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Sub. H. B. No. 279

Representatives Grossman, Driehaus

Cosponsors: Representatives Yuko, Combs, Boyd, Reece, Letson, Henne,

Martin, Goyal, Burke, Bulp, Conditt

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A B I L L

To amend sections 2151.33, 3107.062, 3107.063, 1
3109.53, 3109.59, 3109.60, 3109.66, 3109.70, 2
3109.71, 3109.72, 5153.16, and 5153.161, to enact 3
new section 3109.76 and section 2151.411, and to 4
repeal sections 3109.76 and 3109.77 of the Revised 5
Code to require a public children services agency 6
or private child placing agency that obtains 7
temporary custody of a child to attempt to notify 8
certain relatives of the child; to require a 9
public children services agency to attempt to keep 10
siblings together; to modify the putative father 11
registry; to eliminate the automatic termination 12
upon the expiration of one year of a power of 13
attorney or caretaker authorization affidavit that 14
gives care of a child to a grandparent; to allow a 15
grandparent to seek custody of a child if the 16
child's parent, guardian, or custodian seeks to 17
terminate a power of attorney or caretaker 18
authorization affidavit; to require a public 19
children services agency to file a missing child 20
report if a child in its custody is or may be 21
missing; to authorize a public children services 22

agency to provide care for a child in the home of 23
a qualified nonrelative of the child; and to 24
require the Department of Job and Family Services 25
to develop recommendations for the implementation 26
of a subsidized relative guardianship program. 27

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

Section 1. That sections 2151.33, 3107.062, 3107.063, 28
3109.53, 3109.59, 3109.60, 3109.66, 3109.70, 3109.71, 3109.72, 29
5153.16, and 5153.161 be amended and new section 3109.76 and 30
section 2151.411 of the Revised Code be enacted to read as 31
follows: 32

Sec. 2151.33. (A) Pending hearing of a complaint filed under 33
section 2151.27 of the Revised Code or a motion filed or made 34
under division (B) of this section and the service of citations, 35
the juvenile court may make any temporary disposition of any child 36
that it considers necessary to protect the best interest of the 37
child and that can be made pursuant to division (B) of this 38
section. Upon the certificate of one or more reputable practicing 39
physicians, the court may summarily provide for emergency medical 40
and surgical treatment that appears to be immediately necessary to 41
preserve the health and well-being of any child concerning whom a 42
complaint or an application for care has been filed, pending the 43
service of a citation upon the child's parents, guardian, or 44
custodian. The court may order the parents, guardian, or 45
custodian, if the court finds the parents, guardian, or custodian 46
able to do so, to reimburse the court for the expense involved in 47
providing the emergency medical or surgical treatment. Any person 48
who disobeys the order for reimbursement may be adjudged in 49
contempt of court and punished accordingly. 50

If the emergency medical or surgical treatment is furnished 51

to a child who is found at the hearing to be a nonresident of the 52
county in which the court is located and if the expense of the 53
medical or surgical treatment cannot be recovered from the 54
parents, legal guardian, or custodian of the child, the board of 55
county commissioners of the county in which the child has a legal 56
settlement shall reimburse the court for the reasonable cost of 57
the emergency medical or surgical treatment out of its general 58
fund. 59

(B)(1) After a complaint, petition, writ, or other document 60
initiating a case dealing with an alleged or adjudicated abused, 61
neglected, or dependent child is filed and upon the filing or 62
making of a motion pursuant to division (C) of this section, the 63
court, prior to the final disposition of the case, may issue any 64
of the following temporary orders to protect the best interest of 65
the child: 66

(a) An order granting temporary custody of the child to a 67
particular party; 68

(b) An order for the taking of the child into custody 69
pursuant to section 2151.31 of the Revised Code pending the 70
outcome of the adjudicatory and dispositional hearings; 71

(c) An order granting, limiting, or eliminating parenting 72
time or visitation rights with respect to the child; 73

(d) An order requiring a party to vacate a residence that 74
will be lawfully occupied by the child; 75

(e) An order requiring a party to attend an appropriate 76
counseling program that is reasonably available to that party; 77

(f) Any other order that restrains or otherwise controls the 78
conduct of any party which conduct would not be in the best 79
interest of the child. 80

