

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 565

Representatives Somani, Grim

Cosponsors: Representatives Upchurch, Brent, McNally, Brown, Russo, Miller, A.

A BILL

To amend sections 3125.18, 5101.35, 5101.80, 1
5101.801, 5101.804, and 5153.16, to amend, for 2
the purpose of adopting a new section number as 3
indicated in parentheses, section 5101.804 4
(5101.91) of the Revised Code, and to amend 5
Section 307.135 of H.B. 33 of the 135th General 6
Assembly regarding funding provided through the 7
Ohio pregnancy and parenting program and to 8
amend the versions of sections 5101.35, 5101.80, 9
5101.801, 5101.804, and 5153.16 and to amend, 10
for the purpose of adopting a new section number 11
as indicated in parentheses, the version of 12
section 5101.804 (5101.91) of the Revised Code 13
that is scheduled to take effect on January 1, 14
2025, to continue the changes on and after that 15
date. 16

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

Section 1. That sections 3125.18, 5101.35, 5101.80, 17
5101.801, 5101.804, and 5153.16 be amended and section 5101.804 18
(5101.91) of the Revised Code be amended for the purpose of 19

adopting a new section number as indicated in parentheses to 20
read as follows: 21

Sec. 3125.18. A child support enforcement agency shall 22
administer a Title IV-A program identified under division (A) (4) 23
(c) or ~~(h)~~ (g) of section 5101.80 of the Revised Code that the 24
department of job and family services provides for the agency to 25
administer under the department's supervision pursuant to 26
section 5101.801 of the Revised Code. 27

Sec. 5101.35. (A) As used in this section: 28

(1) (a) "Agency" means the following entities that 29
administer a family services program: 30

(i) The department of job and family services; 31

(ii) A county department of job and family services; 32

(iii) A public children services agency; 33

(iv) A private or government entity administering, in 34
whole or in part, a family services program for or on behalf of 35
the department of job and family services or a county department 36
of job and family services or public children services agency. 37

(b) If the department of medicaid contracts with the 38
department of job and family services to hear appeals authorized 39
by section 5160.31 of the Revised Code regarding medical 40
assistance programs, "agency" includes the department of 41
medicaid. 42

(2) "Appellant" means an applicant, participant, former 43
participant, recipient, or former recipient of a family services 44
program who is entitled by federal or state law to a hearing 45
regarding a decision or order of the agency that administers the 46
program. 47

(3) (a) "Family services program" means all of the	48
following:	49
(i) A Title IV-A program as defined in section 5101.80 of	50
the Revised Code;	51
(ii) Programs that provide assistance under Chapter 5104.	52
of the Revised Code;	53
(iii) Programs that provide assistance under section	54
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of	55
the Revised Code;	56
(iv) Title XX social services provided under section	57
5101.46 of the Revised Code, other than such services provided	58
by the department of mental health and addiction services, the	59
department of developmental disabilities, a board of alcohol,	60
drug addiction, and mental health services, or a county board of	61
developmental disabilities.	62
(b) If the department of medicaid contracts with the	63
department of job and family services to hear appeals authorized	64
by section 5160.31 of the Revised Code regarding medical	65
assistance programs, "family services program" includes medical	66
assistance programs.	67
(4) "Medical assistance program" has the same meaning as	68
in section 5160.01 of the Revised Code.	69
(B) Except as provided by divisions (G) and (H) of this	70
section, an appellant who appeals under federal or state law a	71
decision or order of an agency administering a family services	72
program shall, at the appellant's request, be granted a state	73
hearing by the department of job and family services. This state	74
hearing shall be conducted in accordance with rules adopted	75
under this section. The state hearing shall be recorded, but	76

neither the recording nor a transcript of the recording shall be 77
part of the official record of the proceeding. Except as 78
provided in section 5160.31 of the Revised Code, a state hearing 79
decision is binding upon the agency and department, unless it is 80
reversed or modified on appeal to the director of job and family 81
services or a court of common pleas. 82

(C) Except as provided by division (G) of this section, an 83
appellant who disagrees with a state hearing decision may make 84
an administrative appeal to the director of job and family 85
services in accordance with rules adopted under this section. 86
This administrative appeal does not require a hearing, but the 87
director or the director's designee shall review the state 88
hearing decision and previous administrative action and may 89
affirm, modify, remand, or reverse the state hearing decision. 90
An administrative appeal decision is the final decision of the 91
department and, except as provided in section 5160.31 of the 92
Revised Code, is binding upon the department and agency, unless 93
it is reversed or modified on appeal to the court of common 94
pleas. 95

(D) An agency shall comply with a decision issued pursuant 96
to division (B) or (C) of this section within the time limits 97
established by rules adopted under this section. If a county 98
department of job and family services or a public children 99
services agency fails to comply within these time limits, the 100
department may take action pursuant to section 5101.24 of the 101
Revised Code. If another agency, other than the department of 102
medicaid, fails to comply within the time limits, the department 103
may force compliance by withholding funds due the agency or 104
imposing another sanction established by rules adopted under 105
this section. 106

(E) An appellant who disagrees with an administrative appeal decision of the director of job and family services or the director's designee issued under division (C) of this section may appeal from the decision to the court of common pleas pursuant to section 119.12 of the Revised Code. The appeal shall be governed by section 119.12 of the Revised Code except that:

(1) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal.

(2) The appellant shall mail the notice of appeal to the department of job and family services and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court.

(3) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued.

(F) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to

implement this section, including rules governing the following:	137
(1) State hearings under division (B) of this section. The	138
rules shall include provisions regarding notice of eligibility	139
termination and the opportunity of an appellant appealing a	140
decision or order of a county department of job and family	141
services to request a county conference with the county	142
department before the state hearing is held.	143
(2) Administrative appeals under division (C) of this	144
section;	145
(3) Time limits for complying with a decision issued under	146
division (B) or (C) of this section;	147
(4) Sanctions that may be applied against an agency under	148
division (D) of this section.	149
(G) The department of job and family services may adopt	150
rules in accordance with Chapter 119. of the Revised Code	151
establishing an appeals process for an appellant who appeals a	152
decision or order regarding a Title IV-A program identified	153
under division (A) (4) (c), (d), (e), (f), <u>or</u> (g), or (h) of	154
section 5101.80 of the Revised Code that is different from the	155
appeals process established by this section. The different	156
appeals process may include having a state agency that	157
administers the Title IV-A program pursuant to an interagency	158
agreement entered into under section 5101.801 of the Revised	159
Code administer the appeals process.	160
(H) If an appellant receiving medicaid through a health	161
insuring corporation that holds a certificate of authority under	162
Chapter 1751. of the Revised Code is appealing a denial of	163
medicaid services based on lack of medical necessity or other	164
clinical issues regarding coverage by the health insuring	165

corporation, the person hearing the appeal may order an 166
independent medical review if that person determines that a 167
review is necessary. The review shall be performed by a health 168
care professional with appropriate clinical expertise in 169
treating the recipient's condition or disease. The department 170
shall pay the costs associated with the review. 171

A review ordered under this division shall be part of the 172
record of the hearing and shall be given appropriate evidentiary 173
consideration by the person hearing the appeal. 174

(I) The requirements of Chapter 119. of the Revised Code 175
apply to a state hearing or administrative appeal under this 176
section only to the extent, if any, specifically provided by 177
rules adopted under this section. 178

Sec. 5101.80. (A) As used in this section and in section 179
5101.801 of the Revised Code: 180

(1) "County family services agency" has the same meaning 181
as in section 307.981 of the Revised Code. 182

(2) "State agency" has the same meaning as in section 9.82 183
of the Revised Code. 184

(3) "Title IV-A administrative agency" means both of the 185
following: 186

(a) A county family services agency or state agency 187
administering a Title IV-A program under the supervision of the 188
department of job and family services; 189

(b) A government agency or private, not-for-profit entity 190
administering a project funded in whole or in part with funds 191
provided under the Title IV-A demonstration program created 192
under section 5101.803 of the Revised Code. 193

(4) "Title IV-A program" means all of the following that 194
are funded in part with funds provided under the temporary 195
assistance for needy families block grant established by Title 196
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 197
U.S.C. 601, as amended: 198

