



H.B. 424

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

Reps. Raga, Husted, White, Grendell, Seitz, Metzger, Otterman, Patton, Lendrum, G. Smith, Schneider, Jolivette, Kearns, D. Miller, Schuring, Kilbane, Williams, McGregor, Mason, Cirelli, Beatty, Evans, Schmidt, Calvert, Flannery, Coates, Flowers, Niehaus, Willamowski

Sens. Wachtmann, Randy Gardner, Prentiss, Spada

Effective date: *

ACT SUMMARY

- Authorizes the Director of Job and Family Services to petition a common pleas court to stop the operation without a certificate from the Director of an entity that cares for children.
- Increases the penalty for violating the prohibition against receiving children on behalf of an institution or association that has no certificate to not less than \$500 nor more than \$1,000.

CONTENT AND OPERATION

Background--certification of institutions and associations that care for children

(secs. 5103.02 [not in act], 5103.03, and 5103.99)

With certain exceptions, the Ohio Department of Job and Family Services (ODJFS) is required every two years to pass on the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes. When ODJFS is satisfied as to the care given the children, and that the requirements of the statutes and rules covering the management of these institutions and associations are being complied with, it is

* *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.*

required to issue a certificate to that effect. A certificate is valid for two years, unless earlier revoked.

Current law also prohibits persons from receiving children on behalf of an institution or association that does not have a certificate or has had its certificate revoked. The penalty for violating the prohibition is a fine of not less than \$5 nor more than \$500.

For purposes of the requirement that a certificate be obtained, an "institution" or "association" includes (1) any organization, society, association, or agency that receives or cares for children for two or more consecutive weeks, (2) any individual who, for hire, gain, or reward receives or cares for children for two or more consecutive weeks, unless the individual is related to the children by blood or marriage, and (3) an individual who in any manner becomes a party to the placing of children in foster homes, other than individuals employed by a court or by an institution or association that has been certified to receive and care for children, individuals related to the children by blood or marriage, or an individual appointed as guardian of the children.¹ Child day-care centers are not subject to the provisions governing institutions and associations. They are regulated under other provisions of law (Revised Code Chapter 5104.)

The act

Injunction

(sec. 5103.03)

The act provides that if the Director of ODJFS determines that an institution or association is operating a facility that cares for children without a

¹*The definitions of "institution" and "association," and the provisions of the Revised Code governing certificates for them, do not apply to any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the Department of Education, a local board of education, the Department of Youth Services, the Department of Mental Health, the Department of Mental Retardation and Developmental Disabilities, or an individual who provides care for only a single-family group placed by the parents or another relative with custody.*

"Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training 24 hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away.

certificate, the Director may petition the common pleas court in the county in which the facility is located for an order enjoining (stopping) the operation of that facility. The court is required to grant injunctive relief on a showing that the institution or association is operating a facility without a certificate.

Increased penalty

(sec. 5103.99)

The act changes the penalty for violating the prohibition against receiving children without a certificate or with a revoked certificate from a fine of not less than \$5 nor more than \$500 to a fine of not less than \$500 nor more than \$1,000.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-25-01	p. 997
Reported, H. Health & Family Services	03-20-02	p. 1595
Passed House (92-0)	03-21-02	pp. 1612-1613
Reported, S. Health, Human Services & Aging	05-30-02	p. 1870
Passed Senate (31-0)	11-12-02	p. 2104

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