

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 338

Senators Craig, Reynolds

Cosponsors: Senators Smith, DeMora, Ingram, Sykes

A BILL

To amend sections 3109.51, 3109.52, 3109.53, 1
3109.54, 3109.59, 3109.60, 3109.65, 3109.66, 2
3109.67, 3109.69, 3109.70, 3109.71, 3109.74, 3
3109.76, 3310.51, 3313.64, 3313.649, and 4
3313.672 of the Revised Code to expand who is 5
eligible to execute a grandparent power of 6
attorney or a caretaker authorization affidavit. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3109.51, 3109.52, 3109.53, 8
3109.54, 3109.59, 3109.60, 3109.65, 3109.66, 3109.67, 3109.69, 9
3109.70, 3109.71, 3109.74, 3109.76, 3310.51, 3313.64, 3313.649, 10
and 3313.672 of the Revised Code be amended to read as follows: 11

Sec. 3109.51. As used in sections 3109.52 to 3109.80 of 12
the Revised Code: 13

(A) "Caretaker" means any of the following who is eighteen 14
years of age or older, is caring for a child in place of the 15
child's parents, and does not have legal custody or guardianship 16
of the child: 17

(1) Any of the following relatives by blood, adoption, or 18

marriage: the child's stepparent, grandparent, stepgrandparent, 19
uncle, aunt, sibling, stepsibling, half sibling, nephew, niece, 20
first cousin, or any relative denoted by the prefix "grand" or 21
"great"; 22

(2) A nonrelative adult who has a relationship or bond 23
with the child or the child's family. 24

(B) "Child" means a person under eighteen years of age. 25

~~(B)~~ (C) "Custodian" means an individual with legal custody 26
of a child. 27

~~(C)~~ (D) "Guardian" means an individual granted authority by 28
a probate court pursuant to Chapter 2111. of the Revised Code to 29
exercise parental rights over a child to the extent provided in 30
the court's order and subject to the residual parental rights, 31
privileges, and responsibilities of the child's parents. 32

~~(D)~~ (E) "Legal custody" and "residual parental rights, 33
privileges, and responsibilities" have the same meanings as in 34
section 2151.011 of the Revised Code. 35

Sec. 3109.52. The parent, guardian, or custodian of a 36
child may create a power of attorney that grants to a 37
~~grandparent~~ caretaker of the child with whom the child is 38
residing any of the parent's, guardian's, or custodian's rights 39
and responsibilities regarding the care, physical custody, and 40
control of the child, including the ability to enroll the child 41
in school, to obtain from the school district educational and 42
behavioral information about the child, to consent to all 43
school-related matters regarding the child, and to consent to 44
medical, psychological, or dental treatment for the child. The 45
power of attorney may not grant authority to consent to the 46
marriage or adoption of the child. The power of attorney does 47

not affect the rights of the parent, guardian, or custodian of
the child in any future proceeding concerning custody of the
child or the allocation of parental rights and responsibilities
for the care of the child and does not grant legal custody to
the attorney in fact.

Sec. 3109.53. To create a power of attorney under section
3109.52 of the Revised Code, a parent, guardian, or custodian
shall use a form that is identical in form and content to the
following:

POWER OF ATTORNEY

I, the undersigned, residing at _____, in the county
of _____, state of _____, hereby appoint the child's
~~grandparent caretaker~~, _____, residing at _____, in the
county of _____, in the state of Ohio, with whom the child
of whom I am the parent, guardian, or custodian is residing, my
attorney in fact to exercise any and all of my rights and
responsibilities regarding the care, physical custody, and
control of the child, _____, born _____, having social
security number (optional) _____, except my authority to
consent to marriage or adoption of the child _____, and to
perform all acts necessary in the execution of the rights and
responsibilities hereby granted, as fully as I might do if
personally present. The rights I am transferring under this
power of attorney include the ability to enroll the child in
school, to obtain from the school district educational and
behavioral information about the child, to consent to all
school-related matters regarding the child, and to consent to
medical, psychological, or dental treatment for the child. This
transfer does not affect my rights in any future proceedings
concerning the custody of the child or the allocation of the

parental rights and responsibilities for the care of the child 78
and does not give the attorney in fact legal custody of the 79
child. This transfer does not terminate my right to have regular 80
contact with the child. 81

I hereby certify that I am transferring the rights and 82
responsibilities designated in this power of attorney because 83
one of the following circumstances exists: 84

(1) I am: (a) Seriously ill, incarcerated, or about to be 85
incarcerated, (b) Temporarily unable to provide financial 86
support or parental guidance to the child, (c) Temporarily 87
unable to provide adequate care and supervision of the child 88
because of my physical or mental condition, (d) Homeless or 89
without a residence because the current residence is destroyed 90
or otherwise uninhabitable, or (e) In or about to enter a 91
residential treatment program for substance abuse; 92

(2) I am a parent of the child, the child's other parent 93
is deceased, and I have authority to execute the power of 94
attorney; or 95

(3) I have a well-founded belief that the power of 96
attorney is in the child's best interest. 97

I hereby certify that I am not transferring my rights and 98
responsibilities regarding the child for the purpose of 99
enrolling the child in a school or school district so that the 100
child may participate in the academic or interscholastic 101
athletic programs provided by that school or district. 102

If there is a court order naming me the residential parent 103
and legal custodian of the child who is the subject of this 104
power of attorney and I am the sole parent signing this 105
document, I hereby certify that one of the following is the 106

case: 107

(1) I have made reasonable efforts to locate and provide 108
notice of the creation of this power of attorney to the other 109
parent and have been unable to locate that parent; 110

(2) The other parent is prohibited from receiving a notice 111
of relocation; or 112

(3) The parental rights of the other parent have been 113
terminated by order of a juvenile court. 114

This POWER OF ATTORNEY is valid until the occurrence of 115
whichever of the following events occurs first: (1) I revoke 116
this POWER OF ATTORNEY in writing and give notice of the 117
revocation to the ~~grandparent~~ caretaker designated as attorney 118
in fact and the juvenile court with which this POWER OF ATTORNEY 119
was filed; (2) the child ceases to reside with the ~~grandparent~~ 120
caretaker designated as attorney in fact; (3) this POWER OF 121
ATTORNEY is terminated by court order; (4) the death of the 122
child who is the subject of the power of attorney; or (5) the 123
death of the ~~grandparent~~ caretaker designated as the attorney in 124
fact. 125

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY 126
STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A 127
CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY 128
THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING 129
A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO 130
\$1,000, OR BOTH. 131

Witness my hand this _____ day of _____, _____ 132

133

Parent/Custodian/Guardian's signature 134

	_____	135
Parent's signature		136
	_____	137
Grandparent <u>Caretaker</u> designated as		138
attorney in fact		139
State of Ohio)		140
) ss:		141
County of _____)		142
Subscribed, sworn to, and acknowledged before me this _____ day		143
of _____, _____		144
	_____	145
Notary Public		146
Notices:		147
1. A power of attorney may be executed only if one of the		148
following circumstances exists: (1) The parent, guardian, or		149
custodian of the child is: (a) Seriously ill, incarcerated, or		150
about to be incarcerated; (b) Temporarily unable to provide		151
financial support or parental guidance to the child; (c)		152
Temporarily unable to provide adequate care and supervision of		153
the child because of the parent's, guardian's, or custodian's		154
physical or mental condition; (d) Homeless or without a		155
residence because the current residence is destroyed or		156
otherwise uninhabitable; or (e) In or about to enter a		157
residential treatment program for substance abuse; (2) One of		158
the child's parents is deceased and the other parent, with		159
authority to do so, seeks to execute a power of attorney; or (3)		160
The parent, guardian, or custodian has a well-founded belief		161

that the power of attorney is in the child's best interest. 162

2. The signatures of the parent, guardian, or custodian of the 163
child and the ~~grandparent~~ caretaker designated as the attorney 164
in fact must be notarized by an Ohio notary public. 165

3. A parent, guardian, or custodian who creates a power of 166
attorney must notify the parent of the child who is not the 167
residential parent and legal custodian of the child unless one 168
of the following circumstances applies: (a) the parent is 169
prohibited from receiving a notice of relocation in accordance 170
with section 3109.051 of the Revised Code of the creation of the 171
power of attorney; (b) the parent's parental rights have been 172
terminated by order of a juvenile court pursuant to Chapter 173
2151. of the Revised Code; (c) the parent cannot be located with 174
reasonable efforts; (d) both parents are executing the power of 175
attorney. The notice must be sent by certified mail not later 176
than five days after the power of attorney is created and must 177
state the name and address of the person designated as the 178
attorney in fact. 179

4. A parent, guardian, or custodian who creates a power of 180
attorney must file it with the juvenile court of the county in 181
which the attorney in fact resides, or any other court that has 182
jurisdiction over the child under a previously filed motion or 183
proceeding. The power of attorney must be filed not later than 184
five days after the date it is created and be accompanied by a 185
receipt showing that the notice of creation of the power of 186
attorney was sent to the parent who is not the residential 187
parent and legal custodian by certified mail. 188

5. This power of attorney does not affect the rights of the 189
child's parents, guardian, or custodian regarding any future 190
proceedings concerning the custody of the child or the 191

allocation of the parental rights and responsibilities for the 192
care of the child and does not give the attorney in fact legal 193
custody of the child. 194

6. A person or entity that relies on this power of attorney, in 195
good faith, has no obligation to make any further inquiry or 196
investigation. 197

