



THE OHIO CHILDREN'S TRUST FUND STATUTE  
(Ohio Revised Code 3109.13-18)

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**§ 3109.13. Definitions.**

As used in [sections 3109.13](#) to [3109.18](#) of the Revised Code:

(A) "Child abuse and child neglect prevention programs" means programs that use primary and secondary prevention strategies that are conducted at the local level and activities and projects of statewide significance designed to strengthen families and prevent child abuse and child neglect.

(B) "Primary prevention strategies" are activities and services provided to the public designed to prevent or reduce the prevalence of child abuse and child neglect before signs of abuse or neglect can be observed.

(C) "Secondary prevention strategies" are activities and services that are provided to a specific population identified as having risk factors for child abuse and child neglect and are designed to intervene at the earliest warning signs of child abuse or child neglect, or whenever a child can be identified as being at risk of abuse or neglect.

**HISTORY: 140 v H 319 (Eff 12-26-84); 148 v H 283 (Eff 1-1-2001); 149 v S 121 (Eff 3-19-2003); 149 v H 248. Eff 4-7-2003.**

**§ 3109.14. Additional fees for birth or death records, divorce or dissolution filings; children's trust fund.**

(A) As used in this section, "birth record" and "certification of birth" have the meanings given in [section 3705.01](#) of the Revised Code.

(B) (1) The director of health, a person authorized by the director, a local commissioner of health, or a local registrar of vital statistics shall charge and collect a fee for each certified copy of a birth record, for each certification of birth, and for each copy of a death record. Until October 1, 2001, the fee shall be two dollars. On and after October 1, 2001, the fee shall be three dollars. The fee is in addition to the fee imposed by [section 3705.24](#) or any other section of the Revised Code. A local commissioner of health or a local registrar of vital statistics may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the

additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state.

(2) Upon the filing for a divorce decree under section 3105.10 or a decree of dissolution under [section 3105.65](#) of the Revised Code, a court of common pleas shall charge and collect a fee. Until October 1, 2001, the fee shall be ten dollars. On and after October 1, 2001, the fee shall be eleven dollars. The fee is in addition to any other court costs or fees. The county clerk of courts may retain an amount of each additional fee collected, not to exceed three per cent of the amount of the additional fee, to be used for costs directly related to the collection of the fee and the forwarding of the fee to the treasurer of state.

(C) The additional fees collected, but not retained, under this section during each month shall be forwarded not later than the tenth day of the immediately following month to the treasurer of state, who shall deposit the fees in the state treasury to the credit of the children's trust fund, which is hereby created. A person or government entity that fails to forward the fees in a timely manner, as determined by the treasurer of state, shall forward to the treasurer of state, in addition to the fees, a penalty equal to ten per cent of the fees. The treasurer of state shall invest the moneys in the fund, and all earnings resulting from investment of the fund shall be credited to the fund, except that actual administrative costs incurred by the treasurer of state in administering the fund may be deducted from the earnings resulting from investments. The amount that may be deducted shall not exceed three per cent of the total amount of fees credited to the fund in each fiscal year, except that the children's trust fund board may approve an amount for actual administrative costs exceeding three per cent but not exceeding four per cent of such amount. The balance of the investment earnings shall be credited to the fund. Moneys credited to the fund shall be used only for the purposes described in [sections 3109.13](#) to [3109.18](#) of the Revised Code.

**HISTORY: 140 v H 319 (Eff 12-26-84); 141 v H 201 (Eff 7-1-85); 142 v H 790 (Eff 3-16-89); 147 v H 426 (Eff 7-22-98); 148 v H 283 (Eff 1-1-2001); 149 v H 94. Eff 9-5-2001.**

### **§ 3109.15. Children's trust fund board.**

There is hereby created within the department of job and family services the children's trust fund board consisting of fifteen members. The directors of alcohol and drug addiction services, health, and job and family services shall be members of the board. Eight public members shall be appointed by the governor. These members shall be persons with demonstrated knowledge in programs for children, shall be representative of the demographic composition of this state, and, to the extent practicable, shall be representative of the following categories: the educational community; the legal community; the social work community; the medical community; the voluntary sector; and professional providers of child abuse and child neglect services. Five of these members shall be residents of metropolitan statistical areas as defined by the United States office of management and budget where the population exceeds four hundred thousand; no two such members shall be residents of the same metropolitan statistical area. Two members of the board shall be members of the house of representatives appointed by the speaker of the house of representatives and shall be members of two different political parties. Two members of the board

shall be members of the senate appointed by the president of the senate and shall be members of two different political parties. All members of the board appointed by the speaker of the house of representatives or the president of the senate shall serve until the expiration of the sessions of the general assembly during which they were appointed. They may be reappointed to an unlimited number of successive terms of two years at the pleasure of the speaker of the house of representatives or president of the senate. Public members shall serve terms of three years. Each member shall serve until the member's successor is appointed, or until a period of sixty days has elapsed, whichever occurs first. No public member may serve more than two consecutive full terms. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