(a) The Ohio works first program established under Chapter 199
5107. of the Revised Code; 200

(b) The prevention, retention, and contingency program 201
established under Chapter 5108. of the Revised Code; 202

(c) A program established by the general assembly or an 203
executive order issued by the governor that is administered or 204
supervised by the department of job and family services pursuant 205
to section 5101.801 of the Revised Code; 206

(d) The kinship permanency incentive program created under 207
section 5101.802 of the Revised Code; 208

(e) The Title IV-A demonstration program created under 209
section 5101.803 of the Revised Code; 210

~~(f) The Ohio parenting and pregnancy program created under 211
section 5101.804 of the Revised Code;~~ 212

~~(g) Fatherhood programs recommended by the Ohio commission 213
on fatherhood under section 5101.805 of the Revised Code;~~ 214

~~(h)~~ (g) A component of a Title IV-A program identified 215
under divisions (A) (4) (a) to ~~(g)~~ (f) of this section that the 216
Title IV-A state plan prepared under division (C) (1) of this 217
section identifies as a component. 218

(B) The department of job and family services shall act as 219
the single state agency to administer and supervise the 220
administration of Title IV-A programs. The Title IV-A state plan 221

and amendments to the plan prepared under division (C) of this 222
section are binding on Title IV-A administrative agencies. No 223
Title IV-A administrative agency may establish, by rule or 224
otherwise, a policy governing a Title IV-A program that is 225
inconsistent with a Title IV-A program policy established, in 226
rule or otherwise, by the director of job and family services. 227

(C) The department of job and family services shall do all 228
of the following: 229

(1) Prepare and submit to the United States secretary of 230
health and human services a Title IV-A state plan for Title IV-A 231
programs; 232

(2) Prepare and submit to the United States secretary of 233
health and human services amendments to the Title IV-A state 234
plan that the department determines necessary, including 235
amendments necessary to implement Title IV-A programs identified 236
in divisions (A) (4) (c) to ~~(h)~~ (g) of this section; 237

(3) Prescribe forms for applications, certificates, 238
reports, records, and accounts of Title IV-A administrative 239
agencies, and other matters related to Title IV-A programs; 240

(4) Make such reports, in such form and containing such 241
information as the department may find necessary to assure the 242
correctness and verification of such reports, regarding Title 243
IV-A programs; 244

(5) Require reports and information from each Title IV-A 245
administrative agency as may be necessary or advisable regarding 246
a Title IV-A program; 247

(6) Afford a fair hearing in accordance with section 248
5101.35 of the Revised Code to any applicant for, or participant 249
or former participant of, a Title IV-A program aggrieved by a 250

decision regarding the program;	251
(7) Administer and expend, pursuant to Chapters 5104.,	252
5107., and 5108. of the Revised Code and sections 5101.801,	253
5101.802, <u>and</u> 5101.803, and 5101.804 of the Revised Code, any	254
sums appropriated by the general assembly for the purpose of	255
those chapters and sections and all sums paid to the state by	256
the secretary of the treasury of the United States as authorized	257
by Title IV-A of the "Social Security Act," 110 Stat. 2113	258
(1996), 42 U.S.C. 601, as amended;	259
(8) Conduct investigations and audits as are necessary	260
regarding Title IV-A programs;	261
(9) Enter into reciprocal agreements with other states	262
relative to the provision of Ohio works first and prevention,	263
retention, and contingency to residents and nonresidents;	264
(10) Contract with a private entity to conduct an	265
independent on-going evaluation of the Ohio works first program	266
and the prevention, retention, and contingency program. The	267
contract must require the private entity to do all of the	268
following:	269
(a) Examine issues of process, practice, impact, and	270
outcomes;	271
(b) Study former participants of Ohio works first who have	272
not participated in Ohio works first for at least one year to	273
determine whether they are employed, the type of employment in	274
which they are engaged, the amount of compensation they are	275
receiving, whether their employer provides health insurance,	276
whether and how often they have received benefits or services	277
under the prevention, retention, and contingency program, and	278
whether they are successfully self sufficient;	279

(c) Provide the department with reports at times the department specifies.	280 281
(11) Not later than the last day of each January and July, prepare a report containing information on the following:	282 283
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	284 285 286
(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.	287 288 289
(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.	290 291 292 293 294 295 296
(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.	297 298 299 300 301 302 303 304 305 306 307
Sec. 5101.801. (A) Except as otherwise provided by the law	308

enacted by the general assembly or executive order issued by the 309
governor establishing the Title IV-A program, a Title IV-A 310
program identified under division (A) (4) (c), (d), (e), (f), or 311
(g), ~~or (h)~~ of section 5101.80 of the Revised Code shall provide 312
benefits and services that are not "assistance" as defined in 45 313
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 314
260.31(b) excludes from the definition of assistance. 315

(B) (1) Except as otherwise provided by the law enacted by 316
the general assembly or executive order issued by the governor 317
establishing the Title IV-A program, the department of job and 318
family services shall do either of the following regarding a 319
Title IV-A program identified under division (A) (4) (c), (d), 320
(e), (f), or (g), ~~or (h)~~ of section 5101.80 of the Revised Code: 321

(a) Administer the program or supervise a county family 322
services agency's administration of the program; 323

(b) Enter into an interagency agreement with a state 324
agency for the state agency to administer the program under the 325
department's supervision. 326

(2) The department may enter into an agreement with a 327
government entity and, to the extent permitted by federal law, a 328
private, not-for-profit entity for the entity to receive funding 329
for a project under the Title IV-A demonstration program created 330
under section 5101.803 of the Revised Code. 331

~~(3) To the extent permitted by federal law, the department 332
may enter into an agreement with a private, not for profit 333
entity for the entity to receive funds under the Ohio parenting- 334
and pregnancy program created under section 5101.804 of the 335
Revised Code. 336~~

~~(4) To the extent permitted by federal law, the department 337~~

may enter into an agreement with a private, not-for-profit 338
entity for the entity to receive funds as recommended by the 339
Ohio commission on fatherhood under section 5101.805 of the 340
Revised Code. 341

(C) The department may adopt rules governing Title IV-A 342
programs identified under divisions (A) (4) (c), (d), (e), (f), 343
and (g), ~~and (h)~~ of section 5101.80 of the Revised Code. Rules 344
governing financial and operational matters of the department or 345
between the department and county family services agencies shall 346
be adopted as internal management rules adopted in accordance 347
with section 111.15 of the Revised Code. All other rules shall 348
be adopted in accordance with Chapter 119. of the Revised Code. 349

(D) If the department enters into an agreement regarding a 350
Title IV-A program identified under division (A) (4) (c), (e), 351
(f), or (g), ~~or (h)~~ of section 5101.80 of the Revised Code 352
pursuant to division (B) (1) (b) or (2) of this section, the 353
agreement shall include at least all of the following: 354

(1) A requirement that the state agency or entity comply 355
with the requirements for the program or project, including all 356
of the following requirements established by federal statutes 357
and regulations, state statutes and rules, the United States 358
office of management and budget, and the Title IV-A state plan 359
prepared under section 5101.80 of the Revised Code: 360

(a) Eligibility; 361

(b) Reports; 362

(c) Benefits and services; 363

(d) Use of funds; 364

(e) Appeals for applicants for, and recipients and former 365

recipients of, the benefits and services;	366
(f) Audits.	367
(2) A complete description of all of the following:	368
(a) The benefits and services that the program or project is to provide;	369 370
(b) The methods of program or project administration;	371
(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services;	372 373 374
(d) Other requirements that the department requires be included.	375 376
(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established;	377 378 379 380
(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following:	381 382 383 384
(a) Limitations on administrative costs;	385
(b) The department, at its discretion, doing either of the following:	386 387
(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project;	388 389 390
(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance	391 392

of, audits and other administrative functions associated with	393
the program or project.	394
(5) If the state agency or entity arranges by contract,	395
grant, or other agreement for another entity to perform a	396
function the state agency or entity would otherwise perform	397
regarding the program or project, the state agency or entity's	398
responsibilities for both of the following:	399
(a) Ensuring that the other entity complies with the	400
agreement between the state agency or entity and department and	401
federal statutes and regulations and state statutes and rules	402
governing the use of funds for the program or project;	403
(b) Auditing the other entity in accordance with	404
requirements established by the United States office of	405
management and budget.	406
(6) The state agency or entity's responsibilities	407
regarding the prompt payment, including any interest assessed,	408
of any adverse audit finding, final disallowance of federal	409
funds, or other sanction or penalty imposed by the federal	410
government, auditor of state, department, a court, or other	411
entity regarding funds for the program or project;	412
(7) Provisions for the department to terminate the	413
agreement or withhold reimbursement from the state agency or	414
entity if either of the following occur:	415
(a) The federal government disapproves the program or	416
project or reduces federal funds for the program or project;	417
(b) The state agency or entity fails to comply with the	418
terms of the agreement.	419
(8) Provisions for both of the following:	420

