



# Ohio Administrative Code

## Chapter 5101:2-5

Administrative Rules for  
Foster Care Agencies  
Effective 04/01/2024

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"
5. 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 5101:2-5 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 5101:2-5**

## **Rules for Agencies**

### **Table of Contents**

5101:2-5-02	Application for an agency to perform specific functions.
5101:2-5-03	Certification of an agency to perform specific functions.
5101:2-5-04	Recertification of an agency to perform specific functions.
5101:2-5-04.1	Acceptance of accreditation in lieu of certification requirements.
5101:2-5-05	Agency appeal of finding of noncompliance.
5101:2-5-06	Corrective action plans.
5101:2-5-07	Denial or revocation of an agency's certificate or certification to perform specific functions.
5101:2-5-08	PCPA and PNA governance and administration.
5101:2-5-09	Personnel and prohibited convictions for employment. Appendix A to OAC Rule 5101:2-5-09
5101:2-5-09.1	Criminal records check required for certain prospective employees and certified foster caregivers.
5101:2-5-10	Child records.
5101:2-5-11	Complaint handling.
5101:2-5-13	Required agency policies.
5101:2-5-13.1	Disaster Preparedness Plan Requirements
5101:2-5-14	Treatment or diagnostic services.
5101:2-5-15	Volunteers and college interns.
5101:2-5-16	Religion, culture, and ethnic heritage.
5101:2-5-17	Discharge summary.
5101:2-5-18	Waivers.
5101:2-5-20	Initial application for child placement.
5101:2-5-22	Recommendations for initial foster home certification.
5101:2-5-24	Foster home recertification procedure.

- 5101:2-5-25 Changing the certification of a foster caregiver from one type of foster home to another.
- 5101:2-5-26 Revocation, denial of initial certification or denial of recertification of a foster home certificate.
- 5101:2-5-27 Termination of a foster home certificate.
- 5101:2-5-28 Cause for denial of initial certification, denial of recertification or revocation of a foster home certificate.
- 5101:2-5-29 Foster home records.
- 5101:2-5-30 Change in household occupancy; change in marital status; change of address.
- 5101:2-5-31 Sharing or transfer of a foster home.
- 5101:2-5-32 Occupancy limitations and accessibility.
- 5101:2-5-33 Foster caregiver preplacement and continuing training.  
Appendix A to OAC Rule 5101:2-5-33
- 5101:2-5-34 PCPA and PNA case plans and administrative case reviews for direct placements.
- 5101:2-5-35 Children's rights.
- 5101:2-5-36 Additional requirements for an agency that acts as a representative of ODJFS in recommending treatment foster homes for certification.
- 5101:2-5-37 Additional requirements for an agency that acts as a representative of ODJFS in recommending medically fragile foster homes for certification.
- 5101:2-5-38 Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies.
- 5101:2-5-40 Preplacement and continuing training programs.

## **5101:2-5-02**

### **Application for an agency to perform specific functions.**

- (A) An applicant seeking to operate a private child placing agency (PCPA) or private noncustodial agency (PNA) with the purpose of performing any of the functions specified in rule 5101:2-5-03 of the Administrative Code shall electronically submit a complete and correct JFS 01290 "Application for Certification of Agency Functions" with the Ohio department of job and family services (ODJFS) not less than one hundred-twenty days prior to the intended date of commencing operation.
- (B) A local public entity (LPE) that is not a public children services agency (PCSA) that operates one or more of the functions specified in rule 5101:2-5-03 of the Administrative Code shall be considered by ODJFS as though the local public entity is a PNA. Unless a specific exception is made, references throughout chapters 5101:2-5, 5101:2-7 and 5101:2-9 of the Administrative Code to a PNA or to an agency shall apply to a LPE that is not a PCSA. "Local public entity" (LPE) as used in this chapter of the Administrative Code means a county, including county courts, a municipal corporation, a

combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations and that is not a PCSA.

- (C) An applicant shall submit all materials and documentation required by the JFS 01290.
- (D) Any PCSA which intends to operate a residential facility shall electronically file a complete and correct JFS 01290 with ODJFS to be certified to operate the facility not less than one hundred-twenty days prior to the intended date of commencing operation.
- (E) Applicable rules for agencies
  - (1) Any PCSA, PCPA or PNA certified to perform functions listed in rule 5101:2-5-03 of the Administrative Code shall comply with all provisions of the Administrative Code applicable to the agency's performance of functions listed on its certificate. For agency noncompliance with applicable administrative rules, ODJFS may require the agency to submit and comply with a corrective action plan or may deny initial certification, or in the case of a certified agency, deny renewal of a certificate or revoke the PCSA's, PCPA's or PNA's certificate pursuant to Chapter 119. of the Revised Code.
  - (2) Any PCSA performing any function listed in rule 5101:2-5-03 of the Administrative Code not requiring certification by ODJFS shall comply with all applicable provisions of the Administrative Code. For PCSA noncompliance with applicable administrative rules when performing any function not requiring certification, ODJFS may take any action permitted under division (C) of section 5101.24 of the Revised Code.
- (F) The application shall be submitted to the appropriate ODJFS district office. The date of initial application shall be the date of receipt as noted by the ODJFS date stamp. The application shall not be considered to have been filed until it is submitted to the appropriate ODJFS field office in complete and correct form.
- (G) An application may be denied by ODJFS for failure to comply with any requirement of this rule or for any reason specified in rule 5101:2-5-07 of the Administrative Code.
- (H) An agency shall not operate until a certificate is issued by ODJFS.
- (I) When an application to amend the certificate is required.
  - (1) When an agency certified to operate a function listed in rule 5101:2-5-03 of the Administrative Code seeks to operate another function that is required to be certified by rule 5101:2-5-03 of the Administrative Code, not less than one hundred-twenty days prior to the anticipated operation of the new function, it shall electronically submit a complete and correct amended JFS 01290 to ODJFS requesting certification of the additional function. All additional information required by ODJFS for certification of the new function shall be submitted with the JFS 01290.
  - (2) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or operate a residential facility, except in an emergency situation where residential facility becomes uninhabitable for any reason, it shall notify ODJFS not less than sixty days prior to the intended relocation or operation by submitting an amended JFS 01290 to ODJFS requesting certification of the residential facilities at the new location.
  - (3) If a residential facility has become uninhabitable, due to an emergency situation, the agency shall:
    - (a) Immediately notify any agency with children in placement and ODJFS of the emergency.

- (b) Relocate the facility and any children in placement.
  - (c) Submit an amended JFS 01290 to ODJFS immediately after relocating.
- (4) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or add an office it shall submit a JFS 01290 which lists the office to ODJFS not less than thirty days prior to the anticipated operation of the new office. In emergency situations the agency shall follow the procedures in their agency policy developed pursuant to rule 5101:2-5-13.1 of the Administrative Code.
- (5) An agency shall submit a JFS 01290 to ODJFS not less than ten days prior to any of the following changes:
- (a) When an agency ceases to operate a certified function.
  - (b) When an agency ceases to operate a branch office.
  - (c) When an agency ceases to operate a residential facility.
- (6) An agency shall request and receive approval from ODJFS prior to implementing a change in a private, nonprofit therapeutic wilderness camp, children's residential center or a group home by submitting a JFS 01290 and any supporting documentation to ODJFS indicating the agency wishes to change any of the following:
- (a) Sex of the children served.
  - (b) Age range of the children served.
  - (c) Number of the children served.
- (7) An agency shall submit a JFS 01290 to notify ODJFS within ten days after implementing a change to any of the following positions of its governing body:
- (a) The administrator.
  - (b) The chairperson.
  - (c) The president.
- (8) If an agency wishes to change the agency name, the agency shall submit a JFS 01290 to notify ODJFS not later than thirty days prior to implementing a name change. The agency shall submit the following information along with the JDFS 01290:
- (a) A copy of any amended articles of incorporation authorizing the name change.
  - (b) A copy of the minutes of the governing body meeting authorizing the name change.
- (J) An agency shall not operate any function requiring certification by ODJFS that has not been certified by ODJFS. An agency shall not operate an office or residential facility that is not correctly listed on the most recent JFS 01290 on file with ODJFS.
- (K) The certificate issued by ODJFS to the agency shall be posted in a prominent place so that visitors to the agency may view it.

(L) When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification by ODJFS on a temporary certificate, the agency shall not request certification of another function by ODJFS or expansion of an existing certified function.

Effective: 10/15/2021

Five Year Review (FYR) Dates: 7/15/2021 and 10/15/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 09/24/2021

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.54, 5153.166

Rule Amplifies: 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 (Emer.), 10/21/96, 1/1/03, 12/11/06, 8/1/10, 07/01/2016

## **5101:2-5-03**

### **Certification of an agency to perform specific functions.**

- (A) Specific functions of a public children services agency (PCSA) which require certification by the Ohio department of job and family services (ODJFS) are:
- (1) To operate children's residential center(s).
  - (2) To operate group home(s).
  - (3) To operate residential parenting facilities.
  - (4) To operate children's crisis care facilities.
  - (5) To operate residential infant care center(s).
  - (6) To operate family preservation center(s).
- (B) Functions performed by a PCSA that do not require certification by ODJFS shall comply with the Administrative Code rules applicable to the functions performed. ODJFS may take any appropriate action permitted under division (D) of section 5101.24 of the Revised Code for noncompliance with applicable rules.
- (C) Specific functions of a private child placing agency (PCPA) which require certification by ODJFS are:
- (1) To operate children's residential center(s).
  - (2) To operate group home(s).
  - (3) To operate or provide independent living arrangements.
  - (4) To operate residential parenting facilities.
  - (5) To operate children's crisis care facilities.
  - (6) To operate residential infant care center(s).
  - (7) To operate family preservation center(s).
  - (8) To operate a scholars residential center(s).
  - (9) To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.
  - (10) To act as a representative of ODJFS in recommending family foster homes for certification.
  - (11) To act as a representative of ODJFS in recommending treatment foster homes for certification.
  - (12) To act as a representative of ODJFS in recommending medically fragile foster homes for certification.



(13) To accept temporary, permanent or legal custody of children.

(14) To place children for foster care or adoption.

(D) Specific functions of a private noncustodial agency (PNA) or a local public entity that is not a PCSA which require certification by ODJFS are:

(1) To operate children's residential center(s).

(2) To operate group home(s).

(3) To operate or provide independent living arrangements.

(4) To operate residential parenting facilities.

(5) To operate children's crisis care facilities.

(6) To operate residential infant care center(s).

(7) To operate family preservation center(s).

(8) To operate a private, nonprofit therapeutic wilderness camp(s).

(9) To operate a scholars residential center(s).

(10) To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.

(11) To act as a representative of ODJFS in recommending family foster homes for certification.

(12) To act as a representative of ODJFS in recommending treatment foster homes for certification.

(13) To act as a representative of ODJFS in recommending medically fragile foster homes for certification.