7. This power of attorney terminates on the occurrence of 198
whichever of the following occurs first: (1) the power of 199
attorney is revoked in writing by the person who created it and 200
that person gives written notice of the revocation to the 201
~~grandparent caretaker~~ who is the attorney in fact and the 202
juvenile court with which the power of attorney was filed; (2) 203
the child ceases to live with the ~~grandparent caretaker~~ who is 204
the attorney in fact; (3) the power of attorney is terminated by 205
court order; (4) the death of the child who is the subject of 206
the power of attorney; or (5) the death of the ~~grandparent~~ 207
~~caretaker~~ designated as the attorney in fact. 208

If this power of attorney terminates other than by the 209
death of the attorney in fact, the ~~grandparent caretaker~~ who 210
served as the attorney in fact shall notify, in writing, all of 211
the following: 212

(a) Any schools, health care providers, or health 213
insurance coverage provider with which the child has been 214
involved through the ~~grandparent caretaker~~; 215

(b) Any other person or entity that has an ongoing 216
relationship with the child or ~~grandparent caretaker~~ such that 217
the other person or entity would reasonably rely on the power of 218
attorney unless notified of the termination; 219

(c) The court in which the power of attorney was filed 220

after its creation; 221

(d) The parent who is not the residential parent and legal 222
custodian of the child who is required to be given notice of its 223
creation. The ~~grandparent caretaker~~ shall make the notifications 224
not later than one week after the date the power of attorney 225
terminates. 226

8. If this power of attorney is terminated by written 227
revocation of the person who created it, or the revocation is 228
regarding a second or subsequent power of attorney, a copy of 229
the revocation must be filed with the court with which that 230
power of attorney was filed. 231

Additional information: 232

To the ~~grandparent caretaker~~ designated as attorney in fact: 233

1. If the child stops living with you, you are required to 234
notify, in writing, any school, health care provider, or health 235
care insurance provider to which you have given this power of 236
attorney. You are also required to notify, in writing, any other 237
person or entity that has an ongoing relationship with you or 238
the child such that the person or entity would reasonably rely 239
on the power of attorney unless notified. The notification must 240
be made not later than one week after the child stops living 241
with you. 242

2. You must include with the power of attorney the following 243
information: 244

(a) The child's present address, the addresses of the 245
places where the child has lived within the last five years, and 246
the name and present address of each person with whom the child 247
has lived during that period; 248

(b) Whether you have participated as a party, a witness, 249
or in any other capacity in any other litigation, in this state 250
or any other state, that concerned the allocation, between the 251
parents of the same child, of parental rights and 252
responsibilities for the care of the child and the designation 253
of the residential parent and legal custodian of the child or 254
that otherwise concerned the custody of the same child; 255

(c) Whether you have information of any parenting 256
proceeding concerning the child pending in a court of this or 257
any other state; 258

(d) Whether you know of any person who has physical 259
custody of the child or claims to be a parent of the child who 260
is designated the residential parent and legal custodian of the 261
child or to have parenting time rights with respect to the child 262
or to be a person other than a parent of the child who has 263
custody or visitation rights with respect to the child; 264

(e) Whether you previously have been convicted of or 265
pleaded guilty to any criminal offense involving any act that 266
resulted in a child's being an abused child or a neglected child 267
or previously have been determined, in a case in which a child 268
has been adjudicated an abused child or a neglected child, to be 269
the perpetrator of the abusive or neglectful act that was the 270
basis of the adjudication. 271

3. If you receive written notice of revocation of the power of 272
attorney or the parent, custodian, or guardian removes the child 273
from your home and if you believe that the revocation or removal 274
is not in the best interest of the child, you may, within 275
fourteen days, file a complaint in the juvenile court to seek 276
custody. You may retain physical custody of the child until the 277
fourteen-day period elapses or, if you file a complaint, until 278

the court orders otherwise. 279

To school officials: 280

1. Except as provided in section 3313.649 of the Revised Code, 281
this power of attorney, properly completed and notarized, 282
authorizes the child in question to attend school in the 283
district in which the ~~grandparent~~-caretaker designated as 284
attorney in fact resides and that ~~grandparent~~-caretaker is 285
authorized to provide consent in all school-related matters and 286
to obtain from the school district educational and behavioral 287
information about the child. This power of attorney does not 288
preclude the parent, guardian, or custodian of the child from 289
having access to all school records pertinent to the child. 290

2. The school district may require additional reasonable 291
evidence that the ~~grandparent~~-caretaker lives in the school 292
district. 293

3. A school district or school official that reasonably and in 294
good faith relies on this power of attorney has no obligation to 295
make any further inquiry or investigation. 296

To health care providers: 297

1. A person or entity that acts in good faith reliance on a 298
power of attorney to provide medical, psychological, or dental 299
treatment, without actual knowledge of facts contrary to those 300
stated in the power of attorney, is not subject to criminal 301
liability or to civil liability to any person or entity, and is 302
not subject to professional disciplinary action, solely for such 303
reliance if the power of attorney is completed and the 304
signatures of the parent, guardian, or custodian of the child 305
and the ~~grandparent~~-caretaker designated as attorney in fact are 306
notarized. 307

2. The decision of a ~~grandparent caretaker~~ designated as 308
attorney in fact, based on a power of attorney, shall be honored 309
by a health care facility or practitioner, school district, or 310
school official. 311

Sec. 3109.54. A power of attorney created pursuant to 312
section 3109.52 of the Revised Code must be signed by the 313
parent, guardian, or custodian granting it and by the 314
~~grandparent caretaker~~ designated as the attorney in fact. For 315
the power of attorney to be effective, the signatures must be 316
notarized. The child's social security number need not appear on 317
the power of attorney for the power of attorney to be effective. 318

Sec. 3109.59. (A) A power of attorney created under 319
section 3109.52 of the Revised Code terminates on the occurrence 320
of whichever of the following events occurs first: 321

(1) The power of attorney is revoked in writing by the 322
person who created it, and that person gives written notice of 323
the revocation to the ~~grandparent caretaker~~ designated as the 324
attorney in fact and to the juvenile court with which the power 325
of attorney was filed. 326

(2) The child ceases to reside with the ~~grandparent~~ 327
~~caretaker~~ designated as the attorney in fact. 328

(3) The power of attorney is terminated by court order. 329

(4) The death of the child who is the subject of the power 330
of attorney. 331

(5) The death of the ~~grandparent caretaker~~ designated as 332
the attorney in fact. 333

(B) Not later than five days after a power of attorney is 334
revoked, a copy of the revocation of the power of attorney must 335

be filed with the court with which the power of attorney is 336
filed pursuant to section 3109.74 of the Revised Code. 337

Sec. 3109.60. When a power of attorney created pursuant to 338
section 3109.52 of the Revised Code terminates pursuant to 339
division (A)(1), (2), (3), or (4) of section 3109.59 of the 340
Revised Code, the ~~grandparent~~-caretaker designated as the 341
attorney in fact shall notify, in writing, all of the following: 342

(A) The school district in which the child attends school; 343
(B) The child's health care providers; 344
(C) The child's health insurance coverage provider; 345
(D) The court in which the power of attorney was filed 346
under section 3109.74 of the Revised Code; 347

(E) The parent who is not the residential parent and legal 348
custodian and who is required to be given notice under section 349
3109.55 of the Revised Code; 350

(F) Any other person or entity that has an ongoing 351
relationship with the child or ~~grandparent~~-caretaker such that 352
the person or entity would reasonably rely on the power of 353
attorney unless notified of the termination. 354

The ~~grandparent~~-caretaker shall make the notifications not 355
later than one week after the date the power of attorney 356
terminates. 357

Sec. 3109.65. (A) Except as provided in division (B) of 358
this section, if a child is living with a ~~grandparent~~-caretaker 359
who has made reasonable attempts to locate and contact both of 360
the child's parents, or the child's guardian or custodian, but 361
has been unable to do so, the ~~grandparent~~-caretaker may obtain 362
authority to exercise care, physical custody, and control of the 363

child including authority to enroll the child in school, to 364
discuss with the school district the child's educational 365
progress, to consent to all school-related matters regarding the 366
child, and to consent to medical, psychological, or dental 367
treatment for the child by executing a caretaker authorization 368
affidavit in accordance with section 3109.67 of the Revised 369
Code. 370

(B) The ~~grandparent~~-caretaker may execute a caretaker 371
authorization affidavit without attempting to locate the 372
following parent: 373

(1) If paternity has not been established with regard to 374
the child, the child's father. 375

(2) If the child is the subject of a custody order, the 376
following parent: 377

(a) A parent who is prohibited from receiving a notice of 378
relocation in accordance with section 3109.051 of the Revised 379
Code; 380

(b) A parent whose parental rights have been terminated by 381
order of a juvenile court pursuant to Chapter 2151. of the 382
Revised Code. 383

Sec. 3109.66. The caretaker authorization affidavit that a 384
~~grandparent~~-caretaker described in section 3109.65 of the 385
Revised Code may execute shall be identical in form and content 386
to the following: 387

CARETAKER AUTHORIZATION AFFIDAVIT 388

Use of this affidavit is authorized by sections 3109.65 to 389
3109.73 of the Ohio Revised Code. 390

Completion of items 1-7 and the signing and notarization of this 391

affidavit is sufficient to authorize the ~~grandparent~~caretaker 392
signing to exercise care, physical custody, and control of the 393
child who is its subject, including authority to enroll the 394
child in school, to discuss with the school district the child's 395
educational progress, to consent to all school-related matters 396
regarding the child, and to consent to medical, psychological, 397
or dental treatment for the child. 398

