



# Ohio Legislative Service Commission

## 122nd House Bill Analysis

### H.B. 442

122nd General Assembly  
(As Reported by H. Family Services)

**Reps. Bender, Boyd, Miller, Ford, Jones, Winkler**

- Permits a family foster home to provide room, board, or both to a boarder age 65 or older.
- Requires the boarder to satisfy requirements for adult household members of a family foster home that are established by rules adopted by the Department of Human Services.
- Prohibits the foster caregiver from requiring the boarder to perform any services with respect to any foster child residing in the home, including child day-care and babysitting.
- Prohibits the boarder from sharing a sleeping room with a foster child.
- Requires certain entities that place or intend to place a child in a family foster home in which a boarder age 65 or older resides, is considering residing, or intends to reside to provide the boarder with certain information concerning the child's background.

## CONTENT AND OPERATION

### Background

A family foster home is a private residence in which children are received apart from their parents, guardian, or legal custodian by an individual for hire, gain or reward for nonsecure care, supervision, or training, excluding baby-sitting care, 24 hours a day. The Department of Human Services is required to adopt rules as necessary for the adequate and competent management of institutions and associations, including family foster homes, that receive or care for children for two or more consecutive weeks. The Department may not issue a certificate to a family foster home authorizing the home to operate unless the home complies with the Department's rules. A rule adopted by the Department, Ohio Administrative Code section 5101:2-7-02(Q), prohibits a foster caregiver from operating a family foster home as an adult boarding or rooming house.

### Family foster home providing room or board to boarders age 65 or older

The bill permits a family foster home to provide room, board, or both to a boarder age 65 or older. "Boarder" is defined as an adult who is provided room, board, or both for consideration at a family foster home and is not related by blood or marriage to, or a former foster child of, the person to whom the certificate to operate the family foster home is issued.

The bill provides that the foster caregiver of the family foster home may not require a boarder, age 65 or older residing in the home to perform any services with respect to any foster child residing in the home, including child day-care "Child day-care" means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the 24-hour day in a place or residence other than a child's own home. and babysitting care. "Babysitting care" means care provided for a child while the parents, guardian, or legal custodian of the child are temporarily away. A foster child is not permitted to share a sleeping room with such a boarder.

A boarder is required by the bill to satisfy the requirements established by the Department's rules for adult household members of a family foster home. The following are rules the Department has adopted that would apply to a boarder:

- (1) All members of the household must be free of any physical, emotional, or mental condition which would endanger a child or seriously impair the foster caregiver's ability to care for a foster child [O.A.C. § 5101:2-7-02(E)];
- (2) An applicant for a family foster home certificate must have a physician complete a form providing medical information about all household members within six months before a public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) recommends that the certificate be issued [O.A.C. § 5101:2-7-02(F)];

(3) The applicant may be required to secure and provide an additional report of an examination of any household member by a physician, psychologist, or other professional if the member has suffered a serious illness or injury within the past year or a PCSA, PCPA, or PNA determines the report is necessary to ensure the safety, health, or care of any foster child who may be placed in the home [O.A.C. § 5101:2-7-02(G)];

(4) A PCSA, PCPA, or PNA may conduct a criminal records check of each adult household member to determine whether a member has been convicted or pleaded guilty to certain offenses and consider the member's criminal record when determining whether to recommend certification. A PCSA, PCPA, or PNA must conduct a criminal records check of a prospective foster caregiver. [O.A.C. §§ 5101:2-5-091 and 5101:2-7-02(I), (J), (K), (L), (M), (N), and (O).]

(5) A foster caregiver is required to notify a PCSA, PCPA, or PNA if the caregiver or an adult member of the household is convicted of certain offenses and the agency is required to evaluate whether to continue to recommend certification or to recommend that certification be denied or revoked [O.A.C. § 5101:2-7-02(P)];

(6) A foster child over age one may not share a sleeping room with an adult without the prior approval of a PCSA, PCPA, or PNA [O.A.C. § 5101:2-7-05(D)];

(7) A foster caregiver is required to notify a PCSA, PCPA, or PNA in writing prior to allowing any person to reside in the home for more than two weeks [O.A.C. § 5101:2-7-14(A)];

(8) A foster caregiver is required to notify a PCSA, PCPA, or PNA within 24 hours or the next working day of any impending change in the household occupancy or any serious illness or death in the household [O.A.C. § 5101:2-7-14(E)].

### ***Provision of information concerning a foster child to a boarder***

The bill requires a public children services agency, private child placing agency, private noncustodial agency, court, or other private or government entity that places or intends to place a child in a family foster home in which a boarder age 65 or older resides, is considering residing, or intends to reside, to provide the following information to the boarder:

A written report of the child's social history;

A written report describing acts committed by the child resulting in the child being adjudicated a delinquent child and the disposition made by the court, unless the records concerning the act have been sealed;

A written report of any other violent act committed by the child of which the entity is aware;

The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if there is no information available from such an examination, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted by an independent social worker, social worker, professional clinical counselor, or professional counselor. The entity may not provide any part of a psychological, psychiatric, or mental and emotional disorder examination to the foster caregivers other than the substantial and material conclusions.

The information described above must be provided to a boarder age 65 or older residing in the family foster home prior to the placement of the child in the home, and to such a boarder who is considering residing or intends to reside in the family foster home prior to the boarder residing in the home.

## **HISTORY**

### **ACTION DATE JOURNAL ENTRY**

Introduced 05-13-97 p. 818

Reported, H. Family

Services 06-25-97 pp. 1420-1421

[Top of Page](#)

*This site is updated daily Monday through Friday*



**State of Ohio**