(14) To participate in the placement of children in foster homes or for adoption.

(E) A certificate issued by ODJFS is valid for two years unless revoked sooner. ODJFS may extend a certification span up to six months. An extension request is to be made no less than one hundred twenty days prior to the end date of the current certificate. An extension may be approved for either of the following if both the agency and ODJFS are in agreement:

(1) An agency requests an extension due to agency need.

(2) ODJFS needs to extend the certification span.

(F) Any certificate issued by ODJFS shall not be transferable from one agency, owner, operator, corporation, partnership, or association to another.

(G) A PCPA shall maintain compliance with any applicable rules of the Administrative Code for any child it is serving under a court order for protective supervision or for any child in the temporary, permanent or legal custody of the PCPA.

- (H) During a complaint investigation or review of an agency acting as representative of ODJFS in recommending foster homes for certification, ODJFS may inspect any foster home recommended for certification by the agency. The inspection may be announced or unannounced.
- (I) An agency may voluntarily terminate certification of any or all of its authorized functions upon written notice to ODJFS.

Effective: 1/1/2024

Five Year Review (FYR) Dates: 1/1/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 12/18/2023

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.6018, 5103.617, 5103.54, 5153.166

Rule Amplifies: 5103.03, 5153.16

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996 (Emer.), 10/21/1996, 07/01/2000, 01/01/2003, 12/11/2006, 08/01/2010, 07/01/2016, 10/15/2021, 01/01/2023

## **5101:2-5-04**

### **Recertification of an agency to perform specific functions.**

- (A) To apply for recertification an agency shall submit a JFS 01290 "Application for Certification of Agency Functions". The agency shall, at the time of recertification and whenever the agency changes their certification information, submit the following documentation with the JFS 01290:
- (1) Any information required by rule 5101:2-5-02 of the Administrative Code.
  - (2) An audit if one is required.
  - (3) The first time a private child placing agency (PCPA) or private noncustodial agency (PNA) seeks recertification, it shall submit to the Ohio department of job and family services (ODJFS) with its application:
    - (a) A copy of an independent financial statement audit performed by a licensed public accounting firm following applicable american institute of certified public accountants (AICPA) auditing standards for the most recent fiscal year.
    - (b) The independent audit shall demonstrate the agency operated in a fiscally accountable manner as determined by ODJFS.
  - (4) After the first recertification, when a PCPA or PNA seeks recertification, it shall submit to ODJFS with its application, as a condition of recertification:
    - (a) A copy of an independent financial statement audit performed by a licensed public accounting firm following applicable american institute of certified public accountants (AICPA) auditing standards for the two most recent previous fiscal years it is possible for an independent audit to have been conducted.
    - (b) The independent audit shall demonstrate the agency operated in a fiscally accountable manner as determined by ODJFS.
  - (5) All audits required by this rule shall be conducted in accordance with AICPA auditing standards. As used in this rule, "AICPA auditing standards" has the same definition as in paragraph (A) of section 5103.0323 of the Revised Code.
- (B) If fiscal accountability cannot be readily determined for a PCPA or PNA, the agency may be issued a temporary certificate and be placed on fiscal watch during that period. During a fiscal watch period, the agency may be expected to submit, but is not limited to, the following:
- (1) An explanation of any internal or external factors that may be affecting the provider's financial status and any action plan as to how provider intends to address such factors.
  - (2) A corrective action plan to address any significant audit issues noted in the financial audit.
  - (3) Any business plan which may specifically address actions taken, or to be taken, by the provider to improve financial condition which could help demonstrate that provider is or can be fiscally accountable.
  - (4) Any subsequent financial audits performed beyond the submitted audit period.
  - (5) Monthly financial statements.

- (6) Monthly bank statements or similar information.
- (7) Placement records and related financial activity records.
- (C) ODJFS may work closely with the agency during the fiscal watch period to monitor financial activity to help ensure the agency can remain fiscally viable and financial resources are sufficient for providing the necessary level of care for the well-being of children placed with the agency. At any point up to and including the end of the fiscal watch period, ODJFS may recommend the agency:
  - (1) Be removed from the temporary certificate and reinstated to a full certificate.
  - (2) Be placed on a second fiscal watch period and the fiscal watch process will be repeated. The agency will also be issued a second temporary certificate.
  - (3) Be revoked.
- (D) The requirements of paragraph (A) of this rule do not apply to a public children services agency (PCSA) or to a local public entity that is not a PCSA.
- (E) An agency seeking recertification shall submit all information and documentation required for recertification to ODJFS not less than one hundred twenty days prior to the date of expiration of its current certificate unless an extension has been granted pursuant to rule 5101:2-5-03 of the Administrative Code. Failure of an agency to submit an application for recertification within the timeframes required by this rule may cause a lapse in certification or a delay in issuance of a certificate.
- (F) When an application for recertification is received and found to be incomplete or incorrectly completed, the recertification application shall be returned to the applicant for completion and resubmission to ODJFS. A recertification application shall not be considered to have been submitted until it is received by the appropriate ODJFS field office in complete and correct form.
- (G) An agency shall submit a list of all records, as requested by ODJFS, from which a sample will be selected for review during the site inspection.
- (H) An agency shall return the list of records, pursuant to paragraph (G) of this rule, within fourteen calendar days of receipt of the ODJFS request. Failure of an agency to submit the list of records as requested shall not cause the start of the recertification review to be delayed but may cause a lapse in certification or a delay in issuance of a certificate.
- (I) If an agency's list of records as requested by ODJFS, pursuant to paragraph (G) of this rule, is received by ODJFS within the timeframe specified in paragraph (H) of this rule, ODJFS may select a random sample of records from the list to be reviewed during the site inspection and shall provide the identity of these records to the agency two weeks prior to the scheduled site inspection.
- (J) If an agency's list of records is not received by ODJFS within the timeframes specified in paragraph (H) of this rule, ODJFS may elect to do a random selection of records at the time of the site inspection with no prior notice to the agency of the identity of the records to be reviewed.
- (K) An agency administrator or staff person shall not deny ODJFS access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency in the course of a recertification study or at any other time.

Effective: 10/15/2021

Five Year Review (FYR) Dates: 7/15/2021 and 10/15/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 09/24/2021

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.54, 5153.166

Rule Amplifies: 5103.02, 5103.0323, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 01/01/2003, 12/11/2006, 08/01/2010, 07/07/2014, 05/01/2019

## **5101:2-5-04.1**

### **Acceptance of accreditation in lieu of certification requirements.**

- (A) The Ohio department of job and family services (ODJFS) may consider an agency to have met a certification requirement if the agency can document to the satisfaction of ODJFS that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.
- (B) The agency requesting such consideration shall submit a written request to the assigned ODJFS district office licensing specialist at the time of application for initial certification or at recertification, with the following documentation:
  - (1) A copy of the certificate, license or award letter of accreditation.
  - (2) A copy of the written accreditation report.
  - (3) A copy of any corrective action plans and the approval from the accreditation organization of these plans.
  - (4) Specific documentation on which certification requirements are met by accreditation, including a copy of the standards met.
- (C) If the accreditation organization does not have a comparable standard to an ODJFS certification requirement, the agency shall meet the ODJFS certification requirement.
- (D) The acceptance of accreditation in lieu of an ODJFS certification requirement is restricted to the accreditation period or current ODJFS certificate, whichever expires first.
- (E) The acceptance of accreditation in lieu of an ODJFS certification requirement rests solely at the discretion of ODJFS. The refusal of ODJFS to accept accreditation, 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.

Effective: 4/1/2023

Five Year Review (FYR) Dates: 12/29/2022 and 04/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 03/10/2023

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.03

Prior Effective Dates: 09/18/1996, 09/01/2002, 10/08/2007, 04/15/2013

## **5101:2-5-05**

### **Agency appeal of findings of noncompliance.**

- (A) If the administrator or designee of an agency disagrees with any of the findings of noncompliance presented at an exit interview, the administrator or designee may submit an appeal, with supporting documentation, through the Ohio certification and licensing management system (OCALM) no later than ten business days following the agency receipt of the summary of findings of noncompliance. A licensing supervisor shall, if requested, arrange a meeting by phone or in person with the appellant prior to the review of the appeal. Upon the review of the appeal and the findings, the supervisor shall render a decision and explanation within ten business days. The decision of the licensing supervisor shall be final and does not entitle the agency to any hearing rights under Chapter 119. of the Revised Code unless Ohio department of job and family services (ODJFS) initiates action to deny or revoke certification.
- (B) Any form of retaliation by ODJFS employees against agency administrators, designee or employees of agencies, who make appeals regarding findings of non-compliance, is prohibited.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

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, 09/18/1996, 07/01/2000, 12/11/2006, 08/01/2010, 12/01/2015

## **5101:2-5-06**

### **Corrective action plans.**

- (A) An agency shall submit a corrective action plan, as prescribed by the Ohio department of job and family services (ODJFS), for any finding of noncompliance cited by ODJFS on a summary of noncompliance, through the Ohio certification and licensing management system (OCALM) within fifteen working days of the exit interview or of the receipt of an appeal decision pursuant to rule 5101:2-5-05 of the Administrative Code. An agency may take longer than fifteen days to submit the corrective action plan if the agency has requested and received an extension from ODJFS.
- (B) A corrective action plan submitted by an agency pursuant to paragraph (A) of this rule shall specify:
- (1) What the agency is going to do to correct an area of noncompliance.
  - (2) How noncompliance will be prevented in the future.
  - (3) Who in the agency will be responsible for the implementation of the corrective action plan.
  - (4) How the agency will document the corrective action plan has been implemented.
- (C) The timeframe for implementation of all corrective action plans shall be no longer than thirty calendar days from the date ODJFS approves the corrective action plan unless more time is given by written approval of the appropriate ODJFS licensing supervisor.
- (D) When a corrective action plan is disapproved by ODJFS, the agency shall submit another corrective action plan to ODJFS within ten working days of receipt of the ODJFS written notification that the corrective action plan was disapproved. The action of ODJFS to approve or disapprove a corrective action plan shall have no effect on the decision of ODJFS to deny or revoke an agency's certification.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

Promulgated Under: 119.03

Statutory Authority: 5103.02, 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, 07/01/2000, 12/11/2006, 10/01/2011, 12/01/2015



## **5101:2-5-07**

### **Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates.**

- (A) An application for an agency certificate or for any of the functions an agency intends to perform may be denied and an existing certificate or certification to perform specific functions may be revoked for any of the following reasons:
- (1) An agency has failed to comply with any applicable requirement of Chapter 5101:2-5 of the Administrative Code or any requirement of any other applicable chapter of the Administrative Code relevant to the intended or certified functions of the agency.
  - (2) An agency has failed to comply with an approved corrective action plan for previously cited areas of noncompliance.
  - (3) An agency is found to have provided to the Ohio department of job and family services (ODJFS) any of the following:
    - (a) Misleading or false statements.
    - (b) Misleading or false reports.
  - (4) An agency refuses or fails to submit to ODJFS required policy statements, application materials, plans or reports requested by ODJFS within required time frames.
  - (5) An agency has refused to admit onto its premises any person performing duties required by Chapter 5101:2-5 of the Administrative Code or other applicable chapters of the Administrative Code relevant to the intended or authorized functions of the agency, state or federal law or regulations or municipal ordinance.
- (B) All actions of ODJFS with respect to denial or revocation shall be by prior adjudicatory hearing pursuant to and subject to the requirements of Chapter 119. of the Revised Code.
- (C) Any act of omission or commission by an agency which results in the death, injury, illness, abuse, neglect or exploitation of a child in the care of the agency may be grounds for the revocation or denial of the agency's certification to perform any or all certified functions. This shall include any situation in which an agency has failed to inform any agency employee of the employee's obligation, pursuant to section 2151.421 of the Revised Code, to report any knowledge or suspicion of any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another child, to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect has occurred or is occurring.
- (D) At the time ODJFS proceeds with an agency denial or revocation, ODJFS is to notify all of the following of the proposed adjudication order:
- (1) Title IV-E courts.
  - (2) Public children services agencies (PCSAs).
  - (3) Private child placing agencies (PCPAs).
  - (4) Any other person or entity ODJFS deems necessary.