(a) The department and state agency or entity determining 421
the performance outcomes expected for the program or project; 422

(b) An evaluation of the program or project to determine 423
its success in achieving the performance outcomes determined 424
under division (D) (8) (a) of this section. 425

(E) To the extent consistent with the law enacted by the 426
general assembly or executive order issued by the governor 427
establishing the Title IV-A program and subject to the approval 428
of the director of budget and management, the director of job 429
and family services may terminate a Title IV-A program 430
identified under division (A) (4) (c), (d), (e), (f), or (g), ~~or~~ 431
~~(h)~~ of section 5101.80 of the Revised Code or reduce funding for 432
the program if the director of job and family services 433
determines that federal or state funds are insufficient to fund 434
the program. If the director of budget and management approves 435
the termination or reduction in funding for such a program, the 436
director of job and family services shall issue instructions for 437
the termination or funding reduction. If a Title IV-A 438
administrative agency is administering the program, the agency 439
is bound by the termination or funding reduction and shall 440
comply with the director's instructions. 441

(F) The director of job and family services may adopt 442
internal management rules in accordance with section 111.15 of 443
the Revised Code as necessary to implement this section. The 444
rules are binding on each Title IV-A administrative agency. 445

Sec. ~~5101.804~~ 5101.91. (A) ~~Subject to division (E) of~~ 446
~~section 5101.801 of the Revised Code, there~~ There is hereby 447
created the Ohio parenting and pregnancy program to provide 448
services for pregnant women, ~~and~~ parents or other relatives 449
caring for children ~~twelve months~~ five years of age or younger, ~~_____~~ 450

~~and individuals who may become pregnant. that do both of the~~ 451
~~following:~~ 452

~~(1) Promote childbirth,~~ Services may include those related 453
to pregnancy and parenting, and including counseling on 454
childbirth alternatives to abortion, abortion, and adoption; 455

~~(2) Meet one or more of the four purposes of the temporary~~ 456
~~assistance for needy families block grant as specified in 42-~~ 457
~~U.S.C. 601, pregnancy tests, family planning, and contraceptive~~ 458
services, as well as preventative care services such as 459
cytologic screening and screening for sexually transmitted 460
infections. 461

~~(B) To the extent permitted by federal law, the~~ The 462
department of job and family services may provide funds under 463
the program to entities with which the department enters into 464
agreements ~~under division (B) (3) of section 5101.801 of the~~ 465
~~Revised Code.~~ In accordance with criteria the department 466
develops, the department may solicit proposals from entities 467
seeking to provide services under the program. The department 468
may enter into an agreement with an entity only if it meets all 469
of the following conditions: 470

(1) Is a private, not-for-profit entity; 471

(2) Is an entity whose primary purpose is to ~~promote~~ 472
~~childbirth, rather than abortion, through counseling and other~~ 473
~~services, including parenting and adoption support~~ provide 474
services as described under division (A) of this section; 475

(3) Provides services to pregnant women ~~and~~, parents or 476
other relatives caring for children ~~twelve months~~ five years of 477
age or younger, including clothing, counseling, or individuals 478
who may become pregnant. The services offered by the entity must 479

- include at least four of the following: 480
- (a) Clothing, diapers and other baby supplies, food, 481
furniture, health care, parenting classes, postpartum 482
recovery, and shelter, and any other supportive services, 483
programs, or related outreach; 484
- (b) Counseling on all options available to the individual, 485
including, for a pregnant person, counseling or referrals 486
related to abortion, adoption, and parenting the baby; 487
- (c) Postpartum recovery and parenting classes; 488
- (d) Health care through licensed health care 489
professionals, including contraceptives and reproductive health 490
care, through referrals if necessary; 491
- (e) Sexual education, including information on abstinence 492
and a full-range of contraception options; 493
- (f) Any other supportive services, programs, or related 494
outreach. 495
- ~~(4) Does not charge pregnant women and parents or other~~ 496
~~relatives caring for children twelve months of age or younger a~~ 497
~~fee for any services received;~~ 498
- ~~(5) Is not involved in or associated with any abortion~~ 499
~~activities, including providing abortion counseling or referrals~~ 500
~~to abortion clinics, performing abortion-related medical~~ 501
~~procedures, or engaging in pro-abortion advertising;~~ 502
- ~~(6) Does not discriminate in its provision of services on~~ 503
~~the basis of race, religion, color, age, marital status,~~ 504
~~national origin, disability, or gender.~~ 505
- (C) An entity that has entered into an agreement with the 506

department ~~under division (B) (3) of section 5101.801 of the~~ 507
~~Revised Code~~ may enter into a subcontract with another entity 508
under which the other entity provides all or part of the 509
services described in division ~~(B) (3)~~ (A) of this section. A 510
subcontract may be entered into with another entity only if that 511
entity ~~meets all of the following conditions:~~ 512

~~(1) Is is a private, not-for-profit entity;~~ 513

~~(2) Is physically and financially separate from any~~ 514
~~entity, or component of an entity, that engages in abortion~~ 515
~~activities;~~ 516

~~(3) Is not involved in or associated with any abortion~~ 517
~~activities, including providing abortion counseling or referrals~~ 518
~~to abortion clinics, performing abortion-related medical~~ 519
~~procedures, or engaging in pro-abortion advertising.~~ 520

(D) An entity that receives funds under the Ohio parenting 521
and pregnancy program shall complete an annual report detailing 522
the services provided through the program, including specifying 523
the percentage of funds that were used for services and related 524
supports, health care services, and administrative costs. The 525
report shall be provided to the general assembly in accordance 526
with section 101.68 of the Revised Code and to the governor. The 527
report also shall be provided to the department of health and 528
made available to the public on the department's internet web 529
site. 530

(E) The director of job and family services shall adopt 531
~~rules under division (C) of section 5101.801 of the Revised Code~~ 532
as necessary to implement the Ohio parenting and pregnancy 533
program. The rules shall be adopted in accordance with Chapter 534
119. of the Revised Code. 535

Sec. 5153.16. (A) Except as provided in section 2151.422 536
of the Revised Code, in accordance with rules adopted under 537
section 5153.166 of the Revised Code, and on behalf of children 538
in the county whom the public children services agency considers 539
to be in need of public care or protective services, the public 540
children services agency shall do all of the following: 541

(1) Make an investigation concerning any child alleged to 542
be an abused, neglected, or dependent child; 543

(2) Enter into agreements with the parent, guardian, or 544
other person having legal custody of any child, or with the 545
department of job and family services, department of mental 546
health and addiction services, department of developmental 547
disabilities, other department, any certified organization 548
within or outside the county, or any agency or institution 549
outside the state, having legal custody of any child, with 550
respect to the custody, care, or placement of any child, or with 551
respect to any matter, in the interests of the child, provided 552
the permanent custody of a child shall not be transferred by a 553
parent to the public children services agency without the 554
consent of the juvenile court; 555

(3) Enter into a contract with an agency providing 556
prevention services in an effort to prevent neglect or abuse, to 557
enhance a child's welfare, and to preserve the family unit 558
intact. 559

(4) Accept custody of children committed to the public 560
children services agency by a court exercising juvenile 561
jurisdiction; 562

