



# Ohio Administrative Code

## Chapter 5101:2-7

Administrative Rules for  
Foster Homes  
Effective 06/15/2020

When ODJFS administrative rules for foster homes are updated, the latest version of the rules can be found in the Family, Children, and Adult Services Manual on the ODJFS internet site. Instructions to access the internet site are on the next page.

## **Instructions for Internet Access to the ODJFS Family, Children and Adult Services Electric Manuals**

The electric manuals include the most up-to-date version of ODJFS rules.

1. Go to the following internet address: <http://emanuals.jfs.ohio.gov>
2. Select "Families and Children".
3. Select "Family, Children and Adult Services Manual".
4. Select "Foster Care Licensing"
4. Select the appropriate rule and read from there. The most relevant rules would be any of the 5101:2-5 or 5101:2-7 rules. Those rules are the most relevant for foster parents.

**Definitions for all terms used in Ohio Administrative Code (OAC) Chapter 5101:2-7 are found in the general child welfare definitions rule, OAC rule 5101:2-1-01. The current version of OAC rule 5101:2-1-01 can be found in the Family Children and Adult Services Electronic manuals.**

# **Ohio Administrative Code Chapter 5101:2-7**

## **Rules for Foster Homes**

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# **5101:2-7-02**

## **General Requirements for Foster Caregivers and Applicants.**

### **Appendix 1: Offenses Listed In Paragraph (J) (1) of Rule 5101:2-7-02 of the Administrative Code**

- (A) A foster caregiver or applicant shall be at least eighteen years of age at the time of initial certification.
- (B) A foster caregiver or applicant shall 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".
    - (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 JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" completed 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.
- (J) 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.
- (K) Rehabilitative criteria for foster care applicants, foster caregivers and all other adult household members. Unless specifically disqualified in appendix A to this rule, no person who has been convicted of or pleaded guilty to an offense listed in 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) The victim of the offense was not a person under the age of eighteen.
  - (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 appendix A 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.
  - (m) Any other factors the agency considers relevant.
- (L) The applicant or foster caregiver shall provide verification to the recommending agency that the conditions specified in paragraph (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 (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 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 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.
- (P) The provisions of paragraph (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 appendix A 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.
- (Q) A conviction of, or plea of guilty to, an offense listed in appendix A 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.
- (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 of 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 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.
- (S) A foster caregiver shall not operate a foster home as an adult boarding or rooming house.



- (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.
- (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.
- (V) A foster caregiver or applicant shall not apply for licensure as a type A family day care home.
- (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.
- (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.
- (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."

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**APPENDIX A to OAC 5101:2-7-02**

**DISQUALIFYING OFFENSES FOR RULE 5101:2-7-02 OF THE ADMINISTRATIVE CODE**

<b>Non-rehabilitative felony offenses.</b>			
<b>Misdemeanor convictions of these offenses must be evaluated using the rehabilitation criteria in rule 5101:2-5-09, but are not automatically disqualifying</b>			
ORC	Offense	Misdemeanor	Felony
2903.01	Aggravated murder	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2903.02	Murder	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2903.03	Voluntary manslaughter	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2903.04	Involuntary manslaughter	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2903.041	Reckless homicide	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2903.06	Aggravated Vehicular Homicide	√	<b>Non-rehabilitation offense - employee cannot be approved</b>
2905.32	Trafficking in persons	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>

DISQUALIFYING OFFENSES FOR RULE 5101:2-7-02 OF THE ADMINISTRATIVE CODE

2907.02	Rape	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.03	Sexual battery	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.04	Unlawful sexual conduct with a minor	√	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.05	Gross sexual imposition	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.12	Felonious sexual penetration (as this former section of law existed)	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.19	Commercial sexual exploitation of a minor	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.21	Compelling prostitution	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>

