Britton Hicks *Legislative Service Commission*

Sub. S.B. 287

126th General Assembly
(As Reported by S. Health, Human Services and Aging)

Sens. Niehaus, Schuring, Mumper, Coughlin, Fedor

BILL SUMMARY

Extension of access to adoption records

- Extends the right of access to nonidentifying information in an adoption record to persons adopted between January 1, 1964, and September 18, 1996.

Falsification of adoption and foster care related documents

- Provides that a person seeking to adopt a minor who knowingly makes a false statement in an adoption application submitted to an adoption agency or attorney in order to obtain adoption services is guilty of falsification, a first-degree misdemeanor.

- Provides that a person seeking to adopt a minor who knowingly makes a false statement included in the written report of the home study is guilty of falsification.

- Provides that an institution or association that knowingly makes a false statement that is included as part of its certification to receive and care for children is guilty of falsification.

Creation of an adoption assessor registry

- Requires the Department of Job and Family Services to develop and maintain a registry of adoption assessors not later than January 1, 2008.

Multiple children assessments

- Requires an assessor to complete a multiple children assessment, during the home study, if a person seeking to adopt a minor or foster child will

have at least five children who permanently reside in the prospective adoptive home once the minor or child is placed in the home.

- Requires an assessor to include the multiple children assessment in the written report of the home study.

Prospective adoptive home visits

- Requires an assessor, no later than seven days after a minor to be adopted is placed in the prospective adoptive home, to conduct a prospective adoptive home visit every 30 days until the court issues a final decree of adoption in order to evaluate the progression of the placement.

- Requires the prospective adoptive home visit evaluation to be included in the prefinalization assessment.

- Requires the assessor, during the prospective adoptive home visits, to make face-to-face contact with the prospective adoptive parent and the minor to be adopted, and requires contact with all other children or adults residing in the home as prescribed by administrative rule adopted by the Director of ODJFS.

Sharing of information concerning an impending adoptive placement

- Requires an agency or attorney arranging an adoption to notify the county PCSA where the prospective adoptive parent resides within ten days after the initiation of a home study.

- Requires the agency or attorney arranging the adoption and the PCSA of the county in which the prospective adoptive parent resides to share relevant information regarding the prospective adoptive parent.

- Requires the agency or attorney mentioned above to notify the county PCSA where the prospective adoptive parent resides of the name and age of children residing in a prospective adoptive home, no later than ten days before placement.

- Grants the agency or attorney sharing information a qualified immunity from civil liability from acts or omissions in connection with the sharing of information.

- Authorizes the Director of ODJFS to adopt administrative rules to (1) require the results of a search of the central registry of reports of abuse and neglect, or its successor, to be included in the home study report, and (2) specify an appeals procedure for persons whose application for adoption has been denied because of the results of a search of the central registry, or its successor.

Adoption prefinalization assessment report

- Requires, if applicable, the assessor's prefinalization assessment to include the documents or forms created by the bill regarding an adoption.

Permitted adoption related expenses

- Permits the payment of expenses or fees incurred in connection with the multiple children assessment and the prospective adoptive home visit in connection with a placement and adoption.

Planning and financial responsibility for a child who is the subject of a cross-county adoption that subsequently fails

- Requires the PCSA that had custody of a child before a cross-county adoption that subsequently fails to share in the planning and financial responsibility with the county that assumes custody after the unsuccessful adoption.

Civil immunity for foster caregivers

- Provides foster caregivers with general immunity from civil liability.

PCSA caseworker and supervisor training

- Increases from 90 to 102 the number of hours of in-service training required of a caseworker hired by a PCSA.

- Requires a PCSA caseworker to complete training courses in accepting reports of child abuse, neglect, and dependency, and in assessing child safety.

- Requires a PCSA supervisor to complete training courses on screening reports of child abuse, neglect, or dependency.

Adoption of an adult

- Allows a consenting adult to be adopted if the adult was in the permanent custody of a Public Children Services Agency (PCSA) or a Private Child Placing Agency (PCPA) at the time of the adult's 18th birthday.

Child abuse or neglect reporting

- Adds persons performing the duties of an adoption assessor and employees of (1) respite care facilities or homes, (2) home health agencies, (3) entities that provide homemaker services, and (4) a third party employed by a PCSA to assist in providing child or family related services to the list of individuals that are required, under current law, to report knowledge or suspicion of child abuse or neglect.

