Foster Care Licensing

5101:2-5-09.1 Criminal Records Check Required for Certain Prospective Employees and Certified Foster Caregivers

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: March 1, 2017

(A) The appointing or hiring officer or administrative director of an agency shall, pursuant to section 2151.86 of the Revised Code, request the bureau of criminal ~~identification and~~ investigation ~~(BCII)~~(BCI) conduct a criminal records check with respect to any person subject to a criminal records check and any person providing respite care for a specialized foster care program that is not a certified foster caregiver.

(B) The appointing or hiring officer or administrative director of the agency shall provide each person listed in paragraph (A) of this rule with a copy of the ~~BCII~~BCI prescribed criminal records check form and a ~~BCII~~BCI standard impression sheet to obtain fingerprint impressions. The standard impression sheets may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(C) Any person subject to a criminal records check who receives a copy of the ~~BCII~~BCI prescribed criminal records check form and a ~~BCII~~BCI standard impression sheet and who is requested by the agency to complete the form and provide a set of fingerprints impressions shall:

(1) Complete the form or provide all the information necessary to complete the form.

(2) Provide the impression sheet with the impressions of the person's fingerprints.

(3) Submit the completed form and the impression sheet to the agency.

(D) The agency shall obtain the completed form and fingerprint impression sheet from each person subject to a criminal records check and forward the form and fingerprint impression sheet to ~~BCII~~BCI at the time the agency requests a criminal records check.

(E) The agency shall pay to ~~BCII~~BCI the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted.

(F) The agency may charge a person subject to a criminal records check a fee for the costs incurred in obtaining a criminal records check. Pursuant to division (D) of section 2151.86 of the Revised Code, a fee charged by the agency shall not exceed the fee paid by the agency to ~~BCII~~BCI. If a fee is charged, the agency shall notify the person at the time of initial application of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment or certification as a foster caregiver.

(G) The appointing or hiring officer or administrative director of the agency shall inform each prospective employee at the time of initial application, that as a precondition to being approved for that position:

(1) The person is required to complete the ~~BCII~~BCI prescribed criminal records check form and provide a set of fingerprint impressions.

(2) A criminal records check is required to be conducted by ~~BCII~~BCI and, except as provided in paragraph ~~(N)~~(O) of rule 5101:2-5-09 of the Administrative Code, satisfactorily completed if the prospective employee comes under final consideration for appointment or employment.

(H) If a prospective employee seeking appointment or employment by an agency fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the prospective employee shall not be employed by the agency.

(I) The agency shall request that ~~BCII~~BCI obtain information from the "Federal Bureau of Investigation" (FBI) as a part of the criminal records check for any entity that appoints or employs any person responsible for a child's out-of-home care ~~if either of the following are applicable:~~.

~~(1) The person does not present proof of residency in Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested.~~

~~(2) The person does not provide evidence that within that five-year period, BCII has requested information about the person from the FBI in a criminal records check.~~

~~(J) The agency may request that BCII include information from the FBI in the criminal records check if the appointed person or employee of an entity responsible for a child's out of home care presents proof of residency in Ohio for that five year period.~~

~~(K)~~(J) Before a recommending agency may submit a recommendation to the Ohio department of job and family services (ODJFS) on whether the department should issue a certificate to operate a foster home, the administrative director of the agency shall, pursuant to section 2151.86 of the Revised Code, request that the superintendent of ~~BCII~~BCI conduct a criminal records check with respect to the prospective foster caregiver and all other persons eighteen years of age or older who reside with the foster caregiver.

~~(L)~~(K) The appointing or hiring officer or administrative director of the agency shall inform each person seeking certification as a foster caregiver, at the time of initial application, that as a precondition to being approved as a foster caregiver:

(1) The person is required to complete the ~~BCII~~BCI prescribed criminal records check form and provide a set of fingerprint impressions.

(2) A criminal records check shall be conducted by ~~BCII~~BCI and satisfactorily completed for any person seeking certification as a foster caregiver.

~~(M)~~(L) If a person seeking certification as a foster caregiver fails to provide the information necessary to complete the form or fails to provide fingerprint impressions or fails to provide fingerprint impressions for any adult household members, that person shall be denied certification as a foster caregiver pursuant to rule 5101:2-5-26 of the Administrative Code.

~~(N)~~(M) The agency shall request the conducting of a criminal records check pursuant to section 2151.86 of the Revised Code:

(1) For the foster care applicant and each adult who resides with the foster care applicant. The results shall be reviewed prior to the agency's recommendation for certification to ODJFS.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver every four years prior to the upcoming recertification of the caregiver.

~~(O)~~(N) The agency shall request that ~~BCII~~BCI include information from the FBI in the criminal records check for each foster care applicant and each person eighteen years of age residing in the applicant's household subject to a criminal records check.

~~(P)~~(Q) The recommending agency shall evaluate whether the foster home should continue to be recommended for certification or be recommended for denial or revocation of certification when a person who is certified as a foster caregiver is convicted of any offense listed in ~~paragraph (J)~~appendix A ~~of~~to rule 5101:2-7-02 of the Administrative Code.

(1) The evaluation shall begin within five days of the agency's knowledge of the person's conviction, be completed within thirty days, and be documented in the foster home's record.

(2) At a minimum, the provisions of paragraph ~~(Q)~~(P) of this rule shall be considered in the evaluation.

(3) This requirement shall also be applicable for any adult who resides with a foster caregiver upon conviction of any offense listed in ~~paragraph (J)~~appendix A ~~of~~to rule 5101:2-7-02 of the Administrative Code.

~~(Q)~~(P) The evaluation required by paragraph ~~(P)~~(Q) of this rule shall include, at a minimum:

(1) Whether there are children currently placed in the foster home and the impact of disruption on the children if moved.

(2) Whether rehabilitation of the individual had to be considered for initial certification.

(3) The length of time of certification prior to this conviction.

(4) The factors outlined in ~~paragraphs (I)(1), (I)(2), (I)(3), (I)(4) and (I)(5)~~paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(Q) The agency is to complete a review of the national sex offender registry at https://www.nsopw.gov (2019) for each of the following:

(1) For the foster care applicant and each adult who resides with the foster care applicant. The results are to be reviewed prior to the agency's recommendation for certification to ODJFS. The application may be denied based solely on the results of the search.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver the search is to be conducted prior to each recertification. The recertification may be denied based soley on the results of the search.

(R) Upon receipt of notification of an adult who resides with a foster caregiver who has pleaded guilty to or been convicted of a foster caregiver disqualifying offense, the recommending agency shall assess the foster home for safety concerns and forward any recommendations to ODJFS for revocation if applicable. As used in this rule, "foster caregiver disqualifying offense" means any offense or violation listed in ~~paragraph (J) of rule 5101:2-7-02 of the Administrative Code~~appendix A of rule 5101:2-7-02 to the Administrative Code.

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

Certification: CERTIFIED ELECTRONICALLY

Date: 06/05/2020

Promulgated Under: 119.03

Statutory Authority: 2151.86, 5103.03, 5103.0310

Rule Amplifies: 109.572, 2151.86 , 5103.0310, 5153.11, 5153.111

Prior Effective Dates: 09/18/1996, 01/01/2003, 08/14/2008, 04/01/2010, 10/01/2011, 07/07/2014, 03/01/2017

Foster Care Licensing

5101:2-5-10 Child Records

FCASMTL 354

Effective Date: December 1, 2015

Most Current Prior Effective Date: August 1, 2010

(A) An agency providing twenty-four hour out-of-home care for a child shall maintain a case record for each child in out-of-home care which shall include but not be limited to the documentation as required by Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-38, 5101:2-39, 5101:2-42, and 5101:2-48 of the Administrative Code as applicable to the certified function of the agency for at least five years after discharge.

(B) All written documentation required by the rules referenced in paragraph (A) of this rule may be maintained at a central office location except that a copy of each child's current service plan, an ~~annualy~~annually updated color photograph, and current medical records shall be kept on the premises of the agency office providing services to the child or at the residential facility in which the child is placed.

(C) An agency that holds custody of a child and places the child in a residential facility or foster home operated by or recommended for certification by another agency shall provide to the agency ~~operating the residential facility or recommending the foster home for certification,~~ copies of all medical, social, legal, educational or other data within fifteen days of placement or upon request of the agency.

Effective: 12/01/2015

Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 10/27/2015

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 7/1/00, 1/1/03, 12/11/06, 8/1/10

Foster Care Licensing

5101:2-5-11 Complaint Handling

FCASMTL 335

Effective Date: July 7, 2014

Most Current Prior Effective Date: August 1, 2009

(A) The Ohio department of job and family services (ODJFS) ~~shall~~may begin an investigation if either of the following apply:

(1) ODJFS has knowledge of rule noncompliance or receives a complaint alleging that an agency is in violation of any of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-52 or 5101:2-53 of the Administrative Code relative to the functions performed by the agency.

(2) A person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate.

(B) Whenever ODJFS receives any report concerning the operation of an agency that alleges child abuse or neglect has occurred or is occurring, ODJFS shall immediately refer the report to the appropriate public children services agency.

(C) At the commencement of a site investigation by ODJFS of a complaint, other than an abuse or neglect investigation, ODJFS shall contact the administrator or designee of the agency and explain the nature of the complaint.

(D) An agency shall cooperate with ODJFS in the investigation of any complaint and with the implementation of any required corrective action plans whenever an investigation finds a violation of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, ~~or~~ 5101:2-48, 5101:2-52 or 5101:2-53 of the Administrative Code as applicable to the functions performed by the agency.

(E) Upon completion of the investigation of a complaint, ODJFS shall conduct an exit interview with the administrator or designee. The purpose of the exit interview is to inform the administrator of the findings of the investigation. Any areas of noncompliance will be presented in writing on a citation of noncompliance and explained to the administrator or designee during the exit interview. The signature of the administrator or designee on the citation shall signify only that the administrator or designee has received the citation.

(F) No agency shall recommend denial or revocation of a foster home certificate or discharge, demote, suspend, reduce board payments to a foster home, or threaten to recommend denial or revocation of a foster home certificate, discharge, demote, suspend, or in any manner discriminate against any foster caregiver or employee based on the foster caregiver or employee taking any of the following actions:

(1) Making any good-faith oral or written complaint to ODJFS regarding a violation of any Administrative Code rules applicable to the functions performed by the agency.

(2) Instituting or causing to be instituted any proceeding against the agency under this chapter.

(3) Acting as a witness in any proceeding under this chapter.

(4) Refusing to perform work that constitutes a violation of any Administrative Code rule applicable to the agency's certified functions.

(G) If the director of ODJFS determines that a person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate, the director may petition the court of common pleas in the county in which the person or organization is operating without a certificate for an order enjoining the person or organization from operating without a certificate.

(H) If both of the following are the case, the director of ODJFS may petition the court of common pleas of any county in which an agency that holds a certificate issued under rule 5101:2-5-03 of the Administrative Code is operating for an order to prevent the agency from receiving additional children into the agency's care or an order removing children from the agency's care:

(1) ODJFS has evidence that the life, health, or safety of one or more children in the care of the agency is at imminent risk.

(2) ODJFS has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the agency's certificate.

Effective:

R.C. 119.032 review dates: 04/17/2014

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.16

Rule Amplifies: 5101.24, 5103.02, 5103.03, 5153.16

Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 1/1/03, 8/22/05, 8/1/09

Foster Care Licensing

5101:2-5-13 Required Agency Policies, Plans and Procedures

FCASMTL 382

Effective Date: August 1, 2017

Most Current Prior Effective Date: July 1, 2016

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) engaging in any of the functions listed in rule 5101:2-5-03 of the Administrative Code shall have, at a minimum, all of the following policies as applicable to the function or functions being performed.

(1) An agency shall have a written discipline policy which:

(a) Prohibits the use of prone restraints. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time. Prone restraint includes physical or mechanical restraint.

(b) If an agency has a discipline policy that does not allow any type of restraint, the agency can document this in its policy and the agency does not have to address the issues in paragraph (A)(1)(a) of this rule.

(2) An agency shall have a written plan describing strategies for foster caregiver recruitment that complies with the Multiethnic Placement Act, ~~42 U.S.C.A. 1996 (B), as amended by Section 1808 of the Small Business Job Protection Act of 1996 (MEPA), and the Civil Rights Act of 1964 (Title VI)~~Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care process. If the PCSA, PCPA or PNA amends its recruitment plan, the agency shall be responsible for submitting the amended recruitment plan to ODJFS within ~~ten~~ninety days following a plan change. This policy shall include:

(a) A description of the characteristics of foster children served by the agency that shall include the following:

(i) Ages.

(ii) Developmental needs.

(iii) Emotional needs.

(iv) Physical needs.

(v) Race, color and national origin backgrounds.

(vi) Levels of care needed.

(b) Diverse methods of disseminating general information regarding the children served by the agency.

(c) Specific strategies to reach all parts of the community as defined by the agency.

(d) Strategies for assuring that prospective foster caregivers have access to the application process, including the flexibility of service to the community served by the agency.

(e) Strategies for training staff to work with diverse cultural, racial, ethnic and economic communities.

(f) Strategies for dealing with linguistic barriers.

(g) Procedures for a timely search for foster caregivers, including the use of interagency efforts, provided that such procedures ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement.

(h) A statement of assurance that all foster caregiver recruitment activities and materials shall be in compliance with MEPA and Title VI, the Indian Child Welfare Act of 1978, 25 ~~U.S.C.A.~~U.S.C. 1901 and the Adoption and Safe Families Act of 1997.

(3) An agency shall have a written policy describing the process for simultaneously approving applicants for foster care placement and adoptive placement.

(4) An agency shall have a written policy detailing any assessment activities in which an agency would require a foster caregiver applicant to participate and any materials or documentation, not specifically required by Chapter 5101:2-5 or 5101:2-7 of the Administrative Code, which a foster caregiver applicant would be required to submit as part of the assessment or homestudy process.

(5) An agency shall have a written policy detailing all payments to foster caregivers.

(6) An agency shall have a written grievance policy detailing the methods for hearing grievances and for resolving differences with a foster caregiver or applicant relative to the requirements imposed by Chapter 5101:2-7 of the Administrative Code and other agency policies. This policy shall include a method of review by the highest administrative employee of the agency or designee for any unresolved grievance within thirty calendar days of the filing of the grievance.

(7) A PCSA or PCPA shall have a written policy regarding the required notification to the foster or kinship caregiver if the PCSA or PCPA seeks permanent custody of a child placed with the caregiver and if a child placed with the caregiver becomes available for adoption. The notification shall also be given to the recommending agency when the custodial agency is different than the recommending agency. The notification shall be consistent with the requirements contained in section 5103.161 of the Revised Code.

~~(7) A PCSA or PCPA shall have a written policy on the notification of the adoption process to the recommending agency and to the foster caregiver for situations when the custodial agency is different than the recommending agency of a foster home and a foster child placed with the foster caregiver becomes available for adoption. The notification shall be consistent with the requirements contained in rules 5101:2-48-11 and 5101:2-48-16 of the Administrative Code.~~

(8) An agency shall have written policies that shall be explained to potential foster caregivers during initial orientation for all of the following:

(a) Liability insurance and compensation for damages done by children placed in foster care.

(b) Legal representation, legal fees, counseling or legal advocacy for foster caregivers for matters directly related to the proper performance of their roles.

(c) Investigations of abuse and/or neglect involving a child living in a foster home.

(9) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with rule 5101:2-5-33

of the Administrative Code. If the foster caregiver complies with the policy, as determined by the agency, ODJFS may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal.

The policy shall include all of the following:

(a) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs.

(b) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training.

(c) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.

(10) An agency operating a specialized foster home program shall have a written policy on the operation of the specialized foster home program which shall comply with the requirements of rules 5101:2-5-36, 5101:2-5-37, 5101:2-7-16, and 5101:2-7-17 of the Administrative Code, as applicable. The policy shall specify:

(a) The hierarchy of the program including:

(i) The number of treatment team leaders each supervisor is responsible for providing supervision.

(ii) The specific number of treatment and medically fragile foster children for which each treatment team leader shall be responsible for providing case management services.

(b) How the agency will determine the equivalent experience required by paragraph (A) of rule 5101:2-7-16 of the Administrative Code and rule 5101:2-7-17 of the Administrative Code, as applicable.

(11) An agency operating a specialized foster home program shall have a written policy that provides for access to both planned and crisis respite care, the amount to be determined on a case-by-case basis, for children in the program's care. The respite care policy shall include, but is not limited to, the following provisions:

(a) Utilization of respite care shall be only with the approval of the administrative director of the specialized foster care program or his or her designee.

(b) A process for the specialized foster care program to select and approve respite care providers.

(c) Only approved respite care providers shall be utilized.

(d) An approved respite care provider, who is not certified as a foster caregiver or specialized foster caregiver, shall receive at least twelve hours of orientation and training relevant to the children served by the specialized foster care program and have a criminal record check conducted as for a foster caregiver pursuant to rule 5101:2-5-09.1 of the Administrative Code prior to providing respite care.

(e) A respite care provider shall not provide respite care for children for more than two consecutive weeks unless the provider is certified as a specialized foster caregiver.

(f) Prior to each occasion of respite care, the recommending agency shall provide the respite care provider with a copy of the JFS 01443 "Child's Education and Health Information" (rev. 8/2010) or the form the agency uses in lieu of the JFS 01443 completed for the child pursuant to rule 5101:2-38-08 of the Administrative Code as part of his case plan and at least a written summary of the child's service plan and any information required to be shared with a foster caregiver by rule 5101:2-42-90 of the Administrative Code. In addition, for a medically fragile child, any nursing treatment plan containing physician orders shall be provided. The information required by this paragraph shall be provided to the respite care provider by the agency that has approved the respite care provider. Documentation that this has been done shall be maintained in the child's case record by the agency that approved the respite care provider.

(g) For each occasion of respite care, a respite care provider shall provide a written report of the child's stay in respite care to the specialized foster caregiver.

(h) A respite care provider for a medically fragile child shall be certified as a foster caregiver for medically fragile children or be a licensed medical professional.

(12) An agency operating a specialized foster home program shall have a written policy, outlining procedures for matching children with specialized foster caregivers, that ensures consideration of the child's needs, the capabilities of the specialized foster caregiver, and family-centered, neighborhood-based practices.

(13) An agency operating a specialized foster care program shall have a written policy to assure that all children in specialized foster care and all specialized foster caregivers and their families affiliated with the program shall have access to crisis counseling, arranged by the program, for issues or problems caused by a specific incident related to a child receiving treatment within the caregiver's home, including the death or hospitalization of a child.

(14) An agency which is certified to operate a residential facility, a treatment foster care program, or a medically fragile foster care program shall be responsible for developing and implementing a behavior intervention policy which includes a description of the facility's behavior management program. The behavior intervention policy shall, at a minimum, contain the following components:

(a) A detailed description of the full range of behavior intervention procedures (intervention that is the least intrusive and least disruptive to the child, positive behavioral interventions, prompted relaxation, time out, physical restraints, supervised restraint, and isolation) or combination of procedures employed, including operational details of the interventions themselves and a definition of each behavior intervention.

(b) The use of restrictive behavior interventions, behavior management techniques or aversive procedures and identification of instances in which such procedures may be contraindicated.

(c) Procedures for carrying out these provisions consistent with the needs of children with disabilities.

(d) A description of the credentials of the personnel involved in designing, approving, implementing, monitoring and supervising the implementation of the behavior interventions.

(15) An agency which is certified to operate a residential facility shall have a written policy on the use of alcohol, tobacco and tobacco products by staff and children within such facilities which shall conform to, but is not limited to, the requirements of rule 5101:2-9-06 of the Administrative

Code. No residential facility shall use alcohol, tobacco or tobacco products to influence or control the behavior of a child.

(16) An agency which is certified to operate a residential facility shall have a written admissions policy specifying the type of child who will be accepted into the facility and the conditions under which a child would not be accepted.

(17) An agency shall have a written policy which describes the conditions under which, and the procedures by which, a child will be discharged from an out-of-home care setting including any criteria for emergency discharges and discharges not in accordance with a child's service plan.

(18) An agency shall have a written policy which specifies the procedures for ensuring the accessibility of the administrator or designee with executive authority to agency staff and ODJFS representatives at all times.

(19) An agency shall have a written policy regarding access, confidentiality, maintenance, security and disposal of all records maintained by the agency.

(20) An agency shall have a written policy which protects the confidentiality of information concerning a child and the child's family. This policy shall include the agency's procedure for disseminating information to a child fatality review board.

(21) An agency shall have a written policy governing the agency's participation in human research projects, fund raising and publicity activities, and shall not involve a child in any such activity without the prior informed, written consent of the parent, guardian or legal custodian and the child, according to the child's age and functioning level. Such written consent shall be contained in the child's case record.

(22) An agency shall have written personnel policies and procedures which are provided to all personnel. These personnel polices and procedures shall include, but are not limited to:

(a) Procedures for recruitment, screening, orientation, assignment, supervision, promotion, training, and written annual evaluation of all employees.

(b) Procedures for discipline of employees including suspension and dismissal.

(c) Procedures for handling staff grievances.

(d) Salary and fringe benefit plan.

(e) A requirement for an employee that he shall notify the agency within twenty-four hours of any charge of any criminal offense that is brought against him. This policy shall also contain a provision that:

(i) Failure to notify the agency within twenty-four hours of any charge of any of the crimes listed in rule 5101:2-5-09 of the Administrative Code shall result in immediate dismissal from employment.

(ii) If the charges result in a conviction, the employee shall notify the agency within twenty-four hours of the conviction. Failure to notify the employer of any conviction of any criminal offense shall result in the employee's immediate dismissal from employment.

(iii) Conviction of any of the crimes listed in rule 5101:2-5-09 of the Administrative Code while in the employ of the agency shall result in immediate dismissal from employment with the agency.

(23) An agency which uses volunteers or college interns shall have a written policy for screening which includes conducting criminal background checks, orienting, training, supervising and assigning volunteers and college interns, as appropriate to the function to be performed. The policy shall include a requirement for any volunteer or college intern to notify the agency within twenty-four hours of any charge of any criminal offense that is brought against him. The policy shall also contain the following provisions:

(a) Failure to notify the agency within twenty-four hours of any charge shall result in immediate dismissal from the agency.

(b) If the charges result in a conviction, the volunteer or college intern shall notify the agency within twenty-four hours of the conviction. Failure to notify the agency of any conviction of any criminal offense shall result in the immediate dismissal of the volunteer or college intern from the agency.

(c) Conviction of any of the crimes listed in rule 5101:2-5-09 of the Administrative Code while serving as a volunteer or college intern for the agency shall result in the immediate dismissal of the volunteer or college intern from the agency.

(24) An agency shall have a written policy and procedure which assures protection of a child's civil rights.

(25) An agency operating a foster care program shall include in its foster care policy a copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009). No additional language regarding non-discrimination in the foster care process based upon race, color, or national origin shall be permitted in the PCSA, PCPA or PNA foster care policy unless additional language is required pursuant to a federal court order and is approved by the ODJFS.

(26) An agency operating a foster care program shall comply with the standards of conduct regarding MEPA and Title VI in accordance with rule 5101:2-33-11 of the Administrative Code.

(27) An agency operating a foster care program shall include in its foster care policy the complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.

(28) If a recommending agency has a foster home that is providing care for a child in the custody of another agency, the recommending agency shall have a written policy and procedure to notify the custodial agency if any of the following incidents occur:

(a) A serious injury or illness involving medical treatment of the foster child.

(b) The death of the foster child.

(c) Unauthorized absence of the foster child from the home. The recommending agency shall provide the notification to the custodial agency immediately, but no later than twenty-four hours from the time the recommending agency became aware of the unauthorized absence.

(d) Removal or attempted removal of the foster child from the home by any person or agency other than the placing agency.

(e) Any involvement of the foster child with law enforcement authorities.

(29) A PCSA shall have a written policy for monitoring the appropriate use of psychotropic medications for children in foster care. In preparation for developing the policy, the PCSA may review the JFS 01682 "Psychotropic medication toolkit for Public Children Services Agencies" (4/2014). This policy shall include:

(a) Comprehensive and coordinated screening, assessment, and treatment planning mechanisms to identify the child's mental health and trauma-treatment needs including a psychiatric or medical evaluation, as necessary, to identify needs for psychotropic medication.

(b) Informed and shared decision-making and methods for ongoing communication between the prescriber, the child, the child's parents or caregivers, other healthcare providers, and the agency case worker.

(c) Effective medication monitoring for the children placed in care.

(30) A residential facility operating as a private, nonprofit therapeutic wilderness camp shall have written policies in accordance with division (D) of section 5103.50 of the Revised Code.

(B) Unless otherwise indicated, policies, plans and procedures related to ODJFS certified or approved functions shall be submitted to ODJFS in accordance with the following:

(1) At the time of application for an initial certificate, all policies, plans, and procedures shall be submitted.

(2) At the time of application for an amended certificate to add an additional function, the agency shall submit any policy, plan, or procedure related to the new function.

(3) At the time of request for approval of any new foster home function of a PCSA, all policies, plans, and procedures related to that function shall be submitted.

(4) When an agency revises a policy, plan or procedure, the revision shall be submitted within ~~thirty~~ninety calendar days of the change.

(5) If a change of the Administrative Code or the Revised Code requires the agency policy to change, the agency shall submit the affected agency policy to ODJFS within ~~thirty~~ninety days of the effective date of the Administrative Code or the Revised Code change.

(C) An agency shall ensure that agency staff and contractors performing work related to the functions listed in rule 5101:2-5-03 of the Administrative Code shall implement all current written policies of the agency related to those functions and that all activities and programs related to those functions occur in accordance with such policies.

(D) All policies required by this chapter shall be provided to any person affected by the policy. Any policy required by this chapter shall be provided to any person upon request.

(E) If ODJFS determines an agency's foster care policy, policy revisions or plans are noncompliant, the agency shall accept technical assistance from ODJFS until such time that the policy or recruitment plan is in compliance.

Effective: 08/01/2017

Five Year Review (FYR) Dates: 03/29/2017 and 08/01/2022

Certification: CERTIFIED ELECTRONICALLY

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Promulgated Under: 119.03

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Foster Care Licensing

5101:2-5-16 Consideration to be Given to Child's Religion, Beliefs and Practices

FCASMTL 354

Effective Date: December 1, 2015

Most Current Prior Effective Date: August 1, 2010

(A) Every child has the right to enjoy freedom of thought, conscience, and religion. An agency shall demonstrate consideration for, and sensitivity to, the religious background of a child in out-of-home care and of families receiving agency services.

(B) Opportunity shall be provided each child in out-of-home care for practicing the chosen religious beliefs and faith of the child or his family, including dietary restrictions due to beliefs, unless it is determined and documented in the child's case plan by the custodial agency that practicing the child's or family's chosen religious beliefs and faith is not in the child's best interests. A child may be encouraged to participate in religious activities, but shall not be coerced to do so.

(C) An agency shall not require a child in an out-of-home care setting to receive non-emergency medical treatment that conflicts with the religious tenets or practices of the religion of the child or parent without the specific written consent of the parent, guardian or custodian.

(D) When a child in an out-of-home care setting requires emergency medical treatment and such treatment conflicts with the religious tenets or practices of the child, parent, guardian or custodian, the out-of-home care setting shall immediately transport or arrange for the transportation of the child to a medical facility and contact the custodial agency or the individual who placed the child.

Effective: 12/01/2015

Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020

Certification: CERTIFIED ELECTRONICALLY

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Promulgated Under: 119.03

Statutory Authority: 5103.03

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Foster Care Licensing

5101:2-5-17 Discharge Summary

FCASMTL 354

Effective Date: December 1, 2015

Most Current Prior Effective Date: October 1, 2011

(A) When a child is planned to be or is discharged from a residential facility or a specialized foster home, the agency shall prepare a written discharge summary. The discharge summary shall be prepared no earlier than thirty days before and no later than thirty days after the date of discharge. A copy of the discharge summary shall be maintained within the child's record ~~prescribed by rule 5101:2-5-10 of the Administrative Code~~ and a copy shall be provided, no later than ten days after the discharge summary is completed, to the custodial agency which placed the child, or to the parent, guardian or custodian in the case of a direct placement.

(B) The discharge summary required by paragraph (A) of this rule shall contain at a minimum:

(1) The reason for discharge.

(2) A summary of the child's adjustment and results of the placement.

(3) A brief summary of medical, dental, optical, and therapeutic services which were provided to the child.

(4) The name and official title or relationship of the person to whom the child was released.

(5) The new location of the child.

(6) Any recommendations for ongoing treatment, including the identification of service providers whenever possible.

(C) When a child is placed from a foster home into a respite care setting, a discharge summary is not required, provided the child is expected to return to the foster home when the period of respite care has ended.

(D) When a child is receiving pre-planned respite care services or is a short term direct placement on a recurring schedule addressed in the case plan, the discharge summary is required at six month intervals or at the conclusion of the service, whichever occurs sooner.

Effective: 12/01/2015

Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020

Certification: CERTIFIED ELECTRONICALLY

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Foster Care Licensing

5101:2-5-18 Waivers and Variances

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: April 21, 2020

(A) The granting of a waiver of any requirement imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code is a discretionary act of the Ohio department of job and family services (ODJFS) based upon documentation as to why the agency or foster caregiver is not in compliance. The refusal of ODJFS to grant a waiver, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code. Waivers shall only be requested, and will be considered on a case by case basis, for the following:

~~(1) A waiver of the seventy-two consecutive hour limitation for a children's crisis care facility to provide residential care to a preteen placed in the facility by a public children services agency (PCSA) or private child placing agency (PCPA). The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.~~

~~(2)~~(1) Relative foster homes when the request is for a non-safety issue. As used in this rule, relative has the same meaning as kin.

~~(3)~~(2) A private, nonprofit therapeutic wilderness camp (PNTWC).

(B) A request for a waiver shall be written and time limited. A waiver request shall include sufficient information, including the time period for which the waiver is requested. The time limit of a waiver shall not exceed the expiration date of the current certificate. Upon the written request of an agency, a waiver may be renewed, at the discretion of ODJFS, contingent upon documentation to ODJFS of the efforts of the agency or foster caregiver to come into compliance and the reasons they have not come into compliance.

(C) A request for a waiver of the requirements or prohibitions imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code on an agency's administration shall be written using the JFS 01376 "Rule Waiver Request for Agencies, CRCs and Group Homes" ~~(rev. 12/2006)~~ and submitted to the appropriate ODJFS field office.

(D) A request for a waiver of the requirements or prohibitions imposed upon a foster home or a foster caregiver by Chapters 5101:2-1, 5101:2-7, 5101:2-39, and 5101:2-42, of the Administrative Code and related foster home provisions of Chapter 5101:2-5 of the Administrative Code shall be ~~written using the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and submitted to ODJFS, office of families and children~~requested through the statewide automated child welfare information system (SACWIS).

~~(E) If an agency has access to the statewide automated child welfare information system (SACWIS), the agency shall complete a waiver request for a foster home through the system. If an agency requests a foster home waiver through SACWIS, the agency shall not complete the JFS 01317. If an agency does not have access to SACWIS, the agency shall complete the JFS 01317.~~

~~(F)~~(E) The approval of a waiver request by ODJFS shall not be construed as constituting precedence for the approval of any other waiver request or the renewal of an existing waiver.

~~(G)~~(F) Waiver requests that have been approved prior to the effective date of this rule shall remain in effect until the waiver expires unless the terms or conditions of the waiver are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule.

~~(H)~~(G) Effective October 1, 2011, no variances shall be approved.

~~(I)~~(H) Variance requests that have been approved prior to October 1, 2011 shall remain in effect unless the terms or conditions of a variance are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule. If the variance is nullified, it shall be rescinded. ODJFS has sole discretion in the rescission of a variance. The rescission of a variance shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

Certification: CERTIFIED ELECTRONICALLY

Date: 06/05/2020

Promulgated Under: 119.03

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Foster Care Licensing

5101:2-5-20 Initial Application and Completion of the Foster Care Homestudy

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: November 1, 2015

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) acting as a representative of the Ohio department of job and family services (ODJFS) shall:

(1) Inform all individuals applying for an initial foster home certificate they can also be considered for adoption homestudy approval.

(2) Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Foster care placement.

(b) Adoption homestudy approval.

(3) If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency must inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

(B) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor shall not perform any assessor duties for any of the following persons:

(1) Him or her self.

(2) Any person who is a relative of the assessor.

(3) Any agency employee for whom the assessor has any supervisory responsibility.

(4) Any agency employee who has any supervisory responsibility for the assessor.

(D) To avoid a conflict of interest, or the appearance of any conflict of interest:

(1) The agency administrator and a relative of the agency administrator shall not be certified as a foster caregiver by the agency with which the administrator is employed.

(2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not be certified as a foster caregiver by the agency with which the member is associated.

(3) Foster care inquiries from anyone mentioned in this paragraph wishing to be certified foster caregivers shall be referred to another recommending agency with no such appearance of a conflict of interest.

(4) An existing foster home certificate of any person referred to in paragraph (D) of this rule shall be transferred to another recommending agency except the foster caregiver may maintain the certificate and continue to provide care for any currently placed foster children placed in the home prior to January 1, 2008. This foster caregiver shall not accept any additional placements of foster children and shall transfer to another recommending agency within sixty days of the date the current foster children are no longer placed in the home.

(5) If the agency becomes aware a certified foster caregiver of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the foster caregiver's certificate. The transfer shall be completed within sixty days of the discovery.

(E) A PCSA, PCPA, or PNA may selectively recruit on the basis of the need for foster homes for specific types of children as specified in the agency's recruitment plan as required by rule 5101:2-5-13 of the Administrative Code.

(1) The agency shall not consider the age, gender, sexual identity, sexual orientation, religion, or marital status of a family for whom the agency is conducting a homestudy in determining whether to recommend the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(2) The agency shall not consider the age, gender, sexual identity, sexual orientation, or religion of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(3) The agency shall not discriminate in recommending an applicant for certification on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (7/2014) and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C., 1201 (8/1981).

(F) The agency shall not consider the race, color or national origin of a foster caregiver applicant to determine whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(1) As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996) (MEPA), agencies may not deny any person the opportunity to become a foster caregiver on the basis of race, color, or national origin of the person, or of any foster child or children involved.

(2) The agency shall not consider the race, color or national origin of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(3) The agency may consider a child's race, color or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-42-18.1 of the Administrative Code.

(G) Upon request, the agency shall provide a JFS 01691 "Application for Child Placement" ~~(rev. 12/2014)~~ to any person who is ~~twenty-one~~eighteen years of age, is a legal resident of the United States, resides in

the state of Ohio and meets the specifications of the agency's recruitment plan pursuant to rule 5101:2-5-13 of the Administrative Code. The agency shall also provide, free of charge to an inquirer, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, or inform the inquirer how to access the rules electronically.

(1) If the person does not reside in the state of Ohio, an application for foster care shall not be considered until the person has established Ohio residency.

(2) If a person requests an application for child placement and an agency has reason to believe the person is not a legal resident of the United States, the agency shall request the person to provide a copy of the person's immigration document(s) issued by the bureau of immigration and customs enforcement of the U.S. department of homeland security allowing the person to reside in the United States. If the immigration document(s) provided by the applicant shows the person is a conditional permanent resident of the United States or is not a permanent United States resident, the application shall not be considered for foster care unless the applicant is being considered for placement of a specific child and the person is "kin" to the child as defined in rule 5101:2-1-01 of the Administrative Code.

(3) For the purpose of this rule, "legal resident of the United States" means a person who is a native-born or naturalized citizen of the United States or a person who presents credible evidence from the bureau of immigration and customs enforcement of the U.S. department of homeland security that the person is a permanent resident of the United States.

(H) The agency shall use the JFS 01691 for all initial foster home applications.

(1) The agency shall not accept an incomplete JFS 01691. An individual who submits an incomplete application will not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(2) The agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the applicant(s).

(3) If an adoptive applicant decides during the homestudy process to also become a certified foster caregiver, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants shall not be required to duplicate documentation as a result of a new application date.

(4) Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code. ~~An individual who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.~~

(5) The agency shall require an application be made in the full name of each adult member of a couple residing in the home, a single person, or each co-parent residing in the home.

(6) The agency shall not accept more than one application per household and shall not recommend certification of more than one foster home per household.

(I) The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the foster care applicants.

(1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed of the necessary materials required for the assessor to complete the homestudy.

(2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" ~~(rev. 12/2014)~~ the reason(s)

the agency is unable to meet this requirement.

(J) The agency shall complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.

(K) The following is required for the homestudy:

(1) An assessor shall conduct ~~a~~an in home, face to face interview with all members of the household ~~over the age of four years~~based on his or her age and development. The interview with all members of the household ~~over the age of four years~~ may be a joint interview or separate individual interviews.

(2) The agency shall conduct criminal records checks for all persons subject to a criminal records check pursuant to rules 5101:2-5-09.1 and 5101:2-7-02 of the Administrative Code.

