

As Introduced

**128th General Assembly
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H. B. No. 197

Representative Harris

**Cosponsors: Representatives Ujvagi, Koziura, Murray, Williams, B., Lehner,
Celeste, Foley, Letson, Yuko, Skindell, Chandler, Boyd, Williams, S.,
Winburn, Moran, Mallory, Heard, Evans, Brown, Fende, Weddington**

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A B I L L

To amend sections 2151.33, 3109.52, 3109.53, 3109.54,	1
3109.59, 3109.60, 3109.65, 3109.66, 3109.67,	2
3109.69, 3109.70, 3109.71, 3109.74, 3109.76,	3
3109.77, 3313.64, 3313.649, 3313.672, and 5101.802	4
and to enact section 3109.64 of the Revised Code	5
to expand the class of persons who may execute a	6
caretaker authorization affidavit or be designated	7
as attorney in fact under a power of attorney for	8
the purpose of exercising authority over the care,	9
custody, and control of a child and to enhance	10
Ohio's policies regarding kinship caregivers.	11
	12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2151.33, 3109.52, 3109.53, 3109.54,	13
3109.59, 3109.60, 3109.65, 3109.66, 3109.67, 3109.69, 3109.70,	14
3109.71, 3109.74, 3109.76, 3109.77, 3313.64, 3313.649, 3313.672,	15
and 5101.802 be amended and section 3109.64 of the Revised Code be	16
enacted to read as follows:	17

Sec. 2151.33. (A) Pending hearing of a complaint filed under 18
section 2151.27 of the Revised Code or a motion filed or made 19
under division (B) of this section and the service of citations, 20
the juvenile court may make any temporary disposition of any child 21
that it considers necessary to protect the best interest of the 22
child and that can be made pursuant to division (B) of this 23
section. Upon the certificate of one or more reputable practicing 24
physicians, the court may summarily provide for emergency medical 25
and surgical treatment that appears to be immediately necessary to 26
preserve the health and well-being of any child concerning whom a 27
complaint or an application for care has been filed, pending the 28
service of a citation upon the child's parents, guardian, or 29
custodian. The court may order the parents, guardian, or 30
custodian, if the court finds the parents, guardian, or custodian 31
able to do so, to reimburse the court for the expense involved in 32
providing the emergency medical or surgical treatment. Any person 33
who disobeys the order for reimbursement may be adjudged in 34
contempt of court and punished accordingly. 35

If the emergency medical or surgical treatment is furnished 36
to a child who is found at the hearing to be a nonresident of the 37
county in which the court is located and if the expense of the 38
medical or surgical treatment cannot be recovered from the 39
parents, legal guardian, or custodian of the child, the board of 40
county commissioners of the county in which the child has a legal 41
settlement shall reimburse the court for the reasonable cost of 42
the emergency medical or surgical treatment out of its general 43
fund. 44

(B)(1) After a complaint, petition, writ, or other document 45
initiating a case dealing with an alleged or adjudicated abused, 46
neglected, or dependent child is filed and upon the filing or 47
making of a motion pursuant to division (C) of this section, the 48
court, prior to the final disposition of the case, may issue any 49

of the following temporary orders to protect the best interest of 50
the child: 51

(a) An order granting temporary custody of the child to a 52
particular party; 53

(b) An order for the taking of the child into custody 54
pursuant to section 2151.31 of the Revised Code pending the 55
outcome of the adjudicatory and dispositional hearings; 56

(c) An order granting, limiting, or eliminating parenting 57
time or visitation rights with respect to the child; 58

(d) An order requiring a party to vacate a residence that 59
will be lawfully occupied by the child; 60

(e) An order requiring a party to attend an appropriate 61
counseling program that is reasonably available to that party; 62

(f) Any other order that restrains or otherwise controls the 63
conduct of any party which conduct would not be in the best 64
interest of the child. 65

(2) Prior to the final disposition of a case subject to 66
division (B)(1) of this section, the court shall do both of the 67
following: 68

(a) Issue an order pursuant to Chapters 3119. to 3125. of the 69
Revised Code requiring the parents, guardian, or person charged 70
with the child's support to pay support for the child. 71

(b) Issue an order requiring the parents, guardian, or person 72
charged with the child's support to continue to maintain any 73
health insurance coverage for the child that existed at the time 74
of the filing of the complaint, petition, writ, or other document, 75
or to obtain health insurance coverage in accordance with sections 76
3119.29 to 3119.56 of the Revised Code. 77

(C)(1) A court may issue an order pursuant to division (B) of 78
this section upon its own motion or if a party files a written 79

motion or makes an oral motion requesting the issuance of the 80
order and stating the reasons for it. Any notice sent by the court 81
as a result of a motion pursuant to this division shall contain a 82
notice that any party to a juvenile proceeding has the right to be 83
represented by counsel and to have appointed counsel if the person 84
is indigent. 85

(2) If a child is taken into custody pursuant to section 86
2151.31 of the Revised Code and placed in shelter care, the public 87
children services agency or private child placing agency with 88
which the child is placed in shelter care shall file or make a 89
motion as described in division (C)(1) of this section before the 90
end of the next day immediately after the date on which the child 91
was taken into custody and, at a minimum, shall request an order 92
for temporary custody under division (B)(1)(a) of this section. 93

(3) A court that issues an order pursuant to division 94
(B)(1)(b) of this section shall comply with section 2151.419 of 95
the Revised Code. 96

(D) The court may grant an ex parte order upon its own motion 97
or a motion filed or made pursuant to division (C) of this section 98
requesting such an order if it appears to the court that the best 99
interest and the welfare of the child require that the court issue 100
the order immediately. The court, if acting on its own motion, or 101
the person requesting the granting of an ex parte order, to the 102
extent possible, shall give notice of its intent or of the request 103
to the parents, guardian, or custodian of the child who is the 104
subject of the request. If the court issues an ex parte order, the 105
court shall hold a hearing to review the order within seventy-two 106
hours after it is issued or before the end of the next day after 107
the day on which it is issued, whichever occurs first. The court 108
shall give written notice of the hearing to all parties to the 109
action and shall appoint a guardian ad litem for the child prior 110
to the hearing. 111

The written notice shall be given by all means that are 112
reasonably likely to result in the party receiving actual notice 113
and shall include all of the following: 114

(1) The date, time, and location of the hearing; 115

(2) The issues to be addressed at the hearing; 116

(3) A statement that every party to the hearing has a right 117
to counsel and to court-appointed counsel, if the party is 118
indigent; 119

(4) The name, telephone number, and address of the person 120
requesting the order; 121

(5) A copy of the order, except when it is not possible to 122
obtain it because of the exigent circumstances in the case. 123

If the court does not grant an ex parte order pursuant to a 124
motion filed or made pursuant to division (C) of this section or 125
its own motion, the court shall hold a shelter care hearing on the 126
motion within ten days after the motion is filed. The court shall 127
give notice of the hearing to all affected parties in the same 128
manner as set forth in the Juvenile Rules. 129

(E) The court, pending the outcome of the adjudicatory and 130
dispositional hearings, shall not issue an order granting 131
temporary custody of a child to a public children services agency 132
or private child placing agency pursuant to this section, unless 133
the court determines and specifically states in the order that the 134
continued residence of the child in the child's current home will 135
be contrary to the child's best interest and welfare and the court 136
complies with section 2151.419 of the Revised Code. 137

(F) Each public children services agency and private child 138
placing agency that receives temporary custody of a child pursuant 139
to this section shall exercise due diligence to identify and 140
provide notice to all adult grandparents and other adult relatives 141

of the child, including any adult relatives suggested by the 142
parents, within thirty days of the child's removal from the 143
custody of the child's parents, in accordance with 42 U.S.C. 144
671(a)(29). The agency shall also maintain in the child's case 145
record written documentation that it has placed the child, to the 146
extent that it is consistent with the best interest, welfare, and 147
special needs of the child, in the most family-like setting 148
available and in close proximity to the home of the parents, 149
custodian, or guardian of the child. 150

(G) For good cause shown, any court order that is issued 151
pursuant to this section may be reviewed by the court at any time 152
upon motion of any party to the action or upon the motion of the 153
court. 154

Sec. 3109.52. The parent, guardian, or custodian of a child 155
may create a power of attorney that grants to a ~~grandparent of the~~ 156
~~child~~ person with whom the child is residing any of the parent's, 157
guardian's, or custodian's rights and responsibilities regarding 158
the care, physical custody, and control of the child, including 159
the ability to enroll the child in school, to obtain from the 160
school district educational and behavioral information about the 161
child, to consent to all school-related matters regarding the 162
child, and to consent to medical, psychological, or dental 163
treatment for the child. The power of attorney may not grant 164
authority to consent to the marriage or adoption of the child. The 165
power of attorney does not affect the rights of the parent, 166
guardian, or custodian of the child in any future proceeding 167
concerning custody of the child or the allocation of parental 168
rights and responsibilities for the care of the child and does not 169
grant legal custody to the attorney in fact. 170