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CONTENT AND OPERATION

Extension of access to nonidentifying information about a birth parent or birth sibling to certain adoptees

The bill

The bill expands the availability of nonidentifying information[1] kept in an adoption record to persons who were adopted or were available or potentially available for adoption *before* September 18, 1996,[2] on the same basis as is currently available to a person who was adopted as a minor *after* September 18, 1996, as discussed below (R.C. 3107.66(A)).[3]

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[1] *"Nonidentifying information" means any information that is not identifying information, including all of the following (R.C. 3107.60, not in the bill):*

(1) A birth parent's age at the time the birth parent's child is adopted;

(2) The medical and genetic history of the birth parents;

(3) The age, sex, and medical and genetic history of an adopted person's birth sibling and extended family members;

(4) A person's heritage and ethnic background, education level, general physical appearance, religion, occupation, and cause of death;

(5) Any information that may be included in a social and medical history as specified by law.

"Identifying information" includes a person's name, address, social security number, and telephone number (R.C. 3107.01).

[2] *A person was available or potentially available for adoption prior to September 18, 1996, if, prior to that date, either (1) at least one of the person's biological parents executed consent to the person's adoption, or (2) a probate court entered a finding that the consent of at least one of the person's biological parents to the person's adoption was not needed.*

[3] *Adopted persons whose adoptions were decreed before January 1, 1964, also currently have access to their adoption records. The adopted person may either submit a request to the Department of Health for the Department to provide a copy of the contents of the adopted person's adoption file or file a petition for the release of information regarding the adopted person's name by birth and the identity of the adopted person's biological parent and biological siblings in the same manner as currently available for adopted persons who were adopted or who became available or potentially available for adoption before September 18, 1996 (R.C. 3107.38(B)).*

Current law

Current law allows an "adopted person," meaning a person who was adopted after September 18, 1996, to have access to nonidentifying information concerning an adopted person's birth parent or birth sibling kept in an adoption record by an agency, attorney, or probate court. An adopted person who is 18 years old or older, an adoptive parent of an adopted person under age 18, or an adoptive family member of a deceased adopted person, may submit a written request for the information to the agency or attorney who arranged the adoption or to the probate court that finalized the adoption. The agency, attorney, or court must provide the information sought within a reasonable amount of time and may charge a reasonable fee for providing the information.

In addition, current law allows the same information to be provided on the same basis to a birth parent of an adopted person, birth sibling age 18 or older, or a birth family member of a deceased birth parent. (R.C. 3107.66(B).)

The mandate to provide the information is not required of an agency or attorney that has permanently ceased to arrange adoptions. In this instance, if a probate court, person, or other governmental entity holds the adoption records of such an agency or attorney, the party permitted to request the information may submit the written request to the court, person, or other governmental entity that holds the records. The court, person, or other governmental entity must provide the required information within a reasonable amount of time and may charge a reasonable fee for providing the information. (R.C. 3107.66(C).)

Before providing the nonidentifying information in the manner discussed above, the person or governmental entity providing the information shall review the record to ensure that all identifying information about any person contained in the record is deleted (R.C. 3107.66(D)).

Falsification of documents regarding adoptions and foster care placements

The bill expressly states that making false statements in connection with certain documents pertaining to adoptions and foster care placements constitutes the offense of falsification, a first degree misdemeanor.

Falsification of adoption application

Current law requires a person seeking to adopt a minor to use either an agency or an attorney to formally arrange the adoption. The bill provides that a person seeking to adopt a minor who knowingly makes a false statement in the adoption application submitted to the agency or attorney to obtain services in

arranging an adoption is guilty of falsification, a misdemeanor of the first degree.[4] (R.C. 3107.011.)

Falsification of documents pertaining to a home study

Current law requires an assessor to conduct a home study concerning a person seeking to adopt and to file a written report on the home study at least ten days before the petition for adoption is heard. The report must contain the assessor's opinion as to whether the person seeking to adopt is suitable to adopt, and other information specified in administrative rule, including the JFS 01673 "Assessment for Child Placement (Homestudy)."[5] (R.C. 3107.031.)