- (E) If an order of denial or revocation is not upheld after any administrative hearing held pursuant to Chapter 119. of the Revised Code or if an order of denial or revocation is overturned on appeal to a court of competent jurisdiction, ODJFS is to notify the decision to all entities that were notified pursuant to paragraph (D) of this rule.
- (F) When ODJFS enters an adjudication order to deny or revoke an agency's certificate pursuant to Chapter 119. of the Revised Code, the agency and those parties identified as the principals of the agency shall not be eligible for certification for any ODJFS certification for five years from the date of the denial or revocation or the exhaustion of all appeals, whichever is later. As used in this rule, "principal" means the agency's administrator(s) or director(s) and the agency's owners, partners, or members of the agency's governing body. In any denial or revocation action, ODJFS shall identify the principals of the agency against whom the denial or revocation action is taken.
- (G) When an agency certified to operate one or more of the functions listed in rule 5101:2-5-03 of the Administrative Code is found to be operating at less than an acceptable level of compliance with applicable rules of the Administrative Code ODJFS may issue a temporary certificate for one or more of the functions to the agency.
  - (1) A temporary certificate shall not be issued for an initial certification of a function requiring certification pursuant to rule 5101:2-5-03 of the Administrative Code.
  - (2) A temporary certificate shall be effective for less than one year.
  - (3) A temporary certificate allows an agency to operate until ODJFS is satisfied that minimum requirements have been met.
  - (4) Whenever ODJFS issues a temporary certificate to an agency, the word "temporary" shall appear on the certificate in a contrasting color to words on the certificate in letters not less than one-half inch in height.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

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, 09/18/1996, 07/01/2000, 09/01/2002, 12/11/2006, 08/01/2010, 12/01/2015

## **5101:2-5-08**

### **PCPA and PNA governance and administration.**

- (A) A private child placing agency (PCPA) or private noncustodial agency (PNA) shall have an identifiable governing body responsible for establishing policies and assuring the effectiveness and efficiency of the PCPA or PNA in achieving its purposes. A local public entity that is not a public children services agency (PCSA) shall identify in writing to the Ohio department of job and family services (ODJFS) how the requirements of this rule are met by the local public entity, even if the local public entity does not have a governing body. The duties of the governing body shall include:
- (1) Hiring an administrator who meets the minimum qualifications pursuant to rule 5101:2-5-09 of the Administrative Code.
  - (2) Annually evaluating the performance of the agency's administrator in writing.
  - (3) Assuring the PCPA's or PNA's compliance with requirements of the Administrative Code as applicable to the PCPA's or PNA's certified functions.
  - (4) Reviewing, approving and monitoring a written annual budget for the PCPA or PNA. Such budget shall ensure funding to provide services relevant to all certified functions and detail anticipated income and expenditures.
  - (5) Authorizing, reviewing and submitting to ODJFS an audit, if one is required pursuant to rule 5101:2-5-04 of the Administrative Code. This provision shall not apply to a local public entity that is not a PCSA.
  - (6) Conducting an annual review of the PCPA's or PNA's written policies relevant to the agency's certified functions.
- (B) The governing body of a PCPA or PNA shall identify the names and current addresses of:
- (1) Board members.
  - (2) Current officers of the board.
  - (3) Partners of principal owners of any association, partnership or other arrangement under which the board has been established or operates.
- (C) A PCPA or PNA shall submit a copy of any proposed articles of incorporation or amendments thereto to ODJFS prior to filing them with the secretary of state pursuant to section 5103.04 of the Revised Code.
- (D) A PCPA or PNA shall have an office located within the state.
- (E) The minutes of all governing body meetings shall be maintained at the PCPA or PNA in an organized, permanent and current manner and shall include, at a minimum:
- (1) Dates of meetings;
  - (2) Names of those governing body members present; and
  - (3) Issues discussed and actions taken.

- (F) A PCPA or PNA shall compile and maintain a current written table of organization.
- (G) A PCPA or PNA shall not permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the PCPA or PNA. The PCPA or PNA shall make a written disclosure, in the minutes of the board, of any financial transaction of the PCPA or PNA in which a member of the board or his/her immediate family is involved.
- (H) A person who is employed by a PCPA or PNA certified under this chapter or any person who is a member of the governing body shall not be eligible to vote on or participate in the decision making process with respect to any matter or issue in which he/she could benefit financially or materially.
- (I) A PCPA or PNA shall have a written mission statement and a description of its programs.

Effective: 7/9/2021

Five Year Review (FYR) Dates: 3/18/2021 and 07/09/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 6/29/21

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03, 5103.04, 5103.0323

Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 7/1/00, 1/1/03, 12/11/06, 10/1/11, 12/1/15

## **5101:2-5-09**

### **Personnel and prohibited convictions for employment.**

- (A) An agency, as defined in rule 5101:2-1-01 of the Administrative Code, is to have written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers, and employees.
- (B) An agency is to hire qualified employees to provide the services which it is certified to provide.
  - (1) The person employed as the administrator of the agency is to possess at least a bachelor's degree from a college or university accredited by a nationally recognized accrediting organization and other qualifications and experience as determined by the governing body in writing.
  - (2) An agency is to assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.
  - (3) Persons employed in positions responsible for the daily direct care or supervision of children is to be at least twenty-one years of age and possess a high school diploma or equivalency certificate. As an alternative to the educational requirement such persons is to have at least one year of full-time equivalent paid or volunteer experience in the direct provision of care to children.
- (C) In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of paragraph (B) of this rule, such employee is to meet those qualifications which are the most rigorous among the competing criteria.
- (D) A residential facility is to require a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any child care staff who will have direct contact with children.
- (E) An agency is to, at its own discretion or at the request of the Ohio department of job and family services (ODJFS), require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified professionals when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of children.
- (F) To determine whether a prospective employee is qualified to be hired , all required background checks shall be conducted pursuant to rule 5101:2-5-09.1 of the Administrative Code.
- (G) An agency is to have a separate personnel file for each employee which is to include at a minimum:
  - (1) The employee's application for employment.
  - (2) A copy of the employee's current job description.
  - (3) A copy of each job evaluation performed.
  - (4) A copy of all medical records obtained.
  - (5) Documentation of all training received, including specific training for and an annual review of acceptable methods of restraint, if applicable.

- (6) Copies of all professional credentials, licenses or certifications related to the position of employment.
  - (7) Copies of all disciplinary actions involving the employee.
  - (8) The employee's date of hire and termination if applicable.
  - (9) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) criminal records check results required by rule 5101:2-5-09.1 of the Administrative Code and, if applicable, documentation that the rehabilitation requirements have been met.
  - (10) Any notification of charges of any criminal offense brought against the employee and any notification of conviction of any criminal offense.
  - (11) Copies of all educational degrees, diplomas or equivalency certificates.
  - (12) Copies showing proof of a valid driver's license and current automobile insurance, if the staff member will be utilizing his or her own vehicle when transporting children.
- (H) Personnel files for each employee is to be maintained for at least five years after the date of employment ends.
- (I) Nothing in this rule is to apply to a foster caregiver who is subject to the provisions of Chapter 5101:2-7 of the Administrative Code.

Effective: 4/1/2024

Five Year Review (FYR) Dates: 11/28/2023 and 04/01/2029

Certification: CERTIFIED ELECTRONICALLY

Date: 03/11/2024

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 05/01/1998, 07/01/2000, 08/22/2005, 08/14/2008, 12/01/2010, 09/01/2015, 06/15/2020, 11/15/2021

## **5101:2-5-09.1**

### **Background checks for college interns, subcontractors, volunteers, employees, board presidents, officers, administrators and foster caregivers**

(A) Types of background checks:

- (1) Bureau of criminal investigation (BCI) records pursuant to section 2151.86 of the Revised Code.
- (2) Federal bureau of investigation (FBI) records pursuant to section 2151.86 of the Revised Code. This check is to be completed for all initial checks and optional thereafter.
- (3) National sex offender registry. The website is located at: <https://www.nsopw.gov/>.
- (4) Ohio statewide automated child welfare information system (Ohio SACWIS) records for alleged perpetrator.

(B) If an individual previously resided in a state other than Ohio:

- (1) The agency is to contact any states in which the individual resided in the previous five years to request the information specified in paragraph (A) of this rule.
- (2) Any information received from other states will be reviewed and considered by the agency as part of the background check review.

(C) Background checks are to be completed for the following:

- (1) An employee of a private child placing agency (PCPA), private noncustodial agency (PNA) or a local public entity (LPE).
- (2) A board president, administrator or officer of a PCPA, PNA or LPE.
- (3) Staff of a residential center operated by a public children services agency (PCSA).
- (4) A college intern, subcontractor or volunteer.
- (5) A foster care applicant or caregiver.
- (6) All household members eighteen years of age or older in a foster care applicant or caregiver's home.

(D) A PCPA, PNA, residential center operated by a PCSA or LPE is to also conduct a background check of the following for each board president, administrator or officer:

- (1) A certified search of the findings for recovery database. The website is located at: <http://ffr.ohioauditor.gov/>.
- (2) A database review at the federal website known as the system for award management. The website is located at: <https://www.sam.gov/SAM/pages/public/searchRecords/search.jsf>.

(E) The agency may refuse to hire or appoint a person as a board president, administrator or officer as follows:

- (1) Based solely on the findings of the summary report as described in paragraph (A)(5) of this rule or the results of the search described in paragraph (A)(3) or (A)(4) of this rule.
- (2) Based on the results of the certified search or database review as described in paragraphs (C)(1) and (C)(2) of this rule.

(F) Timeframes for completion of background checks.