The child named below lives in my home, I am 18 years of age or 399
older, and I am the child's ~~grandparent~~caretaker. 400

1. Name of child: 401

2. Child's date and year of birth: 402

3. Child's social security number (optional): 403

4. My name: 404

5. My home address: 405

6. My date and year of birth: 406

7. My Ohio driver's license number or identification card 407
number: 408

8. Despite having made reasonable attempts, I am either: 409

 (a) Unable to locate or contact the child's parents, or 410
the child's guardian or custodian; or 411

 (b) I am unable to locate or contact one of the child's 412
parents and I am not required to contact the other parent 413
because paternity has not been established; or 414

 (c) I am unable to locate or contact one of the child's 415
parents and I am not required to contact the other parent 416
because there is a custody order regarding the child and one of 417
the following is the case: 418

(i) The parent has been prohibited from receiving notice 419
of a relocation; or 420

(ii) The parental rights of the parent have been 421
terminated. 422

9. I hereby certify that this affidavit is not being executed 423
for the purpose of enrolling the child in a school or school 424
district so that the child may participate in the academic or 425
interscholastic athletic programs provided by that school or 426
district. 427

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS 428
ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF 429
THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 430
2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF 431
UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 432

I declare that the foregoing is true and correct: 433

Signed: _____ Date: _____ 434

~~Grandparent~~Caretaker 435

State of Ohio) 436

) ss: 437

County of _____) 438

Subscribed, sworn to, and acknowledged before me this _____ day 439
of _____, _____ 440

_____ 441

Notary Public 442

Notices: 443

1. The ~~grandparent's~~caretaker's signature must be notarized by 444

an Ohio notary public. 445

2. The ~~grandparent-caretaker~~ who executed this affidavit must 446
file it with the juvenile court of the county in which the 447
~~grandparent-caretaker~~ resides or any other court that has 448
jurisdiction over the child under a previously filed motion or 449
proceeding not later than five days after the date it is 450
executed. 451

3. This affidavit does not affect the rights of the child's 452
parents, guardian, or custodian regarding the care, physical 453
custody, and control of the child, and does not give the 454
~~grandparent-caretaker~~ legal custody of the child. 455

4. A person or entity that relies on this affidavit, in good 456
faith, has no obligation to make any further inquiry or 457
investigation. 458

5. This affidavit terminates on the occurrence of whichever of 459
the following occurs first: (1) the child ceases to live with 460
the ~~grandparent-caretaker~~ who signs this form; (2) the parent, 461
guardian, or custodian of the child acts to negate, reverse, or 462
otherwise disapprove an action or decision of the ~~grandparent-~~ 463
~~caretaker~~ who signed this affidavit, and the ~~grandparent-~~ 464
~~caretaker~~ either voluntarily returns the child to the physical 465
custody of the parent, guardian, or custodian or fails to file a 466
complaint to seek custody within fourteen days; (3) the 467
affidavit is terminated by court order; (4) the death of the 468
child who is the subject of the affidavit; or (5) the death of 469
the ~~grandparent-caretaker~~ who executed the affidavit. 470

A parent, guardian, or custodian may negate, reverse, or 471
disapprove a ~~grandparent's-caretaker's~~ action or decision only 472
by delivering written notice of negation, reversal, or 473

disapproval to the ~~grandparent caretaker~~ and the person acting 474
on the ~~grandparent's caretaker's~~ action or decision in reliance 475
on this affidavit. 476

If this affidavit terminates other than by the death of the 477
~~grandparent caretaker~~, the ~~grandparent caretaker~~ who signed this 478
affidavit shall notify, in writing, all of the following: 479

(a) Any schools, health care providers, or health 480
insurance coverage provider with which the child has been 481
involved through the ~~grandparent caretaker~~; 482

(b) Any other person or entity that has an ongoing 483
relationship with the child or ~~grandparent caretaker~~ such that 484
the person or entity would reasonably rely on the affidavit 485
unless notified of the termination; 486

(c) The court in which the affidavit was filed after its 487
creation. 488

The ~~grandparent caretaker~~ shall make the notifications not 489
later than one week after the date the affidavit terminates. 490

6. The decision of a ~~grandparent caretaker~~ to consent to or to 491
refuse medical treatment or school enrollment for a child is 492
superseded by a contrary decision of a parent, custodian, or 493
guardian of the child, unless the decision of the parent, 494
guardian, or custodian would jeopardize the life, health, or 495
safety of the child. 496

Additional information: 497

To caretakers: 498

1. If the child stops living with you, you are required to 499
notify, in writing, any school, health care provider, or health 500
care insurance provider to which you have given this affidavit. 501

You are also required to notify, in writing, any other person or
entity that has an ongoing relationship with you or the child
such that the person or entity would reasonably rely on the
affidavit unless notified. The notifications must be made not
later than one week after the child stops living with you.

2. If you do not have the information requested in item 7 (Ohio
driver's license or identification card), provide another form
of identification such as your social security number or
medicaid number.

3. You must include with the caretaker authorization affidavit
the following information:

(a) The child's present address, the addresses of the
places where the child has lived within the last five years, and
the name and present address of each person with whom the child
has lived during that period;

(b) Whether you have participated as a party, a witness,
or in any other capacity in any other litigation, in this state
or any other state, that concerned the allocation, between the
parents of the same child, of parental rights and
responsibilities for the care of the child and the designation
of the residential parent and legal custodian of the child or
that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting
proceeding concerning the child pending in a court of this or
any other state;

(d) Whether you know of any person who has physical
custody of the child or claims to be a parent of the child who
is designated the residential parent and legal custodian of the
child or to have parenting time rights with respect to the child

or to be a person other than a parent of the child who has 531
custody or visitation rights with respect to the child; 532

(e) Whether you previously have been convicted of or 533
pleaded guilty to any criminal offense involving any act that 534
resulted in a child's being an abused child or a neglected child 535
or previously have been determined, in a case in which a child 536
has been adjudicated an abused child or a neglected child, to be 537
the perpetrator of the abusive or neglectful act that was the 538
basis of the adjudication. 539

4. If the child's parent, guardian, or custodian acts to 540
terminate the caretaker authorization affidavit by delivering a 541
written notice of negation, reversal, or disapproval of an 542
action or decision of yours or removes the child from your home 543
and if you believe that the termination or removal is not in the 544
best interest of the child, you may, within fourteen days, file 545
a complaint in the juvenile court to seek custody. You may 546
retain physical custody of the child until the fourteen-day 547
period elapses or, if you file a complaint, until the court 548
orders otherwise. 549

To school officials: 550

1. This affidavit, properly completed and notarized, authorizes 551
the child in question to attend school in the district in which 552
the ~~grandparent~~-caretaker who signed this affidavit resides and 553
the ~~grandparent~~-caretaker is authorized to provide consent in 554
all school-related matters and to discuss with the school 555
district the child's educational progress. This affidavit does 556
not preclude the parent, guardian, or custodian of the child 557
from having access to all school records pertinent to the child. 558

2. The school district may require additional reasonable 559

evidence that the ~~grandparent caretaker~~ lives at the address 560
provided in item 5 of the affidavit. 561

3. A school district or school official that reasonably and in 562
good faith relies on this affidavit has no obligation to make 563
any further inquiry or investigation. 564

4. The act of a parent, guardian, or custodian of the child to 565
negate, reverse, or otherwise disapprove an action or decision 566
of the ~~grandparent caretaker~~ who signed this affidavit 567
constitutes termination of this affidavit. A parent, guardian, 568
or custodian may negate, reverse, or disapprove a ~~grandparent's-~~ 569
~~caretaker's~~ action or decision only by delivering written notice 570
of negation, reversal, or disapproval to the ~~grandparent-~~ 571
~~caretaker~~ and the person acting on the ~~grandparent's caretaker's~~ 572
action or decision in reliance on this affidavit. 573

To health care providers: 574

1. A person or entity that acts in good faith reliance on a 575
CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, 576
psychological, or dental treatment, without actual knowledge of 577
facts contrary to those stated in the affidavit, is not subject 578
to criminal liability or to civil liability to any person or 579
entity, and is not subject to professional disciplinary action, 580
solely for such reliance if the applicable portions of the form 581
are completed and the ~~grandparent's caretaker's~~ signature is 582
notarized. 583

2. The decision of a ~~grandparent caretaker~~, based on a CARETAKER 584
AUTHORIZATION AFFIDAVIT, shall be honored by a health care 585
facility or practitioner, school district, or school official 586
unless the health care facility or practitioner or educational 587
facility or official has actual knowledge that a parent, 588

guardian, or custodian of a child has made a contravening 589
decision to consent to or to refuse medical treatment for the 590
child. 591

3. The act of a parent, guardian, or custodian of the child to 592
negate, reverse, or otherwise disapprove an action or decision 593
of the ~~grandparent-caretaker~~ who signed this affidavit 594
constitutes termination of this affidavit. A parent, guardian, 595
or custodian may negate, reverse, or disapprove a ~~grandparent's-~~ 596
~~caretaker's~~ action or decision only by delivering written notice 597
of negation, reversal, or disapproval to the ~~grandparent-~~ 598
~~caretaker~~ and the person acting on the ~~grandparent's-caretaker's~~ 599
action or decision in reliance on this affidavit. 600

Sec. 3109.67. A caretaker authorization affidavit 601
described in section 3109.66 of the Revised Code is executed 602
when the affidavit is completed, signed by a ~~grandparent-~~ 603
~~caretaker~~ described in section 3109.65 of the Revised Code, and 604
notarized. 605