The bill expressly states that a person seeking to adopt a minor who knowingly makes a false statement that is included in the written report of the home study is guilty of falsification, a first-degree misdemeanor. And the home study may not be filed with the court. (R.C. 3107.031.)

Falsification regarding statements included as part of the certification of an institution or association

Current law requires the Department of Job and Family Services (ODJFS) to pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, every two years. The Department must issue a certificate to an institution or association when it is satisfied as to the care given such children and when the institution or association complies with the requirements of statutes and rules covering the management of such institutions or associations. (R.C. 5103.03.) An institution or association includes generally (1) any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or

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[4] *The offense of falsification prohibits a person from knowingly making a false statement, or knowingly swearing or affirming the truth of a false statement previously made, in a number of situations, including when the statement is: (1) made in an official proceeding, (2) made with purpose to mislead a public official in performing the public official's official function, (3) made with purpose to secure a government-issued certificate, (4) in connection with a report that is required or authorized by law, and (5) knowingly made to a probate court in connection with any matter within its jurisdiction.*

[5] *The JFS 01673 includes such information as household members; description of the home; military history; criminal history; applicant's residential, employment, and marital history; relationship between co-applicants; religious affiliation and/or spiritual beliefs; children and non-applicant adults residing in the home; family finances; attitudes and beliefs regarding foster care/adoption issues; a narrative; and additional assessor observations (http://www.odjfs.state.oh.us/forms/file.asp?id=43560).*

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, and (3) any individual not in the regular employ of a court, or of a certified institution or association who in any manner becomes a party to the placing of children in foster homes (R.C. 5103.02, not in the bill).

The bill also expressly states that, if an institution or association knowingly makes a false statement that is included as part of the certification, the institution or association is guilty of falsification. The Department is prohibited from certifying the institution or association. (R.C. 5103.03(B)(4).)

Registry of adoption assessors

Current law directs that an individual performing the duties of an adoption assessor must meet all of the following requirements (R.C. 3107.014 and 3107.015):

(1) The individual must be in the employ of, appointed by, or under contract with a court, a public children services agency (PCSA), a private child placing agency (PCPA), or a private noncustodial agency (PNA);

(2) The individual must complete education programs in accordance with rules adopted by the Director of Job and Family Services;[6]

(3) The individual must be one of the following:

(a) A licensed professional counselor or licensed social worker;

(b) A licensed psychologist;

(c) A student who is working to earn a post-secondary degree and who is conducting an assessor's duties under the supervision of a licensed professional counselor, social worker, or psychologist;

(d) A civil service employee engaging in social work without a license, but who is otherwise legally permitted to do so;

(e) A former employee of a PCSA who conducted the duties of an assessor while so employed.

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[6] *These education programs must include courses on adoption placement practices, federal and state adoption assistance programs, and post adoption support services (R.C. 3107.015, not in the bill).*

In addition, an individual who was in the employ of, appointed by, or under contract with a court to conduct adoption investigations of prospective adoptive parents before September 18, 1996, may perform the duties of an adoption assessor, provided that the individual complies with the education program requirements for assessors.

The bill requires ODJFS, not later than January 1, 2008, to develop and maintain an assessor registry to list all individuals who are employed, appointed by, or under contract with a court, PCSA, PCPA, or PNA, and who meet the requirements of an assessor. A PCSA, PCPA, PNA, court, or any other person may contact ODJFS to determine if an individual is listed in the assessor registry. An individual listed in the registry has a duty to immediately inform the department when that individual is no longer employed by, appointed by, or under contract with a court, PCSA, PCPA, or PNA to perform the duties of an assessor.

The Director of Job and Family Services is directed to adopt administrative rules as necessary for the implementation, contents, and maintenance of the registry, and any sanctions related to the providing of information, or the failure to provide information, that is needed for the proper operation of the assessor registry. (R.C. 3107.014(D).)

Information in the central registry

Current law requires ODJFS to maintain a central registry of reports of the investigations of known or suspected child abuse or child neglect or of a known or suspected threat of child abuse or child neglect. The PCSA that investigates the allegation must report the case to the central registry. The registry is designed to help the PCSAs determine whether prior reports have been made in other counties concerning the child or other principals in the case. (R.C. 2151.421(F)(1).)