(1) For BCI and FBI records:

- (a) At application for a foster caregiver and household members.
- (b) Prior to the first day of employment for board president, administrator, officer or prospective employees of a PCPA, PNA or LPE.
- (c) Prior to the first day of work for a college intern, subcontractor or volunteer.
- (d) Every four years from the completed date of the most recent BCI records check for:
  - (i) A foster caregiver, or adult household member in a foster caregiver's home.
  - (ii) A college intern, subcontractor or volunteer.
  - (iii) A board president, administrator, officer, or employee of a PCPA, PNA, residential center operated by a PCSA or LPE.
- (e) For a minor household member in a foster caregiver's home, within thirty days from when the minor turns eighteen years old and every four years thereafter. The agency may conduct a check sooner than four years after the initial check in order to align the timeframe with the other household members.

(2) For all background checks other than BCI or FBI:

- (a) For a foster caregiver and household members, at application and every four years thereafter.
- (b) Prior to the first day of employment for board president, administrator, officer or prospective employees of a PCPA, PNA, residential center operated by a LPE.
- (c) Prior to the first day of work for a college intern, subcontractor or volunteer.

(G) Process for obtaining a criminal background check. The agency is to:

- (1) Submit fingerprints manually or electronically according to the process established by BCI. Information on how to obtain a background check can be found at <https://www.ohioattorneygeneral.gov/Business/Services-for-Business/WebCheck>.
- (2) Pay to BCI the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted.
- (3) 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 is not to exceed the fee paid by the agency to BCI. If a fee is charged, the agency is to 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 appointment, employment or certification as a foster caregiver.



(H) If an individual fails to complete the full background check determination process:

- (1) The foster care applicant is to be denied certification pursuant to rule 5101:2-5-26 of the Administrative Code.
- (2) The foster caregiver certification is to be revoked pursuant to rule 5101:2-5-26 of the Administrative Code.
- (3) The intern, volunteer, subcontractor, employee, board president, administrator or officer of a residential center operated by a PCSA, PCPA, PNA or LPE is to be denied a position with the agency.

(I) An individual will be ineligible to be a foster caregiver with any agency, or a college intern, subcontractor, volunteer, employee, board president or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE if any of the following are applicable:

- (1) A conviction or guilty plea to an offense listed in division (A)(4) of section 109.572 of the Revised Code, unless the individual meets the rehabilitation criteria in appendix A of this rule for a foster care applicant, a foster caregiver and household members of a foster care applicant or foster caregiver's home or appendix B of this rule for a college intern, subcontractor, volunteer, employee, board president or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE.
  - (a) Section 109.572 of the Revised Code specifies that this rule applies to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code.
  - (b) A conviction of or a plea of guilty to an offense listed in division (A)(4) of section 109.572 of the Revised Code is not prohibitive if the individual 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 to which all conditions have been performed or have transpired.
- (2) Being registered or obligated to be registered on the national or state sex offender registry or repository.

(J) Ohio SACWIS alleged perpetrator search.

- (1) For any college intern, subcontractor, volunteer, employee, board president or administrator of a PCPA, PNA, or residential center operated by a PCSA or LPE, the agency is to conduct an alleged perpetrator search pursuant to section 5103.0310 of the Revised Code. The individual is ineligible if:
  - (a) They have a substantiated finding within the last ten years,
  - (b) They have had a child removed from their home in the last ten years pursuant to section 2151.353 of the Revised Code due to a court determination of abuse or neglect caused by that specific person.
  - (c) While employed or working, they are identified in Ohio SACWIS as the perpetrator for a substantiated finding of child abuse or neglect.
- (2) For any foster caregiver applicant, foster caregiver or any adult household member of an applicant's or caregiver's household, the agency is to conduct an alleged perpetrator search pursuant to section 5103.18 of the Revised Code.

- (K) The recommending agency is to evaluate if 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, or is a household member in a certified caregiver's home is convicted of any offense listed in appendix A of this rule.
- (1) The evaluation is to 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 (L) of this rule is to be considered in the evaluation.
  - (3) This requirement is also to be applicable for any adult who resides with a foster caregiver upon conviction of any offense listed in appendix A of this rule.
- (L) The evaluation specified by paragraph (K) of this rule is to 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 appendix C of this rule.
- (M) Rehabilitation criteria for criminal offenses. Unless specifically disqualified in appendix A or appendix B to this rule:
- (1) A foster caregiver or an adult resident of the foster caregiver's household is to meet all of the rehabilitation conditions in appendix C of this rule.
  - (2) An employee, board president or administrator of a PCPA, PNA, residential center operated by a PCSA or LPE is to meet all of the rehabilitation conditions in appendix D of this rule.
- (N) It is the individual's duty to provide written verification that the rehabilitation criteria specified in paragraph (L) of this rule are met. If the individual fails to provide proof or if the agency determines that the proof offered by the individual is inconclusive or insufficient, the person is not to be certified as a foster caregiver or hired by the agency. Any doubt is to be resolved in favor of protecting the children the agency serves.

Replaces: 5101:2-5-09.1

Effective: 4/1/2024

Five Year Review (FYR) Dates: 04/01/2029

Certification: CERTIFIED ELECTRONICALLY

Date: 03/11/2024

Promulgated Under: 119.03

Statutory Authority: 2151.86, 5103.03, 5103.0310, 5103.037, 5103.18

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, 06/15/2020

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

**APPENDIX A to OAC 5101:2-5-09.1**

Effective 4/1/2024

<b><u>Non-rehabilitative misdemeanor and felony offenses.</u></b>			
<b><u>ORC</u></b>	<b><u>Offense</u></b>	<b><u>Misdemeanor</u></b>	<b><u>Felony</u></b>
2903.01	Aggravated murder	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.02	Murder	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.03	Voluntary manslaughter	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.04	Involuntary manslaughter	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.041	Reckless homicide	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.06	Aggravated Vehicular Homicide	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved
2903.15	Permitting child abuse	Non-rehabilitation offense - caregiver cannot be approved	Non-rehabilitation offense - caregiver cannot be approved

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2903.32	Female genital mutilation	<b>Non-rehabilitation offense - caregiver cannot be approved .</b>	<b>Non-rehabilitation offense - caregiver cannot be approved .</b>
2905.05	Criminal child enticement	<b>Non-rehabilitation offense - caregiver cannot be approved .</b>	<b>Non-rehabilitation offense - caregiver cannot be approved .</b>
2905.32	Trafficking in persons	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.02	Rape	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.03	Sexual battery	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.04	Unlawful sexual conduct with a minor	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.05	Gross sexual imposition	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.12	Felonious sexual penetration (as this former section of law existed)	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2907.19	Commercial sexual exploitation of a minor	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.21	Compelling prostitution	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.31	Disseminating matter harmful to juveniles	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.321	Pandering obscenity involving a minor	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.322	Pandering sexually oriented matter involving a minor	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2907.323	Illegal use of a minor in nudity-oriented material or performance	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.10	Abortion related to finding of down syndrome	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.12	Unlawful abortion	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2919.121	Unlawful abortion upon a minor	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.123	Unlawful distribution of an abortion-inducing drug	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.124	Unlawful performance of a drug induced abortion	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.13	Abortion manslaughter; failure to render medical care to an infant born alive	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.15	Dismemberment abortion	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.151	Partial birth feticide	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.17	Terminating or attempting to terminate human pregnancy after viability	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.193	Determination of detectable fetal heartbeat	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2919.194	Procedures after detection of fetal heartbeat	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.195	Performance of abortion after detection of fetal heartbeat	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.201	Abortion after gestational age of 20 weeks	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.22	Endangering children	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>
2919.25	Domestic violence	<b>Non-rehabilitation offense - caregiver cannot be approved</b>	<b>Non-rehabilitation offense - caregiver cannot be approved</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

<b>Non-rehabilitative offense if felony conviction occurred within the last five years. Felony convictions after five years and misdemeanor offenses must be evaluated using the rehabilitative criteria in paragraph in Appendix C of this rule but are not automatically disqualifying.</b>			
<b>ORC</b>	<b>Offense</b>	<b>Misdemeanor</b>	<b>Felony</b>
2903.08	Aggravated Vehicular Assault; Vehicular Assault	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2903.11	Felonious assault	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2903.12	Aggravated assault	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>



DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2903.13	Assault	√	<b>Non- rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
---------	---------	---	---

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2925.02	Corrupting another with drugs	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.03	Trafficking, aggravated trafficking in drugs	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.04	Illegal manufacture of drugs or cultivation of marijuana	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.041	Illegal assembly or possession of chemicals for manufacture of drugs	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2925.05	Funding of drug or marijuana trafficking	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.06	Illegal administration or distribution of anabolic steroids	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.11	Possession of controlled substances	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.13	Permitting drug abuse	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2925.22	Deception to obtain a dangerous drug	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.23	Illegal processing of drug documents	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.24	Tampering with drugs	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.31	Abusing harmful intoxicants	√	<b>Non-rehabilitation offense - Caregiver cannot be approved if conviction occurred within the last five years</b>

DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS

2925.32	Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.36	Illegal dispensing of drug samples	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>
2925.37	Counterfeit controlled substance offenses	√	<b>Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years</b>

**DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS**

<b>All other offenses that must be evaluated using the rehabilitative criteria in Appendix C of this rule.</b>			
<b>ORC</b>	<b>Offense</b>	<b>Misdemeanor</b>	<b>Felony</b>
959.13	Cruelty to animals	√	√
2151.421	Reporting child abuse or neglect	√	√
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	√	√
2905.02	Abduction	√	√
2905.11	Extortion	√	√
2907.06	Sexual imposition	√	√
2907.07	Importuning	√	√
2907.08	Voyeurism	√	√
2907.09	Public indecency	√	√
2907.22	Promoting prostitution	√	√
2907.23	Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	√	√
2907.25	Prostitution – after positive HIV test	√	√
2907.32	Pandering obscenity	√	√
2909.02	Aggravated arson	√	√
2909.03	Arson	√	√
2909.22	Soliciting or providing support for act of terrorism	√	√
2909.23	Making terroristic threat	√	√
2909.24	Terrorism	√	√
2911.01	Aggravated robbery	√	√
2911.02	Robbery	√	√
2911.11	Aggravated burglary	√	√
2911.12	Burglary	√	√
2913.49	Identity Fraud	√	√
2917.01	Inciting to violence	√	√
2917.02	Aggravated riot	√	√
2919.21	Nonsupport or contributing to nonsupport of dependents	√	√
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	√	√
2919.27	Violating protection order	√	√

**DISQUALIFYING OFFENSES FOR FOSTER CAREGIVERS, ADOPTION APPLICANTS  
AND HOUSEHOLD MEMBERS**

			If special circumstances exist, as described in 2919.27(B)(3) or (4)
2923.12	Carrying concealed weapons	√	√
2923.13	Having weapons while under disability	√	√
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	√	√
2923.17	Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives	√	√
2923.21	Improperly furnishing firearms to minor	√	√
2923.42	Participating in criminal gang	√	√
2927.12	Ethnic intimidation	√	√
3716.11	Placing harmful objects in food or confection	√	√
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.			

DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

**APPENDIX B to OAC 5101:2-5-09.1**

Effective 4/1/2024

<b>Non-rehabilitative misdemeanor and felony offenses.</b>			
<b>ORC</b>	<b>Offense</b>	<b>Misdemeanor</b>	<b>Felony</b>
2903.01	Aggravated murder	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>
2903.02	Murder	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>
2903.03	Voluntary manslaughter	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>
2903.04	Involuntary manslaughter	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>
2903.041	Reckless homicide	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>
2903.06	Aggravated Vehicular Homicide	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>
2903.15	Permitting child abuse	<b>Non-rehabilitation offense - cannot be approved</b>	<b>Non-rehabilitation offense - cannot be approved</b>



DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

2903.32	Female genital mutilation	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2905.05	Criminal child enticement	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2905.32	Trafficking in persons	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.02	Rape	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.03	Sexual battery	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.04	Unlawful sexual conduct with a minor	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.05	Gross sexual imposition	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.12	Felonious sexual penetration (as this former section of law existed)	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

2907.19	Commercial sexual exploitation of a minor	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.21	Compelling prostitution	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.31	Disseminating matter harmful to juveniles	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.321	Pandering obscenity involving a minor	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.322	Pandering sexually oriented matter involving a minor	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2907.323	Illegal use of a minor in nudity-oriented material or performance	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.10	Abortion related to finding of down syndrome	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.12	Unlawful abortion	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>

DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS

2919.121	Unlawful abortion upon a minor	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.123	Unlawful distribution of an abortion-inducing drug	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.124	Unlawful performance of a drug induced abortion	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.13	Abortion manslaughter; failure to render medical care to an infant born alive	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.15	Dismemberment abortion	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.151	Partial birth feticide	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.17	Terminating or attempting to terminate human pregnancy after viability	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>
2919.193	Determination of detectable fetal heartbeat	<del>Non-rehabilitation offense - cannot be approved</del>	<del>Non-rehabilitation offense - cannot be approved</del>

~~\_\_\_\_\_~~      ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~      ~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~      ~~\_\_\_\_\_~~



**DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS**

<b>Offenses that must be evaluated using the rehabilitation criteria in rule 5101:2-5-09.</b>			
<b>ORC</b>	<b>Offense</b>	<b>Misdemeanor</b>	<b>Felony</b>
959.13	Cruelty to animals	√	√
2903.08	Aggravated Vehicular Assault; Vehicular Assault	√	√
2903.11	Felonious assault	√	√
2903.12	Aggravated assault	√	√
2903.13	Assault	√	√
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	√	√
2905.02	Abduction	√	√
2905.11	Extortion	√	√
2907.06	Sexual imposition	√	√
2907.07	Importuning	√	√
2907.08	Voyeurism	√	√
2907.09	Public indecency	√	√
2907.22	Promoting prostitution	√	√
2907.23	Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	√	√
2907.25	Prostitution – after positive HIV test	√	√
2907.31	Disseminating matter harmful to juveniles	√	√
2907.32	Pandering obscenity	√	√
2909.02	Aggravated arson	√	√
2909.03	Arson	√	√
2909.22	Soliciting or providing support for act of terrorism	√	√
2909.23	Making terroristic threat	√	√
2909.24	Terrorism	√	√
2911.01	Aggravated robbery	√	√
2911.02	Robbery	√	√
2911.11	Aggravated burglary	√	√
2911.12	Burglary	√	√
2913.49	Identity Fraud	√	√
2917.01	Inciting to violence	√	√
2917.02	Aggravated riot	√	√
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	√	√
2923.12	Carrying concealed weapons	√	√
2923.13	Having weapons while under disability	√	√

**DISQUALIFYING OFFENSES FOR COLLEGE INTERN, SUBCONTRACTORS, VOLUNTEERS,  
EMPLOYEES, BOARD PRESIDENTS, AND ADMINISTRATORS**

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	√	√
2923.17	Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives	√	√
2923.21	Improperly furnishing firearms to a minor	√	√
2923.42	Participating in criminal gang	√	√
2925.02	Corrupting another with drugs		√
2925.03	Trafficking, aggravated trafficking in drugs	√	√
2925.04	Illegal manufacture of drugs or cultivation of marijuana	√	√
2925.041	Illegal assembly or possession of chemicals for manufacture of drugs	√	√
2925.05	Funding of drug or marijuana trafficking	√	√
2925.06	Illegal administration or distribution of anabolic steroids	√	√
2925.11	Possession of a controlled substance	√	√
2925.13	Permitting drug abuse	√	√
2925.22	Deception to obtain a dangerous drug	√	√
2925.23	Illegal processing of drug documents	√	√
2925.24	Tampering with drugs	√	√
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	√	√
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.			

**APPENDIX C to OAC 5101:2-5-09.1**

Effective 4/1/2024

Rehabilitation criteria for foster applicants, foster caregivers, adoptive applicants, adoptive parents and household members. The individual can not be approved or certified unless the recommending agency finds and documents that the 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, approval as an adoptive parent or the person's residency in the foster caregiver's or adoptive parent's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors are to be considered in determining the person's certification as a foster caregiver, approval as an adoptive parent or the person's residency in the foster caregiver's or 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 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, adoptive parent or adult members of the foster caregiver's or adoptive parent'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.

**APPENDIX D to OAC 5101:2-5-09.1**

Effective 4/1/2024

Rehabilitation criteria for employees, college interns, subcontractors, volunteers, board presidents, administrators or officers. The individual cannot be employed unless the agency finds and documents that the 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 prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code are to 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.
- (3) The victim of the offense was not one of the following:
  - (a) A person under the age of eighteen or person sixty years of age or older.
  - (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
  - (c) An intellectually disabled person as defined in section 5123.01 of the Revised Code.
  - (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
  - (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
- (4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors are to be considered in determining whether to hire the prospective employee:
  - (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 to which the person participated 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.
  - (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 B of this rule, if the felony bears a direct



and substantial relationship to the duties and responsibilities of the position being filled.

- (l) Any other factors the agency considers relevant.

## **5101:2-5-10**

### **Child records.**

- (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 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 copies of all medical, social, legal, educational or other data within fifteen days of placement or upon request of the agency.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

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, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 08/01/2010, 12/01/2015

## **5101:2-5-11**

### **Complaint handling.**

- (A) The Ohio department of job and family services (ODJFS) 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 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 which that alleges that child abuse or neglect has occurred or is occurring, ODJFS shall immediately refer the report to the appropriate PCSA 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 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 JFS 01391 "Summary of Findings of Noncompliance" a citation of noncompliance and explained to the administrator or designee during the exit interview. The signature of the administrator or designee on the JFS 01391 citation shall signify only that the administrator or designee has received the JFS 01391 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 OAC 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 OAC 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: 07/09/2021

R.C. 119.032 review dates: 3/18/2021 and 07/09/2026

Certified Electronically

Date 6/29/2021

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, 7/7/14

## **5101:2-5-13**

### **Required agency policies.**

(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 a method of intervention where a person's face and/or frontal part of his or her body is placed in a downward position touching any surface for any amount 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, 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 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. 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 5101:2-7 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.
  - (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 the number of foster children, including specification of the number of treatment and medically fragile foster children, for which each treatment team leader shall be responsible for providing case management services. The policy shall also specify:
- (a) The hierarchy of the program including:
    - (i) The number of treatment team leaders for which each treatment team leader supervisor is responsible for 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 which is certified to operate a residential facility is to have a written policy to address the requirements of being a qualified residential treatment program (QRTP) as outlined in rule 5101:2-9-42 of the Administrative Code.
- (18) 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.
- (19) 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.
- (20) An agency shall have a written policy regarding access, confidentiality, maintenance, security and disposal of all records maintained by the agency.
- (21) 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.
- (22) 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.
- (23) An agency shall have written personnel policies and procedures which are provided to all personnel. These personnel policies 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.
- (24) 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.
- (25) An agency shall have a written policy and procedure which assures protection of a child's civil rights.
- (26) 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." 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.
- (27) 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.
- (28) 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.
- (29) 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.
- (30) 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." 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.
- (31) A residential facility operating as a private, nonprofit therapeutic wilderness camp shall have written policies in accordance with division (D) of 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 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 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: 12/15/2023

Five Year Review (FYR) Dates: 7/19/2023 and 12/15/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 11/27/2023

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.54, 5153.166

Rule Amplifies: 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996 (Emer.), 10/21/1996, 05/02/1998, 07/01/2000, 01/01/2003, 02/01/2005, 12/11/2006, 04/01/2010, 07/07/2014, 07/01/2016, 08/01/2017, 10/15/2021

# **5101:2-5-13.1**

## **Disaster Preparedness Plan Requirements**

- (A) A public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA), and any residential facility shall create, in writing, a disaster preparedness plan and include this plan in its agency foster care policy. All residential facilities shall comply with this rule in addition to rule 5101:2-9-07 of the Administrative Code.
- (B) A PCSA, PCPA, PNA or residential facility shall submit its plan to the Ohio department of job and family services (ODJFS) at any of the following times:
- (1) At the time of application for initial certification or recertification.
  - (2) Upon review of PCSA foster home records by ODJFS.
  - (3) Within ten days of a foster care policy change that would have an effect on the disaster preparedness plan.
- (C) The following areas shall be addressed in a PCSA or a PCPA disaster preparedness plan:
- (1) Identification of essential personnel needed for the operation of the agency.
  - (2) Alternative physical work location including provisions for temporary work sites.
  - (3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, statewide automated child welfare information system (SACWIS) or telephone access.
  - (4) Identification of essential work activities that must continue in order to ensure the safety of children, support caregivers and service providers.
  - (5) Procedures for handling new reports of child maltreatment if the agency is responsible for responding to reports concerning children.
  - (6) Procedures for tracking clients and substitute caregivers with or without SACWIS or other technical system in place.
  - (7) Continuity of services to families receiving in-home supportive services.
  - (8) Continuity of services to children in substitute care and kinship care placements.
  - (9) Maintenance and security of agency records not included in SACWIS including soft copies stored in other software applications and hard copies.
  - (10) Maintenance and security of court records for child protective services cases and PCPA adoption court records.
  - (11) Coordination of services with law enforcement, hospitals/medical providers or other disaster response agencies for the following:
    - (a) Children in agency custody.
    - (b) Children with no known or available parent, guardian or custodian.
  - (12) Working with emergency shelters for the following:

- (a) Staff training in disaster preparedness.
  - (b) Coordination of services for children and families in emergency shelters (physical location; shared responsibilities).
  - (c) Volunteers.
- (13) Plans of cooperation/memoranda of understanding with another agency which, at a minimum, would address duties and requirements.
- (D) The following areas shall be addressed in a disaster preparedness plan for a PNA or any residential facility including those residential facilities operated by a PCPA or PCSA:
- (1) Identification of essential personnel needed for the operation of the agency.
  - (2) Identification of an alternative physical work location including provisions for temporary work sites.
  - (3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, SACWIS or telephone access.
  - (4) Identification of essential work activities that must continue in order to ensure child safety and support caregivers, youth and service providers, and facility staff, if applicable.
  - (5) Procedures for tracking clients and substitute caregivers.
  - (6) Continuity of services to children in substitute care.
  - (7) Maintenance and security of agency records.

