

**As Re-referred by the House Rules and Reference Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 50**

**Representatives Pelanda, Grossman**

**Cosponsors: Representatives Sears, Driehaus, Stinziano, Rogers, Fedor,  
Rezabek, Blessing, Maag, Lepore-Hagan, LaTourette, Amstutz, Boyd, Kuhns**

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**A BILL**

To amend sections 2151.353, 2151.415, 2151.82, 1  
5101.141, and 5103.30 and to enact sections 2  
2111.011, 5101.1411, 5101.1412, 5101.1413, and 3  
5101.1414 of the Revised Code to extend the age 4  
for which a person is eligible for federal 5  
foster care and adoption assistance payments 6  
under Title IV-E to age twenty-one, to provide a 7  
ward's bill of rights; to require that a 8  
guardian receive the Ohio Guardianship Guide; to 9  
conform to recent amendments to federal Title 10  
IV-E program requirements; and to make an 11  
appropriation. 12

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2151.353, 2151.415, 2151.82, 13  
5101.141, and 5103.30 be amended and sections 2111.011, 14  
5101.1411, 5101.1412, 5101.1413, and 5101.1414 of the Revised 15  
Code be enacted to read as follows: 16

**Sec. 2111.011.** (A) The clerk of the probate court shall 17  
furnish a guide, under division (B) of this section, to a 18

<u>guardian at either of the following times, whichever is</u>	19
<u>applicable:</u>	20
<u>(1) Upon the appointment of the guardian under section</u>	21
<u>2111.02 of the Revised Code;</u>	22
<u>(2) If the guardian was appointed prior to the effective</u>	23
<u>date of this section, upon the first filing by the guardian with</u>	24
<u>the probate court of either of the following, as applicable,</u>	25
<u>after that effective date:</u>	26
<u>(a) A guardian's account, other than a final account, that</u>	27
<u>is required to be filed under section 2109.302 of the Revised</u>	28
<u>Code;</u>	29
<u>(b) A guardian's report that is required to be filed under</u>	30
<u>section 2111.49 of the Revised Code.</u>	31
<u>(B) (1) If the attorney general has prepared a guardianship</u>	32
<u>guide and subsequently prepares any updated version of the</u>	33
<u>guardianship guide that includes the bill of rights of a ward as</u>	34
<u>listed in division (E) of this section, the clerk of the probate</u>	35
<u>court shall furnish the most recent version of the guide to a</u>	36
<u>guardian at either of the following times, whichever is</u>	37
<u>applicable:</u>	38
<u>(a) Upon the appointment of the guardian under section</u>	39
<u>2111.02 of the Revised Code after the most recent version of the</u>	40
<u>guide is prepared;</u>	41
<u>(b) If the guardian was appointed prior to the date of the</u>	42
<u>most recent version of the guide, upon the first filing by the</u>	43
<u>guardian with the probate court of either of the documents</u>	44
<u>described in divisions (A) (2) (a) and (b) of this section, as</u>	45
<u>applicable, after that date.</u>	46

(2) In the alternative, the Ohio judicial conference may 47  
create, by July 1, 2015, and at their cost, an alternative 48  
guardianship guide for use in all probate courts. The 49  
alternative guardianship guide shall be distributed in 50  
accordance with all provisions contained in this act, including 51  
the bill of rights of a ward, as outlined in division (E) of 52  
this section. No court or other entity shall create or 53  
distribute a substitute for the guardianship guides identified 54  
under this section. The court shall furnish this alternative 55  
guardianship guide in accordance with the provisions of this 56  
section. 57

(C) The probate court shall establish a form for a 58  
guardian to sign acknowledging that the guardian received the 59  
following: 60

(1) A guardianship guide; 61

(2) The bill of rights of a ward. 62

(D) Upon receiving a guardianship guide with the ward's 63  
bill of rights pursuant to division (A) or (B) of this section, 64  
the guardian shall sign the form specified in division (C) of 65  
this section. 66

(E) A ward is entitled to certain rights that the guardian 67  
cannot change, and continues to have these rights after a 68  
guardianship is established. These rights are as follows: 69

(1) To be treated with dignity and respect; 70

(2) To exercise control over all aspects of life that the 71  
court has not delegated to the guardian; 72

(3) To appropriate services suited to the ward's needs and 73  
conditions, including mental health services and excluding 74

<u>abortion services;</u>	75
<u>(4) To have the guardian consider the ward's personal desires, preferences, and opinions;</u>	76
<u>(5) To safe, sanitary, and humane living conditions within the least restrictive environment that meets the ward's needs;</u>	78
<u>(6) To marry, if legally able;</u>	79
<u>(7) To have explanations of any medical procedures or treatment;</u>	80
<u>(8) To have personal information kept confidential;</u>	81
<u>(9) To review personal records, including medical, financial, and treatment records;</u>	82
<u>(10) To speak privately with an attorney, ombudsman, or other advocate;</u>	83
<u>(11) To an attorney and independent expert evaluator, and to have these professionals paid by the court if the ward is indigent;</u>	84
<u>(12) To petition the court to modify or terminate the guardianship;</u>	85
<u>(13) To bring a grievance against the guardian, request the court to review the guardian's actions, request removal and replacement of the guardian, or request that the court restore the ward's rights if it can be shown that the ward has regained the capacity to make some or all decisions;</u>	86
<u>(14) To request a hearing to review the continued need for the guardianship at least once a year;</u>	87
<u>(15) To drive, if legally able.</u>	88
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**Sec. 2151.353.** (A) If a child is adjudicated an abused, 101  
neglected, or dependent child, the court may make any of the 102  
following orders of disposition: 103