Sec. 3109.69. Once a caretaker authorization affidavit has 606
been executed under section 3109.67 of the Revised Code, the 607
~~grandparent-caretaker~~ may exercise care, physical custody, and 608
control of the child, including enrolling the child in school, 609
discussing with the school district the child's educational 610
progress, consenting to all school-related matters regarding the 611
child, and consenting to medical, psychological, or dental 612
treatment for the child. The affidavit does not affect the 613
rights and responsibilities of the parent, guardian, or 614
custodian regarding the child, does not grant legal custody to 615
the ~~grandparent-caretaker~~, and does not grant authority to the 616
~~grandparent-caretaker~~ to consent to the marriage or adoption of 617
the child. 618

Sec. 3109.70. An executed caretaker authorization 619
affidavit shall terminate on the occurrence of whichever of the 620
following comes first: 621

(A) The child ceases to reside with the 622
~~grandparent~~caretaker. 623

(B) The parent, guardian, or custodian of the child who is 624
the subject of the affidavit acts, in accordance with section 625
3109.72 of the Revised Code, to negate, reverse, or otherwise 626
disapprove an action or decision of the ~~grandparent~~caretaker 627
who signed the affidavit with respect to the child, and the 628
~~grandparent~~caretaker either voluntarily returns the child to 629
the physical custody of the parent, guardian, or custodian or 630
fails to file a complaint to seek custody within fourteen days 631
after the delivery of written notice of negation, reversal, or 632
other disapproval. 633

(C) The affidavit is terminated by court order. 634

(D) The death of the child who is the subject of the 635
affidavit. 636

(E) The death of the ~~grandparent~~caretaker who executed 637
the affidavit. 638

Sec. 3109.71. When a caretaker authorization affidavit 639
terminates pursuant to division (A), (B), (C), or (D) of section 640
3109.70 of the Revised Code, the ~~grandparent~~caretaker shall 641
notify, in writing, the school district in which the child 642
attends school, the child's health care providers, the child's 643
health insurance coverage provider, the court in which the 644
affidavit was filed under section 3109.74 of the Revised Code, 645
and any other person or entity that has an ongoing relationship 646
with the child or ~~grandparent~~caretaker such that the person or 647

entity would reasonably rely on the affidavit unless notified of 648
the termination. The ~~grandparent-caretaker~~ shall make the 649
notifications not later than one week after the date the 650
affidavit terminates. 651

Sec. 3109.74. (A) A person who creates a power of attorney 652
under section 3109.52 of the Revised Code or executes a 653
caretaker authorization affidavit under section 3109.67 of the 654
Revised Code shall file the power of attorney or affidavit with 655
the juvenile court of the county in which the ~~grandparent-~~ 656
~~caretaker~~ designated as attorney in fact or ~~grandparent-~~who 657
executed the affidavit resides or any other court that has 658
jurisdiction over the child under a previously filed motion or 659
proceeding. The power of attorney or affidavit shall be filed 660
not later than five days after the date it is created or 661
executed and may be sent to the court by certified mail. 662

(B) A power of attorney filed under this section shall be 663
accompanied by a receipt showing that the notice of creation of 664
the power of attorney was sent to the parent who is not the 665
residential parent and legal custodian by certified mail under 666
section 3109.55 of the Revised Code. 667

(C) (1) The ~~grandparent-caretaker~~ designated as attorney in 668
fact or ~~the grandparent-~~who executed the caretaker authorization 669
affidavit shall include with the power of attorney or ~~the-~~ 670
~~caretaker authorization~~ affidavit the information described in 671
section 3109.27 of the Revised Code. 672

(2) If the ~~grandparent-~~caretaker provides information that 673
the ~~grandparent-caretaker~~ previously has been convicted of or 674
pleaded guilty to any criminal offense involving any act that 675
resulted in a child being an abused child or a neglected child 676
or previously has been determined, in a case in which a child 677

has been adjudicated an abused child or a neglected child, to be 678
the perpetrator of the abusive or neglectful act that was the 679
basis of the adjudication, the court may report that information 680
to the public children services agency pursuant to section 681
2151.421 of the Revised Code. Upon the receipt of that 682
information, the public children services agency shall initiate 683
an investigation pursuant to section 2151.421 of the Revised 684
Code. 685

(3) If the court has reason to believe that a power of 686
attorney or caretaker authorization affidavit is not in the best 687
interest of the child, the court may report that information to 688
the public children services agency pursuant to section 2151.421 689
of the Revised Code. Upon receipt of that information, the 690
public children services agency shall initiate an investigation 691
pursuant to section 2151.421 of the Revised Code. The public 692
children services agency shall submit a report of its 693
investigation to the court not later than thirty days after the 694
court reports the information to the public children services 695
agency or not later than forty-five days after the court reports 696
the information to the public children services agency when 697
information that is needed to determine the case disposition 698
cannot be compiled within thirty days and the reasons are 699
documented in the case record. 700

(D) The court shall waive any filing fee imposed for the 701
filing of the power of attorney or caretaker authorization 702
affidavit. 703

Sec. 3109.76. (A) A ~~grandparent~~ caretaker who has physical 704
custody of a child under a power of attorney, within fourteen 705
days after the child's parent, guardian, or custodian gives 706
written notice of revocation of the power of attorney to the 707

~~grandparent caretaker~~ and files a written notice of revocation 708
of the power of attorney with the juvenile court or within 709
fourteen days after removal of the child from the ~~grandparent's-~~ 710
~~caretaker's~~ home, may file a complaint under division (A) (2) of 711
section 2151.23 or division (D) of section 2151.27 of the 712
Revised Code seeking a determination of custody if the 713
~~grandparent caretaker~~ believes that the revocation or removal is 714
not in the best interest of the child. 715

(B) A ~~grandparent caretaker~~ who has physical custody of a 716
child under a caretaker authorization affidavit, within fourteen 717
days after a parent, guardian, or custodian terminates the 718
affidavit by delivering a written notice of negation, reversal, 719
or disapproval of an action or decision of the ~~grandparent-~~ 720
~~caretaker~~ or within fourteen days after removal of the child 721
from the ~~grandparent's caretaker's~~ home, may file a complaint 722
under division (A) (2) of section 2151.23 or division (D) of 723
section 2151.27 of the Revised Code seeking a determination of 724
custody if the ~~grandparent caretaker~~ believes that the 725
termination or removal is not in the best interest of the child. 726

(C) Pending a hearing and decision on a complaint filed 727
under division (A) or (B) of this section, the juvenile court, 728
in accordance with section 2151.33 of the Revised Code, may make 729
any temporary disposition of any child that it considers 730
necessary to protect the best interest of the child. 731

(D) If a parent, guardian, or custodian revokes a power of 732
attorney or terminates a caretaker authorization affidavit, the 733
~~grandparent caretaker~~ may retain custody of the child until the 734
fourteen-day period for filing a complaint under division (A) or 735
(B) of this section has expired or, if the ~~grandparent caretaker~~ 736
files a complaint, until the court orders otherwise. 737

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 738
the Revised Code: 739

(A) "Alternative public provider" means either of the 740
following providers that agrees to enroll a child in the 741
provider's special education program to implement the child's 742
individualized education program and to which the eligible 743
applicant owes fees for the services provided to the child: 744

(1) A school district that is not the school district in 745
which the child is entitled to attend school or the child's 746
school district of residence, if different; 747

(2) A public entity other than a school district. 748

(B) "Child with a disability" and "individualized 749
education program" have the same meanings as in section 3323.01 750
of the Revised Code. 751

(C) "Eligible applicant" means any of the following: 752

(1) Either of the natural or adoptive parents of a 753
qualified special education child, except as otherwise specified 754
in this division. When the marriage of the natural or adoptive 755
parents of the student has been terminated by a divorce, 756
dissolution of marriage, or annulment, or when the natural or 757
adoptive parents of the student are living separate and apart 758
under a legal separation decree, and a court has issued an order 759
allocating the parental rights and responsibilities with respect 760
to the child, "eligible applicant" means the residential parent 761
as designated by the court. If the court issues a shared 762
parenting decree, "eligible applicant" means either parent. 763
"Eligible applicant" does not mean a parent whose custodial 764
rights have been terminated. 765

(2) The custodian of a qualified special education child, 766

when a court has granted temporary, legal, or permanent custody 767
of the child to an individual other than either of the natural 768
or adoptive parents of the child or to a government agency; 769

(3) The guardian of a qualified special education child, 770
when a court has appointed a guardian for the child; 771

(4) The ~~grandparent-caretaker~~ of a qualified special 772
education child, when the ~~grandparent-caretaker~~ is the child's 773
attorney in fact under a power of attorney executed under 774
sections 3109.51 to 3109.62 of the Revised Code or ~~when the~~ 775
~~grandparent~~ has executed a caretaker authorization affidavit 776
under sections 3109.65 to 3109.73 of the Revised Code; 777

(5) The surrogate parent appointed for a qualified special 778
education child pursuant to division (B) of section 3323.05 and 779
section 3323.051 of the Revised Code; 780

(6) A qualified special education child, if the child does 781
not have a custodian or guardian and the child is at least 782
eighteen years of age. 783

(D) "Entitled to attend school" means entitled to attend 784
school in a school district under sections 3313.64 and 3313.65 785
of the Revised Code. 786

(E) "Formula ADM" has the same meaning as in section 787
3317.02 of the Revised Code. 788