(2) Prior to the final disposition of a case subject to 81

division (B)(1) of this section, the court shall do both of the 82
following: 83

(a) Issue an order pursuant to Chapters 3119. to 3125. of the 84
Revised Code requiring the parents, guardian, or person charged 85
with the child's support to pay support for the child. 86

(b) Issue an order requiring the parents, guardian, or person 87
charged with the child's support to continue to maintain any 88
health insurance coverage for the child that existed at the time 89
of the filing of the complaint, petition, writ, or other document, 90
or to obtain health insurance coverage in accordance with sections 91
3119.29 to 3119.56 of the Revised Code. 92

(C)(1) A court may issue an order pursuant to division (B) of 93
this section upon its own motion or if a party files a written 94
motion or makes an oral motion requesting the issuance of the 95
order and stating the reasons for it. Any notice sent by the court 96
as a result of a motion pursuant to this division shall contain a 97
notice that any party to a juvenile proceeding has the right to be 98
represented by counsel and to have appointed counsel if the person 99
is indigent. 100

(2) If a child is taken into custody pursuant to section 101
2151.31 of the Revised Code and placed in shelter care, the public 102
children services agency or private child placing agency with 103
which the child is placed in shelter care shall file or make a 104
motion as described in division (C)(1) of this section before the 105
end of the next day immediately after the date on which the child 106
was taken into custody and, at a minimum, shall request an order 107
for temporary custody under division (B)(1)(a) of this section. 108

(3) A court that issues an order pursuant to division 109
(B)(1)(b) of this section shall comply with section 2151.419 of 110
the Revised Code. 111

(D) The court may grant an ex parte order upon its own motion 112

or a motion filed or made pursuant to division (C) of this section 113
requesting such an order if it appears to the court that the best 114
interest and the welfare of the child require that the court issue 115
the order immediately. The court, if acting on its own motion, or 116
the person requesting the granting of an ex parte order, to the 117
extent possible, shall give notice of its intent or of the request 118
to the parents, guardian, or custodian of the child who is the 119
subject of the request. If the court issues an ex parte order, the 120
court shall hold a hearing to review the order within seventy-two 121
hours after it is issued or before the end of the next day after 122
the day on which it is issued, whichever occurs first. The court 123
shall give written notice of the hearing to all parties to the 124
action and shall appoint a guardian ad litem for the child prior 125
to the hearing. 126

The written notice shall be given by all means that are 127
reasonably likely to result in the party receiving actual notice 128
and shall include all of the following: 129

(1) The date, time, and location of the hearing; 130

(2) The issues to be addressed at the hearing; 131

(3) A statement that every party to the hearing has a right 132
to counsel and to court-appointed counsel, if the party is 133
indigent; 134

(4) The name, telephone number, and address of the person 135
requesting the order; 136

(5) A copy of the order, except when it is not possible to 137
obtain it because of the exigent circumstances in the case. 138

If the court does not grant an ex parte order pursuant to a 139
motion filed or made pursuant to division (C) of this section or 140
its own motion, the court shall hold a shelter care hearing on the 141
motion within ten days after the motion is filed. The court shall 142
give notice of the hearing to all affected parties in the same 143

manner as set forth in the Juvenile Rules. 144

(E) The court, pending the outcome of the adjudicatory and 145
dispositional hearings, shall not issue an order granting 146
temporary custody of a child to a public children services agency 147
or private child placing agency pursuant to this section, unless 148
the court determines and specifically states in the order that the 149
continued residence of the child in the child's current home will 150
be contrary to the child's best interest and welfare and the court 151
complies with section 2151.419 of the Revised Code. 152

(F) Each public children services agency and private child 153
placing agency that receives temporary custody of a child pursuant 154
to this section shall exercise due diligence to identify and 155
provide notice to all adult grandparents and other adult relatives 156
of the child, including any adult relatives suggested by the 157
parents, within thirty days of the child's removal from the 158
custody of the child's parents, in accordance with 42 U.S.C. 159
671(a)(29). The agency shall also maintain in the child's case 160
record written documentation that it has placed the child, to the 161
extent that it is consistent with the best interest, welfare, and 162
special needs of the child, in the most family-like setting 163
available and in close proximity to the home of the parents, 164
custodian, or guardian of the child. 165