(1) Place the child in protective supervision; 104

(2) Commit the child to the temporary custody of a public 105  
children services agency, a private child placing agency, either 106  
parent, a relative residing within or outside the state, or a 107  
probation officer for placement in a certified foster home, or 108  
in any other home approved by the court; 109

(3) Award legal custody of the child to either parent or 110  
to any other person who, prior to the dispositional hearing, 111  
files a motion requesting legal custody of the child or is 112  
identified as a proposed legal custodian in a complaint or 113  
motion filed prior to the dispositional hearing by any party to 114  
the proceedings. A person identified in a complaint or motion 115  
filed by a party to the proceedings as a proposed legal 116  
custodian shall be awarded legal custody of the child only if 117  
the person identified signs a statement of understanding for 118  
legal custody that contains at least the following provisions: 119

(a) That it is the intent of the person to become the 120  
legal custodian of the child and the person is able to assume 121  
legal responsibility for the care and supervision of the child; 122

(b) That the person understands that legal custody of the 123  
child in question is intended to be permanent in nature and that 124  
the person will be responsible as the custodian for the child 125  
until the child reaches the age of majority. Responsibility as 126  
custodian for the child shall continue beyond the age of 127  
majority if, at the time the child reaches the age of majority, 128  
the child is pursuing a diploma granted by the board of 129

education or other governing authority, successful completion of 130  
the curriculum of any high school, successful completion of an 131  
individualized education program developed for the student by 132  
any high school, or an age and schooling certificate. 133  
Responsibility beyond the age of majority shall terminate when 134  
the child ceases to continuously pursue such an education, 135  
completes such an education, or is excused from such an 136  
education under standards adopted by the state board of 137  
education, whichever occurs first. 138

(c) That the parents of the child have residual parental 139  
rights, privileges, and responsibilities, including, but not 140  
limited to, the privilege of reasonable visitation, consent to 141  
adoption, the privilege to determine the child's religious 142  
affiliation, and the responsibility for support; 143

(d) That the person understands that the person must be 144  
present in court for the dispositional hearing in order to 145  
affirm the person's intention to become legal custodian, to 146  
affirm that the person understands the effect of the 147  
custodianship before the court, and to answer any questions that 148  
the court or any parties to the case may have. 149

(4) Commit the child to the permanent custody of a public 150  
children services agency or private child placing agency, if the 151  
court determines in accordance with division (E) of section 152  
2151.414 of the Revised Code that the child cannot be placed 153  
with one of the child's parents within a reasonable time or 154  
should not be placed with either parent and determines in 155  
accordance with division (D) (1) of section 2151.414 of the 156  
Revised Code that the permanent commitment is in the best 157  
interest of the child. If the court grants permanent custody 158  
under this division, the court, upon the request of any party, 159

shall file a written opinion setting forth its findings of fact 160  
and conclusions of law in relation to the proceeding. 161

(5) Place the child in a planned permanent living 162  
arrangement with a public children services agency or private 163  
child placing agency, if a public children services agency or 164  
private child placing agency requests the court to place the 165  
child in a planned permanent living arrangement and if the court 166  
finds, by clear and convincing evidence, that a planned 167  
permanent living arrangement is in the best interest of the 168  
child, that the child is sixteen years of age or older, and that 169  
one of the following exists: 170

(a) The child, because of physical, mental, or 171  
psychological problems or needs, is unable to function in a 172  
family-like setting and must remain in residential or 173  
institutional care now and for the foreseeable future beyond the 174  
date of the dispositional hearing held pursuant to section 175  
2151.35 of the Revised Code. 176

(b) ~~The child is sixteen years of age or older, the~~ 177  
parents of the child have significant physical, mental, or 178  
psychological problems and are unable to care for the child 179  
because of those problems, adoption is not in the best interest 180  
of the child, as determined in accordance with division (D) (1) 181  
of section 2151.414 of the Revised Code, and the child retains a 182  
significant and positive relationship with a parent or relative. 183

(c) ~~The child is sixteen years of age or older,~~ has been 184  
counseled on the permanent placement options available to the 185  
child, and is unwilling to accept or unable to adapt to a 186  
permanent placement. 187

(6) Order the removal from the child's home until further 188

order of the court of the person who committed abuse as 189  
described in section 2151.031 of the Revised Code against the 190  
child, who caused or allowed the child to suffer neglect as 191  
described in section 2151.03 of the Revised Code, or who is the 192  
parent, guardian, or custodian of a child who is adjudicated a 193  
dependent child and order any person not to have contact with 194  
the child or the child's siblings. 195

(B) (1) When making a determination on whether to place a 196  
child in a planned permanent living arrangement pursuant to 197  
division (A) (5) (b) or (c) of this section, the court shall 198  
consider all relevant information that has been presented to the 199  
court, including information gathered from the child, the 200  
child's guardian ad litem, and the public children services 201  
agency or private child placing agency. 202

(2) A child who is placed in a planned permanent living 203  
arrangement pursuant to division (A) (5) (b) or (c) of this 204  
section shall be placed in an independent living setting or in a 205  
family setting in which the caregiver has been provided by the 206  
agency that has custody of the child with a notice that 207  
addresses the following: 208

(a) The caregiver understands that the planned permanent 209  
living arrangement is intended to be permanent in nature and 210  
that the caregiver will provide a stable placement for the child 211  
through the child's emancipation or until the court releases the 212  
child from the custody of the agency, whichever occurs first. 213