The bill directs ODJFS to adopt administrative rules regarding a PCPA's or PNA's access, data entry, and use of information in the central registry or its successor, notwithstanding any provision of law that requires confidentiality of information contained in the central registry (R.C. 5101.134).

The bill also requires ODJFS to adopt rules, by January 1, 2008, requiring a summary report of the results of a search of the central registry, or its successor, to be included in the home study report of an adoption application and prior to a child's placement with an association or institution, such as a foster home (R.C. 3107.033(A), 5103.16(A), and 5103.18(A)).[7] The summary report must contain, if

[7] *ODJFS plans to replace this central registry with a statewide automated child welfare information system (SACWIS). According to Sub. S.B. 238 of the 126th General Assembly, As Passed by the House, ODJFS must complete statewide implementation of*

applicable, a chronological list of abuse and neglect determinations or allegations of which the person seeking to adopt or seeking to become a foster caregiver is subject and in regards to which a PCSA has (1) determined that abuse or neglect occurred, (2) initiated an investigation, and the investigation is ongoing, or (3) initiated an investigation and the agency was unable to determine whether abuse or neglect occurred. (R.C. 3107.034(A) and 5103.18.)

The summary report, however, must not contain the following (R.C. 3107.034(B) and 5103.18(B)):

(1) An abuse or neglect determination of which the person seeking to adopt or seeking to become a foster caregiver is subject and in regards to which a PCSA determined that abuse or neglect did not occur;

(2) Information or reports the dissemination of which is prohibited by, or interferes with eligibility under the federal "Child Abuse Prevention and Treatment Act" (42 U.S.C. 5101 et seq.).

(3) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

An application for adoption or a foster placement may not be denied based solely on the fact that a PCSA initiated an investigation when the investigation is ongoing or when the agency was unable to determine whether abuse or neglect occurred. However, an application or placement may be denied based on the PCSA's determination that abuse or neglect occurred, when considered within the totality of the circumstances. An application for adoption that is denied for this reason may be appealed using the procedure adopted by rule of the Department of Job and Family Services. The rule must specify the procedure under which a person whose application for adoption has been denied may appeal the denial to the agency that employed the assessor who filed the report. (R.C. 3107.033(B) and 3107.034(C).)

Multiple children assessments

Under the bill, each time a person seeks to adopt a minor or foster child when that person will have at least five children residing in the prospective adoptive home after the minor or foster child is placed in the home, an assessor must complete a multiple children assessment during the home study and must include the assessment in the written report of the home study filed with the court. The assessment must evaluate the ability of the person seeking to adopt in meeting

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SACWIS by January 1, 2008. (See Sub. S.B. 238 of the 126th General Assembly, As Passed by the House, and http://jfs.ohio.gov/sacwis/.)

the needs of both the child to be adopted and continuing to meet the needs of the other children residing in the home. An assessor is not required to complete the multiple children assessment for an adoption by a stepparent whose spouse is a biological or adoptive parent of the minor to be adopted. (R.C. 3107.031 and 3107.032(A) and (C).)

The bill authorizes the Director of ODJFS to adopt administrative rules specifying any further requirements and documents necessary for an assessor to complete a multiple children assessment (R.C. 3107.032(B)).

Prospective adoptive home visits

The Administrative Code currently requires, within four days after a placement for adoption, an assessor from the agency responsible for supervising the adoptive placement to contact the adoptive family by telephone to determine how the placement is progressing. The assessor must make a home visit no later than seven days following placement. The assessor also must make monthly face-to-face contact with the adoptive parent and the child throughout the prefinalization period. At a minimum, two visits in every six-month period must be in the adoptive home. (O.A.C. 5101:2-48-17(A) and (B).)

The bill requires the assessor providing placement or post placement services in the prospective adoptive home to conduct a prospective adoptive home visit in that home not later than seven days after the minor to be adopted is placed in a prospective adoptive home, and every 30 days thereafter, until the court issues a final decree of adoption. During the prospective adoptive home visits the assessor must evaluate the progression of the placement in the prospective adoptive home. The assessor must include the evaluation in the prefinalization assessment. The prospective home visit is not required to be conducted for an adoption by a stepparent whose spouse is a biological or adoptive parent of the minor to be adopted. (R.C. 3107.101(A) and (D).)