(G) For good cause shown, any court order that is issued 166
pursuant to this section may be reviewed by the court at any time 167
upon motion of any party to the action or upon the motion of the 168
court. 169

Sec. 2151.411. Whenever a child comes into the custody of a 170
public children services agency, either as part of a sibling group 171
or subsequent to the previous placement of a sibling, the agency 172
is strongly encouraged to make reasonable efforts to place the 173
siblings together, unless it would be contrary to the siblings' 174

best interest or well-being. If siblings are not placed together, 175
the agency should make reasonable efforts to ensure the siblings 176
maintain frequent connections through visitation or other ongoing 177
interaction, unless contrary to the siblings' placement or 178
well-being. 179

Sec. 3107.062. The department of job and family services 180
shall establish a putative father registry. To register, a 181
putative father must complete a registration form prescribed under 182
section 3107.065 of the Revised Code and submit it to the 183
department. The registration form shall include the putative 184
father's name; the name of the mother of the person he claims as 185
his child; and the address or telephone number at which he wishes 186
to receive, pursuant to section 3107.11 of the Revised Code, 187
notice of a any petition that may be filed to adopt ~~the a~~ minor he 188
claims as his child; ~~and the name of the mother of the minor.~~ 189

A putative father may register at any time. For the purpose 190
of preserving the requirement of his consent to an adoption, a 191
putative father shall register before or not later than thirty 192
days after the birth of the child. No fee shall be charged for 193
registration. 194

On receipt of a completed registration form, the department 195
shall indicate on the form the date of receipt and file it in the 196
putative father registry. The department shall maintain 197
registration forms in a manner that enables it to access a 198
registration form using either the name of the putative father or 199
of the mother. 200

Sec. 3107.063. A An attorney arranging a minor's adoption, a 201
mother ~~or an~~, a public children services agency, a private 202
noncustodial agency, or attorney arranging a minor's adoption 203
private child placing agency may request at any time that the 204

department of job and family services search the putative father 205
registry to determine whether a man is registered as the minor's 206
putative father. The request shall include the mother's name. On 207
receipt of the request, the department shall search the registry. 208
If the department determines that a man is registered as the 209
minor's putative father, it shall provide the attorney, mother, or 210
~~agency, or attorney~~ a certified copy of the man's registration 211
form. If the department determines that no man is registered as 212
the minor's putative father, it shall provide the attorney, 213
mother, or ~~agency, or attorney~~ a certified written statement to 214
that effect. The department shall specify in the statement the 215
date the search request was submitted. No fee shall be charged for 216
searching the registry. 217

Division (B) of section 3107.17 of the Revised Code does not 218
apply to this section. 219

Sec. 3109.53. To create a power of attorney under section 220
3109.52 of the Revised Code, a parent, guardian, or custodian 221
shall use a form that is identical in form and content to the 222
following: 223

POWER OF ATTORNEY 224

I, the undersigned, residing at, in the county of 225
....., state of, hereby appoint the child's 226
grandparent,, residing at, in the county of 227
....., in the state of Ohio, with whom the child of whom I 228
am the parent, guardian, or custodian is residing, my attorney in 229
fact to exercise any and all of my rights and responsibilities 230
regarding the care, physical custody, and control of the child, 231
....., born, having social security number 232
(optional), except my authority to consent to marriage 233
or adoption of the child, and to perform all acts 234
necessary in the execution of the rights and responsibilities 235

hereby granted, as fully as I might do if personally present. The 236
rights I am transferring under this power of attorney include the 237
ability to enroll the child in school, to obtain from the school 238
district educational and behavioral information about the child, 239
to consent to all school-related matters regarding the child, and 240
to consent to medical, psychological, or dental treatment for the 241
child. This transfer does not affect my rights in any future 242
proceedings concerning the custody of the child or the allocation 243
of the parental rights and responsibilities for the care of the 244
child and does not give the attorney in fact legal custody of the 245
child. This transfer does not terminate my right to have regular 246
contact with the child. 247

I hereby certify that I am transferring the rights and 248
responsibilities designated in this power of attorney because one 249
of the following circumstances exists: 250