(b) The caregiver is expected to actively participate in 214  
the youth's independent living case plan, attend agency team 215  
meetings and court hearings as appropriate, complete training, 216  
as provided in division (B) of section 5103.035 of the Revised 217  
Code, related to providing the child independent living 218



services, and assist in the child's transition into adulthood. 219

(3) The department of job and family services shall 220  
develop a model notice to be provided by an agency that has 221  
custody of a child to a caregiver under division (B) (2) of this 222  
section. The agency may modify the model notice to apply to the 223  
needs of the agency. 224

(C) No order for permanent custody or temporary custody of 225  
a child or the placement of a child in a planned permanent 226  
living arrangement shall be made pursuant to this section unless 227  
the complaint alleging the abuse, neglect, or dependency 228  
contains a prayer requesting permanent custody, temporary 229  
custody, or the placement of the child in a planned permanent 230  
living arrangement as desired, the summons served on the parents 231  
of the child contains as is appropriate a full explanation that 232  
the granting of an order for permanent custody permanently 233  
divests them of their parental rights, a full explanation that 234  
an adjudication that the child is an abused, neglected, or 235  
dependent child may result in an order of temporary custody that 236  
will cause the removal of the child from their legal custody 237  
until the court terminates the order of temporary custody or 238  
permanently divests the parents of their parental rights, or a 239  
full explanation that the granting of an order for a planned 240  
permanent living arrangement will result in the removal of the 241  
child from their legal custody if any of the conditions listed 242  
in divisions (A) (5) (a) to (c) of this section are found to 243  
exist, and the summons served on the parents contains a full 244  
explanation of their right to be represented by counsel and to 245  
have counsel appointed pursuant to Chapter 120. of the Revised 246  
Code if they are indigent. 247

If after making disposition as authorized by division (A) 248

(2) of this section, a motion is filed that requests permanent custody of the child, the court may grant permanent custody of the child to the movant in accordance with section 2151.414 of the Revised Code.

(D) If the court issues an order for protective supervision pursuant to division (A)(1) of this section, the court may place any reasonable restrictions upon the child, the child's parents, guardian, or custodian, or any other person, including, but not limited to, any of the following:

(1) Order a party, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time;

(2) Order a party, a parent of the child, or a physical custodian of the child to prevent any particular person from having contact with the child;

(3) Issue an order restraining or otherwise controlling the conduct of any person which conduct would not be in the best interest of the child.

(E) As part of its dispositional order, the court shall journalize a case plan for the child. The journalized case plan shall not be changed except as provided in section 2151.412 of the Revised Code.

(F)(1) The court shall retain jurisdiction over any child for whom the court issues an order of disposition pursuant to division (A) of this section or pursuant to section 2151.414 or 2151.415 of the Revised Code until the child attains the age of eighteen years if the child is not mentally retarded, developmentally disabled, or physically impaired, the child attains the age of twenty-one years if the child is mentally

retarded, developmentally disabled, or physically impaired, or 278  
the child is adopted and a final decree of adoption is issued, 279  
except that the court may retain jurisdiction over the child and 280  
continue any order of disposition under division (A) of this 281  
section or under section 2151.414 or 2151.415 of the Revised 282  
Code for a specified period of time to enable the child to 283  
graduate from high school or vocational school. The court shall 284  
retain jurisdiction over a person who meets the requirements 285  
described in division (A) (1) of section 5101.1411 of the Revised 286  
Code and who is subject to a voluntary participation agreement 287  
that is in effect. The court shall make an entry continuing its 288  
jurisdiction under this division in the journal. 289

(2) Any public children services agency, any private child 290  
placing agency, the department of job and family services, or 291  
any party, other than any parent whose parental rights with 292  
respect to the child have been terminated pursuant to an order 293  
issued under division (A) (4) of this section, by filing a motion 294  
with the court, may at any time request the court to modify or 295  
terminate any order of disposition issued pursuant to division 296  
(A) of this section or section 2151.414 or 2151.415 of the 297  
Revised Code. The court shall hold a hearing upon the motion as 298  
if the hearing were the original dispositional hearing and shall 299  
give all parties to the action and the guardian ad litem notice 300  
of the hearing pursuant to the Juvenile Rules. If applicable, 301  
the court shall comply with section 2151.42 of the Revised Code. 302

(G) Any temporary custody order issued pursuant to 303  
division (A) of this section shall terminate one year after the 304  
earlier of the date on which the complaint in the case was filed 305  
or the child was first placed into shelter care, except that, 306  
upon the filing of a motion pursuant to section 2151.415 of the 307  
Revised Code, the temporary custody order shall continue and not 308

terminate until the court issues a dispositional order under 309  
that section. In resolving the motion, the court shall not order 310  
an existing temporary custody order to continue beyond two years 311  
after the date on which the complaint was filed or the child was 312  
first placed into shelter care, whichever date is earlier, 313  
regardless of whether any extensions have been previously 314  
ordered pursuant to division (D) of section 2151.415 of the 315  
Revised Code. 316

(H) (1) No later than one year after the earlier of the 317  
date the complaint in the case was filed or the child was first 318  
placed in shelter care, a party may ask the court to extend an 319  
order for protective supervision for six months or to terminate 320  
the order. A party requesting extension or termination of the 321  
order shall file a written request for the extension or 322  
termination with the court and give notice of the proposed 323  
extension or termination in writing before the end of the day 324  
after the day of filing it to all parties and the child's 325  
guardian ad litem. If a public children services agency or 326  
private child placing agency requests termination of the order, 327  
the agency shall file a written status report setting out the 328  
facts supporting termination of the order at the time it files 329  
the request with the court. If no party requests extension or 330  
termination of the order, the court shall notify the parties 331  
that the court will extend the order for six months or terminate 332  
it and that it may do so without a hearing unless one of the 333  
parties requests a hearing. All parties and the guardian ad 334  
litem shall have seven days from the date a notice is sent 335  
pursuant to this division to object to and request a hearing on 336  
the proposed extension or termination. 337