(a) The required criminal records checks must be completed and the results received by the agency prior to the agency recommending an applicant for certification.

(b) Except as provided in paragraph ~~(I)~~(J) of rule 5101:2-7-02 of the Administrative Code, an agency shall not recommend a person be certified as a foster caregiver if the person or any adult member of the applicant's household has been convicted of any crime listed in ~~paragraph (J)~~appendix A ~~of~~to rule 5101:2-7-02 of the Administrative Code.

(3) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster care applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each foster care applicant and each adult who resides with the applicant.

(a) A report with the results of the search shall be placed in the foster caregiver record.

(b) This report is used to determine the suitability of the applicant to provide foster care.

(4) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(5) ~~The~~A physical exam and a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" ~~(rev. 6/2009)~~ are to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the recommendation for certification for the applicant ~~and all household members~~. All household members are to complete a JFS 01653.

(a) Any written documentation of a physical examination shall be completed by the individual conducting the examination.

(b) The form shall document the applicant and all members of the household are free from any physical, emotional, or mental condition which would endanger children or seriously impair the ability of the household members to care for a foster child.

(c) The agency may require an applicant or household member to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:

(i) The applicant or any household member has suffered a serious illness or injury within the past year.

(ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any foster child who may be placed in the home of the applicant.

(6) Immunizations for homes certified after June 1, 2020.

(a) All children who are household members are to be up to date on immunizations consistent with the recommendations of the american academy of pediatrics, the advisory committee on immunization practices of the centers for disease control and prevention, and the american academy of family physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(b) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP), unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(c) All household members in a home caring for infants are to be up to date on the pertussis vaccine consistent with the recommendations of the ACIP, unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(d) Copies of the immunization records are to be placed in the file of the home.

~~(6)~~(7) The applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant shall provide at a minimum:

(a) A completed JFS 01681 "Applicant Financial Statement" ~~(rev. 10/2000)~~.

(b) Proof of income for the household for the most recent tax year prior to the date of application.

(c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for certification.

(d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency's recommendation for certification.

~~(7)~~(8) Prior to recommending initial certification of a foster home, an agency shall require and assure each applicant successfully completes all preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(a) Only the preplacement training completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification will meet the training requirement.

(b) Each foster home recommended for certification shall receive preplacement training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency recommends the home for certification.

~~(8)~~(9) References shall be received by the agency prior to the date the agency recommends the home for certification.

(a) The applicant shall provide the names and contact information of at least three people who ~~are unrelated to the applicant and~~ do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency recommends the home for certification. A minimum of one of the required references is to be from a relative and at least two references from non-relatives.

(b) The applicant and all adult household members shall provide the name of any agency the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and any adult household members shall complete a written and signed release of information statement so any such reference may be contacted.

(c) The agency shall contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the homestudy process and documented on the homestudy.

(d) All contacts with references listed above are required and shall be documented in the narrative section of the homestudy.

~~(9)~~(10) The JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" ~~(rev. 2/2015)~~ or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not be dated more than twelve months prior to the date the agency recommends the home for certification.

~~(10)~~(11) The JFS 01348 "Safety Audit" ~~(rev. 12/2014)~~ completed not more than six months prior to the date the agency recommends the home for certification, documenting the residence satisfactorily meets all safety standards.

~~(11)~~(12) A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to the date the agency recommends the home for certification and annually thereafter.

~~(12)~~(13) Prior to the end of the assessment process, applicants shall complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" ~~(rev. 12/2006)~~ indicating the acceptable characteristics and type of child the applicant is willing to foster.

(a) The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.

(b) All placements in a foster home shall be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.

(c) Upon the request from an applicant or caregiver, the JFS 1673-A may be updated as often as needed.

(L) The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be certified as a foster caregiver considering all household members and the availability of appropriate accommodations for any foster child that may be placed in the home.

(1) In completing the evaluation, a written narrative shall be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.

(2) The evaluation shall be a completed JFS 01673.

(M) In addition to the requirements of the JFS 01673, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not recommend an applicant for certification to ODJFS prior to the completion of those requirements, in addition to all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification of the foster home.

(N) The agency shall not place a child or cause a child to be placed in a foster home until:

(1) The foster caregiver completes the preplacement training required by rule 5101:2-5-33 of the Administrative Code for the type of foster home certification the caregiver is seeking.

(2) The assessment of the foster home, including the JFS 01673 and all supporting documentation, is completed by an assessor who recommends certification of the applicant for foster care.

(3) ~~An original JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending certification is submitted to ODJFS or the~~The homestudy has been approved by ODJFS through the SACWIS system. ~~If the agency does not have access to SACWIS then the agency shall submit the completed JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS in addition to the JFS 01317.~~

(4) The effective date of a foster home certificate issued by ODJFS.

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Foster Care Licensing

5101:2-5-22 Recommendations for Initial Foster Home Certification

FCASMTL 354

Effective Date: December 1, 2015

Most Current Prior Effective Date: August 1, 2010

(A) An agency shall not recommend for certification any applicant whose residence ~~or person~~ is licensed, regulated, approved, or operated under the direction of, or otherwise certified as a facility to provide overnight substitute care for unrelated persons, by:~~the department of youth services, the department of mental health, the department of alcohol and drug addiction services, a community alcohol, drug addiction and mental health board, the department of developmental disabilities, a county board of mental retardation and developmental disabilities, the department of health or a juvenile court.~~

(1) The department of youth services.

(2) The department of mental health.

(3) The department of alcohol and drug addiction services.

(4) A community alcohol, drug addiction and mental health board.

(5) The department of developmental disabilities.

(6) A county board of developmental disabilities.

(7) The department of health.

(8) A juvenile court.

(B) Each initial application for certification of a foster home shall be approved through an assessor's ~~assessment~~evaluation of the residence, prospective foster caregiver, and household members.

(C) To submit a recommendation for certification of a foster home:

(1) ~~A~~If a private child placing agency (PCPA) or private noncustodial agency (PNA) does not have access to the statewide automated child welfare information system (SACWIS), the agency shall submit to the Ohio department of job and family services (ODJFS) a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and the JFS 01318 "SACWIS Private Agency Provider Request" (rev. 4/2009). If the agency has access to SACWIS, the agency shall enter the required information in the system.

(2) A public children services agency (PCSA) shall enter the information into the statewide automated child welfare information system (SACWIS) as required in rule 5101:2-33-70 of the Administrative Code.

(D) Upon receipt of a JFS 01317, ODJFS will determine the effective and expiration dates of the certificate.

(E) The effective date of an initial foster home certificate shall be no earlier than the day the JFS 01317 is received by ODJFS as evidenced by the receipt date stamp or the date the recommendation is routed to ODJFS in SACWIS.

~~(F) The JFS 01673 "Assessment of Child Placement" (rev. 8/2005) shall be used to initiate all foster home homestudies.~~

Effective: 12/01/2015

Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 10/27/2015

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03, 5103.0324

Rule Amplifies: 5103.02, 5103.03, 5103.0324

Prior Effective Dates: 12/30/66, 10/1/86, 2/1/88, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 7/1/00, 1/1/03, 12/11/06, 8/1/10

Foster Care Licensing

5101:2-5-24 Foster Home Recertifications

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: November 1, 2015

(A) All currently certified foster homes shall be recertified every two years from the beginning date of the current certificate. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.

(1) If an approved adoptive home is subsequently certified for foster care by the same agency that approved the home for adoption, the adoptive homestudy shall be updated at the same time the home is initially certified for foster care so that the spans will coincide.

(2) If a certified foster home is subsequently approved for adoption by the same agency that certified the home for foster care, the next adoption update shall be completed when the current foster care certificate is recertified so that the spans will coincide.

(B) The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete foster home recertifications comply with the following requirements:

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) The recommending agency shall notify the foster caregiver of the date of expiration of the foster home certificate not less than ninety or more than one hundred fifty days prior to the expiration date. The notification shall:

(1) Identify any information or documentation that is required for the recertification.

(2) Be completed on the JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" ~~(rev. 12/2014)~~.

(D) Following agency notification to the foster caregiver as required by paragraph (C) of this rule, if the caregiver fails to either reapply or voluntarily terminate prior to the expiration date of the certificate, the foster home certificate shall expire. If the family wishes to become certified after the expiration date, they shall reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

(1) If a foster home certificate expires because a caregiver has failed to reapply there are no rights to appeal pursuant to Chapter 119. of the Revised Code.

(2) Following the expiration of a foster home certificate:

(a) If the agency has access to the statewide automated child welfare information system (SACWIS), the agency shall enter the appropriate data into the system to recommend

closure of the home.

(b) If the agency does not have access to SACWIS, the agency shall submit a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" ~~(rev. 1/2003)~~ to the Ohio department of job and family services (ODJFS) to recommend closure of the home.

(E) If a foster caregiver(s) has re-applied for a foster home certificate at least thirty days prior to the expiration of a current certificate, an assessor shall complete a JFS 01385, "Assessment for Child Placement Update" ~~(rev. 12/2014)~~, ensure that the foster caregiver(s) remains in compliance with the requirements set forth in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, and determine the continued suitability of the caregiver to serve as a foster caregiver. The agency ~~shall~~is to compile and review the following documents, in addition to completing the JFS 01385:

(1) The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" ~~(rev. 6/2009)~~ completed for the applicant and all household members ~~by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife~~. The agency may require a new JFS 01653 if the agency deems it necessary.

(2) The agency may require a report of a physical, psychiatric or psychological examination or treatment of the caregiver or other household member in order to ensure the safety, health or care of a foster child. The examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

(3) Homes certified prior to June 1, 2020 do not have to comply with immunization requirements.

(4) Immunizations for homes certified on or after June 1, 2020.

(a) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP), unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(b) All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(c) Copies of the immunization records are to be placed in the file of the home.

~~(3)~~(5) The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" ~~(rev. 2/2015)~~ or other form used for a local or state fire inspection. The agency may require a new fire inspection prior to recommending the home for recertification if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of a foster child.

~~(4)~~(6) The most recent JFS 01681 "Applicant Financial Statement." ~~(rev. 10/2000)~~. The agency may require a new JFS 01681 if there have been any substantial changes to the foster family's financial situation.

~~(5)~~(7) The most recent annual well water test approved by the health department, if applicable.

~~(6)~~(8) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster

caregiver and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request and obtain a search of the system from ODJFS for each foster caregiver and each adult household member.

(a) A report with the results of the search shall be placed in the foster home record.

(b) This report is to be used to determine the continued suitability of the foster family.

~~(7)~~(9) The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" ~~(rev. 12/2014)~~ completed within six months prior to recommending a foster home for recertification, documenting that the residence continues to meet all safety standards. Any deficiencies noted on the JFS 01348 shall result in the completion of a rule violation report and a corrective action plan in accordance with paragraph (E) of rule 5101:2-5-28 of the Administrative Code.

~~(8)~~(10) The most recent criminal records checks for all foster caregivers and adult household members. Once a foster caregiver is certified, a new criminal records check shall be conducted, pursuant to rule 5101:2-5-09.1 of the Administrative Code, for the foster caregiver(s) and each adult household member every four years prior to recommending a foster home for recertification. If an existing resident of the home, including youth placed in the home, turned eighteen years of age during the current certification span, the agency shall have criminal records checks completed at the time of the next recertification and every four years thereafter at the time of recertification.

~~(9)~~(11) Documentation that the foster caregiver(s) has completed the required ongoing training pursuant to rule 5101:2-5-33 of the Administrative Code. If the foster caregiver has not completed the required continuing training, the agency may recommend recertification if the situation meets the specifications of the agency's good cause policy pursuant to rule 5101:2-5-13 of the Administrative Code.

(F) An assessor's recertification of a foster home shall include at least one home visit and one interview with each member of the household (except foster children) ~~over the age of four~~ ~~years~~based on his or her age and development currently residing in the home. This may be a joint interview or individual interviews.

(G) If an agency receives a completed JFS 01331 at least thirty days prior to the expiration date of a foster home certificate, an agency shall follow the requirements listed in this rule to complete the assessment for recertification.

(1) At the completion of the assessment and prior to the expiration of the foster home certificate, an agency is to enter the required data into SACWIS documenting one of the following:

(a) Recertification.

(b) Denial of recertification.

(c) Closure, based on receipt of a voluntary withdrawal.

~~(a) An agency with access to SACWIS shall enter the required data into the system documenting one of the following:~~

~~(i) Recertification.~~

~~(ii) Denial of recertification.~~

~~(iii) Closure, based on receipt of a voluntary withdrawal.~~

~~(b) An agency without access to SACWIS shall submit a JFS 01317 to ODJFS documenting one of the following:~~

~~(i) Recertification.~~

~~(ii) Denial of recertification.~~

~~(iii) Closure, based on receipt of a voluntary withdrawal.~~

(2) The effective date of a foster home certificate shall be the first day following the expiration of the previous certificate. For only those certifications in which paragraph (I) of this rule apply, the effective date shall be the date that ODJFS receives the recommendation for certification from the agency, which shall be no more than thirty days past the expiration date of the current certificate.

(H) If an agency receives a completed JFS 01331 less than thirty days prior to the expiration date of a foster home certificate, the agency may complete the requirements listed in this rule if they have sufficient time and resources to complete the assessment and submit the requirements listed in paragraph (G) of this rule prior to the expiration of the foster home certificate.

(1) If the agency is unable to complete the recertification prior to the expiration, the foster care certificate will expire on the date of expiration.

(2) If the foster care certification expires, the agency shall, within ten days after the expiration date of the certification:

(a) Provide written notification to the caregiver of the following:

(i) That the foster care certification has expired.

(ii) That if the family would like to obtain foster care certification, the family must reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

(b) An agency ~~with access to SACWIS~~ shall enter the required data into ~~the system~~SACWIS to close the provider because the foster care certification has expired.

~~(c) An agency without access to SACWIS shall submit a JFS 01317 to ODJFS documenting the home has closed because the foster care certification has expired.~~

~~(I) For certifications with an expiration date within ninety days after the effective date of this rule, agencies may take up to an additional thirty days past the expiration date of the current certificate to complete the requirements listed in paragraph (G) of this rule if all of the following apply:~~

~~(1) The agency or family is unable to complete the recertification requirements listed in this rule prior to the expiration date of the certificate.~~

~~(2) The family submitted the JFS 01331 less than thirty days prior to the expiration date of the current certificate.~~

~~(J)~~(I) The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.

(1) All placements in a foster home shall be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.

(2) Upon the request from a foster caregiver, the JFS 1673-A "Child Characteristics Checklist" ~~(rev. 12/2006)~~ may be updated as often as needed.

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

Certification: CERTIFIED ELECTRONICALLY

Date: 06/05/2020

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.18

Rule Amplifies: 2151.86, 5103.02, 5103.03, 5103.18

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 12/01/2009, 10/01/2011, 11/01/2015

Foster Care Licensing

5101:2-5-26 Procedures for Revocation, Denial of Initial Certification or Denial of Recertification of a Foster Home Certificate

FCASMTL 376

Effective Date: March 1, 2017

Most Current Prior Effective Date: October 1, 2011

(A) At the time of an agency decision to recommend denial of initial certification, denial of recertification or revocation of a foster home certificate, the agency may contact the Ohio department of job and family services (ODJFS) children services licensing enforcement coordinator for consultation regarding required evidence, procedures and advice prior to notifying the applicant or foster caregiver of the agency's intent.

(B) If the agency decides to recommend denial of initial certification, denial of recertification or revocation, pursuant to paragraph (C) of this rule it shall provide written notification by ~~regular mail and~~ certified mail, return receipt requested, to the applicant or foster caregiver of the following:

(1) The reason for the decision to recommend denial of initial certification, denial of recertification or revocation~~;~~.

(2) The specific law or rule(s) with which the applicant or foster caregiver allegedly is not in compliance~~;~~.

(3) The method of and time limits for requesting a local agency grievance meeting~~; and~~.

(4) That the final decision to deny the initial certification or recertification or to revoke certification will be made by ODJFS at which time the applicant or caregiver shall be afforded the opportunity to request a hearing pursuant to Chapter 119. of the Revised Code.

(C) Notification required by paragraph (B) of this rule shall be on the JFS 01315 "Notification of Denial of Initial Certification, Recertification or Revocation of a Foster Home Certificate" (rev. 1/2003).

(D) Following the completion of the requirements of paragraph (B) of this rule, and subject to paragraph (F) of this rule, the agency shall notify ODJFS of its recommendation to deny initial certification, deny recertification or revoke the certificate on a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and shall submit documentation of:

(1) A summary of the grievance meeting, if one was held~~;~~.

(2) Identification of rules with which the applicant or foster caregiver is allegedly not in compliance~~;~~.

(3) Specific documentation and evidence supporting the recommendation~~; and~~.

(4) A copy of the JFS 01315 and the certified mail return receipt sent to the applicant or foster caregiver.

(E) Upon receipt of the JFS 01317 required in paragraph (D) of this rule or notification of the recommendation submitted in paragraph (F) of this rule, ODJFS shall evaluate the evidence and documentation submitted by the agency and take one of the following actions:

(1) Return the ~~JFS 01317~~recommendation and evidence to the agency due to insufficient or inappropriate evidence and documentation with a written explanation of the deficiency~~;~~.

(2) Reject the agency recommendation in writing specifying the reasons for rejection~~; or~~.

(3) Proceed with the denial or revocation process.

(F) If an agency has access to the statewide automated child welfare information system (SACWIS), the agency shall recommend the denial of initial certification, denial of recertification or revocation of the certificate through SACWIS. A JFS 01317 shall not be completed.

(G) At the time ODJFS proceeds with an agency recommendation to deny or revoke a foster home certificate ODJFS shall notify the applicant or foster caregiver pursuant to Chapter 5101:6-50 of the Administrative Code. A copy of the notice shall be sent to the recommending agency which shall immediately notify any other agency which may have a foster child placed in the foster home.

(H) The decision to proceed or not proceed with a recommendation for denial or revocation rests solely with ODJFS in its exercise of discretion.

(I) Any action by ODJFS to deny or revoke a foster home certificate shall be subject to the requirements of Chapter 119. of the Revised Code and Chapter 5101:6-50 of the Administrative Code.

(J) If a foster home application or certificate has been denied or revoked pursuant to Chapter 119. of the Revised Code, the applicant or person to whom the certificate was issued shall not be eligible for any ODJFS children services license or certification for five years from the date of denial or revocation or the exhaustion of all appeals, whichever is later.

Effective: 03/01/2017

Five Year Review (FYR) Dates: 11/02/2016 and 03/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 02/03/2017

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/66, 10/01/86, 2/1/88, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 7/1/00, 1/1/03, 12/11/06, 10/1/11

Foster Care Licensing

5101:2-5-27 Agency Procedure for the Termination of a Foster Home Certificate

FCASMTL 408

Effective Date: May 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) If a foster caregiver notifies the recommending agency of the voluntary termination of the foster home certificate, the recommending agency shall, within two working days of receipt of the notice, notify any other agency which has a foster child placed within the home.

~~(B) If an agency has not implemented the statewide automated child welfare information system (SACWIS), the agency which recommended the certificate shall, within thirty calendar days of the effective date of a voluntary termination, submit the information by way of the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) to the Ohio department of job and family services (ODJFS) indicating that the foster home certificate has been voluntarily terminated, and that the foster home record is closed.~~

~~(C)~~(B) ~~If an agency has implemented SACWIS, the~~When the recommending agency ~~which recommended the certificate~~ receives a voluntary termination notice from a foster caregiver, the agency shall~~, each work day or as information becomes available about a voluntary termination,~~ submit the information in SACWIS and forward the information to ODJFS for approval.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014

Foster Care Licensing

5101:2-5-28 Agency Cause for Denial of Initial Certification, Denial of Recertification or Revocation of a Foster Home Certificate

FCASMTL 387

Effective Date: October 1, 2017

Most Current Prior Effective Date: March 1, 2017

(A) If the recommending agency has knowledge of rule noncompliance or receives an allegation of a rule violation of Chapter 5101:2-7 of the Administrative Code for a currently certified foster home, the agency shall comply with all of the following:

(1) Begin an investigation of all allegations of rule noncompliance of Chapter 5101:2-7 of the Administrative Code within three calendar days of receipt of an allegation of a rule violation. At a minimum, an investigation begins with the implementation of paragraph ~~(B)~~(C) of this rule or documenting the contact of the agency by any third party or law enforcement agency investigating the allegations to determine if the recommending agency can proceed with the rule noncompliance investigation.

(2) Complete the investigation within thirty calendar days of beginning the investigation unless the investigation of rules violation conflicts with any other third party or law enforcement investigation.

(3) Document and maintain the following results in the foster caregiver record:

(a) Investigations conducted pursuant to this paragraph.

(b) If noncompliance is found, the development and implementation of corrective action plans as required by the agency or the recommendation to deny recertification or revoke the certification of the foster home.

(c) If noncompliance is not found, a statement documenting and explaining the reasoning that non-compliance was not found.

(B) Any one or any combination of the following circumstances may be considered valid cause for denial of initial foster home certification, denial of recertification, or revocation of a foster home certificate either upon the recommendation of a recommending agency or through unilateral action by the Ohio department of job and family services (ODJFS):

(1) A foster caregiver or applicant fails or refuses to comply with any requirement of Chapter 5101:2-5 or 5101:2-7 of the Administrative Code.

(2) A foster caregiver or applicant knowingly furnishes false or misleading statements or reports to the agency.

(3) A foster caregiver or applicant knowingly falsifies, refuses or fails to submit any report required by Chapter 5101:2-7 of the Administrative Code.

(4) A foster caregiver or applicant refuses or fails to make available any record required by or necessary to the administration of Chapter 5101:2-7 of the Administrative Code.

(5) A foster caregiver or applicant refuses to admit into the residence any person performing duties required by Chapter 5101:2-5, 5101:2-7 or 5101:2-36 of the Administrative Code or any laws of the state or any subdivision therein.

(6) A foster caregiver or applicant fails or refuses to comply with agency instructions regarding care of a foster child an agency has placed within the home.

(7) A foster caregiver or applicant interferes or acts in conflict with an agency plan for a foster child's care.

(8) Any resident of a foster caregiver or applicant's home, other than the foster children who are placed there, is found guilty of any crime perpetrated against a child.

(9) A foster caregiver or applicant, any adult resident of a foster home, or any minor resident of a foster home at least twelve years of age, but less than eighteen years of age other than a foster child who is placed there, residing with the foster caregiver has been convicted of, pleaded guilty to, or been adjudicated delinquent for commission of any offense listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(10) A foster caregiver, applicant or any other resident of a foster home who is a person subject to a criminal records check refuses to obtain a criminal records check.

(11) A recommending agency can document, in their assessment, that a foster caregiver, applicant or a foster home should not care for a foster child.

(12) Any act of omission or commission by a foster caregiver, applicant or other member of the household which results in the death, injury, illness, abuse, neglect or exploitation of a child.

(13) Any applicable reason pursuant to section 5103.0319 or 5103.0326 of the Revised Code.

(C) When the recommending agency has knowledge that one or more of the circumstances listed in paragraph ~~(A)~~(B) of this rule apply to a resident of a foster caregiver's or prospective foster caregiver's home, the agency shall do all of the following:

(1) Review the foster home certificate or the application, if applicable, and if appropriate, recommend that ODJFS revoke the certificate, deny the recertification of the certificate or deny the application.

(2) Review the appropriateness of the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home or other appropriate placement.

(3) If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, the recommending agency shall notify the entity that has custody of the child that it has received a notice subject to paragraph (Q) of rule 5101:2-7-02 or paragraph (G) of rule ~~2-7-14~~5101:2-7-14 of the Administrative Code.

(4) Assess the foster caregiver's need for training because of the conviction, plea of guilty, or adjudication described in paragraph ~~(A)~~(B) of this rule and provide any necessary training unless the agency action is to recommend revocation of the certificate.

(D) If a recommending agency learns that a foster caregiver has failed to comply with the provisions of paragraph (Q) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code, it shall immediately notify the entity that has custody if applicable, and ODJFS.

(E) If an agency determines that any of the conditions listed in paragraph ~~(A)~~(B) of this rule presents or creates a threat to the life, health, or safety of a foster child, it shall immediately remove the foster child from the foster home and notify the custody-holding agency or individual within one hour. An agency determination of threat to a foster child's safety shall be considered sufficient basis for any such action, and shall not require any additional justification.

Effective: 10/1/2017

Five Year Review (FYR) Dates: 6/22/2017 and 10/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 09/11/2017

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.03, 5103.0319, 5103.0321, 5103.0326, 5103.02 Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer), 10/1/90, 1/1/91, 9/18/96, 1/1/03, 8/1/09, 7/1/14, 3/1/17

Foster Care Licensing

5101:2-5-29 Agency Requirements for Foster Home Records

FCASMTL 408

Effective Date: May 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) An agency shall create a separate record for each foster home.

(B) All documentation required by Chapters 5101:2-5 and 5101:2-7 of the Administrative Code shall be contained in the individual foster home record pursuant to paragraph (A) of this rule.

(C) An agency shall maintain in each foster home record a log of all children placed in the foster home. The log shall contain, at a minimum:

(1) The name of the foster child.

(2) The child's date of birth.

(3) The date of placement in the foster home.

(4) The date of discharge/removal from the foster home and reason.

(5) The new location of the child.

(6) If the foster home is a specialized foster home, the use of any planned or crisis respite care for children placed in the home shall be documented in the log.

(a) At a minimum, the documentation shall show the starting and ending dates of any respite care services received by the child and where the respite care was provided.

(b) If the approved respite care provider is a certified foster caregiver, the name of the child and the starting and ending dates of any respite care services provided by the foster caregiver shall also be documented in the log for the foster home providing the respite care.

(D) All closed foster home records shall be maintained by the agency for a period of five years following the date of closing of the home.

(E) ~~If an agency has implemented the statewide automated child welfare information system (SACWIS), the~~An agency shall maintain any requirement of this rule in SACWIS if the system has the ability to record the required information.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014

Foster Care Licensing

5101:2-5-30 Foster Care Amendments

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: July 1, 2009

(A) The PCSA, PCPA, PNA or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(B) If the agency is notified of any of the following changes for the foster caregiver, the agency shall amend the homestudy:

(1) A change in the marital status of the foster caregiver(s).

(2) The death of a foster caregiver or household member.

(3) A change in household members, not including foster children.

(4) A change of address for the foster family that is different than the address listed on the foster home certificate.

(C) An amendment is a narrative of the assessor's evaluation of the change that has occurred in the foster home. The agency shall document the date of notification in the amendment.

(1) The amendment shall be completed within thirty days of the date of the change, or within thirty days of the date the agency became aware a change occurred if notification did not occur pursuant to rule 5101:2-7-14 of the Administrative Code.

(2) If the change is to add a foster caregiver to the certificate, the amendment shall not be completed until the preplacement training has been completed pursuant to rule 5101:2-5-33 of the Administrative Code.

(3) In completing the amendment, the agency shall, if necessary, redetermine the specific number, age, and gender of children the family is approved to foster. The amendment shall address sleeping arrangements, beds and bedrooms, and shall evaluate whether the foster family remains in compliance with all applicable requirements.

(4) The amendment shall be completed in the statewide automated child welfare information system (SACWIS) if the agency has access to the system.

(5) An agency that does not have access to SACWIS shall document the amendment in the caregiver record. The agency may do this by completing the applicable sections of the JFS 1385 "Assessment for Child Placement Update" (rev. 12/2014) in addition to completing the applicable requirements identified in this rule. At the completion of the amendment, an agency that does

not have access to SACWIS shall submit a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) to the Ohio department of job and family services (ODJFS) to recommend any amendment causing a change on the face of the foster home certificate. The agency shall submit a JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS for any change in household occupancy so that information in the SACWIS provider record may be updated.

(D) If the amendment is due to a new household member, the agency shall ensure the following:

(1) New household members residing with the foster caregiver shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed documenting they are free from any physical, emotional or mental condition which would endanger children or seriously impair the ability of the household member to care for the child placed in the home.

(a) If the new occupant is an adopted child who immediately prior to the adoption resided in the home as a foster child, a JFS 01653 is not required.

(b) The JFS 01653 shall be dated within ninety days of the date the person becomes a household member.

(c) If the agency was not notified of the new household member in accordance with rule 5101:2-7-14 of the Administrative Code, the JFS 01653 shall be dated within ninety days of the date the agency became aware of the new household member.

(2) New adult household members residing with the foster caregiver shall have a bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) records check, as outlined in rule 5101:2-5-09.1 of the Administrative Code.

(a) The criminal records checks shall be conducted within ten working days of the date the person becomes a household member.

(b) If the agency was not notified of the new household member in accordance with rule 5101:2-7-14 of the Administrative Code, the criminal records checks shall be conducted within ten working days of the date the agency became aware of the new household member.

(3) New adult household members shall provide the name of any agency they have applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The new adult household member shall complete a written and signed release of information so that any such reference may be contacted.

(4) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for the new adult household member within ten working days of the date the person becomes a household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for the new adult household member within ten working days of the date the person became a household member. If the agency was not notified of the new household member pursuant to rule 5101:2-7-14 of the Administrative Code, then the agency shall complete these requirements within ten working days of the date the agency became aware of the new household member.

(a) A report with the results of the search shall be placed in the foster caregiver record.

(b) This report is used to determine the continued suitability of the foster family.

(5) The agency shall request a check of the child abuse and neglect registry of any other state the new adult household member has resided in for the five years immediately prior to the date of the criminal records check for the new household member, as required by division (A) of section 2151.86 of the Revised Code.

(6) If the new household member is the co-parent or spouse of the foster caregiver and shall therefore be added to the certificate, the agency shall ensure the following is completed in addition to the requirements listed in paragraph (D) of this rule:

(a) The agency shall contact all adult children of the new co-parent or spouse for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the amendment process and documented in the amendment.

(b) If the person has not previously completed the preservice training, the agency shall ensure the co-parent or spouse completes the preplacement training required pursuant to rule 5101:2-5-33 of the Administrative Code no later than one hundred eighty days after becoming a household member. The co-parent or spouse shall not be added to the foster care certificate until the training has been completed.

(c) Once the co-parent or spouse is added to the certificate, the required continuing training hours shall be prorated from the date the co-parent or spouse is added to the foster care certificate through the expiration of the current certification span.

(E) If the amendment is due to a change of address of the foster home, the agency shall ensure the following:

(1) The agency shall conduct a safety audit documenting the new residence satisfactorily meets all safety standards.

(a) The safety audit shall be completed on the JFS 01348 "Safety Audit" (rev. 12/2014).

(b) The safety audit shall be conducted within ten working days after the change of address.

(c) If the agency was not notified of the change of address pursuant to rule 5101:2-7-14 of the Administrative Code, the agency shall conduct the safety audit within ten working days of the date they became aware of the change of address.

(2) The agency shall require the foster caregiver to obtain a fire safety inspection certifying the new residence is free from conditions hazardous to the safety of a foster child.

(a) The fire safety inspection shall be completed on the JFS 01200 "Fire Inspection Report For Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection.

(b) The fire safety inspection shall be requested prior to or within thirty days of the date of the change of address. If the agency was not notified of the change of address pursuant to rule 5101:2-7-14 of the Administrative Code, then the fire safety inspection shall be requested within thirty days of the date the agency became aware of the change of address.

(c) The fire safety inspection shall be conducted prior to or within ninety days of the date of the change of address. If the agency was not notified of the change of address pursuant to rule 5101:2-7-14 of the Administrative Code, then the fire safety inspection shall be conducted within ninety days of the date the agency became aware of the change of address.

Replaces: 5101:2-5-30

Effective: 11/01/2015

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Foster Care Licensing

5101:2-5-31 Sharing or Transfer of a Foster Home

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: October 1, 2011

(A) Prior to an agency sharing use of a foster home that has been recommended for certification by another agency, the agency wishing to use the home shall obtain a written agreement signed by the recommending agency stating how the home is to be used and that all parties affected by the agreement approve of it. The recommending agency shall provide a copy of the agreement to the foster caregiver(s) and all agencies currently using the home.

(B) An agency shall not solicit homestudies or transfers from other agencies for the purpose of locating a family of a specific race, color or national origin.

(C) Pursuant to the transfer conditions listed throughout this rule, a foster home shall only be considered for a transfer to another agency that recommends foster homes of the type that the caregiver is qualified to provide. If a transfer is approved for a foster caregiver certified to operate a specialized foster home to an agency that does not operate a specialized foster home program, the caregiver shall agree that upon execution of the transfer, the foster home designation will be identified as a family foster home.

(D) An agency shall consider a transfer request of a foster home from another agency only if the foster caregiver has been certified with the recommending agency for a minimum of one year. A foster caregiver shall not transfer more than once during a certification period. Exceptions to these limitations may be made in the following circumstances:

(1) If a foster caregiver has relocated to a county not served by the foster caregiver's recommending agency.

(2) If the foster caregiver's recommending agency ceases to recommend foster homes for certification to the Ohio department of job and family services (ODJFS) or ceases to recommend the type of foster home that the caregiver is currently certified to provide.

(3) If both the sending and receiving agency agree to the transfer of the foster home.

(E) Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (D) of this rule and who expresses a desire to transfer from their current recommending agency, a receiving agency shall make a determination whether to further consider the transfer request.

(1) If the receiving agency decides to continue the review of the transfer, the receiving agency shall notify the foster caregiver's current recommending agency in writing to inform them of the transfer request and to request a complete copy of the caregiver's foster home record, with the exception of references and criminal background checks.

(2) The receiving agency shall only accept documentation located in the foster home record from the recommending agency. The records shall not be accepted directly from the foster caregiver or other individual. A caregiver may provide other information to the receiving agency that the caregiver considers to be relevant.

(F) Upon receipt of the transfer request from the receiving agency:

(1) If the recommending agency has previously made a decision not to place any additional children in the foster caregiver's home, it shall inform the receiving agency of this decision and the reason why this decision was made. If the receiving agency still wishes to proceed with exploring the transfer request, it shall notify the recommending agency in writing.

(2) The recommending agency shall ensure that a signed release of information has been obtained from the foster caregiver authorizing release of the record. The release may be initiated by either agency or the foster caregiver.

(3) The recommending agency may charge the receiving agency a reasonable fee for copying the records, not to exceed twenty-five cents per page. No additional fee shall be charged to any party. If a fee is charged to copy the records, the records shall not be sent until the fee is paid.

(4) While the transfer request is pending, the recommending agency shall continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency. The recommending agency shall continue to provide the caregiver with notification of training events needed pursuant to the foster caregiver's needs assessment and continuing training plan. The recommending agency shall allow the foster caregiver to attend any such events and shall continue to meet with the caregiver regarding the care of any child placed in the home.

(G) Within fifteen working days of receipt of the signed release of information and any applicable copying fee, the recommending agency shall forward a complete copy of the foster home record, with the exception of references and criminal background checks. The record shall be sent electronically, by certified mail, return receipt requested, or hand delivered by agency staff. If records are hand delivered, the recommending agency shall be provided with a receipt showing the date the records were delivered to the receiving agency. The receiving agency shall also document the date the record was received.The record shall include the following:

(1) The most recent initial homestudy and all homestudy recertifications.

(2) The most recent report of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS).

(3) Training records.

(4) Fire inspection reports.

(5) Safety audits.

(6) Medical reports.

(7) Foster home exit interviews.

(8) Complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding investigations or corrective action plans that have not been fully completed or implemented, the recommending agency shall notify the receiving agency of the nature of those investigations and corrective action plans.

(H) Upon receipt of the foster caregiver's records, the receiving agency shall assign an assessor to review the information received and conduct an assessment of the transfer request.

(1) In addition to reviewing the recommending agency's records and any information provided by the caregiver, the assessor shall:

(a) Contact staff from the current recommending agency and the caregiver to determine the reasons why the request to transfer is being made at this time.

(b) Determine if there are foster children in the home, and, if so, identify the agency with custody of the child(ren).

(c) Make at least one visit to the foster home and conduct a face-to-face interview with each foster caregiver and all other household members over the age of four.

(d) Receive three new personal references for the foster caregiver(s) from persons who are unrelated to the caregiver(s) and do not live in the foster home.

(e) Receive new references from all adult children of the caregiver(s). If the adult children are unable or unwilling to provide a reference this shall be assessed during the transfer process and documented in the caregiver record.

(f) Conduct a new criminal records check for all persons subject to a criminal records check residing in the foster home. Results shall be obtained, reviewed and approved prior to accepting the transfer request.

(g) Complete a new safety audit of the foster home on the JFS 01348 "Safety Audit" (rev. 12/2014) to ensure the home meets all current safety requirements for foster homes.

(2) If the record indicates that there are outstanding investigations or corrective action plans that have not been fully implemented, the assessor shall not recommend acceptance of the transfer unless the assessor is satisfied that any outstanding investigations or plans are not material to the request to transfer the home and do not jeopardize the safety of any children who are or may be placed in the home.

