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S.B. 265
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. Cutrona

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SUMMARY

- Adds certain animal-related offenses to the list of disqualifying offenses when conducting a criminal records check for prospective foster caregivers, prospective adoptive parents, and other individuals who will be responsible for or reside in the same household as children.

DETAILED ANALYSIS

Animal offenses as disqualifier for foster care, adoption, and other care for children

The bill disqualifies a person who is subject to a criminal records check and has been convicted of or pleaded guilty to certain animal-related offenses from being a foster caregiver, adoptive parent, or a person who would otherwise be responsible for or reside in the same household as children.

Under R.C. 109.572(A)(4), on receipt of a request for a criminal records check from certain entities or individuals involved in foster home certification, adoption, temporary child hosting, or the employment or appointment of individuals responsible for a child's out-of-home care, the Bureau of Criminal Identification and Investigation (BCII) Superintendent must conduct a check to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to certain violations. These violations under existing law include: cruelty to animals, failure to report child abuse or neglect when required to do so, various violations related to children, various forms of murder or manslaughter, various forms of assault and other violent crimes (including domestic violence), various forms of menacing, patient abuse or neglect, kidnapping or abduction, human trafficking, sexual crimes, arson, traffic and vehicular crimes, crimes related to terrorism, various forms of robbery and burglary, identity fraud, violations involving weapons, and various violations related to drugs and harmful intoxicants.

The bill adds the following animal-related offenses to the list of violations for which the BCII Superintendent must make the above determination regarding the person who is the subject of the request:

- Prohibitions concerning companion animals (R.C. 959.131);
- Animal fighting (R.C. 959.15);
- Dogfighting (R.C. 959.16);
- Sexual conduct with an animal (R.C. 959.21).

This requirement applies to requests from the following entities:

- An administrative director of an agency or an attorney who arranges adoption;
- An administrative director of a recommending agency that recommends whether the Department of Children and Youth (DCY) should issue a certificate to a foster home;
- The appointing or hiring officer of any entity that appoints or employs any person responsible for a child's out-of-home care or in a residential facility for foster children;
- A qualified organization that arranges temporary child hosting.¹

While R.C. 109.572 governs the criminal records check process and the BCII Superintendent's responsibilities in conducting these checks, other laws govern the criminal records check requirements with respect to the entities requesting them and the individuals subject to them. In the case of prospective adoptive parents and foster home certification, criminal records checks must be conducted for the prospective adoptive parent or foster caregiver and all other persons 18 years of age or older who reside with them.² For foster home certification, the checks must be conducted initially and every four years before recertification.³ DCY is prohibited from issuing a certificate authorizing a prospective foster caregiver to operate a foster home and a probate court from issuing a final decree of adoption or an interlocutory order of adoption making a person an adoptive parent if any of these individuals previously has been convicted of or pleaded guilty to any of the offenses described above, unless the person meets rehabilitation standards established in rules that the DCY Director has adopted.⁴

In addition, a person who previously has been convicted of or pleaded guilty to any of those offenses is prohibited from being appointed or employed in a residential facility for foster children or as a person responsible for a child's care in out-of-home care, unless the individual meets certain rehabilitation standards adopted by rule. A person responsible for a child's care in out-of-home care includes (1) any foster caregiver, in-home aide, or provider, (2) any administrator, employee, or agent of any of a public or private detention facility, shelter facility,

¹ R.C. 109.572(A)(4).

² R.C. 2151.86.

³ R.C. 2151.86(A)(2) and (3), not in the bill.

⁴ R.C. 2151.86(C)(1) and (F), not in the bill.

certified children's crisis care facility, organization, certified organization, child care center, child care home, group home, institution, state institution, residential facility, residential care facility, residential camp, day camp, school district, community school, chartered nonpublic school, educational service center, hospital, or medical clinic, (3) any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school, and (4) any other person who performs a similar function with respect to, or has a similar relationship to, children.⁵

Finally, a qualified organization cannot authorize hosting a child with a host family if any person 18 years of age or older who resides with the prospective host family previously has been convicted of or pleaded guilty to these violations, unless certain conditions are satisfied.⁶ A "host family" refers to any individual who provides care in the individual's private residence for a child or single-family group, at the request of the child's custodial parent, guardian, or legal custodian, under a host family agreement. A qualified organization is an entity that oversees the matching of a child with a host family.⁷

HISTORY

Action	Date
Introduced	09-16-25

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⁵ R.C. 2151.86(H)(3) and 2151.011(A)(34), not in the bill, and R.C. 5103.053(C)(1) and 2151.86(C)(1), not in the bill.

⁶ R.C. 2151.906, not in the bill.

⁷ R.C. 2151.90(A)(1) and (2), not in the bill.