

HB 130  
Grandparent Rules for Ohio

- HB 130 creates two ways for grandparents to obtain “care, physical custody, and control” over grandchildren without changing legal custody: 1) Power of Attorney (POA) completed by parent, guardian or custodian of a child; and 2) Child Caretaker Authorization Affidavit (CAA), created by the grandparent when the child’s parent, guardian, or custodian cannot be located. (Ohio Judicial Conference)
- HB 130 passed as a result of a national kinship movement. This movement’s basic purpose is to preserve the family stability and maintain family culture and traditions. (ODJFS – Fact Sheet)
- Kinship care is seen as the most desirable out-of-home placement option for children who cannot live with their parents. (ODJFS – Fact Sheet)
- Ohio currently has more than 186,000 grandparent caregivers. Only 10% have judicial custody making it difficult to make required and sometimes necessary parenting decisions. (PCSAO – Director’s Letter; July 21, 2004)
- Organizations in this state that work with or support the family unit are making this law and its options **known** to families (ODJFS) and to its members (PSCAO). Organizations such as these and others are making the application forms available and provide support in the form of counseling, brochures, and help to remove barriers. (Kinship care Initiatives in Ohio)
- When enacting HB130 the state legislature did not remove the existing **ORC 3313.64 (F) (11)**. This law provides for any child under the age of twenty-two, **not** requiring special education, with both Boards of Education consent eligibility to live with the resident grandparent on a year by year basis. It did not however go as far as to say that the grandparents have parenting rights and privileges.
- **Power of Attorney** (ORC 3109.51 to 3109.62) says that full authority for each child under the age of eighteen shall be granted to the grandparents by the parent.
  - Grandparent is defined as the parent of the parent of the child.
  - This includes care, custody, and control of the child including decisions regarding school matters and to consent for any medical, dental and psychological care the child may require.
  - Tuition: **None to be billed.**
    - ❖ The child is with the grandparent and 3313.64 (A) (1) (b) has been included in the Ohio Revised Code to include the grandparent designated as the “parent” in this situation. Therefore the child is entitled to a free and appropriate education in the district of residence which in this situation is the grandparent’s resident district.
- **Caretaker Authorization Affidavit** (ORC 3109.64 to 3109.73) states that full authority for each child under the age of eighteen shall be granted to the requesting grandparent..
  - Grandparent is defined as the parent of the parent of the child.
  - This includes care, custody, and control of the child including decisions regarding school matters and to consent for any medical, dental and psychological care the child may require.
  - Tuition: **None to be billed.**
    - ❖ The child is with the grandparent and 3313.64 (A) (1) (b) has been included in the Ohio Revised Code to include the grandparent designated as the “parent” in this situation. Therefore the child is entitled to a free and appropriate education in the district of residence which in this situation is the grandparent’s resident district.