

OPINION NO. 69-023

Syllabus:

A foster home is not a charitable or correctional institution within the meaning of Chapter 331, Revised Code, and therefore not amenable to inspection by a Board of County Visitors.

To: Denver L. White, Director, Department of Public Welfare, Columbus, Ohio
 By: Paul W. Brown, Attorney General, March 4, 1969

Your recent request for my opinion asks if a foster home which cares for children in the custody of a County Child Welfare Board is a charitable or correctional institution within the meaning of Chapter 331, Revised Code, and subject to inspection by the Board of County Visitors.

Section 331.01, Revised Code, reads in pertinent part:

"In each county there shall be a board of county visitors consisting of six persons, not more than three of whom shall have the same political affiliations, for the inspection of all charitable and correctional institutions, supported in whole or in part from county or municipal corporation funds.* * *"

The duties of the board are set out in Section 331.04, Revised Code, which reads in pertinent part as follows:

"The board of county visitors, by personal visitation or otherwise, shall keep fully advised of the condition and management of all charitable or correctional institutions supported in whole or in part by county or municipal taxation, or which are under county or municipal control, and especially the county home, county jail, municipal prisons, and children's homes. From time to time the board of county visitors shall recommend to the board of county commissioners and to other officials responsible for such institutions, such changes and additional provisions as the board of county visitors deems essential for the economical and efficient administration of the institutions.* * *"

(Emphasis added)

Clearly the statutory duty to inspect refers directly to institutions which are under the direct control and supervision of county or municipal authorities. The statute further defines these institutions by setting out express examples of institutions amenable to this inspection.

Foster homes are defined by statute in Subsection (F), Section 5153.01, Revised Code, as follows:

"(F) 'Foster home' means a family home in which any child is received, apart from its parents, for care, supervision, or training."
 (Emphasis added)

A foster parent is defined in Black's Law Dictionary, 4th Edition, page 784, as follows:

"One who has performed the duties of a parent to the child of another by rearing the child as his own child."

It can therefore be readily seen that a foster home is a fami-ly home which provides care to children by incorporating them into

the life of the family. These homes are not under the direct control and management of any public body or official. Instead the regular home life of the family is continued with the addition of one or more children who are considered a part of the family group. A payment is received for this care; however, such payment is no more than enough to pay the cost of care to the child or children.

Therefore, it is my opinion and you are hereby advised that a foster home is not a charitable or correctional institution within the meaning of Chapter 331, Revised Code, and therefore not amenable to inspection by a Board of County Visitors.