Any member of the board may be removed by the member's appointing authority for misconduct, incompetency, or neglect of duty after first being given the opportunity to be heard in the member's own behalf. Pursuant to [section 3.17](#) of the Revised Code, a member, except a member of the general assembly or a judge of any court in the state, who fails to attend at least three-fifths of the regular and special meetings held by the board during any two-year period forfeits the member's position on the board.

Each member of the board shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.

At the beginning of the first year of each even-numbered general assembly, the chairperson of the board shall be appointed by the speaker of the house of representatives from among members of the board who are members of the house of representatives. At the beginning of the first year of each odd-numbered general assembly, the chairperson of the board shall be appointed by the president of the senate from among the members of the board who are senate members.

The board shall biennially select a vice-chair from among its non-legislative members.

**HISTORY: 140 v H 319 (Eff 12-26-84); 142 v H 171 (Eff 7-1-87); 148 v H 471, § 1 (Eff 7-1-2000); 148 v H 283 (Eff 1-1-2001); 148 v H 471, § 3 (Eff 1-1-2001); 149 v S 121 (Eff 3-19-2003); 149 v H 248. Eff 4-7-2003.**

#### **§ 3109.16. Executive Director; meetings; federal funds; donations**

The children's trust fund board, upon the recommendation of the director of job and family services, shall approve the employment of an executive director who will administer the programs of the board. The department of job and family services shall provide budgetary, procurement, accounting, and other related management functions for the board. An amount not to exceed three per cent of the total amount of fees deposited in the children's trust fund in each fiscal year may be used for costs directly related to these administrative functions of the department. Each fiscal year, the board shall approve a budget for administrative expenditures for the next fiscal year.

The board shall meet at least quarterly at the call of the chairperson to conduct its official business. All business transactions of the board shall be conducted in public meetings. Eight members of the board constitute a quorum. A majority of the board members is required to adopt the state plan for the allocation of funds from the

children's trust fund. A majority of the quorum is required to make all other decisions of the board.

The board may apply for and accept federal and other funds for the purpose of funding child abuse and child neglect prevention programs. In addition, the board may accept gifts and donations from any source, including individuals, philanthropic foundations or organizations, corporations, or corporation endowments. The acceptance and use of federal funds shall not entail any commitment or pledge of state funds, nor obligate the general assembly to continue the programs or activities for which the federal funds are made available. All funds received in the manner described in this section shall be transmitted to the treasurer of state, who shall credit them to the children's trust fund created in [section 3109.14](#) of the Revised Code.

**HISTORY: 140 v H 319 (Eff 12-26-84); 141 v H 201 (Eff 7-1-85); 142 v H 171 (Eff 7-1-87); 145 v H 335 (Eff 12-9-94); 148 v H 471, § 1 (Eff 7-1-2000); 148 v H 283 (Eff 1-1-2001); 148 v H 471, § 3 (Eff 1-1-2001); 148 v H 448, § 6 (Eff 1-1-2001); 149 v S 121 (Eff 3-19-2003); 149 v H 248. Eff 4-7-2003.**

### **§ 3109.17. State plan for comprehensive child abuse and child neglect prevention; biennial report.**

(A) For each fiscal biennium, the children's trust fund board shall establish a biennial state plan for comprehensive child abuse and child neglect prevention. The plan shall be transmitted to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives and shall be made available to the general public. The board shall include in the state plan the definition of "effective public notice" specified in rules adopted by the department of job and family services.

(B) In developing and carrying out the state plan, the children's trust fund board shall, in accordance with [Chapter 119](#), of the Revised Code, do all of the following:

(1) Ensure that an opportunity exists for assistance through child abuse and child neglect prevention programs to persons throughout the state of various social and economic backgrounds;

(2) Before the thirtieth day of October of each year, notify each child abuse and child neglect prevention advisory board of the amount estimated to be allocated to that advisory board for the following fiscal year.

