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Substitute Bill Comparative Synopsis

Sub. H.B. 289

134th General Assembly

House Civil Justice

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1143-2)
Consideration of relative preference when determining a child's adoptive placement	
Repeals the provision in current law specifying that if a public children services agency (PCSA) or private child placing agency (PCPA) is given permanent custody of a child and the child's foster caregiver or relative has informed the PCSA or PCPA of the desire to adopt the child, the PCSA or PCPA must consider giving preference to an adult relative over a nonrelative caregiver when determining the child's adoptive placement, provided the adult relative satisfies all relevant child protection standards and the PCSA or PCPA determines the placement is in the child's best interest (<i>R.C. 5103.161</i>).	No provision.

Previous Version (As Introduced)	Latest Version (I_134_1143-2)
No requirement for relative preference when determining a child’s adoptive placement	
No provision.	States that the current law provisions governing notification of a child’s foster caregiver or relative if the PCSA or PCPA seeks the child’s permanent custody or prospective adoption placement does not require the PCSA or PCPA to select an adult relative over a nonrelative caretaker when determining an adoptive placement for the child (R.C. 5103.161).
Foster or kinship caregiver’s right to be heard at juvenile court hearing	
Repeals the right of a child’s foster caregiver or kinship caregiver <i>to be heard</i> at juvenile court proceedings including for the child’s adjudication, temporary care and placement, case plan changes and review, disposition after temporary custody termination, and permanent custody motions and replaces it with the right <i>to participate</i> at those hearings (R.C. 2151.424(A)).	Eliminates the repeal of the right of a child’s foster caregiver or kinship caregiver <i>to be heard</i> at those juvenile court hearings and retains the bill’s provision granting the right <i>to participate</i> , such that there is a “ <i>right to be heard and participate</i> ” (R.C. 2151.424(A)).
Prospective adoptive parent’s right to be heard at juvenile court hearing	
Repeals the right of a child’s prospective adoptive parent <i>to be heard</i> at the child’s case plan review and a juvenile court hearing on case plan changes and review and replaces it with the right <i>to participate</i> at the review or hearings (R.C. 2151.424(B)).	Eliminates the repeal of the right of the prospective adoptive parent <i>to be heard</i> at those reviews and hearings and retains the bill’s provision granting the right <i>to participate</i> , such that there is a “ <i>right to be heard and participate</i> ” (R.C. 2151.424(B)).
Statement that right to be heard does not make an individual party to the action	
Repeals the limitation stating that the notice and opportunity <i>to be heard</i> does not make the foster caregiver, kinship caregiver, or prospective adoptive parent a party in the action or proceeding pursuant to which the review or hearing is conducted and replaces it with the limitation that the notice and opportunity <i>to participate</i> does not grant party status (R.C. 2151.424(D)).	Eliminates the repeal of the limitation that notice and opportunity <i>to be heard</i> does not grant party status and retains the bill’s limitation relating to participation, such that the bill states that the notice and opportunity “ <i>to be heard and participate</i> ” does not create party status (R.C. 2151.424(D)).

Previous Version (As Introduced)	Latest Version (I_134_1143-2)
Diligent search for relatives or nonrelatives to take placement of child	
No provision.	Requires a PCSA or PCPA, on removal of a child from the child’s home, to initiate a diligent search in accordance with the bill’s requirements for the child’s adult relatives and adult nonrelatives with a significant relationship to the child to take placement of the child (<i>R.C. 2151.4123</i>).
Relatives and nonrelatives who fail to demonstrate ability/willingness to take placement of child	
No provision.	Permits the court to excuse the PCSA or PCPA from considering an adult relative or adult nonrelative with a significant relationship to the child for placement if the adult relative or adult nonrelative entitled to notice under the bill fails, within six months of receipt of the notice, to demonstrate an interest in and willingness to take placement of the child (<i>R.C. 2151.4128</i>).
Approved vs. certified foster homes	
Requires the diligent search notice to a child’s adult relatives or adult nonrelatives with a significant relationship to the child to include a description of the process for becoming an <i>approved</i> foster home and the additional services and supports available for children placed in <i>approved</i> foster homes (<i>R.C. 2151.4119(C)</i>).	Changes to <i>certified</i> foster home from <i>approved</i> foster home (<i>R.C. 2151.4127(C)</i>).