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S.B. 338
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Craig and Reynolds

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SUMMARY

- Expands the authority granted under a grandparent power of attorney or a caretaker authorization affidavit to include (1) specified relatives and (2) nonrelatives who have an established relationship or bond with the child or the child's family.

DETAILED ANALYSIS

Background

Under current law, a child's parent, guardian, or custodian may create a power of attorney that grants to the child's grandparent with whom the child is residing any of the parent's, guardian's, or custodian's rights and responsibilities regarding the care, physical custody, and control of the child.

Also under existing law, a grandparent may execute a caretaker authorization affidavit, if the child is living with the grandparent and the grandparent has made reasonable attempts to locate and contact both of the child's parents, or the child's guardian or custodian, but has been unable to do so. A caretaker authorization affidavit authorizes the grandparent to exercise care, physical custody, and control of the child.¹

Rights and responsibilities regarding the child's care include, for example, consenting to medical treatment for the child and enrolling the child in school.

Eligibility expansion

The bill expands the authority granted under a grandparent power of attorney or a caretaker authorization affidavit to additional persons by replacing the term "grandparent" with "caretaker" throughout the statutes that govern grandparent powers of attorney and caretaker

¹ R.C. 3109.52 and 3109.65.

authorization affidavits.² Further, it defines “caretaker” as any of the following who is 18 years of age or older, is caring for a child in place of the child’s parents, and does not have legal custody or guardianship of the child:

- Any of the following relatives by blood, adoption, or marriage: the child’s stepparent, grandparent, stepgrandparent, uncle, aunt, sibling, stepsibling, half sibling, nephew, niece, first cousin, or any relative denoted by the prefix “grand” or “great”;
- A nonrelative adult who has a relationship or bond with the child or the child’s family.³

The bill otherwise maintains the laws governing grandparent powers of attorney and caretaker authorization affidavits.

HISTORY

Action	Date
Introduced	11-26-24

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² R.C. 3109.51 to 3109.76, with conforming changes in R.C. 3310.51 to 3313.672.

³ R.C. 3109.51(A).