(5) Provide such care as the public children services 563
agency considers to be in the best interests of any child 564

adjudicated to be an abused, neglected, or dependent child the	565
agency finds to be in need of public care or service;	566
(6) Provide social services to any unmarried girl	567
adjudicated to be an abused, neglected, or dependent child who	568
is pregnant with or has been delivered of a child;	569
(7) Make available to the children with medical handicaps	570
program of the department of health at its request any	571
information concerning a child with a disability found to be in	572
need of treatment under sections 3701.021 to 3701.028 of the	573
Revised Code who is receiving services from the public children	574
services agency;	575
(8) Provide temporary emergency care for any child	576
considered by the public children services agency to be in need	577
of such care, without agreement or commitment;	578
(9) Find certified foster homes, within or outside the	579
county, for the care of children, including children with	580
disabilities from other counties attending special schools in	581
the county;	582
(10) Subject to the approval of the board of county	583
commissioners and the state department of job and family	584
services, establish and operate a training school or enter into	585
an agreement with any municipal corporation or other political	586
subdivision of the county respecting the operation, acquisition,	587
or maintenance of any children's home, training school, or other	588
institution for the care of children maintained by such	589
municipal corporation or political subdivision;	590
(11) Acquire and operate a county children's home,	591
establish, maintain, and operate a receiving home for the	592
temporary care of children, or procure certified foster homes	593

for this purpose; 594

(12) Enter into an agreement with the trustees of any 595
district children's home, respecting the operation of the 596
district children's home in cooperation with the other county 597
boards in the district; 598

(13) Cooperate with, make its services available to, and 599
act as the agent of persons, courts, the department of job and 600
family services, the department of health, and other 601
organizations within and outside the state, in matters relating 602
to the welfare of children, except that the public children 603
services agency shall not be required to provide supervision of 604
or other services related to the exercise of parenting time 605
rights granted pursuant to section 3109.051 or 3109.12 of the 606
Revised Code or companionship or visitation rights granted 607
pursuant to section 3109.051, 3109.11, or 3109.12 of the Revised 608
Code unless a juvenile court, pursuant to Chapter 2151. of the 609
Revised Code, or a common pleas court, pursuant to division (E) 610
(6) of section 3113.31 of the Revised Code, requires the 611
provision of supervision or other services related to the 612
exercise of the parenting time rights or companionship or 613
visitation rights; 614

(14) Make investigations at the request of any 615
superintendent of schools in the county or the principal of any 616
school concerning the application of any child adjudicated to be 617
an abused, neglected, or dependent child for release from 618
school, where such service is not provided through a school 619
attendance department; 620

(15) Administer funds provided under Title IV-E of the 621
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 622
amended, in accordance with rules adopted under section 5101.141 623

of the Revised Code; 624

(16) In addition to administering Title IV-E adoption 625
assistance funds, enter into agreements to make adoption 626
assistance payments under section 5153.163 of the Revised Code; 627

(17) Implement a system of safety and risk assessment, in 628
accordance with rules adopted by the director of job and family 629
services, to assist the public children services agency in 630
determining the risk of abuse or neglect to a child; 631

(18) Enter into a plan of cooperation with the board of 632
county commissioners under section 307.983 of the Revised Code 633
and comply with each fiscal agreement the board enters into 634
under section 307.98 of the Revised Code that include family 635
services duties of public children services agencies and 636
contracts the board enters into under sections 307.981 and 637
307.982 of the Revised Code that affect the public children 638
services agency; 639

(19) Make reasonable efforts to prevent the removal of an 640
alleged or adjudicated abused, neglected, or dependent child 641
from the child's home, eliminate the continued removal of the 642
child from the child's home, or make it possible for the child 643
to return home safely, except that reasonable efforts of that 644
nature are not required when a court has made a determination 645
under division (A) (2) of section 2151.419 of the Revised Code; 646

(20) Make reasonable efforts to place the child in a 647
timely manner in accordance with the permanency plan approved 648
under division (E) of section 2151.417 of the Revised Code and 649
to complete whatever steps are necessary to finalize the 650
permanent placement of the child; 651

(21) Administer a Title IV-A program identified under 652

division (A) (4) (c) or ~~(h)~~ (g) of section 5101.80 of the Revised Code that the department of job and family services provides for the public children services agency to administer under the department's supervision pursuant to section 5101.801 of the Revised Code;

(22) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of job and family services;

(23) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

(24) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division (A) (17) of this section in connection with an investigation undertaken pursuant to division (G) (1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, 682
specialized foster care for the care of children in a 683
specialized foster home, as defined in section 5103.02 of the 684
Revised Code, certified under section 5103.03 of the Revised 685
Code; 686

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 687
this section, contract with the following for the purpose of 688
assisting the agency with its duties: 689

(i) County departments of job and family services; 690

(ii) Boards of alcohol, drug addiction, and mental health 691
services; 692

(iii) County boards of developmental disabilities; 693

(iv) Regional councils of political subdivisions 694
established under Chapter 167. of the Revised Code; 695

(v) Private and government providers of services; 696

(vi) Managed care organizations and prepaid health plans. 697

(b) A public children services agency contract under 698
division (C) (2) (a) of this section regarding the agency's duties 699
under section 2151.421 of the Revised Code may not provide for 700
the entity under contract with the agency to perform any service 701
not authorized by the department's rules. 702

(c) Only a county children services board appointed under 703
section 5153.03 of the Revised Code that is a public children 704
services agency may contract under division (C) (2) (a) of this 705
section. If an entity specified in division (B) or (C) of 706
section 5153.02 of the Revised Code is the public children 707
services agency for a county, the board of county commissioners 708
may enter into contracts pursuant to section 307.982 of the 709

Revised Code regarding the agency's duties. 710

Section 2. That existing sections 3125.18, 5101.35, 711
5101.80, 5101.801, 5101.804, and 5153.16 of the Revised Code are 712
hereby repealed. 713

Section 3. That the versions of sections 5101.35, 5101.80, 714
5101.801, 5101.804, and 5153.16 that are scheduled to take 715
effect January 1, 2025, be amended and the version of section 716
5101.804 (5101.91) of the Revised Code that is scheduled to take 717
effect January 1, 2025, be amended for the purpose of adopting a 718
new section number as indicated in parentheses to read as 719
follows: 720

Sec. 5101.35. (A) As used in this section: 721

(1) (a) "Agency" means the following entities that 722
administer a family services program: 723

(i) The department of job and family services; 724

(ii) The department of children and youth; 725

(iii) A county department of job and family services; 726

(iv) A public children services agency; 727

(v) A private or government entity administering, in whole 728
or in part, a family services program for or on behalf of the 729
department of job and family services, the department of 730
children and youth, or a county department of job and family 731
services or public children services agency. 732

(b) If the department of medicaid contracts with the 733
department of job and family services to hear appeals authorized 734
by section 5160.31 of the Revised Code regarding medical 735
assistance programs, "agency" includes the department of 736

medicaid. 737

(2) "Appellant" means an applicant, participant, former 738
participant, recipient, or former recipient of a family services 739
program who is entitled by federal or state law to a hearing 740
regarding a decision or order of the agency that administers the 741
program. 742

(3) (a) "Family services program" means all of the 743
following: 744

(i) A Title IV-A program as defined in section 5101.80 of 745
the Revised Code; 746

(ii) Programs that provide assistance under Chapter 5104. 747
of the Revised Code; 748

(iii) Programs that provide assistance under section 749
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of 750
the Revised Code; 751

(iv) Title XX social services provided under section 752
5101.46 of the Revised Code, other than such services provided 753
by the department of mental health and addiction services, the 754
department of developmental disabilities, a board of alcohol, 755
drug addiction, and mental health services, or a county board of 756
developmental disabilities. 757

(b) If the department of medicaid contracts with the 758
department of job and family services to hear appeals authorized 759
by section 5160.31 of the Revised Code regarding medical 760
assistance programs, "family services program" includes medical 761
assistance programs. 762

(4) "Medical assistance program" has the same meaning as 763
in section 5160.01 of the Revised Code. 764

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state hearing by the department of job and family services or the department of children and youth, as appropriate. This state hearing shall be conducted in accordance with rules adopted under this section. The state hearing shall be recorded, but neither the recording nor a transcript of the recording shall be part of the official record of the proceeding. Except as provided in section 5160.31 of the Revised Code, a state hearing decision is binding upon the agency and department, unless it is reversed or modified on appeal to the director of job and family services, director of children and youth, or a court of common pleas.