(F) "Qualified special education child" is a child for 789
whom all of the following conditions apply: 790

(1) The child is at least five years of age and less than 791
twenty-two years of age. 792

(2) The school district in which the child is entitled to 793
attend school, or the child's school district of residence if 794

different, has identified the child as a child with a 795
disability. 796

(3) The school district in which the child is entitled to 797
attend school, or the child's school district of residence if 798
different, has developed an individualized education program 799
under Chapter 3323. of the Revised Code for the child. 800

(4) The child either: 801

(a) Was enrolled in the schools of the school district in 802
which the child is entitled to attend school in any grade from 803
kindergarten through twelve in the school year prior to the 804
school year in which a scholarship is first sought for the 805
child; 806

(b) Is eligible to enter school in any grade kindergarten 807
through twelve in the school district in which the child is 808
entitled to attend school in the school year in which a 809
scholarship is first sought for the child. 810

(5) The department of education and workforce has not 811
approved a scholarship for the child under the educational 812
choice scholarship pilot program, under sections 3310.01 to 813
3310.17 of the Revised Code, the autism scholarship program, 814
under section 3310.41 of the Revised Code, or the pilot project 815
scholarship program, under sections 3313.974 to 3313.979 of the 816
Revised Code for the same school year in which a scholarship 817
under the Jon Peterson special needs scholarship program is 818
sought. 819

(6) The child and the child's parents are in compliance 820
with the state compulsory attendance law under Chapter 3321. of 821
the Revised Code. 822

(G) "Registered private provider" means a nonpublic school 823

or other nonpublic entity that has been registered by the 824
superintendent of public instruction under section 3310.58 of 825
the Revised Code prior to ~~the effective date of this amendment~~ 826
October 3, 2023, or the department of education and workforce on 827
or after that date. 828

(H) "Scholarship" means a scholarship awarded under the 829
Jon Peterson special needs scholarship program pursuant to 830
sections 3310.51 to 3310.64 of the Revised Code. 831

(I) "School district of residence" has the same meaning as 832
in section 3323.01 of the Revised Code. A community school 833
established under Chapter 3314. of the Revised Code is not a 834
"school district of residence" for purposes of sections 3310.51 835
to 3310.64 of the Revised Code. 836

(J) "School year" has the same meaning as in section 837
3313.62 of the Revised Code. 838

(K) "Special education program" means a school or facility 839
that provides special education and related services to children 840
with disabilities. 841

Sec. 3313.64. (A) As used in this section and in section 842
3313.65 of the Revised Code: 843

(1) (a) Except as provided in division (A) (1) (b) of this 844
section, "parent" means either parent, unless the parents are 845
separated or divorced or their marriage has been dissolved or 846
annulled, in which case "parent" means the parent who is the 847
residential parent and legal custodian of the child. When a 848
child is in the legal custody of a government agency or a person 849
other than the child's natural or adoptive parent, "parent" 850
means the parent with residual parental rights, privileges, and 851
responsibilities. When a child is in the permanent custody of a 852

government agency or a person other than the child's natural or 853
adoptive parent, "parent" means the parent who was divested of 854
parental rights and responsibilities for the care of the child 855
and the right to have the child live with the parent and be the 856
legal custodian of the child and all residual parental rights, 857
privileges, and responsibilities. 858

(b) ~~When a child is the subject of a power of attorney~~ 859
~~executed under sections 3109.51 to 3109.62 of the Revised Code,~~ 860
~~"parent"~~ "Parent" means ~~the grandparent designated as a child's~~ 861
~~caretaker when the caretaker is the attorney in fact under the a~~ 862
~~power of attorney. When a child is the subject of a~~ executed 863
under sections 3109.51 to 3109.62 of the Revised Code or has 864
executed a caretaker authorization affidavit executed under 865
sections 3109.64 3109.65 to 3109.73 of the Revised Code, 866
~~"parent"~~ means the grandparent that executed the affidavit. 867

(2) "Legal custody," "permanent custody," and "residual 868
parental rights, privileges, and responsibilities" have the same 869
meanings as in section 2151.011 of the Revised Code. 870

(3) "School district" or "district" means a city, local, 871
or exempted village school district and excludes any school 872
operated in an institution maintained by the department of youth 873
services. 874

(4) Except as used in division (C)(2) of this section, 875
"home" means a home, institution, foster home, group home, or 876
other residential facility in this state that receives and cares 877
for children, to which any of the following applies: 878

(a) The home is licensed, certified, or approved for such 879
purpose by the state or is maintained by the department of youth 880
services. 881

(b) The home is operated by a person who is licensed, 882
certified, or approved by the state to operate the home for such 883
purpose. 884

(c) The home accepted the child through a placement by a 885
person licensed, certified, or approved to place a child in such 886
a home by the state. 887

(d) The home is a children's home created under section 888
5153.21 or 5153.36 of the Revised Code. 889

(5) "Agency" means all of the following: 890

(a) A public children services agency; 891

(b) An organization that holds a certificate issued by the 892
department of children and youth in accordance with the 893
requirements of section 5103.03 of the Revised Code and assumes 894
temporary or permanent custody of children through commitment, 895
agreement, or surrender, and places children in family homes for 896
the purpose of adoption; 897

(c) Comparable agencies of other states or countries that 898
have complied with applicable requirements of section 2151.39 of 899
the Revised Code or as applicable, sections 5103.20 to 5103.22 900
or 5103.23 to 5103.237 of the Revised Code. 901

(6) A child is placed for adoption if either of the 902
following occurs: 903

(a) An agency to which the child has been permanently 904
committed or surrendered enters into an agreement with a person 905
pursuant to section 5103.16 of the Revised Code for the care and 906
adoption of the child. 907

(b) The child's natural parent places the child pursuant 908
to section 5103.16 of the Revised Code with a person who will 909

care for and adopt the child. 910

(7) "Preschool child with a disability" has the same 911
meaning as in section 3323.01 of the Revised Code. 912

(8) "Child," unless otherwise indicated, includes 913
preschool children with disabilities. 914

(9) "Active duty" means active duty pursuant to an 915
executive order of the president of the United States, an act of 916
the congress of the United States, or section 5919.29 or 5923.21 917
of the Revised Code. 918

(B) Except as otherwise provided in section 3321.01 of the 919
Revised Code for admittance to kindergarten and first grade, a 920
child who is at least five but under twenty-two years of age and 921
any preschool child with a disability shall be admitted to 922
school as provided in this division. 923

(1) A child shall be admitted to the schools of the school 924
district in which the child's parent resides. 925

(2) Except as provided in division (B) of section 2151.362 926
and section 3317.30 of the Revised Code, a child who does not 927
reside in the district where the child's parent resides shall be 928
admitted to the schools of the district in which the child 929
resides if any of the following applies: 930

(a) The child is in the legal or permanent custody of a 931
government agency or a person other than the child's natural or 932
adoptive parent. 933

(b) The child resides in a home. 934

(c) The child requires special education. 935

(3) A child who is not entitled under division (B) (2) of 936

this section to be admitted to the schools of the district where 937
the child resides and who is residing with a resident of this 938
state with whom the child has been placed for adoption shall be 939
admitted to the schools of the district where the child resides 940
unless either of the following applies: 941

(a) The placement for adoption has been terminated. 942

(b) Another school district is required to admit the child 943
under division (B) (1) of this section. 944

Division (B) of this section does not prohibit the board 945
of education of a school district from placing a child with a 946
disability who resides in the district in a special education 947
program outside of the district or its schools in compliance 948
with Chapter 3323. of the Revised Code. 949

(C) A district shall not charge tuition for children 950
admitted under division (B) (1) or (3) of this section. If the 951
district admits a child under division (B) (2) of this section, 952
tuition shall be paid to the district that admits the child as 953
provided in divisions (C) (1) to (3) of this section, unless 954
division (C) (4) of this section applies to the child: 955

(1) If the child receives special education in accordance 956
with Chapter 3323. of the Revised Code, the school district of 957
residence, as defined in section 3323.01 of the Revised Code, 958
shall pay tuition for the child in accordance with section 959
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 960
regardless of who has custody of the child or whether the child 961
resides in a home. 962

(2) For a child that does not receive special education in 963
accordance with Chapter 3323. of the Revised Code, except as 964
otherwise provided in division (C) (2) (d) of this section, if the 965

child is in the permanent or legal custody of a government 966
agency or person other than the child's parent, tuition shall be 967
paid by: 968

(a) The district in which the child's parent resided at 969
the time the court removed the child from home or at the time 970
the court vested legal or permanent custody of the child in the 971
person or government agency, whichever occurred first; 972

(b) If the parent's residence at the time the court 973
removed the child from home or placed the child in the legal or 974
permanent custody of the person or government agency is unknown, 975
tuition shall be paid by the district in which the child resided 976
at the time the child was removed from home or placed in legal 977
or permanent custody, whichever occurred first; 978

(c) If a school district cannot be established under 979
division (C) (2) (a) or (b) of this section, tuition shall be paid 980
by the district determined as required by section 2151.362 of 981
the Revised Code by the court at the time it vests custody of 982
the child in the person or government agency; 983

(d) If at the time the court removed the child from home 984
or vested legal or permanent custody of the child in the person 985
or government agency, whichever occurred first, one parent was 986
in a residential or correctional facility or a juvenile 987
residential placement and the other parent, if living and not in 988
such a facility or placement, was not known to reside in this 989
state, tuition shall be paid by the district determined under 990
division (D) of section 3313.65 of the Revised Code as the 991
district required to pay any tuition while the parent was in 992
such facility or placement; 993