Sec. 3109.53. To create a power of attorney under section 171
3109.52 of the Revised Code, a parent, guardian, or custodian 172

shall use a form that is identical in form and content to the 173
following: 174

POWER OF ATTORNEY 175

I, the undersigned, residing at, in the county of 176
....., state of, hereby appoint ~~the child's~~ 177
~~grandparent,~~, residing at, in the county of 178
....., in the state of Ohio, with whom the child of whom I 179
am the parent, guardian, or custodian is residing, my attorney in 180
fact to exercise any and all of my rights and responsibilities 181
regarding the care, physical custody, and control of the child, 182
....., born, having social security number 183
(optional), except my authority to consent to marriage 184
or adoption of the child, and to perform all acts 185
necessary in the execution of the rights and responsibilities 186
hereby granted, as fully as I might do if personally present. The 187
rights I am transferring under this power of attorney include the 188
ability to enroll the child in school, to obtain from the school 189
district educational and behavioral information about the child, 190
to consent to all school-related matters regarding the child, and 191
to consent to medical, psychological, or dental treatment for the 192
child. This transfer does not affect my rights in any future 193
proceedings concerning the custody of the child or the allocation 194
of the parental rights and responsibilities for the care of the 195
child and does not give the attorney in fact legal custody of the 196
child. This transfer does not terminate my right to have regular 197
contact with the child. 198

I hereby certify that I am transferring the rights and 199
responsibilities designated in this power of attorney because one 200
of the following circumstances exists: 201

(1) I am: (a) Seriously ill, incarcerated, or about to be 202
incarcerated, (b) Temporarily unable to provide financial support 203

or parental guidance to the child, (c) Temporarily unable to 204
provide adequate care and supervision of the child because of my 205
physical or mental condition, (d) Homeless or without a residence 206
because the current residence is destroyed or otherwise 207
uninhabitable, or (e) In or about to enter a residential treatment 208
program for substance abuse; 209

(2) I am a parent of the child, the child's other parent is 210
deceased, and I have authority to execute the power of attorney; 211
or 212

(3) I have a well-founded belief that the power of attorney 213
is in the child's best interest. 214

I hereby certify that I am not transferring my rights and 215
responsibilities regarding the child for the purpose of enrolling 216
the child in a school or school district so that the child may 217
participate in the academic or interscholastic athletic programs 218
provided by that school or district. 219

I understand that this document does not authorize a child 220
support enforcement agency to redirect child support payments to 221
the ~~grandparent~~ person designated as attorney in fact. I further 222
understand that to have an existing child support order modified 223
or a new child support order issued administrative or judicial 224
proceedings must be initiated. 225

If there is a court order naming me the residential parent 226
and legal custodian of the child who is the subject of this power 227
of attorney and I am the sole parent signing this document, I 228
hereby certify that one of the following is the case: 229

(1) I have made reasonable efforts to locate and provide 230
notice of the creation of this power of attorney to the other 231
parent and have been unable to locate that parent; 232

(2) The other parent is prohibited from receiving a notice of 233
relocation; or 234

(3) The parental rights of the other parent have been 235
terminated by order of a juvenile court. 236

This POWER OF ATTORNEY is valid until the occurrence of 237
whichever of the following events occurs first: (1) one year 238
elapses following the date this POWER OF ATTORNEY is notarized; 239
(2) I revoke this POWER OF ATTORNEY in writing; (3) the child 240
ceases to reside with the ~~grandparent~~ person designated as 241
attorney in fact; (4) this POWER OF ATTORNEY is terminated by 242
court order; (5) the death of the child who is the subject of the 243
power of attorney; or (6) the death of the ~~grandparent~~ person 244
designated as the attorney in fact. 245

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 246
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 247
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 248
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 249
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 250
BOTH. 251

Witness my hand this day of, 252

..... 253

Parent/Custodian/Guardian's signature 254

..... 255

Parent's signature 256

..... 257

~~Grandparent~~ Person designated as attorney 258
in fact

State of Ohio) 259

) ss: 260

County of) 261

Subscribed, sworn to, and acknowledged before me this day 262
of, 263

..... 264
Notary Public 265

Notices: 266

1. A power of attorney may be executed only if one of the 267

following circumstances exists: (1) The parent, guardian, or
custodian of the child is: (a) Seriously ill, incarcerated, or
about to be incarcerated; (b) Temporarily unable to provide
financial support or parental guidance to the child; (c)
Temporarily unable to provide adequate care and supervision of
the child because of the parent's, guardian's, or custodian's
physical or mental condition; (d) Homeless or without a
residence because the current residence is destroyed or
otherwise uninhabitable; or (e) In or about to enter a
residential treatment program for substance abuse; (2) One of
the child's parents is deceased and the other parent, with
authority to do so, seeks to execute a power of attorney; or
(3) The parent, guardian, or custodian has a well-founded
belief that the power of attorney is in the child's best
interest.

2. The signatures of the parent, guardian, or custodian of the 268
child and the ~~grandparent~~ person designated as the attorney in
fact must be notarized by an Ohio notary public.

3. A parent, guardian, or custodian who creates a power of 269
attorney must notify the parent of the child who is not the
residential parent and legal custodian of the child unless one
of the following circumstances applies: (a) the parent is
prohibited from receiving a notice of relocation in accordance
with section 3109.051 of the Revised Code of the creation of
the power of attorney; (b) the parent's parental rights have
been terminated by order of a juvenile court pursuant to
Chapter 2151. of the Revised Code; (c) the parent cannot be
located with reasonable efforts; (d) both parents are
executing the power of attorney. The notice must be sent by

certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact.

4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 270
5. A parent, guardian, or custodian who creates a second or subsequent power of attorney regarding a child who is the subject of a prior power of attorney must file the power of attorney with the juvenile court of the county in which the attorney in fact resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the power of attorney is in the child's best interest. 271
6. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the care of the child and does not give the attorney in fact legal custody of the child. 272
7. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 273
8. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) one year elapses following the date the power of attorney is notarized; (2) the 274

power of attorney is revoked in writing by the person who created it; (3) the child ceases to live with the ~~grandparent~~ person who is the attorney in fact; (4) the power of attorney is terminated by court order; (5) the death of the child who is the subject of the power of attorney; or (6) the death of the ~~grandparent~~ person designated as the attorney in fact.

If this power of attorney terminates other than by the death of the attorney in fact, the ~~grandparent~~ person who served as the attorney in fact shall notify, in writing, all of the following:

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the ~~grandparent~~ person who served as the attorney in fact;

(b) Any other person or entity that has an ongoing relationship with the child or ~~grandparent~~ person who served as the attorney in fact such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination;

(c) The court in which the power of attorney was filed after its creation; and

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The ~~grandparent~~ person who served as the attorney in fact shall make the notifications not later than one week after the date the power of attorney terminates.

9. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed.

Additional information:

To the ~~grandparent~~ person designated as attorney in fact:

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1. If the child stops living with you, you are required to 284

notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you.

2. You must include with the power of attorney the following information: 285

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 286

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 287

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 288

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 289

(e) Whether you previously have been convicted of or 290

pleaded guilty to any criminal offense involving any act that resulted in a ~~child~~ child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

To school officials: 291

1. Except as provided in section 3313.649 of the Revised Code, 292
this power of attorney, properly completed and notarized,
authorizes the child in question to attend school in the
district in which the ~~grandparent~~ person designated as
attorney in fact resides and that ~~grandparent~~ person is
authorized to provide consent in all school-related matters
and to obtain from the school district educational and
behavioral information about the child. This power of attorney
does not preclude the parent, guardian, or custodian of the
child from having access to all school records pertinent to
the child.
2. The school district may require additional reasonable evidence 293
that the ~~grandparent~~ person designated as the attorney in fact
lives in the school district.
3. A school district or school official that reasonably and in 294
good faith relies on this power of attorney has no obligation
to make any further inquiry or investigation.

To health care providers: 295

1. A person or entity that acts in good faith reliance on a power 296
of attorney to provide medical, psychological, or dental
treatment, without actual knowledge of facts contrary to those
stated in the power of attorney, is not subject to criminal
liability or to civil liability to any person or entity, and
is not subject to professional disciplinary action, solely for
such reliance if the power of attorney is completed and the

signatures of the parent, guardian, or custodian of the child and the ~~grandparent~~ person designated as attorney in fact are notarized.