(1) I am: (a) Seriously ill, incarcerated, or about to be 251
incarcerated, (b) Temporarily unable to provide financial support 252
or parental guidance to the child, (c) Temporarily unable to 253
provide adequate care and supervision of the child because of my 254
physical or mental condition, (d) Homeless or without a residence 255
because the current residence is destroyed or otherwise 256
uninhabitable, or (e) In or about to enter a residential treatment 257
program for substance abuse; 258

(2) I am a parent of the child, the child's other parent is 259
deceased, and I have authority to execute the power of attorney; 260
or 261

(3) I have a well-founded belief that the power of attorney 262
is in the child's best interest. 263

I hereby certify that I am not transferring my rights and 264
responsibilities regarding the child for the purpose of enrolling 265
the child in a school or school district so that the child may 266

participate in the academic or interscholastic athletic programs 267
provided by that school or district. 268

I understand that this document does not authorize a child 269
support enforcement agency to redirect child support payments to 270
the grandparent designated as attorney in fact. I further 271
understand that to have an existing child support order modified 272
or a new child support order issued administrative or judicial 273
proceedings must be initiated. 274

If there is a court order naming me the residential parent 275
and legal custodian of the child who is the subject of this power 276
of attorney and I am the sole parent signing this document, I 277
hereby certify that one of the following is the case: 278

(1) I have made reasonable efforts to locate and provide 279
notice of the creation of this power of attorney to the other 280
parent and have been unable to locate that parent; 281

(2) The other parent is prohibited from receiving a notice of 282
relocation; or 283

(3) The parental rights of the other parent have been 284
terminated by order of a juvenile court. 285

This POWER OF ATTORNEY is valid until the occurrence of 286
whichever of the following events occurs first: (1) ~~one year~~ 287
~~elapses following the date this POWER OF ATTORNEY is notarized;~~ 288
~~(2) I revoke this POWER OF ATTORNEY in writing;~~ (3) ~~the child~~ 289
~~ceases to reside with~~ and give notice of the revocation to the 290
grandparent designated as attorney in fact; ~~(4) and the juvenile~~ 291
court with which this POWER OF ATTORNEY was filed; (2) the child 292
ceases to reside with the grandparent designated as attorney in 293
fact; (3) this POWER OF ATTORNEY is terminated by court order; 294
~~(5)~~(4) the death of the child who is the subject of the power of 295
attorney; or ~~(6)~~(5) the death of the grandparent designated as the 296
attorney in fact. 297

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 298
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 299
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE 300
SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A 301
TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 302
BOTH. 303

Witness my hand this day of, 304

..... 305

Parent/Custodian/Guardian's signature 306

..... 307

Parent's signature 308

..... 309

Grandparent designated as attorney in fact 310

State of Ohio) 311

) ss: 312

County of) 313

Subscribed, sworn to, and acknowledged before me this day 314

of, 315

..... 316

Notary Public 317

Notices: 318

1. A power of attorney may be executed only if one of the 319

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 child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public. 320
3. A parent, guardian, or custodian who creates a power of 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. 321 322
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. 323

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.~~ 324

~~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. 325

~~7.~~6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 326

~~8.~~7. 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 power of attorney is revoked in writing by the person who created it; (3) ~~the child ceases to live with the~~ and that person gives written notice of the revocation to the grandparent who is the attorney in fact; (4) and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; ~~(5)~~(4) the death of the child who is the subject of the power of attorney; or ~~(6)~~(5) the death of the grandparent designated as the attorney in fact. 327

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as 328

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; 329

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 330

(c) The court in which the power of attorney was filed after its creation; ~~and~~ 331

(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 shall make the notifications not later than one week after the date the power of attorney terminates. 332

~~9-8.~~ 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. 333

Additional information: 334

To the grandparent designated as attorney in fact: 335

336

1. If the child stops living with you, you are required to 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 337

week after the child stops living with you.

2. You must include with the power of attorney the following information: 338

(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; 339

(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; 340

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 341

(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; 342

(e) Whether you previously have been convicted of or 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. 343

3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or 344

removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials: 345

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent 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. 346
2. The school district may require additional reasonable evidence that the grandparent lives in the school district. 347
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation. 348

To health care providers: 349

1. A person or entity that acts in good faith reliance on a power 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 designated as attorney in fact are notarized. 350

2. The decision of a grandparent designated as attorney in fact, 351
based on a power of attorney, shall be honored by a health
care facility or practitioner, school district, or school
official.

