



S.B. 27

124th General Assembly
(As Introduced)

Sen. Mumper

BILL 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 that type of the delinquent child and provide a written report of the examination to the prospective adoptive parents.

CONTENT AND OPERATION

Providing information to prospective adoptive parents

Similar to the existing requirements for entities placing certain delinquent children in a foster home (see "**Children subject to the bill**," below), the bill requires a public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency (PNA), or court, the Department of Youth Services, or another private or governmental entity to provide the prospective adoptive parents of a delinquent child subject to the bill the following background information before placing the delinquent child for adoption (R.C. 2151.62(B)(1)):

- (1) A written report of the child's social history;
- (2) A written report of the all the acts committed by the child of which the entity is aware, that have not been sealed, and that resulted in the child being adjudicated a delinquent child and the disposition made by the court;
- (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 prospective adoptive parents a written statement that the records have been sealed (R.C. 2151.62(B)(2)).

Children subject to the bill

An entity that places a delinquent child for adoption must provide the prospective adoptive parents the above-described information, conduct the psychological examination discussed below, and comply with the other requirements of the bill only if the child has been adjudicated a delinquent child for an act to which any of the following applies (R.C. 2151.62(A)):

(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 the child had a firearm, automatic firearm, or firearm equipped with a muffler or silencer, or displayed, brandished, or indicated possession of or used a firearm, during the commission of that act or that act relates to the possession or use of a firearm;

(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 offense.

Psychological examination

In addition to providing prospective adoptive parents the information discussed above, the bill also requires the entity that places a delinquent child subject to the bill for adoption to conduct a psychological examination of the child, except that the entity is not required to conduct the examination if such 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 to the prospective adoptive parents a written report detailing the substantial and material conclusions and recommendations of the examination. (R.C. 2151.62(C).)

Costs of providing information and psychological examination

The bill generally requires the entity that places a delinquent child subject to the bill for adoption to pay the expenses of conducting the examinations and preparing the reports and assessments discussed above (R.C. 2151.62(D)(1)).

When a juvenile court grants temporary or permanent custody of a delinquent child subject to the bill to a PCSA or PCPA, the bill requires the court to provide the background information discussed above, pay the expenses of preparing that information, and, if a new psychological examination must be conducted, pay the expenses of conducting the examination. Once the PCSA or PCPA receives the background information, it must provide the court written acknowledgment of receipt. The court must keep the acknowledgment and provide a copy to the agency. On the motion of the PCSA or PCPA, the court may terminate the order granting custody to that agency, if the court does not provide the background information. (R.C. 2151.62(D)(2).)

If one of the following entities is placing a child for adoption with the assistance of or by contracting with a PCSA, PCPA, or a PNA, the entity must also provide the background information discussed above, pay the expenses of preparing that information, and, if a new psychological examination is required to be conducted, pay the expenses of conducting it (R.C. 2151.62(D)(3)):

- (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 prospective adoptive parents. The entity must keep the acknowledgment and provide a copy to the agency. An entity that places a child for adoption with the assistance of or by contracting with an agency remains responsible to provide the background information to the prospective adoptive parents unless the entity receives written acknowledgment that the agency provided the information to the prospective parents.

Acknowledgment of receipt

Once the prospective adoptive parents receive the information described above, the parents must provide to the entity that places the child in the prospective adoptive parents' home a written acknowledgment that the parents received the information. The entity must keep the acknowledgment and provide a copy to the parents. (R.C. 2151.62(F).)

Penalty

A person employed by an entity required to provide prospective adoptive parents background information and the results of psychological examinations under the bill who is made responsible by that entity for the child's placement for adoption is prohibited from failing to provide the prospective adoptive parents the required background information and examination results. A violation of this prohibition is a minor misdemeanor. (R.C. 2151.62(G) and 2151.99(C).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
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