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: 5153.166, 5103.07, 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 08/25/2008, 07/01/2014

## **5101:2-5-14**

### **Treatment or diagnostic services.**

- (A) An agency shall inform the individual or agency that placed a child in out of home care of any of the following services:
- (1) If the child needs treatment for non-routine mental health, medical, dental, or vision care and this treatment is not included in the current case plan.
  - (2) If the child needs diagnostic services for non-routine mental health, medical, dental, or vision care and this diagnostic service is not included in the current case plan.
- (B) If an agency does not directly employ or contract with a vendor for treatment or diagnostic services, the agency shall arrange with the custodial agency or individual for the provision of these services.
- (C) Any treatment or diagnostic services provided to any child pursuant to this rule shall be documented in the child's case record required pursuant to rule 5101:2-5-10 of the Administrative Code.

Effective: 4/1/2023

Five Year Review (FYR) Dates: 12/29/2022 and 04/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 03/10/2023

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03, 2151.412

Rule Amplifies: 5103.02, 5103.03, 2151.412

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 10/08/2007, 04/15/2013

## **5101:2-5-15**

### **Volunteers and college interns.**

- (A) Volunteers, subcontractors or interns whose duties include any of the same general duties as child care staff shall be trained in the mission of the out-of-home care setting to which they are assigned.
- (B) An agency is to ensure a volunteer, intern or subcontractor complies with the background check requirements of rule 5101:2-5-09 of the Administrative Code.
- (C) Volunteers, subcontractors or interns whose duties include any of the same general duties as child care staff shall:
  - (1) Receive training pursuant to rule 5101:2-9-03 of the Administrative Code.
  - (2) Be supervised by agency staff.
  - (3) Participate in at least monthly face-to-face supervisory conferences.
- (D) Volunteers, subcontractors or interns shall be given a specific written job description delineating the functions to be performed.
- (E) An agency shall not use volunteers, subcontractors or interns as a replacement for or in lieu of paid staff. Volunteers, subcontractors or interns shall not be counted to meet required staff ratios as required by rule 5101:2-9-02 of the Administrative Code.
- (F) An agency which accepts interns shall have a written agreement with each school placing students. This agreement shall, at a minimum, include:
  - (1) A statement of the student's role and responsibilities.
  - (2) A description of the minimum qualifications the student must possess.
  - (3) A statement outlining the respective supervisory and evaluation responsibilities of the agency and the placing school.

Effective: 4/1/2023

Five Year Review (FYR) Dates: 12/29/2022 and 04/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 03/10/2023

Promulgated Under: 119.03

Statutory Authority: 5103.02, 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, 10/08/2007, 04/15/2013, 11/15/2021

## **5101:2-5-16**

### **Consideration to be given to child's religion.**

- (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.
- (C) A child may be encouraged to participate in religious activities, but shall not be coerced to do so.
- (D) 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.
- (E) 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: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

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, 12/11/2006, 08/01/2010, 12/01/2015



## **5101:2-5-17**

### **Discharge summary.**

- (A) When a child is planned to be or is discharged from 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 not no later than thirty days after the date of discharge. A copy of the discharge summary shall be maintained within the child's record 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.
- (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) A list of the current prescription and nonprescription medications and any allergies to medications for the child.
  - (5) The name and official title or relationship of the person to whom the child was released.
  - (6) The new location of the child.
  - (7) 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 if 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.
- (E) A residential facility is to enter a discharge summary into the residential treatment information system (RTIS) no later than ten days after a child is discharged from the facility. A copy of the discharge summary is to be maintained within the child's record and a copy is to 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.

Effective: 7/9/2021

Five Year Review (FYR) Dates: 3/18/2021 and 07/09/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 06/29/2021

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, 7/1/2000, 1/1/03, 12/11/06, 10/1/11, 12/1/15

# **5101:2-5-18**

## **Waivers and Variances**

- (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) Relative foster homes when the request is for a non-safety issue. As used in this rule, relative has the same meaning as kin.
  - (2) A private, nonprofit therapeutic wilderness camp (PNTWC).
  - (3) A scholars residential center.
  - (4) An agency may request a waiver for a foster home in the event of a disaster or emergency where the home or part of the home becomes uninhabitable.
- (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" 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 requested through the statewide automated child welfare information system (SACWIS).
- (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.
- (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.
- (G) Effective October 1, 2011, no variances shall be approved.
- (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: 1/1/2024

Five Year Review (FYR) Dates: 6/15/2025

Certification: CERTIFIED ELECTRONICALLY

Date: 12/18/2023

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03

Rule Amplifies: 5103.02, 5103.03 , 5103.54

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 05/01/1998, 07/01/2000, 01/01/2003, 12/11/2006, 10/01/2011, 07/07/2014, 07/01/2016, 04/21/2020 (Emer.), 06/15/2020

## **5101:2-5-20**

### **Initial Application and Completion of the Foster Care Homestudy**

- (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).
  - (4) The agency is to adhere to the support services and modifications for a person with a disability as described in sections 2131.03, 2131.031, 2131.032, 2131.033 and 2131.034 of the Revised Code.
- (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" to any person who is 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.
- (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" 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 an in home, face to face interview with all members of the household based on his or her age and development. The interview with all members of the household 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 (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 appendix A to rule 5101:2-7-02 of the Administrative Code.
- (3) If the agency has the ability to complete the search in the Ohio 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 Ohio 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) A physical exam and a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" 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. 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.
- (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".
  - (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.
- (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.
- (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 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.
- (10) The JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" 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.
  - (11) The JFS 01348 "Safety Audit" 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.
  - (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.
  - (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" 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) The homestudy has been approved by ODJFS through the Ohio SACWIS system.
- (4) The effective date of a foster home certificate issued by ODJFS.

Effective: 2/16/2024

Five Year Review (FYR) Dates: 10/12/2023 and 02/16/2029

Certification: CERTIFIED ELECTRONICALLY

Date: 02/06/2024

Promulgated Under: 119.03

Statutory Authority: 5103.03, 3107.033

Rule Amplifies: 2151.86, 5103.02, 5103.03, 5103.0327

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 10/01/1997 (Emer.), 12/30/1997, 01/01/2003, 12/11/2006, 08/14/2008, 07/01/2009, 10/01/2011, 03/01/2012, 11/01/2015, 06/15/2020

## **5101:2-5-22**

### **Recommendations for initial foster home certification.**

- (A) An agency shall not recommend for certification any applicant whose residence 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:
- (1) The department of youth services.
  - (2) The department of mental health and addiction services.
  - (3) A community alcohol drug addiction and mental health board.
  - (4) The department of developmental disabilities.
  - (5) A county board of developmental disabilities.
  - (6) The department of health.
  - (7) A juvenile court.
- (B) Each initial application for certification of a foster home shall be approved through an assessor's evaluation of the residence, prospective foster caregiver, and household members.
- (C) To submit a recommendation for certification of a foster home an agency is to enter the information into the statewide automated child welfare information system (SACWIS).
- (D) Upon receipt of a recommendation for certification, 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 date the recommendation is routed to ODJFS in SACWIS.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03, 5103.0324

Rule Amplifies: 5103.02, 5103.03, 5103.0324

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 08/01/2010, 12/01/2015

## **5101:2-5-24**

### **Foster Home Recertifications**

- (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".
- (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" 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", 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 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" completed for the applicant and all household members. 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.
  - (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" 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.
  - (6) The most recent JFS 01681 "Applicant Financial Statement.". The agency may require a new JFS 01681 if there have been any substantial changes to the foster family's financial situation.
  - (7) The most recent annual well water test approved by the health department, if applicable.
  - (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.
  - (9) The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" 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.

- (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.
  - (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) 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.
  - (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 shall enter the required data into SACWIS to close the provider because the foster care certification has expired.

(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" 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

## **5101:2-5-25**

### **Changing the Certification of a Foster Caregiver from One Type of Foster Home to Another**

- (A) No child placed in a family foster home on or before March 31, 2005 shall be moved to another placement solely because of the failure of the foster caregiver to meet the requirements for treatment or medically fragile foster homes found in this chapter or in Chapter 5101:2-7 of the Administrative Code.
- (B) An agency shall recommend a foster caregiver be certified to operate only one type of foster home at a time. A foster home may accept a foster child that is assessed as needing care at or below the level of care for which the home is certified.
- (C) Whenever a foster caregiver who is certified to operate a foster home wishes to seek to change the foster home's certification to another type of certification, the foster caregiver shall submit a written request to the recommending agency.
- (D) If a foster caregiver seeks to change the foster home's certification to a treatment foster home or a medically fragile foster home, the agency shall determine if the foster caregiver meets the qualifying experience requirements contained in paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code.
  - (1) If the foster caregiver meets those requirements, the agency shall proceed as in paragraph (E) of this rule.
  - (2) If the foster caregiver does not meet those requirements, the agency shall not proceed with the foster caregiver's request.
  - (3) Failure of a foster caregiver to prove to the recommending agency's satisfaction that the foster caregiver meets the qualifying experience requirements of paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code does not constitute denial of certification and is not subject to appeal pursuant to Chapter 119. of the Revised Code.
- (E) Changing from one type of foster home to another.
  - (1) The agency shall ensure that all the preplacement training requirements of a foster caregiver contained in rule 5101:2-5-33 of the Administrative Code have been completed prior to recommending the home to the Ohio department of job and family services (ODJFS) for another type of certification.
  - (2) 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 family 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.
  - (3) At the discretion of the recommending agency, for a currently certified foster caregiver who is seeking to change the type of foster home for which the caregiver is certified, preplacement or continuing training courses successfully completed within the most recent three year period from the date of the caregiver's written request to the agency to be certified as a different type of foster home, may be counted towards meeting the preplacement requirements for the new type of foster home.
  - (4) When the change in type of foster home certification takes place during a foster caregiver's certification period, if the foster home's certification designation is changing from a



certification designation that has more stringent requirements to a certification designation that has less stringent requirements, the new certification period for the foster home shall be until the end of the caregiver's current certification period.