(e) If the department of education and workforce has 994

determined, pursuant to division (A)(2) of section 2151.362 of 995
the Revised Code, that a school district other than the one 996
named in the court's initial order, or in a prior determination 997
of the department, is responsible to bear the cost of educating 998
the child, the district so determined shall be responsible for 999
that cost. 1000

(3) If the child is not in the permanent or legal custody 1001
of a government agency or person other than the child's parent 1002
and the child resides in a home, tuition shall be paid by one of 1003
the following: 1004

(a) The school district in which the child's parent 1005
resides; 1006

(b) If the child's parent is not a resident of this state, 1007
the home in which the child resides. 1008

(4) Division (C)(4) of this section applies to any child 1009
who is admitted to a school district under division (B)(2) of 1010
this section, resides in a home that is not a foster home, a 1011
home maintained by the department of youth services, a detention 1012
facility established under section 2152.41 of the Revised Code, 1013
or a juvenile facility established under section 2151.65 of the 1014
Revised Code, and receives educational services at the home or 1015
facility in which the child resides pursuant to a contract 1016
between the home or facility and the school district providing 1017
those services. 1018

If a child to whom division (C)(4) of this section applies 1019
is a special education student, a district may choose whether to 1020
receive a tuition payment for that child under division (C)(4) 1021
of this section or to receive a payment for that child under 1022
section 3323.14 of the Revised Code. If a district chooses to 1023

receive a payment for that child under section 3323.14 of the 1024
Revised Code, it shall not receive a tuition payment for that 1025
child under division (C) (4) of this section. 1026

If a child to whom division (C) (4) of this section applies 1027
is not a special education student, a district shall receive a 1028
tuition payment for that child under division (C) (4) of this 1029
section. 1030

In the case of a child to which division (C) (4) of this 1031
section applies, the total educational cost to be paid for the 1032
child shall be determined by a formula approved by the 1033
department of education and workforce, which formula shall be 1034
designed to calculate a per diem cost for the educational 1035
services provided to the child for each day the child is served 1036
and shall reflect the total actual cost incurred in providing 1037
those services. The department shall certify the total 1038
educational cost to be paid for the child to both the school 1039
district providing the educational services and, if different, 1040
the school district that is responsible to pay tuition for the 1041
child. The department shall deduct the certified amount from the 1042
state basic aid funds payable under Chapter 3317. of the Revised 1043
Code to the district responsible to pay tuition and shall pay 1044
that amount to the district providing the educational services 1045
to the child. 1046

(D) Tuition required to be paid under divisions (C) (2) and 1047
(3) (a) of this section shall be computed in accordance with 1048
section 3317.08 of the Revised Code. Tuition required to be paid 1049
under division (C) (3) (b) of this section shall be computed in 1050
accordance with section 3317.081 of the Revised Code. If a home 1051
fails to pay the tuition required by division (C) (3) (b) of this 1052
section, the board of education providing the education may 1053

recover in a civil action the tuition and the expenses incurred 1054
in prosecuting the action, including court costs and reasonable 1055
attorney's fees. If the prosecuting attorney or city director of 1056
law represents the board in such action, costs and reasonable 1057
attorney's fees awarded by the court, based upon the prosecuting 1058
attorney's, director's, or one of their designee's time spent 1059
preparing and presenting the case, shall be deposited in the 1060
county or city general fund. 1061

(E) A board of education may enroll a child free of any 1062
tuition obligation for a period not to exceed sixty days, on the 1063
sworn statement of an adult resident of the district that the 1064
resident has initiated legal proceedings for custody of the 1065
child. 1066

(F) In the case of any individual entitled to attend 1067
school under this division, no tuition shall be charged by the 1068
school district of attendance and no other school district shall 1069
be required to pay tuition for the individual's attendance. 1070
Notwithstanding division (B), (C), or (E) of this section: 1071

(1) All persons at least eighteen but under twenty-two 1072
years of age who live apart from their parents, support 1073
themselves by their own labor, and have not successfully 1074
completed the high school curriculum or the individualized 1075
education program developed for the person by the high school 1076
pursuant to section 3323.08 of the Revised Code, are entitled to 1077
attend school in the district in which they reside. 1078

(2) Any child under eighteen years of age who is married 1079
is entitled to attend school in the child's district of 1080
residence. 1081

(3) A child is entitled to attend school in the district 1082

in which either of the child's parents is employed if the child 1083
has a medical condition that may require emergency medical 1084
attention. The parent of a child entitled to attend school under 1085
division (F) (3) of this section shall submit to the board of 1086
education of the district in which the parent is employed a 1087
statement from the child's physician certifying that the child's 1088
medical condition may require emergency medical attention. The 1089
statement shall be supported by such other evidence as the board 1090
may require. 1091

(4) Any child residing with a person other than the 1092
child's parent is entitled, for a period not to exceed twelve 1093
months, to attend school in the district in which that person 1094
resides if the child's parent files an affidavit with the 1095
superintendent of the district in which the person with whom the 1096
child is living resides stating all of the following: 1097

(a) That the parent is serving outside of the state in the 1098
armed services of the United States; 1099

(b) That the parent intends to reside in the district upon 1100
returning to this state; 1101

(c) The name and address of the person with whom the child 1102
is living while the parent is outside the state. 1103

(5) Any child under the age of twenty-two years who, after 1104
the death of a parent, resides in a school district other than 1105
the district in which the child attended school at the time of 1106
the parent's death is entitled to continue to attend school in 1107
the district in which the child attended school at the time of 1108
the parent's death for the remainder of the school year, subject 1109
to approval of that district board. 1110

(6) A child under the age of twenty-two years who resides 1111

with a parent who is having a new house built in a school 1112
district outside the district where the parent is residing is 1113
entitled to attend school for a period of time in the district 1114
where the new house is being built. In order to be entitled to 1115
such attendance, the parent shall provide the district 1116
superintendent with the following: 1117

(a) A sworn statement explaining the situation, revealing 1118
the location of the house being built, and stating the parent's 1119
intention to reside there upon its completion; 1120

(b) A statement from the builder confirming that a new 1121
house is being built for the parent and that the house is at the 1122
location indicated in the parent's statement. 1123

(7) A child under the age of twenty-two years residing 1124
with a parent who has a contract to purchase a house in a school 1125
district outside the district where the parent is residing and 1126
who is waiting upon the date of closing of the mortgage loan for 1127
the purchase of such house is entitled to attend school for a 1128
period of time in the district where the house is being 1129
purchased. In order to be entitled to such attendance, the 1130
parent shall provide the district superintendent with the 1131
following: 1132

(a) A sworn statement explaining the situation, revealing 1133
the location of the house being purchased, and stating the 1134
parent's intent to reside there; 1135

(b) A statement from a real estate broker or bank officer 1136
confirming that the parent has a contract to purchase the house, 1137
that the parent is waiting upon the date of closing of the 1138
mortgage loan, and that the house is at the location indicated 1139
in the parent's statement. 1140

The district superintendent shall establish a period of 1141
time not to exceed ninety days during which the child entitled 1142
to attend school under division (F) (6) or (7) of this section 1143
may attend without tuition obligation. A student attending a 1144
school under division (F) (6) or (7) of this section shall be 1145
eligible to participate in interscholastic athletics under the 1146
auspices of that school, provided the board of education of the 1147
school district where the student's parent resides, by a formal 1148
action, releases the student to participate in interscholastic 1149
athletics at the school where the student is attending, and 1150
provided the student receives any authorization required by a 1151
public agency or private organization of which the school 1152
district is a member exercising authority over interscholastic 1153
sports. 1154

(8) A child whose parent is a full-time employee of a 1155
city, local, or exempted village school district, or of an 1156
educational service center, may be admitted to the schools of 1157
the district where the child's parent is employed, or in the 1158
case of a child whose parent is employed by an educational 1159
service center, in the district that serves the location where 1160
the parent's job is primarily located, provided the district 1161
board of education establishes such an admission policy by 1162
resolution adopted by a majority of its members. Any such policy 1163
shall take effect on the first day of the school year and the 1164
effective date of any amendment or repeal may not be prior to 1165
the first day of the subsequent school year. The policy shall be 1166
uniformly applied to all such children and shall provide for the 1167
admission of any such child upon request of the parent. No child 1168
may be admitted under this policy after the first day of classes 1169
of any school year. 1170

(9) A child who is with the child's parent under the care 1171

of a shelter for victims of domestic violence, as defined in 1172
section 3113.33 of the Revised Code, is entitled to attend 1173
school free in the district in which the child is with the 1174
child's parent, and no other school district shall be required 1175
to pay tuition for the child's attendance in that school 1176
district. 1177

The enrollment of a child in a school district under this 1178
division shall not be denied due to a delay in the school 1179
district's receipt of any records required under section 1180
3313.672 of the Revised Code or any other records required for 1181
enrollment. Any days of attendance and any credits earned by a 1182
child while enrolled in a school district under this division 1183
shall be transferred to and accepted by any school district in 1184
which the child subsequently enrolls. The department of 1185
education and workforce shall adopt rules to ensure compliance 1186
with this division. 1187

(10) Any child under the age of twenty-two years whose 1188
parent has moved out of the school district after the 1189
commencement of classes in the child's senior year of high 1190
school is entitled, subject to the approval of that district 1191
board, to attend school in the district in which the child 1192
attended school at the time of the parental move for the 1193
remainder of the school year and for one additional semester or 1194
equivalent term. A district board may also adopt a policy 1195
specifying extenuating circumstances under which a student may 1196
continue to attend school under division (F)(10) of this section 1197
for an additional period of time in order to successfully 1198
complete the high school curriculum for the individualized 1199
education program developed for the student by the high school 1200
pursuant to section 3323.08 of the Revised Code. 1201

(11) As used in this division, "grandparent" means a
parent of a parent of a child. A child under the age of twenty-
two years who is in the custody of the child's parent, resides
with a grandparent, and does not require special education is
entitled to attend the schools of the district in which the
child's grandparent resides, provided that, prior to such
attendance in any school year, the board of education of the
school district in which the child's grandparent resides and the
board of education of the school district in which the child's
parent resides enter into a written agreement specifying that
good cause exists for such attendance, describing the nature of
this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of
education may request the grandparent of a child attending
school in the district in which the grandparent resides pursuant
to division (F)(11) of this section to complete any consent form
required by the district, including any authorization required
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the
Revised Code. Upon request, the grandparent shall complete any
consent form required by the district. A school district shall
not incur any liability solely because of its receipt of a
consent form from a grandparent in lieu of a parent.