2. The decision of a ~~grandparent~~ person designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official. 297

Sec. 3109.54. A power of attorney created pursuant to section 3109.52 of the Revised Code must be signed by the parent, guardian, or custodian granting it and by the ~~grandparent~~ person designated as the attorney in fact. For the power of attorney to be effective, the signatures must be notarized. The child's social security number need not appear on the power of attorney for the power of attorney to be effective. 298
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Sec. 3109.59. (A) A power of attorney created under section 3109.52 of the Revised Code terminates on the occurrence of whichever of the following events occurs first: 305
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(1) One year elapses following the date the power of attorney is notarized. 308
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(2) The power of attorney is revoked in writing by the person who created it. 310
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(3) The child ceases to reside with the ~~grandparent~~ person designated as the attorney in fact. 312
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(4) The power of attorney is terminated by court order. 314

(5) The death of the child who is the subject of the power of attorney. 315
316

(6) The death of the ~~grandparent~~ person designated as the attorney in fact. 317
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(B) Not later than five days after a power of attorney is 319

terminated pursuant to division (A)(2) of this section, a copy of 320
the revocation of an initial power of attorney or a second or 321
subsequent power of attorney must be filed with the court with 322
which the power of attorney is filed pursuant to section 3109.76 323
of the Revised Code. 324

Sec. 3109.60. When a power of attorney created pursuant to 325
section 3109.52 of the Revised Code terminates pursuant to 326
division (A)(1), (A)(2), (A)(3), (A)(4), or (A)(5) of section 327
3109.59 of the Revised Code, the ~~grandparent~~ person designated as 328
the attorney in fact shall notify, in writing, all of the 329
following: 330

(A) The school district in which the child attends school; 331

(B) The child's health care providers; 332

(C) The child's health insurance coverage provider; 333

(D) The court in which the power of attorney was filed under 334
section 3109.74 of the Revised Code; 335

(E) The parent who is not the residential parent and legal 336
custodian and who is required to be given notice under section 337
3109.55 of the Revised Code; 338

(F) Any other person or entity that has an ongoing 339
relationship with the child or ~~grandparent~~ person designated as 340
the attorney in fact such that the person or entity would 341
reasonably rely on the power of attorney unless notified of the 342
termination. 343

The ~~grandparent~~ person designated as the attorney in fact 344
shall make the notifications not later than one week after the 345
date the power of attorney terminates. 346

Sec. 3109.64. As used in sections 3109.65 to 3109.80 of the 347
Revised Code, "qualified relative" means any person eighteen years 348

of age or older who is related to a child by blood, marriage, or 349
marriage that has been legally terminated. 350

"Qualified relative" does not include the following persons: 351

(A) A parent of the child who has committed an act resulting 352
in the child's having been adjudicated an abused or neglected 353
child; 354

(B) The residential parent and legal custodian of the child, 355
in cases in which the parents of the child are divorced or their 356
marriage has been dissolved or annulled; 357

(C) The child's guardian; 358

(D) The child's custodian. 359

Sec. 3109.65. (A) Except as provided in division (B) of this 360
section, if a child is living with a ~~grandparent~~ qualified 361
relative who has made reasonable attempts to locate and contact 362
both of the child's parents, or the child's guardian or custodian, 363
but has been unable to do so, the ~~grandparent~~ qualified relative 364
may obtain authority to exercise care, physical custody, and 365
control of the child including authority to enroll the child in 366
school, to discuss with the school district the child's 367
educational progress, to consent to all school-related matters 368
regarding the child, and to consent to medical, psychological, or 369
dental treatment for the child by executing a caretaker 370
authorization affidavit in accordance with section 3109.67 of the 371
Revised Code. 372

(B) The ~~grandparent~~ qualified relative may execute a 373
caretaker authorization affidavit without attempting to locate the 374
following parent: 375

(1) If paternity has not been established with regard to the 376
child, the child's father. 377

(2) If the child is the subject of a custody order, the 378

following parent: 379

(a) A parent who is prohibited from receiving a notice of 380
relocation in accordance with section 3109.051 of the Revised 381
Code; 382

(b) A parent whose parental rights have been terminated by 383
order of a juvenile court pursuant to Chapter 2151. of the Revised 384
Code. 385

Sec. 3109.66. The caretaker authorization affidavit that a 386
~~grandparent~~ qualified relative described in section 3109.65 of the 387
Revised Code may execute shall be identical in form and content to 388
the following: 389

CARETAKER AUTHORIZATION AFFIDAVIT 390

Use of this affidavit is authorized by sections 3109.65 to 3109.73 391
of the Ohio Revised Code. 392

Completion of items 1-7 and the signing and notarization of this 393
affidavit is sufficient to authorize the ~~grandparent~~ person 394
signing to exercise care, physical custody, and control of the 395
child who is its subject, including authority to enroll the child 396
in school, to discuss with the school district the child's 397
educational progress, to consent to all school-related matters 398
regarding the child, and to consent to medical, psychological, or 399
dental treatment for the child. 400

The child named below lives in my home, I am 18 years of age or 401
older, and I am ~~the child's grandparent~~ a qualified relative (see 402
definition below). 403

1. Name of child: 404
2. Child's date and year of birth: 405
3. Child's social security number (optional): 406
4. My name: 407
5. My home address: 408

6. My date and year of birth: 409
7. My Ohio driver's license number or identification card number: 410
8. Despite having made reasonable attempts, I am either: 411
- (a) Unable to locate or contact the child's parents, or the 412
child's guardian or custodian; or
- (b) I am unable to locate or contact one of the child's 413
parents and I am not required to contact the other parent
because paternity has not been established; or
- (c) I am unable to locate or contact one of the child's 414
parents and I am not required to contact the other parent
because there is a custody order regarding the child and one
of the following is the case:
- (i) The parent has been prohibited from receiving notice of 415
a relocation; or
- (ii) The parental rights of the parent have been 416
terminated.
9. I hereby certify that this affidavit is not being executed for 417
the purpose of enrolling the child in a school or school
district so that the child may participate in the academic or
interscholastic athletic programs provided by that school or
district.
- I understand that this document does not authorize a child 418
support enforcement agency to redirect child support payments.
I further understand that to have an existing child support
order modified or a new child support order issued
administrative or judicial proceedings must be initiated.
- WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE 419
INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE 420
REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF 421
THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 422
MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 423
- I declare that the foregoing is true and correct: 424

Signed:..... Date:.....	425
Grandparent <u>Qualified relative</u>	426
State of Ohio)	427
) ss:	428
County of)	429
Subscribed, sworn to, and acknowledged before me this day	430
of,	431
.....	432
Notary Public	433
Notices:	434
1. The grandparent's <u>qualified relative's</u> signature must be notarized by an Ohio notary public.	435
2. The grandparent <u>qualified relative</u> who executed this affidavit must file it with the juvenile court of the county in which the grandparent <u>qualified relative</u> resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed.	436
3. A grandparent <u>qualified relative</u> who executes a second or subsequent caretaker authorization affidavit regarding a child who is the subject of a prior caretaker authorization affidavit must file the affidavit with the juvenile court of the county in which the grandparent <u>qualified relative</u> resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding. On filing, the court will schedule a hearing to determine whether the caretaker authorization affidavit is in the child's best interest.	437
4. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical custody, and control of the child, and does not give the grandparent <u>qualified relative</u> legal custody of the child.	438

5. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 439
6. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) one year elapses following the date the affidavit is notarized; (2) the child ceases to live with the ~~grandparent~~ qualified relative who signs this form; (3) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the ~~grandparent~~ qualified relative who signed this affidavit; or (4) the affidavit is terminated by court order; (5) the death of the child who is the subject of the affidavit; or (6) the death of the ~~grandparent~~ qualified relative who executed the affidavit. 440
- A parent, guardian, or custodian may negate, reverse, or disapprove a ~~grandparent's~~ qualified relative's action or decision only by delivering written notice of negation, reversal, or disapproval to the ~~grandparent~~ qualified relative and the person acting on the ~~grandparent's~~ qualified relative's action or decision in reliance on this affidavit. 441
- If this affidavit terminates other than by the death of the ~~grandparent~~ qualified relative, the ~~grandparent~~ qualified relative who signed this affidavit shall notify, in writing, all of the following: 442
- (a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the ~~grandparent~~ qualified relative; 443
- (b) Any other person or entity that has an ongoing relationship with the child or ~~grandparent~~ qualified relative such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 444
- (c) The court in which the affidavit was filed after its creation. 445

The ~~grandparent~~ qualified relative shall make the 446
notifications not later than one week after the date the
affidavit terminates.

7. The decision of a ~~grandparent~~ qualified relative to consent to 447
or to refuse medical treatment or school enrollment for a
child is superseded by a contrary decision of a parent,
custodian, or guardian of the child, unless the decision of
the parent, guardian, or custodian would jeopardize the life,
health, or safety of the child.

Additional information: 448

To caretakers: 449

1. "Qualified relative," for the purposes of this affidavit, 450
means any person who is 18 years of age or older and related
to the child, whether by blood, marriage, or marriage that has
been terminated and includes any person related to the child
and designated by one of the following terms: spouse,
stepparent, brother, sister, stepbrother, stepsister,
half-brother, half-sister, uncle, aunt, niece, nephew, cousin,
or any person denoted by the prefix "grand" or "great," or the
spouse of any of the persons specified in this definition.
"Qualified relative" does not include: (1) a parent of the 451
child who has committed an act resulting in the child's having
been adjudicated an abused or neglected child; (2) the
residential parent and legal custodian of the child, in cases
in which the parents of the child are divorced or their
marriage has been dissolved or annulled; (3) the child's
guardian; or (4) the child's custodian.
2. If the child stops living with you, you are required to 452
notify, in writing, any school, health care provider, or
health care insurance provider to which you have given this
affidavit. You are also required to notify, in writing, any
other person or entity that has an ongoing relationship with

you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you.

~~2.~~ If you do not have the information requested in item 7 (Ohio 453
3. driver's license or identification card), provide another form of identification such as your social security number or medicaid number.