(a) If it receives a timely request for a hearing, the 338  
court shall schedule a hearing to be held no later than thirty 339

days after the request is received by the court. The court shall 340  
give notice of the date, time, and location of the hearing to 341  
all parties and the guardian ad litem. At the hearing, the court 342  
shall determine whether extension or termination of the order is 343  
in the child's best interest. If termination is in the child's 344  
best interest, the court shall terminate the order. If extension 345  
is in the child's best interest, the court shall extend the 346  
order for six months. 347

(b) If it does not receive a timely request for a hearing, 348  
the court may extend the order for six months or terminate it 349  
without a hearing and shall journalize the order of extension or 350  
termination not later than fourteen days after receiving the 351  
request for extension or termination or after the date the court 352  
notifies the parties that it will extend or terminate the order. 353  
If the court does not extend or terminate the order, it shall 354  
schedule a hearing to be held no later than thirty days after 355  
the expiration of the applicable fourteen-day time period and 356  
give notice of the date, time, and location of the hearing to 357  
all parties and the child's guardian ad litem. At the hearing, 358  
the court shall determine whether extension or termination of 359  
the order is in the child's best interest. If termination is in 360  
the child's best interest, the court shall terminate the order. 361  
If extension is in the child's best interest, the court shall 362  
issue an order extending the order for protective supervision 363  
six months. 364

(2) If the court grants an extension of the order for 365  
protective supervision pursuant to division (H)(1) of this 366  
section, a party may, prior to termination of the extension, 367  
file with the court a request for an additional extension of six 368  
months or for termination of the order. The court and the 369  
parties shall comply with division (H)(1) of this section with 370

respect to extending or terminating the order. 371

(3) If a court grants an extension pursuant to division 372  
(H) (2) of this section, the court shall terminate the order for 373  
protective supervision at the end of the extension. 374

(I) The court shall not issue a dispositional order 375  
pursuant to division (A) of this section that removes a child 376  
from the child's home unless the court complies with section 377  
2151.419 of the Revised Code and includes in the dispositional 378  
order the findings of fact required by that section. 379

(J) If a motion or application for an order described in 380  
division (A) (6) of this section is made, the court shall not 381  
issue the order unless, prior to the issuance of the order, it 382  
provides to the person all of the following: 383

(1) Notice and a copy of the motion or application; 384

(2) The grounds for the motion or application; 385

(3) An opportunity to present evidence and witnesses at a 386  
hearing regarding the motion or application; 387

(4) An opportunity to be represented by counsel at the 388  
hearing. 389

(K) The jurisdiction of the court shall terminate one year 390  
after the date of the award or, if the court takes any further 391  
action in the matter subsequent to the award, the date of the 392  
latest further action subsequent to the award, if the court 393  
awards legal custody of a child to either of the following: 394

(1) A legal custodian who, at the time of the award of 395  
legal custody, resides in a county of this state other than the 396  
county in which the court is located; 397

(2) A legal custodian who resides in the county in which  
the court is located at the time of the award of legal custody,  
but moves to a different county of this state prior to one year  
after the date of the award or, if the court takes any further  
action in the matter subsequent to the award, one year after the  
date of the latest further action subsequent to the award.

The court in the county in which the legal custodian  
resides then shall have jurisdiction in the matter.

**Sec. 2151.415.** (A) Except for cases in which a motion for  
permanent custody described in division (D)(1) of section  
2151.413 of the Revised Code is required to be made, a public  
children services agency or private child placing agency that  
has been given temporary custody of a child pursuant to section  
2151.353 of the Revised Code, not later than thirty days prior  
to the earlier of the date for the termination of the custody  
order pursuant to division (H) of section 2151.353 of the  
Revised Code or the date set at the dispositional hearing for  
the hearing to be held pursuant to this section, shall file a  
motion with the court that issued the order of disposition  
requesting that any of the following orders of disposition of  
the child be issued by the court:

(1) An order that the child be returned home and the  
custody of the child's parents, guardian, or custodian without  
any restrictions;

(2) An order for protective supervision;

(3) An order that the child be placed in the legal custody  
of a relative or other interested individual;

(4) An order permanently terminating the parental rights  
of the child's parents;

(5) An order that the child be placed in a planned permanent living arrangement; 427  
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(6) In accordance with division (D) of this section, an order for the extension of temporary custody. 429  
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(B) Upon the filing of a motion pursuant to division (A) of this section, the court shall hold a dispositional hearing on the date set at the dispositional hearing held pursuant to section 2151.35 of the Revised Code, with notice to all parties to the action in accordance with the Juvenile Rules. After the dispositional hearing or at a date after the dispositional hearing that is not later than one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, the court, in accordance with the best interest of the child as supported by the evidence presented at the dispositional hearing, shall issue an order of disposition as set forth in division (A) of this section, except that all orders for permanent custody shall be made in accordance with sections 2151.413 and 2151.414 of the Revised Code. In issuing an order of disposition under this section, the court shall comply with section 2151.42 of the Revised Code. 431  
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(C) (1) If an agency pursuant to division (A) of this section requests the court to place a child into a planned permanent living arrangement, the agency shall present evidence to indicate why a planned permanent living arrangement is appropriate for the child, including, but not limited to, evidence that the agency has tried or considered all other possible dispositions for the child. A court shall not place a child in a planned permanent living arrangement, unless it finds, by clear and convincing evidence, that a planned permanent living arrangement is in the best interest of the 447  
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child, that the child is sixteen years of age or older, and that 457  
one of the following exists: 458

