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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

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Office

H.B. 506  
133<sup>rd</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsor:** Rep. G. Manning

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### SUMMARY

- Prohibits moving a child from placement in a certified foster home to placement with a relative if the following circumstances apply: (1) the child has resided in the foster home for six months or more; (2) the child does not know or has not ever met the relative.
- Permits placement of the child with the relative if a court finds that the move or new placement is in the best interest of the child.

### DETAILED ANALYSIS

#### Prohibition regarding placement of a child with a relative

The bill establishes circumstances under which a child placed in a certified foster home may not be moved from that placement to placement with a relative of the child. Under the bill, a child may not be moved if the following circumstances apply: (1) the child has resided in the foster home for six months or more; (2) the child does not know or has not ever met the relative. However, if a court determines that a move or a new placement is in the best interest of the child, the prohibition does not apply.<sup>1</sup>

#### Foster home certification

Under Ohio law a “foster home” is a “private residence in which children are received apart from their parents, guardian, or legal custodian” by an individual who provides the children nonsecure care, supervision, or training 24 hours a day and is reimbursed for providing the care. The Department of Job and Family Services must ensure the fitness of each foster

<sup>1</sup> R.C. 2151.3511.

home, and if the foster home meets the foster home requirements under the law, the Department must issue the home a certificate to that effect.<sup>2</sup>

### **Best interest determination**

Ohio law provides that in determining what is in the best interest of a child in certain dispositional placements, a court must consider “all relevant factors” including several specified factors such as the following:

- The interaction and interrelationship of the child with the child’s parents, siblings, relatives, foster caregivers and out-of-home providers, and any other person who may significantly affect the child;
- The wishes of the child, as expressed directly by the child or through the child’s guardian ad litem, with due regard for the maturity of the child;
- Whether the child’s parent has (1) been convicted of, or pleaded guilty to, certain criminal offenses, (2) repeatedly, inappropriately withheld medical treatment or food from the child, (3) placed the child at risk of harm due to drug or alcohol abuse, (4) abandoned the child, or (5) had parental rights involuntarily terminated with respect to the child’s sibling.<sup>3</sup>

Case plans for children in temporary custody must have goals that are consistent with the *best interest* and special needs of the child for “a safe out-of-home placement in the least restrictive, most family-like setting available and in close proximity to the home from which the child was removed or the home in which the child will be permanently placed.”<sup>4</sup>

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## **HISTORY**

Action	Date
Introduced	02-13-20

H0506-I-133/ar

<sup>2</sup> R.C. 5103.02(D) and 5103.03(B), not in the bill.

<sup>3</sup> R.C. 2151.414(D), not in the bill.

<sup>4</sup> R.C. 2151.412(G), not in the bill.