**DISQUALIFYING OFFENSES FOR RULE 5101:2-7-02 OF THE ADMINISTRATIVE CODE**

2907.321	Pandering obscenity involving a minor	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.322	Pandering sexually oriented matter involving a minor	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2907.323	Illegal use of a minor in nudity-oriented material or performance	N/A	<b>Non-rehabilitation offense - employee cannot be approved</b>
2919.22	Endangering children	√	<b>Non-rehabilitation offense - employee cannot be approved</b>
2919.25	Domestic Violence	√	<b>Non-rehabilitation offense - employee cannot be approved</b>
<b>Offenses that must be evaluated using the rehabilitation criteria in rule 5101:2-5-09</b>			
959.13	Cruelty to animals	√	N/A
2903.08	Aggravated Vehicular Assault; Vehicular Assault	√	√
2903.11	Felonious assault	N/A	√
2903.12	Aggravated assault	N/A	√
2903.13	Assault	√	√
2903.15	Permitting child abuse	√	√
2903.16	Failing to provide for a functionally impaired person	√	√
2903.21	Aggravated menacing	√	√
2903.211	Menacing by stalking	√	√
2903.22	Menacing	√	√
2903.34	Patient abuse, neglect	√	√
2905.01	Kidnapping	N/A	√

DISQUALIFYING OFFENSES FOR RULE 5101:2-7-02 OF THE ADMINISTRATIVE CODE

2905.02	Abduction	N/A	√
2905.05	Criminal child enticement	√	√
2905.11	Extortion	N/A	√
2907.06	Sexual imposition	√	√
2907.07	Importuning	N/A	√
2907.08	Voyeurism	√	√
2907.09	Public indecency	√	√
2907.22	Promoting prostitution	N/A	√
2907.23	Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	√	√
2907.25	Prostitution – after positive HIV test	N/A	√
2907.31	Disseminating matter harmful to juveniles	√	√
2907.32	Pandering obscenity	N/A	√
2909.02	Aggravated arson	N/A	√
2909.03	Arson	√	√
2909.22	Soliciting or providing support for act of terrorism	√	√
2909.23	Making terroristic threat	N/A	√
2909.24	Terrorism	One degree higher than the most serious underlying specified offense the defendant committed (If the offense was a third degree felony, the terrorism charge related to that offense would be a second degree felony) This could be a disqualifying offense if the original charge was a nonrehabilitative crime listed above.	
2911.01	Aggravated robbery	N/A	√
2911.02	Robbery	N/A	√
2911.11	Aggravated burglary	N/A	√
2911.12	Burglary	N/A	√
2913.49	Identity Fraud	N/A	√
2917.01	Inciting to violence	√	√
2917.02	Aggravated riot	N/A	√
2919.12	Unlawful abortion	√	√

DISQUALIFYING OFFENSES FOR RULE 5101:2-7-02 OF THE ADMINISTRATIVE CODE

2919.23	Interference with custody (that would have been a violation of RC 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)	√	√
2919.24	Contributing to unruliness or delinquency of a child	√	N/A
2923.12	Carrying concealed weapons	√	√
2923.13	Having weapons while under disability	N/A	√
2923.161	Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function	N/A	√
2923.17	Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives	N/A	√
2923.21	Improperly furnishing firearms to minor	N/A	√
2923.42	Participating in criminal gang	N/A	√
2925.02	Corrupting another with drugs		√
2925.04	Illegal manufacture of drugs or cultivation of marijuana	√	√
2925.041	Illegal assembly or possession of chemicals for manufacture of drugs	N/A	√
2925.05	Funding of drug or marijuana trafficking	N/A	√
2925.06	Illegal administration or distribution of anabolic steroids	N/A	√
2925.11	Possession of a controlled substance	√	√
2925.13	Permitting drug abuse	√	√

**DISQUALIFYING OFFENSES FOR RULE 5101:2-7-02 OF THE ADMINISTRATIVE CODE**

2925.22	Deception to obtain a dangerous drug	N/A	√
2925.23	Illegal processing of drug documents	N/A	√
2925.24	Tampering with drugs	N/A	√
2925.31	Abusing harmful intoxicants	√	√
2925.32	Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide	√	√
2925.36	Illegal dispensing of drug samples	√	√
2925.37	Counterfeit controlled substance offenses	√	√
2927.12	Ethnic intimidation	√	√
3716.11	Placing harmful objects in food or confection	√	N/A
4511.19	Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC	√ Only a disqualifying offense if two or more violations have been committed within the past 3 years	√ Only a disqualifying offense if two or more violations have been committed within the past 3 years

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 this appendix.

## **5101:2-7-03**

### **The care and treatment team.**

- (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 family 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.