(a) The child, because of physical, mental, or 459  
psychological problems or needs, is unable to function in a 460  
family-like setting and must remain in residential or 461  
institutional care. 462

(b) The parents of the child have significant physical, 463  
mental, or psychological problems and are unable to care for the 464  
child because of those problems, adoption is not in the best 465  
interest of the child, as determined in accordance with division 466  
(D) (1) of section 2151.414 of the Revised Code, and the child 467  
retains a significant and positive relationship with a parent or 468  
relative; 469

(c) The child ~~is sixteen years of age or older,~~ has been 470  
counseled on the permanent placement options available, is 471  
unwilling to accept or unable to adapt to a permanent placement, 472  
and is in an agency program preparing for independent living. 473

(2) If the court issues an order placing a child in a 474  
planned permanent living arrangement, both of the following 475  
apply: 476

(a) The court shall issue a finding of fact setting forth 477  
the reasons for its finding; 478

(b) The agency may make any appropriate placement for the 479  
child and shall develop a case plan for the child that is 480  
designed to assist the child in finding a permanent home outside 481  
of the home of the parents. 482

(D) (1) If an agency pursuant to division (A) of this 483  
section requests the court to grant an extension of temporary 484  
custody for a period of up to six months, the agency shall 485

include in the motion an explanation of the progress on the case 486  
plan of the child and of its expectations of reunifying the 487  
child with the child's family, or placing the child in a 488  
permanent placement, within the extension period. The court 489  
shall schedule a hearing on the motion, give notice of its date, 490  
time, and location to all parties and the guardian ad litem of 491  
the child, and at the hearing consider the evidence presented by 492  
the parties and the guardian ad litem. The court may extend the 493  
temporary custody order of the child for a period of up to six 494  
months, if it determines at the hearing, by clear and convincing 495  
evidence, that the extension is in the best interest of the 496  
child, there has been significant progress on the case plan of 497  
the child, and there is reasonable cause to believe that the 498  
child will be reunified with one of the parents or otherwise 499  
permanently placed within the period of extension. In 500  
determining whether to extend the temporary custody of the child 501  
pursuant to this division, the court shall comply with section 502  
2151.42 of the Revised Code. If the court extends the temporary 503  
custody of the child pursuant to this division, upon request it 504  
shall issue findings of fact. 505

(2) Prior to the end of the extension granted pursuant to 506  
division (D)(1) of this section, the agency that received the 507  
extension shall file a motion with the court requesting the 508  
issuance of one of the orders of disposition set forth in 509  
divisions (A)(1) to (5) of this section or requesting the court 510  
to extend the temporary custody order of the child for an 511  
additional period of up to six months. If the agency requests 512  
the issuance of an order of disposition under divisions (A)(1) 513  
to (5) of this section or does not file any motion prior to the 514  
expiration of the extension period, the court shall conduct a 515  
hearing in accordance with division (B) of this section and 516

issue an appropriate order of disposition. In issuing an order 517  
of disposition, the court shall comply with section 2151.42 of 518  
the Revised Code. 519

If the agency requests an additional extension of up to 520  
six months of the temporary custody order of the child, the 521  
court shall schedule and conduct a hearing in the manner set 522  
forth in division (D)(1) of this section. The court may extend 523  
the temporary custody order of the child for an additional 524  
period of up to six months if it determines at the hearing, by 525  
clear and convincing evidence, that the additional extension is 526  
in the best interest of the child, there has been substantial 527  
additional progress since the original extension of temporary 528  
custody in the case plan of the child, there has been 529  
substantial additional progress since the original extension of 530  
temporary custody toward reunifying the child with one of the 531  
parents or otherwise permanently placing the child, and there is 532  
reasonable cause to believe that the child will be reunified 533  
with one of the parents or otherwise placed in a permanent 534  
setting before the expiration of the additional extension 535  
period. In determining whether to grant an additional extension, 536  
the court shall comply with section 2151.42 of the Revised Code. 537  
If the court extends the temporary custody of the child for an 538  
additional period pursuant to this division, upon request it 539  
shall issue findings of fact. 540

(3) Prior to the end of the extension of a temporary 541  
custody order granted pursuant to division (D)(2) of this 542  
section, the agency that received the extension shall file a 543  
motion with the court requesting the issuance of one of the 544  
orders of disposition set forth in divisions (A)(1) to (5) of 545  
this section. Upon the filing of the motion by the agency or, if 546  
the agency does not file the motion prior to the expiration of 547

the extension period, upon its own motion, the court, prior to 548  
the expiration of the extension period, shall conduct a hearing 549  
in accordance with division (B) of this section and issue an 550  
appropriate order of disposition. In issuing an order of 551  
disposition, the court shall comply with section 2151.42 of the 552  
Revised Code. 553

(4) No court shall grant an agency more than two 554  
extensions of temporary custody pursuant to division (D) of this 555  
section and the court shall not order an existing temporary 556  
custody order to continue beyond two years after the date on 557  
which the complaint was filed or the child was first placed into 558  
shelter care, whichever date is earlier, regardless of whether 559  
any extensions have been previously ordered pursuant to division 560  
(D) of this section. 561

(E) After the issuance of an order pursuant to division 562  
(B) of this section, the court shall retain jurisdiction over 563  
the child until the child attains the age of eighteen if the 564  
child is not mentally retarded, developmentally disabled, or 565  
physically impaired, the child attains the age of twenty-one if 566  
the child is mentally retarded, developmentally disabled, or 567  
physically impaired, or the child is adopted and a final decree 568  
of adoption is issued, unless the court's jurisdiction over the 569  
child is extended pursuant to division (F) of section 2151.353 570  
of the Revised Code. 571