Sec. 3109.59. (A) A power of attorney created under section 352
3109.52 of the Revised Code terminates on the occurrence of 353
whichever of the following events occurs first: 354

~~(1) One year elapses following the date the power of attorney~~ 355
~~is notarized.~~ 356

~~(2)~~ The power of attorney is revoked in writing by the person 357
who created it, and that person gives written notice of the 358
revocation to the grandparent designated as the attorney in fact 359
and to the juvenile court with which the power of attorney was 360
filed. 361

~~(3)~~(2) The child ceases to reside with the grandparent 362
designated as the attorney in fact. 363

~~(4)~~(3) The power of attorney is terminated by court order. 364

~~(5)~~(4) The death of the child who is the subject of the power 365
of attorney. 366

~~(6)~~(5) The death of the grandparent designated as the 367
attorney in fact. 368

(B) Not later than five days after a power of attorney is 369
~~terminated pursuant to division (A)(2) of this section~~ revoked, a 370
copy of the revocation of ~~an initial~~ the power of attorney ~~or a~~ 371
~~second or subsequent power of attorney~~ must be filed with the 372
court with which the power of attorney is filed pursuant to 373
section ~~3109.76~~ 3109.74 of the Revised Code. 374

Sec. 3109.60. When a power of attorney created pursuant to 375
section 3109.52 of the Revised Code terminates pursuant to 376

division (A)(1), ~~(A)(2)~~, ~~(A)(3)~~, ~~(A) or (4)~~, ~~or (A)(5)~~ of section 3109.59 of the Revised Code, the grandparent designated as the attorney in fact shall notify, in writing, all of the following:

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

(B) The child's health care providers;

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

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

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

(F) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the power of attorney unless notified of the termination.

The grandparent shall make the notifications not later than one week after the date the power of attorney terminates.

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

CARETAKER AUTHORIZATION AFFIDAVIT

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

Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to discuss with the school district the child's educational progress, to consent to all school-related matters regarding the child, and

to consent to medical, psychological, or dental treatment for the child. 406
407

The child named below lives in my home, I am 18 years of age or older, and I am the child's grandparent. 408
409

1. Name of child: 410

2. Child's date and year of birth: 411

3. Child's social security number (optional): 412

4. My name: 413

5. My home address: 414

6. My date and year of birth: 415

7. My Ohio driver's license number or identification card number: 416

8. Despite having made reasonable attempts, I am either: 417

 (a) Unable to locate or contact the child's parents, or the child's guardian or custodian; or 418

 (b) I am unable to locate or contact one of the child's parents and I am not required to contact the other parent because paternity has not been established; or 419

 (c) I am unable to locate or contact one of the child's 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: 420

 (i) The parent has been prohibited from receiving notice of a relocation; or 421

 (ii) The parental rights of the parent have been terminated. 422

9. I hereby certify that this affidavit is not being executed for 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. 423

I understand that this document does not authorize a child support enforcement agency to redirect child support payments. 424

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 INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH.

I declare that the foregoing is true and correct:

Signed:..... Date:.....

Grandparent

State of Ohio)

) ss:

County of)

Subscribed, sworn to, and acknowledged before me this day

of,

.....

Notary Public

Notices:

1. The grandparent's signature must be notarized by an Ohio notary public.

2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent 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.

~~3. A grandparent 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 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.~~

~~4.3.~~ 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 legal custody of the child. 444

~~5.4.~~ A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 445

~~6.5.~~ 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 who signs this form; ~~(3)~~(2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; ~~or (4)~~(3) the affidavit is terminated by court order; ~~(5)~~(4) the death of the child who is the subject of the affidavit; or ~~(6)~~(5) the death of the grandparent who executed the affidavit. 446

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 447

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall 448

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; 449

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 450

(c) The court in which the affidavit was filed after its creation. 451

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 452

~~7.6.~~ The decision of a grandparent to consent to 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. 453

Additional information: 454

To caretakers: 455

1. If the child stops living with you, you are required to 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. 456

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or 457

medicaid number.