~~3.~~ You must include with the caretaker authorization affidavit 454
4. the following information:

(a) The child's present address, the addresses of the 455
places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period;

(b) Whether you have participated as a party, a witness, or 456
in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting 457
proceeding concerning the child pending in a court of this or any other state;

(d) Whether you know of any person who has physical custody 458
of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child;

(e) Whether you previously have been convicted of or 459
pleaded guilty to any criminal offense involving any act that resulted in a ~~child~~ child's being an abused child or a

neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication.

To school officials: 460

1. This affidavit, properly completed and notarized, authorizes 461
the child in question to attend school in the district in
which the ~~grandparent~~ qualified relative who signed this
affidavit resides and the ~~grandparent~~ qualified relative is
authorized to provide consent in all school-related matters
and to discuss with the school district the child's
educational progress. This affidavit does not preclude the
parent, guardian, or custodian of the child from having access
to all school records pertinent to the child.
2. The school district may require additional reasonable evidence 462
that the ~~grandparent~~ qualified relative lives at the address
provided in item 5.
3. A school district or school official that reasonably and in 463
good faith relies on this affidavit has no obligation to make
any further inquiry or investigation.
4. The act of a parent, guardian, or custodian of the child to 464
negate, reverse, or otherwise disapprove an action or decision
of the ~~grandparent~~ qualified relative who signed this
affidavit constitutes termination of this affidavit. A parent,
guardian, or custodian may negate, reverse, or disapprove a
~~grandparent's~~ qualified relative's action or decision only by
delivering written notice of negation, reversal, or
disapproval to the ~~grandparent~~ qualified relative and the
person acting on the ~~grandparent's~~ qualified relative's action
or decision in reliance on this affidavit.

To health care providers: 465

1. A person or entity that acts in good faith reliance on a 466

CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the ~~grandparent's~~ qualified relative's signature is notarized.

2. The decision of a ~~grandparent~~ qualified relative, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 467
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the ~~grandparent~~ qualified relative who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a ~~grandparent's~~ qualified relative's action or decision only by delivering written notice of negation, reversal, or disapproval to the ~~grandparent~~ qualified relative and the person acting on the ~~grandparent's~~ qualified relative's action or decision in reliance on this affidavit. 468

Sec. 3109.67. A caretaker authorization affidavit described in section 3109.66 of the Revised Code is executed when the affidavit is completed, signed by a ~~grandparent~~ qualified relative described in section 3109.65 of the Revised Code, and notarized. 469
470
471
472

Sec. 3109.69. Once a caretaker authorization affidavit has 473

been executed under section 3109.67 of the Revised Code, the 474
~~grandparent~~ qualified relative may exercise care, physical 475
custody, and control of the child, including enrolling the child 476
in school, discussing with the school district the child's 477
educational progress, consenting to all school-related matters 478
regarding the child, and consenting to medical, psychological, or 479
dental treatment for the child. The affidavit does not affect the 480
rights and responsibilities of the parent, guardian, or custodian 481
regarding the child, does not grant legal custody to the 482
~~grandparent~~ qualified relative, and does not grant authority to 483
the ~~grandparent~~ qualified relative to consent to the marriage or 484
adoption of the child. 485

Sec. 3109.70. An executed caretaker authorization affidavit 486
shall terminate on the occurrence of whichever of the following 487
comes first: 488

(A) One year elapses following the date the affidavit is 489
notarized. 490

(B) The child ceases to reside with the ~~grandparent~~ qualified 491
relative. 492

(C) The parent, guardian, or custodian of the child who is 493
the subject of the affidavit acts, in accordance with section 494
3109.72 of the Revised Code, to negate, reverse, or otherwise 495
disapprove an action or decision of the ~~grandparent~~ qualified 496
relative who signed the affidavit with respect to the child. 497

(D) The affidavit is terminated by court order. 498

(E) The death of the child who is the subject of the 499
affidavit. 500

(F) The death of the ~~grandparent~~ qualified relative who 501
executed the affidavit. 502

Sec. 3109.71. When a caretaker authorization affidavit 503
terminates pursuant to division (A), (B), (C), (D), or (E) of 504
section 3109.70 of the Revised Code, the ~~grandparent~~ qualified 505
relative shall notify, in writing, the school district in which 506
the child attends school, the child's health care providers, the 507
child's health insurance coverage provider, the court in which the 508
affidavit was filed under section 3109.74 of the Revised Code, and 509
any other person or entity that has an ongoing relationship with 510
the child or ~~grandparent~~ qualified relative such that the person 511
or entity would reasonably rely on the affidavit unless notified 512
of the termination. The ~~grandparent~~ qualified relative shall make 513
the notifications not later than one week after the date the 514
affidavit terminates. 515

Sec. 3109.74. (A) A person who creates a power of attorney 516
under section 3109.52 of the Revised Code or executes a caretaker 517
authorization affidavit under section 3109.67 of the Revised Code 518
shall file the power of attorney or affidavit with the juvenile 519
court of the county in which the ~~grandparent designated as~~ 520
attorney in fact or ~~grandparent who executed the affidavit~~ 521
qualified relative resides or any other court that has 522
jurisdiction over the child under a previously filed motion or 523
proceeding. The power of attorney or affidavit shall be filed not 524
later than five days after the date it is created or executed and 525
may be sent to the court by certified mail. 526

(B) A power of attorney filed under this section shall be 527
accompanied by a receipt showing that the notice of creation of 528
the power of attorney was sent to the parent who is not the 529
residential parent and legal custodian by certified mail under 530
section 3109.55 of the Revised Code. 531

(C)(1) The ~~grandparent designated as~~ attorney in fact or ~~the~~ 532
~~grandparent who executed the affidavit~~ qualified relative shall 533

include with the power of attorney or the caretaker authorization 534
affidavit the information described in section 3109.27 of the 535
Revised Code. 536

(2) If the ~~grandparent~~ attorney in fact or qualified relative 537
provides information that the ~~grandparent~~ attorney in fact or 538
qualified relative previously has been convicted of or pleaded 539
guilty to any criminal offense involving any act that resulted in 540
a ~~child~~ child's being an abused child or a neglected child or 541
previously has been determined, in a case in which a child has 542
been adjudicated an abused child or a neglected child, to be the 543
perpetrator of the abusive or neglectful act that was the basis of 544
the adjudication, the court may report that information to the 545
public children services agency pursuant to section 2151.421 of 546
the Revised Code. Upon the receipt of that information, the public 547
children services agency shall initiate an investigation pursuant 548
to section 2151.421 of the Revised Code. 549

(3) If the court has reason to believe that a power of 550
attorney or caretaker authorization affidavit is not in the best 551
interest of the child, the court may report that information to 552
the public children services agency pursuant to section 2151.421 553
of the Revised Code. Upon receipt of that information, the public 554
children services agency shall initiate an investigation pursuant 555
to section 2151.421 of the Revised Code. The public children 556
services agency shall submit a report of its investigation to the 557
court not later than thirty days after the court reports the 558
information to the public children services agency or not later 559
than forty-five days after the court reports the information to 560
the public children services agency when information that is 561
needed to determine the case disposition cannot be compiled within 562
thirty days and the reasons are documented in the case record. 563

(D) The court shall waive any filing fee imposed for the 564
filing of the power of attorney or caretaker authorization 565

affidavit. 566

Sec. 3109.76. If a second or subsequent power of attorney is 567
created under section 3109.52 of the Revised Code regarding a 568
child who is the subject of a prior power of attorney or a second 569
or subsequent caretaker authorization affidavit is executed under 570
section 3109.67 of the Revised Code regarding a child who is the 571
subject of a prior affidavit, the person who creates the power of 572
attorney or executes the affidavit must file it with the juvenile 573
court of the county in which the ~~grandparent designated as~~ 574
~~attorney in fact or the grandparent who executed the affidavit~~ 575
qualified relative resides or with any other court that has 576
jurisdiction over the child under a previously filed motion or 577
proceeding. 578

Sec. 3109.77. (A) On the filing of a power of attorney or 579
caretaker authorization affidavit under section 3109.76 of the 580
Revised Code, the court in which the power of attorney or 581
caretaker authorization affidavit was filed shall schedule a 582
hearing to determine whether the power of attorney or affidavit is 583
in the child's best interest. The court shall provide notice of 584
the date, time, and location of the hearing to the parties and to 585
the parent who is not the residential parent and legal custodian 586
unless one of the following circumstances applies: 587

(1) In accordance with section 3109.051 of the Revised Code, 588
that parent is not to be given a notice of relocation. 589

(2) The parent's parental rights have been terminated by 590
order of a juvenile court pursuant to Chapter 2151. of the Revised 591
Code. 592

(3) The parent cannot be located with reasonable efforts. 593

(4) The power of attorney was created by both parents. 594

(B) The hearing shall be held not later than ten days after 595

the date the power of attorney or affidavit was filed with the 596
court. At the hearing, the parties and the parent who is not the 597
residential parent and legal custodian may present evidence and be 598
represented by counsel. 599

(C) At the conclusion of the hearing, the court may take any 600
of the following actions that the court determines is in the 601
child's best interest: 602