(F) The court, on its own motion or the motion of the 572  
agency or person with legal custody of the child, the child's 573  
guardian ad litem, or any other party to the action, may conduct 574  
a hearing with notice to all parties to determine whether any 575  
order issued pursuant to this section should be modified or 576  
terminated or whether any other dispositional order set forth in 577

divisions (A) (1) to (5) of this section should be issued. After 578  
the hearing and consideration of all the evidence presented, the 579  
court, in accordance with the best interest of the child, may 580  
modify or terminate any order issued pursuant to this section or 581  
issue any dispositional order set forth in divisions (A) (1) to 582  
(5) of this section. In rendering a decision under this 583  
division, the court shall comply with section 2151.42 of the 584  
Revised Code. 585

(G) If the court places a child in a planned permanent 586  
living arrangement with a public children services agency or a 587  
private child placing agency pursuant to this section, the 588  
agency with which the child is placed in a planned permanent 589  
living arrangement shall not remove the child from the 590  
residential placement in which the child is originally placed 591  
pursuant to the case plan for the child or in which the child is 592  
placed with court approval pursuant to this division, unless the 593  
court and the guardian ad litem are given notice of the intended 594  
removal and the court issues an order approving the removal or 595  
unless the removal is necessary to protect the child from 596  
physical or emotional harm and the agency gives the court notice 597  
of the removal and of the reasons why the removal is necessary 598  
to protect the child from physical or emotional harm immediately 599  
after the removal of the child from the prior setting. 600

(H) If the hearing held under this section takes the place 601  
of an administrative review that otherwise would have been held 602  
under section 2151.416 of the Revised Code, the court at the 603  
hearing held under this section shall do all of the following in 604  
addition to any other requirements of this section: 605

(1) Determine the continued necessity for and the 606  
appropriateness of the child's placement; 607

(2) Determine the extent of compliance with the child's case plan; 608  
609

(3) Determine the extent of progress that has been made toward alleviating or mitigating the causes necessitating the child's placement in foster care; 610  
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612

(4) Project a likely date by which the child may be returned to the child's home or placed for adoption or legal guardianship; 613  
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(5) Approve the permanency plan for the child consistent with section 2151.417 of the Revised Code. 616  
617

**Sec. 2151.82.** A public children services agency or private child placing agency, that has temporary or permanent custody of, or is providing care in a planned permanent living arrangement to, a child who is ~~sixteen or seventeen~~ fourteen years of age or older, shall provide independent living services to the child. The services to be provided shall be determined based on an evaluation of the strengths and weaknesses of the child, completed or obtained by the agency. If housing is provided to a child who is sixteen or seventeen as part of the services, the child shall be placed in housing that is supervised or semi-supervised by an adult. 618  
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The services shall be included as part of the case plan established for the child pursuant to section 2151.412 of the Revised Code. 629  
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**Sec. 5101.141.** (A) As used in sections 5101.141 to ~~5101.1410-5101.1414~~ of the Revised Code~~7~~; 632  
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(1) "Child" includes a person who meets the requirements of division (A) (1) of section 5101.1411 of the Revised Code or an adopted person who meets the requirements applicable to such 634  
635  
636

a person under division (B) (1) of section 5101.1411 of the 637  
Revised Code. 638

(2) "Designee" means a person with whom the department of 639  
job and family services has entered into a contract, pursuant to 640  
division (B) (2) of this section. 641

(3) "Title IV-E" means Title IV-E of the "Social Security 642  
Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 643

~~(B) The~~ (1) Except as provided in division (B) (2) of this 644  
section, the department of job and family services shall act as 645  
the single state agency to administer federal payments for 646  
foster care and adoption assistance made pursuant to Title IV-E. 647  
The director of job and family services shall adopt rules to 648  
implement this authority. Rules governing financial and 649  
administrative requirements applicable to public children 650  
services agencies and government entities that provide Title IV- 651  
E reimbursable placement services to children shall be adopted 652  
in accordance with section 111.15 of the Revised Code, as if 653  
they were internal management rules. Rules governing 654  
requirements applicable to private child placing agencies and 655  
private noncustodial agencies and rules establishing 656  
eligibility, program participation, and other requirements 657  
concerning Title IV-E shall be adopted in accordance with 658  
Chapter 119. of the Revised Code. A public children services 659  
agency to which the department distributes Title IV-E funds 660  
shall administer the funds in accordance with those rules. 661

(2) If the state plan is amended under divisions (A) and 662  
(B) of section 5101.1411 of the Revised Code, the department 663  
shall have, exercise, and perform all new duties required under 664  
the plan as amended. In doing so, the department may contract 665  
with another person to carry out those new duties, to the extent 666

permitted under Title IV-E. 667

(C) (1) The county, on behalf of each child eligible for 668  
foster care maintenance payments under Title IV-E, shall make 669  
payments to cover the cost of providing all of the following: 670

(a) The child's food, clothing, shelter, daily 671  
supervision, and school supplies; 672

(b) The child's personal incidentals; 673

(c) Reasonable travel to the child's home for visitation. 674

(2) In addition to payments made under division (C) (1) of 675  
this section, the county may, on behalf of each child eligible 676  
for foster care maintenance payments under Title IV-E, make 677  
payments to cover the cost of providing the following: 678

(a) Liability insurance with respect to the child; 679

(b) If the county is participating in the demonstration 680  
project established under division (A) of section 5101.142 of 681  
the Revised Code, services provided under the project. 682