3. You must include with the caretaker authorization affidavit 458
the following information:

(a) The child's present address, the addresses of the 459
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 460
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 461
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 462
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 463
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.

4. If the child's parent, guardian, or custodian acts to 464
terminate the caretaker authorization affidavit by delivering
a written notice of negation, reversal, or disapproval of an

action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise.

To school officials:

465

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent 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. 466
2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit. 467
3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 468
4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 469

To health care providers:

470

1. A person or entity that acts in good faith reliance on a 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 signature is notarized. 471
2. The decision of a grandparent, 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. 472
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 who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 473

Sec. 3109.70. An executed caretaker authorization affidavit shall terminate on the occurrence of whichever of the following comes first: 474
475
476

~~(A) One year elapses following the date the affidavit is notarized.~~ 477
478

~~(B) The child ceases to reside with the grandparent.~~ 479

~~(C)~~(B) The parent, guardian, or custodian of the child who is 480
the subject of the affidavit acts, in accordance with section 481
3109.72 of the Revised Code, to negate, reverse, or otherwise 482
disapprove an action or decision of the grandparent who signed the 483
affidavit with respect to the child, and the grandparent either 484
voluntarily returns the child to the physical custody of the 485
parent, guardian, or custodian or fails to file a complaint to 486
seek custody within fourteen days after the delivery of written 487
notice of negation, reversal, or other disapproval. 488

~~(D)~~(C) The affidavit is terminated by court order. 489

~~(E)~~(D) The death of the child who is the subject of the 490
affidavit. 491

~~(F)~~(E) The death of the grandparent who executed the 492
affidavit. 493

Sec. 3109.71. When a caretaker authorization affidavit 494
terminates pursuant to division (A), (B), (C), or (D), ~~or (E)~~ of 495
section 3109.70 of the Revised Code, the grandparent shall notify, 496
in writing, the school district in which the child attends school, 497
the child's health care providers, the child's health insurance 498
coverage provider, the court in which the affidavit was filed 499
under section 3109.74 of the Revised Code, and any other person or 500
entity that has an ongoing relationship with the child or 501
grandparent such that the person or entity would reasonably rely 502
on the affidavit unless notified of the termination. The 503
grandparent shall make the notifications not later than one week 504
after the date the affidavit terminates. 505

Sec. 3109.72. The parent, guardian, or custodian of a child 506
may negate, reverse, or otherwise disapprove any action taken or 507
decision made pursuant to a caretaker authorization affidavit 508
unless negation, reversal, or disapproval would jeopardize the 509

life, health, or safety of the child. A parent, guardian, or 510
custodian may negate, reverse, or disapprove a caretaker's action 511
or decision only by delivering written notice of negation, 512
reversal, or disapproval to the caretaker and the person 513
responding to the caretaker's action or decision in reliance on 514
the affidavit. The act to negate, reverse, or disapprove the 515
action or decision, regardless of whether it is effective, 516
terminates the affidavit as of the date the caretaker returns the 517
child to the parent, guardian, or custodian or upon the expiration 518
of fourteen days from the delivery of written notice of the 519
negation, reversal, or disapproval if the caretaker has not filed 520
a complaint in the interim pursuant to section 3109.76 of the 521
Revised Code. 522

Sec. 3109.76. (A) A grandparent who has physical custody of a 523
child under a power of attorney, within fourteen days after the 524
child's parent, guardian, or custodian gives written notice of 525
revocation of the power of attorney to the grandparent and files a 526
written notice of revocation of the power of attorney with the 527
juvenile court or within fourteen days after removal of the child 528
from the grandparent's home, may file a complaint under division 529
(A)(2) of section 2151.23 or division (D) of section 2151.27 of 530
the Revised Code seeking a determination of custody if the 531
grandparent believes that the revocation or removal is not in the 532
best interest of the child. 533

(B) A grandparent who has physical custody of a child under a 534
caretaker authorization affidavit, within fourteen days after a 535
parent, guardian, or custodian terminates the affidavit by 536
delivering a written notice of negation, reversal, or disapproval 537
of an action or decision of the grandparent or within fourteen 538
days after removal of the child from the grandparent's home, may 539
file a complaint under division (A)(2) of section 2151.23 or 540

division (D) of section 2151.27 of the Revised Code seeking a 541
determination of custody if the grandparent believes that the 542
termination or removal is not in the best interest of the child. 543