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# **5101:2-7-04**

## **Records and confidentiality.**

- (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 family 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 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.

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## **5101:2-7-05**

### **Sleeping arrangements.**

- (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. 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 décor 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.

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## **5101:2-7-06**

### **Meals.**

(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:
  - (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 family foster home.

(C) Each family foster home shall use milk that meets the requirements of state laws and local ordinances or regulations for pasteurized or certified milk.

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## **5101:2-7-07**

### **Health services.**

- (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.

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## **5101:2-7-08**

### **Alternative care arrangements.**

- (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.
- (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.
- (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.
- (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 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.
- (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.

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## **5101:2-7-09**

### **Care, supervision and discipline.**

- (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 he 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, 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.

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## **5101:2-7-10**

### **Care of a foster child under age two.**

- (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.

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# **5101:2-7-11**

## **Socialization and education.**

- (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.
- (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.
- (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.
- (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.
- (H) A foster caregiver shall, as appropriate, teach a foster child tasks and skills required for life in the community.

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04/15/2013

## **5101:2-7-12**

### **Site and safety requirements for a foster home.**

- (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.
- (D) Outdoor recreation equipment on the grounds of a foster home shall be maintained in a safe state of repair.
- (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.
- (F) A foster home shall be adequately heated, lighted and ventilated.
- (G) The following 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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.
- (O) Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.
- (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.
- (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.
- (T) All escape routes shall be kept free of clutter and other obstructions.
- (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.
- (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.
- (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.
- (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.
- (Z) A foster child shall be protected from animals potentially dangerous to his the child's health and safety in or on the premises of a foster home.
- (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.
- (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.
  - (2) No smoking is permitted in the presence of a foster child.
- (CC) All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or 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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## **5101:2-7-13**

### **Foster Home Certificate.**

- (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 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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## **5101:2-7-14**

### **Required Notification.**

#### **Appendix 1: Offenses Listed in Paragraph (I) 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.
  - (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.
- (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.
- (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.

(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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**APPENDIX A to OAC 5101:2-7-14**

**OFFENSES LISTED IN PARAGRAPH (I) OF RULE 5101:2-7-14  
OF THE ADMINISTRATIVE CODE**

**OFFENSES AGAINST ANIMALS**

R.C. 959.13-- Cruelty to animals

**HOMICIDE**

R.C. 2903.01-- Aggravated murder  
R.C. 2903.02--Murder  
R.C. 2903.03--Voluntary manslaughter  
R.C. 2903.04--Involuntary manslaughter

**ASSAULT**

R.C. 2903.11-- Felonious assault  
R.C. 2903.12--Aggravated assault  
R.C. 2903.15-- Permitting child abuse  
R.C. 2903.13--Assault  
R.C. 2903.16--Failing to provide for a functionally impaired person

**MENACING**

R.C. 2903.21-- Aggravated menacing  
R.C. 2903.211-- Menacing by stalking  
R.C. 2903.22-- Menacing

**PATIENT ABUSE AND NEGLECT**

R.C. 2903.34--Patient abuse, neglect

**KIDNAPING AND RELATED ISSUES**

R.C. 2905.01--Kidnapping  
R.C. 2905.02--Abduction  
R.C. 2905.04--Child stealing (as this law existed prior to July 1, 1996)  
R.C. 2905.05--Criminal child enticement

**SEX OFFENSES**

R.C. 2907.02--Rape  
R.C. 2907.03--Sexual battery  
R.C. 2907.04—Unlawful sexual conduct with a minor  
R.C. 2907.05--Gross sexual imposition  
R.C. 2907.06--Sexual imposition  
R.C. 2907.07--Importuning  
R.C. 2907.08--Voyeurism  
R.C. 2907.09--Public indecency  
R.C. 2907.12--Felonious sexual penetration (as this former section of law existed)

OFFENSES LISTED IN PARAGRAPH (I) OF RULE 5101:2-7-14  
OF THE ADMINISTRATIVE CODE

R.C. 2907.21--Compelling prostitution  
R.C. 2907.22--Promoting prostitution  
R.C. 2907.23--Procuring  
R.C. 2907.25--Prostitution  
R.C. 2907.31--Disseminating matter harmful to juveniles  
R.C. 2907.32-- Pandering obscenity  
R.C. 2907.321--Pandering obscenity involving a minor  
R.C. 2907.322--Pandering sexually oriented matter involving a minor  
R.C. 2907.323--Illegal use of a minor in nudity-oriented material or performance

