



Bob Bennett

Bill Analysis

Legislative Service Commission

H.B. 127

123rd General Assembly
(As Introduced)

Reps. Boyd, Opfer, Beatty, Roberts, Krupinski, Jolivette, Healy, Bender, Pringle, Krebs, Willamowski, Britton, Netzley, Vesper, Barrett, Allen, Ford, Winkler, Terwilleger, Young, Jerse

BILL SUMMARY

- Requires that the Ohio Department of Human Services establish a process to approve provision of publicly subsidized foster care to a child by a relative who does not hold a family foster home certificate.

CONTENT AND OPERATION

Background

Title IV-E of the Social Security Act provides federal funding for foster care maintenance payments. Federal law defines "foster care maintenance payments" as payments to cover the cost of, and the cost of providing, food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable travel to a child's home for visitation.¹ In general, for a child to be eligible for foster care maintenance payments, the child must meet eligibility requirements for the former Aid to Families with Dependent Children Program, a public agency must have responsibility for the child's placement and care following the child's removal from the home of a relative, and the child must reside in a family foster home or child-care institution.² A family foster home is a home for children that is licensed by

¹ 42 U.S.C.A. 675(4). *In the case of a child placed in a child-care institution, foster care maintenance payments also include the reasonable costs of administration and operation of the institution as are necessarily required to provide the items foster care maintenance payments cover.*

² 42 U.S.C.A. 672.

the state in which it is situated or approved by a state agency as meeting licensure standards.³

Operation of the bill

Under rules adopted by the Ohio Department of Human Services (ODHS), a person seeking foster care maintenance payments for a child to whom the person is related must obtain a family foster home certificate. The bill requires that ODHS adopt rules in accordance with the Administrative Procedure Act establishing a process through which a relative of a child who needs foster care and is eligible for foster care maintenance payments can be approved as the child's foster care provider without obtaining the certificate. "Relative" is defined as an individual age 18 or older who is related by blood or adoption as any of the following to a child in need of foster care: (1) grandparent, including great-grandparent or great-great-grandparent, (2) sibling, (3) aunt or uncle, including a great, great-great, grand, or great-grand aunt or uncle, (4) niece or nephew, or (5) first cousin or first cousin once removed.

The bill requires that the process ODHS establishes by rules be consistent with federal law. To be consistent with federal law, the process must have standards that are reasonably in accord with recommended standards of national organizations concerned with standards for family foster homes, including standards related to admission policies, safety, sanitation, and protection of civil rights. A case plan must be developed for the foster child and a case review system followed. Where appropriate, all steps must be taken to secure an assignment to ODHS of support owed the foster child. Also, the relative providing foster care must undergo a criminal records check, unless the General Assembly or Governor elects not to require such criminal records checks.⁴

³ 42 U.S.C.A. 672(c).

⁴ *To elect not to require the criminal records check, the Governor must provide the United States Secretary of Health and Human Services written notice. However, because current state law (Revised Code § 2151.86) requires that the criminal records checks be conducted, the Governor cannot give such a notice unless the General Assembly repeals the current law.*

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-02-99	p. 164

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