(C) Except as provided by division (G) of this section, an appellant who disagrees with a state hearing decision may make an administrative appeal to the director of job and family services or director of children and youth in accordance with rules adopted under this section. This administrative appeal does not require a hearing, but the director or the director's designee shall review the state hearing decision and previous administrative action and may affirm, modify, remand, or reverse the state hearing decision. An administrative appeal decision is the final decision of the department and, except as provided in section 5160.31 of the Revised Code, is binding upon the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

(D) An agency shall comply with a decision issued pursuant to division (B) or (C) of this section within the time limits established by rules adopted under this section. If a county

department of job and family services or a public children 796
services agency fails to comply within these time limits, the 797
department may take action pursuant to section 5101.24 of the 798
Revised Code. If another agency, other than the department of 799
medicaid, fails to comply within the time limits, the department 800
may force compliance by withholding funds due the agency or 801
imposing another sanction established by rules adopted under 802
this section. 803

(E) An appellant who disagrees with an administrative 804
appeal decision of the director of job and family services, the 805
director of children and youth, or either director's designee 806
issued under division (C) of this section may appeal from the 807
decision to the court of common pleas pursuant to section 119.12 808
of the Revised Code. The appeal shall be governed by section 809
119.12 of the Revised Code except that: 810

(1) The person may apply to the court for designation as 811
an indigent and, if the court grants this application, the 812
appellant shall not be required to furnish the costs of the 813
appeal. 814

(2) The appellant shall mail the notice of appeal to the 815
department of job and family services or director of children 816
and youth, as appropriate, and file notice of appeal with the 817
court within thirty days after the department mails the 818
administrative appeal decision to the appellant. For good cause 819
shown, the court may extend the time for mailing and filing 820
notice of appeal, but such time shall not exceed six months from 821
the date the department mails the administrative appeal 822
decision. Filing notice of appeal with the court shall be the 823
only act necessary to vest jurisdiction in the court. 824

(3) The department shall be required to file a transcript 825

of the testimony of the state hearing with the court only if the 826
court orders the department to file the transcript. The court 827
shall make such an order only if it finds that the department 828
and the appellant are unable to stipulate to the facts of the 829
case and that the transcript is essential to a determination of 830
the appeal. The department shall file the transcript not later 831
than thirty days after the day such an order is issued. 832

(F) The department of job and family service and 833
department of children and youth, as applicable, shall adopt 834
rules in accordance with Chapter 119. of the Revised Code to 835
implement this section, including rules governing the following: 836

(1) State hearings under division (B) of this section. The 837
rules shall include provisions regarding notice of eligibility 838
termination and the opportunity of an appellant appealing a 839
decision or order of a county department of job and family 840
services to request a county conference with the county 841
department before the state hearing is held. 842

(2) Administrative appeals under division (C) of this 843
section; 844

(3) Time limits for complying with a decision issued under 845
division (B) or (C) of this section; 846

(4) Sanctions that may be applied against an agency under 847
division (D) of this section. 848

(G) The department of job and family services and the 849
department of children and youth, as applicable, may adopt rules 850
in accordance with Chapter 119. of the Revised Code establishing 851
an appeals process for an appellant who appeals a decision or 852
order regarding a Title IV-A program identified under division 853
(A) (4) (c), (d), (e), (f), or (g), ~~or (h)~~ of section 5101.80 of 854

the Revised Code that is different from the appeals process 855
established by this section. The different appeals process may 856
include having a state agency that administers the Title IV-A 857
program pursuant to an interagency agreement entered into under 858
section 5101.801 of the Revised Code administer the appeals 859
process. 860

(H) If an appellant receiving medicaid through a health 861
insuring corporation that holds a certificate of authority under 862
Chapter 1751. of the Revised Code is appealing a denial of 863
medicaid services based on lack of medical necessity or other 864
clinical issues regarding coverage by the health insuring 865
corporation, the person hearing the appeal may order an 866
independent medical review if that person determines that a 867
review is necessary. The review shall be performed by a health 868
care professional with appropriate clinical expertise in 869
treating the recipient's condition or disease. The department 870
shall pay the costs associated with the review. 871

A review ordered under this division shall be part of the 872
record of the hearing and shall be given appropriate evidentiary 873
consideration by the person hearing the appeal. 874

(I) The requirements of Chapter 119. of the Revised Code 875
apply to a state hearing or administrative appeal under this 876
section only to the extent, if any, specifically provided by 877
rules adopted under this section. 878

Sec. 5101.80. (A) As used in this section and in section 879
5101.801 of the Revised Code: 880

(1) "County family services agency" has the same meaning 881
as in section 307.981 of the Revised Code. 882

(2) "State agency" has the same meaning as in section 9.82 883

of the Revised Code. 884

(3) "Title IV-A administrative agency" means both of the 885
following: 886

(a) A county family services agency or state agency 887
administering a Title IV-A program under the supervision of the 888
department of job and family services or the department of 889
children and youth; 890

(b) A government agency or private, not-for-profit entity 891
administering a project funded in whole or in part with funds 892
provided under the Title IV-A demonstration program created 893
under section 5101.803 of the Revised Code. 894

(4) "Title IV-A program" means all of the following that 895
are funded in part with funds provided under the temporary 896
assistance for needy families block grant established by Title 897
IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 898
U.S.C. 601, as amended: 899

(a) The Ohio works first program established under Chapter 900
5107. of the Revised Code; 901

(b) The prevention, retention, and contingency program 902
established under Chapter 5108. of the Revised Code; 903

(c) A program established by the general assembly or an 904
executive order issued by the governor that is administered or 905
supervised by the department of job and family services or 906
department of children and youth pursuant to section 5101.801 of 907
the Revised Code; 908

(d) The kinship permanency incentive program created under 909
section 5101.802 of the Revised Code; 910

(e) The Title IV-A demonstration program created under 911

section 5101.803 of the Revised Code; 912

~~(f) The Ohio parenting and pregnancy program created under~~ 913
~~section 5101.804 of the Revised Code;~~ 914

~~(g)~~ Fatherhood programs recommended by the Ohio commission 915
on fatherhood under section 5101.805 of the Revised Code; 916

~~(h)~~ (g) A component of a Title IV-A program identified 917
under divisions (A) (4) (a) to ~~(g)~~ (f) of this section that the 918
Title IV-A state plan prepared under division (C) (1) of this 919
section identifies as a component. 920

(B) The department of job and family services shall act as 921
the single state agency to administer and supervise the 922
administration of Title IV-A programs. The Title IV-A state plan 923
and amendments to the plan prepared under division (C) of this 924
section are binding on Title IV-A administrative agencies. No 925
Title IV-A administrative agency may establish, by rule or 926
otherwise, a policy governing a Title IV-A program that is 927
inconsistent with a Title IV-A program policy established, in 928
rule or otherwise, by the director of job and family services. 929

(C) The department of job and family services shall do all 930
of the following: 931

(1) Prepare and submit to the United States secretary of 932
health and human services a Title IV-A state plan for Title IV-A 933
programs; 934

(2) Prepare and submit to the United States secretary of 935
health and human services amendments to the Title IV-A state 936
plan that the department determines necessary, including 937
amendments necessary to implement Title IV-A programs identified 938
in divisions (A) (4) (c) to ~~(h)~~ (g) of this section; 939

(3) Prescribe forms for applications, certificates,	940
reports, records, and accounts of Title IV-A administrative	941
agencies, and other matters related to Title IV-A programs;	942
(4) Make such reports, in such form and containing such	943
information as the department may find necessary to assure the	944
correctness and verification of such reports, regarding Title	945
IV-A programs;	946
(5) Require reports and information from each Title IV-A	947
administrative agency as may be necessary or advisable regarding	948
a Title IV-A program;	949
(6) Afford a fair hearing in accordance with section	950
5101.35 of the Revised Code to any applicant for, or participant	951
or former participant of, a Title IV-A program aggrieved by a	952
decision regarding the program;	953
(7) Administer and expend, pursuant to Chapters 5104.,	954
5107., and 5108. of the Revised Code and sections 5101.801,	955
5101.802, <u>and 5101.803,</u> and 5101.804 of the Revised Code, any	956
sums appropriated by the general assembly for the purpose of	957
those chapters and sections and all sums paid to the state by	958
the secretary of the treasury of the United States as authorized	959
by Title IV-A of the "Social Security Act," 110 Stat. 2113	960
(1996), 42 U.S.C. 601, as amended;	961
(8) Conduct investigations and audits as are necessary	962
regarding Title IV-A programs;	963
(9) Enter into reciprocal agreements with other states	964
relative to the provision of Ohio works first and prevention,	965
retention, and contingency to residents and nonresidents;	966
(10) Contract with a private entity to conduct an	967
independent on-going evaluation of the Ohio works first program	968

and the prevention, retention, and contingency program. The 969
contract must require the private entity to do all of the 970
following: 971