(3) Develop criteria for county or district comprehensive allocation plans, including criteria for determining the plans' effectiveness;

(4) Review county or district comprehensive allocation plans;

(5) Allocate funds to each child abuse and child neglect prevention advisory board for the purpose of funding child abuse and child neglect prevention programs. Funds shall be allocated among advisory boards according to a formula based on the ratio of the number of children under age eighteen in the county or multi-county district to the number of children under age eighteen in the state, as shown in the most recent federal decennial census of population. Subject to the availability of funds, each advisory board shall receive a minimum of ten thousand dollars per fiscal year. In the case of an advisory board that serves a multi-county district, the advisory board shall receive, subject to available funds, a minimum of ten thousand dollars per fiscal year for each county in the district. Funds shall be disbursed to the advisory boards twice

annually. At least fifty per cent of the funds allocated to an advisory board for a fiscal year shall be disbursed to the advisory board not later than the thirtieth day of September. The remainder of the funds allocated to the advisory board for that fiscal year shall be disbursed before the thirty-first day of March.

If the children's trust fund board determines, based on county or district performance or on the annual report submitted by an advisory board, that the advisory board is not operating in accordance with the criteria established in division (B)(3) of this section, it may revise the allocation of funds that the advisory board receives.

The board shall specify the criteria child abuse and child neglect prevention advisory boards are to use in reviewing applications under division (F)(3) of [section 3109.18](#) of the Revised Code.

(6) Allocate funds to entities other than child abuse and child neglect prevention advisory boards for the purpose of funding child abuse and child neglect prevention programs approved in the state plan;

(7) Provide for the monitoring of expenditures from the children's trust fund and of programs that receive money from the children's trust fund;

(8) Establish reporting requirements for advisory boards;

(9) Collaborate with appropriate persons and government entities and facilitate the exchange of information among those persons and entities for the purpose of child abuse and child neglect prevention;

(10) Provide for the education of the public and professionals for the purpose of child abuse and child neglect prevention;

(11) Create and provide to each advisory board a children's trust fund grant application form;

(12) Specify the information to be included in an annual report completed by a recipient of a children's trust fund grant under division (K)(1) of [section 3109.18](#) of the Revised Code.

(C) The children's trust fund board shall prepare a report for each fiscal biennium that delineates the expenditure of money from the children's trust fund. On or before January 1, 2002, and on or before the first day of January of a year that follows the end of a fiscal biennium of this state, the board shall file a copy of the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives.

**HISTORY: 140 v H 319 (Eff 12-26-84); 141 v H 201 (Eff 7-1-85); 145 v H 715 (Eff 7-22-94); 148 v H 283 (Eff 1-1-2001); 149 v S 121 (Eff 3-19-2003); 149 v H 248. Eff 4-7-2003.**

### **§ 3109.18. County or multi-county advisory boards; use of funds; annual report by recipient.**

(A) (1) A board of county commissioners may establish a child abuse and child neglect prevention advisory board or may designate the county family and children first council to serve as the child abuse and child neglect prevention advisory board. The boards of county commissioners of two or more contiguous counties may instead form a multi-county district to be served by a child abuse and child neglect prevention advisory board or may designate a regional family and children first council to serve as

the district child abuse and child neglect prevention advisory board. Each advisory board shall meet at least twice a year.

(2) The county auditor is hereby designated as the auditor and fiscal officer of the advisory board. In the case of a multi-county district, the boards of county commissioners that formed the district shall designate the auditor of one of the counties as the auditor and fiscal officer of the advisory board.

(B) Each county that establishes an advisory board or, in a multi-county district, the county the auditor of which has been designated as the auditor and fiscal officer of the advisory board, shall establish a fund in the county treasury known as the county or district children's trust fund. The advisory board shall deposit all funds received from the children's trust fund board into that fund, and the auditor shall distribute money from the fund at the request of the advisory board.

(C) Each January, the board of county commissioners of a county that has established an advisory board or, in a multi-county district, the board of county commissioners of the county the auditor of which has been designated as the auditor and fiscal officer for the advisory board, shall appropriate the amount described in division (B)(2) of [section 3109.17](#) of the Revised Code for distribution by the advisory board to child abuse and child neglect prevention programs.

(D) (1) Except in the case of a county or regional family and children first council that is designated to serve as a child abuse and child neglect prevention advisory board, each advisory board shall consist of an odd number of members from both the public and private sectors, including all of the following:

(a) A representative of an agency responsible for the administration of children's services in the county or district;

(b) A provider of alcohol or drug addiction services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;

(c) A provider of mental health services or a representative of a board of alcohol, drug addiction, and mental health services that serves the county or district;

(d) A representative of a board of mental retardation and developmental disabilities that serves the county or district;

(e) A representative of the educational community appointed by the superintendent of the school district with largest enrollment in the county or multi-county district.

