



Lynda Meinke

Bill Analysis
Legislative Service Commission

H.B. 424*

124th General Assembly

(As Reported by S. Health, Human Services & Aging)

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

BILL SUMMARY

- Authorizes the Director of Job and Family Services to petition a common pleas court to enjoin 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 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. A certificate is valid for two years, unless earlier revoked.

* *This analysis was prepared before the report of the Senate Health, Human Services and Aging Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.*

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

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

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.

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

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 bill 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 Reported, H. Health & Family Services	10-25-01 03-20-02	p. 997 p. 1595
Passed House (92-0) Reported, S. Health, Human Services & Aging	03-21-02 ---	pp. 1612-1613 ---

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