(a) Examine issues of process, practice, impact, and 972
outcomes; 973

(b) Study former participants of Ohio works first who have 974
not participated in Ohio works first for at least one year to 975
determine whether they are employed, the type of employment in 976
which they are engaged, the amount of compensation they are 977
receiving, whether their employer provides health insurance, 978
whether and how often they have received benefits or services 979
under the prevention, retention, and contingency program, and 980
whether they are successfully self sufficient; 981

(c) Provide the department with reports at times the 982
department specifies. 983

(11) Not later than the last day of each January and July, 984
prepare a report containing information on the following: 985

(a) Individuals exhausting the time limits for 986
participation in Ohio works first set forth in section 5107.18 987
of the Revised Code. 988

(b) Individuals who have been exempted from the time 989
limits set forth in section 5107.18 of the Revised Code and the 990
reasons for the exemption. 991

(D) The department shall provide copies of the reports it 992
receives under division (C)(10) of this section and prepares 993
under division (C)(11) of this section to the governor, the 994
president and minority leader of the senate, and the speaker and 995
minority leader of the house of representatives. The department 996
shall provide copies of the reports to any private or government 997

entity on request. 998

(E) An authorized representative of the department or a 999
county family services agency or state agency administering a 1000
Title IV-A program shall have access to all records and 1001
information bearing thereon for the purposes of investigations 1002
conducted pursuant to this section. An authorized representative 1003
of a government entity or private, not-for-profit entity 1004
administering a project funded in whole or in part with funds 1005
provided under the Title IV-A demonstration program shall have 1006
access to all records and information bearing on the project for 1007
the purpose of investigations conducted pursuant to this 1008
section. 1009

Sec. 5101.801. (A) Except as otherwise provided by the law 1010
enacted by the general assembly or executive order issued by the 1011
governor establishing the Title IV-A program, a Title IV-A 1012
program identified under division (A) (4) (c), (d), (e), (f), or 1013
(g), ~~or (h)~~ of section 5101.80 of the Revised Code shall provide 1014
benefits and services that are not "assistance" as defined in 45 1015
C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 1016
260.31(b) excludes from the definition of assistance. 1017

(B) (1) Except as otherwise provided by the law enacted by 1018
the general assembly or executive order issued by the governor 1019
establishing the Title IV-A program, the department of job and 1020
family services or the department of children and youth, as 1021
appropriate, shall do either of the following regarding a Title 1022
IV-A program identified under division (A) (4) (c), (d), (e), (f), 1023
or (g), ~~or (h)~~ of section 5101.80 of the Revised Code: 1024

(a) Administer the program or supervise a county family 1025
services agency's administration of the program; 1026

(b) Enter into an interagency agreement with a state 1027
agency for the state agency to administer the program under the 1028
department's supervision. 1029

(2) The department of job and family services and the 1030
department of children and youth may enter into an agreement 1031
with a government entity and, to the extent permitted by federal 1032
law, a private, not-for-profit entity for the entity to receive 1033
funding for a project under the Title IV-A demonstration program 1034
created under section 5101.803 of the Revised Code. 1035

~~(3) To the extent permitted by federal law, the department 1036
of children and youth may enter into an agreement with a 1037
private, not for profit entity for the entity to receive funds 1038
under the Ohio parenting and pregnancy program created under 1039
section 5101.804 of the Revised Code. 1040~~

~~(4) To the extent permitted by federal law, the department 1041
may enter into an agreement with a private, not-for-profit 1042
entity for the entity to receive funds as recommended by the 1043
Ohio commission on fatherhood under section 5101.805 of the 1044
Revised Code. 1045~~

(C) The department of job and family services and the 1046
department of children and youth, may adopt rules governing 1047
Title IV-A programs identified under divisions (A) (4) (c), (d), 1048
(e), (f), and (g), ~~and (h)~~ of section 5101.80 of the Revised 1049
Code. Rules governing financial and operational matters of 1050
either department or between either department and county family 1051
services agencies shall be adopted as internal management rules 1052
adopted in accordance with section 111.15 of the Revised Code. 1053
All other rules shall be adopted in accordance with Chapter 119. 1054
of the Revised Code. 1055

(D) If the department of job and family services or the 1056
department of children and youth, enters into an agreement 1057
regarding a Title IV-A program identified under division (A) (4) 1058
(c), (e), (f), or (g), ~~or (h)~~ of section 5101.80 of the Revised 1059
Code pursuant to division (B) (1) (b) or (2) of this section, the 1060
agreement shall include at least all of the following: 1061

(1) A requirement that the state agency or entity comply 1062
with the requirements for the program or project, including all 1063
of the following requirements established by federal statutes 1064
and regulations, state statutes and rules, the United States 1065
office of management and budget, and the Title IV-A state plan 1066
prepared under section 5101.80 of the Revised Code: 1067

(a) Eligibility; 1068

(b) Reports; 1069

(c) Benefits and services; 1070

(d) Use of funds; 1071

(e) Appeals for applicants for, and recipients and former 1072
recipients of, the benefits and services; 1073

(f) Audits. 1074

(2) A complete description of all of the following: 1075

(a) The benefits and services that the program or project 1076
is to provide; 1077

(b) The methods of program or project administration; 1078

(c) The appeals process under section 5101.35 of the 1079
Revised Code for applicants for, and recipients and former 1080
recipients of, the program or project's benefits and services; 1081

(d) Other requirements that the department of job and 1082

family services or the department of children and youth, as 1083
applicable, requires be included. 1084

(3) Procedures for the department of job and family 1085
services or the department of children and youth, as applicable, 1086
to approve a policy, established by rule or otherwise, that the 1087
state agency or entity establishes for the program or project 1088
before the policy is established; 1089

(4) Provisions regarding how the department of job and 1090
family services or the department of children and youth, as 1091
applicable, is to reimburse the state agency or entity for 1092
allowable expenditures under the program or project that the 1093
applicable department approves, including all of the following: 1094

(a) Limitations on administrative costs; 1095

(b) The department of job and family services or the 1096
department of children and youth, as applicable, at its 1097
discretion, doing either of the following: 1098

(i) Withholding no more than five per cent of the funds 1099
that the department of job and family services or the department 1100
of children and youth, as applicable, would otherwise provide to 1101
the state agency or entity for the program or project; 1102

(ii) Charging the state agency or entity for the costs to 1103
the department of job and family services or the department of 1104
children and youth, as applicable, of performing, or contracting 1105
for the performance of, audits and other administrative 1106
functions associated with the program or project. 1107

(5) If the state agency or entity arranges by contract, 1108
grant, or other agreement for another entity to perform a 1109
function the state agency or entity would otherwise perform 1110
regarding the program or project, the state agency or entity's 1111

responsibilities for both of the following:	1112
(a) Ensuring that the other entity complies with the	1113
agreement between the state agency or entity and the department	1114
of job and family services or the department of children and	1115
youth, as applicable and federal statutes and regulations and	1116
state statutes and rules governing the use of funds for the	1117
program or project;	1118
(b) Auditing the other entity in accordance with	1119
requirements established by the United States office of	1120
management and budget.	1121
(6) The state agency or entity's responsibilities	1122
regarding the prompt payment, including any interest assessed,	1123
of any adverse audit finding, final disallowance of federal	1124
funds, or other sanction or penalty imposed by the federal	1125
government, auditor of state, department of job and family	1126
services or the department of children and youth, as applicable,	1127
a court, or other entity regarding funds for the program or	1128
project;	1129
(7) Provisions for the department of job and family	1130
services or the department of children and youth, as applicable,	1131
to terminate the agreement or withhold reimbursement from the	1132
state agency or entity if either of the following occur:	1133
(a) The federal government disapproves the program or	1134
project or reduces federal funds for the program or project;	1135
(b) The state agency or entity fails to comply with the	1136
terms of the agreement.	1137
(8) Provisions for both of the following:	1138
(a) The department of job and family services or the	1139

department of children and youth, as applicable, and state 1140
agency or entity determining the performance outcomes expected 1141
for the program or project; 1142

