

**Ohio Department of Job & Family Services
Bureau of Child Care Policy & Technical Assistance****Provider Technical Assistance Letter 16
Statutory Revisions for Licensed Child Care Centers and Type A Homes
October 14, 2015
Updated March 18, 2016**

Because of recent changes in child care licensing laws, the Ohio Department of Job and Family Services (ODJFS) is providing this Technical Assistance Letter to inform providers of these changes.

Background

Previous technical assistance offered on September 29, 2015 discussed that the definition of “Owner” as set forth in section 5104.01 of Ohio Revised Code (ORC) was amended to the following:

"Owner" includes a person, as defined in section 1.59 of the Revised Code, and a government entity, firm, organization, institution, agency, as well as any individual governing board members, partners, incorporators, agents or authorized representatives of the owner.

Section 1.59(C) ORC defines a “person” to include an individual, corporation, business trust, estate, trust, partnership and association.

This expanded definition had three impacts on child care centers and Type A Homes. First, any individual who met the definition of owner was required to have a criminal records check. Second, owners submitting applications for licensure that were received on or after September 30, 2015 were required to complete the JFS 00598 “Owner’s Authorized Representative/Partnership,” along with criminal records checks. Finally, all enforcement action included owners.

New Policy*Criminal Records Check*

Effective December 22, 2015, as a result of the Amended Substitute House Bill 340 of the 131st General Assembly, the definition of “owner” in section 5104.01 ORC changed to:

"Owner" includes a person, as defined in section 1.59 of the Revised Code or government entity.

This language still requires an individual owner to complete a criminal background check at the time of application but individual governing board members, partners, incorporators, agents and authorized representatives of an owner that happens to be a business entity are exempt.

Enforcement to Revoke License/Deny Application for Licensure

The most recent bill also added division 5104.03(A) ORC:

(A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

Therefore, for purposes of the impact of enforcement cases only, all individuals defined as an "owner" in division 5104.03(A) ORC will still be considered when reviewing enforcement cases recommended after September 29, 2015. This includes an individual owner, and any individual of a firm, organization, institution, agency, governing board member, and authorized representative of the owner.

Actions

As a result of the above changes the following implementation plan has been set forth:

Criminal Records Check

New applications for licensure received on or after December 22, 2015 are still required to have all owners complete the JFS 00598 "Owner's Authorized Representative/Partnership" and submit it with the application for licensure. Criminal records checks are only required for the individuals who meet the definition of "owner" in section 1.59 ORC.

Enforcement to Revoke License/Deny Application for Licensure

The impact on any cases pending enforcement has not changed and all of the individuals outlined in division 5104.03(A) ORC will be prohibited from applying for a child care license for a period of five years after the denial of a child care license application or revocation of a child care license.

If you have questions regarding this letter, please contact the Child Care Policy Help Desk at childcarepolicy@jfs.ohio.gov or 1-877-302-2347, option 4.