



Ohio Legislative Service Commission

Bill Analysis

Brian Malachowsky

H.B. 63

131st General Assembly
(As Introduced)

Reps. Pelanda and Grossman, Slaby, Boose, Maag, Becker, Buchy, Leland, Sears, Dever, Hill, Barnes, Fedor, Blessing, Boyd, Sheehy, Driehaus

BILL SUMMARY

- Requires doctors, school employees, and other persons who provide services to a child that are requested by an attorney in fact (AIF) under authority of a document other than a court order, grandparent's power of attorney, or caretaker authorization affidavit to report the request to the county public children services agency (PCSA).
- Requires a PCSA to treat such a report as an allegation that the child is a dependent child, to investigate the child's placement with the AIF, and to file a dependency complaint if it finds that the placement is unsafe for the child.

CONTENT AND OPERATION

The bill addresses documents that purport to grant parental rights and responsibilities regarding the care, physical custody, and control of a child to a person with whom the child is living through a document other than a court order, grandparent's power of attorney, or caretaker authorization affidavit.

Service provider's duty to report documents

When report required

Under the bill, when an attorney in fact (AIF) under a document that grants care, custody, and control of a child, other than a court order, a statutorily authorized power of attorney given to a grandparent, or a statutorily authorized caretaker authorization affidavit executed by a grandparent, requests registration in a school, medical treatment, or other services for a child and presents the document as authority for requesting the services, the service provider must promptly report the request, in writing, to the public children services agency (PCSA) of the county in which the child

resides. The report must include the name and address of the AIF and child, the child's age, and the nature of the services requested.¹

The bill defines "service provider" as any person who is required to report known or suspected child abuse or neglect to a peace officer or public children services agency.² These so-called "mandatory reporters" include attorneys, physicians, nurses, other health care professionals, school teachers, school employees, school authorities, and various other individuals listed as mandatory reporters because they may have contact with children through their work.³ The bill also applies existing law definitions of "child," "custodian," "guardian," "legal custody," and "residual parental rights, privileges, and responsibilities."⁴

When report not required

A service provider need not make a report if the document presented appears to be a valid court order, statutorily authorized power of attorney given to a grandparent, or statutorily authorized caretaker authorization affidavit executed by a grandparent.⁵

No penalty for failure to report

The bill does not penalize mandatory reporters (the "service providers") for the failure to make a report as required in the bill.⁶

PCSA's duties on receipt of report of document

On receiving a report from a service provider that an AIF requested services for a child as described above, a PCSA must treat the report as an allegation that the child is a dependent child and must investigate the child's temporary placement with the AIF in accordance with the statute and administrative rules governing PCSA investigations of dependent children. The investigation must include a criminal records check, a check of court records for any child-related civil proceedings, and a home safety study.⁷ If the

¹ R.C. 3109.81(B).

² R.C. 3109.81(A)(1).

³ R.C. 2151.421(A)(1)(b) (unchanged by the bill).

⁴ R.C. 3109.51.

⁵ R.C. 3109.81(B)(2).

⁶ R.C. 2151.421(A)(1)(c) and 2151.99(C).

⁷ R.C. 3109.81(C).



PCSA determines that the temporary placement of the child with the AIF is unsafe for the child, it must file a dependency complaint with the juvenile court.⁸

A "dependent child" under Ohio law means any child:

- Who is homeless or destitute or without adequate parental care, through no fault of the child's parents, guardian, or custodian;
- Who lacks adequate parental care by reason of the mental or physical condition of the child's parents, guardian, or custodian;
- Whose condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship;
- To whom both of the following apply:
 - The child is residing in a household in which a parent, guardian, custodian, or other member of the household committed an act that was the basis for an adjudication that a sibling of the child or any other child who resides in the household is an abused, neglected, or dependent child.
 - Because of the circumstances surrounding the abuse, neglect, or dependency of the sibling or other child and the other conditions in the household of the child, the child is in danger of being abused or neglected by that parent, guardian, custodian, or member of the household.⁹

HISTORY

ACTION

DATE

Introduced

02-11-15

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⁸ R.C. 3109.81(D).

⁹ R.C. 2151.04 and 2151.27, not in the bill.