(1) Approve the power of attorney or affidavit. If approved, 603
the power of attorney or affidavit shall remain in effect unless 604
otherwise terminated under section 3109.59 of the Revised Code 605
with respect to a power of attorney or section 3109.70 of the 606
Revised Code with respect to an affidavit. 607

(2) Issue an order terminating the power of attorney or 608
affidavit and ordering the child returned to the child's parent, 609
guardian, or custodian. If the parent, guardian, or custodian of 610
the child cannot be located, the court shall treat the filing of 611
the power of attorney or affidavit with the court as a complaint 612
under section 2151.27 of the Revised Code that the child is a 613
dependent child. 614

(3) Treat the filing of the power of attorney or affidavit as 615
a petition for legal custody and award legal custody of the child 616
to the ~~grandparent designated as the attorney in fact under the~~ 617
~~power of attorney or to the grandparent who executed the affidavit~~ 618
qualified relative. 619

(D) The court shall conduct a de novo review of any order 620
issued under division (C) of this section if all of the following 621
apply regarding the parent who is not the residential parent and 622
legal custodian: 623

(1) The parent did not appear at the hearing from which the 624
order was issued. 625

(2) The parent was not represented by counsel at the hearing. 626

(3) The parent filed a motion with the court not later than 627
fourteen days after receiving notice of the hearing pursuant to 628
division (A) of this section. 629

Sec. 3313.64. (A) As used in this section and in section 630
3313.65 of the Revised Code: 631

(1)(a) Except as provided in division (A)(1)(b) of this 632
section, "parent" means either parent, unless the parents are 633
separated or divorced or their marriage has been dissolved or 634
annulled, in which case "parent" means the parent who is the 635
residential parent and legal custodian of the child. When a child 636
is in the legal custody of a government agency or a person other 637
than the child's natural or adoptive parent, "parent" means the 638
parent with residual parental rights, privileges, and 639
responsibilities. When a child is in the permanent custody of a 640
government agency or a person other than the child's natural or 641
adoptive parent, "parent" means the parent who was divested of 642
parental rights and responsibilities for the care of the child and 643
the right to have the child live with the parent and be the legal 644
custodian of the child and all residual parental rights, 645
privileges, and responsibilities. 646

(b) When a child is the subject of a power of attorney 647
executed under sections 3109.51 to 3109.62 of the Revised Code, 648
"parent" means the ~~grandparent~~ person designated as attorney in 649
fact under the power of attorney. When a child is the subject of a 650
caretaker authorization affidavit executed under sections 3109.64 651
to 3109.73 of the Revised Code, "parent" means the ~~grandparent~~ 652
qualified relative that executed the affidavit. 653

(2) "Legal custody," "permanent custody," and "residual 654
parental rights, privileges, and responsibilities" have the same 655
meanings as in section 2151.011 of the Revised Code. 656

(3) "School district" or "district" means a city, local, or 657

exempted village school district and excludes any school operated 658
in an institution maintained by the department of youth services. 659

(4) Except as used in division (C)(2) of this section, "home" 660
means a home, institution, foster home, group home, or other 661
residential facility in this state that receives and cares for 662
children, to which any of the following applies: 663

(a) The home is licensed, certified, or approved for such 664
purpose by the state or is maintained by the department of youth 665
services. 666

(b) The home is operated by a person who is licensed, 667
certified, or approved by the state to operate the home for such 668
purpose. 669

(c) The home accepted the child through a placement by a 670
person licensed, certified, or approved to place a child in such a 671
home by the state. 672

(d) The home is a children's home created under section 673
5153.21 or 5153.36 of the Revised Code. 674

(5) "Agency" means all of the following: 675

(a) A public children services agency; 676

(b) An organization that holds a certificate issued by the 677
Ohio department of job and family services in accordance with the 678
requirements of section 5103.03 of the Revised Code and assumes 679
temporary or permanent custody of children through commitment, 680
agreement, or surrender, and places children in family homes for 681
the purpose of adoption; 682

(c) Comparable agencies of other states or countries that 683
have complied with applicable requirements of section 2151.39 of 684
the Revised Code or as applicable, sections 5103.20 to 5103.22 or 685
5103.23 to 5103.237 of the Revised Code. 686

(6) A child is placed for adoption if either of the following 687

occurs: 688

(a) An agency to which the child has been permanently 689
committed or surrendered enters into an agreement with a person 690
pursuant to section 5103.16 of the Revised Code for the care and 691
adoption of the child. 692

(b) The child's natural parent places the child pursuant to 693
section 5103.16 of the Revised Code with a person who will care 694
for and adopt the child. 695

(7) "Preschool child with a disability" has the same meaning 696
as in section 3323.01 of the Revised Code. 697

(8) "Child," unless otherwise indicated, includes preschool 698
children with disabilities. 699

(9) "Active duty" means active duty pursuant to an executive 700
order of the president of the United States, an act of the 701
congress of the United States, or section 5919.29 or 5923.21 of 702
the Revised Code. 703

(B) Except as otherwise provided in section 3321.01 of the 704
Revised Code for admittance to kindergarten and first grade, a 705
child who is at least five but under twenty-two years of age and 706
any preschool child with a disability shall be admitted to school 707
as provided in this division. 708

(1) A child shall be admitted to the schools of the school 709
district in which the child's parent resides. 710

(2) A child who does not reside in the district where the 711
child's parent resides shall be admitted to the schools of the 712
district in which the child resides if any of the following 713
applies: 714

(a) The child is in the legal or permanent custody of a 715
government agency or a person other than the child's natural or 716
adoptive parent. 717

(b) The child resides in a home. 718

(c) The child requires special education. 719

(3) A child who is not entitled under division (B)(2) of this 720
section to be admitted to the schools of the district where the 721
child resides and who is residing with a resident of this state 722
with whom the child has been placed for adoption shall be admitted 723
to the schools of the district where the child resides unless 724
either of the following applies: 725

(a) The placement for adoption has been terminated. 726

(b) Another school district is required to admit the child 727
under division (B)(1) of this section. 728

Division (B) of this section does not prohibit the board of 729
education of a school district from placing a child with a 730
disability who resides in the district in a special education 731
program outside of the district or its schools in compliance with 732
Chapter 3323. of the Revised Code. 733

(C) A district shall not charge tuition for children admitted 734
under division (B)(1) or (3) of this section. If the district 735
admits a child under division (B)(2) of this section, tuition 736
shall be paid to the district that admits the child as follows: 737

(1) If the child receives special education in accordance 738
with Chapter 3323. of the Revised Code, the school district of 739
residence, as defined in section 3323.01 of the Revised Code, 740
shall pay tuition for the child in accordance with section 741
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 742
regardless of who has custody of the child or whether the child 743
resides in a home. 744

(2) For a child that does not receive special education in 745
accordance with Chapter 3323. of the Revised Code, except as 746
otherwise provided in division (C)(2)(d) of this section, if the 747

child is in the permanent or legal custody of a government agency 748
or person other than the child's parent, tuition shall be paid by: 749

(a) The district in which the child's parent resided at the 750
time the court removed the child from home or at the time the 751
court vested legal or permanent custody of the child in the person 752
or government agency, whichever occurred first; 753

(b) If the parent's residence at the time the court removed 754
the child from home or placed the child in the legal or permanent 755
custody of the person or government agency is unknown, tuition 756
shall be paid by the district in which the child resided at the 757
time the child was removed from home or placed in legal or 758
permanent custody, whichever occurred first; 759

(c) If a school district cannot be established under division 760
(C)(2)(a) or (b) of this section, tuition shall be paid by the 761
district determined as required by section 2151.362 of the Revised 762
Code by the court at the time it vests custody of the child in the 763
person or government agency; 764

(d) If at the time the court removed the child from home or 765
vested legal or permanent custody of the child in the person or 766
government agency, whichever occurred first, one parent was in a 767
residential or correctional facility or a juvenile residential 768
placement and the other parent, if living and not in such a 769
facility or placement, was not known to reside in this state, 770
tuition shall be paid by the district determined under division 771
(D) of section 3313.65 of the Revised Code as the district 772
required to pay any tuition while the parent was in such facility 773
or placement; 774

(e) If the department of education has determined, pursuant 775
to division (A)(2) of section 2151.362 of the Revised Code, that a 776
school district other than the one named in the court's initial 777
order, or in a prior determination of the department, is 778

responsible to bear the cost of educating the child, the district 779
so determined shall be responsible for that cost. 780

(3) If the child is not in the permanent or legal custody of 781
a government agency or person other than the child's parent and 782
the child resides in a home, tuition shall be paid by one of the 783
following: 784

(a) The school district in which the child's parent resides; 785

(b) If the child's parent is not a resident of this state, 786
the home in which the child resides. 787

(D) Tuition required to be paid under divisions (C)(2) and 788
(3)(a) of this section shall be computed in accordance with 789
section 3317.08 of the Revised Code. Tuition required to be paid 790
under division (C)(3)(b) of this section shall be computed in 791
accordance with section 3317.081 of the Revised Code. If a home 792
fails to pay the tuition required by division (C)(3)(b) of this 793
section, the board of education providing the education may 794
recover in a civil action the tuition and the expenses incurred in 795
prosecuting the action, including court costs and reasonable 796
attorney's fees. If the prosecuting attorney or city director of 797
law represents the board in such action, costs and reasonable 798
attorney's fees awarded by the court, based upon the prosecuting 799
attorney's, director's, or one of their designee's time spent 800
preparing and presenting the case, shall be deposited in the 801
county or city general fund. 802