(C) Pending a hearing and decision on a complaint filed under 544
division (A) or (B) of this section, the juvenile court, in 545
accordance with section 2151.33 of the Revised Code, may make any 546
temporary disposition of any child that it considers necessary to 547
protect the best interest of the child. 548

(D) If a parent, guardian, or custodian revokes a power of 549
attorney or terminates a caretaker authorization affidavit, the 550
grandparent may retain custody of the child until the fourteen-day 551
period for filing a complaint under division (A) or (B) of this 552
section has expired or, if the grandparent files a complaint, 553
until the court orders otherwise. 554

Sec. 5153.16. (A) Except as provided in section 2151.422 of 555
the Revised Code, in accordance with rules adopted under section 556
5153.166 of the Revised Code, and on behalf of children in the 557
county whom the public children services agency considers to be in 558
need of public care or protective services, the public children 559
services agency shall do all of the following: 560

(1) Make an investigation concerning any child alleged to be 561
an abused, neglected, or dependent child; 562

(2) Enter into agreements with the parent, guardian, or other 563
person having legal custody of any child, or with the department 564
of job and family services, department of mental health, 565
department of developmental disabilities, other department, any 566
certified organization within or outside the county, or any agency 567
or institution outside the state, having legal custody of any 568
child, with respect to the custody, care, or placement of any 569
child, or with respect to any matter, in the interests of the 570
child, provided the permanent custody of a child shall not be 571

transferred by a parent to the public children services agency	572
without the consent of the juvenile court;	573
(3) Accept custody of children committed to the public	574
children services agency by a court exercising juvenile	575
jurisdiction;	576
(4) Provide such care as the public children services agency	577
considers to be in the best interests of any child adjudicated to	578
be an abused, neglected, or dependent child the agency finds to be	579
in need of public care or service;	580
(5) Provide social services to any unmarried girl adjudicated	581
to be an abused, neglected, or dependent child who is pregnant	582
with or has been delivered of a child;	583
(6) Make available to the bureau for children with medical	584
handicaps of the department of health at its request any	585
information concerning a crippled child found to be in need of	586
treatment under sections 3701.021 to 3701.028 of the Revised Code	587
who is receiving services from the public children services	588
agency;	589
(7) Provide temporary emergency care for any child considered	590
by the public children services agency to be in need of such care,	591
without agreement or commitment;	592
(8) Find certified foster homes, within or outside the	593
county, for the care of children, including handicapped children	594
from other counties attending special schools in the county;	595
(9) Subject to the approval of the board of county	596
commissioners and the state department of job and family services,	597
establish and operate a training school or enter into an agreement	598
with any municipal corporation or other political subdivision of	599
the county respecting the operation, acquisition, or maintenance	600
of any children's home, training school, or other institution for	601
the care of children maintained by such municipal corporation or	602

political subdivision; 603

(10) Acquire and operate a county children's home, establish, 604
maintain, and operate a receiving home for the temporary care of 605
children, or procure certified foster homes for this purpose; 606

(11) Enter into an agreement with the trustees of any 607
district children's home, respecting the operation of the district 608
children's home in cooperation with the other county boards in the 609
district; 610

(12) Cooperate with, make its services available to, and act 611
as the agent of persons, courts, the department of job and family 612
services, the department of health, and other organizations within 613
and outside the state, in matters relating to the welfare of 614
children, except that the public children services agency shall 615
not be required to provide supervision of or other services 616
related to the exercise of parenting time rights granted pursuant 617
to section 3109.051 or 3109.12 of the Revised Code or 618
companionship or visitation rights granted pursuant to section 619
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 620
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 621
a common pleas court, pursuant to division (E)(6) of section 622
3113.31 of the Revised Code, requires the provision of supervision 623
or other services related to the exercise of the parenting time 624
rights or companionship or visitation rights; 625

(13) Make investigations at the request of any superintendent 626
of schools in the county or the principal of any school concerning 627
the application of any child adjudicated to be an abused, 628
neglected, or dependent child for release from school, where such 629
service is not provided through a school attendance department; 630

