



Ohio Revised Code

Section 5103.039 Summary suspension of an institution or association.

Effective: September 30, 2025

Legislation: House Bill 96 - 136th General Assembly

(A) The department of children and youth may suspend, without a prior hearing, the certificate of an institution or association, as defined in section 5103.02 of the Revised Code, which includes a foster caregiver, if any of the following occur:

(1) A child dies or suffers a serious injury while placed or residing with the institution or association, including a foster home, as defined in section 5103.02 of the Revised Code.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) A principal of the institution or association;

(b) An employee or volunteer of the institution or association who has not immediately been placed on administrative leave or released from employment;

(c) Any person who resides in the foster home.

(3) One of the following is charged by an indictment, information, or complaint with an offense relating to the death, injury, abuse, or neglect of a child:

(a) A principal of the institution or association;

(b) An employee or volunteer of the institution or association who has not immediately been placed on administrative leave or released from employment.

(4) The department, the recommending agency, a public children services agency, or a county department of job and family services determines that a principal, employee, or volunteer of the



institution or association, including a foster caregiver, or a person residing in the foster home, created a serious risk to the health or safety of a child placed therein that resulted in or could have resulted in a child's death or injury.

(5) The department determines that the owner of the institution or association or the foster caregiver does not meet the requirements of section 2151.86, 5103.0310, or 5103.053 of the Revised Code.

(B) In suspending a license under division (A) of this section, the department shall comply with section 119.07 of the Revised Code. A principal of an institution or association, including a foster caregiver, may request an adjudicatory hearing before the department pursuant to sections 119.06 and 119.12 of the Revised Code. If a hearing is requested and the department does not issue its final adjudication order within one hundred twenty days after the suspension, the suspension is void on the one hundred twenty-first day after the suspension, unless the hearing on the suspension is continued on agreement by the parties or for good cause.

(C) A summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) An institution or association shall not have children placed in the institution or association while a summary suspension remains in effect. Upon the issuance of the order of suspension, the department shall place a hold on the certificate or indicate that the certificate is suspended in Ohio's statewide automated child welfare information system.

(E) The director of children and youth may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of certificates.



(F) This section does not limit the authority of the department to revoke a certificate pursuant to section 5103.03 of the Revised Code.

(G) As used in this section, "principal" means any of the following:

- (1) The institution or association's administrator or director;
- (2) The institution or association's owners or partners;
- (3) Members of the institution or association's governing body;
- (4) A foster caregiver.