(3) With respect to a child who is in a child-care 683  
institution, including any type of group home designed for the 684  
care of children or any privately operated program consisting of 685  
two or more certified foster homes operated by a common 686  
administrative unit, the foster care maintenance payments made 687  
by the county on behalf of the child shall include the 688  
reasonable cost of the administration and operation of the 689  
institution, group home, or program, as necessary to provide the 690  
items described in divisions (C) (1) and (2) of this section. 691

(D) To the extent that either foster care maintenance 692  
payments under division (C) of this section or Title IV-E 693  
adoption assistance payments for maintenance costs require the 694



expenditure of county funds, the board of county commissioners 695  
shall report the nature and amount of each expenditure of county 696  
funds to the department. 697

(E) The department shall distribute to public children 698  
services agencies that incur and report expenditures of the type 699  
described in division (D) of this section federal financial 700  
participation received for administrative and training costs 701  
incurred in the operation of foster care maintenance and 702  
adoption assistance programs. The department may withhold not 703  
more than three per cent of the federal financial participation 704  
received. The funds withheld may be used only to fund the 705  
following: 706

(1) The Ohio child welfare training program established 707  
under section 5103.30 of the Revised Code; 708

(2) The university partnership program for college and 709  
university students majoring in social work who have committed 710  
to work for a public children services agency upon graduation; 711

(3) Efforts supporting organizational excellence, 712  
including voluntary activities to be accredited by a nationally 713  
recognized accreditation organization. 714

The funds withheld shall be in addition to any 715  
administration and training cost for which the department is 716  
reimbursed through its own cost allocation plan. 717

(F) All federal financial participation funds received by 718  
a county pursuant to this section shall be deposited into the 719  
county's children services fund created pursuant to section 720  
5101.144 of the Revised Code. 721

(G) The department shall periodically publish and 722  
distribute the maximum amounts that the department will 723

reimburse public children services agencies for making payments 724  
on behalf of children eligible for foster care maintenance 725  
payments. 726

(H) The department, by and through its director, is hereby 727  
authorized to develop, participate in the development of, 728  
negotiate, and enter into one or more interstate compacts on 729  
behalf of this state with agencies of any other states, for the 730  
provision of social services to children in relation to whom all 731  
of the following apply: 732

(1) They have special needs. 733

(2) This state or another state that is a party to the 734  
interstate compact is providing adoption assistance on their 735  
behalf. 736

(3) They move into this state from another state or move 737  
out of this state to another state. 738

**Sec. 5101.1411.** (A) (1) The director of job and family 739  
services shall, not later than May 1, 2016, submit an amendment 740  
to the state plan required by 42 U.S.C. 671 to the United States 741  
secretary of health and human services to implement 42 U.S.C. 742  
675(8) to make federal payments for foster care under Title IV-E 743  
directly to, or on behalf of, any person who meets the following 744  
requirements: 745

(a) The person has attained the age of eighteen but not 746  
attained the age of twenty-one. 747

(b) The person was in the custody of a public children 748  
services agency upon attaining the age of eighteen. 749

(c) The person signs a voluntary participation agreement. 750

(d) The person satisfies division (C) of this section. 751

(2) Any person who meets the requirements of division (A) 752  
(1) of this section may apply for foster care payments and make 753  
the appropriate application at any time. 754

(B) (1) The director of job and family services shall, not 755  
later than May 1, 2016, submit an amendment to the state plan 756  
required by 42 U.S.C. 671 to the United States secretary of 757  
health and human services to implement 42 U.S.C. 675(8) to make 758  
federal payments for adoption assistance under Title IV-E 759  
available to any parent who meets all of the following 760  
requirements: 761

(a) The parent adopted a person while the adopted person 762  
was sixteen or seventeen and had been in the custody of a public 763  
children services agency, or the parent enters into an adoption 764  
assistance agreement under 42 U.S.C. 673; 765

(b) The adopted person has attained the age of eighteen 766  
but has not attained the age of twenty-one; 767

(c) The parent maintains parental responsibility to that 768  
adopted person; 769

(d) The adopted person satisfies division (C) of this 770  
section. 771

(2) Any parent who meets the requirements of division (B) 772  
(1) of this section that are applicable to a parent may request 773  
an extension of adoption assistance payments at any time before 774  
the adopted person reaches age twenty-one. 775

(C) In addition to other requirements, a person who is in 776  
foster care or has been adopted must meet at least one of the 777  
following criteria: 778

(1) Is completing secondary education or a program leading 779

to an equivalent credential; 780

(2) Is enrolled in an institution that provides post- 781  
secondary or vocational education; 782

(3) Is participating in a program or activity designed to 783  
promote, or remove barriers to, employment; 784

(4) Is employed for at least eighty hours per month; 785

(5) Is incapable of doing any of the activities described 786  
in division (C) (1) to (4) of this section due to a medical 787  
condition, which incapacity is supported by regularly updated 788  
information in the person's case record or plan. 789

(D) Any person described in division (A) (1) of this 790  
section who is directly receiving foster care payments, or on 791  
whose behalf such foster care payments are received, or any 792  
parent receiving adoption assistance payments, pursuant to this 793  
section may refuse the payments at any time. If the person or 794  
parent refuses payments and seeks payments at a later date, the 795  
person or parent must reapply for the payments in accordance 796  
with this section. 797

(E) (1) A person described in division (A) (1) of this 798  
section who is directly receiving foster care payments, or on 799  
whose behalf such foster care payments are received, or a parent 800  
receiving adoption assistance payments and the adopted person, 801  
pursuant to this section, shall be eligible for services set 802  
forth in the federal, "Fostering Connections to Success and 803  
Increasing Adoptions Act of 2008," P.L. 110-351, 122 Stat. 3949. 804