(b) An evaluation of the program or project to determine 1143
its success in achieving the performance outcomes determined 1144
under division (D) (8) (a) of this section. 1145

(E) To the extent consistent with the law enacted by the 1146
general assembly or executive order issued by the governor 1147
establishing the Title IV-A program and subject to the approval 1148
of the director of budget and management, the director of job 1149
and family services or the director of children and youth, as 1150
applicable, may terminate a Title IV-A program identified under 1151
division (A) (4) (c), (d), (e), (f), or (g), ~~or (h)~~ of section 1152
5101.80 of the Revised Code or reduce funding for the program if 1153
the applicable director determines that federal or state funds 1154
are insufficient to fund the program. If the director of budget 1155
and management approves the termination or reduction in funding 1156
for such a program, the director of job and family services or 1157
the department of children and youth, as applicable, shall issue 1158
instructions for the termination or funding reduction. If a 1159
Title IV-A administrative agency is administering the program, 1160
the agency is bound by the termination or funding reduction and 1161
shall comply with the applicable director's instructions. 1162

(F) The director of job and family services and the 1163
director of children and youth may adopt internal management 1164
rules in accordance with section 111.15 of the Revised Code as 1165
necessary to implement this section. The rules are binding on 1166
each Title IV-A administrative agency. 1167

Sec. ~~5101.804~~ 5101.91. (A) ~~Subject to division (E) of~~ 1168
~~section 5101.801 of the Revised Code, there~~ There is hereby 1169

created the Ohio parenting and pregnancy program to provide 1170
services for pregnant women, ~~and~~ parents or other relatives 1171
caring for children ~~twelve months~~ five years of age or younger, 1172
and individuals that may become pregnant. ~~that do both of the~~ 1173
~~following:~~ 1174

~~(1) Promote childbirth,~~ Services may include those related 1175
to pregnancy and parenting, and including counseling on 1176
childbirth alternatives to abortion, abortion, and adoption, ~~—~~ 1177

~~(2) Meet one or more of the four purposes of the temporary~~ 1178
~~assistance for needy families block grant as specified in 42~~ 1179
~~U.S.C. 601, pregnancy tests, family planning, and contraceptive~~ 1180
services, as well as preventative care services such as 1181
cytologic screening, and screening for sexually transmitted 1182
infections. 1183

~~(B) To the extent permitted by federal law, the~~ The 1184
department of children and youth may provide funds under the 1185
program to entities with which the department enters into 1186
~~agreements under division (B) (3) of section 5101.801 of the~~ 1187
~~Revised Code.~~ In accordance with criteria the department 1188
develops, the department may solicit proposals from entities 1189
seeking to provide services under the program. The department 1190
may enter into an agreement with an entity only if it meets all 1191
of the following conditions: 1192

(1) Is a private, not-for-profit entity; 1193

(2) Is an entity whose primary purpose is to ~~promote~~ 1194
~~childbirth, rather than abortion, through counseling and other~~ 1195
~~services, including parenting and adoption support~~ provide 1196
services as described under division (A) of this section; 1197

(3) Provides services to pregnant women, ~~and~~ parents or 1198

other relatives caring for children ~~twelve months~~ five years of 1199
age or younger, ~~including clothing, counseling, or individuals~~ 1200
who may become pregnant. The services offered by the entity must 1201
include at least four of the following: 1202

(a) Clothing, diapers and other baby supplies, food, 1203
~~furniture, health care, parenting classes, postpartum recovery,~~ 1204
and shelter, and any other supportive services, programs, or 1205
~~related outreach;~~ 1206

(b) Counseling on all options available to the individual, 1207
including, for a pregnant person, counseling or referrals 1208
related to abortion, adoption, and parenting the baby; 1209

(c) Postpartum recovery and parenting classes; 1210

(d) Health care through licensed health care 1211
professionals, including contraceptives and reproductive health 1212
care, through referrals if necessary; 1213

(e) Sexual education, including information on abstinence 1214
and a full-range of contraception options; 1215

(f) Any other supportive services, programs, or related 1216
outreach. 1217

~~(4) Does not charge pregnant women and parents or other~~ 1218
~~relatives caring for children twelve months of age or younger a~~ 1219
~~fee for any services received;~~ 1220

~~(5) Is not involved in or associated with any abortion~~ 1221
~~activities, including providing abortion counseling or referrals~~ 1222
~~to abortion clinics, performing abortion-related medical~~ 1223
~~procedures, or engaging in pro-abortion advertising;~~ 1224

~~(6) Does not discriminate in its provision of services on~~ 1225
~~the basis of race, religion, color, age, marital status,~~ 1226

national origin, disability, or gender. 1227

(C) An entity that has entered into an agreement with the 1228
department ~~under division (B) (3) of section 5101.801 of the~~ 1229
~~Revised Code~~ may enter into a subcontract with another entity 1230
under which the other entity provides all or part of the 1231
services described in division ~~(B) (3)~~ (A) of this section. A 1232
subcontract may be entered into with another entity only if that 1233
entity ~~meets all of the following conditions:~~ 1234

~~(1) Is is a private, not-for-profit entity;~~ 1235

~~(2) Is physically and financially separate from any 1236
entity, or component of an entity, that engages in abortion 1237
activities;~~ 1238

~~(3) Is not involved in or associated with any abortion 1239
activities, including providing abortion counseling or referrals 1240
to abortion clinics, performing abortion-related medical 1241
procedures, or engaging in pro-abortion advertising. 1242~~

(D) An entity that receives funds under the Ohio parenting 1243
and pregnancy program shall complete an annual report detailing 1244
the services provided through the program, including specifying 1245
the percentage of funds that were used for services and related 1246
supports, health care services, and administrative costs. The 1247
report shall be provided to the general assembly in accordance 1248
with section 101.68 of the Revised Code and to the governor. The 1249
report also shall be provided to the department of health and 1250
made available to the public on the department's internet web 1251
site. 1252

(E) The director of children and youth shall adopt rules 1253
under division (C) of section 5101.801 of the Revised Code as 1254
necessary to implement the Ohio parenting and pregnancy program. 1255

The rules shall be adopted in accordance with Chapter 119. of 1256
the Revised Code. 1257

Sec. 5153.16. (A) Except as provided in section 2151.422 1258
of the Revised Code, in accordance with rules adopted under 1259
section 5153.166 of the Revised Code, and on behalf of children 1260
in the county whom the public children services agency considers 1261
to be in need of public care or protective services, the public 1262
children services agency shall do all of the following: 1263

(1) Make an investigation concerning any child alleged to 1264
be an abused, neglected, or dependent child; 1265

(2) Enter into agreements with the parent, guardian, or 1266
other person having legal custody of any child, or with the 1267
department of children and youth, department of mental health 1268
and addiction services, department of developmental 1269
disabilities, other department, any certified organization 1270
within or outside the county, or any agency or institution 1271
outside the state, having legal custody of any child, with 1272
respect to the custody, care, or placement of any child, or with 1273
respect to any matter, in the interests of the child, provided 1274
the permanent custody of a child shall not be transferred by a 1275
parent to the public children services agency without the 1276
consent of the juvenile court; 1277

(3) Enter into a contract with an agency providing 1278
prevention services in an effort to prevent neglect or abuse, to 1279
enhance a child's welfare, and to preserve the family unit 1280
intact. 1281

(4) Accept custody of children committed to the public 1282
children services agency by a court exercising juvenile 1283
jurisdiction; 1284

