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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Brent

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SUMMARY

- Establishes specific rights for kinship caregivers, including, for example, the right to access critical outreach services and orientation support, medical and mental health services for the children placed with the kinship caregiver, and access to childcare.
- Requires a kinship caregiver to be remunerated comparably to foster care providers and to be reimbursed for certain expenses incurred for the children placed with the caregiver.
- Requires the Director of the Department of Job and Family Services (ODJFS) to adopt rules necessary to implement the bill's requirements.
- Appropriates an amount certified by the ODJFS Director, and transferred from the Budget Stabilization Fund by the Director of Budget and Management, to carry out the bill's requirements.

DETAILED ANALYSIS

Kinship caregiver rights

The bill establishes that a kinship caregiver has rights to all of the following:¹

- Be treated with consideration and respect for personal dignity;
- Be actively informed of all available support mechanisms that a kinship caregiver may access, including information on all public or private agency policies and procedures relating to kinship caregivers;

¹ R.C. 5101.521.

- Receive information on how to contact agency personnel on a seven-days-per-week, 24-hours-per-day basis;
- Receive open, complete, and timely responses from any agency a kinship caregiver contacts;
- Receive, as a newly designated kinship caregiver, access to critical outreach services and orientation support;
- Receive full access to medical and mental health services for the children placed with the kinship caregiver;
- Receive access to childcare, without having to meet work requirements;
- Be treated equally for funding, resources, and services, regardless of whether the kinship care is provided through a formal or informal, or an adoptive, kinship caregiver placement;
- Be informed of, and receive access to, a child advocate for kinship care, of which one must be appointed in every Ohio county, with more advocates appointed for high-service counties;
- Receive priority for school choice, to provide stability and fewer disruptions to their school environment during transition;
- Receive additional resources for essential school supplies, uniforms and clothing, and other essential items for the child's domestic care;
- Receive advanced notification of scheduled meetings concerning the child to actively participate and have input into the case-planning and decision-making process regarding the child;
- Receive from an agency with responsibilities for the care of the child subject to kinship care all information about the child's medical history, general behaviors, and the relationships between the child and his or her biological parents, as soon as that information is obtained by the agency;
- Receive from an agency with responsibility for the care of the child subject to kinship care, within a reasonable amount of time, the information concerning the educational history, life experiences, and placement circumstances of the child;
- Be consulted in the development of the permanency plan;
- Be consulted in the decision to release the kinship caregiver's address to the child's parent, and be informed when such information has been shared;
- Receive assistance with the coordination of services for dealing with family loss and separation when a child placed with a kinship caregiver leaves the kinship caregiver's home, when relocation is not the result of threat to the health and safety of the child caused by the kinship caregiver or member of the kinship caregiver's household;

- Have the opportunity to receive appropriate training without cost that will enhance the kinship caregiver's skills and abilities;
- Be subject to confidentiality requirements regarding a child abuse or neglect report involving a kinship caregiver or a member of the kinship caregiver's household. Confidentiality requirements shall not interfere with the safety of the child;
- Be informed of, and have the opportunity to be heard regarding, agency decisions or practices. The agency shall not discharge, threaten, or otherwise discriminate or retaliate against a kinship caregiver for questioning the decisions or practices of the agency;
- Be informed of the process, established by the Department of Job and Family Services (ODJFS), for kinship caregivers to make complaints about agency discrimination or retaliation for questioning the agency's decisions or practices, in a reasonable amount of time.

As used in the bill, "kinship caregiver" means any of the following who is 18 years of age or older and is caring for a child in place of the child's parents:²

- The following individuals related by blood or adoption to the child:
 - Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";
 - Siblings;
 - Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";
 - First cousins and first cousins once removed.
- Stepparents and stepsiblings of the child;
- Spouses and former spouses of any of the above-listed individuals;
- A legal guardian of the child;
- A legal custodian of the child;
- Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.

Remuneration and reimbursement

Under the bill, a kinship caregiver has the right to be remunerated comparably to foster care providers. The bill also requires a kinship caregiver to be reimbursed for the following expenses for the children placed with the kinship caregiver:³

² R.C. 5101.52; R.C. 5101.85, not in the bill.

- Medical and mental health services;
- Childcare;
- Equal treatment for funding, resources, and services, regardless of whether the kinship care is provided through a formal or informal, or an adoptive, kinship caregiver placement;
- Essential school supplies, uniforms and clothing, and other essential items for the child's domestic care;
- Appropriate training to enhance the kinship caregiver's skills and abilities.

Rules

The bill requires the ODJFS Director to adopt rules in accordance with the Administrative Procedure Act (R.C. Chapter 119) as necessary to implement the bill.⁴

Appropriation

On the bill's effective date, or as soon as possible thereafter, the bill requires the ODJFS Director to certify to the Director of Budget and Management the amount necessary to carry out the bill's requirements. The Director of Budget and Management must transfer cash from the Budget Stabilization Fund, up to the amount certified without exceeding the balance of the Budget Stabilization Fund, to the General Revenue Fund. The amount transferred is to be appropriated to appropriation item 600551, Job and Family Services Program Support, for the relevant fiscal year.⁵

HISTORY

Action	Date
Introduced	05-19-20

H0640-I-133/ec

³ R.C. 5101.522.

⁴ R.C. 5101.523.

⁵ Section 2.