The assessor is required to make face-to-face contact with the prospective adoptive parent and the minor to be adopted during the prospective home visit. In addition, the assessor must make contact with all other children or adults residing in the prospective adoptive home (R.C. 3107.101(B)).

The Director of ODJFS is required to adopt administrative rules as necessary concerning the prospective adoptive home visits, including rules regarding the assessor's required contact with all other children and adults residing in the prospective adoptive home (R.C. 3107.101(B) and (C)).

Sharing of information concerning a pending adoption

Under the bill, a PCSA arranging a cross-county adoption, and a PCPA, PNA, or an attorney arranging an adoption must send a notification to the PCSA in the county in which the prospective adoptive parent resides twice in the course of an adoptive placement. The first notification must be sent within ten days after the initiation of the home study. After a PCSA has received the notification, both the agency or attorney arranging the adoption, and the PCSA that receives the notification must share relevant information regarding the prospective adoptive parent as soon as possible after initiation of the home study (R.C. 3107.10(A)). The second notification must occur not later than ten days prior to placement. This notification must include the name and age of the children that will be residing in the prospective adoptive home when the prospective adoptive child is placed there. (R.C. 3107.10(B).)

Neither notification applies to a stepparent adoption (R.C. 3107.10(E)).

The Director of ODJFS is required to adopt administrative rules regarding the sharing of information concerning a pending adoption, including, but not limited to, a definition of "relevant information" that is required to be shared (R.C. 3107.10(D)).

The bill also provides the agency or attorney sharing relevant information with immunity from civil liability for damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with sharing relevant information unless the acts or omissions are done maliciously, in bad faith, or in a wanton or reckless manner (R.C. 3107.10(C)).

Adoption prefinalization assessment report

Under current 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. 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.

The report of prefinalization assessment must include the following (R.C. 3107.12):

(1) The minor's and petitioner's adjustment to the placement;

(2) The present and anticipated needs of the minor and petitioner;

(3) The physical, mental, and developmental condition of the minor;

(4) The minor's biological family background, if known;

(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner;

(6) If the minor's age makes it feasible, the attitude of the minor towards the proposed adoption;

(7) If the minor is an Indian child, how the placement complies with the federal "Indian Child Welfare Act of 1978";

(8) The minor's psychological background, if known.

The bill adds to the list of items required to be included in the prefinalization assessment, if applicable, the documents or forms required for (1) the multiple children assessment, (2) the notification to a PCSA of a pending adoptive placement, and (3) the prospective adoptive home visit (R.C. 3107.12(A)(9)).

Permitted adoption related expenses

Current law prohibits a petitioner, person acting on behalf of a petitioner, or agency[8] or attorney from making or agreeing to make any disbursements in connection with a minor's permanent surrender, placement, or adoption, other than certain medical expenses and expenses charged by the attorney arranging the adoption for providing legal services in connection with the placement and adoption, including the home study.

The bill additionally permits disbursements for expenses charged by an attorney or agency for expenses or fees incurred in connection with the multiple children assessment and the prospective adoptive home visit. (R.C. 3107.055, renumbered from R.C. 3107.10.)

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[8] *An "agency" does not include a PCSA (current R.C. 3107.10, renumbered by the bill as R.C. 3107.055).*

Duties of a PCSA regarding an unsuccessful cross-county adoption

Current law generally requires a child's county of legal residence to pay the cost of care furnished by a PCSA or the board of county commissioners of another county when a child needs services in the other county. Under the bill, however, if an adopted child is removed from the adoptive home and placed in the temporary or permanent custody of a PCSA or PCPA within 36 months after the adoption is finalized, and a court determines that reasonable efforts have been made to prevent the removal of the adopted child from the adoptive home, the agency that previously held permanent custody of the child when the child was placed with the adoptive parent must, along with the agency currently with custody over the child, be given the opportunity to participate in planning for the child's care and treatment and must assume 50% of the financial responsibility for that care and treatment. On the first day of the 37th month after the date the child's adoption was finalized, shared planning and financial responsibility ceases and the custodial agency assumes full planning and financial responsibility. The bill allows the custodial agency and the agency that previously held permanent custody of the child to enter into a different, written agreement for shared financial responsibility. (R.C. 5153.20(B)(1).)