(3) If there are foster children currently placed in the home, all custodial agencies must approve of the transfer of the foster home, as evidenced by the custodial agency signature(s) on the JFS 01334 "Notification of Transfer of a Foster Home" (rev. 12/2014).

(a) If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer shall not take place until that child is no longer placed in the home.

(b) No child shall be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.

(4) If a transfer request of a foster home is pending within ninety days immediately prior to the expiration of the certificate, the current recommending agency and the receiving agency may determine through mutual agreement which agency will conduct the recertification of the foster home. If there is no agreement between the agencies, the current recommending agency shall be responsible for completing the recertification of the home.

(5) The assessor shall complete the transfer assessment within sixty days of the date the complete record was received from the current recommending agency. If the transfer assessment cannot be completed in that timeframe, the assessor shall document the reason(s) in the record.

(I) Upon the completion of the assessment, the assessor shall make a final recommendation regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shall be given to the foster caregiver and the recommending agency within five working days of the date the decision was made. The decision to approve or reject the transfer request rests solely with the receiving agency, subject to the approval of ODJFS and the custodial agency of any foster child(ren) placed in the home. Nothing in this rule shall be construed to require an agency to accept the transfer

of a foster home from another agency. The rejection of a transfer creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party of the transfer request.

(J) If the decision is to deny the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment, including the written recommendation to deny the request, shall be maintained by the agency for at least two years.

(K) If the decision is to approve the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment shall be incorporated into the receiving agency's foster care provider record.

(1) If the sending agency has the appropriate access to SACWIS, the sending agency shall enter the applicable data into the system to complete the transfer to the receiving agency.

(2) If the sending agency does not have the appropriate access to SACWIS to enter the transfer, then either the sending agency or the receiving agency shall make a recommendation to ODJFS to transfer the foster home by submitting the completed JFS 01334 containing all applicable signatures.

(3) The certificate shall be effective from the date of transfer until the end of the current certification period. If the foster caregiver is upgrading the type of foster care the home will provide, the caregiver shall begin a new two year certification starting on the date of transfer due to the increased training requirements.

(4) The transfer of a foster home to a receiving agency has the effect of conferring upon the receiving agency all the duties of a recommending agency contained in Chapter 5101:2-5 of the Administrative Code.

(5) Prior to or not later than thirty days after a transfer request has been processed by ODJFS, the receiving agency shall provide an orientation to the foster caregiver of the agency's foster care policies and procedures.

(L) Upon receipt of a signed release of information form, an agency shall release a copy of a foster care homestudy to an adoption agency when the foster caregiver is being considered as an adoptive parent.

Replaces: 5101:2-5-31

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Five Year Review (FYR) Dates: 11/01/2020

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Foster Care Licensing

5101:2-5-32 Occupancy Limitations and Accessibility

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: July 1, 2018

(A) An agency shall place a foster child in a foster home only when the agency and the foster caregiver are in compliance with the provisions of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

(B) Specific circumstances and limitations for the capacity of a foster home:

(1) To determine the total number of children in the home, the agency shall include at a minimum:

(a) Foster children placed in the home.

(b) Kinship children residing in the home.

(c) The children of a foster caregiver.

(d) Children being cared for by a type B child care provider.

(e) Children receiving any private child care services.

(2) ~~Pursuant to section 5103.0317 of the Revised Code, a~~A foster home shall not receive more than five foster children.

(3) When a foster caregiver has been certified for less than two years to operate a foster home, or has less than two years of professional child care experience as documented by the recommending agency, the caregiver shall not receive more than three foster children in the home at any one time.

(4) Not more than two children under the age of two years shall reside or receive child care services in a foster home at any one time.

(5) Not more than four children under the age of five years shall reside or receive child care services in a foster home at any one time.

(6) If a foster home is at or below the capacity limits set forth in this paragraph, the home may exceed the capacity limits if the additional children meet one of the following circumstances:

(a) To accommodate a sibling group or the remaining members of a sibling group.

(b) To accommodate a sibling or siblings of a kinship child.

(c) ~~When the additional child or children are related to the foster caregiver by adoption, blood or marriage~~To allow a family with special training or skills to provide care to one additional child who has a severe disability.

(d) ~~When the additional child or children are foster children who previously resided in the foster home~~To allow a child with an established meaningful relationship with the family to

be placed with the family.

(e) ~~When the additional child or children are the children of a foster child who resides in the foster home~~To allow a parenting youth in foster care to remain with the child of the parenting youth.

(7) If a foster home is above the capacity limits set forth in this paragraph, the home shall not accept additional children unless the children meet one of the following exceptions:

(a) To accommodate a sibling or siblings of a foster child currently placed in the home.

(b) To accommodate a sibling or siblings of a kinship child currently placed in the home.

(c) ~~When the additional child or children are related to the foster caregiver by adoption, blood or marriage~~To allow a family with special training or skills to provide care to one additional child who has a severe disability.

(d) ~~When the additional child or children are foster children who previously resided in the foster home~~To allow a child with an established meaningful relationship with the family to be placed with the family.

(e) ~~When the additional child or children are the children of a foster child who resides in the foster home~~To allow a parenting youth in foster care to remain with the child of the parenting youth.

(8) If the foster home is a specialized foster home, the additional placement limitations of rules 5101:2-5-36 and 5101:2-5-37 of the Administrative Code, as applicable, shall apply.

(C) Not more than a total of ten children, including the children of a foster caregiver, children being cared for by a type B child care provider and children receiving any private child care services, shall reside or receive child care services in a foster home at any one time.

(D) Placement of a physically ~~handicapped~~disabled foster child in a foster home shall be made only after the agency has assured that any necessary special arrangements to meet the child's needs have been made.

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

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Foster Care Licensing

5101:2-5-33 Foster Caregiver Preplacement and Continuing Training

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: September 1, 2015

(A) A recommending agency shall document that each person seeking certification successfully completes all preplacement training required by this rule according to the type of foster home for which certification is sought.

(B) A recommending agency shall document that each foster caregiver for whom recertification is recommended successfully completes all continuing training required by this rule for the type of foster home operated by the foster caregiver, unless a waiver is approved by the recommending agency pursuant to paragraph (J) of this rule and appropriately documented according to paragraph (K) of this rule.

(C) A foster caregiver or applicant ~~shall~~is to meet the following preplacement or continuing training requirements, as applicable to the type of home for which an applicant is seeking certification or for which a foster caregiver is certified.

(1) Pre-adoptive infant foster home:

(a) A person seeking certification to operate a pre-adoptive infant foster home shall complete a minimum of twelve hours of preplacement training prior to the agency recommending the home for certification. The required training courses ~~shall~~are to address at least all of the following:

(i) The legal rights and responsibilities of foster caregivers.

(ii) The policies and procedures of the recommending agency regarding foster caregivers.

(iii) The Ohio department of job and family services' (ODJFS) requirements for certifying pre-adoptive infant foster homes.

(iv) Infant care.

(v) Early childhood development.

(vi) At least one hour of cultural issues in placement training including cultural diversity training.

(vii) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(viii) A first aid and a child and adult cardiopulmonary resuscitation (CPR) training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

(ix) Medication administration.

(x) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.

(b) A foster caregiver certified to operate a pre-adoptive infant foster home shall complete a minimum of twenty-four hours of continuing training during each certification period. ~~If an agency determines that it is necessary for a child placed in a pre-adoptive infant foster home to be provided care by a foster caregiver who has completed certification in cardiopulmonary resuscitation (CPR) and/or first aid and the caregiver has not previously completed such training, the training shall be provided as soon as possible after the child is placed. The required training courses shall be in accordance with the caregiver's written needs assessment and continuing training plan~~ As of the effective date of this rule, if a currently certified foster caregiver has not completed first aid and CPR training, the caregiver is to complete the training by their subsequent recertification.

(2) Family foster home:

(a) A person seeking certification to operate a family foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. No preplacement training shall be counted towards the completion of continuing training required by paragraph (C)(2)(c) of this rule. The preplacement training program shall consist of courses in the role of foster caregivers as a part of the care and treatment of foster children. A foster caregiver shall complete all of the courses, which ~~shall~~are to, at least, address all of the following:

(i) The legal rights and responsibilities of foster caregivers.

(ii) The recommending agency's policies and procedures regarding foster caregivers.

(iii) ODJFS requirements for certifying foster homes.

(iv) The effects placement, separation, and attachment issues have on children, their families, and foster caregivers.

(v) The importance of maintaining meaningful connections between the child and parents, including regular visitation.

~~(v)~~(vi) Foster caregivers' involvement in permanency planning for children and their families.

~~(vi)~~(vii) The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development.

~~(vii)~~(viii) Behavior management techniques.

~~(viii)~~(ix) Effects of caregiving on children's families.

~~(ix)~~(x) At least two hours of training on cultural issues in placement training including cultural diversity training.

~~(x)~~(xi) Prevention, recognition, and management of communicable diseases.

~~(xi)~~(xii) Community health and social services available to children and their families.

~~(xii)~~(xiii) The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a foster caregiver when a child who has been adjudicated a delinquent child for the commission of certain violent crimes is

placed in a foster home. A course addressing section 2152.72 of the Revised Code shall be not less than one hour long.

~~(xiii)~~(xiv) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(xv) A first aid and a child and adult CPR training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

(xvi) Medication administration.

(xvii) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.

(b) In addition to the preplacement training requirements of paragraph (C)(2)(a) of this rule, a prospective family foster caregiver who will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide, under the instruction of the recommending agency, such services to the youth as are needed and appropriate and, to the extent possible, coordinate such services with the life skill services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(c) A foster caregiver certified to operate a family foster home shall complete a minimum of forty hours of continuing training during each certification period. A continuing training program shall consist of courses that a foster caregiver must complete in accordance with the caregiver's written needs assessment and continuing training plan. As of the effective date of this rule, if a currently certified foster caregiver has not completed first aid and CPR training, the caregiver is to complete the training by their subsequent recertification.

(d) No preplacement training received under paragraph (C)(2)(a) of this rule shall be counted towards the completion of continuing training required by this paragraph. ~~If an agency determines that it is necessary for a child placed in a family foster home to be provided care by a foster caregiver who has completed certification in CPR and/or first aid and the caregiver has not previously completed such training, the training shall be provided as soon as possible after the child is placed.~~

(e) In addition to the continuing training requirements of paragraph (C)(2)(c) of this rule, a family foster caregiver who is or will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide, under the instruction of the recommending agency, such services to the youth as are needed and appropriate and, to the extent possible, coordinate such services with the life skills services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(3) Specialized foster home:

(a) A person seeking certification to operate a specialized foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program shall consist of all the courses listed in paragraph (C)(2)(a) of this rule except that the cultural issues in placement training shall be at least three hours in length, and, if applicable, paragraph (C)(2)(b) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home the person seeks to operate. Such courses shall include:

(i) Issues concerning appropriate behavioral intervention techniques, such as de-escalation, self-defense and physical restraint techniques and the appropriate use of such techniques.

(ii) Education advocacy training.

~~(iii) Certification in a first aid training program and a child and adult CPR training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.~~

~~(iv)~~(iii) Training that may be considered as meeting either a requirement for preplacement training for a specialized foster caregiver or a requirement for continuing training for a foster caregiver, may be counted as meeting either requirement, even though the caregiver may be certified to operate only one type of foster home at a time.

(b) A foster caregiver certified to operate a specialized foster home shall complete a minimum of sixty hours of continuing training during each certification period. The continuing training program shall be in accordance with the caregiver's written needs assessment and continuing training plan and shall include, if applicable, the training listed in paragraph (C)(2)(e) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home for which the caregiver is certified. Such training shall also include ~~continuous maintenance~~completion of ~~certification in~~ a first aid training program and a child and adult CPR certification training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

(D) A foster caregiver may complete up to twenty per cent of his or her continuing training requirement by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers. To qualify for teaching or mentoring services a foster caregiver shall:

(1) Have at least two years experience as a certified foster caregiver.

(2) Have had at least two child placements in their foster home.

(3) Be a currently certified foster home.

(4) Not be under a corrective action plan by a recommending agency.

(5) Not be under investigation for a violation of state statute or rule by a recommending agency or ODJFS.

(E) As used in this rule, mentoring services means, at a minimum:

(1) Assisting foster caregivers with information that will encourage communication between the new foster caregivers and human service agencies.

(2) Offering foster caregivers possible solutions to problems that may occur while caring for a child in placement.

(3) Assisting and guiding recently certified foster caregivers in day to day activities while caring for a child in placement.

(4) Offering to assist foster caregivers in utilizing resources within their community.

(5) Encouraging recently certified foster caregivers to attend training sessions in order to maintain their current certification.

(F) Video presentations and training completed outside of a classroom shall be accepted under the following conditions:

(1) Video presentations may be used as a tool to meet preplacement or continuing foster caregiver training requirements if any of the following requirements are met:

(a) A qualified trainer is present during the training session to respond to questions.

(b) The video presentation is part of a self-directed learning program approved by ODJFS.

(c) ODJFS has approved the video presentation as part of an agency's training proposal as set forth in rule 5101:2-5-40 of the Administrative Code.

(2) Video presentations prepared for entertainment purposes shall not be considered as meeting training requirements unless transfer of learning components are included prior to or following the video presentation. Transfer of learning components may include a pretest, a posttest, or a discussion following the video presentation. Video presentations prepared for entertainment purposes shall not be used for preplacement training or to meet more than ~~one-third~~one-forth of a foster caregiver's continuing training requirements.

(3) The acceptance of training that is completed outside a classroom where a trainer is not present, shall be considered by the recommending agency on an individual basis and shall not be used for more than six hours of preplacement training or to meet more than ~~one-third~~one-fourth of a foster caregiver's continuing training requirements. To be accepted by a recommending agency to meet a foster caregiver's continuing training requirements, the training must include a transfer of learning component prior to or following the training. Such training shall be consistent with the recommending agency's written needs assessment and continuing training plan developed for the foster caregiver pursuant to paragraph (G) of this rule. If a private child placing agency (PCPA) or private noncustodial agency (PNA) intends to accept such continuing training on a regular basis, it shall be included in the agency's training proposal developed pursuant to rule 5101:2-5-40 of the Administrative Code. If a public children services agency (PCSA) intends to accept such continuing training on a regular basis, it shall provide written notification to the regional training center of the Ohio child welfare training program (OCWTP) responsible for providing foster caregiver training for the county so the training center can make appropriate plans for training.

(a) Continuing training completed outside a classroom may include training offered through the following methods:

(i) Video presentations.

(ii) Books or magazines.

(iii) Computer programs.

(iv) Internet sites.

(v) Interactive video presentations.

(b) Transfer of learning components may include the following:

(i) A pretest.

(ii) A posttest.

(iii) A discussion following the training.

(4) Continuing training where a foster caregiver is teaching one or more training classes to other foster caregivers or providing mentoring services to other foster caregivers may be used in combination with training completed outside a classroom to meet no more than ~~one-third~~one-fourth of the foster caregiver's continuing training requirements.

(5) Live synchronous distance learning, where the trainer or facilitator is available real time to deliver the training, may be used to meet up to fifty per cent of pre-placement and continuing training.

(6) Fifty per cent of either pre-placement training or continuing training is to be completed in the classroom with an instructor present.

~~(5)~~(7) Pursuant to rule 5101:2-5-38 of the Administrative Code, neither a foster caregiver training stipend nor an agency training allowance payment shall be made for training completed outside a classroom where a person in the role of a trainer is not present.

~~(6)~~(8) Continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers are eligible for stipend and training allowance reimbursement in the amount of hours as specified in the foster caregiver's written needs assessment and continuing training plan. Any continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers in excess of the specified amount in the written needs assessment and continuing training plan shall not be reimbursable.

(G) Not later than the first thirty days of a foster caregiver's certification period, a recommending agency shall develop and implement a written needs assessment and continuing training plan for each foster caregiver affiliated with the agency. Each needs assessment and continuing training plan shall satisfy all of the following requirements:

(1) Be effective for the two-year period the foster caregiver's certificate is in effect.

(2) Be appropriate for the type of foster home the foster caregiver operates, and include training for the caregiver that relates to providing independent living services, as defined in section 2151.81 of the Revised Code, to a child placed as provided in division (B)(2) of section 2151.353 of the Revised Code.

(3) Require the foster caregiver to successfully complete the courses the agency considers appropriate;

(4) Include criteria the agency is to use to determine whether the foster caregiver has successfully completed the courses.

(5) Guarantee that the courses the foster caregiver is required to complete are available to the foster caregiver at reasonable times and places.

(6) Specify the number of hours of continuing training, if any, the foster caregiver may complete by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers as referenced in this rule.

(7) For a family foster caregiver or a specialized foster caregiver, specify whether the agency will waive any of the hours of continuing training the foster caregiver is required by paragraph (C) of this rule to complete during each certification period if the foster caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the agency shall state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed eight during each certification period, that the agency will waive.

(H) For the purpose of determining whether a foster caregiver has satisfied the requirements of paragraph (C) of this rule, a recommending agency shall accept training for foster caregivers obtained from a

regional training center of the OCWTP or an approved preplacement training program or continuing training program operated by a PCPA or PNA under rule 5101:2-5-40 of the Administrative Code regardless of whether the recommending agency operated the preplacement training program or continuing training program. The recommending agency may require that the applicant or foster caregiver successfully complete additional training as a condition of certification or recertification.

(I) The recommending agency shall maintain a record for each foster caregiver showing the date, location, course name and length of each preplacement and continuing training course each foster caregiver attended, and the name of the trainer.

(J) At the beginning of a foster caregiver's second certification period or a subsequent certification period, a recommending agency may include within the foster caregiver's written needs assessment and continuing training plan, a waiver of up to eight hours of continuing training that a foster caregiver holding a certificate for a family foster home or specialized foster home is otherwise required by paragraph (C) of this rule to complete during the certification period, if all of the following apply:

(1) The foster caregiver has had or maintained a foster home certificate for at least two years.

(2) The foster caregiver has provided care for a foster child for at least ninety days of the twelve months preceding the date the agency issues the waiver.

(3) The foster caregiver has not violated any statute or rule governing certification of foster homes during the twelve months preceding the date the agency issues the waiver.

(4) The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under paragraph (G) of this rule for the preceding certification period.

(K) For each continuing training waiver approved by a recommending agency for a family foster home or a specialized foster home pursuant to paragraph (J) of this rule the following documentation shall be maintained in the foster caregiver's record:

(1) The date of the waiver.

(2) The number of hours of training waived.

(3) A statement that each of the requirements of paragraph (J) of this rule have been met.

(4) The name and signature of the authorized agency representative who approved the waiver.

(L) A foster caregiver to whom either paragraph (L)(1) or (L)(2) of this rule applies shall be given an additional amount of time within which to complete the continuing training required under paragraph (C)(1)(b), (C)(2)(c) or (C)(3)(b) of this rule, as applicable to the type of foster home the caregiver is certified to operate. The additional time shall be one month for each month the caregiver was on active duty. Any required training that is not met at the end of a foster caregiver's certification period applying the preceding sentence shall be waived by the agency. When a waiver of training is approved by an agency under this paragraph, the required training for the next certification period shall be the same as for any other caregiver operating a foster home of the type for which the foster caregiver is certified. The agency shall document any such extension of time in the foster caregiver's record.

(1) The foster caregiver has served in active duty outside Ohio with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.

(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, which includes the Ohio national guard, the Ohio naval militia and the Ohio military reserve, for more than thirty days in the preceding two-year

period and that active duty relates to either an emergency in or outside of Ohio or to military duty in or outside of Ohio.

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

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Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.0316

Rule Amplifies: 5101.14, 5153.16, 5103.031 , 5103.032, 5103.033, 5103.034, 5103.035, 5103.036, 5103.038, 5103.039, 5103.0311

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 03/17/1994, 10/01/1997 (Emer.), 12/30/1997, 09/01/2000, 01/01/2003, 08/22/2005, 05/22/2008, 03/01/2010, 09/01/2015

Foster Care Licensing

5101:2-5-35 Children's Rights

FCASMTL 376

Effective Date: March 1, 2017

Most Current Prior Effective Date: October 1, 2011

(A) No agency, foster caregiver, ~~or~~ residential facility or any employee of an agency or residential facility shall in any way violate any of the following rights of children:

(1) The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.

(2) The right to reasonable enjoyment of privacy.

(3) The right to have his or her opinions heard and be included, to the greatest extent possible, when any decisions are being made affecting his life.

(4) The right to receive appropriate and reasonable adult guidance, support, and supervision.

(5) The right to be free from physical abuse and inhumane treatment.

(6) The right to be protected from all forms of sexual exploitation.

(7) The right to receive adequate and appropriate medical care.

(8) The right to receive adequate and appropriate food, clothing, and housing.

(9) The right to his or her own money and personal property in accordance with the child's service or case plan.

(10) The right to live in clean, safe surroundings.

(11) The right to participate in an appropriate educational program.

(12) The right to communicate with family, friends and "significant others" from whom he or she is living apart, in accordance with the child's service or case plan.

(13) The right to be taught to fulfill appropriate responsibilities to himself or herself and to others.

(B) A residential facility shall include the above list of children's rights in the handbook for residents and their families required pursuant to rule 5101:2-9-15 of the Administrative Code.

(C) An agency operating a foster care or independent living program shall include the list of children's rights identified in paragraph (A) of this rule in any handbook used by the agency for children in the care of the agency.

(D) If an agency places any restrictions upon a child's rights for more than two hours, the agency shall:

(1) Inform the child and the child's custodian of the conditions of and the reasons for the restriction of rights;

(2) Place a written report summarizing the conditions of and reasons for the restriction of the child's rights in that child's record maintained pursuant to rule 5101:2-5-10 of the Administrative Code;

(3) When a restriction of a child's rights affects another individual, inform the individual, as appropriate, of the conditions of and reasons for the action;

(4) Document review of this decision at least weekly. Any such restriction shall be included in the service plan and approved by the child's custodian.

Effective: 03/01/2017

Five Year Review (FYR) Dates: 11/02/2016 and 03/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 02/03/2017

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/66, 10/01/86, 02/01/88, 07/02/90 (Emer.), 10/01/90, 01/01/91, 03/17/94, 10/01/97 (Emer.), 12/30/97, 7/1/00, 12/11/06, 10/1/11

Foster Care Licensing

5101:2-5-38 Payment of Foster Caregiver Training Stipends; Reimbursement of Training Allowances to Recommending Agencies

FCASMTL 387

Effective Date: October 1, 2017

Most Current Prior Effective Date: November 1, 2013

(A) As used in this rule, a training hour means sixty consecutive minutes of instruction and may include a break of not longer than five minutes per training hour when a training session is longer than one training hour in duration.

(B) Stipend payments for foster caregivers shall be made pursuant to the following:

(1) Stipend payments must be made to the foster caregiver within one hundred twenty calendar days of the completion of the training event for continuing training or within one hundred twenty calendar days after certification for pre-placement training. Stipend payments may not be held or otherwise deferred pending reimbursement by the Ohio department of job and family services (ODJFS). Stipend payments shall be rendered for fractional hours in quarter hour increments. The stipend rate paid by recommending agencies shall be calculated as follows:

(a) For preplacement training a lump sum payment shall be made in the amount of ten dollars per foster caregiver per training hour for all hours completed ~~with an agency~~.

(b) For continuing training, ten dollars per foster caregiver per training hour successfully completed within a training session that is a minimum of one training hour in duration.

(c) Recommending agencies shall make stipend payments according to the following:

(i) For pre-placement training, the agency that ~~provides the training~~certifies the caregiver shall record the preplacement training in the statewide automated child welfare information system (SACWIS) and shall be responsible for paying the stipend to the caregiver upon certification.

(ii) For continuing training, the caregiver's recommending agency shall be responsible for paying all stipends to the caregiver and shall enter all of the training sessions into SACWIS.

~~(iii) If the training is provided by a regional training center of the Ohio child welfare training program (OCWTP), the agency that enrolled the participant is responsible for paying the stipend to the participant.~~

(2) A recommending agency is solely responsible for any foster caregiver stipend payment due that exceeds the amount reimbursable to the recommending agency under section 5103.0314 of the Revised Code. A recommending agency shall defer the lump sum stipend payment for preplacement training until the foster caregiver is certified. In these cases, a recommending agency's obligation to remit deferred lump sum stipend payments for preplacement training begins upon the caregiver's date of certification.

(3) A recommending agency may decline to make a stipend payment to a foster caregiver:

(a) If the recommending agency determines that the foster caregiver has not successfully acquired the skills the training was designed to impart and as a result the agency required the foster caregiver to repeat the training in accordance with a corrective action plan.

(b) If the training was beyond the scope or the amount of training specified in the foster caregiver's individualized written needs assessment and continuing training plan.

(c) If the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent.

(C) ODJFS reimbursement of foster caregiver stipend payments to recommending agencies.

(1) ODJFS will reimburse recommending agencies for stipend payments made to foster caregivers pursuant to paragraph (B) of this rule.

(2) For preplacement training, ODJFS will reimburse lump sum stipend payments made by recommending agencies as follows:

(a) The amount of ten dollars per foster caregiver per training hour for hours recorded by an agency in SACWIS. ODJFS will not reimburse more than the minimum required training hours as listed in rule 5101:2-5-33 of the Administrative Code.

(b) For an existing family foster home that is receiving preplacement training to become a specialized foster home, the reimbursement will be made in the form of continuing training as specified in rule 5101:2-5-25 of the Administrative Code.

(3) For continuing training, ODJFS will reimburse stipend payments made by recommending agencies per the following schedule of training hours:

(a) For a pre-adoptive infant home, not more than twenty-four training hours during each two-year certification period for each caregiver that is required to be trained.

(b) For a family foster home, not more than forty training hours during each two-year certification period for each caregiver that is required to be trained.

(c) For a specialized foster home, not more than sixty training hours during each two-year certification period for each caregiver that is required to be trained.

(4) For the purpose of determining if a stipend reimbursement is owed to a recommending agency for continuing training, ODJFS will count only training hours that are received during the two-year period after the foster caregiver's date of certification, and for each two-year period thereafter.

(5) ODJFS will not reimburse a recommending agency for any stipend payment made by a recommending agency when the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent. Subject to restrictions that may otherwise be imposed elsewhere by this chapter, such non-traditional training may be counted by the recommending agency as acceptable training hours in meeting the minimum number of training hours necessary to statutorily qualify the foster caregiver to obtain or maintain such foster caregiver's certification.

(6) ODJFS will not reimburse a recommending agency for any stipend payment made for time consumed by a lunch or dinner break that occurs during a training session.

(7) For the purpose of computing the maximum number of preplacement and continuing training hours that will qualify for stipend reimbursements, a foster caregiver's training history will always be aggregated over the caregiver's entire service history and will not be reset by the movement of the foster caregiver from the supervision of one recommending agency to another.

(D) ODJFS will pay a training allowance to each private recommending agency to compensate that entity for its costs in providing, securing or procuring training for foster caregivers through a preplacement training program or continuing training program operated under rule 5101:2-5-40 of the Administrative Code. The allowance rate will be fifteen dollars per foster caregiver per training hour successfully completed within a training session.

(1) ~~ODJFS will not make an allowance payment for any training that it will not also otherwise honor for stipend reimbursement, except that it will not defer allowance payments earned for preplacement training where the private recommending agency has deferred payment of a foster caregiver's lump sum stipend until the foster caregiver is certified~~A private recommending agency may enter a pre-placement training session into SACWIS prior to the certification of a foster caregiver in order to receive a training allowance.

(2) If a private recommending agency enters a continuing training session into SACWIS in order to receive a training allowance, the agency must have paid a stipend to the particpant for the same training session.

~~(3) If a private recommending agency enters a pre-placement training session into SACWIS in order to receive a training allowance, the agency shall also be responsible for paying the stipend for the same session to the caregiver upon certification.~~

~~(4)~~(3) ODJFS will consider a private recommending agency to have experienced a cost if any of the following items occur:

(a) The private recommending agency pays a trainer or another agency to conduct the training session.

(b) The private recommending agency uses its own staff to conduct the training session and act as trainer.

(c) The private recommending agency rents space and or equipment for the training session.

(d) The private recommending agency provides a box meal or catered meal for foster caregivers attending the training session. ODJFS will not consider the private recommending agency to have incurred a cost if only break refreshments are provided.

(e) The private recommending agency purchases a curriculum or program of instruction for use in the training session. ODJFS will not consider the private recommending agency to have experienced a cost for that curriculum or program of instruction when it is used in subsequent training sessions unless the payment of a licensing or royalty fee is required for each such use.

~~(5)~~(4) ODJFS will not make an allowance payment for training received or provided at no cost to the private recommending agency. As used in this rule, "at no cost" means that the private recommending agency incurred no out-of-pocket expense for the training session. ODJFS will not consider a private recommending agency to have incurred a cost when the private recommending agency:

(a) Uses its own facilities or equipment to host or conduct the training session.

(b) Makes copies of instructional materials that will be used in a training session.

(c) Mails training announcements to foster caregivers.

(d) Uses an uncompensated trainer.

(e) Enrolls a foster caregiver for training in a training session held under the auspices of a regional training center of the OCWTP where the regional training center does not require a fee from the private recommending agency for the caregiver to attend the training session.

(E) The recommending agency shall register the foster caregiver's training history in SACWIS. ODJFS will pay foster caregiver stipends and private recommending agency allowances only when the recommending agency fully and accurately completes and registers the foster caregiver's training history in SACWIS. ~~The recommending agency shall register the foster caregiver's training history in SACWIS.~~

(F) Recommending agencies shall not submit training registrations for training received or rendered under the adoption assessor training component of the OCWTP.

(G) Submission of training registrations that do not accurately reflect the training history of foster caregivers, or that are filed prior to payment of earned stipends to foster caregivers, shall establish a rebuttable presumption that the submitting recommending agency intentionally seeks a training allowance or stipend payment to which it is not entitled.

(1) If the recommending agency is a private entity, the rebuttable presumption may serve as a basis for licensing enforcement proceedings against that private recommending agency.

(2) If the recommending agency is a public children services agency (PCSA), the rebuttable presumption may serve as a basis for the imposition of any penalty permitted by section 5101.24 of the Revised Code.

(H) Each private recommending agency and PCSA shall register an update to a foster caregiver's training history ~~within~~no later than thirty calendar days from the date on which the private recommending agency or PCSA renders a stipend payment to the foster caregiver. Failure to complete the update in this time frame will result in the forfeiture of any stipend reimbursement or allowance payment owed to the private recommending agency or PCSA for the event.

(I) ODJFS will not issue allowance payments to PCSAs. OCWTP will be responsible for providing foster caregiver training to foster caregivers under the supervision of a PCSA.

(J) All claims for allowance payments and stipend reimbursements must be perfected within eighteen calendar months subsequent to the month in which the training occurred. Claims made after that time frame will not be honored.

(K) Any failure of an agency to pay a stipend to a foster caregiver within the required timeframes of this rule shall result in the forfeiture of any stipend reimbursement owed to the agency for the event.

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Prior Effective Dates: 4/1/03, 1/1/04, 8/1/05 , 5/22/08, 11/1/13

Foster Care Licensing

5101:2-5-40 Preplacement and Continuing Training Programs

FCASMTL 408

Effective Date: May 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A private child placing agency (PCPA), private noncustodial agency (PNA), or a consortium of such agencies that seeks to operate a preplacement training program or a continuing training program shall submit its training proposal(s) for approval to the agency's assigned Ohio department of job and family services (ODJFS) field office licensing specialist. Each training proposal submitted to ODJFS shall be approved for submission by the administrator or designee of the agency. Each training proposal submitted by a consortium shall be approved for submission by the administrator or designee of the primary agency of the consortium. Submission and approval of training proposals shall follow the time frames listed in paragraphs (B) and (F) of this rule.

(B) A training proposal shall be submitted to ODJFS by October fifteenth of every even-numbered year. An approved training proposal shall be valid for two calendar years beginning the first day of January each odd-numbered year. Any amendment to an approved training plan shall be submitted in accordance with paragraph (B) of rule 5101:2-5-13 of the Administrative Code.

(C) A training proposal submitted by a consortium of PCPAs or PNAs shall identify the primary agency that will act as the fiscal agent for the consortium and all other agencies participating in the consortium. The proposal shall be approved for submission by the administrator or designee of the primary agency.

(D) If ODJFS does not approve a PCPA's or PNA's training proposal, and the PCPA or PNA wishes to continue pursuing implementation of a training program, the PCPA or PNA shall submit a revised proposal within fifteen calendar days.

(E) If ODJFS does not approve a PCPA's or PNA's training proposal, or if a previously approved training proposal or plan expires, the PCPA or PNA shall not operate a preplacement or continuing training program for foster caregivers until a training proposal has been approved by ODJFS.

(F) Only a PCPA or PNA submitting a foster caregiver preplacement or continuing training proposal for the first time may submit a proposal at a time other than that specified in paragraph (B) of this rule. When approved, a training proposal submitted to ODJFS pursuant to this paragraph shall be valid only until December thirty-first of the next even-numbered year. Thereafter, the provisions of paragraph (B) of this rule shall apply.

(G) The proposal shall include the following information:

(1) The type(s) of training programs to be offered and the projected outcomes for each program. Types of training programs include the following:

(a) Preplacement training for prospective foster caregivers seeking certification to operate a foster home under the PCPA or PNA certified foster care function, including pre-adoptive infant foster home, family foster home, treatment foster home or medically fragile foster home.

(b) Continuing training for foster caregivers certified to operate a foster home under the PCPA or PNA certified foster care function, including pre-adoptive infant foster home, family foster home, treatment foster home or medically fragile foster home.

(2) A statement outlining the types of foster care certifications the training program addresses.

(3) The organization and structure of the training program which shall clearly identify who will be responsible for operating the training program, the staffing level of the program, the person(s) responsible for policy decisions regarding the training program, and whether part of the training program functions will be subcontracted to other individuals, agencies or entities.

(4) The policies and procedures of the training program which include, at a minimum, the following information:

(a) Policies and procedures for assessing foster caregiver training needs and utilizing foster caregivers continuing training plans as the basis for determining course offerings and learning activities such as workshops, coaching, distance learning and self-directed learning and the frequency of the course offerings and learning activities.

(b) Policies and procedures for developing and evaluating courses and learning activities which comprise the training program, including policies and procedures for assessing successful completion of a course and learning activities by the prospective foster caregiver or foster caregiver and procedures for notifying the recommending agency with which a prospective foster caregiver or a foster caregiver is affiliated of the successful completion of the course and learning activities.

(c) Policies and procedures for the selection and evaluation of qualified trainers.

(d) Policies and procedures for notifying agencies and foster caregivers of courses offered by the training program.

(e) Policies and procedures for accepting applications for training courses and scheduling training.

(f) Policies and procedures for maintaining training records, tracking attendance at the training by course offering and by foster caregiver, including notification to the agency of foster caregiver attendance.

(g) Policies and procedures for a written evaluation of the effectiveness of the courses offered and the overall effectiveness of the training program. The policies and procedures shall specify that these evaluations will take place at least once every two years.

(5) A description of course offerings and learning activities which contain, at a minimum, all of the following information:

(a) Course and learning activities title and description.

(b) Target audience (family foster caregivers, treatment or medically fragile foster caregivers, pre-adoptive infant foster caregivers).

(c) Course learning objectives.

(d) Training hours.

(e) Course and learning activity outline.

(f) Qualifications of the trainer or coach.

(H) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a pre-adoptive infant foster home shall offer training courses addressing the required topics for a pre-adoptive infant foster home as described in rule 5101:2-5-33 of the Administrative Code.

(I) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a pre-adoptive infant foster home shall offer training courses appropriate to the training needs of the pre-adoptive infant foster caregivers that will be trained by the program. Such courses may include, but are not limited to, the following:

(1) Infant care.

(2) Early childhood development, including developmentally appropriate activities.

(3) Cardiopulmonary resuscitation (CPR) and first aid.

(J) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a family foster home shall offer training courses addressing the required topics for a family foster home as described in rule 5101:2-5-33 of the Administrative Code.

(K) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a family foster home shall offer training courses appropriate to the training needs of the family foster caregivers that will be trained by the program.

(L) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a specialized foster home shall offer training courses addressing the required topics for a specialized foster home as described in rule 5101:2-5-33 of the Administrative Code.

(M) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a specialized foster home shall offer training courses appropriate to the training needs of the specialized foster caregivers that will be trained by the program. Such courses shall include continuous maintenance of certification in a first aid training program and a child and adult CPR certification training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

(N) A PCPA or PNA submitting a training proposal(s) shall comply with payment and/or reimbursement procedures outlined in rule 5101:2-5-38 of the Administrative Code.

(O) A PCPA, a PNA or a consortium of such agencies operating a preplacement training program or continuing training program approved by ODJFS shall make the program available to prospective foster caregivers or foster caregivers without regard to the type of recommending agency from which a prospective foster caregiver or a foster caregiver seeks a recommendation and without charge to the foster caregiver. A PCPA or PNA may condition the enrollment of a prospective foster caregiver or a foster caregiver based upon the availability of space in the training program.