(14) Administer funds provided under Title IV-E of the 631
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 632
amended, in accordance with rules adopted under section 5101.141 633

of the Revised Code; 634

(15) In addition to administering Title IV-E adoption 635
assistance funds, enter into agreements to make adoption 636
assistance payments under section 5153.163 of the Revised Code; 637

(16) Implement a system of safety and risk assessment, in 638
accordance with rules adopted by the director of job and family 639
services, to assist the public children services agency in 640
determining the risk of abuse or neglect to a child; 641

(17) Enter into a plan of cooperation with the board of 642
county commissioners under section 307.983 of the Revised Code and 643
comply with each fiscal agreement the board enters into under 644
section 307.98 of the Revised Code that include family services 645
duties of public children services agencies and contracts the 646
board enters into under sections 307.981 and 307.982 of the 647
Revised Code that affect the public children services agency; 648

(18) Make reasonable efforts to prevent the removal of an 649
alleged or adjudicated abused, neglected, or dependent child from 650
the child's home, eliminate the continued removal of the child 651
from the child's home, or make it possible for the child to return 652
home safely, except that reasonable efforts of that nature are not 653
required when a court has made a determination under division 654
(A)(2) of section 2151.419 of the Revised Code; 655

(19) Make reasonable efforts to place the child in a timely 656
manner in accordance with the permanency plan approved under 657
division (E) of section 2151.417 of the Revised Code and to 658
complete whatever steps are necessary to finalize the permanent 659
placement of the child; 660

(20) Administer a Title IV-A program identified under 661
division (A)(4)(c) or (f) of section 5101.80 of the Revised Code 662
that the department of job and family services provides for the 663
public children services agency to administer under the 664

department's supervision pursuant to section 5101.801 of the Revised Code;

(21) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of job and family services;

(22) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code;

(23) File a missing child report with a local law enforcement agency upon becoming aware that a child in the custody of the public children services agency is or may be missing.

(B) The public children services agency shall use the system implemented pursuant to division (A)(16) of this section in connection with an investigation undertaken pursuant to division (F)(1) of section 2151.421 of the Revised Code to assess both of the following:

(1) The ongoing safety of the child;

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of

this section, contract with the following for the purpose of	695
assisting the agency with its duties:	696
(i) County departments of job and family services;	697
(ii) Boards of alcohol, drug addiction, and mental health services;	698 699
(iii) County boards of developmental disabilities;	700
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	701 702
(v) Private and government providers of services;	703
(vi) Managed care organizations and prepaid health plans.	704
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	705 706 707 708 709
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	710 711 712 713 714 715 716 717
Sec. 5153.161. (A) As used in this section, "qualified nonrelative" means a nonrelative adult whom a child or the current custodial caretaker of a child identifies as having a familiar and longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties.	718 719 720 721 722
<u>(B)</u> Care provided by the public children services agency	723

under division (A)(4) of section 5153.16 of the Revised Code shall 724
be provided by the agency, by its own means or through other 725
available resources, in the child's own home, in the home of a 726
relative or qualified nonrelative, or in a certified foster home, 727
any other home approved by the court, receiving home, school, 728
hospital, convalescent home, or other public or private 729
institution within or outside the county or state. 730

Section 2. That existing sections 2151.33, 3107.062, 731
3107.063, 3109.53, 3109.59, 3109.60, 3109.66, 3109.70, 3109.71, 732
3109.72, 5153.16, and 5153.161 and sections 3109.76 and 3109.77 of 733
the Revised Code are hereby repealed. 734

Section 3. (A) The Department of Job and Family Services 735
shall develop recommendations for implementation of a subsidized 736
relative guardianship program in accordance with 42 U.S.C. Section 737
671(a)(28). In developing the recommendations, the Department 738
shall consult with representatives of the Ohio Kinship Caregiver 739
Advisory Council and county public children services agencies. The 740
recommendations shall address required legislative authority, 741
state and local cost implications, and activities necessary for 742
implementation of the program. 743

(B) The Department shall submit to the Governor, the Speaker 744
of the House of Representatives, and the President of the Senate a 745
brief preliminary status report of its work under division (A) of 746
this section not later than December 31, 2012, and a final report, 747
including a work plan, not later than eighteen months after the 748
effective date of this act. 749