## Adoption prefinalization assessment report

(sec. 3107.12)

Under continuing law, an assessor must conduct a prefinalization assessment of a minor and petitioner before a court issues a final decree of adoption or finalizes an interlocutory order of adoption for the minor.<sup>1</sup> On completion of the assessment, the assessor must prepare a written report of the assessment and provide a copy of the report to the court before which the adoption petition is pending.

The assessor is not required to conduct a prefinalization assessment or file a report if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment. In addition, the assessor is not required to conduct a prefinalization assessment or file a report if the petitioner is the minor's foster caregiver and the minor has resided in the petitioner's home as the foster caregiver's foster child for at least 12 months prior to the date the petitioner submits an application to the agency arranging the adoption.

The act adds to the list of information required to be presented in the assessor's prefinalization report information regarding the minor's psychological background, including prior abuse of the child and behavioral problems of the child if that information is known. The act also requires the assessor to provide a copy of the written report of the assessment to the petitioner with the identifying information about the biological or other legal parents removed.

The act eliminates the existing provision providing that the assessor is not required to conduct a prefinalization assessment or file a report if the petitioner is the minor's foster caregiver and the minor has resided in the petitioner's home as the foster caregiver's foster child for at least 12 months prior to the date the petitioner submits an application to the agency arranging the adoption. Therefore, under the act, an assessor **is** required to conduct a prefinalization assessment and file the report if the petitioner is the minor's foster caregiver, even if the minor has resided in the petitioner's home as the foster caregiver's foster child for at least 12 months prior to the date the petitioner submits an application to the agency arranging the adoption.

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<sup>1</sup> *An assessor is a person who meets certain qualifications provided under the Revised Code to conduct investigations of prospective adoptions and adoptive parents. These investigations include, in addition to the prefinalization assessment and report, home studies and completion of the medical and social histories of biological parents.*

## **Task force**

(Section 6)

The act requires the Director of Job and Family Services, in conjunction with the Director of Mental Health, to create a task force to advise the General Assembly on the development and evaluation of caseworker assessment education and training programs, assessment standards and criteria, and other programs or initiatives that may better assist foster and adoptive parents in dealing with children with behavioral problems. The members must include professionals from the mental health field with expertise in the evaluation of at risk or special needs children and representatives of other organizations the Directors consider appropriate.

The task force must, by July 1, 2002, submit to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate a report of its findings and recommendations.

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## **HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-01	pp. 93-94
Reported, S. Judiciary-- Civil Justice	04-04-01	p. 269
Passed Senate (33-0)	04-04-01	pp. 270-271
Reported, H. Health & Family Services	10-11-01	pp. 906-907
Passed House (91-0)	10-18-01	pp. 957-958
Senate concurred in House amendments (30-0)	11-14-01	pp. 1115-1116

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