(P) A regional training center of the Ohio child welfare training program (OCWTP) operating a preplacement or continuing training program may condition the enrollment in a preplacement or continuing training program of a foster caregiver whose recommending agency is a PCPA or a PNA on either or both of the following:

(1) Availability of space in the training program.

(2) Assignment to the program by the foster caregiver's recommending agency of the private recommending agency's training allowance payment due under rule 5101:2-5-38 of the Administrative Code.

(Q) A PCPA or PNA may contract with an individual or a public or private entity to administer a preplacement or continuing training program operated by the agency and approved by ODJFS.

(R) A public children services agency (PCSA) is not required to submit a training proposal to ODJFS. All foster caregiver training for prospective foster caregivers and foster caregivers recommended for certification by a PCSA is provided or arranged by a regional training center of the OCWTP or arranged by the PCSA with a preplacement or continuing training program operated by a PCPA or PNA that is approved by ODJFS.

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Foster Care Licensing

5101:2-7-02 General Requirements for Foster Caregivers and Applicants

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: July 1, 2018

Appendix 1: Disqualifying Offenses for Rule 5101:2-7-02 of the Administrative Code

(A) A foster caregiver or applicant shall be at least ~~twenty-one~~eighteen years of age at the time of initial certification.

(B) ~~At least one~~A foster caregiver or applicant ~~in the home shall be able to read, write, and speak in English or be able to effectively communicate with any child placed in their home and with the recommending agency~~have functional literacy to be able to read and write at the level necessary to participate effectively in the community in which they live. A foster caregiver or applicant is to be able to communicate with:

(1) Any child placed in the home.

(2) The recommending agency.

(3) Health care providers.

(4) Other service providers working with the family or children.

(C) A foster caregiver or applicant may be a legally married couple, a single person or co-parent(s).

(D) A foster caregiver or applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show the household has an income sufficient to meet the basic needs of the household and makes timely payment of shelter costs, utility bills, and other debts, a foster caregiver or applicant shall provide at a minimum:

(1) For a foster care applicant:

(a) A completed JFS 01681 "Applicant Financial Statement" ~~(rev. 10/2000)~~.

(b) Proof of income for the household for the most recent tax year prior to the date of application.

(c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for initial certification.

(d) At least one utility bill for each utility necessary to maintain the household. The bill or bills shall not be dated more than six months prior to the agency's recommendation for initial certification.

(2) For a certified foster caregiver a completed JFS 01681 if there are any substantial changes to a caregiver's financial situation.

(E) A foster caregiver or applicant and all members of the foster caregiver's or applicant's household shall be free of any physical, emotional, or mental condition which would endanger a child or seriously impair the ability of the foster caregiver or applicant to care for a foster child.

(F) An applicant shall have a physical exam and a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" ~~(rev. 6/2009)~~ completed ~~for the applicant and all household members~~ by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the agency's initial recommendation for certification. Any additional written documentation of the physical examination shall be completed by the individual who conducted the examination. All household members are to complete a JFS 01653.

(G) An applicant or household member may be required to secure and provide a report in addition to the JFS 01653 of an examination of any member of the household by a licensed physician, psychologist, or other certified or licensed professional if either of the following are applicable:

(1) An applicant or any person residing within the household has suffered a serious illness or injury within the past year.

(2) The recommending agency determines it to be necessary to ensure the safety, health, or care of any foster child who may be placed in the home.

(H) Homes certified prior to June 1, 2020 do not have to comply with immunization requirements.

(I) Immunizations for homes certified on or after June 1, 2020.

(1) All children who are household members are to be up to date on immunizations consistent with the recommendations of the american academy of pediatrics, the advisory committee on immunization practices of the centers for disease control and prevention, and the american academy of family physicians unless the immunization is contrary to the child's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(2) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP) unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(3) All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(4) Copies of the immunization records are to be placed in the file of the home.

~~(H)~~(J) ~~Except as provided in paragraph (I) of this rule, a foster caregiver or applicant and all other persons eighteen years of age or older who reside with the foster caregiver or applicant shall not have been convicted of or pleaded guilty to any of the offenses listed in paragraph (J) of this rule~~The applicant or foster caregiver is to refer to appendix A to view a list and the status of the disqualifying crimes for each applicant, caregiver and adult household member.

~~(I)~~(K) Rehabilitative criteria for foster care applicants, foster caregivers and all other adult household members. Unless specifically disqualified in appendix A to this rule, ~~N~~no person who has been convicted of or pleaded guilty to an offense listed in ~~paragraph (J) of this rule~~ appendix A to this rule shall be certified as a foster caregiver or be an adult resident of the foster caregiver's household unless the recommending agency finds and documents that person has met all of the following conditions:

~~(1) Except as provided in paragraph (I)(3) of this rule, where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction.~~

~~(2) Except as provided in paragraph (I)(3) of this rule, where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.~~

~~(3) Where an offense was committed by a foster child under the age of twenty-one who remains in the custody of a PCSA or PCPA, the recommending agency may determine the person need not meet the elapsed time period requirements of paragraphs (I)(1) and (I)(2) of this rule.~~

~~(4)~~(1) The victim of the offense was not ~~one of the following:~~a person under the age of eighteen.

~~(a) A person under the age of eighteen.~~

~~(b) A functionally impaired person as defined in section 2903.10 of the Revised Code.~~

~~(c) A developmentally disabled person as defined in section 5123.01 of the Revised Code.~~

~~(d) A person with a mental illness as defined in section 5122.01 of the Revised Code.~~

~~(e) A person sixty years of age or older.~~

~~(5)~~(2) The person's certification as a foster caregiver or the person's residency in the foster caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's certification as a foster caregiver or the person's residency in the foster caregiver's household.

(a) The person's age at the time of the offense.

(b) The nature and seriousness of the offense.

(c) The circumstances under which the offense was committed.

(d) The degree of participation of the person involved in the offense.

(e) The time elapsed since the person was fully discharged from imprisonment or probation.

(f) The likelihood that the circumstance leading to the offense will recur.

(g) Whether the person is a repeat offender.

(h) The person's employment record.

(i) The person's efforts at rehabilitation and the results of those efforts.

(j) Whether any criminal proceedings are pending against the person.

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in ~~paragraph (J)~~ appendix A ~~of~~to this rule, if the felony bears a direct and substantial relationship to being a foster caregiver or adult member of the caregiver's household.

(l) The victim of the offense was:

(i) A functionally impaired person as defined in section 2903.10 of the Revised Code.

(ii) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

(iii) A person with a mental illness as defined in section 5122.01 of the Revised Code.

(iv) A person sixty years of age or older.

~~(I)~~(m) Any other factors the agency considers relevant.

~~(J) Except as provided in paragraph (I) of this rule, a foster caregiver, applicant or other adult resident of the foster caregiver's household shall not have been convicted of or pleaded guilty to, any of the following offenses:~~

~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.22, 2909.23, 2909.24, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2913.49, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more violations of section 4511.19 of the Revised Code or the equivalent violation from any other state committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A to this rule.~~

~~(2) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraphs (J)(1) and (J)(2) of this rule.~~

~~(K) If any of the following have a felony conviction for spousal abuse, rape, sexual assault, or homicide, the foster home shall not be certified and no rehabilitation standards exist for:~~

~~(1) An adult resident in the household of a foster caregiver or applicant.~~

~~(2) A foster caregiver.~~

~~(3) A foster care applicant.~~

(L) The applicant or foster caregiver shall provide verification to the recommending agency that the conditions specified in paragraph ~~(I)~~(K) of this rule are met for that person and for all adult members of the household. If the applicant or foster caregiver fails to provide such proof or if the agency determines that the proof offered by the person is inconclusive or insufficient, the applicant shall be denied certification and a foster caregiver's certificate shall be recommended for denial or revocation pursuant to rule 5101:2-5-26 of the Administrative Code.

(M) In accordance with rule 5101:2-5-09.1 of the Administrative Code, a criminal records check shall be requested:

(1) For the foster care applicant and each adult who resides with the foster care applicant in accordance with paragraph ~~(J)~~(K) of this rule. The results shall be reviewed prior to the agency's recommendation for certification to ODJFS.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver every four years prior to the upcoming recertification of the caregiver.

(N) Prior to certification or recertification, the foster care applicant or foster caregiver subject to a criminal records check shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state.

(1) The failure of a foster care applicant or foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable.

(2) If a person has had a revocation in another state within the five years prior to the date of the application, the Ohio department of job and family services (ODJFS) shall not issue a foster home certificate to a prospective foster caregiver.

(O) The national sex offender registry is located at https://www.nsopw.gov/. In accordance with rule 5101:2-5-09.1 of the Administrative Code, a national sex offender registry check is to be completed:

(1) For the foster care applicant and each adult who resides with the foster care applicant. The results are to be reviewed prior to the agency's recommendation for certification to ODJFS. The application may be denied based solely on the results of the search.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver prior to the upcoming recertification of the caregiver. The recertification may be denied based solely on the results of the search.

~~(O)~~(P) The provisions of paragraph ~~(I)~~(J) of this rule must be considered for any applicant or foster caregiver and any other person eighteen years of age or older who resides with the applicant or foster caregiver and who has been convicted of, or pleaded guilty to, one or more of the offenses listed in ~~paragraph (J)~~appendix A ~~of~~to this rule, even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care to be provided to any foster child who may be placed in the home.

~~(P)~~(Q) A conviction of, or plea of guilty to, an offense listed in ~~paragraph (J)~~appendix A ~~of~~to this rule shall not prevent a person's certification as a foster caregiver or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or transpired.

~~(Q)~~(R) A foster care applicant shall notify the recommending agency in writing if a person at least twelve years of age, but less than eighteen years of age, residing with the foster care applicant has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.

(1) If a foster care applicant fails to notify the recommending agency, the recommending agency shall recommend denial of the foster home application to ODJFS.

(2) ODJFS may deny a foster home application on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or foster care applicant has been convicted of or pleaded guilty to an offense listed in appendix A to this rule or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense,. The agency shall review the provisions of ~~paragraphs (I)(4)~~

~~and~~ ~~(I)(5)~~paragraph (K) considering the age of the delinquent child involved and the age and sex of children that are or would be placed in the foster home.

~~(R)~~(S) A foster caregiver shall not operate a foster home as an adult boarding or rooming house.

~~(S)~~(T) A foster caregiver shall obtain written approval from the recommending agency prior to conducting any business, or allowing any business to operate, including public or private babysitting services, in a foster home.

~~(T)~~(U) A foster caregiver shall not provide or allow public or private babysitting services in a foster home when more than ten children, including foster, natural or adoptive children are present and under the supervision of the foster caregiver at any one time. Any foster caregiver that is an approved or licensed type B family day care home provider shall follow the requirements for approval or licensure as a type B family day care home.

~~(U)~~(V) A foster caregiver or applicant shall not apply for licensure as a type A family day care home.

~~(V)~~(W) A specialized foster caregiver shall not apply for licensure as a type B family day care home. A specialized foster care applicant shall not be licensed as a type B day care provider.

~~(W)~~(X) A foster caregiver or applicant shall obtain an approved inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children. The approval must have occurred within twelve months prior to the initial recommendation for certification.

~~(X) If the applicant or foster caregiver is unable to obtain an inspection as required by paragraph (W) of this rule due to the unavailability of a state certified fire safety inspector or the state fire marshal's office, they shall notify the agency.~~

(Y) A foster caregiver or applicant shall complete all preplacement and continuing training as required by rule 5101:2-5-33 of the Administrative Code and any additional hours of training required by the recommending agency's written training plan.

(Z) A foster caregiver or applicant shall comply with all agency policies or instructions including cooperating fully with the agency during the certification or recertification process.

(AA) A foster caregiver shall not violate a child's rights as described in paragraph (A) of rule 5101:2-5-35 of the Administrative Code.

(BB) A foster care applicant is to comply with the assurances as listed on the JFS 01691 "Application for Child Placement." A foster caregiver is to comply with the assurances as listed on the JFS 01331 "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval."

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

Certification: CERTIFIED ELECTRONICALLY

Date: 06/05/2020

Promulgated Under: 119.03

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Rule Amplifies: 2151.86, 5103.02, 5103.03, 5103.0319, 5103.0327

Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 08/14/2008, 04/01/2010, 10/01/2011, 07/01/2014, 07/01/2018

Foster Care Licensing

5101:2-7-03 The Care and Treatment Team

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster caregiver shall work cooperatively with agency representatives as a member of a care and treatment team responsible for planning, providing and discussing the care and services provided to a foster child and shall fully disclose all information related to a foster child's problems or progress to agency representatives.

(B) As a member of the care and treatment team, a foster caregiver shall participate in a review with the recommending agency once every two years to evaluate the strengths and growth areas of the foster home and of the support services of agency representatives to the foster caregiver.

(C) A foster caregiver shall work cooperatively with agency representatives in the conducting of an independent living skills assessment on an age appropriate foster child, and, as requested, provide instruction to a foster child on independent living skills.

(D) A foster caregiver shall not prohibit the foster child from participating in independent living services.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014

Foster Care Licensing

5101:2-7-04 Records and Confidentiality

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster caregiver shall maintain a record on each foster child which shall include:

(1) A copy of the current child care agreement between the agency and the foster home and any written case plan provided by the agency.

(2) Reports of scholastic performance that shall include:

(a) Report cards.

(b) Diplomas.

(c) Certificates of achievement or merit.

(3) ~~Medical information provided by a foster child's physician and by the placing agency, and current instructions regarding a foster child's health care.~~Medical information and current instructions regarding a foster child's health care provided by:

(a) A foster child's physician.

(b) The placing agency.

(4) The name and telephone number of the recommending agency contact person or the custody holding person or agency as applicable.

(5) Data which is pertinent to the foster child's lifebook as referenced in rule 5101:2-42-67 of the Administrative Code.

(B) A foster caregiver shall give a foster child's record and all other official documents regarding the foster child to the agency when the foster child leaves the home.

(C) A foster caregiver shall not disclose or knowingly allow the disclosure of any information regarding a foster child or the foster child's family to persons not directly involved in the foster child's care and treatment on an official basis.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

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Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014

Foster Care Licensing

5101:2-7-05 Sleeping Arrangements

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) The presence of a foster child in a foster home shall not cause any other resident of the home to be deprived of a bed or bedroom.

(B) A bedroom for foster children shall:

(1) ~~Have at least one outside wall window that should be screened and capable of opening and closing, unless the room is provided with a ventilation system which provides fresh air.~~Have at least one outside wall window. The window shall be screened and capable of opening and closing unless the room is provided with a ventilation system which provides fresh air such as a central air conditioning system.

(2) Accommodate no more than four children.

(3) Include storage space for personal belongings and closet or dresser space for clothing.

(4) Provide a safe and comfortable sleeping area ensuring reasonable privacy and access to adult supervision, as appropriate to the age and functioning level of each foster child.

(5) Not have the entry to a foster child's bedroom located so as to require the foster child to pass through another bedroom or a bathroom in order to enter his or her bedroom or to require another person to pass through the foster child's bedroom to enter another room if the foster home was recommended for initial certification after July 1, 2000.

(6) Have floor-to-ceiling walls and a standard door.

(7) Be provided with reasonable access to an emergency exit.

(8) Not be on a floor higher than the second floor or in a basement unless approved in writing by a fire safety inspector.

(9) Be comparable in appearance in terms of wall coverings, floor coverings, and general decor to other bedrooms used by other children residing in the foster home.

(10) Approved by the agency prior to placement.

(C) A foster child shall not share a bedroom with a child of the opposite sex, except when all children sharing the room are under the age of five years, or when a foster child who is also a parent is sharing a bedroom with his or her own child.

(D) A foster child over one year of age shall not share a sleeping room with an adult without prior approval of the recommending agency.

(E) Each foster child shall be provided with a clean, comfortable, permanent bed and mattress of his or her own. A permanent bed is one that cannot be converted to any other form.

(F) A bunk bed in use shall be equipped with safety rails on the upper tier for a child under the age of ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. A bed shall not be bunked higher than two tiers. A child under six years of age shall not sleep on the upper bunk of a bunk bed.

(G) A foster caregiver shall provide each foster child with clean bed linen at least once per week or more frequently if needed. A foster child shall not be required to sleep on a bed soiled by urine or excrement.

(H) Unless there is a documented reason for a foster child over two years of age or thirty-five inches in height to continue to sleep in a crib, the child shall be provided with a toddler bed or standard bed.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

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Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 01/01/1991, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 08/01/2009, 07/01/2014

Foster Care Licensing

5101:2-7-06 Meals

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster home shall comply with the following meal requirements:

(1) Each foster child shall be provided with three meals a day.

(2) Each meal shall be served at regular intervals.

(3) Each meal shall conform to any religious dietary restrictions or any other dietary restrictions.

(4) Each meal shall be provided in accordance with any special instructions prescribed by the foster child's physician.

(5) Food provided to a foster child shall be: ~~nutritious, well-balanced, and available in sufficient quantity.~~

(a) Nutritious.

(b) Well-balanced.

(c) Available in sufficient quantity.

(6) A nutritious snack shall be available to children between meals.

(B) A foster child shall not be denied the opportunity to eat with other members of the foster home.

(C) Each foster home shall use milk that meets the requirements of state laws and local ordinances or regulations for pasteurized or certified milk.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

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Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014

Foster Care Licensing

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5101:2-7-07 Health Services

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster caregiver shall be responsible for following instructions of the agency which placed the child for providing health care services to each foster child.

(B) A foster caregiver shall adhere to the following instructions surrounding medications for a foster child:

(1) A foster caregiver shall administer or supervise the administration of prescription drugs to a foster child only for whom the medication was prescribed and according to the prescribing physician's instruction.

(2) Prescription drugs in a foster home shall be kept in the original container, labeled with the foster child's name, the correct dosage and relevant instructions.

(3) All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or other medication may be available to a person with a special health condition, who may need these for an emergency.

(4) Prescribed drugs shall be disposed of in a safe manner when the prescription is no longer current.

(5) Any side effects of prescription drugs shall be reported immediately to the prescribing physician and the recommending agency.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

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Statutory Authority: 5103.03, 5103.02

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014

Foster Care Licensing

5101:2-7-08 Alternative Care Arrangements

FCASMTL 376

Effective Date: March 1, 2017

Most Current Prior Effective Date: April 15, 2013

(A) A foster caregiver shall be responsible for the full-time care of a foster child. This does not prohibit both foster caregivers in the case of a couple, co-parents or a single foster caregiver from working outside the home.

(B) Alternative arrangements for the care of a foster child by someone other than the foster caregiver shall be approved by the recommending agency.

(C) Alternative arrangements for the care of a foster child does not include arrangements that are being made in accordance with the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

~~(C)~~(D) A foster caregiver shall have prior written approval by the recommending agency of a plan for the care of a foster child in emergency situations.

~~(D)~~(E) A foster caregiver shall have prior written approval by the recommending agency of a statement for each foster child specifying whether or not the foster child may be left unattended and, if so, for what period of time.

~~(E)~~(F) If a foster caregiver arranges for a foster child to be cared for in a child care center or by a type A or type B child care provider, the foster care giver shall:

(1) Ensure the child care center, type A or type B child care provider is licensed ~~or certified~~ in accordance with Chapter 5101:2-12, 5101:2-13, or 5101:2-14 of the Administrative Code.

(2) Provide documentation to the recommending agency that the child care center, type A or type B child care provider is currently licensed ~~or certified~~.

~~(F)~~(G) When a foster caregiver of a specialized foster home requests respite care, it shall be provided in accordance with paragraph (A)(11) of rule 5101:2-5-13 of the Administrative Code.

Effective: 03/01/2017

Five Year Review (FYR) Dates: 11/02/2016 and 03/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 02/03/2017

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/66, 10/1/86, 2/1/88, 1/1/91, 9/18/96, 9/1/02, 10/8/07, 4/15/13

Foster Care Licensing

5101:2-7-09 Care, Supervision and Discipline

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster caregiver shall treat each foster child with kindness, consistency, and respect.

(B) A foster caregiver shall not discriminate in providing care and supervision to foster children on the basis of race, sex, gender, sexual identity, sexual orientation, religion, color or national origin.

(C) A foster caregiver shall provide humane, instructive discipline appropriate to the age and functioning level of a foster child.

(1) Disciplinary methods shall stress praise and encouragement for desired behavior rather than punishment.

(2) All rules and expectations made by a foster caregiver shall be explained to a foster child in a manner appropriate to the child's age and understanding during the child's initial orientation and prior to any disciplinary action for violations of such rules.

(3) A foster child shall not be punished for actions over which the child has no control.

(4) A foster child shall not be punished for bed-wetting or in the course of toilet training activities.

(D) A foster caregiver shall not subject a foster child to verbal abuse or swearing; to derogatory remarks about foster children and their families, ~~races~~race, sex, gender, sexual identity, sexual orientation, religion, color or national origin; or to threats of physical violence or removal from the foster home.

(E) A foster caregiver shall not use any of the following practices for a foster child:

(1) Physical hitting or any type of physical punishment inflicted in any manner upon the body including but not limited to spitting, spanking, paddling, punching, shaking, biting, hair pulling, pinching, or rough handling.

(2) Physically strenuous work or exercises, when used as a means of punishment.

(3) Requiring or forcing a foster child to take an uncomfortable position, such as squatting or bending, or requiring a foster child to repeat physical movements when used as a means of punishment.

(4) Denial of social or recreational activities for excessive or prolonged periods of time, as defined by the agency.

(5) Denial of social or casework services, medical treatment, or educational services.

(6) Deprivation of meals.

(7) Denial of visitation or communication rights with the family of the foster child as a means of punishment.

(8) Denial of sleep.

(9) Denial of shelter, clothing, bedding or restroom facilities.

(F) Physical restraint of a foster child shall only be utilized by a caregiver who has received specific training and annual review in acceptable methods of restraint. Documentation of such training shall be contained in the foster home record.

(G) Physical restraint may be used by a caregiver when there is an imminent risk of physical harm:

(1) For self protection.

(2) For protection of the child from self-destructive behavior.

(3) To protect another person from a foster child.

(H) A foster caregiver shall use only the least restrictive physical restraint necessary to control a situation. A foster caregiver shall not use any device to prevent or restrict movement as punishment or for convenience.

(I) If physical restraint is used, a foster caregiver shall:

(1) Notify the recommending agency immediately following the use of physical restraint.

(2) Submit a detailed written report to the recommending agency within twenty-four hours following the use of physical restraint.

(J) If the foster caregiver notifies the recommending agency that the caregiver used physical restraint, the recommending agency shall:

(1) Notify the placing agency (if different) within twenty-four hours of the receipt of the detailed written report of the use of physical restraint from the caregiver.

(2) Place a copy of the written report of the use of physical restraint from the caregiver in the foster child's record and in the foster caregiver's record.

(K) A foster caregiver shall not use any form of prone, chemical or mechanical restraint on a foster child.

(L) Any act of omission or commission by a foster caregiver or other member of the household which results in any of the following toward a foster child may be grounds for the denial or revocation of a foster home certificate:

(1) Death.

(2) Injury.

(3) Illness.

(4) Abuse.

(5) Neglect.

(6) Exploitation.

(M) Any recommendation to revoke the certificate of a foster caregiver may be made by the recommending agency supervising a foster home or the Ohio department of job and family services.

(N) Concerning the hygiene needs of a foster child, the foster caregiver shall:

(1) Ensure that:

(a) Each foster child's clothing and footwear shall be clean, well-fitting, seasonal and appropriate to the child's age and gender identity.

(b) Each foster child capable of meeting their own personal hygiene needs shall be provided with adequate personal toiletry supplies appropriate to the child's age, sex, gender, sexual identity, sexual orientation, race and national origin.

(2) Provide each foster child instruction on good habits of personal care, hygiene, and grooming appropriate to the child's age, sex, gender, sexual identity, sexual orientation, race, national origin and need for training.

Effective: 4/1/2019

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Foster Care Licensing

5101:2-7-10 Care of a Foster Child Under Age Two

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: April 1, 2019

(A) A foster child under two years of age or under thirty-five inches in height shall be provided with a full-sized crib which meets the following requirements:

(1) Crib slats shall be no more than two and three-eighths inches apart.

(2) Decorative cutout areas on crib end panels which could entrap the head of a child are not permitted.

(3) Only cribs that are compliant with the U.S. consumer product safety commission specifications shall be used.

(4) Each crib shall have a firm mattress which is at least one and one-half inches thick and covered with a waterproof material not dangerous to a child. The mattress shall fit close enough in the frame so that there is no more than one inch between the mattress and the sides of the crib.

(B) A bassinet or cradle may be used only for infants less than fifteen pounds in weight.

(C) A foster child under two years of age shall be provided with the following:

(1) Regular opportunities for individual attention and physical contact with a caring adult.

(2) Consistent and regular opportunities for safe and comfortable participation in developmental activities, as appropriate to the child's age and developmental ability, such as:

(a) Sitting.

(b) Crawling.

(c) Walking.

(d) Playing.

(D) A foster child under two years of age shall be supplied with safe play items appropriate to the child's age and developmental ability.

(E) A foster child under two years of age shall be fed according to instructions from the child's physician or the recommending agency as required by the individual child care agreement. A foster caregiver shall comply with the following requirements when feeding a child under the age of two:

(1) A caregiver shall ensure the child is placed in one of the following:

(a) High chair.

(b) Infant seat.

(c) Held.

(2) No foster child shall be placed in a crib or bassinet for feeding.

(3) A bottle shall not be propped for feeding at any time.

(F) Under both of the following conditions, a foster child under the age of two years may use a toddler bed or standard bed for sleeping:

(1) The foster caregiver, the custodial agency, and the recommending agency agree that the child continually creates a danger to him or her self by climbing out of his or her crib. Written documentation of any agreement shall be signed by a custodial agency representative and maintained in the foster caregiver's record.

(2) The child shall not use the upper bunk of a bunk bed.

(G) No one in the home is to co-sleep or bed-share with infants who are placed in the home.

Effective: 6/15/2020

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Foster Care Licensing

5101:2-7-11 Socialization and Education

FCASMTL 398

Effective Date: July 1, 2018

Most Current Prior Effective Date: April 15, 2013

(A) A foster caregiver shall allow privileges and assign responsibilities to a foster child similar to those which would be assigned to a family member of the foster caregiver who is of similar age and functioning level.

(B) A foster caregiver shall make arrangements with the placing agency for each school-age foster child to attend a school which complies with the minimum standards as prescribed by the state board of education and shall ensure that the foster child attends school in accordance with the child care agreement. A foster caregiver that provides home schooling for a foster child shall do so only with the approval of the child's custodial agency. Any home schooling program used by a foster caregiver shall be approved by the public school district in which the caregiver resides and a copy of the approval shall be placed in the foster home record.

(C) A foster caregiver shall encourage a foster child to participate in the following activities as appropriate to the child's age and functioning level:

(1) Community.

(2) School.

(3) Recreation.

(4) Cultural heritage.

(D) Pursuant to section 5103.162 of the Revised Code, a foster caregiver shall use a reasonable and prudent parent standard when considering whether to authorize a foster child who resides in the foster home to participate in extracurricular, enrichment, and social activities in accordance with section 2151.315 of the Revised Code.

~~(D)~~(E) A foster caregiver shall, as is necessary and reasonable, arrange appropriate transportation for the foster child to and from the activities listed in paragraph (C) of this rule.

~~(E)~~(F) A foster caregiver shall permit a foster child to practice the chosen religious faith of the foster child or the foster child's parents, unless it is determined and documented in the child's case plan by the custodial agency that it is not in the child's best interests; and a foster caregiver shall not subject a foster child to any form of religious coercion.

~~(F)~~(G) A foster child shall not be baptized or submitted to any religious procedures without prior consent of the child according to their age and functioning level and prior approval of the foster child's parent, guardian or custodian.

~~(G)~~(H) A foster caregiver shall, as appropriate, teach a foster child tasks and skills required for life in the community.

Effective: 7/1/2018

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Foster Care Licensing

5101:2-7-12 Site and Safety Requirements for a Foster Home

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: April 1, 2019

(A) A foster home and all structures on the grounds of the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair. A home shall be a house, mobile home, housing unit or apartment occupied by an individual or a family.

(1) A home is to be free of peeling or chipping paint.

(2) If a potential lead hazard is identified, the recommending agency is to make a referral to the appropriate agency.

(B) Swimming pools.

(1) Are to have a barrier on all sides.

(2) Are to have their method of access through the barrier equipped with a safety device, such as a bolt lock.

(3) Are to be equipped with a life saving device, such as a ring buoy.

(4) If the swimming pool cannot be emptied after each use, the pool is to have a working pump and filtering system.

(C) Hot tubs and spas are to have safety covers that are locked when not in use.

~~(B)~~(D) Outdoor recreation equipment on the grounds of a foster home shall be maintained in a safe state of repair.

~~(C)~~(E) Outdoor areas on the grounds of or immediately adjacent to a foster home which are potentially hazardous to a foster child placed in the home shall be reasonably safeguarded, considering the age and functioning level of the foster child. Such areas include, but are not limited to:

(1) Water areas, including lakes, ponds, rivers, quarries and swimming pools.

(2) Open pits and wells.

(3) Cliffs and caves.

(4) High-speed or heavily traveled roads.

~~(D)~~(F) A foster home shall be adequately heated, lighted and ventilated.

~~(E)~~(G) The following ~~shall~~are to be stored in a safe manner that prevents the child's access, as appropriate for his or her age and development:

(1) Bleach.

(2) Cleaning materials.

(3) Poisonous or corrosive household chemicals.

(4) Flammable and combustible materials.

(5) Potentially dangerous tools or utensils.

(6) Electrical equipment in or on the grounds of a foster home.

(7) Machinery in or on the grounds of a foster home.

(8) Alcoholic beverages.

~~(F)~~(H) A foster home shall comply with the following requirements regarding weapons:

(1) The following weapons kept on the grounds of or in a foster home shall be stored in an inoperative condition in a locked area inaccessible to children:

(a) Firearms.

(b) Air rifles.

(c) Hunting slingshots.

(d) Any other projectile weapon.

(2) All ammunition, arrows or projectiles for such weapons shall be stored in a separate locked space.

(3) Any foster caregiver who is also a law enforcement official and can document that their jurisdiction requires them to have ready and immediate access to their weapon shall be exempt from the requirements of this paragraph.

~~(G)~~(I) A foster home shall have a working telephone or be able to demonstrate to the recommending agency reasonable access to a working telephone for emergency situations.

~~(H)~~(J) Appropriate emergency telephone numbers including fire, police, ambulance, poison control, the recommending agency, and each agency with a foster child placed in the home shall be posted in a prominent place in a foster home.

~~(I)~~(K) All locks to at least one door to any room or walk in storage area inside a foster home in which a person could become confined shall be of the type which permit the door to be unlocked from either side of the door and be unlocked from the inside of the room or storage area without a key. Locking of the children's bedroom doors while children are sleeping is prohibited. Locking of outside doors and fencing around a yard or outside play area is permitted.

~~(J)~~(L) A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to initial certification and annually thereafter.

~~(K)~~(M) A foster home shall have working bathroom and toilet facilities located within the home and connected to an indoor plumbing system.

(N) A foster home is to ensure proper water heater temperature not to exceed one-hundred-twenty degrees fahrenheit.

~~(L)~~(Q) Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.

~~(M)~~(P) A foster home shall have a working smoke alarm on each level of occupancy and at least one near all sleeping areas of the home approved by one of the following:

(1) "Underwriter's Laboratory."

(2) A certified fire inspector.

(Q) A foster home is to have at least one carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas.

(R) A foster home is to maintain first aid supplies.

~~(N)~~(S) A foster caregiver shall have a written evacuation plan for evacuating the home or seeking shelter in the event of fire, tornado or other disaster. This evacuation plan shall contain a primary and alternate escape route for each floor. A foster caregiver shall provide initial orientation and ongoing instruction on the contents of this plan to each foster child in accordance with the foster child's age and functioning level.

~~(O)~~(T) All escape routes shall be kept free of clutter and other obstructions.

~~(P)~~(U) Household heating equipment used in a foster home shall be equipped with appropriate safeguards in accordance with the age and functioning level of any foster child in the home.

~~(Q)~~(V) Heaters.

(1) Unvented heaters that burn kerosene or oil shall not be used.

(2) All heaters shall be approved by "Underwriter's Laboratory" or a certified fire inspector.

(3) All heaters shall not be prohibited by any local zoning ordinances.

~~(R)~~(W) A foster home shall have a portable fire extinguisher in working order in or near the cooking area of the home. The fire extinguisher shall be approved by one of the following:

(1) "Underwriter's Laboratory."

(2) A certified fire inspector.

(X) A foster home is to be free from rodents and insect infestation.

~~(S)~~(Y) Pets or domestic animals in or on the premises of a foster home shall be kept in a safe and sanitary manner in accordance with state and local laws.

~~(T)~~(Z) A foster child shall be protected from animals potentially dangerous to the child's health and safety in or on the premises of a foster home.

~~(U)~~(AA) Interior and exterior stairways accessible to children shall be protected by child safety gates or doors according to the child's age and functioning level.

~~(V)~~(BB) A foster home shall provide a smoke free environment for foster children.

(1) No smoking shall be permitted in the living area of a foster home or in a vehicle used to transport a foster child ~~when a foster child is present~~.

(2) ~~Smoking may be permitted in the home or vehicles used for transporting foster children only when no foster child is present~~No smoking is permitted in the presence of a foster child.

~~(W)~~(CC) All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or other medication may be left unlocked if a person has a special health condition that requires the inhaler or medication to be immediately available.

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Foster Care Licensing

5101:2-7-13 Foster Home Certificate

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster home shall be recommended for certification by only one recommending agency at a time.

(B) The determination of the specific number, age, and sex of children to be placed in a particular foster home is a joint responsibility of the foster caregiver and the recommending agency based on the agency's assessment of the foster caregiver's capability and physical facilities as required in Chapter 5101:2-7 of the Administrative Code.

(C) Nothing in Chapter 5101:2-7 of the Administrative Code shall be construed as requiring an agency to make or to continue the placement of any child with any foster caregiver solely because of the presence of a current certificate.

(D) A foster home shall not accept a child into care directly from a parent, another certified agency or other legally approved placement source without the participation and agreement of the recommending agency.

(E) If the applicants are married to each other, the foster home certificate shall be in the legal names of both spouses residing in the home.

(F) A transfer of a foster home certificate from one agency to another shall be completed in accordance with rule 5101:2-5-31 of the Administrative Code.

(G) A foster caregiver shall terminate the certificate within thirty days of ~~his/her~~their residence being licensed, regulated, approved, operated under the direction of, or otherwise certified by any of the following:

(1) The department of mental health and addiction services.

(2) A community alcohol, drug addiction and mental health board.

(3) The department of developmental disabilities.

(4) A county board of developmental disabilities.

(5) The health department.

(6) A juvenile court.

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Foster Care Licensing

5101:2-7-14 Required Notification

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

Appendix A: Offenses Listed in Paragraph (G) of Rule 5101:2-7-14 of the Administrative Code

(A) A foster caregiver shall notify the recommending agency in writing prior to allowing any person to reside for more than two weeks in the foster home.

(B) A foster caregiver shall notify the recommending agency within one hour of the caregiver gaining the knowledge of any of the following circumstances involving a foster child:

(1) A serious injury or illness involving medical treatment of a foster child.

(2) The death of a foster child.

(3) Unauthorized absence of a foster child from the home.

(4) Removal or an attempted removal of a foster child from the home by any person or agency other than the placing agency~~, or attempts at such removal~~.

(5) Any involvement of a foster child with law enforcement authorities.

(C) A foster caregiver shall notify the recommending agency within twenty-four hours or the next working day of any of the other following circumstances:

(1) Any impending change in the marital status of the foster caregiver or in the household occupancy of the home.

(2) Any serious illness or death in the household.

(3) Any fire or other incident, requiring the services of a fire department or emergency personnel occurs at or within the home.

(4) The foster home becomes uninhabitable for any reason.

(D) A foster caregiver shall inform the recommending agency at least four weeks prior to a planned move of the foster caregiver.

(E) A foster caregiver shall inform the recommending agency within thirty days in writing if the foster caregiver is certified to operate a type B family day care home.

(F) A foster caregiver shall notify the recommending agency within twenty-four hours of the caregiver gaining the knowledge of any charge of any criminal offense brought against the caregiver or any adult resident of his home. If the charges result in a conviction, the foster caregiver shall notify the recommending agency within twenty-four hours of the conviction. ~~Failure to notify the agency in either of these circumstances shall result in the agency recommending the Ohio department of job and family services (ODJFS) seek an order to revoke or deny the caregiver's certification to operate a foster home.~~

(G) A foster caregiver shall notify the recommending agency within twenty-four hours of any charge or complaint brought against any resident of the foster caregiver's home who is at least twelve years of age, but less than eighteen years of age for committing an act that if committed by an adult would constitute a criminal offense. ~~Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.~~

~~(1) If the recommending agency learns that a foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS seek an order to revoke the foster caregiver's certification to operate a foster home.~~

~~(2) If the recommending agency learns that a prospective foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS deny the foster caregiver's certification to operate a foster home.~~

(H) Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.