- (5) Provide such care as the public children services agency considers to be in the best interests of any child adjudicated to be an abused, neglected, or dependent child the agency finds to be in need of public care or service; 1285
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- (6) Provide social services to any unmarried girl adjudicated to be an abused, neglected, or dependent child who is pregnant with or has been delivered of a child; 1289
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- (7) Make available to the children with medical handicaps program of the department of health at its request any information concerning a child with a disability found to be in need of treatment under sections 3701.021 to 3701.028 of the Revised Code who is receiving services from the public children services agency; 1292
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- (8) Provide temporary emergency care for any child considered by the public children services agency to be in need of such care, without agreement or commitment; 1298
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- (9) Find certified foster homes, within or outside the county, for the care of children, including children with disabilities from other counties attending special schools in the county; 1301
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- (10) Subject to the approval of the board of county commissioners and the department of children and youth, establish and operate a training school or enter into an agreement with any municipal corporation or other political subdivision of the county respecting the operation, acquisition, or maintenance of any children's home, training school, or other institution for the care of children maintained by such municipal corporation or political subdivision; 1305
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- (11) Acquire and operate a county children's home, 1313

establish, maintain, and operate a receiving home for the 1314
temporary care of children, or procure certified foster homes 1315
for this purpose; 1316

(12) Enter into an agreement with the trustees of any 1317
district children's home, respecting the operation of the 1318
district children's home in cooperation with the other county 1319
boards in the district; 1320

(13) Cooperate with, make its services available to, and 1321
act as the agent of persons, courts, the department of children 1322
and youth, the department of health, and other organizations 1323
within and outside the state, in matters relating to the welfare 1324
of children, except that the public children services agency 1325
shall not be required to provide supervision of or other 1326
services related to the exercise of parenting time rights 1327
granted pursuant to section 3109.051 or 3109.12 of the Revised 1328
Code or companionship or visitation rights granted pursuant to 1329
section 3109.051, 3109.11, or 3109.12 of the Revised Code unless 1330
a juvenile court, pursuant to Chapter 2151. of the Revised Code, 1331
or a common pleas court, pursuant to division (E) (6) of section 1332
3113.31 of the Revised Code, requires the provision of 1333
supervision or other services related to the exercise of the 1334
parenting time rights or companionship or visitation rights; 1335

(14) Make investigations at the request of any 1336
superintendent of schools in the county or the principal of any 1337
school concerning the application of any child adjudicated to be 1338
an abused, neglected, or dependent child for release from 1339
school, where such service is not provided through a school 1340
attendance department; 1341

(15) Administer funds provided under Title IV-E of the 1342
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 1343

amended, in accordance with rules adopted under section 5101.141 1344
of the Revised Code; 1345

(16) In addition to administering Title IV-E adoption 1346
assistance funds, enter into agreements to make adoption 1347
assistance payments under section 5153.163 of the Revised Code; 1348

(17) Implement a system of safety and risk assessment, in 1349
accordance with rules adopted by the director of children and 1350
youth, to assist the public children services agency in 1351
determining the risk of abuse or neglect to a child; 1352

(18) Enter into a plan of cooperation with the board of 1353
county commissioners under section 307.983 of the Revised Code 1354
and comply with each fiscal agreement the board enters into 1355
under section 307.98 of the Revised Code that include family 1356
services duties of public children services agencies and 1357
contracts the board enters into under sections 307.981 and 1358
307.982 of the Revised Code that affect the public children 1359
services agency; 1360

(19) Make reasonable efforts to prevent the removal of an 1361
alleged or adjudicated abused, neglected, or dependent child 1362
from the child's home, eliminate the continued removal of the 1363
child from the child's home, or make it possible for the child 1364
to return home safely, except that reasonable efforts of that 1365
nature are not required when a court has made a determination 1366
under division (A) (2) of section 2151.419 of the Revised Code; 1367

(20) Make reasonable efforts to place the child in a 1368
timely manner in accordance with the permanency plan approved 1369
under division (E) of section 2151.417 of the Revised Code and 1370
to complete whatever steps are necessary to finalize the 1371
permanent placement of the child; 1372

(21) Administer a Title IV-A program identified under 1373
division (A) (4) (c) or ~~(h)~~ (g) of section 5101.80 of the Revised 1374
Code that the department of children and youth provides for the 1375
public children services agency to administer under the 1376
department's supervision pursuant to section 5101.801 of the 1377
Revised Code; 1378

(22) Administer the kinship permanency incentive program 1379
created under section 5101.802 of the Revised Code under the 1380
supervision of the director of children and youth; 1381

(23) Provide independent living services pursuant to 1382
sections 2151.81 to 2151.84 of the Revised Code; 1383

(24) File a missing child report with a local law 1384
enforcement agency upon becoming aware that a child in the 1385
custody of the public children services agency is or may be 1386
missing. 1387

(B) The public children services agency shall use the 1388
system implemented pursuant to division (A) (17) of this section 1389
in connection with an investigation undertaken pursuant to 1390
division (G) (1) of section 2151.421 of the Revised Code to 1391
assess both of the following: 1392

(1) The ongoing safety of the child; 1393

(2) The appropriateness of the intensity and duration of 1394
the services provided to meet child and family needs throughout 1395
the duration of a case. 1396

(C) Except as provided in section 2151.422 of the Revised 1397
Code, in accordance with rules of the director of children and 1398
youth, and on behalf of children in the county whom the public 1399
children services agency considers to be in need of public care 1400
or protective services, the public children services agency may 1401

do the following: 1402

(1) Provide or find, with other child serving systems, 1403
specialized foster care for the care of children in a 1404
specialized foster home, as defined in section 5103.02 of the 1405
Revised Code, certified under section 5103.03 of the Revised 1406
Code; 1407

(2) (a) Except as limited by divisions (C) (2) (b) and (c) of 1408
this section, contract with the following for the purpose of 1409
assisting the agency with its duties: 1410

(i) County departments of job and family services; 1411

(ii) Boards of alcohol, drug addiction, and mental health 1412
services; 1413

(iii) County boards of developmental disabilities; 1414

(iv) Regional councils of political subdivisions 1415
established under Chapter 167. of the Revised Code; 1416

(v) Private and government providers of services; 1417

(vi) Managed care organizations and prepaid health plans. 1418

(b) A public children services agency contract under 1419
division (C) (2) (a) of this section regarding the agency's duties 1420
under section 2151.421 of the Revised Code may not provide for 1421
the entity under contract with the agency to perform any service 1422
not authorized by the department's rules. 1423

(c) Only a county children services board appointed under 1424
section 5153.03 of the Revised Code that is a public children 1425
services agency may contract under division (C) (2) (a) of this 1426
section. If an entity specified in division (B) or (C) of 1427
section 5153.02 of the Revised Code is the public children 1428

services agency for a county, the board of county commissioners 1429
may enter into contracts pursuant to section 307.982 of the 1430
Revised Code regarding the agency's duties. 1431

Section 4. That the existing versions of sections 5101.35, 1432
5101.80, 5101.801, 5101.804, and 5153.16 of the Revised Code 1433
that are scheduled to take effect January 1, 2025, are hereby 1434
repealed. 1435

Section 5. Sections 3 and 4 of this act take effect 1436
January 1, 2025, or on the effective date of this section, 1437
whichever is later. 1438

Section 6. That Section 307.135 of H.B. 33 of the 135th 1439
General Assembly be amended to read as follows: 1440

Sec. 307.135. PARENTING AND PREGNANCY PROGRAM 1441

The foregoing appropriation item 600561, Parenting and 1442
Pregnancy Program, shall be used, in accordance with section 1443
~~5101.804~~ 5101.91 of the Revised Code, to support the Ohio 1444
Parenting and Pregnancy Program. 1445

An amount equal to the unexpended, unencumbered balance of 1446
appropriation item 600561, Parenting and Pregnancy, at the end 1447
of fiscal year 2023 is hereby reappropriated to the same 1448
appropriation item for the same purpose in fiscal year 2024. 1449

Section 7. That existing Section 307.135 of H.B. 33 of the 1450
135th General Assembly is hereby repealed. 1451

Section 8. The version of section 5101.35 of the Revised 1452
Code that is scheduled to take effect January 1, 2025, is 1453
presented in this act as a composite of the section as amended 1454
by both H.B. 33 and S.B. 21 of the 135th General Assembly. The 1455
General Assembly, applying the principle stated in division (B) 1456

of section 1.52 of the Revised Code that amendments are to be	1457
harmonized if reasonably capable of simultaneous operation,	1458
finds that the composite is the resulting version of the section	1459
in effect prior to the effective date of the section as	1460
presented in this act.	1461