

As Introduced

134th General Assembly

Regular Session

2021-2022

S. B. No. 254

Senators Maharath, Fedor

Cosponsors: Senators Yuko, Thomas, Antonio, Craig

A BILL

To enact section 2151.317 of the Revised Code to
establish a foster youth bill of rights.

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

Section 1. That section 2151.317 of the Revised Code be
enacted to read as follows:

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Sec. 2151.317. (A) Every child in foster care has the
following rights:

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(1) To be free from physical, verbal, and emotional abuse
and inhumane treatment;

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(2) To receive a copy of the rights established under this
section and to have the rights fully explained on placement in
the custody of the state;

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(3) To enjoy individual dignity, liberty, pursuit of
happiness, and the protection of the child's civil and legal
rights as a person in the custody of the state;

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(4) To have the child's privacy protected, have the
child's personal belongings secure and transported with the
child, and, unless otherwise ordered by the court, have

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uncensored communication, including receiving and sending 18
unopened communications and having access to a telephone; 19

(5) To have personnel providing services who are 20
sufficiently qualified and experienced to assess the risk the 21
child faces prior to removal from home and to meet the needs of 22
the child once in the custody of the state; 23

(6) To remain in the custody of the child's parents or 24
legal custodians unless and until there has been a determination 25
by a qualified person exercising competent professional judgment 26
that removal is necessary to protect the child's physical, 27
mental, or emotional health or safety; 28

(7) To have a full risk, health, educational, medical and 29
psychological screening and, if needed, assessment and testing 30
upon entry into foster care; 31

(8) To be referred to and receive services, including 32
necessary medical, emotional, psychological, psychiatric, and 33
educational evaluations and treatment, as soon as practicable 34
after identification of the need for such services by the 35
screening and assessment process; 36

(9) To have the child's photograph included in the child's 37
case management file; 38

(10) To have a clean and safe living environment, free of 39
infestations and contaminants, and the ability to enter the 40
child's housing at any time during the child's placement; 41

(11) To be placed away from other children known to pose a 42
threat of harm to the child, either because of the child's own 43
risk factors or those of the other child; 44

(12) To be placed in a home where the foster caregiver or 45

kinship caregiver is aware of and understands the child's 46
history, needs, and risk factors; 47

(13) To be the subject of a plan developed by the agency 48
and the foster caregiver or kinship caregiver to deal with 49
identified behaviors that may present a risk to the child or 50
others; 51

(14) To be involved and incorporated in the development of 52
the case plan, to have a case plan which will address the 53
child's specific needs, and to object to any of the provisions 54
of the case plan; 55

(15) To receive meaningful case management and planning 56
that will quickly return the child to the child's family or move 57
the child on to other forms of permanency; 58

(16) To receive regular communication with a caseworker, 59
at least once a month, which shall include meeting with the 60
child alone and conferring with the foster caregiver or kinship 61
caregiver; 62

(17) To enjoy regular visitation, at least once a week, 63
with the child's siblings unless the court orders otherwise; 64

(18) To enjoy regular visitation with the child's parents, 65
at least once a month, unless the court orders otherwise; 66

(19) To receive all of the following: 67

(a) A free and appropriate education; 68

(b) Minimal disruption to the child's education and 69
retention in the child's home school, if appropriate; 70

(c) All special educational services, including, where 71
appropriate, the appointment of a parent surrogate; 72

<u>(d) The sharing of all necessary information between the</u>	73
<u>school board and the public children services agency or private</u>	74
<u>child placing agency, including information on attendance and</u>	75
<u>educational progress.</u>	76
<u>(20) To be able to raise grievances with the public</u>	77
<u>children services agency, private child placing agency, or</u>	78
<u>department of job and family services over the care the child is</u>	79
<u>receiving from the child's caregivers, caseworkers, or other</u>	80
<u>service providers;</u>	81
<u>(21) To be heard by the court at all review hearings;</u>	82
<u>(22) To have a guardian ad litem appointed to represent,</u>	83
<u>within reason, the child's best interests and to provide the</u>	84
<u>child's guardian ad litem with immediate and unlimited access to</u>	85
<u>the child;</u>	86
<u>(23) To have all the child's records available for review</u>	87
<u>by the child's guardian ad litem if the guardian ad litem deems</u>	88
<u>such review necessary;</u>	89
<u>(24) To organize as a group for purposes of ensuring that</u>	90
<u>all the children in foster care receive the services and living</u>	91
<u>conditions to which they are entitled and to provide support for</u>	92
<u>one another while in the custody of the state;</u>	93
<u>(25) To be afforded prompt access to all available state</u>	94
<u>and federal programs;</u>	95
<u>(26) To have access to food in accordance with rule</u>	96
<u>5101:2-7-06 or 5101:2-9-20 of the Administrative Code and to</u>	97
<u>have other special considerations regarding food that are</u>	98
<u>requested as a result of trauma included in the child's service</u>	99
<u>plan;</u>	100

(27) To have clothing that is appropriate for the child's 101
age and gender identity and to participate and provide input 102
regarding the selection of the child's clothing; 103

(28) To control and earn the child's own money, open a 104
savings account, be provided guidance on how to save and spend 105
money, as is appropriate for the child's age and development, 106
and, for youth who are fourteen years old and older, address 107
these money, savings, and spending rights as a part of the youth 108
independent living plan pursuant to rule 5101:2-42-19 of the 109
Administrative Code; 110

(29) To protection from all forms of sexual exploitation; 111

(30) To exercise freedom of thought, conscience, and 112
religion or to abstain from the practice of religion; 113

(31) To protection from discrimination or harassment on 114
the basis of race, sex, gender, gender identity, sexual 115
orientation, disability, religion, color, or national origin. 116

(B) Nothing in division (A) of this section shall be 117
construed as requiring either of the following: 118

(1) The delivery of any particular service or level of 119
service in excess of existing appropriations. 120

(2) The expenditure of funds to meet the rights 121
established under division (A) of this section, except funds 122
specifically appropriated for such purpose. 123