



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. H.B. 63

131st General Assembly
(H. Community and Family Advancement)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (LSC 131 0695-1)	Sub. Version (LSC 131 0695-7)
Endangering children: new criminal prohibition	No provision.	Expands the crime of endangering children to prohibit a person from doing any of the following to a child: <ul style="list-style-type: none">• Sell or transfer, or arrange to sell or transfer a child for anything of value;• Receive or place a child in the custody of another person, with the intent that the child remain in the person's custody for more than one year;• Receive or place a child in the custody of another person, with the intent that the child remain in that person's custody for a reason other than a vacation or school sponsored function or activity or because of a parent's incarceration, military service, medical treatment, or incapacity (<i>R.C. 2919.22(B)(7) and (8)</i>).

Topic	Previous Version (LSC 131 0695-1)	Sub. Version (LSC 131 0695-7)
Endangering children: definition of "receive or place a child in the custody of another person"	No provision.	Defines "receive or place a child in the custody of another person" to mean both of the following: <ul style="list-style-type: none"> • To grant or be granted any of the parents', guardian's, or custodian's rights and responsibilities regarding the care, custody, and control of the child; • To have the child reside with the person (R.C. 2919.22(B)(8)(b)).
Endangering children: exceptions	No provision.	Provides that the prohibitions to receive or place a child in the custody of another do not apply in the following situations: <ul style="list-style-type: none"> • Voluntary delivery of a child, and that child's subsequent care in accordance with R.C. 2151.3515 to 2151.3530; • The child is related by consanguinity or affinity within the fifth degree to the person receiving the child; • Placement in accordance with R.C. Chapter 5103.; • Placement in accordance with any court order (R.C. 2919.22(E)).
Endangering children: penalty	No provision.	Provides that a person who violates the new criminal prohibitions is guilty of a fifth degree felony on the first offense and a fourth degree felony on subsequent offenses (R.C. 2919.22(F)(5)).

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Mandatory reporter duty when services for child requested	Requires a mandatory reporter to promptly <i>report</i> to a public children services agency (PCSA) in writing about the request (<i>R.C. 3109.81(B)(1)</i>).	Requires a mandatory reporter to promptly <i>investigate</i> how long the child has been placed with the person and whether the child has been placed with the person due to a vacation, school sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity. If the mandatory reporter determines that the child has been placed for more than one year or that the child has been placed for a reason other than vacation, school sponsored function or activity, or a parent's incarceration, military service, medical treatment, or incapacity, the reporter must promptly report to a PCSA in writing about the request (<i>R.C. 3109.811(A)</i>).
When no mandatory reporter investigation required	No provision.	Provides that a mandatory reporter is not required to conduct an investigation of a child's placement if either of the following apply: <ul style="list-style-type: none"> • The document purporting to grant parental rights appears to be a valid court order, grandparent power of attorney, or caretaker authorization affidavit; • The child has been placed in a situation that makes the criminal prohibition for endangering children because of the receipt or placement of a child in the custody of another person inapplicable (<i>R.C. 3109.81(B)</i>).

Topic	Previous Version (LSC 131 0695-1)	Sub. Version (LSC 131 0695-7)
PCSA investigation after receiving a report	Requires a PCSA to investigate the child's <i>temporary</i> placement (R.C. 3109.81(C)(1)).	Requires a PCSA to investigate the child's placement (R.C. 3109.812(A)).
PCSA determine extent of investigation	No provision.	Requires the PCSA to determine the extent of the investigation, based on the facts in the mandatory reporter's report, the PCSA's familiarity with the parties involved, and other factors it determines relevant (R.C. 3109.812(A)(1)).
PCSA investigation parameters	<i>Requires</i> the investigation to include a criminal records check, a check of court records for any child-related civil proceedings, and, if the PCSA determines that the records check warrants it, a home safety study (R.C. 3109.81(C)(1)).	<i>Provides</i> that the investigation <i>may</i> include a criminal records check, a check of court records for any child-related civil proceedings, and, if the PCSA determines that the records check warrants it, a study following standard protocols (R.C. 3109.812(A)(2)).
When no PCSA investigation required	A PCSA is not required to investigate the temporary placement of a child for a designated <i>short-term</i> period due to a vacation, school sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity (R.C. 3109.81(C)(1)).	A PCSA is not required to conduct an investigation if the child has been placed (1) for a designated period of <i>less than one year</i> due to a vacation, school sponsored function or activity, or because of a parent's incarceration, military service, medical treatment, or incapacity or (2) in a situation that makes the criminal prohibition for endangering children because of the receipt or placement of a child in the custody of another person inapplicable (R.C. 3109.812(B)).
SACWIS: include record	No provision.	Requires ODJFS to include records in the uniform statewide automated child welfare information system (SACWIS) regarding investigations and determinations a PCSA makes under the bill's

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		provisions regarding nonjudicial grants of parental rights (<i>R.C. 5101.13(A)(1)(b)</i>).
SACWIS: rules	No provision.	Permits ODJFS to create an intake type for unregulated child custody transfers in SACWIS for records of investigations and determinations a PCSA makes regarding nonjudicial grants of parental rights (<i>R.C. 5101.13(E)</i>).
Adoption procedure: training	No provision.	Requires any training that ODJFS may require for a prospective adoptive parent to include instruction on the bill's provisions that (1) expand the crime of endangering children and (2) impose investigation requirements regarding children under nonjudicial grants of parental rights (<i>R.C. 3107.035</i>).
Adoption procedure: required certification	No provision.	Requires a petition for adoption to include a certification by the petitioner (the adoptive parent) that the petitioner is aware of the bill's provisions (1) expanding the crime of endangering children and (2) imposing investigation requirements regarding children under nonjudicial grants of parental rights (<i>R.C. 3107.05(A)(11)</i>).
ODJFS rules: general	No provision.	Requires ODJFS to adopt rules establishing: <ul style="list-style-type: none"> • Guidelines and procedures for how a PCSA conducts investigations; • Criteria for determining if the placement of a child is unsafe (<i>R.C. 3109.815</i>).

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<p>General Assembly recommendations</p>	<p>No provision.</p>	<p>Provides that the General Assembly strongly recommends that every board, commission, or agency created under Revised Code Title 47, and that is authorized to grant licensure or certification to persons who may encounter a child subject to this bill's provisions regarding nonjudicial grants of parental rights in the normal course of their work, to adopt rules conditioning receipt or maintenance of that professional license or certificate upon receiving training in the recognition and handling of cases related to children (<i>R.C. 3109.814</i>).</p>

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