(1) If the recommending agency learns that a foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS seek an order to revoke the foster caregiver's certification to operate a foster home.

(2) If the recommending agency learns that a prospective foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS deny the foster caregiver's certification to operate a foster home

~~(H)~~(I) A foster caregiver may voluntarily terminate a foster home certificate for any reason by providing written notice of intent to terminate and the effective date of termination to the recommending agency.

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Foster Care Licensing

5101:2-7-15 Transportation

FCASMTL 433

Effective Date: June 15, 2020

Most Current Prior Effective Date: July 1, 2018

~~(A) Any vehicle owned or leased by a foster caregiver and used to transport a foster child shall:~~

~~(1) Be maintained in a safe condition and in compliance with all motor vehicle laws.~~

~~(2) Be covered by liability insurance in accordance with current state laws.~~

~~(B)~~(A) A foster caregiver ~~shall~~is to ensure:

(1) Any person transporting a foster child in a motor vehicle shall be licensed to drive that class of vehicle.

(2) Any vehicle not owned or leased by the foster caregiver that is used to transport a foster child shall be maintained in a safe condition according to state laws.

(3) Any vehicle owned or leased by the foster caregiver is to be reliable, legal and safe for transportation with safety restraints, as appropriate for the child.

(a) Reliable transportation includes a properly maintained vehicle or access to reliable public transportation.

(b) Legal transportation includes having a valid driving license, insurance and registration as appropriate.

(c) Safe transportation includes safety restraints and allowing arrangements with family friends and teen household members as appropriate.

~~(C)~~(B) A foster caregiver shall ensure that a foster child transported in a motor vehicle shall at all times be restrained by a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped.

~~(D)~~(C) A foster caregiver shall ensure ~~complaince~~compliance with any motor vehicle seat restraint requirement of section 4511.81 of the Revised Code.

~~(E)~~(D) If the foster child is less than eight years of age and less than four feet nine inches in height, the child shall be properly restrained in a booster seat if paragraph ~~(D)~~(C) of this rule does not apply. The booster seat shall be placed in the back of any motor vehicle that has a back seat.

~~(F)~~(E) If paragraph ~~(D)~~(C) of this rule does not apply and the foster child is at least eight years of age but not older than fifteen years of age the child shall be restrained in a belt positioning booster seat in a forward-facing position or in a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped.

~~(G)~~(F) All children age twelve and under shall ride in the back seat of a motor vehicle that has a back seat and shall not ride in the front seat of the vehicle unless the vehicle does not have a back seat. If a

foster child rides in the front seat of a vehicle as allowed by this rule, the foster caregiver must disable the passenger side airbag if the vehicle is so equipped.

~~(H)~~(G) Paragraphs ~~(C), (D), (E), and (F)~~(B), (C), (D) and (E) of this rule do not apply to the foster caregiver who has a signed affidavit by a licensed physician in Ohio or a licensed chiropractor in Ohio. The affidavit shall state that the child who otherwise would be required to be restrained, has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendation of the physician or chiropractor as noted on the affidavit.

~~(I)~~(H) Each foster caregiver shall ensure the recall and safety information issued by the consumer product safety commission (CPSC) related to child safety seats or booster seats are reviewed. Any safety recommendations made by the CPSC in regard to child safety seats or booster seats shall be implemented by the caregiver.

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Foster Care Licensing

5101:2-7-16 Additional Requirements for a Treatment Foster Caregiver and a Treatment Foster Home

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A treatment foster caregiver initially certified after August 21, 2008 shall meet at least one of the following requirements:

(1) A minimum of three hundred sixty-five days of caring for a foster child in placement as a certified foster caregiver.

(2) A minimum of sixty hours of training in a classroom setting that complies with the following:

(a) For an applicant the training shall be completed within twenty-four months prior to the date of ~~application for~~ initial certification as a specialized caregiver.

(b) For a certified caregiver the training shall be completed within twenty-four months of the certified caregiver's written intent to upgrade their certification if the caregiver does not meet the requirement in paragraph (A)(1) of this rule.

(c) The training shall relate to children with special or exceptional needs as defined in rule 5101:2-47-18 of the Administrative Code.

(3) A minimum of five years cumulative experience caring for a child in the home of the foster caregiver or applicant on a daily basis.

(4) A minimum of one year of cumulative experience caring for a child who has special or exceptional needs as defined in rule 5101:2-47-18 of the Administrative Code in the home of the foster caregiver or applicant on a daily basis.

(B) Each treatment foster caregiver shall successfully complete the number of hours of preplacement and continuing training specified in the recommending agency's training policy required pursuant to rules 5101:2-5-13 and 5101:2-5-33 of the Administrative Code.

(C) Each treatment foster caregiver is a member of the treatment team and shall implement the service plan for each child as prescribed by the recommending agency.

(D) Occupancy limitations for a treatment foster home.

(1) A treatment foster caregiver may provide foster care for not more than five foster children, two of whom have exceptional needs requiring their placement in a treatment foster home.

(a) Any exceptions to the number of children with exceptional needs to be served, must have specific justification in accordance with the agency's policy for matching foster children and treatment foster caregivers pursuant to rule 5101:2-5-13 of the Administrative Code. Such justification, which may include the need to place a sibling group, or the abilities of a

particular family in relation to the special or exceptional needs of a particular child, shall be documented in the child's case record and in the treatment foster home record.

(b) If more than two children with exceptional needs are placed in a treatment foster home, all agencies holding custody of any other children placed in the home shall be notified by the treatment foster care program within seventy-two hours of placement.

(2) ~~A treatment foster caregiver who is also an appropriately trained and licensed professional may provide care for not more than five children with special or exceptional needs placed in the caregiver's home if both of the following apply~~A treatment foster caregiver may provide care for not more than five treatment foster children placed in the caregiver's home if either of the following apply:

(a) ~~The caregiver has five years of child care experience and training related to serving children in foster care.~~The caregiver is an appropriately trained and licensed professional. The following shall be considered an appropriately trained and licensed professional:

(i) A social worker.

(ii) A professional counselor.

(iii) A psychologist.

(iv) A teacher.

(v) A marriage and family therapist.

(vi) A person who has a minimum of a bachelor's degree in a child development or social services field.

(b) ~~The caregiver's primary means of support is from reimbursement as a treatment foster caregiver.~~The caregiver has five years of child care experience and training related to serving children in foster care.

~~(3) The following shall be considered an appropriately trained and licensed professional as required in paragraph (D)(2) of this rule:~~

~~(a) A social worker.~~

~~(b) A professional counselor.~~

~~(c) A psychologist.~~

~~(d) A teacher.~~

~~(e) A marriage and family therapist.~~

~~(f) A person who has a minimum of a bachelor's degree in a child development or social services field.~~

~~(4)~~(3) Children placed in a foster home on or prior to March 31, 2005 shall not be moved to another placement solely to meet the requirements of paragraph (D)(1) or (D)(2) of this rule.

(E) A treatment foster caregiver or at least one member of a treatment foster caregiver couple or co-parent shall have weekly consultation and face-to-face contact at least every two weeks with the recommending agency's professional treatment staff. At least one of the face-to-face contacts each month shall be in the treatment foster home.

(F) A treatment foster caregiver shall prepare, and keep current, a written record of the behavior and progress of the child towards achieving the treatment goals as identified in the service plan of each foster child placed in the home as required by the agency.

(G) Under the direction of the treatment team leader, a treatment foster caregiver shall assume primary responsibility for implementing the in-home treatment strategies specified in the child's service plan and any revisions thereto.

(H) A treatment foster caregiver shall work cooperatively with the family of the child according to the child's service plan and case plan.

(I) A treatment foster caregiver shall perform any additional written responsibilities and duties established by the recommending agency for a treatment foster caregiver.

(J) A treatment foster caregiver shall attend and participate in the treatment team meetings for each child placed in his home. If the treatment foster home certificate is in the name of a couple or co-parents, only one caregiver is required to attend the treatment team meetings unless otherwise specified by the recommending agency.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

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Rule Amplifies: 5103.02, 5103.03, 5103.031, 5103.032, 5103.039

Prior Effective Dates: 01/01/2003, 08/22/2005, 08/21/2008, 10/01/2011, 07/01/2014

Foster Care Licensing

5101:2-7-17 Additional Requirements for a Foster Caregiver for Medically Fragile Children and a Medically Fragile Foster Home

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster caregiver for medically fragile children shall have at least two years of experience caring for medically fragile children or the equivalent medically fragile child care experience, education or training as determined by the recommending agency. This requirement shall not apply to a foster caregiver certified prior to January 1, 2003.

(B) Each foster caregiver for medically fragile children shall successfully complete the number of hours of preplacement and continuing training specified in the recommending agency's training policy for medically fragile foster homes required pursuant to rules 5101:2-5-13 and 5101:2-5-33 of the Administrative Code.

(C) Each foster caregiver for medically fragile children is a member of the treatment team and shall help develop and implement the service plan for each child as prescribed by the recommending agency.

(D) Occupancy limitations for a medically fragile foster home.

(1) With the exception of the provisions of paragraph (D)(2) of this rule, a foster caregiver for medically fragile children may provide foster care for not more than five foster children, two of whom may have intensive needs requiring their placement in a medically fragile foster home.

(a) Any exceptions to the number of medically fragile foster children to be served, must have specific justification in accordance with the agency's policy for matching foster children and foster caregivers for medically fragile children pursuant to rule 5101:2-5-13 of the Administrative Code.

(b) The justification, which may include the need to place a sibling group, or the abilities of a particular family in relation to the intensive needs of a particular child, shall be documented in the child's case record and in the medically fragile foster home record.

(c) If more than two medically fragile foster children are placed in a medically fragile foster home, all agencies holding custody of any other children placed in the home shall be notified by the recommending agency of the foster home within seventy-two hours of placement.

(2) A foster caregiver for medically fragile children who is also an appropriately trained and licensed professional may provide care for not more than five medically fragile foster children placed in the caregiver's home. An appropriately trained and licensed professional is considered one of the following:

(a) A registered nurse.

(b) A licensed practical nurse.

(c) A licensed emergency medical technician.

(d) A ~~physicain~~physician assistant.

(e) A licensed physician.

(3) Children placed in a foster home on or prior to March 31, 2005 shall not be moved to another placement solely to meet the requirements of paragraph (D)(1) or (D)(2) of this rule.

(E) A foster caregiver for medically fragile children or at least one member of a medically fragile foster caregiver couple or co-parent shall have consultation at least every two weeks and at least monthly face-to-face contact with the recommending agency's professional staff. At least one of the face-to-face contacts every two months shall be in the medically fragile foster home.

(F) A foster caregiver for medically fragile children shall prepare, and keep current, a written record of each medically fragile child's emotional response to treatment and progress towards achieving the treatment goals as identified in the child's service plan.

(1) The written record shall include signed documents of treatment provided by any health care professional, as well as records of any hospitalizations and hospital emergency room or urgent medical care visits.

(2) All documentation shall be maintained current and kept in the manner prescribed by the medically fragile foster care program.

(G) Under the direction of the treatment team leader, a foster caregiver for medically fragile children shall assume primary responsibility for implementing the in-home treatment strategies specified in the child's service plan and any revisions.

(H) A foster caregiver for medically fragile children shall work cooperatively with the family of the child according to the child's service plan and case plan.

(I) A foster caregiver for medically fragile children shall perform any additional responsibilities and duties established by the recommending agency in writing for a medically fragile foster caregiver.

(J) A foster caregiver shall attend and participate in the treatment team meetings for each child placed in the home. If the foster home for medically fragile children certificate is in the name of a couple or co-parents, only one caregiver is required to attend the treatment team meetings unless otherwise specified by the recommending agency.

Effective: 4/1/2019

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Prior Effective Dates: 01/01/2003, 08/22/2005, 08/01/2009, 07/01/2014

Social Services

5101:2-42-05 Selection of a Placement Setting

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: May 10, 2014

(A) When a child cannot remain in his or her own home, the public children services agency (PCSA) or private child placing agency (PCPA) shall explore both maternal and paternal relatives including a non-custodial parent regarding their willingness and ability to assume temporary custody or guardianship of the child. Unless it is not in the child's best interest, the PCSA or PCPA shall explore ~~placement with a~~the non-custodial parent before considering other relatives.

(B) If a suitable relative is not available to assume temporary custody, guardianship, or placement, the PCSA or PCPA shall explore placement with a suitable nonrelative who has a relationship with the child and/or family.

(C) The PCSA or PCPA shall only place children:

(1) In homes of relative or non-relatives approved by the PCSA or PCPA in accordance with rule 5101:2-42-18 of the Administrative Code.

(2) In substitute care settings that are licensed, certified or approved by the agency of the state having responsibility for licensing, ~~cerifying~~certifying or approving facilities of the type in which the child is placed.

(D) The PCSA or PCPA shall attempt to place siblings in the same home unless it is not in the child's or siblings' best interest.

(E) When the PCSA or PCPA has temporary custody of a child, it shall select a substitute care setting that is consistent with the best interest and special needs of the child and that meets the following criteria:

(1) Is considered the least restrictive, most family-like setting available to meet the child's emotional and physical needs.

(2) Is in close proximity to the home from which the child was removed or the home in which the child will be permanently placed.

(3) Is in close proximity to the school in which the child was enrolled prior to placement.

(4) Is designed to enhance the likelihood of achieving permanency plan goals.

(5) Is able to provide a safe environment for the child.

(F) The following allowable substitute care settings are listed in order from least restrictive to most restrictive:

(1) ~~The home of a suitable relative as defined in rule 5101:2-1-01 of the Administrative Code.~~With the parent in a substance use disorder (SUD) residential facility.

(2) The home of a suitable relative, excluding the parent, as defined in rule 5101:2-1-01 of the Administrative Code.

~~(2)~~(3) The home of a suitable nonrelative as defined in rule 5101:2-1-01 of the Administrative Code.

~~(3)~~(4) A foster home.

~~(4)~~(5) An independent living arrangement, as appropriate for the child.

~~(5)~~(6) A group home.

~~(6)~~(7) A maternity home.

~~(7)~~(8) An emergency shelter care facility.

~~(8)~~(9) A children's residential center.

~~(9)~~(10) A medical or educational facility.

(G) For a child in the permanent custody of a PCSA or PCPA, an adoptive placement shall be considered the least restrictive setting. When selecting an adoptive placement, the agency shall follow rule 5101:2-48-16 of the Administrative Code.

(H) ~~Only when a PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive setting cannot address his or her needs, the PCSA or PCPA may place the child in a more restrictive setting.~~ The PCSA or PCPA may place the child in a more restrictive setting, only when the PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive setting cannot address the child's needs.

(I) This rule shall not contravene the placement of a child in a secure facility or other specified setting by law enforcement or any court of jurisdiction.

(J) The PCSA or PCPA shall document the following in the child's case plan:

(1) Educational, medical, psychological, and social information used by the agency to select a placement setting.

(2) How the setting constitutes a safe and appropriate placement.

(3) Why less-restrictive placements, if applicable, were not utilized.

(K) The provisions of this rule do not apply to a permanent surrender agreement executed in the child's best interest by a PCPA in accordance with division (B)(2) of section 5103.15 of the Revised Code for a child less than six months of age for the purpose of adoption on the date of the execution of the agreement.

(L) All placement activities shall be in compliance with rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code and 42 U.S.C. sections 671(a)(18), 674(d) and 1996b (collectively, the Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996 ~~or MEPA~~ as in effect January 1, 1997).

Effective: 11/1/2019

Five Year Review (FYR) Dates: 7/2/2019 and 11/01/2024

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Social Services

5101:2-42-18.1 Non-Discrimination Requirements for Foster Care Placements

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: May 10, 2014

(A) A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall not deny any person the opportunity to become a foster caregiver on the basis of race, color or national origin (RCNO) of that person, or of the child involved; nor shall the PCSA, PCPA, or PNA delay or deny the placement of a child into foster care on the basis of RCNO of the foster caregiver or of the child involved.

(B) The Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(7), 671(a)(18), 674(d) and 1996(b) ~~(1/2/06)~~ (MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d ~~(1/2/06)~~, as they apply to the foster care process ~~(Title VI)~~, do not supercede the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901 ~~(1/2/06)~~.

(C) A PCSA, PCPA, or PNA shall not routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective foster caregiver to meet those needs.

(D) Only the most compelling reasons may serve to justify the consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective foster caregiver. In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration shall be narrowly tailored to advance the child's best interests. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.

(E) The following actions by a PCSA, PCPA, and PNA are permitted as it applies to the foster care placements.

(1) Asking about and honoring any initial or subsequent choices made by prospective foster caregivers regarding what RCNO of child the prospective foster caregivers will accept.

(2) Providing information and resources about fostering a child of another RCNO to prospective foster caregivers who request such information and making known to all families that such information and resources are available.

(3) Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

(4) Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that the RCNO need to be a factor in the placement decision pursuant to paragraph (G) of this rule. Even when the facts of a particular case allow consideration related to the RCNO, this consideration shall not be the sole determining factor in the placement decision.

(5) Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities and national origins as part of the training which is required of all applicants who seek to become foster caregivers.

(6) Documenting verbal comments, verbatim, or describing in detail any other indication made by a prospective foster caregiver or prospective foster caregiver family member living in the household or any other person living in the household reflecting a negative perspective regarding the RCNO for whom the prospective foster family have expressed an interest in fostering.

(a) The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training that is required for all foster care applicants.

(b) The documentation shall be included in the family's homestudy, update, or an addendum to the homestudy or update prior to consideration of placement.

(F) The following actions by a PCSA, PCPA, and PNA are prohibited as it applies to the foster care process:

(1) Using the RCNO of a prospective foster caregiver to differentiate between foster care placements for a child, unless the procedures in paragraphs (G) to (K) of this rule are followed.

(2) Honoring the request of a birth parent(s) to place a child with a foster parent(s) of a specific RCNO unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards and the agency determines that the placement is in the best interests of the child.

(3) Requiring a prospective foster family to prepare or accept a transracial foster care plan.

(4) Using culture or ethnicity as a proxy for RCNO.

(5) Delaying or denying placement of a child based upon the following:

(a) The geographical location of the neighborhood of the prospective foster caregiver if geography is being used as a proxy for the racial or ethnic composition of the neighborhood.

(b) The demographics of the neighborhood.

(c) The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.

(6) Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster caregivers of children of a different RCNO than is required of other prospective foster caregivers.

(7) Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

(8) Relying upon general or stereotypical assumptions about the ability of prospective foster caregivers of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.

(9) Steering prospective foster caregivers away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective foster caregivers from parenting a child of a particular RCNO.

(G) If a medical or psychological evaluation, school record, or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons

to consider needs the child may have regarding RCNO in the placement process, the agency shall determine if the child should be referred for an assessment of whether the child has individual needs involving RCNO.

(H) One of the following licensed professionals shall conduct the assessment regarding RCNO:

(1) A licensed child psychiatrist.

(2) A licensed child psychologist.

(3) A licensed independent social worker.

(4) A licensed professional clinical counselor.

(I) The licensed professional conducting the assessment shall not be employed by the PCSA or PCPA making the referral.

(J) At the time of the referral, the PCSA or PCPA shall initiate and subsequently complete the JFS 01688 "Individualized Child Assessment" ~~(rev. 5/2007)~~(rev. 6/2017) using the following procedures:

(1) The caseworker shall complete section I of the JFS 01688 and submit the JFS 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the PCSA or PCPA MEPA monitor.

(2) If both the supervisor and the MEPA monitor determine that the documented material contained in the case file indicates there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the child shall be referred within ten days of the signature of the caseworker for an individual child assessment as indicated in paragraph (G) of this rule. At the time of the referral, the agency shall forward to the licensed professional the following documents:

(a) The original JFS 01688.

(b) All relevant medical or psychological evaluations, and school records.

(c) All other relevant material documented in the child's case file.

(3) The PCSA or PCPA shall request in writing that the licensed professional complete and sign section II of the original JFS 01688 and return it within sixty days to the PCSA or PCPA with a copy of the requested assessment attached.

(4) The licensed professional shall determine whether the child has needs involving RCNO and any other needs of a psychological or behavior nature and, if so to specify what those needs are and how those needs may impact a potential substitute care placement.

(5) The licensed professional shall not complete an assessment pursuant to paragraph (G) of this rule until the PCSA or PCPA has provided the licensed professional with copies of this rule and each of the following:

(a) JFS 01607 "MEPA Educational Materials" ~~(rev. 1/2009)~~(rev. 10/2016).

(b) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" ~~(rev. 1/2009)~~(rev. 10/2016).

(c) Rule 5101:2-48-13 of the Administrative Code.

(d) Rule 5101:2-48-16 of the Administrative Code.

(6) The licensed professional shall sign the JFS 01608 "Licensed Professional Statement" ~~(rev. 1/2009)~~(rev. 10/2016) acknowledging receipt of the materials required in paragraph (J)(5) of this rule. A copy of the signed JFS 01608 shall be submitted to the PCSA or PCPA.

(7) The PCSA or PCPA shall keep the JFS 01608 and attach a copy to each JFS 01688 the licensed professional completes. The PCSA or PCPA shall submit a copy of the JFS 01608 and JFS 01688, if applicable to the Ohio department of job and family services (ODJFS) ten days after receiving it.

(8) Each completed JFS 01688 shall remain in effect for twelve months from the date of the final decision as documented on the JFS 01688.

(a) If it has been determined that RCNO should be a factor considered in the child's placement, an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.

(b) If it has been determined that RCNO should not be a factor considered in the child's placement, an updated JFS 01688 and assessment is not required prior to the twelve month expiration date. In such instance, the PCSA or PCPA may update the JFS 01688 and assessment as deemed necessary.

(9) The JFS 01688 shall be considered as part of the placement decision making process.

(K) The PCSA or PCPA shall maintain in the child's case file the completed original JFS 01688 and all medical or psychological evaluations, school records, or other material in the file.

(L) A PCSA, PCPA, or PNA shall not intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed an oral or written complaint, testified, assisted, or participated in any manner in the investigation of an alleged violation of MEPA and Title VI. This includes:

(1) Any prospective or certified foster family.

(2) Any employee of a PCSA, PCPA, or PNA.

(3) Any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA, PCPA or PNA such as a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer.

(M) Prohibited retaliatory conduct includes, at a minimum:

(1) A reduction in the amount of foster care payments which a family should receive based on the child's needs.

(2) Unwarranted poor evaluations of an employee by his or her supervisor.

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Social Services

5101:2-42-19 Requirements for the Provision of Independent Living Services to Youth In Custody

FCASMTL 405

Effective Date: March 1, 2019

Most Current Prior Effective Date: December 11, 2017

(A) Independent living services shall be provided to each youth in the custody of a public children services agency (PCSA) or private child placing agency (PCPA) who has attained the age of fourteen to prepare them for the transition from agency custody to self-sufficiency.

(B) If a PCSA is providing independent living services to an eligible unmarried minor female who is pregnant or has a child and is part of an "Ohio Works First" (OWF) assistance group, the PCSA shall inform the local county department of job and family services (CDJFS) of the PCSA's involvement with the family in order to ensure coordination of services.

(C) The PCSA or PCPA shall conduct a life skills assessment on each youth in agency custody, who has reached age fourteen. The assessment shall be completed no later than sixty days after the youth's fourteenth birthday or sixty days after the youth enters agency custody, if the youth is fourteen or older. A life skills assessment shall establish the need for independent living services identified in paragraph (D) of this rule. The life skills assessment shall be completed with documented input from the youth, the youth's caregiver, and the youth's case manager.

(D) The PCSA or PCPA shall determine which independent living services are and are not applicable, based on the assessment required by paragraph (C) of this rule and shall include, but not be limited to the following:

(1) Academic support including:

(a) Academic counseling.

(b) Preparation for a GED.

(c) Assistance in applying for or studying for a GED exam.

(d) Tutoring.

(e) Help with homework.

(f) Study skills training.

(g) Literacy training.

(h) Help accessing educational resources.

(2) Post secondary educational support including:

(a) Classes for test preparation.

(b) Counseling about college.

(c) Information about financial aid and scholarships.

(d) Help completing college or loan applications.

(e) Tutoring while in college.

(3) Career preparation including:

(a) Vocational and career assessment, career exploration and planning, guidance in setting and assessing vocational and career interests and skills and help in matching interests and abilities with vocational goals.

(b) Job seeking and job placement support, identifying potential employers, writing resumes, completing job applications, developing interview skills, job shadowing, receiving job referrals, using career resource libraries, understanding employee benefits coverage, and securing work permits.

(c) Retention support and job coaching.

(d) Learning how to work with employers and other employees.

(e) Understanding workplace values such as timeliness and appearance.

(f) Understanding authority and customer relationships.

(4) Employment programs or vocational training including:

(a) Participation in an apprenticeship, internship, or summer employment program.

(b) Participation in vocational or trade programs and the receipt of training in occupational classes for such skills as cosmetology, auto mechanics, building trades, nursing, computer science, and other current or emerging employment sectors.

(5) Budget and financial management including:

(a) Living within a budget.

(b) Opening and using a checking or savings account.

(c) Balancing a checkbook.

(d) Developing consumer awareness and smart shopping skills.

(e) Accessing information about credit, loans and taxes.

(f) Filling out tax forms.

(6) Housing, education and home management training including:

(a) Assistance or training in locating and maintaining housing, filling out a rental application and acquiring a lease, handling security deposits and utilities, understanding practice for keeping a healthy and safe home, understanding tenants rights and responsibilities, and handling landlord complaints.

(b) ~~Instruction~~Lessons in food preparation, laundry, housekeeping, living cooperatively, meal planning, grocery shopping, ~~and~~ basic maintenance and repairs, and driving instruction.

(7) Health education and risk prevention including:

(a) Hygiene, nutrition, fitness and exercise, and first aid information.

(b) Medical and dental care benefits, health care resources and insurance, prenatal care and maintaining personal medical records.

(c) Sex education, abstinence education, and HIV prevention, education and information about sexual development and sexuality, pregnancy prevention and family planning and sexually transmitted diseases and AIDS; substance abuse prevention and intervention, including education and information about the effects and consequences of substance use (alcohol, drugs, tobacco) and substance avoidance and intervention.

(8) Family support and healthy marriage education including education and information about safe and stable families, healthy marriages, spousal communication, parenting, responsible fatherhood, childcare skills, teen parenting and domestic and family violence prevention.

(9) Mentoring including being matched with a screened and trained adult for a one-on-one relationship that involves the two meeting on a regular basis. Mentoring can be short-term, but may also support the development of a long-term relationship.

(10) ~~Supervised~~Supervision services for a youth placed in a supervised independent living arrangement including a youth who is living independently under a supervised arrangement paid for or provided by the county agency.

(11) Room and board financial assistance for rent deposits, utilities, and other household start-up expenses. The PCSA may only use up to thirty per cent of the Chafee federal independent living allocation for room and board pursuant to rule 5101:9-6-35of the Administrative Code. The PCSA or PCPA shall not use the Chafee allocation or TANF independent living funds for room and board pursuant to ~~rule~~rules 5101:9-6-35 and 5101:9-6-08.6 of the Administrative Code for:

(a) Youth under the age of eighteen.

(b) Young adults that have reached their twenty first birthday.

(E) The PCSA or PCPA shall develop a written independent living plan within thirty days of the completion of the assessment required by paragraph (C) of this rule, to help the youth achieve self-sufficiency. The plan shall be based upon the assessment, the developmental age of the child and include input from the youth, the youth's case manager, the caregiver, and significant others in the youth's life. The independent living plan shall document the strengths, limitations, and resources of the youth and outline the services to be provided. ~~The independent living plan shall be reviewed at least every ninety days thereafter until the agency's custody is terminated.~~ A copy of the plan and any subsequent updates shall be provided to the youth and caregiver within thirty days of the development of the plan or the update as applicable.

(F) The PCSA or PCPA shall include in the independent living plan the contact information containing the names, addresses and phone numbers of significant others, such as former foster parents, friends, mentors, child's attorney, guardian ad litem (GAL) or court appointed special advocates (CASA) and extended family members as provided by the youth. The PCSA or PCPA shall use this information to work with the youth to develop and achieve meaningful, permanent connections with at least one caring adult.

~~(F)~~(G) The PCSA or PCPA shall amend the case plan and submit it to the court within seven days following the completion of the initial independent living plan pursuant to rules 5101:2-38-05 and 5101:2-38-07 of the Administrative Code.

(H) The PCSA or PCPA shall review the independent living plan with the youth and substitute caregiver at least every ninety days until the agency's custody is terminated. Each review shall include:

(1) Progress on current independent living goals and the opportunity to add new independent living goals, as necessary.

(2) Review of youth's contacts including the development of meaningful, permanent connections.

(3) Details regarding youth's access to and participation in age or developmentally appropriate activities, positive youth development and experiential learning similar to non-custodial youth.

~~(G)~~(I) The PCSA or PCPA shall provide independent living services training opportunities to caregivers caring for adolescents.

~~(H) The PCSA or PCPA shall include in the independent living plan the contact information containing the names, addresses and phone numbers of significant others, such as former foster parents, friends, mentors, child's attorney, GAL/CASA and extended family members as provided by the young adult.~~

~~(I)~~(J) ~~For~~ For each child in the custody of the PCSA or PCPA who has attained the age of fourteen, the PCSA or PCPA shall request a credit report from each of the three major credit reporting agencies (CRA) each year until the child is discharged from substitute care. This may be completed simultaneously or separately throughout the year.

(1) A request shall be submitted to at least one CRA by the first semi-annual review (SAR) held after the child attains the age of fourteen.

(2) The PCSA or PCPA shall ensure each child in agency custody who has attained the age of fourteen or older until emancipation, annually receives all copies of their consumer credit report. The PCSA or PCPA shall assist the youth in interpreting the credit reports.

(3) The PCSA or PCPA shall assist youth in the resolution of any inaccuracies reported on any of the credit reports by working with the Ohio attorney general's office.

~~(J)~~(K) A PCSA shall ensure the following ~~initial~~ information is entered into statewide automated child welfare information system (SACWIS) and a PCPA shall ensure that the ~~initial~~ information is documented in the case record each work day or as information becomes available in accordance with rule 5101:2-33-70 of the Administrative Code:

(1) All services provided to youth as indicated in paragraph (D) of this rule.

(2) Youth characteristics including:

(a) Education levels.

(b) Tribal membership.

(c) Delinquency adjudication.

(d) Special education.

(e) Medical conditions.

(3) Basic demographics of the youth including:

(a) Gender.

(b) Race.

(c) Ethnicity.

~~(K)~~(L) The PCSA shall enter in SACWIS and the PCPA shall document in the case record the date the independent living assessment and the independent living plan were completed. All review dates of the independent living plan shall be entered in SACWIS, in accordance with rule 5101:2-33-70 of the Administrative Code. The PCPA shall document all review dates in the case record.

~~(L)~~(M) The PCSA or PCPA shall provide the youth information on post emancipation services in accordance with rule 5101:2-42-19.2 of the Administrative Code and eligibility criteria to enroll in bridges in accordance with Chapter 5101:2-50 of the Administrative Code.

(1) At least one hundred eighty days prior to the youth's eighteenth birthday, the PCSA or PCPA shall determine if one of the following eligibility criteria can be met for the youth to be enrolled in the bridges program upon the youth emancipating from care.

(a) Youth is completing secondary education or a program leading to an equivalent credential.

(b) Youth is enrolled in an institution that provides post-secondary or vocation education.

(c) Youth is participating in a program or activity designed to remove barriers to employment.

(d) Youth is employed for at least eighty hours per month.

(e) Youth is incapable of doing any of the activities described in paragraph ~~(L)(1)(a)~~(M)(1)(a) to ~~(L)(1)(d)~~(M)(1)(d) of this rule due to a medical condition, and incapacity is supported by regular documentation from a qualified practitioner.

(2) At least ninety days prior to the youth's emancipation if it is determined the youth is interested and meets at least one of the eligibility criteria described in paragraph (M)(1)(a) to (M)(1)(e), ~~the PCSA or PCPA shall determine if the youth is interested and meets at least one of the eligibility criteria described in paragraphs (L)(1)(a) to (L)(1)(e) of this rule,~~ the PCSA or PCPA shall:

(a) ~~Contact and introduce the youth to the bridges representative~~Refer the youth to the bridges program.

(b) Assign the bridges representative to the ongoing case within SACWIS.

(c) Introduce the youth to the bridges representative.

~~(c)~~(d) Collaborate with the bridges representative until the youth reaches emancipation and custody has been terminated.

(3) At least fourteen days prior to the youth's emancipation, the PCSA or PCPA shall ensure the youth has all documentation required to enroll in the bridges program.

~~(M)~~(N) At least ninety days prior to the youth's emancipation from the agency's custody, the PCSA or PCPA shall work with the youth to develop a final transition plan. The plan shall be youth-driven and as detailed as the youth chooses. The PCSA shall complete the plan in SACWIS. For youth who have been referred to the bridges program, the final transition plan shall be shared with the bridges representative. The plan shall include information regarding:

(1) The youth's option to receive post emancipation services identified in rule 5101:2-42-19.2 of the Administrative Code, provided or arranged by the PCSA or PCPA from which the youth emancipated.

(2) Health care including:

(a) Health insurance.

(b) Health care power of attorney.

(c) Youth's option to execute power of attorney.

(3) Employment services.

(4) Secondary and post secondary education and training.

(5) Obtaining and paying for housing.

(6) Budgeting for necessary living expenses.

(7) Obtaining a credit report.

(8) Registering for selective service.

(9) Information on obtaining a driver's license.

(10) Information on any existing court fees associated with the youth's name prior to emancipation.

(11) Information on any existing benefits the youth receives, such as but not limited to social security benefits. If necessary, the PCSA or PCPA shall review with the youth instructions on how to apply for continuation of those benefits.

~~(N)~~(Q) Prior to the youth's emancipation from the agency's custody, the PCSA or PCPA shall coordinate with the following agencies, to obtain necessary documents:

(1) The department of health, office of vital statistics, to ensure the youth obtains an original birth certificate.

(2) The social security administration, to ensure the youth obtains an original social security card.

(3) The bureau of motor vehicles, to ensure the youth obtains a current state identification card and information on obtaining a driver's license.

~~(O)~~(P) The PCSA or PCPA shall provide a copy of the final transition plan to the youth when custody is terminated due to reaching the age of emancipation, along with the following:

(1) A copy of the youth's health and education records.

(2) A letter verifying that the youth emancipated from agency custody.

~~(P)~~(Q) The PCSA shall document in SACWIS the date the agency provided the information in paragraphs (E), ~~(L)~~(M) and ~~(M)~~(N) to ~~(O)~~(P) of this rule. The PCPA shall document the information in the case record.

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Social Services

5101:2-42-65 Caseworker Visits and Contacts with Children in Substitute Care

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: January 1, 2016

(A) The public children services agency (PCSA) or private child placing agency (PCPA) that holds custody of a child shall comply with the provisions set forth in this rule regarding caseworker visits and contacts with the child and the substitute caregivers to ensure the child's safety and well-being, and to assess whether the placement and services continue to meet the child's needs in accordance with the case plan.

(B) Visits and contacts shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

(1) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

(2) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

(3) The PCSA or PCPA, as part of a managed care agreement as defined in rule 5101:2-1-01 of the Administrative Code, may contract with another agency to have the managed care caseworker assume responsibility for the child's case and caseworker visits required by this rule.

(C) The minimum frequency of visits shall be as follows, with individual time for the child as appropriate to his or her ability to communicate:

(1) For a child placed in a relative or non-relative home approved pursuant to rule 5101:2-42-18 of the Administrative Code or a foster home certified pursuant to Chapter 5101:2-5 of the Administrative Code:

(a) One face-to-face visit with the child and substitute caregiver within the substitute care setting during the first week of placement, not including the first day of placement.

(b) One face-to-face visit with the child and the substitute caregiver within the substitute care setting during the first four weeks of placement, not including the visit during the first week of placement.

(c) Monthly face-to-face visits with the child and substitute caregiver within the substitute care setting, which may include visits referenced in paragraphs (C)(1)(a) and (C)(1)(b) of this rule, provided that at least one of the visits occurs within each month.

(d) In a home which has two or more substitute caregivers, assure that each caregiver receives at least one of the face-to-face visits referenced in paragraphs (C)(1)(a) to (C)(1)(c) of this rule in each three-month period. If a caregiver is out of the home for the entire three-month period (e.g. military leave or extended hospital stay) the caregiver is exempt from the visits for that time period.