ARSON

R.C. 2909.02 -- Aggravated arson  
R.C. 2909.03 -- Arson  
R.C. 2909.22-- Soliciting or providing support for act of terrorism  
R.C. 2909.23-- Making terroristic threat  
R.C. 2909.24-- Terrorism

ROBBERY AND BURGLARY

R.C. 2911.01--Aggravated robbery  
R.C. 2911.02--Robbery  
R.C. 2911.11--Aggravated burglary  
R.C. 2911.12--Burglary

THEFT AND FRAUD

R.C. 2913.49--Identity Fraud

OFFENSES AGAINST THE PUBLIC PEACE

R.C. 2917.01--Inciting to violence  
R.C. 2917.02-- Aggravated riot

OFFENSES AGAINST THE FAMILY

R.C. 2919.12--Unlawful abortion  
R.C. 2919.22--Endangering children  
R.C. 2919.23 -- Interference with custody (that would have been a violation of R.C. 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)  
R.C. 2919.24--Contributing to unruliness or delinquency of a child  
R.C. 2919.25--Domestic violence

WEAPONS CONTROL

R.C. 2923.12--Carrying a concealed weapon  
R.C. 2923.13--Having a weapon while under disability  
R.C. 2923.161--Improperly discharging a firearm at or into a habitation or school

OFFENSES LISTED IN PARAGRAPH (I) OF RULE 5101:2-7-14  
OF THE ADMINISTRATIVE CODE

DRUG OFFENSES

- R.C. 2925.02 -- Corrupting another with drugs
- R.C. 2925.03 -- Trafficking in drugs
- R.C. 2925.04 -- Illegal manufacture of drugs or cultivation of marijuana
- R.C. 2925.05 -- Funding of drug or marijuana trafficking
- R.C. 2925.06 -- Illegal administration or distribution of anabolic steroids
- R.C. 2925.11 -- Possession of drugs or marijuana that is not a minor drug possession offense

OTHER

- R.C. 2927.12-- Ethnic intimidation
- R.C. 3716.11 -- Placing harmful objects in food or confection
- R.C. 4511.19-- Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC

## **5101:2-7-15**

### **Transportation.**

- (A) A foster caregiver 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.
- (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.
- (C) A foster caregiver shall ensure compliance with any motor vehicle seat restraint requirement of section 4511.81 of the Revised Code.
- (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 (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.
- (E) If paragraph (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.
- (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.
- (G) Paragraphs (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.
- (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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Date: 06/05/2020

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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, 09/01/2002, 10/08/2007,  
02/01/2010, 04/15/2013, 07/01/2018

## **5101:2-7-16**

### **Additional Requirements For a Treatment Foster Caregiver and a Treatment Foster Home.**

- (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 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 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 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 has five years of child care experience and training related to serving children in foster care.

(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

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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

## **5101:2-7-17**

### **Additional Requirements For a Medically Fragile Foster Caregiver and a Medically Fragile Foster Home.**

- (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 the effective date of this rule 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 physician assistant.
    - (e) A licensed physician.

- (3) Children placed in a foster home on the effective date of this rule or prior to March 31, 2005 shall not be moved to another placement solely to meet the requirements of paragraphs (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 for medically fragile children 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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Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 01/01/2003, 08/22/2005, 08/01/2009, 07/01/2014

**This is to acknowledge that we have received a copy of the ODJFS Rules for Family Foster Homes (5101: 2-7) of the Ohio Administrative Code. These rules are effective as of 06/2020. My signature below verifies my agreement to abide by and enforce the ODJFS Rules for Family Foster care in my home. My signature also verifies that I/we have reviewed the changes with our Youth Specialist and understand the rule updates and their impact on my/our home.**

FOSTER PARENT \_\_\_\_\_ DATE \_\_\_\_\_

FOSTER PARENT \_\_\_\_\_ DATE \_\_\_\_\_

AGENCY REP. \_\_\_\_\_ DATE \_\_\_\_\_

Rev 10/11, 07/14