- (5) If the foster home's certification designation is recommended to change from a certification category that has less stringent requirements to a certification category that has more stringent requirements, the new certification period will be for two years, effective from the date ODJFS receives the recommendation for the change of a certification category in the statewide automated child welfare database (SACWIS).
- (6) When the agency recommends that a foster caregiver's certification be changed to another type of foster home, the recommendation shall be submitted as a change to ODJFS in SACWIS. The ODJFS SACWIS resource identification number shall remain the same as the previous identification number.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.0316

Rule Amplifies: 5103.02, 5103.03, 5103.0316

Prior Effective Dates: 01/01/2003, 12/11/2006, 08/01/2010, 12/01/2015

## **5101:2-5-26**

### **Revocation, Denial of Initial Certification or Denial of Recertification of a Foster Home Certificate.**

- (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, it shall provide written notification on the JFS 01315 "Notification of Denial of Initial Certification, Recertification or Revocation of the Foster Home Certificate" by certified mail, return receipt requested, to the applicant or foster caregiver. This notice includes 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 and a copy of each specific law or rule referenced.
  - (3) The method of and time limits for requesting a local agency grievance meeting.
  - (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) Following the completion of the requirements of paragraph (B) of this rule, the agency shall notify ODJFS of its recommendation to deny initial certification, deny recertification or revoke the certificate through the Ohio statewide automated child welfare information system (SACWIS) 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.
  - (4) A copy of the JFS 01315 and the certified mail return receipt sent to the applicant or foster caregiver.
- (D) Upon receipt of the notification of the recommendation submitted in paragraph (C) 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 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.
  - (3) Proceed with the denial or revocation process.

- (E) 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.
- (F) The decision to proceed or not proceed with a recommendation for denial or revocation rests solely with ODJFS in its exercise of discretion.
- (G) 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.
- (H) 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 two five years from the date of denial or revocation or the exhaustion of all appeals, whichever is later.

Effective: 4/1/2022

Five Year Review (FYR) Dates: 1/3/2022 and 04/01/2027

Certification: CERTIFIED ELECTRONICALLY

Date: 03/21/2022

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 10/01/2011, 03/01/2017

## **5101:2-5-27**

### **Termination Of A Foster Home Certificate.**

- (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) When the recommending agency receives a voluntary termination notice from a foster caregiver, the agency shall 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

## **5101:2-5-28**

### **Agency Cause for Denial of Initial Certification, Denial of Recertification or Revocation of a Foster Home Certificate**

(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 (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 result.

(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 5101:2-7 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 appendix A 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 (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 (R) of rule 5101:2-7-02 or paragraph (G) of rule 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 (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 (R) 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 (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: 1/1/2023

Five Year Review (FYR) Dates: 8/26/2022 and 01/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 11/01/2022

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03, 5103.0319, 5103.0321, 5103.0326

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 01/01/2003, 08/01/2009, 07/01/2014, 03/01/2017, 10/01/2017

## **5101:2-5-29**

### **Foster home records.**

- (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) 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



## **5101:2-5-30**

### **Foster Care Amendments.**

- (A) An assessor that meets the requirements of paragraph (B) of rule 5101:2-5-20 of the Administrative Code is to perform the duties of this rule.
- (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).
- (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" 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 search of the national sex offender registry at <https://www.nsopw.gov> (2019), 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) Pursuant to division (A)(2) of section 5103.18 of the Revised Code, an 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 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.
- (7) New household members are to comply with the immunization requirements as described in rule 5101:2-7-02 of the Administrative Code. If the home was certified prior to June 15, 2020, the home does not have to comply with this requirement.
- (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".
  - (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" 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.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

Promulgated Under: 119.03

Statutory Authority: 5103.03, 3107.033

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 07/01/2000, 01/01/2003, 12/11/2006, 07/01/2009, 11/01/2015

## **5101:2-5-31**

### **Sharing or transferring a Foster Home.**

- (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 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" 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".
    - (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 process of 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 in the caregiver's record 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.

Effective: 2/1/2021

Five Year Review (FYR) Dates: 10/26/2020 and 02/01/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 01/08/2021

Promulgated Under: 119.03

Statutory Authority: 3107.033, 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/18/1996, 01/01/2003, 12/11/2006, 10/01/2011, 11/01/2015

## **5101:2-5-32**

### **Occupancy limitations and accessibility.**

- (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 of the capacity of a foster home:
- (1) To determine the 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) 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) To allow a family with special training or skills to provide care to one additional child who has a severe disability.
    - (d) To allow a child with an established meaningful relationship with the family to be placed with the family.
    - (e) 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) To allow a family with special training or skills to provide care to one additional child who has a severe disability.
- (d) To allow a child with an established meaningful relationship with the family to be placed with the family.
- (e) 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 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

Certification: CERTIFIED ELECTRONICALLY

Date: 06/05/2020

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.0317, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 01/01/2003, 08/22/2005, 08/14/2008, 10/01/2011, 03/01/2017, 10/01/2017, 07/01/2018

## **5101:2-5-33**

### **Foster caregiver preplacement and continuing training.**

- (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 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 topics are listed in appendix A of this rule.
    - (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 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 twenty-four hours of preplacement training prior to the agency recommending the home for certification. 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. To continue the certification process, prospective foster caregivers are to complete the full list of topics in appendix A of this rule
    - (b) A foster caregiver certified to operate a family foster home shall complete a minimum of thirty 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. Effective January 1, 2023 a foster caregiver is to complete resource readiness topics during the first certification period as specified in appendix A of this rule.
    - (c) No preplacement training received prior to certification shall be counted towards the completion of continuing training required by this rule.
  - (3) Specialized foster home:
    - (a) A person seeking certification to operate a specialized foster home shall complete twenty-four hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program is to consist of topics listed in appendix A of this rule.

(b) A foster caregiver certified to operate a specialized foster home shall complete a minimum of forty-five hours of continuing training during each certification period. The continuing training program shall consist of courses in accordance with the caregiver's written needs assessment and continuing training plan and shall include additional topics 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 completion of 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. Effective January 1, 2023 a foster caregiver is to complete resource readiness topics during the first certification period as specified in appendix A of this rule.

(c) No preplacement training received prior to certification shall be counted towards the completion of continuing training required by this rule.

(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-fourth 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-half 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) 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-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 all of preplacement and continuing training.

- (6) 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.
  - (7) 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, the type of children typically placed in the home 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. A recommending agency may accept up to fifteen hours of continuing training without prior approval from ODJFS if both of the following are met:
- (1) The training is from a program that provides a training course or courses outlined in the foster parent's continuing training plan.

- (2) The program is agreed upon by both the recommending agency and the foster parent.
- (I) The recommending agency shall maintain a record in the statewide automated child welfare information system (SACWIS) 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 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: 1/1/2023

Five Year Review (FYR) Dates: 8/26/2022 and 01/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 11/01/2022

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

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, 06/15/2020, 06/01/2021

## Topics for Foster Caregiver Training

\*There are no required number of hours for the topics unless specified

### **Pre-Adoptive Infant Foster Homes**

#### **Pre-Placement:**

- The legal rights roles, responsibilities and expectations of foster caregivers and adoptive parents.
- The recommending agency's structure, purpose, policies and services regarding foster caregivers and adoptive parents.
- The Ohio department of job and family services' (ODJFS) requirements for certifying preadoptive infant foster homes.
- Infant care.
- Early childhood development.
- Cultural issues in placement, including cultural diversity training.
- The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.
- 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.
- Medication administration.
- Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.

#### **Continuing:**

No required topics.

### **Family and Specialized Foster Homes:**

#### **Pre-Placement – Family and Specialized Foster Homes:**

- Rights, roles, responsibilities, and expectations of foster caregivers and adoptive parents
- Foster caregivers as part of the child protection team.
- The substance of infant safe sleep as found at [infantsafesleep.ohio.gov](http://infantsafesleep.ohio.gov).
- Supporting positive child development.
- The recommending agency's structure, purpose, policies and services regarding foster caregivers and adoptive parents.
- Laws and regulations, including ODJFS requirements for certifying foster homes and approval of adoptive families.
- Caring for children who have experienced trauma, including placement and separation, on children, their families, and foster caregivers.
- The importance of maintaining meaningful connections between the child and primary parents, including regular visitation.
- Foster caregivers' involvement in permanency planning for children and their families and post adoptive issues for children and families including availability of adoption subsidies.
- The impact of childhood traumas such as physical abuse, sexual abuse, emotional abuse, neglect, and parental substance abuse on typical human growth and development.
- Behavior management techniques, including effectively using discipline and de-escalation strategies.
- Building competence in matters of diversity including an overview of MEPA and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care and adoption process.
- 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.

- Effectively using the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.
- 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.
- Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.
- Partnering with primary families.
- The appropriate knowledge and skills to understand and support older youth preparing for independent/interdependent living so that the foster parent can help provide such services to the youth as needed and appropriate. These independent/skills are to be coordinated with the life skill services required by rule 5101:2-42-19 of the Administrative Code. This topic is only required for those prospective caregivers who will be providing care for youth age fourteen years and older.
- Medication administration.

### **(Beginning 1/1/23) Resource Readiness – Continuing Training**

#### **Topics required during the first certification period for Family and Specialized Foster Homes:**

- Prevention, recognition, and management of communicable diseases.
- Community health and social services available to children and their foster families.
- Education advocacy.
- Substance Abuse.
- Cultural and diversity issues –
  - a. Understanding how one's own culture and diversity impacts parenting.
  - b. Impact of cross-cultural placements on triad members and extended family.
  - c. Issues of racism and discrimination.
- Family Safety.
- Trauma and its impact on children and the family, promoting attachment.
- Caring for children who have been sexually abused.
- Managing placement transitions.
- Mental health, self-regulation and self-care.
- Legal and ethical issues for caregivers.

\*There are no required topics for continuing training after the first certification period except for CPR and First Aid for Specialized foster homes.

## **5101:2-5-34**

### **PCPA and PNA case plans and administrative case reviews for direct placements.**

- (A) A private child placing agency (PCPA) or private noncustodial agency (PNA) which accepts a direct placement of a child from a parent, guardian or custodian, shall develop and prepare a case plan on the child and family.
- (1) The case plan is to be developed and prepared within thirty days from the date of placement of the child.
  - (2) The case plan is to be a separate part of the case record.
  - (3) If the child is placed for less than thirty consecutive days, a case plan is not required.
- (B) A PCPA or PNA shall develop, review or amend the case plan only with the participation of the child's parent, guardian or custodian. A case plan or amendment to the case plan shall be signed by the child's parent, guardian or custodian. A copy of the signed case plan or any amendment to the case plan shall be provided to the child's parent, guardian or custodian.
- (C) A PCPA or PNA which has accepted a direct placement of a child shall complete an administrative review of the case plan no later than six months after date of direct placement.
- (D) After the first administrative review, the PCPA or PNA shall continue to conduct administrative reviews every six months.
- (E) Each administrative review required for a child in a direct placement shall comply with the following requirements:
- (1) The administrative review shall be conducted by a review panel of at least three persons. The review panel shall include at a minimum:
    - (a) A caseworker with day-to-day responsibility for, or familiarity with the management of the child's case plan; and
    - (b) A person who is not responsible for the management of the child's case plan, or the delivery of services to the child or his parent, guardian, or other individual holding custody of the child.
  - (2) The administrative review shall include a joint meeting by the review panel with:
    - (a) The child if age appropriate.
    - (b) The child's parent, guardian, or custodian.
    - (c) The child's substitute caregiver.
    - (d) Any other person the agency deems appropriate.
  - (3) All persons shall be given the opportunity to submit any written materials to be included in the child's case record. If a parent, guardian, custodian or substitute caregiver declines to participate in the administrative review after being contacted, the PCPA or PNA does not have to include them in the joint meeting.
  - (4) The administrative review shall be summarized in writing by the PCPA or PNA to include all of the following:

- (a) A conclusion regarding the appropriateness of the child's placement;
- (b) The extent of compliance by all parties with the case plan;
- (c) The extent of progress made toward alleviating the circumstances that precipitated the parent, guardian or custodian to enter into a direct placement agreement with the agency;
- (d) An estimated date by which the child may be returned home, placed with a relative or other suitable nonrelative or prepared for independent living;
- (e) An explanation regarding any changes that the PCPA or PNA is proposing in the case plan; and
- (f) The names of all persons who participated in the administrative review.