Division (F)(11) of this section does not create, and
shall not be construed as creating, a new cause of action or
substantive legal right against a school district, a member of a
board of education, or an employee of a school district. This
section does not affect, and shall not be construed as
affecting, any immunities from defenses to tort liability
created or recognized by Chapter 2744. of the Revised Code for a
school district, member, or employee.

(12) A child under the age of twenty-two years is entitled 1232
to attend school in a school district other than the district in 1233
which the child is entitled to attend school under division (B), 1234
(C), or (E) of this section provided that, prior to such 1235
attendance in any school year, both of the following occur: 1236

(a) The superintendent of the district in which the child 1237
is entitled to attend school under division (B), (C), or (E) of 1238
this section contacts the superintendent of another district for 1239
purposes of this division; 1240

(b) The superintendents of both districts enter into a 1241
written agreement that consents to the attendance and specifies 1242
that the purpose of such attendance is to protect the student's 1243
physical or mental well-being or to deal with other extenuating 1244
circumstances deemed appropriate by the superintendents. 1245

While an agreement is in effect under this division for a 1246
student who is not receiving special education under Chapter 1247
3323. of the Revised Code and notwithstanding Chapter 3327. of 1248
the Revised Code, the board of education of neither school 1249
district involved in the agreement is required to provide 1250
transportation for the student to and from the school where the 1251
student attends. 1252

A student attending a school of a district pursuant to 1253
this division shall be allowed to participate in all student 1254
activities, including interscholastic athletics, at the school 1255
where the student is attending on the same basis as any student 1256
who has always attended the schools of that district while of 1257
compulsory school age. 1258

(13) All school districts shall comply with the "McKinney- 1259
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 1260

the education of homeless children. Each city, local, and 1261
exempted village school district shall comply with the 1262
requirements of that act governing the provision of a free, 1263
appropriate public education, including public preschool, to 1264
each homeless child. 1265

When a child loses permanent housing and becomes a 1266
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 1267
child who is such a homeless person changes temporary living 1268
arrangements, the child's parent or guardian shall have the 1269
option of enrolling the child in either of the following: 1270

(a) The child's school of origin, as defined in 42 1271
U.S.C.A. 11432(g) (3) (C); 1272

(b) The school that is operated by the school district in 1273
which the shelter where the child currently resides is located 1274
and that serves the geographic area in which the shelter is 1275
located. 1276

(14) A child under the age of twenty-two years who resides 1277
with a person other than the child's parent is entitled to 1278
attend school in the school district in which that person 1279
resides if both of the following apply: 1280

(a) That person has been appointed, through a military 1281
power of attorney executed under section 574(a) of the "National 1282
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 1283
(1993), 10 U.S.C. 1044b, or through a comparable document 1284
necessary to complete a family care plan, as the parent's agent 1285
for the care, custody, and control of the child while the parent 1286
is on active duty as a member of the national guard or a reserve 1287
unit of the armed forces of the United States or because the 1288
parent is a member of the armed forces of the United States and 1289

is on a duty assignment away from the parent's residence. 1290

(b) The military power of attorney or comparable document 1291
includes at least the authority to enroll the child in school. 1292

The entitlement to attend school in the district in which 1293
the parent's agent under the military power of attorney or 1294
comparable document resides applies until the end of the school 1295
year in which the military power of attorney or comparable 1296
document expires. 1297

(G) A board of education, after approving admission, may 1298
waive tuition for students who will temporarily reside in the 1299
district and who are either of the following: 1300

(1) Residents or domiciliaries of a foreign nation who 1301
request admission as foreign exchange students; 1302

(2) Residents or domiciliaries of the United States but 1303
not of Ohio who request admission as participants in an exchange 1304
program operated by a student exchange organization. 1305

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 1306
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 1307
attend school or participate in a special education program in a 1308
school district other than in the district where the child is 1309
entitled to attend school under division (B) of this section. 1310

(I) (1) Notwithstanding anything to the contrary in this 1311
section or section 3313.65 of the Revised Code, a child under 1312
twenty-two years of age may attend school in the school district 1313
in which the child, at the end of the first full week of October 1314
of the school year, was entitled to attend school as otherwise 1315
provided under this section or section 3313.65 of the Revised 1316
Code, if at that time the child was enrolled in the schools of 1317
the district but since that time the child or the child's parent 1318

has relocated to a new address located outside of that school 1319
district and within the same county as the child's or parent's 1320
address immediately prior to the relocation. The child may 1321
continue to attend school in the district, and at the school to 1322
which the child was assigned at the end of the first full week 1323
of October of the current school year, for the balance of the 1324
school year. Division (I)(1) of this section applies only if 1325
both of the following conditions are satisfied: 1326

(a) The board of education of the school district in which 1327
the child was entitled to attend school at the end of the first 1328
full week in October and of the district to which the child or 1329
child's parent has relocated each has adopted a policy to enroll 1330
children described in division (I)(1) of this section. 1331

(b) The child's parent provides written notification of 1332
the relocation outside of the school district to the 1333
superintendent of each of the two school districts. 1334

(2) At the beginning of the school year following the 1335
school year in which the child or the child's parent relocated 1336
outside of the school district as described in division (I)(1) 1337
of this section, the child is not entitled to attend school in 1338
the school district under that division. 1339

(3) Any person or entity owing tuition to the school 1340
district on behalf of the child at the end of the first full 1341
week in October, as provided in division (C) of this section, 1342
shall continue to owe such tuition to the district for the 1343
child's attendance under division (I)(1) of this section for the 1344
lesser of the balance of the school year or the balance of the 1345
time that the child attends school in the district under 1346
division (I)(1) of this section. 1347

(4) A pupil who may attend school in the district under 1348
division (I)(1) of this section shall be entitled to 1349
transportation services pursuant to an agreement between the 1350
district and the district in which the child or child's parent 1351
has relocated unless the districts have not entered into such 1352
agreement, in which case the child shall be entitled to 1353
transportation services in the same manner as a pupil attending 1354
school in the district under interdistrict open enrollment as 1355
described in division (E) of section 3313.981 of the Revised 1356
Code, regardless of whether the district has adopted an open 1357
enrollment policy as described in division (B)(1)(b) or (c) of 1358
section 3313.98 of the Revised Code. 1359

(J) This division does not apply to a child receiving 1360
special education. 1361

A school district required to pay tuition pursuant to 1362
division (C)(2) or (3) of this section or section 3313.65 of the 1363
Revised Code shall have an amount deducted under division (C) of 1364
section 3317.023 of the Revised Code equal to its own tuition 1365
rate for the same period of attendance. A school district 1366
entitled to receive tuition pursuant to division (C)(2) or (3) 1367
of this section or section 3313.65 of the Revised Code shall 1368
have an amount credited under division (C) of section 3317.023 1369
of the Revised Code equal to its own tuition rate for the same 1370
period of attendance. If the tuition rate credited to the 1371
district of attendance exceeds the rate deducted from the 1372
district required to pay tuition, the department of education 1373
and workforce shall pay the district of attendance the 1374
difference from amounts deducted from all districts' payments 1375
under division (C) of section 3317.023 of the Revised Code but 1376
not credited to other school districts under such division and 1377
from appropriations made for such purpose. The treasurer of each 1378

school district shall, by the fifteenth day of January and July, 1379
furnish the director of education and workforce a report of the 1380
names of each child who attended the district's schools under 1381
divisions (C) (2) and (3) of this section or section 3313.65 of 1382
the Revised Code during the preceding six calendar months, the 1383
duration of the attendance of those children, the school 1384
district responsible for tuition on behalf of the child, and any 1385
other information that the director requires. 1386

Upon receipt of the report the director, pursuant to 1387
division (C) of section 3317.023 of the Revised Code, shall 1388
deduct each district's tuition obligations under divisions (C) 1389
(2) and (3) of this section or section 3313.65 of the Revised 1390
Code and pay to the district of attendance that amount plus any 1391
amount required to be paid by the state. 1392

(K) In the event of a disagreement, the director of 1393
education and workforce shall determine the school district in 1394
which the parent resides. 1395

(L) Nothing in this section requires or authorizes, or 1396
shall be construed to require or authorize, the admission to a 1397
public school in this state of a pupil who has been permanently 1398
excluded from public school attendance by the director pursuant 1399
to sections 3301.121 and 3313.662 of the Revised Code. 1400