(E) A board of education may enroll a child free of any 803
tuition obligation for a period not to exceed sixty days, on the 804
sworn statement of an adult resident of the district that the 805
resident has initiated legal proceedings for custody of the child. 806

(F) In the case of any individual entitled to attend school 807
under this division, no tuition shall be charged by the school 808
district of attendance and no other school district shall be 809

required to pay tuition for the individual's attendance. 810

Notwithstanding division (B), (C), or (E) of this section: 811

(1) All persons at least eighteen but under twenty-two years 812
of age who live apart from their parents, support themselves by 813
their own labor, and have not successfully completed the high 814
school curriculum or the individualized education program 815
developed for the person by the high school pursuant to section 816
3323.08 of the Revised Code, are entitled to attend school in the 817
district in which they reside. 818

(2) Any child under eighteen years of age who is married is 819
entitled to attend school in the child's district of residence. 820

(3) A child is entitled to attend school in the district in 821
which either of the child's parents is employed if the child has a 822
medical condition that may require emergency medical attention. 823
The parent of a child entitled to attend school under division 824
(F)(3) of this section shall submit to the board of education of 825
the district in which the parent is employed a statement from the 826
child's physician certifying that the child's medical condition 827
may require emergency medical attention. The statement shall be 828
supported by such other evidence as the board may require. 829

(4) Any child residing with a person other than the child's 830
parent is entitled, for a period not to exceed twelve months, to 831
attend school in the district in which that person resides if the 832
child's parent files an affidavit with the superintendent of the 833
district in which the person with whom the child is living resides 834
stating all of the following: 835

(a) That the parent is serving outside of the state in the 836
armed services of the United States; 837

(b) That the parent intends to reside in the district upon 838
returning to this state; 839

(c) The name and address of the person with whom the child is 840

living while the parent is outside the state. 841

(5) Any child under the age of twenty-two years who, after 842
the death of a parent, resides in a school district other than the 843
district in which the child attended school at the time of the 844
parent's death is entitled to continue to attend school in the 845
district in which the child attended school at the time of the 846
parent's death for the remainder of the school year, subject to 847
approval of that district board. 848

(6) A child under the age of twenty-two years who resides 849
with a parent who is having a new house built in a school district 850
outside the district where the parent is residing is entitled to 851
attend school for a period of time in the district where the new 852
house is being built. In order to be entitled to such attendance, 853
the parent shall provide the district superintendent with the 854
following: 855

(a) A sworn statement explaining the situation, revealing the 856
location of the house being built, and stating the parent's 857
intention to reside there upon its completion; 858

(b) A statement from the builder confirming that a new house 859
is being built for the parent and that the house is at the 860
location indicated in the parent's statement. 861

(7) A child under the age of twenty-two years residing with a 862
parent who has a contract to purchase a house in a school district 863
outside the district where the parent is residing and who is 864
waiting upon the date of closing of the mortgage loan for the 865
purchase of such house is entitled to attend school for a period 866
of time in the district where the house is being purchased. In 867
order to be entitled to such attendance, the parent shall provide 868
the district superintendent with the following: 869

(a) A sworn statement explaining the situation, revealing the 870
location of the house being purchased, and stating the parent's 871

intent to reside there; 872

(b) A statement from a real estate broker or bank officer 873
confirming that the parent has a contract to purchase the house, 874
that the parent is waiting upon the date of closing of the 875
mortgage loan, and that the house is at the location indicated in 876
the parent's statement. 877

The district superintendent shall establish a period of time 878
not to exceed ninety days during which the child entitled to 879
attend school under division (F)(6) or (7) of this section may 880
attend without tuition obligation. A student attending a school 881
under division (F)(6) or (7) of this section shall be eligible to 882
participate in interscholastic athletics under the auspices of 883
that school, provided the board of education of the school 884
district where the student's parent resides, by a formal action, 885
releases the student to participate in interscholastic athletics 886
at the school where the student is attending, and provided the 887
student receives any authorization required by a public agency or 888
private organization of which the school district is a member 889
exercising authority over interscholastic sports. 890

(8) A child whose parent is a full-time employee of a city, 891
local, or exempted village school district, or of an educational 892
service center, may be admitted to the schools of the district 893
where the child's parent is employed, or in the case of a child 894
whose parent is employed by an educational service center, in the 895
district that serves the location where the parent's job is 896
primarily located, provided the district board of education 897
establishes such an admission policy by resolution adopted by a 898
majority of its members. Any such policy shall take effect on the 899
first day of the school year and the effective date of any 900
amendment or repeal may not be prior to the first day of the 901
subsequent school year. The policy shall be uniformly applied to 902
all such children and shall provide for the admission of any such 903

child upon request of the parent. No child may be admitted under 904
this policy after the first day of classes of any school year. 905

(9) A child who is with the child's parent under the care of 906
a shelter for victims of domestic violence, as defined in section 907
3113.33 of the Revised Code, is entitled to attend school free in 908
the district in which the child is with the child's parent, and no 909
other school district shall be required to pay tuition for the 910
child's attendance in that school district. 911

The enrollment of a child in a school district under this 912
division shall not be denied due to a delay in the school 913
district's receipt of any records required under section 3313.672 914
of the Revised Code or any other records required for enrollment. 915
Any days of attendance and any credits earned by a child while 916
enrolled in a school district under this division shall be 917
transferred to and accepted by any school district in which the 918
child subsequently enrolls. The state board of education shall 919
adopt rules to ensure compliance with this division. 920

(10) Any child under the age of twenty-two years whose parent 921
has moved out of the school district after the commencement of 922
classes in the child's senior year of high school is entitled, 923
subject to the approval of that district board, to attend school 924
in the district in which the child attended school at the time of 925
the parental move for the remainder of the school year and for one 926
additional semester or equivalent term. A district board may also 927
adopt a policy specifying extenuating circumstances under which a 928
student may continue to attend school under division (F)(10) of 929
this section for an additional period of time in order to 930
successfully complete the high school curriculum for the 931
individualized education program developed for the student by the 932
high school pursuant to section 3323.08 of the Revised Code. 933

(11) As used in this division, "grandparent" means a parent 934
of a parent of a child. A child under the age of twenty-two years 935

who is in the custody of the child's parent, resides with a 936
grandparent, and does not require special education is entitled to 937
attend the schools of the district in which the child's 938
grandparent resides, provided that, prior to such attendance in 939
any school year, the board of education of the school district in 940
which the child's grandparent resides and the board of education 941
of the school district in which the child's parent resides enter 942
into a written agreement specifying that good cause exists for 943
such attendance, describing the nature of this good cause, and 944
consenting to such attendance. 945

In lieu of a consent form signed by a parent, a board of 946
education may request the grandparent of a child attending school 947
in the district in which the grandparent resides pursuant to 948
division (F)(11) of this section to complete any consent form 949
required by the district, including any authorization required by 950
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 951
Code. Upon request, the grandparent shall complete any consent 952
form required by the district. A school district shall not incur 953
any liability solely because of its receipt of a consent form from 954
a grandparent in lieu of a parent. 955

Division (F)(11) of this section does not create, and shall 956
not be construed as creating, a new cause of action or substantive 957
legal right against a school district, a member of a board of 958
education, or an employee of a school district. This section does 959
not affect, and shall not be construed as affecting, any 960
immunities from defenses to tort liability created or recognized 961
by Chapter 2744. of the Revised Code for a school district, 962
member, or employee. 963

(12) A child under the age of twenty-two years is entitled to 964
attend school in a school district other than the district in 965
which the child is entitled to attend school under division (B), 966
(C), or (E) of this section provided that, prior to such 967

attendance in any school year, both of the following occur: 968

(a) The superintendent of the district in which the child is 969
entitled to attend school under division (B), (C), or (E) of this 970
section contacts the superintendent of another district for 971
purposes of this division; 972

(b) The superintendents of both districts enter into a 973
written agreement that consents to the attendance and specifies 974
that the purpose of such attendance is to protect the student's 975
physical or mental well-being or to deal with other extenuating 976
circumstances deemed appropriate by the superintendents. 977

While an agreement is in effect under this division for a 978
student who is not receiving special education under Chapter 3323. 979
of the Revised Code and notwithstanding Chapter 3327. of the 980
Revised Code, the board of education of neither school district 981
involved in the agreement is required to provide transportation 982
for the student to and from the school where the student attends. 983

A student attending a school of a district pursuant to this 984
division shall be allowed to participate in all student 985
activities, including interscholastic athletics, at the school 986
where the student is attending on the same basis as any student 987
who has always attended the schools of that district while of 988
compulsory school age. 989

(13) All school districts shall comply with the 990
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 991
seq., for the education of homeless children. Each city, local, 992
and exempted village school district shall comply with the 993
requirements of that act governing the provision of a free, 994
appropriate public education, including public preschool, to each 995
homeless child. 996