(2) The following groups and entities may be represented on the advisory board: (a) Parent groups;

(b) Juvenile justice officials;

(c) Pediatricians, health department nurses, and other representatives of the medical community;

(d) School personnel;

(e) Counselors and social workers;

(f) Head start agencies;

(g) Child day-care providers;

(3) Of the members first appointed, at least one shall serve for a term of three years, at least one for a term of two years, and at least one for a term of one year. Thereafter, each member shall serve a term of three years. Each member shall serve until the member's successor is appointed. All vacancies on the board shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(E) Each board of county commissioners may incur reasonable costs not to exceed five per cent of the funds allocated to the county or district under [section 3109.17](#) of the Revised Code, for the purpose of carrying out the functions of the advisory board.

(F) Each child abuse and child neglect prevention advisory board shall do all of the following:

(1) Develop a comprehensive allocation plan for the purpose of preventing child abuse and child neglect and submit the plan to the children's trust fund board;

(2) Provide effective public notice, as defined in rules adopted by the department of job and family services, to potential applicants about the availability of funds from the children's trust fund, including an estimate of the amount of money available for grants within each county or district, the date of at least one public hearing, information on obtaining a copy of the grant application form, and the deadline for submitting grant applications;

(3) Review all applications received using criteria specified in the state plan adopted by the board under [section 3109.17](#) of the Revised Code;

(4) Consistent with the plan developed pursuant to division (F)(1) of this section, make grants to child abuse and child neglect prevention programs. In making grants to child abuse and child neglect prevention programs, the advisory board may consider factors such as need, geographic location, diversity, coordination with or improvement of existing services, maintenance of local funding efforts, and extensive use of volunteers.

(5) Establish reporting requirements for grant recipients.

(G) A member of a child abuse and child neglect prevention advisory board shall not participate in the development of a comprehensive allocation plan under division (F)(1) of this section if it is reasonable to expect that the member's judgment could be affected by the member's own financial, business, property, or personal interest or other conflict of interest. For purposes of this division, "conflict of interest" means the taking of any action that violates any applicable provision of [Chapter 102](#), or 2921, of the Revised Code. Questions relating to the existence of a conflict of interest pertaining to [Chapter 2921](#), of the Revised Code shall be submitted by the advisory board to the local prosecuting attorney for resolution. Questions relating to the existence of a conflict of interest pertaining to [Chapter 102](#), of the Revised Code shall be submitted by the advisory board to the Ohio ethics commission for resolution.

(H) Each advisory board shall assist the children's trust fund board in monitoring programs that receive money from the children's trust fund and shall perform such other duties for the local administration of the children's trust fund as the children's trust fund board requires.

(I) A recipient of a grant from the children's trust fund shall use the grant funds only to fund primary and secondary child abuse and child neglect prevention programs. Any grant funds that are not spent by the recipient of the funds within the time specified by the terms of the grant shall be returned to the county treasurer. Any grant funds returned that are not redistributed by the advisory board within the state fiscal year in which they are received shall be returned to the treasurer of state. The treasurer of state shall deposit such unspent moneys into the children's trust fund to be spent for purposes consistent with the state plan adopted under [section 3109.17](#) of the Revised Code.

(J) Applications for grants from the children's trust fund shall be made to the advisory board on forms prescribed by the children's trust fund board.

(K) (1) Each recipient of a children's trust fund grant from an advisory board shall file with the advisory board a copy of an annual report that includes the information required by the children's trust fund board.

(2) Each advisory board shall file with the children's trust fund board a copy of an annual report regarding the county or district comprehensive allocation plan that contains the information required by the children's trust fund board.

**HISTORY: 140 v H 319 (Eff 12-26-84); 141 v H 201 (Eff 7-1-85); 141 v H 428 (Eff 12-23-86); 142 v H 171 (Eff 7-1-87); 148 v H 471, § 1 (Eff 7-1-2000); 148 v H 283 (Eff 1-1-2001); 148 v H 471, § 3 (Eff 1-1-2001); 148 v H 448, § 6 (Eff 1-1-2001); 149 v S 121 (Eff 3-19-2003); 149 v H 248. Eff 4-7-2003.**

**End of Statute**