(M) In accordance with division (B) (1) of this section, a 1401
child whose parent is a member of the national guard or a 1402
reserve unit of the armed forces of the United States and is 1403
called to active duty, or a child whose parent is a member of 1404
the armed forces of the United States and is ordered to a 1405
temporary duty assignment outside of the district, may continue 1406
to attend school in the district in which the child's parent 1407
lived before being called to active duty or ordered to a 1408

temporary duty assignment outside of the district, as long as 1409
the child's parent continues to be a resident of that district, 1410
and regardless of where the child lives as a result of the 1411
parent's active duty status or temporary duty assignment. 1412
However, the district is not responsible for providing 1413
transportation for the child if the child lives outside of the 1414
district as a result of the parent's active duty status or 1415
temporary duty assignment. 1416

Sec. 3313.649. (A) As used in this section: 1417

(1) "Power of attorney" means a power of attorney created 1418
under section 3109.52 of the Revised Code. 1419

(2) "Caretaker authorization affidavit" means an affidavit 1420
executed under section 3109.67 of the Revised Code. 1421

(B) The ~~grandparent~~caretaker who is the attorney in fact 1422
under a power of attorney or ~~the grandparent that who~~ executed a 1423
caretaker authorization affidavit may enroll the child who is 1424
the subject of the power of attorney or affidavit in a school in 1425
the school district in which the ~~grandparent~~caretaker resides. 1426
Unless another reason exists under the Revised Code to exclude 1427
the child, the child may attend the schools of the school 1428
district in which the ~~grandparent~~caretaker resides. 1429

Sec. 3313.672. (A) (1) At the time of initial entry to a 1430
public or nonpublic school, a pupil shall present to the person 1431
in charge of admission any records given the pupil by the public 1432
or nonpublic elementary or secondary school the pupil most 1433
recently attended; a certified copy of an order or decree, or 1434
modification of such an order or decree allocating parental 1435
rights and responsibilities for the care of a child and 1436
designating a residential parent and legal custodian of the 1437

child, as provided in division (B) of this section, if that type 1438
of order or decree has been issued; a copy of a power of 1439
attorney or caretaker authorization affidavit, if either has 1440
been executed with respect to the child pursuant to sections 1441
3109.51 to 3109.80 of the Revised Code; and a certification of 1442
birth issued pursuant to Chapter 3705. of the Revised Code, a 1443
comparable certificate or certification issued pursuant to the 1444
statutes of another state, territory, possession, or nation, or 1445
a document in lieu of a certificate or certification as 1446
described in divisions (A)(1)(a) to (e) of this section. Any of 1447
the following shall be accepted in lieu of a certificate or 1448
certification of birth by the person in charge of admission: 1449

(a) A passport or attested transcript of a passport filed 1450
with a registrar of passports at a point of entry of the United 1451
States showing the date and place of birth of the child; 1452

(b) An attested transcript of the certificate of birth; 1453

(c) An attested transcript of the certificate of baptism 1454
or other religious record showing the date and place of birth of 1455
the child; 1456

(d) An attested transcript of a hospital record showing 1457
the date and place of birth of the child; 1458

(e) A birth affidavit. 1459

(2) If a pupil requesting admission to a school of the 1460
school district in which the pupil is entitled to attend school 1461
under section 3313.64 or 3313.65 of the Revised Code has been 1462
discharged or released from the custody of the department of 1463
youth services under section 5139.51 of the Revised Code just 1464
prior to requesting admission to the school, no school official 1465
shall admit that pupil until the records described in divisions 1466

(D) (4) (a) to (d) of section 2152.18 of the Revised Code have 1467
been received by the superintendent of the school district. 1468

(3) No public or nonpublic school official shall deny a 1469
protected child admission to the school solely because the child 1470
does not present a birth certificate described in division (A) 1471
(1) of this section, a comparable certificate or certification 1472
from another state, territory, possession, or nation, or another 1473
document specified in divisions (A) (1) (a) to (e) of this section 1474
upon registration for entry into the school. However, the 1475
protected child, or the parent, custodian, or guardian of that 1476
child, shall present a birth certificate or other document 1477
specified in divisions (A) (1) (a) to (e) of this section to the 1478
person in charge of admission of the school within ninety days 1479
after the child's initial entry into the school. 1480

(4) Except as otherwise provided in division (A) (2) or (3) 1481
of this section, within twenty-four hours of the entry into the 1482
school of a pupil described in division (A) (1) of this section, 1483
a school official shall request the pupil's official records 1484
from the public or nonpublic elementary or secondary school the 1485
pupil most recently attended. If the public or nonpublic school 1486
the pupil claims to have most recently attended indicates that 1487
it has no record of the pupil's attendance or the records are 1488
not received within fourteen days of the date of request, or if 1489
the pupil does not present a certification of birth described in 1490
division (A) (1) of this section, a comparable certificate or 1491
certification from another state, territory, possession, or 1492
nation, or another document specified in divisions (A) (1) (a) to 1493
(e) of this section, the principal or chief administrative 1494
officer of the school shall notify the law enforcement agency 1495
having jurisdiction in the area where the pupil resides of this 1496
fact and of the possibility that the pupil may be a missing 1497

child, as defined in section 2901.30 of the Revised Code. 1498

(B) (1) Whenever an order or decree allocating parental 1499
rights and responsibilities for the care of a child and 1500
designating a residential parent and legal custodian of the 1501
child, including a temporary order, is issued resulting from an 1502
action of divorce, alimony, annulment, or dissolution of 1503
marriage, and the order or decree pertains to a child who is a 1504
pupil in a public or nonpublic school, the residential parent of 1505
the child shall notify the school of those allocations and 1506
designations by providing the person in charge of admission at 1507
the pupil's school with a certified copy of the order or decree 1508
that made the allocation and designation. Whenever there is a 1509
modification of any order or decree allocating parental rights 1510
and responsibilities for the care of a child and designating a 1511
residential parent and legal custodian of the child that has 1512
been submitted to a school, the residential parent shall provide 1513
the person in charge of admission at the pupil's school with a 1514
certified copy of the order or decree that makes the 1515
modification. 1516

(2) Whenever a power of attorney is executed under 1517
sections 3109.51 to 3109.62 of the Revised Code that pertains to 1518
a child who is a pupil in a public or nonpublic school, the 1519
attorney in fact shall notify the school of the power of 1520
attorney by providing the person in charge of admission with a 1521
copy of the power of attorney. Whenever a caretaker 1522
authorization affidavit is executed under sections ~~3109.64~~ 1523
3109.65 to 3109.73 of the Revised Code that pertains to a child 1524
who is in a public or nonpublic school, the ~~grandparent~~ 1525
caretaker who executed the affidavit shall notify the school of 1526
the affidavit by providing the person in charge of admission 1527
with a copy of the affidavit. 1528

(C) If, at the time of a pupil's initial entry to a public 1529
or nonpublic school, the pupil is under the care of a shelter 1530
for victims of domestic violence, as defined in section 3113.33 1531
of the Revised Code, the pupil or the pupil's parent shall 1532
notify the school of that fact. Upon being so informed, the 1533
school shall inform the elementary or secondary school from 1534
which it requests the pupil's records of that fact. 1535

(D) Whenever a public or nonpublic school is notified by a 1536
law enforcement agency pursuant to division (D) of section 1537
2901.30 of the Revised Code that a missing child report has been 1538
filed regarding a pupil who is currently or was previously 1539
enrolled in the school, the person in charge of admission at the 1540
school shall mark that pupil's records in such a manner that 1541
whenever a copy of or information regarding the records is 1542
requested, any school official responding to the request is 1543
alerted to the fact that the records are those of a missing 1544
child. Upon any request for a copy of or information regarding a 1545
pupil's records that have been so marked, the person in charge 1546
of admission immediately shall report the request to the law 1547
enforcement agency that notified the school that the pupil is a 1548
missing child. When forwarding a copy of or information from the 1549
pupil's records in response to a request, the person in charge 1550
of admission shall do so in such a way that the receiving 1551
district or school would be unable to discern that the pupil's 1552
records are marked pursuant to this division but shall retain 1553
the mark in the pupil's records until notified that the pupil is 1554
no longer a missing child. Upon notification by a law 1555
enforcement agency that a pupil is no longer a missing child, 1556
the person in charge of admission shall remove the mark from the 1557
pupil's records in such a way that if the records were forwarded 1558
to another district or school, the receiving district or school 1559

would be unable to discern that the records were ever marked. 1560

(E) As used in this section: 1561

(1) "Protected child" means a child placed in a foster 1562
home, as that term is defined in section 5103.02 of the Revised 1563
Code, or in a residential facility. 1564

(2) "Residential facility" means a group home for 1565
children, children's crisis care facility, children's 1566
residential center, residential parenting facility that provides 1567
twenty-four-hour child care, county children's home, or district 1568
children's home. 1569

Section 2. That existing sections 3109.51, 3109.52, 1570
3109.53, 3109.54, 3109.59, 3109.60, 3109.65, 3109.66, 3109.67, 1571
3109.69, 3109.70, 3109.71, 3109.74, 3109.76, 3310.51, 3313.64, 1572
3313.649, and 3313.672 of the Revised Code are hereby repealed. 1573

Section 3. Section 3313.64 of the Revised Code as 1574
presented in this act takes effect on the later of January 1, 1575
2025, or the effective date of this section. (January 1, 2025, 1576
is the effective date of an earlier amendment to that section by 1577
H.B. 33 of the 135th General Assembly.) 1578