The shared planning and financial responsibility does not apply, however, to an adoption by a stepparent whose spouse is a biological or adoptive parent of the child, to an international adoption, or in cases involving an adoption where either the agency that assumes custody for the child after the unsuccessful adoption or the agency that previously held permanent custody of the child before the adoption is not in Ohio (R.C. 5153.20(B)(2)).

Also, the shared planning and financial responsibility requirement does not prevent a court or a child support enforcement agency from issuing a child support order (R.C. 5153.20(B)(3)).

Civil immunity for foster caregivers

The bill provides foster caregivers with immunity from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by an act or omission in connection with a power, duty, responsibility, or authorization under the foster care laws or rules. This immunity does not apply, however, if, in relation to the act or omission in question, any of the following applies (R.C. 5103.162):

(1) The act or omission was manifestly outside the scope of the foster caregiver's power, duty, responsibility, or authorization;

(2) The act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner;

(3) Liability for the act or omission is expressly imposed by law.

Training for a caseworker and a public children services association supervisor

Current law generally requires each caseworker hired by a PCSA to complete at least 90 hours of in-service training during the first year of a caseworker's continuous employment. The training must include courses in recognizing and preventing child abuse and neglect, assessing risks, intervention, providing services to children and their families, and other topics relevant to child abuse and neglect. The bill increases the number of hours the caseworker must complete to 102 hours, for each caseworker hired after January 1, 2007. The bill also specifies that the courses must consist of courses in accepting reports of child abuse, neglect, and dependency and in assessing child safety. The bill revises the required courses in recognizing and preventing child abuse and neglect to be courses in recognizing and preventing child abuse, neglect, *and dependency*. Similarly, the bill expands the courses on other relevant topics to other topics relevant to child abuse, neglect, *and dependency*. (R.C. 5153.122(A).)

Current law also requires each supervisor hired by a PCSA to complete 60 hours of in-service training. The bill requires the training to include courses in screening reports of child abuse, neglect, or dependency. (R.C. 5153.122(B).)

Adult adoptions

Current law permits any minor to be adopted. An adult may only be adopted if the adult (1) is totally and permanently disabled, (2) is determined to be a mentally retarded person, or (3) had established a child-foster caregiver or child-stepparent relationship with the petitioners as a minor and the adult consents.

The bill also allows an adult to be adopted if the adult was in the permanent custody of a PCSA or PCPA at the time of the adult's 18th birthday, and the adult consents. In addition, the adult must provide the court with the name and contact information with the PCSA or PCPA that had permanent custody of the adult, and the court must request verification from the agency, and the agency must comply with the court's request, as to whether the adult was or was not in the permanent custody of that agency at the time of the adult's 18th birthday. (R.C. 3107.02.)

The bill also states that the issuance of a final decree or interlocutory order of adoption for the adoption of an adult who was in the permanent custody of a PCSA or PCPA at the time of the adult's 18th birthday does not disqualify the

adoptee from independent living service arrangements entered into between the agency and the adoptee (R.C. 3107.14(E)).

Reports and investigations of known or suspected child abuse or child neglect

When a person in one of certain professions, who is acting in an official or professional capacity, knows or suspects that a child under 18 years of age (or a mentally retarded, developmentally disabled, or physically impaired child under 21 years of age) has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, that person is prohibited from failing to immediately report that knowledge or suspicion to the appropriate person or agency. These professionals include, but are not limited to, attorneys, physicians, administrators or employees of child day-care centers, and school teachers. A violation of this prohibition is a misdemeanor of the fourth degree. (R.C. 2151.421 and 2151.99.)

The bill adds to the list of professionals who are required to report known or suspected child abuse or neglect employees of a facility or home that provides respite care,[9] employees of home health agencies, employees of an entity that provides homemaker services, persons performing the duties of an assessor, and a third party employed by a PCSA to assist in providing child or family related services (R.C. 2151.421).

Conforming changes

The bill makes conforming changes in Revised Code sections 2101.11, 3107.014, and 5103.16.

HISTORY

ACTION	DATE
Introduced	03-09-06
Reported, S. Health, Human Services & Aging	05-18-06

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[9] *"Respite care" means appropriate, short-term, temporary care provided to a mentally retarded or developmentally disabled person to sustain the family structure or to meet planned or emergency needs of the family (R.C. 5123.171, not in the bill).*