(e) If the circumstances of the case require more than one monthly visit, the additional visit(s) may be conducted by a caseworker employed by an agency contracted by the PCSA or PCPA to provide services for the case.

(2) For a child for whom a special, exceptional, or intensive needs difficulty of care payment is made pursuant to rule 5101:2-47-18 of the Administrative Code and placed in a treatment or medically fragile foster home certified pursuant to Chapter 5101:2-5 of the Administrative Code:

(a) One face-to-face visit with the child and substitute caregiver within the substitute care setting during the first week of placement, not including the first day of placement.

(b) One contact each week with the caregiver to monitor the child's progress.

(c) One face-to-face visit with the substitute caregiver and child should occur twice monthly, but not within the same week.

(d) At least one of the monthly visits shall occur within the treatment or medically fragile foster home.

(e) In a foster home which has two or more substitute caregivers on the certificate, assure that each caregiver receives at least one of the face-to-face visits referenced in paragraphs (C)(2)(a) to (C)(2)(c) of this rule in each three-month period. If a caregiver is out of the home for the entire three-month period (e.g. military leave or extended hospital stay) the caregiver is exempt from the visits for that time period.

(f) At least one of the monthly visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case. Any additional visit(s) may be conducted by a caseworker employed by an agency contracted by the PCSA or PCPA to provide services for the case.

(3) For a child placed in a residential facility or substance use disorder (SUD) residential facility as defined in rule 5101:2-1-01 of the Administrative Code:

(a) One contact with the residential facility or SUD residential facility and the child as developmentally appropriate within ten days of placement, not including the first day of placement.

(b) Monthly face-to-face visits with the child, within the residential facility or SUD residential facility. Visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

(i) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

(ii) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

(c) The caseworker within the residential facility or SUD residential facility, performing casework duties, shall not conduct visits on behalf of the PCSA or PCPA.

(4) For a child who is sixteen years of age or older and placed in an independent living arrangement in which he or she has responsibility for his or her individual living environment:

(a) One face-to-face visit with the child within the living environment within the first week of placement, not including the first day of placement.

(b) Monthly face-to-face visits with the child, within the living environment, which may include the visit referenced in paragraph (C)(4)(a) of this rule. Visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

(i) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

(ii) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

(D) Contacts and visits for children in the custody of a PCSA or PCPA shall be documented in the child's case record as outlined in rules 5101:2-33-23 and 5101:2-33-70 of the Administrative Code and address the following:

(1) The child's safety and well-being within the substitute care setting. In assessing the child's safety and well-being, the caseworker shall consider the following through observation and information obtained during the contact or visit:

(a) The child's current behavior, emotional functioning and current social functioning within the substitute care setting, and any other settings/activities in which he or she is involved. The caseworker shall also document evidence that the caregiver is following the reasonable and prudent parent standard in allowing the child regular opportunities to participate in age or developmentally appropriate activities.

(b) The child's current vulnerability.

(c) The protective capacities of the child's caregiver(s).

(d) Any new information regarding the child, the substitute care setting, and impact on the substitute caregiver's willingness or ability to care for the child including but not limited to:

(i) Changes in the marital status.

(ii) Significant changes in the health status of a household member.

(iii) Placement of additional children.

(iv) Birth of a child.

(v) Death of a child or household member.

(vi) A criminal charge, conviction or arrest of any household member.

(vii) Addition or removal of temporary or permanent household members.

(viii) Family's relocation.

(ix) Child's daily activities.

(x) A change in the caregiver's employment or other financial hardships.

(e) Any supportive services needed for the child or caregiver to assure the child's safety and well-being.

(2) The child's progress toward any goals in the case plan as applicable from information obtained from the child and caregiver.

(3) Permanency planning in accordance with the child's case plan.

(E) For a child who is placed through the "Interstate Compact for the Placement of Children" into a substitute care setting outside of Ohio, the agency shall follow the directives in Chapter 5101:2-52 of the Administrative Code, and the regulations of the interstate compact, located at ~~http://icpc.aphsa.org/content/AAICPC/en/ICPCRegulations.html~~https://aphsa.org/AAICPC/AAICPC/ICPC_Regulations.aspx.

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Social Services

5101:2-42-65.1 Exit Interviews When a Child In Custody Leaves an Out of Home Placement

FCASMTL 401

Effective Date: August 1, 2018

Most Current Prior Effective Date: June 1, 2013

(A) The public children services agency (PCSA) or private child placing agency (PCPA) that holds custody of a child shall conduct a face to face exit interview with every child age five and older, as developmentally appropriate, within seven days after the child's exit from each foster care placement.

(1) The interview shall be completed by an individual allowed to make caseworker visits in accordance with rule 5101:2-42-65 of the Administrative Code.

(2) The information gathered during the interview shall be dependent on the age and developmental level of the child. The interviewer's observations and any information to explain the child's responses shall be recorded on the JFS 01678 "Foster Care Exit Interview" (~~01/2013~~10/2013).

(3) If the child alleges abuse, neglect or any maltreatment during the exit interview, the interviewer shall make a report in accordance with section 2151.421 of the Revised Code.

(B) The PCSA shall~~completed~~complete the interview form ~~and any other required documentation shall be placed:~~in the statewide automated child welfare information system (SACWIS).

~~(1) In the child's case record.~~

~~(2) In the caregiver's record. If the caregiver is not certified by the custodial agency, the custodial agency shall send a copy of the interview form to the recommending agency of the caregiver within seven days of the completed interview.~~

(C) The PCPA shall complete the JFS 01678 and place it in the child's case record and the caregiver's record. If the caregiver is not certified by the PCPA, the PCPA shall send a copy of the form to the recommending agency of the caregiver within seven days of the completed interview.

~~(C)~~(D) Upon receipt of the form, the recommending agency shall discuss any concerns with the foster parent. If deemed necessary by the recommending agency, an action plan shall be developed within thirty days of the date the agency was notified of the concern. The plan may include but is not limited to providing more intense supervision, support, or training for the caregiver. If the concern warrants a rule violation investigation, then rule 5101:2-5-28 of the Administrative Code shall apply and may result in more formal enforcement, up to and including revocation of the foster home certificate.

~~(D)~~(E) The PCSA or PCPA is not required to complete the exit interview:~~when children in their custody are moved from residential care facilities or non-licensed providers. The PCSA or PCSA may choose to do so, depending on the situation that necessitated the move.~~

(1) When children in their custody are moved from residential care facilities or non-licensed providers.

(2) When a child was in the placement for less than twenty-four hours.

(3) When the child's placement type changes from foster care to adoption and the child remains in the same home.

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Rule Amplifies: 2151.412, 5153.16, 5103.03, 2151.421

Prior Effective Dates: 06/01/2013

Social Services

5101:2-42-66 Administrative Procedures for Comprehensive Health Care for Children in Placement

FCASMTL 409

Effective Date: May 1, 2019

Most Current Prior Effective Date: April 20, 2008

(A) The early and periodic screening, diagnosis, and treatment (EPSDT) program is a federally mandated program of comprehensive preventive health services available to medicaid-eligible individuals from birth through age twenty years. In Ohio, the program is called healthchek and is administered by the county department of job and family services (CDJFS). A healthchek screening examination or its equivalent constitutes comprehensive health care for all children in placement.

(B) The public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall develop written interagency procedures to implement comprehensive health care for children in placement between the CDJFS and custody holding agency, if applicable. Interagency procedures shall include a tracking to document the substitute caregiver has been informed of healthchek services and transportation services and the substitute caregiver has been provided a copy of the ODM 03528 "Healthchek and Pregnancy Related Services Information Sheet" (rev. 3/2018). ~~system to inform the other party of healthchek activity and training to implement comprehensive health care for children in placement.~~

(C) The PCSA, PCPA or PNA shall review and amend the interagency procedures developed pursuant to paragraph (B) of this rule, as needed.

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Social Services

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5101:2-42-66.1 Comprehensive Health Care for Children in Placement

FCASMTL 409

Effective Date: May 1, 2019

Most Current Prior Effective Date: August 11, 2014

(A) The public children services agency (PCSA) or private child placing agency (PCPA) shall coordinate comprehensive health care for each child in its care or custody who ~~is placed~~enters into substitute care or has a placement change. In coordinating comprehensive health care, the PCSA or PCPA shall attempt to arrange for health care from the child's existing and previous medical providers as well as involve the parent, guardian, or custodian in the planning and delivery of health care services.

(B) If applicable, when petitioning for custody, the PCSA or PCPA shall determine whether the parent, guardian or custodian has health care insurance and / or financial resources to provide comprehensive health care.

(1) If insurance or financial resources are available, the PCSA or PCPA shall request financial support.

(2) If insurance or financial resources are not available, the PCSA or PCPA shall assess the child's eligibility for medicaid, Title IV-E, supplemental security income (SSI), or other assistance programs. Unless an application for Title IV-E has been submitted, the PCSA~~,~~ or PCPA shall apply for medicaid on behalf of the child no later than thirty days after the date of the child's placement into substitute care.

(C) The PCSA or PCPA shall ensure a medical screening is completed within five working days of each child entering into substitute care or when a child's placement changes ~~No later than five working days after the date of the child's most recent placement setting, unless medical care is needed sooner, the PCSA or PCPA shall secure a medical screening~~ to prevent possible transmission of common childhood communicable diseases and to identify any symptoms of illness, injury, or maltreatment. A screening is not required for newborn children directly placed into substitute care from the hospital. The medical screening shall be conducted by one of the following:

(1) A licensed physician.

(2) An advanced practice nurse.

(3) A registered nurse.

(4) A licensed practical nurse.

(5) A physician's assistant.

(D) The PCSA or PCPA shall arrange for the following health care pursuant to rule 5160-1-14 of the Administrative Code and the "Bright Futures" guidelines (rev. 2/2017) for a child who is in substitute care~~,~~. The guidelines can be reviewed at http://brightfutures.aap.org. ~~the~~The agency shall ensure:

(1) A comprehensive physical exam for children age three or over, including a review of physical, mental, developmental, vision and dental health is completed within sixty days after a child enters into substitute care. A comprehensive physical exam is not required if a comprehensive

physical exam of the child has been conducted within six months prior to the child's entry into substitute care and a copy of the exam is filed in the child's case record. The agency shall ensure an annual comprehensive physical exam is completed no later than thirty days after the anniversary date of the child's last physical, which shall include a vision and hearing screening. ~~No later than sixty days after the child's placement into substitute care the agency is to obtain a comprehensive physical exam which will include a vision and hearing screening. The agency shall secure an annual comprehensive physical exam no later than thirty days after the anniversary date of the child's last physical which shall include a vision and hearing screening.~~

(2) Additional visits, as appropriate, should occur during the first sixty to ninety days of the child entering substitute care to:

(a) Assess the child in the process of transition.

(b) Monitor the adjustment to care.

(c) Identify evolving needs and;

(d) Continue information gathering.

~~(2)~~(3) A child under the age of three ~~or under~~ receives required pediatric care, which includes medical, developmental, mental, dental, vision and hearing ~~as prescribed by a licensed physician pursuant to rule 5160-14-03 of the Administrative Code~~.

~~(3)~~(4) A child age three or under is referred to the county "Help Me Grow Program" when a screening or assessment indicates the child has or is at risk of a developmental disability or delay.

(5) Every child entering substitute care shall receive immunizations appropriate to age and health history. If a child's record of previous immunizations is unavailable at the time of the comprehensive physical exam, and it is reasonable to assume that the child has received immunizations, immunizations may be postponed until an immunization record is available for review.

(6) A dental examination is completed for a child three years of age and older no later than six months after the child's placement into substitute care. The agency shall ensure a follow-up dental examination is completed every six months from the date of the last dental examination with a thirty day grace period for scheduling purposes.

(7) Treatment for any diagnosed medical or psychological need is initiated within sixty days of the diagnosis, unless treatment is required sooner.

(8) Pursuant to section 2152.72 of the Revised Code, if a child has been adjudicated delinquent for any crimes listed in section 2152.72 of the Revised Code, the agency shall ensure a psychological examination of the child is completed within sixty days of the child's entry into substitute care. A psychological examination of the child is not required if a psychological examination of the child has been conducted within twelve months prior to the child's entry into substitute care and a copy is filed in the child's case record. Prior to any subsequent placements, the agency shall ensure a new psychological examination is completed unless either of the following apply:

(a) A psychological examination of the child has been conducted within twelve months prior to the child's placement.

(b) A psychological examination of the child has been conducted within twenty-four months prior to the date of the adoptive placement when the foster caregiver seeks to adopt the foster child.

~~(4) A psychological examination for a child adjudicated delinquent is conducted within sixty days of the child's entry into substitute care unless a psychological examination was conducted within twelve months prior to the date the child was placed in substitute care and a copy is filed in the child's case record. If no psychological examination of the child is available, an examination to detect mental and emotional disorders shall be performed by:~~

~~(a) A licensed independent social worker.~~

~~(b) A licensed social worker.~~

~~(c) A licensed professional clinical counselor.~~

~~(d) A licensed professional counselor.~~

~~(5) The arrangement for and secure appropriate immunizations. If a child's record of previous immunizatinos is unavailable at the time of the comprehensive physical exam, and it is reasonable to assume that the child has received immunizations, immunizations may be postponed until an immunization record is available for review.~~

~~(6) Treatment for any diagnosed medical or psychological need is initiated within sixty days of the diagnosis, unless treatment is required sooner.~~

~~(7) To document health information about the child in the child's case record within the state automated child welfare system (SACWIS) pursuant to rule 5101:2-42-66.2 of the Administrative Code for the PCSA. The PCPA shall document health information about the child in the child's case record.~~

~~(8) A dental exam for a child over three years of age no later than six months after the child's placement into substitute care. The agency shall secure annual dental re-examination no later than thirty days after the anniversary date of the child's last dental examination.~~

~~(E) A comprehensive health care screening or exam is not required when:~~

~~(1) A child has received a comprehensive physcial exam within three months prior to placement in substitute care and the results of the comprehensive physical exam are obtained by the PCSA or PCPA and maintained in the case record.~~

~~(2) The newborn is placed directly from the hospital.~~

~~(F)~~(E) For a medicaid eligible child, the PCSA or PCPA shall:

(1) Coordinate with the county department of job and family services (CDJFS) healthchek coordinator to secure a healthchek screening exam. The agency may authorize the substitute caregiver, managed care coordinator, medical providers and custodial parents to ~~serve as a liaison~~work with the CDJFS healthchek coordinator to schedule appointments and arrange transportation to those appointments.

(2) Complete the ~~JFS~~ODM 03528 "~~Healthcheck and Pregnancy Related Services Information Sheet~~Healthchek and Pregnancy Related Services Information Sheet" ~~(rev. 3/2014)~~(rev. 3/2018) and return the form to the CDJFS healthchek coordinator within the following timelines:~~:~~

(a) Within sixty days of the child's entry into substitute care or move to a subsequent placement.

(b) Annually based on the date the previous ODM 03528 form was completed and returned to the CDJFS healthchek coordinator.

(3) Inform the substitute caregiver(s) about healthchek services within sixty days of placement into the caregiver's home by reviewing the ODM 03528 with the substitute caregiver and providing the caregiver a copy of the form.

~~(G)~~(F) Comprehensive health care pursuant to paragraph (D) of this rule is not required if the child's placement episode is less than sixty days; however the PCSA or PCPA, shall coordinate health care whenever the child has a condition which indicates a need for treatment during the placement episode.

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Social Services

5101:2-42-66.2 Documentation of Comprehensive Health Care for Children In Placement

FCASMTL 409

Effective Date: May 1, 2019

Most Current Prior Effective Date: August 11, 2014

(A) The custodial public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) shall document and maintain in the case record a record of physical health examinations, developmental and psychological assessments, and treatment for each child in the care or custody of a PCSA, PCPA, or PNA pursuant to rule 5101:2-5-10 of the Administrative Code.

(B) A record of a child's health information may be collected from a variety of sources, including but not limited to:

(1) The child's parent, caregiver, guardian, other relative(s) or other responsible adult familiar with the child's health history;

(2) The child, if age-appropriate;

(3) Medical providers;

(4) Mental health providers;

(5) Medical records;

(6) School personnel and records;

(7) County family and children first council;

(8) Early intervention coordinators;

(9) PCSA, PCPA, or PNA case records; ~~and~~

(10) Medicaid managed care plan; and

~~(10)~~(11) Other social service agency personnel and records.

(C) A record of a child's health care shall contain, but not be limited to, the following, when applicable:

(1) A listing of a child's most recent and current medical, mental health, dental, and other health care providers including early and periodic screening and diagnostic treatment (EPSDT)/healthchek ~~providers~~.

(2) A record of immunizations and dates of immunizations;

(3) A record of a child's illnesses, hospitalizations, surgeries, impairments, injuries and other significant medical problems and dates for each event;

(4) A record of physical health examination and treatment;

(5) A record of dental examinations and treatment;

(6) A record of vision examinations and treatment;

(7) A record of speech and hearing assessments and therapy/treatment;

(8) A record of developmental assessments and therapy/treatment;

(9) A record of mental health assessments and therapy/treatment;

(10) A record of drug screenings, assessments and therapy/treatment;

(11) A record of the child's sexual development history, including any family planning methods;

(12) A record of the child's sexual abuse;

(13) A record of the child's prescription and nonprescription medications and any allergies to medications;

(14) A record of the child's food allergies and other allergies;

(15) The child's cultural background as it relates to nutrition, health care practices, and other relevant information;

(16) The health history of the biological parents and extended family; and

(17) Any other pertinent health information necessary to assure that those persons providing care for the child have adequate information to provide such care.

(D) The custodial PCSA, PCPA, or PNA shall keep the parents, guardian, or custodian informed of the physical health care, mental health care, and developmental care provided the child during the child's substitute care placement. Such information shall be shared at least every six months or at the time of each semiannual administrative review as required by rule 5101:2-38-08 of the Administrative Code. The parents, guardian or custodian shall be informed and consulted anytime a child in substitute care experiences a serious health, mental health problem or medical emergency.

(E) A substitute caregiver shall have access to all health care information to provide daily care for the child.

(F) The PCSA may use the child's health care record prepared pursuant to this rule as a source document in completing the JFS 01443 "Child's Education and Health Information" form (rev. 8/2010) or other comparable form as required in rule 5101:2-38-08 of the Administrative Code, if applicable.

(G) The PCSA may use a copy of the JFS 01443 form as a face sheet for the child's health record prepared pursuant to this rule.

(H) The custodial PCSA or PCPA shall provide a copy of a child's health care record to the child's parent, guardian, custodian, or prefinalized adoptive parent pursuant to this rule, and rule 5101:2-48-16 of the Administrative Code, as applicable.

(I) A PCSA shall maintain a record of a child's health care as a distinct part of the child's case record pursuant to rule 5101:2-33-23 of the Administrative Code, if applicable.

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Social Services

5101:2-42-67 Preparation of Lifebook

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: May 30, 2014

(A) When a child remains in substitute care for longer than six months, the public children services agency (PCSA) or private child placing agency (PCPA) shall begin to prepare a lifebook. The lifebook shall be updated every six months so long as the child remains in substitute care and shall include, but not limited to, the following information:

(1) Information regarding the child's birth.

(2) Information regarding the birth parent and birth family.

(3) The child's developmental milestones.

(4) Information on placements.

(5) The child's education history.

(6) Any sports and hobbies in which the child is involved.

(7) The child's medical history.

(8) Photos.

(B) The PCSA or PCPA may prepare a lifebook for a child sooner than six months after the child's placement.

(C) The PCSA or PCPA shall ensure that the lifebook is shared with the child during the placement, as appropriate to the child's age and understanding, and the lifebook should accompany the child when a placement move occurs and when the child is leaving substitute care.

(D) The PCSA or PCPA shall not place identifying information, as defined in rule 5101:2-1-01 of the Administrative Code, in the lifebook. The child may add identifying information to the lifebook.

(E) The PCSA or PCPA shall document in the child's case record the date it began to prepare the lifebook, and the date of each update to the lifebook as required in paragraph (A) of this rule.

(F) If a child in the permanent custody of a PCSA or PCPA is placed for adoption, the lifebook shall be given to the child and a copy shall be maintained in the child's record.

Effective: 11/1/2019

Five Year Review (FYR) Dates: 7/2/2019 and 11/01/2024

Certification: CERTIFIED ELECTRONICALLY

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Social Services

5101:2-42-68 Necessity for Continued Substitute Care Placement: Court Reviews and Hearing Requirements

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: December 1, 2015

(A) Each public children services agency (PCSA) or private child placing agency (PCPA) shall determine the necessity for continued substitute care placement of each child, whether the child's custody is by agreement or court commitment or whether the child's custody status is temporary or permanent. The agency shall conduct a case review and assess the need for continued substitute care placement no later than every three months after whichever activities occur first as outlined in rule 5101:2-38-09 of the Administrative Code. ~~The JFS 01413 "Comprehensive Assessment and Planning Model - I.S. Case Review" (rev. 8/2010) shall be completed and the assessment shall be documented in the case record.~~

(B) In the case of any child maintained in excess of thirty days in an emergency shelter care facility, the PCSA or PCPA shall determine and document in the child's case record the specific efforts undertaken to achieve a more appropriate placement for the child and the anticipated time frame for achieving such a placement. Documentation shall be completed promptly after each succeeding thirty day period as long as the child remains in an emergency shelter care facility.

(C) For children in temporary custody, the PCSA or PCPA shall determine whether the:

(1) Continued substitute care placement is not needed because:

(a) The child's vulnerability, if returned to his or her own home, to the conditions of abuse, neglect or dependency has diminished, and

(b) The child's parent, guardian or custodian is able to show a protective capacity to the child and the child's needs.

(2) Continued substitute care placement is needed because:

(a) The child remains vulnerable to conditions of abuse, neglect, or dependency, if returned to his or her own home, and

(b) The child's parent, guardian or custodian does not show protective capacities to the child or the child's needs, and

(c) Provision of supportive services could not reduce the child's vulnerability to the contributing factors requiring substitute care.

(D) Upon determining the need for continued temporary custody of a child, the PCSA or PCPA shall file a motion with the court that issued the order of disposition requesting a permanency review hearing for the court to grant any of the following:

(1) An order for the extension of temporary custody for six months. The PCSA or PCPA shall not petition the court for more than two six-month extensions of temporary custody.

(2) An order that the child be placed in the legal custody of a relative or nonrelative.

(3) An order that the child, sixteen or older, be placed in a planned permanent living arrangement and the following is completed at both the initial planned permanent living arrangement (PPLA) hearing and any subsequent hearings regarding permanency outcomes:

(a) The PCSA shall document at each permanency hearing the efforts to place a child permanently with a parent, relative or in a guardianship or adoptive placement.

(b) The PCSA should ensure the child's presence at the permanency hearing and the child is asked about his or her desired permanency outcome.

(i) If there is any significant safety concerns deterring the youth from participating in the hearing, the PCSA must document the reason for the youth's absence in the child's case record.

(ii) In the youth's absence, the PCSA must ensure a representative is present in court to address the youth's desire regarding the permanency outcome.

(c) The PCSA must document a judical determination was made at each hearing that PPLA is the best permanency plan for the child and the compelling reasons why it is not in the best interest of the child to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.

(d) The PCSA shall document the steps the agency is taking to ensure the foster family follows the reasonable and prudent parent standard engaging the child with regular opportunities to participate in age or developmentally appropriate activities. The documentation of the activities shall be placed in the case record as outlined in rule 5101:2-33-23 of the Administrative Code.

(4) An order permanently terminating the parental rights of the child's parents.

(E) The PCSA or PCPA shall file the motion prescribed by paragraph (D) of this rule no later than thirty days prior to the earlier of the following:

(1) One year from the date on which the complaint in the case was filed.

(2) One year from the date on which the child was first placed into shelter care.

(3) The date set at the last dispositional hearing for the review hearing of the child's custody.

(F) The PCSA or PCPA must request that a permanency hearing be held within thirty days of a judicial determination that reasonable efforts are not required pursuant to rule 5101:2-39-01 of the Administrative Code. This permanency hearing is not mandatory if the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts are not required.

(G) The provisions of this rule do not apply to a PCPA which is providing services to a child who is the subject of a voluntary permanent custody surrender agreement. All reviews of these cases shall comply with the provisions found in section 5103.153 of the Revised Code and rules 5101:2-42-09 and ~~5101:2-53-06~~5101:2-53-05 of the Administrative Code.

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Social Services

5101:2-42-87 Termination of Substitute Care and Custody of a Child

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: September 1, 2015

(A) Each public children services agency (PCSA) shall determine the necessity for continuing or terminating custody of a child, whether the child's custody is by agreement or court order or whether the child's custody status is temporary or permanent. The agency shall assess the need for continued custody at least every three months from date of initial placement and at each semiannual administrative review. Such assessment shall be documented in the case record. In making a determination that there is no need for continued custody, the agency shall:

(1) Complete the JFS 01404 "Comprehensive Assessment Planning Model - I.S. Reunification Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code.

(2) Use the JFS 01404 as a guide to determine whether the child's parent, guardian, or custodian is available, able and willing to demonstrate protective capacities for the child.

(3) Consider whether supportive services can provide adequate protection for the child if he or she were returned to his or her own home under a court order of protective supervision, or the agency's involvement is no longer deemed necessary and termination is sought.

(B) The PCSA's or private child placing agency's (PCPA) custody shall automatically terminate when one of the following occur:

(1) A court of jurisdiction issues an order terminating agency custody.

(2) A JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) expires or is terminated early.

(3) A probate court issues a final decree of adoption or an interlocutory order of adoption becomes final.

(C) While in substitute care, a child may be on leave from his or her current placement for a trial visit with his or her parent, guardian or custodian up to ~~sixty~~ninety consecutive days.

(D) When the PCSA or PCPA plans to recommend that the court terminate custody, the agency shall give the substitute caregiver and recommending agency at least five days advance notice. Advance notice shall not be required if a court of jurisdiction terminates agency custody on its own accord, or the substitute caregiver agrees to a lesser advance notice. Documentation of the notification (written or oral) to a caregiver shall be maintained in the child's case record.

(E) The agency shall provide the following services to prepare the child and his or her parent, guardian, or custodian when the child is to be returned home, which shall include, but not be limited to:

(1) Arranging visits or other contacts as needed between the parent, guardian, or custodian and child to discuss what has transpired between the time of initial placement and the present.

(2) Increasing the length and number of home visits to help the child become reacquainted with his or her family, when applicable.

(3) Providing emotional support for feelings the child may have about leaving the substitute caregiver.

(F) The custodial agency shall provide case planning services to emancipating youth pursuant to rules 5101:2-42-19 and 5101:2-38-05 of the Administrative Code and pursuant to rule 5101:2-38-07 of the Administrative Code, if applicable for the PCPA.

(G) When termination of substitute care occurs, those services offered to and provided to the child and his or her parent, guardian, or custodian in preparation for the child's reunification, adoption or emancipation shall be noted in the child's case record.

(H) The agency shall inform the county department of job and family services (CDJFS) healthchek coordinator when the child has been returned home and custody has been terminated.

(I) The agency shall provide the parent, guardian, custodian, prefinalized adoptive parent, or a child who is emancipating with a copy of the child's health care record prepared pursuant to rules 5101:2-42-66.2 and 5101:2-38-08 of the Administrative Code upon termination of the child's custody. The agency shall provide the parent, guardian, custodian, prefinalized adoptive parent, or a child who is emancipating with information about the healthchek program, if the child was in the healthchek program during the child's stay in substitute care.

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Social Services

5101:2-42-88 Requirements when a Child in Substitute Care Disrupts from Placement or is Absent Without Leave (AWOL)

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: October 1, 2015

(A) When there is a disruption of a child's substitute care placement, the public children services agency (PCSA) or private child placing agency (PCPA) shall address and document in the child and caregiver's case record the following information:

(1) Length of time the child was in the particular substitute care setting.

(2) Circumstances which led to the child's removal.

(3) Any efforts to maintain the placement, including supportive services offered to the child and caregiver.

(B) A disruption of a child's substitute care placement shall require an amendment to the case plan pursuant to rule 5101:2-38-05 of the Administrative Code or rule 5101:2-38-07 of the Administrative Code.

(C) If a disruption of a child's substitute care placement occurs prior to the child's dispositional hearing, the PCSA or PCPA shall follow procedural requirements pursuant to rule 5101:2-42-93 of the Administrative Code.

(D) Upon receiving notification that a child is absent without leave (AWOL) from a substitute care placement, the PCSA or PCPA shall immediately, and in no case later than twenty-four hours contact both:

(1) Law enforcement for entry into the national crime information center (NCIC) database.

(2) The national center for missing and exploited children (NCMEC).

(E) The PCSA or PCPA shall document in the child's case record the following information:

(1) The date, time and name of the law enforcement agency contacted.

(2) The date and time NCMEC was contacted.

(3) The last known location of the child.

(4) The length of time the child has been AWOL.

(5) Anyone the child may have been with prior to or during AWOL.

(6) Efforts and resources used to locate the child.

(F) Upon the child's return from AWOL, the PCSA or PCPA shall address and document in the child's case record the following information:

(1) The circumstances that contributed to the child running away or being absent from care. When possible, these factors shall be considered when determining subsequent placements.

(2) The events or experiences that took place while the child was AWOL, including if the child is found to be a sex trafficking victim. The PCSA shall follow procedural requirements pursuant to rule 5101:2-36-12 of the Administrative Code. The PCPA shall report any allegations of abuse or neglect to the PCSA.

(G) The PCSA or PCPA shall send a copy, within fourteen days, of the documentation identified in this rule to the recommending agency of the caregiver, if the caregiver is not certified by the PCSA or PCPA. The recommending agency shall maintain the information in the caregiver's record.

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Social Services

5101:2-42-90 Information to be Provided to Children, Caregivers, School Districts and Juvenile Courts

FCASMTL 359

Effective Date: September 1, 2015

Most Current Prior Effective Date: November 9, 2009

(A) When a public children services agency (PCSA) or private child placing agency (PCPA) holds custody of a child and plans to place the child into a substitute care setting or respite care setting, the PCSA or PCPA shall share information with the caregivers in accordance with paragraphs (B)~~and~~, (C), and (D) of this rule to allow them to make an informed decision regarding whether they can care for the child.

(B) The PCSA or PCPA shall share the information identified in paragraphs (C)(1) to (C)(9) of this rule with the caregivers:

(1) Within ninety-six hours of either an emergency placement or change in the case plan in accordance with section 2151.31 or 2151.412 of the Revised Code.

(2) Or prior to placing the child.

~~(B)~~(C) ~~Prior to placing the child, or within ninety-six hours of an emergency placement or a change in the case plan in accordance with section 2151.31 or 2151.412 of the Revised Code, the PCSA or PCPA shall share information identified in paragraphs (B)(1) to (B)(9) of this rule with caregivers of a substitute care setting. The PCSA shall maintain a detailed record of the information that was shared, and the caregivers' acknowledgement of receipt of the information, by the date of the caregivers' signature, in the child's case record. The PCSA shall maintain this information in the state automated child welfare system (SACWIS). The PCPA shall maintain this information in the child's case record.~~ The information shall include:

(1) The child's health, behavioral characteristics, treatment and service needs, and plans to meet those needs as identified in the case plan.

(2) Any special needs the child may have such as special diets, therapy, tutoring, or learning disabilities.

(3) The child's prior history of maltreatment. Provision of information regarding child abuse or neglect assessments/investigations shall comply with rule 5101:2-33-21~~or 5101:2-33-22~~ of the Administrative Code, if applicable.

(4) Information on any acts committed by the child that placed the health, safety, or well-being of others at risk; such as victimization of other children or animals, or fire-setting~~fires~~.

(5) The type of school the child will attend, if applicable.

(6) The child's visitation schedule with his/her parents or guardian.

(7) The substitute caregivers' responsibilities.

(8) A written report containing the information specified in paragraph ~~(B)~~(C)(9) of this rule, for a child who has been adjudicated delinquent for commission of any of the following offenses:

(a) Aggravated murder.

(b) Murder.

(c) Voluntary manslaughter.

(d) Involuntary manslaughter.

(e) Felonious assault.

(f) Aggravated assault.

(g) Assault.

(h) Rape.

(i) Sexual battery.

(j) Gross sexual imposition.

(k) Conspiracy involving an attempt to commit aggravated murder or murder.

(l) Any other offense that would be a felony if committed as an adult, and the child, upon committing the offense, was found to be using or in possession of a firearm.

(9) The PCSA shall make a written request of the juvenile court that placed the child in the agency's custody~~,~~ for the information identified in paragraphs ~~(B)~~(C)(9)(a) to ~~(B)~~(C)(9)(d) of this rule and share this information with the substitute caregiver. The PCSA shall maintain in the child's case record a copy of the written request for information, a copy of the written report shared with the caregivers, the date it was shared, and the caregivers' acknowledgement of receipt of the information ~~in the child's case record~~. The PCSA shall maintain this information in the statewide automated child welfare information system (SACWIS). The PCPA shall maintain this information in the child's case record.

(a) The child's social history;

(b) A description of all the known acts committed by the child that resulted in the child being adjudicated delinquent and the disposition made by the court, unless a child's record has been sealed pursuant to section 2151.358 of the Revised Code;

(c) A description of any other violent acts committed by the child.

(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if not available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.

~~(C)~~(D) Prior to the child's placement in a respite care setting, the PCSA or PCPA shall share with the respite caregiver pertinent information identified in paragraph ~~(B)~~(C) of this rule that could impact the health, safety, or well-being of the child or others within the temporary setting. The PCSA or PCPA shall maintain this information in accordance with paragraph (T) of this rule~~The PCSA shall maintain a detailed record of the information that was shared, and the caregivers' acknowledgement of receipt of~~

~~the information, by the date of the caregivers' signature, in the child's case record. The PCSA shall maintain this information in SACWIS. The PCPA shall maintain this information in the child's case record.~~

~~(D)~~(E) The PCSA or PCPA shall provide foster caregivers with a written report which contains substantial and material conclusions and recommendations of any psychological, psychiatric, or mental health examination contained in the child's case record. This shall include, but is not limited to, examinations conducted in accordance with paragraph ~~(B)~~(C)(9)(d) of this rule and rule 5101:2-42-66.1 of the Administrative Code. The written report shall be provided to the foster caregivers as soon as possible, but no later than sixty days after placing the child in the foster home. The PCSA or PCPA shall maintain this information in accordance with paragraph (T) of this rule~~The PCSA shall maintain a copy of the information provided, the date the information was provided, and the foster caregivers' acknowledgement of receipt of the information in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record~~.

(F) The PCSA or PCPA holding custody of a child who is placed in a planned permanent living arrangement in a family setting shall provide the caregiver a notice that addresses the following:

(1) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(2) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition to adulthood.

~~(E)~~(G) Prior to placing a child in a foster home in another county or in a foster home operated by a private agency whose headquarters are in another county, the PCSA or PCPA shall be responsible for sharing information with the prospective foster caregivers and the board of education for the school district in which the child will be enrolled. The PCSA or PCPA shall share this information orally and send this information in writing no later than five days after the child's placement in the new school district. The PCSA shall maintain a copy of the information shared, the date the information was provided both orally and in writing, and the foster caregivers' acknowledgement of receipt of the information, in the child's case record in SACWIS ~~an~~and the PCPA shall maintain a copy in the child's case record. The information shall include:

(1) A discussion of safety and well-being concerns regarding the child and, if the child attends school, the students, teachers, and personnel of the school.

(2) A brief description of the reasons the child was removed from his home.

(3) The services the child is or will be receiving.

(4) The name, address and telephone number of the agency that is or will be directly responsible for monitoring the child's placement and the name and telephone number of the contact person for the agency.

(5) The name, address, and telephone number of the agency having custody of the child and the name and telephone number of the contact person for the agency.

(6) The previous school district attended by the child.

(7) The last known address of the child's parents.

~~(F)~~(H) When the PCSA or PCPA places a child who has been adjudicated unruly or delinquent in a foster home in another county or in a foster home operated by a private agency whose headquarters are in another county, the PCSA or PCPA shall provide the prospective foster caregivers and the juvenile court where the prospective foster home is located with written information about the child no later than five days after the child's placement. The PCSA shall maintain a copy of the information shared, the date the information was provided, and the foster caregivers' acknowledgement of receipt of the information in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record. The information to be provided shall include:

(1) The information listed in paragraphs ~~(E)~~(G)(3), ~~(E)~~(G)(4) and ~~(E)~~(G)(5) of this rule.

(2) A brief description of the facts supporting the adjudication that the child is unruly or delinquent.

(3) The name and address of the foster caregivers.

(4) The safety and well-being concerns with respect to the child.

(5) The safety and well-being concerns with respect to the community.

~~(G)~~(I) When the PCSA or PCPA contracts with a private non-custodial agency (PNA), the PCSA or PCPA shall share information with the PNA in accordance with paragraphs (B) ~~and~~, (C), and (D) of this rule. ~~The PCSA shall maintain a copy of the information shared in SACWIS in the child's case record. The PCPA shall maintain a copy in the child's case record~~ The PCSA shall maintain this information in SACWIS. The PCPA shall maintain this information in the child's case record.