When a child loses permanent housing and becomes a homeless 997
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 998

such a homeless person changes temporary living arrangements, the 999
child's parent or guardian shall have the option of enrolling the 1000
child in either of the following: 1001

(a) The child's school of origin, as defined in 42 U.S.C.A. 1002
11432(g)(3)(C); 1003

(b) The school that is operated by the school district in 1004
which the shelter where the child currently resides is located and 1005
that serves the geographic area in which the shelter is located. 1006

(14) A child under the age of twenty-two years who resides 1007
with a person other than the child's parent is entitled to attend 1008
school in the school district in which that person resides if both 1009
of the following apply: 1010

(a) That person has been appointed, through a military power 1011
of attorney executed under section 574(a) of the "National Defense 1012
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 1013
U.S.C. 1044b, or through a comparable document necessary to 1014
complete a family care plan, as the parent's agent for the care, 1015
custody, and control of the child while the parent is on active 1016
duty as a member of the national guard or a reserve unit of the 1017
armed forces of the United States or because the parent is a 1018
member of the armed forces of the United States and is on a duty 1019
assignment away from the parent's residence. 1020

(b) The military power of attorney or comparable document 1021
includes at least the authority to enroll the child in school. 1022

The entitlement to attend school in the district in which the 1023
parent's agent under the military power of attorney or comparable 1024
document resides applies until the end of the school year in which 1025
the military power of attorney or comparable document expires. 1026

(G) A board of education, after approving admission, may 1027
waive tuition for students who will temporarily reside in the 1028
district and who are either of the following: 1029

(1) Residents or domiciliaries of a foreign nation who 1030
request admission as foreign exchange students; 1031

(2) Residents or domiciliaries of the United States but not 1032
of Ohio who request admission as participants in an exchange 1033
program operated by a student exchange organization. 1034

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1035
3327.04, and 3327.06 of the Revised Code, a child may attend 1036
school or participate in a special education program in a school 1037
district other than in the district where the child is entitled to 1038
attend school under division (B) of this section. 1039

(I)(1) Notwithstanding anything to the contrary in this 1040
section or section 3313.65 of the Revised Code, a child under 1041
twenty-two years of age may attend school in the school district 1042
in which the child, at the end of the first full week of October 1043
of the school year, was entitled to attend school as otherwise 1044
provided under this section or section 3313.65 of the Revised 1045
Code, if at that time the child was enrolled in the schools of the 1046
district but since that time the child or the child's parent has 1047
relocated to a new address located outside of that school district 1048
and within the same county as the child's or parent's address 1049
immediately prior to the relocation. The child may continue to 1050
attend school in the district, and at the school to which the 1051
child was assigned at the end of the first full week of October of 1052
the current school year, for the balance of the school year. 1053
Division (I)(1) of this section applies only if both of the 1054
following conditions are satisfied: 1055

(a) The board of education of the school district in which 1056
the child was entitled to attend school at the end of the first 1057
full week in October and of the district to which the child or 1058
child's parent has relocated each has adopted a policy to enroll 1059
children described in division (I)(1) of this section. 1060

(b) The child's parent provides written notification of the 1061
relocation outside of the school district to the superintendent of 1062
each of the two school districts. 1063

(2) At the beginning of the school year following the school 1064
year in which the child or the child's parent relocated outside of 1065
the school district as described in division (I)(1) of this 1066
section, the child is not entitled to attend school in the school 1067
district under that division. 1068

(3) Any person or entity owing tuition to the school district 1069
on behalf of the child at the end of the first full week in 1070
October, as provided in division (C) of this section, shall 1071
continue to owe such tuition to the district for the child's 1072
attendance under division (I)(1) of this section for the lesser of 1073
the balance of the school year or the balance of the time that the 1074
child attends school in the district under division (I)(1) of this 1075
section. 1076

(4) A pupil who may attend school in the district under 1077
division (I)(1) of this section shall be entitled to 1078
transportation services pursuant to an agreement between the 1079
district and the district in which the child or child's parent has 1080
relocated unless the districts have not entered into such 1081
agreement, in which case the child shall be entitled to 1082
transportation services in the same manner as a pupil attending 1083
school in the district under interdistrict open enrollment as 1084
described in division (H) of section 3313.981 of the Revised Code, 1085
regardless of whether the district has adopted an open enrollment 1086
policy as described in division (B)(1)(b) or (c) of section 1087
3313.98 of the Revised Code. 1088

(J) This division does not apply to a child receiving special 1089
education. 1090

A school district required to pay tuition pursuant to 1091

division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division (F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division (F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

Upon receipt of the report the superintendent, pursuant to division (F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount required to be paid by the state.

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides.

(L) Nothing in this section requires or authorizes, or shall
be construed to require or authorize, the admission to a public
school in this state of a pupil who has been permanently excluded
from public school attendance by the superintendent of public
instruction pursuant to sections 3301.121 and 3313.662 of the
Revised Code.

(M) In accordance with division (B)(1) of this section, a
child whose parent is a member of the national guard or a reserve
unit of the armed forces of the United States and is called to
active duty, or a child whose parent is a member of the armed
forces of the United States and is ordered to a temporary duty
assignment outside of the district, may continue to attend school
in the district in which the child's parent lived before being
called to active duty or ordered to a temporary duty assignment
outside of the district, as long as the child's parent continues
to be a resident of that district, and regardless of where the
child lives as a result of the parent's active duty status or
temporary duty assignment. However, the district is not
responsible for providing transportation for the child if the
child lives outside of the district as a result of the parent's
active duty status or temporary duty assignment.

Sec. 3313.649. (A) As used in this section:

(1) "Power of attorney" means a power of attorney created
under section 3109.52 of the Revised Code.

(2) "Caretaker authorization affidavit" means an affidavit
executed under section 3109.67 of the Revised Code.

(B) The ~~grandparent who is~~ attorney in fact under a power of
attorney or the ~~grandparent~~ qualified relative that executed a
caretaker authorization affidavit may enroll the child who is the
subject of the power of attorney or affidavit in a school in the
school district in which the ~~grandparent~~ attorney in fact or

qualified relative resides. Unless another reason exists under the 1155
Revised Code to exclude the child, the child may attend the 1156
schools of the school district in which the ~~grandparent~~ attorney 1157
in fact or qualified relative resides. 1158

Sec. 3313.672. (A)(1) At the time of initial entry to a 1159
public or nonpublic school, a pupil shall present to the person in 1160
charge of admission any records given the pupil by the public or 1161
nonpublic elementary or secondary school the pupil most recently 1162
attended; a certified copy of an order or decree, or modification 1163
of such an order or decree allocating parental rights and 1164
responsibilities for the care of a child and designating a 1165
residential parent and legal custodian of the child, as provided 1166
in division (B) of this section, if that type of order or decree 1167
has been issued; a copy of a power of attorney or caretaker 1168
authorization affidavit, if either has been executed with respect 1169
to the child pursuant to sections 3109.51 to 3109.80 of the 1170
Revised Code; and a certification of birth issued pursuant to 1171
Chapter 3705. of the Revised Code, a comparable certificate or 1172
certification issued pursuant to the statutes of another state, 1173
territory, possession, or nation, or a document in lieu of a 1174
certificate or certification as described in divisions (A)(1)(a) 1175
to (e) of this section. Any of the following shall be accepted in 1176
lieu of a certificate or certification of birth by the person in 1177
charge of admission: 1178

(a) A passport or attested transcript of a passport filed 1179
with a registrar of passports at a point of entry of the United 1180
States showing the date and place of birth of the child; 1181

(b) An attested transcript of the certificate of birth; 1182

(c) An attested transcript of the certificate of baptism or 1183
other religious record showing the date and place of birth of the 1184
child; 1185

(d) An attested transcript of a hospital record showing the 1186
date and place of birth of the child; 1187

(e) A birth affidavit. 1188

(2) If a pupil requesting admission to a school of the school 1189
district in which the pupil is entitled to attend school under 1190
section 3313.64 or 3313.65 of the Revised Code has been discharged 1191
or released from the custody of the department of youth services 1192
under section 5139.51 of the Revised Code just prior to requesting 1193
admission to the school, no school official shall admit that pupil 1194
until the records described in divisions (D)(4)(a) to (d) of 1195
section 2152.18 of the Revised Code have been received by the 1196
superintendent of the school district. 1197

(3) Except as otherwise provided in division (A)(2) of this 1198
section, within twenty-four hours of the entry into the school of 1199
a pupil described in division (A)(1) of this section, a school 1200
official shall request the pupil's official records from the 1201
public or nonpublic elementary or secondary school the pupil most 1202
recently attended. If the public or nonpublic school the pupil 1203
claims to have most recently attended indicates that it has no 1204
record of the pupil's attendance or the records are not received 1205
within fourteen days of the date of request, or if the pupil does 1206
not present a certification of birth described in division (A)(1) 1207
of this section, a comparable certificate or certification from 1208
another state, territory, possession, or nation, or another 1209
document specified in divisions (A)(1)(a) to (e) of this section, 1210
the principal or chief administrative officer of the school shall 1211
notify the law enforcement agency having jurisdiction in the area 1212
where the pupil resides of this fact and of the possibility that 1213
the pupil may be a missing child, as defined in section 2901.30 of 1214
the Revised Code. 1215