(2) A person described in division (A) (1) of this section 805  
who is directly receiving foster care payments, or on whose 806  
behalf such foster care payments are received, pursuant to this 807  
section, may be eligible to reside in a supervised independent 808

living setting, including apartment living, room and board 809  
arrangements, college or university dormitories, host homes, and 810  
shared roommate settings. 811

(F) Any determination by the department that terminates 812  
foster care or adoption assistance payments shall be subject to 813  
Chapter 119. of the Revised Code. 814

**Sec. 5101.1412.** (A) Without the approval of a court, a 815  
child who receives payments, or on whose behalf payments are 816  
received, under division (A) of section 5101.1411 of the Revised 817  
Code, may enter into a voluntary participation agreement with 818  
the department of job and family services, or its designee, for 819  
the child's care and placement. The agreement shall expire 820  
within one hundred eighty days and may not be renewed without 821  
court approval. 822

(B) Prior to the agreement's expiration, the department or 823  
its designee shall seek approval from the court that the child's 824  
best interest is served by extending the care and placement with 825  
the department or its designee. 826

**Sec. 5101.1413.** Notwithstanding section 5101.141 of the 827  
Revised Code and any rules adopted thereunder, the department of 828  
job and family services shall pay the full nonfederal share of 829  
payments made pursuant to section 5101.1411 of the Revised Code. 830  
No public children services agency shall be responsible for the 831  
cost of any payments made pursuant to section 5101.1411 of the 832  
Revised Code. 833

**Sec. 5101.1414.** The department of job and family services 834  
shall adopt rules necessary to carry out the purposes of 835  
sections 5101.1411 to 5101.1413 of the Revised Code, including 836  
rules that do all of the following: 837

(A) Allow a person described in division (A) (1) of section 5101.1411 of the Revised Code who is directly receiving foster care payments, or on whose behalf such foster care payments are received, or a person whose adoptive parents are receiving adoption assistance payments, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 838  
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(B) Require that a thirty-day notice of termination be given by the department to a person described in division (A) (1) of section 5101.1411 of the Revised Code who is receiving foster care payments, or on whose behalf such foster care payments are received, or to a parent receiving adoption assistance payments for an adopted person described in division (B) (1) of section 5101.1411 of the Revised Code, who is determined to be ineligible for payments; 845  
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(C) Create an advisory council to evaluate and make recommendations for statewide implementation of sections 5101.1411 and 5101.1412 of the Revised Code; 853  
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(D) Establish the scope of practice and training necessary for foster care workers and foster care worker supervisors who care for persons described in division (A) (1) of section 5101.1411 of the Revised Code who are receiving foster care payments, or on whose behalf such foster care payments are received, under section 5101.1411 of the Revised Code. 856  
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**Sec. 5103.30.** The Ohio child welfare training program is hereby established in the department of job and family services as a statewide program. The program shall provide all of the following: 862  
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(A) The training that section 3107.014 of the Revised Code 866

requires an assessor to complete; 867

(B) The preplacement training that sections 5103.031 and 868  
5103.033 of the Revised Code require a prospective foster 869  
caregiver to complete; 870

(C) The continuing training that sections 5103.032 and 871  
5103.033 of the Revised Code require a foster caregiver to 872  
complete; 873

(D) The training that section 5153.122 of the Revised Code 874  
requires a PCSA caseworker to complete; 875

(E) The training that section 5153.123 of the Revised Code 876  
requires a PCSA caseworker supervisor to complete; 877

(F) The training required under section 5101.1414 of the 878  
Revised Code for a foster care worker or foster care worker 879  
supervisor. 880

**Section 2.** That existing sections 2151.353, 2151.415, 881  
2151.82, 5101.141, and 5103.30 of the Revised Code are hereby 882  
repealed. 883

**Section 3.** All appropriation items in this act are 884  
appropriated out of money in the state treasury to the credit of 885  
the designated fund. For all appropriations made in this act, 886  
the amounts in the first column are for fiscal year 2016 and the 887  
amounts in the second column are for FY 2017. The appropriations 888  
made in this act are in addition to any other appropriations 889  
made for the FY 2016 - FY 2017 biennium. 890

JFS DEPARTMENT OF JOB AND FAMILY SERVICES 891

General Revenue Fund 892

GRF 600423 Family and Children \$550,000 \$0 893

	Programs			894
GRF	600523 Family and Children	\$0	\$9,670,804	895
	Services			896
Total GRF	General Revenue Fund	\$550,000	\$9,670,804	897
	Federal Fund			898
3N00	600628 Foster Care Program -	\$0	\$14,830,972	899
	Federal			900
Total FED	Federal Fund	\$0	\$14,830,972	901
TOTAL ALL BUDGET FUND GROUPS		\$550,000	\$24,501,776	902

EXPANSION OF FOSTER CARE PROGRAM 903

The foregoing appropriation item, 600423, Family and Children Programs, shall be used in fiscal year 2016 by the Department of Job and Family Services to plan the expansion of foster care services for individuals aged 18 to 21. 904-907

The foregoing appropriation items 600523, Family and Children Services, and 600628, Foster Care Program-Federal, shall be used by the Department of Job and Family Services in fiscal year 2017 to implement the expansion of foster care services for individuals age 18 to age 21. 908-912

**Section 4.** Within the limits set forth in this act, the Director of Budget and Management shall establish accounts indicating the source and amount of funds for each appropriation made in this act, and shall determine the form and manner in which appropriation accounts shall be maintained. 913-917

Expenditures from appropriations contained in this act shall be accounted for as though made in H.B. 64 of the 131st General Assembly that are generally applicable to such 918-920



appropriations.

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