~~(H)~~(J) The PCSA or PCPA shall develop an individual child care agreement (ICCA) each time a child is placed in a substitute care setting, including a children's residential center (CRC) administered by the PCSA. An ICCA is not required for temporary leaves from a substitute care setting (e.g., respite or hospital stays) or direct placements ordered by the court (e.g., detention). The ICCA shall be signed by all parties and a copy provided to the substitute caregivers prior to placement, or within seven days of an emergency placement. The ICCA shall include, but is not limited to, the following:

(1) The name, address, and telephone number of the PCSA or PCPA; the name of the child's caseworker; information regarding how the caseworker may be contacted during regular hours and for emergencies; and the date of the agreement.

(2) The child's name and date of birth.

(3) History and background information known about the child, including, but not limited to:

(a) Positive attributes, characteristics, or strengths such as friendliness, talents, interests, or educational achievements.

(b) Physical, intellectual, and social development.

(c) Immediate health needs and current medications.

(d) Psychiatric and/or psychological evaluations of the child.

(e) Attachment and bonding of the child to caregivers and siblings.

(f) History of abuse or neglect of the child.

(g) If applicable, a description of all acts which resulted in the child being found delinquent and the disposition made by the court.

(h) Information on any other violent acts committed by the child that may or may not have resulted in the child being adjudicated delinquent, including, but not limited to: arson, kidnapping, domestic violence, ~~and~~or animal cruelty.

(4) The child's need for placement and estimated timeframe for placement.

(5) Procedures for meeting the child's emergency and non-emergency medical needs, and information regarding the child's eligibility for Title XIX medical assistance.

(6) Any services, including, but not limited to, mental health and substance abuse services to be provided to the child or substitute caregivers and the party responsible for providing the services.

(7) Visitation plan with parents, guardian, custodian and other persons when applicable, pursuant to rule 5101:2-42-92 of the Administrative Code.

(8) Transportation arrangements for visits and other activities, and the party responsible for providing the transportation.

(9) Case plan goal for the child, pursuant to rule 5101:2-38-05 of the Administrative Code, if applicable, for a PCSA and rules ~~5101:2-39-10~~5101:2-38-06 and ~~5101:2-39-11~~5101:2-38-07 of the Administrative Code for a PCPA.

(10) Any special needs the child may have such as supervision level, special diets, therapy, tutoring, learning disabilities and any other needs requiring assistance from the substitute caregiver.

(11) A statement that the methods of discipline used for the child shall comply with either rule 5101:2-7-09 or 5101:2-9-21 of the Administrative Code, as applicable.

(12) The agency's invoicing procedures, if applicable.

(13) The rights and responsibilities of the PCSA or PCPA, the agencies providing services to the child, and the substitute caregivers.

(14) For children in the custody of a PCSA, a statement that assures ~~that~~ the substitute caregivers and agencies providing services will provide all applicable data to the PCSA for the "Adoption and Foster Care Analysis and Reporting System" (AFCARS) as required by section 479 of the Social Security Act (42 USC Section 679, 1994, 108 stat. 4459).

~~(I)~~(K) If the PCSA or PCPA is unable to complete any part of the ICCA within the timeframe required in paragraph ~~(H)~~(J) of this rule, the PCSA or PCPA shall document in the ICCA the information needed and the steps that will be taken to obtain the information.

~~(J)~~(L) When the child's placement is in a children's residential center (CRC) under the direction of another agency, the PCSA or PCPA shall develop and execute the ICCA with the other agency and provide a copy of the ICCA to both the agency and the CRC.

~~(K)~~(M) When the child's placement is in a foster home certified by another agency, a second ICCA shall be executed between the certifying agency and the substitute caregivers, with a copy maintained in the child's case record.

~~(L)~~(N) The PCSA or PCPA shall review and update the ICCA or develop a new ICCA when there is a change in any information required by paragraph ~~(G)~~(J) of this rule. The PCSA or PCPA shall provide a copy of the updated or revised ICCA to the substitute caregivers no later than seven days after any information changes, and document its provision on the case plan document.

~~(M)~~(O) The PCSA or PCPA shall maintain copies of all ICCAs and updates in the child's case record and the substitute caregivers' record.

~~(N)~~(P) The PCSA shall provide the substitute caregiver with a copy of the JFS 01443 "Child's Education and Health Information" (rev. ~~2/2006~~8/2010), or its alternative pursuant to rule 5101:2-38-08 of the Administrative Code.

(Q) The PCSA or PCPA holding custody shall provide the JFS 01677 "Foster Youth Rights Handbook" (6/2014) to any child being placed in substitute care who is fourteen years of age or older.

(1) If the child is placed on or after the effective date of this rule, the child shall be given the JFS 01677 within seven days after the placement. At the time of receipt, the caseworker shall have the child sign the signature form of the JFS 01677.

(2) If the child attains the age of fourteen while in custody, the child shall be given the JFS 01677 within seven days after their fourteenth birthday. At the time of receipt, the caseworker shall have the child sign the signature form of the JFS 01677.

(3) Any child, age fourteen or older, who was placed prior to the effective date of this rule and has not already received the JFS 01677 shall be given the JFS 01677 within sixty days after the effective date of this rule.

(R) The JFS 01677 shall be reviewed with the child. At the time of review, the caseworker shall have the child sign the additional signature line of the JFS 01677. Once both signatures are received, the signature page shall be included with the child's case plan, whether initial or amendment, for submission to court.

(S) The custodial agency may provide the JFS 01677 to a child younger than age fourteen.

(T) The PCSA shall maintain in SACWIS and in the child's case record, a detailed record of all information shared with the caregivers, the date it was shared, and the caregivers' acknowledgment of receipt of the information pursuant to this rule. The PCPA shall maintain this information in the child's case record.

Effective: 09/01/2015

Five Year Review (FYR) Dates: 05/20/2015 and 09/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 08/12/2015

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.166

Rule Amplifies: 5103.03, 5153.166

Prior Effective Dates: 9/28/1987, 1/1/1989, 1/1/1990, 10/1/1990, 7/1/1992, 10/1/1997, 7/1/2000, 1/1/2003, 10/3/2005, 10/9/2006, 11/9/2009

Social Services

5101:2-42-92 Visitation for Child in Temporary Custody

FCASMTL 424

Effective Date: November 1, 2019

Most Current Prior Effective Date: May 30, 2014

(A) Each public children services agency (PCSA) or private child placing agency (PCPA) shall arrange for and provide each child in temporary custody, whether custody is by agreement or commitment, an opportunity for regular and frequent visitation with his parent, guardian or custodian. Such visitation schedule shall be developed in accordance with the requirements of this rule and contained in the case plan as required by rule 5101:2-38-05 of the Administrative Code, if applicable for the PCSAs and rules 5101:2-38-06 and 5101:2-38-07 of the Administrative Code for the PCPA.

(B) The PCSA or PCPA shall consult with the parent, guardian, or custodian, child, when age-appropriate, and other service providers, when applicable, in developing the plan for visits. The PCSA or PCPA shall address the following criteria for planning the visits.

(1) Frequency of the visits shall be based on:

(a) The attitudes and feelings between the child and parent, guardian, or custodian in the present relationship.

(b) The case plan goal.

(c) The need to maintain or enhance the bonding relationship between the parent, guardian, or custodian and child.

(d) What is determined to be in the child's best interest, and is conducive to the child's physical and emotional well-being.

(2) Duration of the visit shall be based on:

(a) The amount of time needed to maintain or enhance the bonding relationship between the parent, guardian, or custodian and child.

(b) A determination based upon the current relationship between the child and parent, guardian, or custodian on the length of time that would be in the child's best interest.

(3) Location of the visit shall be in:

(a) The least-restrictive setting consistent with the goals of the case plan. The following list represents the order of least-restrictive to most-restrictive settings.

(i) Visitation in the home of the parent, guardian, or custodian.

(ii) Visitation in the home of a friend, relative, substitute caregiver or other noninstitutional setting.

(iii) Visitation at the agency or other substitute care setting.

(b) A location providing a safe setting for the child.

(4) Restrictions on the frequency, duration, location of visits, and supervision of visits shall be based on factors related to:

(a) Potential harm to the child as a result of the parent's, guardian's or custodian's behavior or pattern of conduct toward the child.

(b) Special needs or problems of the child.

(c) The parent's, guardian's, or custodian's failure to be available for more frequent or longer visits.

(5) The PCSA shall review the JFS 1413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 8/2010) pursuant to rule 5101:2-38-09 of the Administrative Code, if applicable to assist in arriving at a decision to guide the frequency, duration and location of visits or to determine the level of supervision needed during visits.

(C) The PCSA or PCPA also shall ensure that the child has an opportunity for other forms of communication with his parent, guardian, or custodian on a regular basis.

(D) In the child's best interest, the PCSA or PCPA shall make arrangements for visitation and communication with siblings and significant others integral to maintaining connections with those individuals. The agency shall also make arrangements for visitations related to the maintenance and connection with Indian tribes pursuant to rule 5101:2-53-06 of the Administrative Code.

(E) Withholding of visits shall never be used as a threat or form of discipline to the child or to control or punish the parent for failure to work with the agency or other community providers.

(F) The PCSA's or PCPA's decision on each of the criteria identified in paragraph (B) of this rule and the need for visitation restrictions and supervision and the reason for the decision must be recorded in the case plan as required by rule 5101:2-38-05 of the Administrative Code, if applicable for PCSAs and rules 5101:2-38-06 and 5101:2-38-07 of the Administrative Code, if applicable for PCPAs.

Effective: 11/1/2019

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Social Services

5101:2-48-09 Application Process and Preservice Training

FCASMTL 382

Effective Date: August 1, 2017

Most Current Prior Effective Date: October 1, 2014

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) in recommending foster homes for certification or ~~a PNA that~~ participates in the placement of children in foster homes and for adoption shall:

(1) Inform all individuals applying for approval for adoptive placement that they can also be studied for foster home certification.

(2) Conduct a joint homestudy pursuant to the requirements contained in rule 5101:2-5-20 of the Administrative Code which can result in the simultaneous approval of the applicant for:

(a) Adoptive placement.

(b) Foster care placement.

(B) A PCSA, PCPA and PNA shall utilize the JFS 01691 "Application for Child Placement" (rev. ~~6/2009~~12/2014) as the standard form when accepting applications for adoptive placement. A PCSA, PCPA or PNA shall send the JFS 01691 to any individual requesting an application for adoption within seven business days of receipt of a request for an application.

(C) An application submitted with a knowingly false statement shall not be used to initiate the homestudy. If a PCSA, PCPA or PNA determines that an application has been falsified, the PCSA, PCPA or PNA shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code.

(D) An agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the adoptive parent(s).

(E) An agency shall not accept an application for approval for adoptive placement which does not contain complete and accurate information.

(F) Upon receipt of the completed JFS 01691, the PCSA, PCPA, or PNA shall commence the homestudy process and request the applicant provide additional information including at a minimum:

(1) Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.

(2) To show the household has an income sufficient to meet the basic needs of the household, an adoptive applicant shall provide at a minimum:

(a) A complete JFS 01681 "Applicant Financial Statement" (rev. 10/2000).

(b) Proof of income for the household for the most recent tax year prior to the date of application.

(c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's approval.

(d) At least one utility bill for each utility necessary to maintain the household. The bill or bills shall not be dated more than six months prior to the agency's approval.

(3) The report of any criminal records check conducted in accordance with section 2151.86 of the Revised Code. Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not recommend a person to be approved as an adoptive parent if the person or any adult member of the applicant's household has been convicted of any crime listed in paragraph (C) of rule 5101:2-48-10 of the Administrative Code.

(G) The PCSA, PCPA or PNA shall search the statewide automated child welfare information system (SACWIS) or the central registry of abuse and neglect for each adoptive applicant and each adult household member of the applicant's home prior to approval of the adoptive home. This search is to be used to determine the suitability of the adoptive applicant as an adoptive parent. The search shall also be conducted within ten days of the addition of any new adult member of the household.

(H) The recommending agency shall request a check of the child abuse and neglect registry of any other state in which an adoptive applicant or other adult household member in the applicant's home has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(I) A summary report of the results of each search shall be placed in the adoptive home record.

(J) If the PCSA, PCPA, or PNA determines that an adoptive homestudy cannot be initiated, the agency shall send written notification to the applicant stating the reason for not initiating the homestudy and a description of procedures for requesting a review of the agency's decision. The notification shall be sent to the applicant no later than fifteen days after the application was submitted.

(K) An applicant shall have the opportunity to revise the JFS 01691 at any time regarding the characteristics or number of children desired. If the agency, based upon receipt of a revised JFS 01691, determines that the applicant is now seeking a special needs child, requirements and time frames for the application and homestudy process shall begin with the date that the revised JFS 01691 is received by the agency. If the applicant revises the JFS 01691 and does not seek to adopt a special needs child, the time frames for the application and homestudy process shall be consistent with the agency's adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

(L) Upon request, the PCSA, PCPA or PNA shall assist the applicant in completing the application and securing all required documents and information.

(M) The PCSA, PCPA or PNA shall not continue with the homestudy process if all required documentation is not submitted within one hundred eighty days of the receipt of the initial or revised JFS 01691 unless the agency makes a determination that the homestudy should not be terminated and documents this on the JFS 01673 "Assessment for Child Placement" (rev. ~~6/2011~~12/2014). The applicant shall be notified, in writing, at least thirty days prior to the termination of the application. Written notification shall contain an explanation of the reason for termination and a description of the procedures for requesting a review of the agency's decision.

(N) The PCSA, PCPA, or PNA shall document that each person seeking adoption approval successfully completes preservice training, prior to approval of the homestudy. Preservice training shall address the following components:

(1) The legal rights and responsibilities of adoptive parents.

(2) The recommending agency's policies and procedures.

(3) ODJFS requirements for approving adoptive applicants.

(4) The effects placement, separation and attachment issues have on children and their families.

(5) Caregivers' involvement in permanency planning for children and their families and post adoptive issues for children and families including availability of adoption subsidies.

(6) The dynamics of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on human growth and development.

(7) Behavior management techniques.

(8) Effects of caregiving on children's families.

(9) Prevention, recognition, and management of communicable diseases.

(10) Community health and social services available to children and their families.

(11) At least three hours of training on cultural issues including cultural diversity training and an overview of the Multiethnic Placement Act,~~of 1994, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (1/2/06) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (1/2/06)~~Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care and adoption process.

(12) The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a prospective adoptive parent before a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed with a prospective adoptive parent. A course addressing section 2152.72 of the Revised Code shall not be less than one hour long.

(O) A PCSA, PCPA, or PNA may waive components of the training if the assessor determines that the family has received training previously or the family has the skills to care for the needs of the child that will be placed in the home. The three hour requirement for cultural issues shall not be waived. When a waiver has been granted by the agency, it shall document the waiver in the case record ~~pursuant to rule 5101:2-48-22 of the Administrative Code~~.

(P) No agency shall deny the acceptance of the JFS 01691 based on race, color, national origin, handicap, age, gender, sexual identity, or sexual orientation of the applicant.

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Social Services

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5101:2-48-10 Restrictions Concerning Provision of Adoption Services

FCASMTL 341

Effective Date: October 1, 2014

Most Current Prior Effective Date: April 1, 2010

Appendix A to OAC 5101:2-48-10

Click here to view Appendix A to OAC 5101:2-48-10

(A) A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall request that the bureau of criminal identification and investigation (BCII) conduct a criminal records check on prospective adoptive parents and adult members of the prospective adoptive parent's household pursuant to the procedures set forth in section 2151.86 of the Revised Code.

(B) The PCSA, PCPA or PNA shall request that BCII include information from the federal bureau of investigation (FBI) in the criminal records check for each person subject to a criminal records check in accordance with division (A)~~(8)~~(4) of section 109.572 of the Revised Code.

(C) Except as provided in paragraph (D) of this rule, a PCSA, PCPA or PNA shall not approve an adoptive placement if the results of the BCII criminal records check or the FBI check indicate that a prospective adoptive parent or, when applicable, any adult who resides with the prospective adoptive parent has been convicted of or pleaded guilty to any of the following:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12 or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code.

(2) A violation or an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraph (C)(1) of this rule.

(D) No person who has been convicted of or pleaded guilty to an offense listed in paragraph (C) of this rule shall be considered for adoptive placement or be an adult resident of the prospective adoptive parent's household unless the PCSA, PCPA or PNA finds and documents that person has met all of the following conditions:

(1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction. ~~A person who has had his record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.~~

(2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation. If a person has a felony conviction for spousal abuse, rape, sexual assault, or homicide, the home shall not be approved.

(3) The victim of the offense was not one of the following:

(a) A person under the age of eighteen or a person sixty years of age or older.

(b) A functionally impaired person as defined in section 2903.10 of the Revised Code.

~~(c) A mentally retarded person as defined in section 5123.01 of the Revised Code.~~

~~(d)~~(c) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

~~(e)~~(d) A person with a mental illness as defined in section 5122.01 of the Revised Code.

~~(f) A person sixty years of age or older.~~

(4) The prospective adoptive parent's approval, or the person's residency in the prospective adoptive parent's household, will not jeopardize in any way the health, safety, or welfare of the children the PCSA, PCPA, or PNA serves. The following factors shall be considered in determining the person's approval as an adoptive parent or the person's residency in the adoptive parent's household:

(a) The person's age at the time of the offense.

(b) The nature and seriousness of the offense.

(c) The circumstances under which the offense was committed.

(d) The degree of participation of the person involved in the offense.

(e) The time elapsed since the person was fully discharged from imprisonment or probation.

(f) The likelihood that the circumstances leading to the offense will recur.

(g) Whether the person is a repeat offender. "Repeat offender" means a person who has been convicted of or pleaded guilty to the commission of any of the offenses listed in paragraph (C) of this rule two or more times in separate criminal actions. Convictions or guilty pleas resulting from or connected with the same act, or resulting from offenses committed at the same time, shall be counted as one conviction or guilty plea.

(h) The person's employment record.

(i) The person's efforts at rehabilitation and the results of those efforts.

(j) Whether any criminal proceedings are pending against the person.

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (C) of this rule, if the felony bears a direct and substantial relationship to being an adoptive parent or adult member of the adoptive parent's household.

(I) Any other factors the PCSA, PCPA, or PNA considers relevant.

(E) It is the prospective adoptive parent's duty to provide written verification that the conditions specified in paragraph (D) of this rule are met. If the prospective adoptive parent fails to provide such proof or if the PCSA, PCPA, or PNA determines that the proof offered by the prospective adoptive parent is inconclusive, the prospective adoptive parent shall not be considered. Any doubt shall be resolved in favor of protecting the children the PCSA, PCPA, or PNA serves.

(F) ~~This~~All sections of this rule ~~is~~ are applicable to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code because the information contained in those sealed records bears a direct and substantial relationship to the care to be provided to any child who may be placed in the home.

(G) A conviction of, or a plea of guilty to, an offense listed in paragraph (C) of this rule shall not prevent a person's approval as an adoptive parent or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(H) The report of any criminal records check conducted by BCII in accordance with section 109.572 of the Revised Code and pursuant to a request made by the PCSA, PCPA or PNA is not a public record for purposes of section 149.43 of the Revised Code. The report shall be made available only to the following persons:

(1) The person who is the subject of the criminal records check or his representative.

(2) The PCSA, PCPA, or PNA requesting the criminal records check or its representative.

(3) The department of job and family services, a county department of job and family services or a public children services agency.

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of a final decree of adoption or interlocutory order of adoption.

(I) Prospective adoptive parents who are applying for simultaneous approval for adoptive placement and certification as a foster home must be at least twenty-one years of age in order to meet the foster care requirements contained in rule 5101:2-7-02 of the Administrative Code.

(J) Foster parents who are being considered for adoption of a foster child residing in their home shall be assessed according to the standards contained in rules ~~5101:2-5-09.1~~ 5101:2-48-11 ~~and 5101:2-7-02~~ or 5101:2-48-11.1 of the Administrative Code, as applicable.

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Social Services

5101:2-48-11.1 Foster Caregiver Adoption of a Foster Child or Sibling Group Who has Resided with the Caregiver for At Least Six Consecutive Months

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: March 1, 2010

(A) If a foster caregiver expresses the desire to adopt a foster child or sibling group who is and has been residing with the foster caregiver for at least six consecutive months, the public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall provide the foster caregiver with a JFS 01692 "Application For Adoption of a Foster Child or Sibling Group" (rev. ~~6/2009~~12/2014). The JFS 01692 is a child specific application and expires once the foster child or sibling group is adopted as evidenced by a final decree of adoption or interlocutory decree.

(B) A completed JFS 01692, with supporting documentation, ~~and if applicable, the JFS 01530 "Multiple Children/Large Family Assessment" (12/2006),~~ serves as a shortened homestudy, replacing the JFS 01691, "Application for Child Placement" (rev. ~~12/2009~~12/2014) and the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. ~~08/2005~~12/2014) required by rule 5101:2-48-12 of the Administrative Code.

(C) The assessor shall complete the JFS 01530;"Large Family Assessment" (rev. 12/2014)~~as outlined in rule 5101:2-48-12 of the Administrative Code~~ prior to the approval of the JFS 01692; if: the foster family has a total of five or more children residing in the home, including the foster children and any children in kinship care.

(1) ~~A family has a total of five or more children residing in the home, including foster children and children in kinship care.~~

(2) ~~The family will have a total of five or more children residing in the home upon the adoptive placement of a child.~~

(D) The PCSA, PCPA, or PNA shall inform the foster caregiver consideration is given to the application if the placement is in the best interests of the child pursuant to rule 5101:2-48-16 of the Administrative Code.

(E) If a PCSA, PCPA or PNA determines any statement in a homestudy is falsified, or any document submitted throughout the homestudy process contains a false statement, the ~~PCSA, PCPA or PNA~~agency shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code.

(F) The PCSA, PCPA or PNA shall not release a homestudy to any other agency or probate court if it is determined the application, ~~or~~ homestudy, or any document submitted through the homestudy process contains a false statement knowingly made by the applicant(s) ~~included in the written report of the homestudy~~.

(G) Upon receipt of a ~~completed~~ JFS 01692 from the foster caregiver, the PCSA, PCPA, or PNA shall review the application with the foster caregiver. ~~A PCSA, PCPA, or PNA~~An agency shall not require the foster caregiver to undergo a bureau of criminal ~~identification and~~ investigation ~~(BCII)~~(BCI) or federal bureau of investigation (FBI) check as a condition of acceptance or approval of the application for adoption of a foster child; however, the agency shall inform the foster caregiver a criminal records check, pursuant to

rule 5101:2-48-10 of the Administrative Code, is required before a court issues a final decree of adoption or an interlocutory order of adoption.

(H) If the PCSA, PCPA, or PNA receives a ~~completed~~ JFS 01692 from the foster caregiver, it shall provide the foster caregiver with both of the following:

(1) Information about the requirement for adoption training as outlined in rule 5101:2-48-09 of the Administrative Code.

(2) Information about the application process and eligibility requirements of Title IV-E adoption assistance, state adoption maintenance, post adoption special services subsidy, and non-recurring adoption expenses.

(I) Prior to the approval of the adoption homestudy, the PCSA, PCPA or PNA shall document in the case file the foster caregiver has fulfilled the required adoption training as outlined in rule 5101:2-48-09 of the Administrative Code.

(J) ~~The PCSA, PCPA or PNA~~In addition to the completion of the JFS 01692, the agency shall review the following information to determine the appropriateness of the foster caregiver for adoptive placement:

(1) The homestudy and all subsequent updates.

(2) The JFS 01530, if applicable.

~~(1)~~(3) The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009)~~, if deemed necessary by the agency~~.

~~(2)~~(4) ~~JFS 01673, the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 08/2005), and the JFS 01530 as applicable~~The most recent BCI and FBI reports for all adult household members.

~~(3)~~(5) ~~All JFS 01385 "Assessment for Child Placement Update," (rev. 12/2006), if applicable~~The most recent reports of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS) for all adult household members.

~~(4)~~(6) ~~Foster~~Documentation from the foster home record including but not limited to the most recent training records, fire inspection reports, safety audits, foster home exit interviews, and copies of all complaint or rule violation investigations and any applicable corrective action plans. If there are any outstanding complaints or rule noncompliance investigations, or corrective action plans that have not been fully implemented, the sending agency, if different, shall notify the agency completing the adoption approval of the nature of the investigations or corrective action plans.

~~(5) The BCII and FBI reports as outlined in rule 5101:2-48-10 of the Administrative Code, if deemed necessary by the agency.~~

~~(6)~~(7) Case record information documented by the placement worker's visits to the foster home regarding the ability of the foster parent to meet the needs of the child(ren) to be adopted.

~~(K) The PCSA, PCPA or PNA shall search the statewide automated child welfare information system (SACWIS) or the central registry of abuse and neglect if SACWIS is not fully implemented, for each applicant and adult member of the applicant's household in accordance with rule 5101:2-48-09 of the Administrative Code.~~

~~(L)~~(K) The ~~PCSA, PCPA or PNA~~assessor shall ~~process~~review the information listed in paragraph (J) of this rule, as well as the completed JFS 01692 and ~~the assessor shall~~ arrive at one of the following recommendations:

(1) Approve the applicant(s) as a prospective adoptive parent for the ~~child~~child(ren) residing in the applicant's home for at least six consecutive months.

(2) Deny the application.

~~(M)~~(L) The assessor shall provide written notification to the applicant(s) of approval or denial of the adoption homestudy within ten days after the homestudy has been approved or denied.

(1) Adoption homestudy approval notification shall include, at a minimum, the following information:

(a) Date of approval of the JFS 01692.

(b) The name of the child or children for whom the homestudy is being approved.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

~~(N) If the decision of the agency is to approve the applicant(s) as a prospective adoptive parent for the specific child residing in the home for six consecutive months, the written notification shall include, but not be limited to the date of approval of the JFS 01692.~~

~~(O) If the decision of the assessor is to deny the applicant(s) of adoption for the specific child(ren) residing in the home for six consecutive months, the written notification shall contain the following:~~

~~(1) A detailed explanation of the reason for the denial setting forth all of the reasons.~~

~~(2) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.~~

~~(P)~~(M) The JFS 01692 shall only be used in consideration of the adoptive placement for the child(ren) for whom the homestudy was conducted. A separate JFS 01692 or JFS 01673~~ and JFS 01673-A~~, as applicable, shall be used for any other child(ren) the family is considering adopting. Once approved, the adoption homestudy shall be amended pursuant to rule 5101:2-48-12.2 of the Administrative Code, as needed.

~~(Q)~~(N) Upon approval of the foster caregiver for the adoptive placement, the agency shall follow the adoptive placement procedures as outlined in rule 5101:2-48-16 of the Administrative Code including, but not limited to, conducting a matching conference.

Effective: 11/01/2015

Five Year Review (FYR) Dates: 06/25/2015 and 11/01/2020

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Social Services

5101:2-48-12 Completion of the Adoption Homestudy

FCASMTL 382

Effective Date: August 1, 2017

Most Current Prior Effective Date: November 1, 2015

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) shall:

(1) Inform all individuals applying for adoption homestudy approval that they can also be studied for foster home certification.

(2) Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Adoption homestudy approval.

(b) Foster care placement.

(3) If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency must inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

(B) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor shall not perform any assessor duties for any of the following persons:

(1) Him or her self.

(2) Any person who is a relative of the assessor.

(3) Any agency employee for whom the assessor has any supervisory responsibility.

(4) Any agency employee who has any supervisory responsibility for the assessor.

(D) To avoid a confict of interest, or the appearance of any conflict of interest:

(1) The agency administrator and a relative of the agency administrator shall not have an adoption homestudy completed by the agency with which the administrator is employed.

(2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not have an adoption homestudy completed by the agency with which the member is associated.

(3) Adoption inquiries from anyone mentioned in this paragraph wishing to have an adoption homestudy completed shall be referred to another agency with no such appearance of a conflict of interest.

(4) An existing approved adoption homestudy of any person referred to in paragraph (D) of this rule shall be transferred to another adoption agency within sixty days of the effective date of this rule.

(5) If the agency becomes aware an approved adoptive parent of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the adoption homestudy. The transfer shall be completed within sixty days of the discovery.

(E) A PCSA, PCPA or PNA may selectively recruit on the basis of the need for adoptive parents that reflect the diversity of waiting children for whom adoptive homes are needed as specified in the agency's recruitment plan as required by rule 5101:2-48-05 of the Administrative Code.

(1) The agency shall not consider the age, gender, sexual identity, or sexual orientation of a family for whom that agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(2) The agency shall not consider the age, gender, sexual identity, or sexual orientation of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency shall not discriminate in approving or disapproving a homestudy on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 ~~(7/2014)~~ (12/2015) and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 1201 (8/1981).

(F) The agency shall not consider the race, color or national origin of a family for whom the agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(1) As prohibited by the Multiethnic Placement Act, ~~42 U.S.C. 1996(b) (1996), (MEPA)~~Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), agencies may not deny any person the opportunity to become an adoptive parent on the basis of race, color, or national origin of the person or of any children involved.

(2) The agency shall not consider the race, color, or national origin of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency may consider a child's race, color, or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-48-13 of the Administrative Code.

(G) The agency shall use the JFS 01691 "Application for Child Placement" (rev. 12/2014) for all initial adoption homestudy applications.

(1) The agency shall not accept an incomplete JFS 01691.

(2) The agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the applicant(s).

(3) If a foster care applicant decides during the homestudy process to also become approved for adoption, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants shall not be required to duplicate documentation as a result of a new application date.

(H) The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the adoptive applicant(s).

(1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed of the necessary materials required for the assessor to complete the homestudy.

(2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" (rev. 12/2014) the reason(s) the agency is unable to meet this requirement.

(I) The agency shall complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.

(J) If a homestudy is not completed within one year of the application date it shall be terminated unless the agency makes the determination the homestudy should not be terminated. The decision not to terminate shall be made at the agency's discretion and documented on the JFS 01673. If the agency decides to terminate the homestudy, it shall notify the adoptive applicant in writing no less than thirty days prior to the termination. Written notification shall include the reason for termination and the procedures for requesting a review of the agency's decision.

(K) If a PCSA initiates an adoptive homestudy with an applicant who resides in another county, the PCSA shall notify the PCSA in the county the applicant resides. This requirement does not apply to:

(1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.

(2) An adoption where the PCSA in the county the adoptive applicant resides contracts with another PCSA to complete the adoptive applicant's homestudy.

(L) If a PCPA, PNA or attorney arranging an adoption initiates an adoptive homestudy with an applicant, they shall notify the PCSA in the county the applicant resides. This requirement does not apply to:

(1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.

(2) An adoption where the PCSA in the county the adoptive applicant resides contracts with the PCPA or PNA to complete the adoptive applicant's homestudy.

(M) The written notification to the PCSA, required in paragraphs (K) and (L) of this rule, shall be sent within ten days of the initiation of the homestudy, and shall include the following information:

(1) The applicant's name.

(2) The applicant's address.

(3) The applicant's telephone number.

(4) The names and dates of birth of all household members at the time of the application.

(5) A request for any relevant information, if known, including, at a minimum:

(a) Confirmation of household members as determined by a review of agency records.

(b) Information relating to any previous foster care or adoption applications and/or placements, such as:

(i) Past or present functioning of the prospective adoptive parent and household members.

(ii) Rule violations.

(iii) Information on the events leading to a removal of any child from the prospective adoptive family home.

(N) When a PCSA in the county the adoptive applicant resides receives a notification letter, the PCSA shall provide, in writing, any relevant information listed in paragraph (M)(5) of this rule to the requesting agency within fifteen days of the receipt of the letter. If the PCSA does not have any relevant information regarding the adoptive applicant or any household members, the PCSA shall respond to the requesting agency that no information was found.

(O) The PCSA in the county the adoptive applicant resides shall maintain written documentation on each family for whom they receive a notification letter. If the family is known to the agency and a record exists, the information shall be merged with the existing file.

(P) If an agency determines any applicant knowingly provided false information for the homestudy or application, or any document submitted by the applicants during the homestudy process contains false information, the agency shall follow procedures outlined in rule 5101:2-33-13 of the Administrative Code.

(Q) The following is required for the homestudy:

(1) An assessor shall conduct a face to face interview with all members of the household over the age of four years. The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.

(2) Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.

(3) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code for all persons subject to a criminal records check.

(a) The criminal records check(s) must be completed and the results received by the agency prior to approval of the homestudy.

(b) Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not approve an adoption homestudy if the applicant or any adult member of the household has been convicted of any crime listed in paragraph (C) of rule 5101:2-48-10 of the Administrative Code.

(4) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each adoptive applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each adoptive applicant and each adult who resides with the applicant.

(a) A report with the results of the search shall be placed in the adoptive record.

(b) This report is used to determine the suitability of the adoptive applicant as an adoptive parent.

(5) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or other adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(6) Completion of the JFS 01530 "Large Family Assessment" (rev. 12/2014) is required at the time of the adoption homestudy when:

(a) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;

(b) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care, and the number of children the family will be approved to adopt.

(7) The JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife within one year prior to approval of the homestudy for the applicant and all household members.

(a) Any written documentation of a physical examination shall be completed by the individual conducting the examination.

(b) The form shall document that the applicant and all members of the household are free from any physical, emotional or mental condition which would endanger children or seriously impair the ability of the household members to care for the child being adopted.

(c) The agency may require an applicant to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:

(i) The applicant or any household member has suffered a serious illness or injury within the past year.

(ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any child who may be placed in the home of the applicant.

(8) The applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant shall provide at a minimum:

(a) A completed JFS 01681"Applicant Financial Statement" (rev. 10/2000).

(b) Proof of income for the household for the most recent tax year prior to the date of application.

(c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's approval of the adoption homestudy.

(d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency's approval of the adoption homestudy.

(9) Prior to approving the homestudy for adoption, the agency shall document that each person seeking adoption approval successfully completes preservice training in accordance with rule 5101:2-48-09 of the Administrative Code. Each person seeking adoption approval shall receive training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency approves the adoption homestudy.

(10) References shall be received by the agency prior to the approval of the homestudy.

(a) The applicant shall provide the names and contact information of at least three people who are unrelated to the applicant and do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency approves the homestudy.

(b) The applicant and all adult household members shall provide the name of any other agency or organization the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and all adult household members shall complete a written and signed release of information statement so any such reference may be contacted.

(c) The agency shall contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the homestudy process and documented on the homestudy.

(d) All contacts with references listed in this rule are required and shall be documented in the narrative section of the homestudy.

(11) The JFS 01200 "Fire Inspection Report for Homes or Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not be dated more than twelve months prior to the agency's approval of the homestudy.

(12) The JFS 01348 "Safety Audit" (rev. 12/2014) completed not more than six months prior to the agency's approval of the homestudy, documenting the residence satisfactorily meets all safety standards.

(13) There shall be a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to approval of the adoption homestudy.

(14) Prior to the end of the assessment process, applicants shall complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) indicating the acceptable characteristics of the child the applicant is willing to adopt.

(a) The determination of the specific number, age, and gender of children the adoptive applicant is approved for is the joint decision of the applicant and the assessor, based on the applicant's strengths and needs.

(b) Upon the request from an applicant or approved adoptive parent, the JFS 1673-A may be updated as often as needed.

(c) International and step-parent adoptions are exempt from this form requirement.

(R) The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be approved as an adoptive parent considering all household members.

(1) In completing the evaluation, a written narrative shall be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.

(2) This evaluation shall be a completed JFS 01673 or JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 12/2014), as applicable.

(3) Step-parent and international homestudies are exempt from this form requirement. The JFS 01698 "Step-parent Adoption ~~Homestudy Report~~" (rev. 12/2014) may be used when the court requests an agency to conduct a homestudy involving a step-parent adoption.

(S) In addition to the requirements of Chapter 5101:2-48 of the Administrative Code, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not approve an adoption homestudy prior to the completion of those requirements, in addition to all requirements of Chapter 5101:2-48 of the Administrative Code that are applicable to the approval of the adoption homestudy.

(T) The assessor shall make one or more of the following recommendations at the completion of the adoption homestudy:

(1) Approve the applicant(s) as adoptive parent(s).

(2) Approve the applicant(s) as adoptive parents and recommend the applicant(s) for certification as a foster caregiver(s) simultaneously.

(3) Deny the adoption application.

(U) The assessor shall provide written notification to the applicant(s) of approval or denial of the adoption homestudy. The written notification shall be provided within ten days after the homestudy is approved or disapproved.

(1) Adoption homestudy approval notification shall include, at a minimum, the following information:

(a) Date of approval of the adoptive homestudy with the date the approved homestudy expires.