(B)(1) Whenever an order or decree allocating parental rights 1216
and responsibilities for the care of a child and designating a 1217

residential parent and legal custodian of the child, including a 1218
temporary order, is issued resulting from an action of divorce, 1219
alimony, annulment, or dissolution of marriage, and the order or 1220
decree pertains to a child who is a pupil in a public or nonpublic 1221
school, the residential parent of the child shall notify the 1222
school of those allocations and designations by providing the 1223
person in charge of admission at the pupil's school with a 1224
certified copy of the order or decree that made the allocation and 1225
designation. Whenever there is a modification of any order or 1226
decree allocating parental rights and responsibilities for the 1227
care of a child and designating a residential parent and legal 1228
custodian of the child that has been submitted to a school, the 1229
residential parent shall provide the person in charge of admission 1230
at the pupil's school with a certified copy of the order or decree 1231
that makes the modification. 1232

(2) Whenever a power of attorney is executed under sections 1233
3109.51 to 3109.62 of the Revised Code that pertains to a child 1234
who is a pupil in a public or nonpublic school, the attorney in 1235
fact shall notify the school of the power of attorney by providing 1236
the person in charge of admission with a copy of the power of 1237
attorney. Whenever a caretaker authorization affidavit is executed 1238
under sections 3109.64 to 3109.73 of the Revised Code that 1239
pertains to a child who is in a public or nonpublic school, the 1240
~~grandparent~~ qualified relative who executed the affidavit shall 1241
notify the school of the affidavit by providing the person in 1242
charge of admission with a copy of the affidavit. 1243

(C) If, at the time of a pupil's initial entry to a public or 1244
nonpublic school, the pupil is under the care of a shelter for 1245
victims of domestic violence, as defined in section 3113.33 of the 1246
Revised Code, the pupil or the pupil's parent shall notify the 1247
school of that fact. Upon being so informed, the school shall 1248
inform the elementary or secondary school from which it requests 1249

the pupil's records of that fact. 1250

(D) Whenever a public or nonpublic school is notified by a 1251
law enforcement agency pursuant to division (D) of section 2901.30 1252
of the Revised Code that a missing child report has been filed 1253
regarding a pupil who is currently or was previously enrolled in 1254
the school, the person in charge of admission at the school shall 1255
mark that pupil's records in such a manner that whenever a copy of 1256
or information regarding the records is requested, any school 1257
official responding to the request is alerted to the fact that the 1258
records are those of a missing child. Upon any request for a copy 1259
of or information regarding a pupil's records that have been so 1260
marked, the person in charge of admission immediately shall report 1261
the request to the law enforcement agency that notified the school 1262
that the pupil is a missing child. When forwarding a copy of or 1263
information from the pupil's records in response to a request, the 1264
person in charge of admission shall do so in such a way that the 1265
receiving district or school would be unable to discern that the 1266
pupil's records are marked pursuant to this division but shall 1267
retain the mark in the pupil's records until notified that the 1268
pupil is no longer a missing child. Upon notification by a law 1269
enforcement agency that a pupil is no longer a missing child, the 1270
person in charge of admission shall remove the mark from the 1271
pupil's records in such a way that if the records were forwarded 1272
to another district or school, the receiving district or school 1273
would be unable to discern that the records were ever marked. 1274

Sec. 5101.802. (A) As used in this section: 1275

(1) "Custodian," "guardian," and "minor child" have the same 1276
meanings as in section 5107.02 of the Revised Code. 1277

(2) "Federal poverty guidelines" has the same meaning as in 1278
section 5101.46 of the Revised Code. 1279

(3) "Kinship caregiver" has the same meaning as in section 1280

5101.85 of the Revised Code. 1281

(B) Subject to division (E) of section 5101.801 of the 1282
Revised Code, there is hereby created the kinship permanency 1283
incentive program to promote permanency for a minor child in the 1284
legal and physical custody of a kinship caregiver. The program 1285
shall provide an initial one-time incentive payment to the kinship 1286
caregiver to defray the costs of initial placement of the minor 1287
child in the kinship caregiver's home. The program may provide 1288
additional permanency incentive payments for the minor child at 1289
six month intervals for a total period not to exceed ~~thirty-six~~ 1290
sixty months. 1291

(C) A kinship caregiver may participate in the program if all 1292
of the following requirements are met: 1293

(1) The kinship caregiver applies to a public children 1294
services agency in accordance with the application process 1295
established in rules authorized by division (E) of this section; 1296

(2) Not earlier than July 1, 2005, a juvenile court issues an 1297
order granting legal custody to the kinship caregiver, or a 1298
probate court grants guardianship to the kinship caregiver, except 1299
that a temporary court order is not sufficient to meet this 1300
requirement; 1301

(3) The kinship caregiver is either the minor child's 1302
custodian or guardian; 1303

(4) The minor child resides with the kinship caregiver 1304
pursuant to a placement approval process established in rules 1305
authorized by division (E) of this section; 1306

(5) Excluding any income excluded under rules adopted under 1307
division (E) of this section, the gross income of the kinship 1308
caregiver's family, including the minor child, does not exceed 1309
three hundred per cent of the federal poverty guidelines. 1310

(D) Public children services agencies shall make initial and 1311
ongoing eligibility determinations for the kinship permanency 1312
incentive program in accordance with rules authorized by division 1313
(E) of this section. The director of job and family services shall 1314
supervise public children services agencies' duties under this 1315
section. 1316

(E) The director of job and family services shall adopt rules 1317
under division (C) of section 5101.801 of the Revised Code as 1318
necessary to implement the kinship permanency incentive program. 1319
The rules shall establish all of the following: 1320

(1) The application process for the program; 1321

(2) The placement approval process through which a minor 1322
child is placed with a kinship caregiver for the kinship caregiver 1323
to be eligible for the program; 1324

(3) The initial and ongoing eligibility determination process 1325
for the program, including the computation of income eligibility; 1326

(4) The amount of the incentive payments provided under the 1327
program; 1328

(5) The method by which the incentive payments are provided 1329
to a kinship caregiver. 1330

(F) The amendments made to this section by Am. Sub. H.B. 119 1331
of the 127th general assembly shall not affect the eligibility of 1332
any kinship caregiver whose eligibility was established before ~~the~~ 1333
~~effective date of the amendments~~ June 30, 2007. 1334

Section 2. That existing sections 2151.33, 3109.52, 3109.53, 1335
3109.54, 3109.59, 3109.60, 3109.65, 3109.66, 3109.67, 3109.69, 1336
3109.70, 3109.71, 3109.74, 3109.76, 3109.77, 3313.64, 3313.649, 1337
3313.672, and 5101.802 of the Revised Code are hereby repealed. 1338

Section 3. Whenever a child comes into the custody of a 1339

public children services agency, either as part of a sibling group 1340
or subsequent to the previous placement of a sibling, the agency 1341
is strongly encouraged to make reasonable efforts to place the 1342
siblings together, unless it would be contrary to the siblings' 1343
best interest or well-being. If siblings are not placed together, 1344
the agency should make reasonable efforts to ensure the siblings 1345
maintain frequent connections through visitation or other ongoing 1346
interaction, unless contrary to the siblings' placement or 1347
well-being. 1348

Section 4. Upon receipt of further guidance from the United 1349
States Department of Health and Human Services regarding the 1350
coordination of the use of the Federal Parent Locator Service 1351
between states and the federal Office of Child Support 1352
Enforcement, the Department of Job and Family Services shall adopt 1353
rules governing the use of the Federal Parent Locator Service by 1354
the Office of Child Support in the Department of Job and Family 1355
Services, and the dissemination of information contained within 1356
the Federal Parent Locator Service to public children services 1357
agencies. 1358

Section 5. (A) The Department of Job and Family Services 1359
shall conduct a feasibility study of current trends in the use of 1360
relative caregivers for the placement of children by public 1361
children services agencies into relative caregiver homes. The 1362
study shall focus on a continuum of options, including informal 1363
relative placements, judicial transfer of legal custody or 1364
guardianship to a relative caregiver and the Kinship Permanency 1365
Incentive Program, use of approved relative caregivers, relatives 1366
becoming certified foster caregivers, and relatives as adoptive 1367
parents. The study shall include agency and court practices; child 1368
outcomes addressing safety, stability and permanency; and state 1369

and local cost implications of adding a subsidized relative 1370
guardianship program in accordance with 42 U.S.C. 671(a)(28). 1371

(B) The Department of Job and Family Services shall complete 1372
the feasibility study by December 31, 2010, and shall submit the 1373
completed report to the Governor, the Speaker of the House of 1374
Representatives, and the President of the Senate. 1375

Section 6. Section 3313.64 of the Revised Code is presented 1376
in this act as a composite of the section as amended by both Am. 1377
Sub. H.B. 119 and Am. Sub. H.B. 214 of the 127th General Assembly. 1378
The General Assembly, applying the principle stated in division 1379
(B) of section 1.52 of the Revised Code that amendments are to be 1380
harmonized if reasonably capable of simultaneous operation, finds 1381
that the composite is the resulting version of the section in 1382
effect prior to the effective date of the section as presented in 1383
this act. 1384