



Ralph D. Clark

Bill Analysis
Legislative Service Commission

H.B. 424

124th General Assembly
(As Introduced)

**Reps. Raga, Husted, White, Grendell, Seitz, Metzger, Otterman, Patton,
Lendrum, G. Smith, Schneider**

BILL SUMMARY

- Authorizes the Director of Job and Family Services to petition a common pleas court to enjoin the operation of an entity that cares for children without a certificate from the Director.
- 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 bill], 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 required to issue a certificate to that effect. Certification is valid for two years, unless earlier revoked.

Current law also prohibits persons from receiving children on behalf of an institution or association not certified or whose certification has been revoked. The penalty for violating the prohibition is a fine of not less than \$5 nor more than \$500.

For purposes of the certification requirement, 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) any 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

The bill

Injunction

(sec. 5103.03)

The bill provides that if the Director of ODJFS determines that an institution or association is operating a facility that cares for children without a certificate, the Director may petition the common pleas court in the county in which the facility is located for an order enjoining the operation of that facility.² The court is required to grant injunctive relief on a showing that the institution or association is operating a facility without a certificate.

¹*The definitions of "institution" and "association," and the provisions of the Revised Code governing their certification, 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 any individual who provides care for only a single-family group, placed there by their parents or other relative having 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.

²*The bill does not require the petition to be brought in the Juvenile Court.*

Increased penalty

(sec. 5103.99)

The bill changes the penalty for violating the prohibition under current law against receiving children without a certificate or with a revoked certificate from a fine of not less than five dollars 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 |

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