(b) A description of the characteristics of the child or children for whom the applicant is being approved.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

(V) No later than ten days after the homestudy is completed, the agency shall document the results of the homestudy on the JFS 01609 "Family Permanency Planning Data Summary" (rev. 2/2005).

(W) If the agency has access to SACWIS, the agency shall enter the appropriate data into the system to complete the provider record and approve the adoption homestudy. If the agency does not have access to the system, the agency shall submit the completed JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS.

(X) No agency shall release a homestudy to any other agency or probate court if it is determined that the application, homestudy or any document provided during the homestudy process contains a false statement knowingly made by the applicant.

(Y) The homestudy shall be updated every two years from the date of approval of the initial homestudy in accordance with rule 5101:2-48-12.1 of the Administrative Code. The homestudy shall be amended, if applicable, in accordance with rule 5101:2-48-12.2 of the Administrative Code.

(Z) If a child has been placed in an approved adoptive home, the agency shall assure that the home continues to be in an approved status until the adoption is finalized by updating and amending the homestudy in accordance with rules 5101:2-48-12.1 and 5101:2-48-12.2 of the Administrative Code.

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Social Services

5101:2-48-12.1 Adoption Homestudy Updates

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: July 1, 2009

(A) All adoption homestudies shall be updated every two years from the date of approval of the initial homestudy or the date of approval of the most current update, whichever is more recent. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.

(1) If an approved adoptive home is subsequently certified for foster care by the same agency that approved the home for adoption, the adoptive homestudy shall be updated at the same time the home is initially certified for foster care so that the spans will coincide.

(2) If a certified foster home is subsequently approved for adoption by the same agency that certified the home for foster care, the next adoption update shall be completed when the current foster care certificate is recertified so that the spans will coincide.

(B) The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete adoption homestudy updates comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) The agency shall notify the adoptive parent(s) of the date of expiration of the homestudy not fewer than ninety days or more than one hundred fifty days prior to the expiration date. The notification shall:

(1) Identify any information or documentation that is required for the homestudy update.

(2) Be completed on the JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" (rev. 12/2014).

(D) Following agency notification to the adoptive parent as required by paragraph (C) of this rule, if the adoptive parent fails to either reapply or voluntarily terminate prior to the expiration date of the approval, the homestudy approval shall expire. If the family wishes to have an adoption homestudy approval after the expiration date, they shall reapply through the initial homestudy application process pursuant to rule 5101:2-48-09 of the Administrative Code.

Following the expiration of an adoption homestudy approval:

(1) If the agency has access to the statewide automated child welfare information system (SACWIS), the agency shall enter the appropriate data into the system to close the adoption homestudy.

(2) If the agency does not have access to SACWIS, the agency shall submit a JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to the Ohio department of job and family

services (ODJFS) to close the adoption homestudy.

(E) If the adoptive parent has applied to update an adoption homestudy prior to the expiration of a current adoption approval, an assessor shall complete a JFS 01385 "Assessment for Child Placement Update" (rev. 12/2014), ensure that the adoptive parent remains in compliance with the requirements of Chapter 5101:2-48 of the Administrative Code, and determine the continued suitability of the adoptive family. The agency shall compile and review the following documents, in addition to completing the JFS 01385:

(1) The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed for the applicant and all household members by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife. The agency may require a new JFS 01653 if the agency deems it necessary.

(2) The agency may require a report of a physical, psychiatric or psychological examination or treatment of the adoptive parent(s) or other household member in order to ensure the safety, health or care of an adoptive child. The examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

(3) The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection. The agency may require a new fire inspection at the time of the update if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of an adoptive child.

(4) The most recent JFS 01681 "Applicant Financial Statement" (rev. 10/2000). The agency may require a new JFS 01681 if there have been any substantial changes to the adoptive family's financial situation.

(5) The most recent well water test approved by the health department, if applicable. The agency may require a new well water test if the agency deems it necessary.

(6) The most recent JFS 01530 "Large Family Assessment" (rev. 12/2014), if applicable. If the family circumstances have changed substantially since the previous JFS 01530, or if a JFS 01530 was not previously completed and is now required, the agency shall complete a new JFS 01530 at the time of the update.

(7) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each adoptive parent and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each adoptive parent and each adult household member.

(a) A report with the results of the search shall be placed in the adoptive provider record.

(b) This report is to be used to determine the continued suitability of the adoptive family.

(8) The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" (rev. 12/2014) completed within six months prior to the approval of the adoption homestudy update, documenting the residence continues to meet all safety standards.

(9) The most recent criminal records check for the adoptive parents and adult household members. Once a homestudy is approved, a new criminal records check shall be conducted, pursuant to section 2151.86 of the Revised Code, for the adoptive parent(s) and each adult household member every four years prior to approving the adoption update. If an existing resident of the

home, including youth placed in the home, turned eighteen years of age during the current approval span, the agency shall have criminal records checks completed at the time of the next update and every four years thereafter at the time of update.

(10) A minimum of one written reference from a professional who is knowledgeable of the family dynamics and family functioning. If a reference is not available from a professional, a personal reference from someone aware of the adoptive family's functioning is permissible. This reference shall not be completed by a relative or a household member. This reference is required for families who are only approved for adoption by the recommending agency. If the family is also certified for foster care by the recommending agency, the reference is not required.

(F) An assessor's update of an adoption homestudy shall include at least one home visit and one interview with each member of the household (except foster children) over the age of four years currently residing in the home. This may be a joint interview or individual interviews.

(G) If an agency receives a completed JFS 01331 at least thirty days prior to the expiration date of the adoption approval, an agency shall follow the requirements listed in this rule to complete the assessment for the update of the adoption approval.

(1) At the completion of the assessment and prior to the expiration of the current adoption homestudy approval span:

(a) An agency with access to SACWIS shall enter the required data into the system documenting one of the following:

(i) Adoption update approval.

(ii) Denial of the adoption update and closure of the adoption homestudy.

(iii) Closure, based on receipt of voluntary withdrawal.

(b) An agency without access to SACWIS shall submit a JFS 01318 to ODJFS documenting one of the following:

(i) Adoption update approval.

(ii) Denial of the adoption update and closure of the adoption homestudy.

(iii) Closure, based on receipt of voluntary withdrawal.

(2) The effective date of the adoption homestudy approval shall be the first day following the expiration of the previous approval span.

(H) If an agency receives a completed JFS 01331 less than thirty days prior to the expiration of the adoption approval, the agency may complete the requirements listed in this rule if they have sufficient time and resources to complete the assessment and submit the requirements in paragraph (G) of this rule prior to the expiration date of the current approval span.

(1) If the agency is unable to complete the update of the adoption approval prior to the expiration, the adoption approval will expire on the date of expiration.

(2) If the adoption approval expires, the agency shall, within ten days after the expiration date of the current approval span:

(a) Provide written notification to the family of the following:

(i) That the adoption homestudy approval has expired.

(ii) That the family must reapply for initial adoption approval pursuant to rule 5101:2-48-12 of the Administrative Code if they would like to obtain adoption homestudy approval.

(b) An agency with access to SACWIS shall enter the required data into the system to document the provider has closed because the adoption homestudy approval has expired.

(c) An agency without access to SACWIS shall submit a JFS 01318 to ODJFS documenting the provider has closed because the adoption homestudy approval has expired.

(I) The assessor shall provide written notification to the applicant(s) of approval or denial of the update to the adoption homestudy. The written notification shall be provided to the adoptive family within ten days of completion of the adoption approval update.

(1) Adoption homestudy update approval notification shall include, at a minimum, the following information:

(a) Date of approval of the adoption homestudy update with the date the update expires.

(b) A description of the characteristics of the child or children for whom the update is being approved.

(2) Adoption homestudy update denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

Replaces: 5101:2-48-12.1

Effective: 11/01/2015

Five Year Review (FYR) Dates: 11/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 09/09/2015

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Statutory Authority: 5103.03, 5153.166, 3107.033

Rule Amplifies: 2151.86, 3107.031, 5103.18

Prior Effective Dates: 12/11/2006, 8/14/08, 7/1/09

Social Services

5101:2-48-12.2 Required Notification and Adoption Homestudy Amendments

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: July 1, 2009

(A) An approved adoptive parent shall notify the recommending agency within one hour of any of the following circumstances involving an adoptive child whose adoption is not finalized:

(1) A serious injury or illness involving medical treatment of the adoptive child.

(2) Unauthorized absence of the adoptive child from the home.

(3) Removal of the adoptive child from the home by any person or agency other than the placing agency, or attempts at such removal.

(4) Any involvement of the adoptive child with law enforcement authorities.

(5) The death of the adoptive child.

(B) An approved adoptive parent shall notify the recommending agency within twenty-four hours or the next working day if any of the following occur:

(1) A change in the marital status of an approved adoptive parent(s).

(2) Any serious illness or death of an approved adoptive parent or household member.

(3) The finalization of an adoptive child placed by a different agency.

(4) A change in the number of household members, not including foster children.

(5) A criminal charge or conviction of any approved adoptive parent or other adult household member(s).

(6) A significant change in financial status or income.

(7) A change of address for the adoptive family that is different than the address listed on the most recent homestudy or update.

(C) If the agency is notified of any of the following changes for the adoptive family, the agency shall amend the homestudy:

(1) A change in the marital status of the approved adoptive parent(s).

(2) The death of an approved adoptive parent or household member.

(3) A change in household members, not including foster children.

(4) A change of address for the adoptive family that is different than the address listed on the most recent homestudy or update.

(D) The public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency (PNA), or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(E) An amendment is a narrative of the assessor's evaluation of the change that has occurred in the approved adoptive family. The agency shall document the date of notification in the amendment.

(1) The amendment shall be completed within thirty days of the date of the change, or within thirty days of the date the agency became aware a change occurred if notification did not occur pursuant to paragraphs (A) or (B) of this rule.

(2) If the change is to add an adoptive parent to the homestudy, the amendment shall not be completed until the preservice training has been completed or waived pursuant to rule 5101:2-48-09 of the Administrative Code.

(3) In completing the amendment, the agency shall, if necessary, redetermine the specific number, age, and gender of children the family is approved to adopt. The amendment shall address sleeping arrangements, beds and bedrooms, and shall evaluate whether the adoptive family remains in compliance with all applicable requirements.

(4) The amendment shall be completed in the statewide automated child welfare information system (SACWIS) if the agency has access to the system.

(5) An agency that does not have access to SACWIS shall document the amendment in the caregiver record. The agency may do this by completing the applicable sections of the JFS 01385 "Assessment for Child Placement Update" (rev. 12/2014) in addition to completing the applicable requirements identified in this rule. At the completion of the amendment, an agency that does not have access to SACWIS shall submit a JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to the Ohio department of job and family services (ODJFS) so that information in the SACWIS provider record may be updated.

(F) If the amendment is due to a new household member, the agency shall ensure the following:

(1) New household members residing with the adoptive parent shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed documenting they are free from any physical, emotional, or mental condition which would endanger children or seriously impair the ability of the household member to care for the child placed in the home.

(a) If the new occupant is an adopted child who immediately prior to the adoption resided in the home as a foster child, a JFS 01653 is not required.

(b) The JFS 01653 shall be dated within ninety days of the date the person becomes a household member.

(c) If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the agency shall ensure the new household member completes the JFS 01653 within ninety days of the date the agency became aware of the new household member.

(2) New adult household members residing with the approved adoptive parent shall have a bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) records check, as

outlined in rule 5101:2-48-10 of the Administrative Code.

(a) The criminal records checks shall be conducted within ten working days of the date the person becomes a household member.

(b) If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the criminal record checks shall be conducted within ten working days of the date the agency became aware of the new household member.

(3) New adult household members shall provide the name of any agency they have applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The new adult household member shall complete a written and signed release of information so that any such reference may be contacted.

(4) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for the new adult household member within ten working days of the date the person becomes a household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for the new adult household member within ten working days of the date they become a household member. If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the agency shall ensure the search is conducted within ten working days of the date the agency became aware of the new household member.

(a) A report with the results of the search shall be placed in the adoptive record.

(b) This report is used to determine the continued suitability of the adoptive family.

(5) The agency shall request a check of the child abuse and neglect registry of any other state the new adult household member has resided in for the five years immediately prior to the date of the criminal records check for the new household member, as required by division (A) of section 2151.86 of the Revised Code.

(6) If the new household member is the spouse of the approved adoptive parent and shall therefore be added as an approved adoptive parent, the agency shall ensure the following is completed in addition to the requirements found in paragraph (F) of this rule:

(a) The agency shall contact all adult children of the new spouse for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the amendment process and documented in the amendment.

(b) If the new spouse has not previously completed the preservice training, the agency shall ensure the spouse completes the training or meets the requirements for a waiver pursuant to rule 5101:2-48-09 of the Administrative Code no later than one hundred eighty days after becoming a household member. The spouse shall not be added to the adoption approval until the training or waiver has been completed.

(G) If the amendment is due to a change of address of the adoptive family, the agency shall ensure the following:

(1) The agency shall conduct a safety audit documenting the new residence satisfactorily meets all safety standards.

(a) The safety audit shall be completed on the JFS 01348 "Safety Audit" (rev. 12/2014).

(b) The safety audit shall be conducted within ten working days after the change of address.

(c) If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, the agency shall conduct the safety audit within ten working days of the date they became aware of the change of address.

(2) The agency shall require the approved adoptive parent to obtain a fire safety inspection certifying the new residence is free from conditions hazardous to the safety of an adoptive child.

(a) The fire safety inspection shall be completed on the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection.

(b) The fire safety inspection shall be requested prior to or within thirty days of the date of the change of address. If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, then the fire safety inspection shall be requested within thirty days of the date the agency became aware of the change of address.

(c) The fire safety inspection shall be conducted prior to or within ninety days of the date of the change of address. If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, then the fire safety inspection shall be conducted within ninety days of the date the agency became aware of the change of address.

(H) The assessor shall provide written notification to the adoptive parent of approval or denial of the amendment to the adoption homestudy. The written notification shall be provided to the adoptive family within ten days of completion of the homestudy amendment. If an amendment is denied, the adoption homestudy is no longer approved.

(1) Amendment approval notification shall include, at a minimum, the following information:

(a) A summary of the change requiring the amendment.

(b) The date of the notification provided pursuant to paragraph (B) of this rule.

(c) The date the change occurred that required the amendment.

(d) Date of approval of the adoption amendment.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

Replaces: 5101:2-48-12.2

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Social Services

5101:2-48-13 Non-Discrimination Requirements for Adoptive Placements

FCASMTL 382

Effective Date: August 1, 2017

Most Current Prior Effective Date: October 1, 2015

(A) A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall not deny any person the opportunity to become an adoptive parent on the basis of race, color or national origin (RCNO) of that person, or of the child involved; nor shall the PCSA, PCPA or PNA delay or deny the placement of a child for adoption on the basis of RCNO of the adoptive parent, or of the child involved.

(B) The Multiethnic Placement Act ~~of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9)(9/2014), 671(a)(18)(9/2014), 674(d)(10/2008) and 1996(b) (8/1978) (MEPA) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (7/1964),~~ Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as they apply to the adoption process ~~(Title VI)~~, do not supercede the provisions of the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 (11/1987).

(C) A PCSA, PCPA, or PNA shall not routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective adoptive parent to meet those needs.

(D) Only the most compelling reasons may serve to justify consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective adoptive parent. In those exceptional circumstances when RCNO needs to be taken into account in a placement decision, such consideration shall be narrowly tailored to advance the child's best interests. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.

(E) A JFS 01689 "Documentation of the Placement Decision-Making Process", (rev. 7/2012) shall be completed at each matching conference where families are considered as potential matches and prior to the placement selection by the custodial agency, pursuant to rule 5101:2-48-16 of the Administrative Code.

(F) Each PCSA, PCPA and PNA involved in the placement of children for adoptive purposes or in the recruitment and completion of adoptive homestudies, shall complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" (rev. ~~1/2014~~8/2015).

(G) The following actions by a PCSA, PCPA, or PNA are permitted as it applies to the adoptive placement:

(1) Asking about and honoring any initial or subsequent choices made by prospective adoptive parents regarding what RCNO of child(ren) the prospective adoptive parents will accept.

(2) Honoring the decision of a child over twelve years of age not to consent to an adoption, unless the court finds that the adoption is in the best interest of the child and the child's consent is not required.

(3) Providing information and resources about adopting a child of another RCNO to prospective adoptive parents who request such information and making known to all families that such information and resources are available.

(4) Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

(5) Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that the RCNO needs to be a factor in the placement decision pursuant to paragraph (J) of this rule. Even when the facts of a particular case allow consideration related to the RCNO, this consideration shall not be the sole determining factor in the placement decision.

(6) Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities, and national origins as part of the training which is required of all applicants who seek to become adoptive parents.

(H) The agency is required to document verbal comments, verbatim, or describing in detail any other indication made by a prospective adoptive parent or prospective adoptive family member living in the household or any other person living in the household reflecting a negative perspective regarding the RCNO of a child for whom the prospective adoptive family have expressed an interest in adopting.

(1) The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training that is required for all adoptive applicants.

(2) The documentation shall be included in the prospective adoptive family's homestudy, update, or in an addendum to the homestudy or update prior to consideration of placement or a matching conference. The matching conference committee shall consider the information to determine if it will impact the placement.

(I) The following actions by a PCSA, PCPA, or PNA are prohibited as it applies to the adoption process:

(1) Using the RCNO of a prospective adoptive parent to differentiate between adoptive placements for a child(ren), unless the procedures in paragraphs (J) to (N) of this rule are followed.

(2) Honoring the request of a birth parent(s) to place a child with a prospective adoptive parent(s) of a specific RCNO ~~unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards and the agency determines that the placement is in the best interests of the child~~.

(3) Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.

(4) Using culture or ethnicity as a proxy for RCNO.

(5) Delaying or denying placement of a child based upon any of the following:

(a) The geographical location of the neighborhood of the prospective adoptive family if geography is being used as a proxy for the racial or ethnic composition of the neighborhood.

(b) The demographics of the neighborhood.

(c) The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.

(6) Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective adoptive parents of children of a different RCNO than required of other prospective

adoptive parents.

(7) Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

(8) Relying upon general or stereotypical assumptions about the ability of prospective adoptive parents of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.

(9) Steering prospective adoptive parents away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective adoptive parents from parenting a child of a particular RCNO.

(J) If a medical or psychological evaluation, school record, or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons to consider needs the child may have regarding RCNO in the placement process, the agency shall determine if the child should be referred for an assessment of whether the child has individual needs involving RCNO.

(K) One of the following licensed professionals shall conduct the assessment regarding RCNO:

(1) A licensed child psychiatrist.

(2) A licensed child psychologist.

(3) A licensed independent social worker.

(4) A licensed professional clinical counselor.

(L) The licensed professional conducting the assessment shall not be employed by the PCSA or PCPA making the referral.

(M) At the time of the referral, the PCSA or PCPA shall initiate and subsequently complete the JFS 01688 "Individualized Child Assessment" (rev. 4/2014) using the following procedures:

(1) The caseworker shall complete section I of the JFS 01688 and submit the JFS 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the PCSA or PCPA MEPA monitor.

(2) If both the supervisor and the MEPA monitor determine that the documented material contained in the case file indicates there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the child shall be referred within ten days of the signature of the caseworker for an individual child assessment as indicated in paragraph (J) of this rule. At the time of the referral, the agency shall forward to the licensed professional the following documents:

(a) The original JFS 01688.

(b) All relevant medical or psychological evaluations, and school records.

(c) All other relevant material documented in the child case file.

(3) The PCSA or PCPA shall request in writing that the licensed professional complete and sign section II of the original JFS 01688 and return it within sixty days to the PCSA or PCPA with a copy of the requested assessment attached.

(4) The licensed professional shall determine whether the child has needs involving RCNO and any other needs of a psychological or behavior nature and, if so to specify what those needs are and how those needs may impact a potential adoptive placement.

(5) A licensed professional shall not complete an assessment pursuant to paragraph (J) of this rule until the PCSA or PCPA has provided the licensed professional with copies of the following:

(a) The JFS 01607 "MEPA Educational Materials" (rev. 1/2009).

(b) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009).

(c) Rule 5101:2-42-18.1 of the Administrative Code.

(d) Rule 5101:2-48-13 of the Administrative Code.

(e) Rule 5101:2-48-16 of the Administrative Code.

(6) The licensed professional shall sign the JFS 01608 "Licensed Professional's Statement" (rev. 10/2014) acknowledging receipt of the materials required by paragraph (M)(5) of this rule. A copy of the signed JFS 01608 shall be submitted to the PCSA or PCPA.

(7) The PCSA or PCPA shall keep the JFS 01608 and attach a copy to each JFS 01688 the licensed professional completes. The PCSA or PCPA shall submit a copy of the JFS 01608 and JFS 1688, if applicable to ODJFS within ten days after receiving it.

(8) Each completed JFS 01688 shall remain in effect for twelve months from the date of the final decision as documented on the JFS 01688.

(a) If it has been determined that RCNO should be a factor considered in the child's placement, an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.

(b) If it has been determined that RCNO should not be a factor considered in the child's placement, an updated JFS 01688 and assessment is not required prior to the twelve month expiration date. In such instance, the PCSA or PCPA may update the JFS 01688 and assessment as deemed necessary.

(9) The following documents shall be presented as part of the placement decision making process at each matching conference in which the child is considered for a match with a prospective adoptive family:

(a) The JFS 01688, if applicable.

(b) The JFS 01690 "Documentation of the Pre-Adoptive Staffing and Updates" (rev. 2/2014.)

(c) All other relevant supporting materials.

(10) Documentation of how RCNO impacted the placement decision shall be documented on the JFS 01689 pursuant to rule 5101:2-48-16 of the Administrative Code.

(11) The PCSA or PCPA shall submit the JFS 01689 to ODJFS within ten days of the matching conference if the PCSA or PCPA determined that RCNO should be a factor considered in the child's placement.

(N) The PCSA or PCPA shall maintain in the child's case file the completed original JFS 01688 and all medical or psychological evaluations, school records or other material documented in the file.

(O) A PCSA, PCPA, or PNA shall not intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed any complaint orally or in writing, testified, assisted, or participated in any manner in the investigation of any alleged violation of MEPA and/or Title VI, including:

(1) Any potential or approved adoptive family or foster caregiver.

(2) Any employee of a PCSA, PCPA, or PNA.

(3) Any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA or PCPA, such as a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer.

(P) Prohibited retaliatory conduct includes, at a minimum:

(1) A reduction in the size of an adoption subsidy which a family should receive based on the child's individual needs.

(2) Unwarranted poor evaluations of an employee by his or her supervisor.

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Social Services

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5101:2-48-15 Provision of Information to a Prospective Adoptive Parent Matched with a Specific Child

FCASMTL 359

Effective Date: September 1, 2015

Most Current Prior Effective Date: June 15, 2009

(A) Prior to ~~the day that a child is placed~~placing a child with the adoptive parent(s), the public children services agency (PCSA) or private child placing agency (PCPA) shall provide the prospective adoptive parent(s) with information about the child and any special needs of the child, identified or anticipated, and available resources to assist the prospective adoptive parent(s) in making an informed decision about the placement.

(B) Prior to the date of adoptive placement, the PCSA or PCPA shall, as applicable:

(1) Provide the prospective adoptive parent(s) with the child study inventory. The information disclosed to the adoptive parent(s) shall include all background information available on the child in accordance with rule 5101:2-48-21 of the Administrative Code. All identifying information regarding the child's biological family shall be removed.

(2) Provide the adoptive family with written information describing types of behavior that the prospective adoptive parent may anticipate from children who have experienced abuse and neglect, suggested interventions, and the post adoption services available if the child exhibits those types of behavior after adoption.

~~(2)~~(3) Provide the prospective adoptive parent(s) with information regarding any child-specific financial and medical resources, known or anticipated, including subsidy information.

~~(3)~~(4) Provide the prospective adoptive parent(s) with the child's lifebook.

~~(4)~~(5) Provide the prospective adoptive parent(s) with materials the biological parent(s) requested be given to the adopted person or adoptive parent(s), if authorization is given on the JFS 01693 "Ohio Law and Adoption Materials" (rev. 5/2009).

~~(5)~~(6) Provide the prospective adoptive parent(s) with photographs of the biological parent(s) that the birth parent requested be given to the adopted person or adoptive parent(s), if authorization is given on the JFS 01693.

~~(6)~~(7) Provide the prospective adoptive parent(s) with the biological parent's first name, if authorization is given on the JFS 01693.

~~(7)~~(8) Provide the prospective adoptive parent(s) with the child's social security number, if applicable.

(C) If a newborn child is placed from a hospital into an adoptive home, the PCSA or PCPA shall provide the information required in paragraph (B) of this rule to the adoptive parent(s) within thirty days of the adoptive placement.

~~(8)~~(D) ~~Provide the prospective adoptive parent(s) with a written report containing the information specified in paragraph (B)(9) of this rule~~ Prior to the adoptive placement, the PCSA or PCPA shall provide a

written report to the adoptive parent(s) if the child has been adjudicated a delinquent for an act to which of any of the following offenses apply:

~~(a)~~(1) Aggravated murder.

~~(b)~~(2) Murder.

~~(c)~~(3) Voluntary manslaughter.

~~(d)~~(4) Involuntary manslaughter.

~~(e)~~(5) Felonious assault.

~~(f)~~(6) Aggravated assault.

~~(g)~~(7) Assault.

~~(h)~~(8) Rape.

~~(i)~~(9) Sexual battery.

~~(j)~~(10) Gross sexual imposition.

~~(k)~~(11) Conspiracy involving an attempt to commit aggravated murder or murder.

~~(l)~~(12) Any other offense that would be a felony if committed by an adult, and the child ~~upon committing the offense,~~ was found to be using or in possession of a firearm when the child committed the offense.

~~(m)~~(13) Any other offense that would be a felony if committed by an adult, and the child~~, upon committing the offense,~~ was found to be wearing or ~~carried~~carrying body armor when the child committed the offense.

~~(9)~~(E) ~~Provide the prospective adoptive parent(s) with a~~ The written report required by paragraph ~~(B)(8)~~(D) of this rule ~~containing~~shall include the following information:

~~(a)~~(1) A descriptive summary of the child's social history.

~~(b)~~(2) Unless a child's record has been sealed pursuant to section ~~2151.358~~2151.356 of the Revised Code, a description of all the known acts committed by the child that resulted in the ~~child being adjudicated~~a delinquent and the disposition made by the court making a disposition that the child is adjudicated delinquent. If the agency knows the child's record has been sealed, the prospective adoptive parent(s) shall be informed in writing by the agency that the child's record of a prior delinquency adjudication has been sealed.

~~(c)~~(3) A description of any other violent act(s) committed by the child of which the PCSA or PCPA is aware.

~~(d)~~(4) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child. ~~or, if no~~ psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4756. of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.

(a) If no psychological or psychiatric examination of the child is available, the agency shall include the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 47564757. of the Revised Code by ~~a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor~~one of the following licensed professionals:

(i) An independent social worker.

(ii) A social worker.

(iii) A licensed professional clinical counselor.

(iv) A licensed professional counselor.

(v) An independent marriage and family therapist.

(vi) A marriage and family therapist.

(b) The agency shall not provide any part of the examination to the adoptive parent(s) other than the substantial and material conclusions and recommendations.

~~(10) Provide the adoptive family with written information describing types of behavior that the prospective adoptive parent may anticipate from children who have experienced abuse and neglect, suggested interventions, and the post adoption services available if the child exhibits those types of behavior after adoption.~~

~~(C) If a newborn child is placed from a hospital into an adoptive home, the PCSA or PCPA shall provide the information required in paragraph (B) of this rule to the adoptive parent(s) within thirty days of the adoptive placement.~~

~~(D) The adoptive family case record shall contain documentation of the information provided to the adoptive family and of the family's receipt of information described in paragraph (B) of this rule.~~

~~(E)~~(F) ~~In accordance with paragraph (B)(8) of this rule~~Pursuant to section 2152.72 of the Revised Code, if a child has been adjudicated delinquent for any of the crimes listed in paragraph (D) of this rule, the custodial agency ~~holding custody of the child~~ shall ~~assure~~ensure that a current psychological examination of the child has been conducted ~~is conducted and that a written report detailing the substantial and material conclusions and recommendations of the examination are provided to the prospective adoptive parent(s) no later than sixty days after placing the child in the prospective adoptive home except under the following circumstances~~ unless either of the following apply:

(1) A psychological examination of the child has been conducted within twelve months prior to the child's placement~~, and paragraph (E)(2) of this rule does not apply~~ in the adoptive home.

(2) A psychological examination of the child has been conducted within twenty four months prior to the date ~~the child is placed~~of the adoptive placement when the foster caregiver seeks to adopt the foster caregiver's foster child.

~~(F)~~(G) If a current psychological examination was required pursuant to paragraph (F) of this rule, the custodial agency shall provide the prospective adoptive parent with the substantial and material conclusions and recommendations within sixty days of the date of the adoptive placement. The ~~PCSA or PCPA~~custodial agency shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination required by ~~paragraph (B)(9) or (E) of~~ this rule to the prospective adoptive parent other than the substantial and material conclusions and recommendations.

~~(G)~~(H) In accordance with sections 2152.72 and 2152.99 of the Revised Code, it is a minor misdemeanor for any person, including staff of a PCSA or PCPA responsible for a child's placement in a prospective adoptive home or staff of a PNA responsible for the ~~supervision of a child's placement in a~~ prospective adoptive home, to fail to provide the prospective adoptive parent(s) with the information required by paragraph ~~(B)(8)~~(D), ~~(B)(9)~~(E), ~~or (E)~~and (G) of this rule. It is not a violation of confidentiality to provide such information.

~~(H)~~(I) If a custodial agency places ~~the~~ a child who has been adjudicated delinquent for any of the offenses listed in paragraph (D) of this rule in a prospective adoptive home with the assistance of or by contracting with another agency, then all of the following apply:~~the custodial agency shall provide the supervising agency with information concerning the child's social history, adjudication(s), other violent acts committed by the child of which the custodial agency is aware, and provide the substantial and material conclusions of a psychiatric, psychological, or mental and emotional disorder examination. The custodial agency shall pay the expenses of preparing the information. If a new examination is required, the custodial agency shall pay the expenses of conducting the examination described in paragraph (E) of this rule.~~

(1) The custodial agency shall provide the other agency with the information outlined in paragraph (E) of this rule.

~~(I)~~(2) The ~~supervising~~ agency providing assistance to or contracting with the custodial agency shall provide the custodial agency with written acknowledgment that the ~~supervising~~other agency received the information outlined in paragraph ~~(H)~~(E) of this rule and has provided that information to the prospective adoptive parent(s).

~~(J)~~(3) The custodial agency shall keep the acknowledgment and provide a copy to the ~~supervising~~other agency.

~~(K)~~(4) If the ~~PCSA or PCPA~~custodial agency does not receive the acknowledgement ~~as required by paragraph (I) of this rule,~~ the custodial agency shall remain responsible for providing the prospective adoptive parents with information ~~defined~~outlined in paragraph ~~(H)~~(E) of this rule.

(J) The adoptive family case record shall contain documentation of the information provided to the adoptive family and of the family's receipt of the information required in this rule.

~~(L)~~(K) The custodial agency shall maintain the following in the child's case record ~~information indicating~~:

(1) The date information required by this rule was provided to the prospective adoptive parent(s).

(2) The JFS 01667 "Adoption Information Disclosure" (rev. 9/2003) containing the required signatures.

Effective: 09/01/2015

Five Year Review (FYR) Dates: 05/20/2015 and 09/01/2020

Certification: CERTIFIED ELECTRONICALLY

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Social Services

5101:2-48-19 Sharing and Transferring an Adoptive Homestudy

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: July 1, 2009

(A) The following definitions apply for the purposes of this rule:

(1) "Sharing an adoptive homestudy" means forwarding an approved adoptive homestudy to a public children services agency (PCSA), private child placing agency (PCPA), or comparable agency in another state for consideration of potential adoption matches, or receiving an approved adoptive homestudy from a PCSA, PCPA, private non-custodial agency (PNA) or comparable agency in another state for the same purpose.

(2) "Transferring an adoptive homestudy" means releasing a copy of the approved homestudy and all related materials to another agency. Upon acceptance of the receiving agency and the execution of the JFS 01334 "Recommendation for Transfer of a Foster or Adoptive Home" (rev. 12/2014) the sending agency is relieved of all responsibilities related to the approved adoptive family.

(B) An agency shall not solicit homestudies or transfers from other agencies for the purpose of locating a family of a specific race, color or national origin.

(C) An agency shall only consider approved homestudies forwarded by another agency. A copy of the adoption homestudy shall not be accepted directly from the approved adoptive parent or other individual. An adoptive parent may provide other information to the receiving agency that the parent considers to be relevant. The agency shall not require any additional documentation for the homestudy beyond the requirements of Chapter 5101:2-48 of the Administrative Code.

(D) If the approved adoptive family has signed a release of information the agency shall make the homestudy available to any other agency requesting a copy of the homestudy for sharing or transferring.

(1) An agency shall not release or accept a homestudy for sharing or transferring purposes if it has been determined that the homestudy or a supporting document contains a false statement knowingly made by the adoptive parent. The agency shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code when the determination has been made that a document was falsified.

(2) The agency may charge a reasonable fee for the release of the homestudy and related materials. A public agency may not charge another public agency a fee for the release of the homestudy and related materials.

(E) The agency shall forward a copy of the homestudy and all related materials within fifteen working days of the receipt of the signed release of information and any applicable fee pursuant to paragraph (D) of this rule. If the request is to transfer the homestudy, then the most recent report of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS) shall also be forwarded to the receiving agency with the homestudy and related materials.

(F) If the agency in receipt of the homestudy determines that the homestudy or a supporting document contains a knowingly false statement, the agency in receipt of the homestudy shall not consider the homestudy in any matching conference or for consideration of a transfer and shall notify the sending agency in writing of the false statement within three days of the determination of the false statement.

(G) If an incomplete homestudy is received from an agency, or supporting documentation is missing from the record, the receiving agency shall notify the sending agency in writing within ten days from the date of receipt of the incomplete homestudy.

(1) The written notification shall indicate the information needed in order for the homestudy to be considered complete as required by Chapter 5101:2-48 of the Administrative Code.

(2) The sending agency shall respond within fifteen days from the date of receipt of the written notification from the receiving agency.

(H) Upon receipt of the record, the receiving agency shall assign an assessor to review the information received and conduct an assessment of the transfer request.

(1) In addition to reviewing the recommending agency's records and any information provided by the adoptive parent(s), the assessor shall:

(a) Contact staff from the current recommending agency and the adoptive parent(s) to determine the reasons why the request to transfer is being made at this time.

(b) Make at least one visit to the home and conduct a face-to-face meeting with each adoptive parent and all other household members.

(c) Receive three new personal references for the adoptive parent(s) from persons who are unrelated to the adoptive parent and do not live with the family.

(d) Receive new references from all adult children of the adoptive parent(s). If the adult children are unable or unwilling to provide a reference this shall be assessed during the transfer process and documented in the provider record.

(e) Conduct a new criminal records check for all persons subject to a criminal records check residing in the home. Results shall be obtained, reviewed and approved prior to accepting the transfer request.

(f) Complete a new safety audit of the adoptive home on the JFS 01348 "Safety Audit" (rev. 12/2014) to ensure the home meets all current safety requirements.

(2) If a transfer request is pending within ninety days immediately prior to the expiration date of the two year approval span, the current agency and the receiving agency may determine through mutual agreement which agency will conduct the update of the adoption homestudy.

(3) The assessor shall complete the transfer assessment within sixty days of the date the complete record was received from the current agency. If the transfer cannot be completed in this timeframe, the assessor shall document the reason(s) in the record.

(I) Upon completion of the assessment, the assessor shall make a final decision regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shall be given to the adoptive parent and the recommending agency within five working days of the date the decision was made. The approval or rejection of a transfer request rests solely with the receiving agency. Nothing in this rule shall be construed to require an agency to accept the transfer of an adoption homestudy from another agency.

(J) If the decision is to deny the transfer request, all information contained in the copy of the record from the current recommending agency as well as any information gathered during the transfer assessment, including the written notice to deny the request, shall be maintained by the agency for at least two years.

(K) If the decision is to approve the transfer request, the JFS 01334 shall be completed and signed by both the sending and receiving agencies, and all information gathered during the assessment process shall be incorporated into the receiving agency's adoptive provider record.

(1) If the sending agency has the appropriate access to SACWIS, the sending agency shall enter the applicable data into the system to complete the transfer to the receiving agency.

(2) If the sending agency does not have the appropriate access to SACWIS, then either the sending agency or the receiving agency shall submit the completed JFS 01334 to ODJFS to complete the transfer process.

(L) Homestudies received from other agencies shall be regularly considered for potential adoption matches pursuant to rule 5101:2-48-16 of the Administrative Code, and shall be maintained according to the agency's policy.

Replaces: 5101:2-48-19

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