



OHIO LEGISLATIVE SERVICE COMMISSION

Nicholas J. Blaine

Fiscal Note & Local Impact Statement

Bill: H.B. 448 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. LaTourette and Boyd

Local Impact Statement Procedure Required: Yes

Subject: Sibling foster and adoption relationships

State & Local Fiscal Highlights

- A juvenile court, public children services agency (PCSA), or private agency that has custody of a child will be required to make a reasonable effort to place siblings together or allow for sibling visitation. While this is similar to current practices, it is unclear if making it a requirement will result in an increase in costs.
- A juvenile court will realize an increase in court costs if a sibling files a motion to enforce the requirement of reasonable efforts for sibling placement and/or to have visitation with a child in custody of a PCSA or court or after a child has been adopted.
- Upon request, a court will be permitted to waive the cost of proceedings involving sibling visitation, which could result in an increase of costs borne by the court.

Detailed Fiscal Analysis

The bill makes numerous changes to sibling placement by a juvenile court, public children services agency (PCSA), or private agency of fostered and adopted youth. The bill defines a sibling as a person that shares at least one biological or adoptive parent or was raised in the same household as siblings.

Sibling placement

The bill requires juvenile courts, PCSAs, and private child placing agencies to make reasonable efforts to place members of a sibling group together or make reasonable efforts to ensure the siblings have contact with one another; continuing law strongly encourages PCSAs to do so, but does not require it. According to the Public Children Services Association of Ohio, when siblings in public custody are separated they are required to have a visitation plan as part of their case plan. This case plan is reviewed semi-annually and can be amended as needed. As a result, the bill in part codifies a current practice of the courts and PCSAs. However, it is unclear if the change from encouraging to requiring reasonable efforts to maintain contact among siblings will result in an increase in court costs.

Complaints

A sibling or parent, guardian, or guardian ad litem on a minor sibling's behalf, may file a complaint requesting sibling visitation rights. For sibling visitation, the court must consider all of the factors listed in the bill, including the relationship among the siblings, the time the siblings have spent without contact, and the mental and physical health of all parties, among others. Additionally, the court may waive the fees associated with filing the request and the cost of subsequent proceedings if a person requesting sibling visitation files such a motion; waiving court costs will pose a cost to the court that will depend on how frequently complaints are filed and how often the fee is waived. Given that these motions will typically be filed by a child or on behalf of a child, it is possible this court cost may be waived frequently.

Supervision of sibling visitation

The bill specifies that a PCSA cannot be required to provide supervision if the court grants sibling visitation rights, with the exception of domestic violence situations. This will limit any increase in costs to PCSAs. However, if the court orders or suggests supervision, it is possible that a court may need to pay these costs.

Sibling relationship post-adoption

Under current law, legal relationships between an adopted child and his or her relatives are terminated upon adoption. The bill will maintain the sibling relationship after a child is adopted, which may allow for continuing court involvement with the child for sibling visitation. There would be court costs associated with this involvement. It is unclear how often the court will be petitioned in these circumstances regarding issues surrounding the sibling relationship.