Effective: 4/1/2023

Five Year Review (FYR) Dates: 12/29/2022 and 04/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 03/10/2023

Promulgated Under: 119.03

Statutory Authority: 5103.03, 2151.412

Rule Amplifies: 5103.03, 2151.412

Prior Effective Dates: 12/30/1966, 10/01/1986, 07/02/1990 (Emer.), 10/01/1990, 01/01/1991, 09/01/2002, 10/08/2007, 04/15/2013

## **5101:2-5-35**

### **Foster Youth Bill of Rights.**

- (A) No court, agency, resource caregiver, residential facility or any employee, volunteer, intern or subcontractor of an agency, court or residential facility is to in any way violate any of the following rights of children:
- (1) The right to be free from physical, verbal, and emotional abuse and inhumane treatment.
  - (2) The right to be protected from all forms of sexual abuse and exploitation.
  - (3) The right to receive timely and consistent access to:
    - (a) Housing that is a clean and safe living environment, free of infestation and contaminants. This includes the right to enter their housing at any time during their placement.
    - (b) Food in accordance to rule 5101:2-7-06 or 5101:2-9-20 of the Administrative Code. This includes the right to have other special considerations regarding food as a result of trauma included in their service and/or case plan.
    - (c) Clothing appropriate to the child's age and gender identity. This includes the right to participate and provide input regarding the selection of their clothing.
  - (4) The right to privacy and personal belongings.
  - (5) The right to their own money. As age and developmentally appropriate, the right to earn their own money, open a bank account, and be provided guidance on how to save and spend money. For youth age fourteen and older, this is to be addressed as a part of the youth independent living plan pursuant to rule 5101:2-42-19 of the Administrative Code.
  - (6) The right to visitation and communication with parents, siblings, other family members, non-related kin, friends and significant others from whom they are living apart, in accordance with the child's service or case plan. Unless restricted in the case plan or in accordance to paragraph (E) of this rule, the youth has the right to communicate with these persons in private.
  - (7) The right to contact their attorney, caseworker, custodial agency worker, probation officer, court appointed special advocate (CASA) and guardian ad litem (GAL) as well as other professionals involved with the youth in private, within twenty-four hours of the request. Each of the phone numbers for these individuals and the recommending and custodial agency hotline is to be accessible to the youth.
  - (8) The right to have their opinions heard and be included when any decisions are being made affecting their lives. As age or developmentally appropriate, this includes the right to be invited to and prepared for meetings and court hearings including information about their permanency options.
  - (9) The right to receive timely, adequate, and appropriate medical care, dental services, vision care, and mental health services. This includes the right to have appointments scheduled and be transported to these appointments.
  - (10) The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.

- (11) The right to receive appropriate and reasonable guidance, support, and supervision from adults in their lives including parents, resource caregivers, agency staff, mentors, youth advisory boards, and others, as applicable.
- (12) The right to participate in an appropriate educational program including the following:
  - (a) The right to provide their input regarding selection of schools consistent with the Every Student Succeeds Act (ESSA) 2015.
  - (b) The right to participate in educational and school related activities, without any barriers to access.
  - (c) For youth aged fourteen and older, the right to have access to information regarding vocational and post-secondary educational programs and financial assistance for post-secondary education.
- (13) The right to life skills preparation pursuant to rule 5101:2-42-19 of the Administrative Code.
- (14) The right to participate in age-appropriate extracurricular, enrichment, and social activities per section 2151.315 of the Ohio Revised Code.
- (15) The right to protection against being discriminated against or harassed on the basis of race, sex, gender, gender identity, sexual orientation, disability, religion, color or national origin.
- (B) The custodial agency is to ensure the foster youth bill of rights and/or a copy of the JFS 01677 "Foster Youth Rights Handbook" pursuant to rule 5101:2-42-90 of the Administrative Code, along with the agency's complaint procedure, pursuant to rule 5101:2-33-20, are explained to each child as developmentally appropriate and provided to all children in custody.
- (C) A residential facility is to include the foster youth bill of rights in the handbook for residents and their families required pursuant to rule 5101:2-9-15 of the Administrative Code. The residential agency is to ensure the following:
  - (1) Children in the care of the agency have ongoing access to the handbook for residents and youth aged fourteen and older have ongoing access to the JFS 01677.
  - (2) The list of the foster youth bill of rights along with the facility's complaint procedure pursuant to rule 5101:2-9-24 of the Administrative Code is to be clearly posted in each facility so that it may be easily seen by all children.
- (D) An agency operating a foster care or independent living program is to include the foster youth bill of rights in any handbook used by the agency for children in the care of the agency. The agency is to ensure children in the care of the agency:
  - (1) Are provided the list of foster youth bill of rights and the agency's complaint procedure which are explained to each child as developmentally appropriate and provided to all children.
  - (2) Have ongoing access to the handbook, if applicable, and the agency's complaint procedure.
  - (3) Youth aged fourteen and older have ongoing access to the JFS 01677.
- (E) Restrictions upon a child's rights should be reserved only for instances where it is necessary for the health and safety of the child or others. If an agency places any restrictions upon a child's rights for more than two hours, the agency is to:
  - (1) Inform the child immediately and the child's custodian within twenty-four hours 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 and/or 5101:2-33-70 of the Administrative Code.
  - (3) Inform the individual of the conditions of and reasons for the action, as appropriate, when a restriction of a child's rights affects another individual.
  - (4) Document review of this decision at least weekly. Any such restriction is to be included in the service and/or case plan and approved by the child's custodian.
- (F) Nothing in this rule prevents a resource caregiver or residential facility from providing care, supervision, and discipline pursuant to rule 5101:2-7-09 or 5101:2-9-21 of the Administrative Code.
- (G) If the rights of a youth, as established in this rule, conflict with the rights of a resource family or resource caregiver, as established in rule 5101:2-42-20, the rights of the youth is to preempt the rights of the resource family or resource caregiver.
- (H) The rights established by this rule do not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Replaces: 5101:2-5-35

Effective: 11/15/2021

Five Year Review (FYR) Dates: 11/15/2026

Certification: CERTIFIED ELECTRONICALLY

Date: 11/01/2021

Promulgated Under: 119.03

Statutory Authority: 2151.316, 5103.02, 5103.03

Rule Amplifies: 2151.316, 5103.02, 5103.03

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, 07/01/2000, 12/11/2006, 10/01/2011, 03/01/2017

## **5101:2-5-36**

### **Additional Requirements For an Agency That Acts As A Representative of ODJFS in Recommending Treatment Foster Homes For Certification.**

- (A) The recommending agency shall not allow a child who has special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code to be placed in a foster home unless the foster caregiver has been certified to operate a treatment foster home pursuant to this rule and rule 5101:2-7-16 of the Administrative Code.
- (B) The agency shall assign a treatment team to each child with special or exceptional needs placed in a treatment foster home.
- (C) The treatment team shall develop a service plan in accordance with the following requirements:
  - (1) An initial service plan shall be completed by the treatment team for each treatment foster child placed in a treatment foster home no later than thirty days after placement.
  - (2) The service plan shall be reviewed and revised, if necessary, at least once every ninety days thereafter.
  - (3) Service plan development and any revisions shall be completed by the treatment team leader with approval of the treatment team leader's supervisor who shall be a member of the agency's professional treatment team staff.
  - (4) The agency shall notify the treatment team members in advance of each treatment team meeting and invite them to participate and document the invitations in the child's record.
- (D) The service plan for a child with special or exceptional needs placed in a treatment foster home shall include:
  - (1) Treatment goals, clinical and/or rehabilitative services and other necessary interventions for the child and his or her family.
  - (2) The method by which the goals, rehabilitative services, and other necessary interventions will be attained and progress evaluated.
  - (3) The projected length of the child's stay in treatment foster care.
  - (4) The criteria for the child to meet for the child's reunification with his or her parent(s)/family or guardian or the projected post-treatment setting into which the child will be placed upon attainment of the treatment goals.
  - (5) Services to be provided or arranged for the child after discharge from the treatment foster care program.
  - (6) How the child's permanency plan for family reunification, adoption, independent living or a planned permanent living arrangement, as specified in the custodial agency's case plan, will be attained.
- (E) The agency shall develop an individual plan for respite care for each child with special or exceptional needs placed in treatment foster care. The use of respite care shall comply with the agency's respite care policy prepared pursuant to rule 5101:2-5-13 of the Administrative Code. A copy of the individual plan for respite care for each foster child with special or exceptional needs placed in a treatment foster home shall be included in the child's case record.

- (F) The agency shall ensure that a member of the agency's professional staff shall be on-call for treatment foster caregivers and children with special or exceptional needs placed in a treatment foster home on a twenty-four hour, seven day a week basis.
- (G) The agency shall ensure that treatment foster caregivers are provided with a manual containing all policies, procedures and other information related to the treatment foster care program no later than the date the individual becomes certified to operate a treatment foster home. The agency shall provide treatment foster caregivers copies of any revisions to the manual within thirty days of the revision.
- (H) The agency shall coordinate with the agency holding custody of a child in treatment foster care or the child's parent or guardian for the provision of all rehabilitative services and other necessary interventions contained in the child's service plan and any revisions thereto. The agency shall also implement those aspects of the child's service plan that are its responsibility.
- (I) The agency shall ensure that a discharge summary is prepared pursuant to rule 5101:2-5-17 of the Administrative Code for each special or exceptional needs child discharged from a treatment foster home. This paragraph does not apply to a child who is receiving respite services other than as a direct placement.
- (J) At the time of placement and whenever additional information becomes available, the agency shall disclose to the treatment foster caregiver all information available to the agency about the child and his family pursuant to rule 5101:2-42-90 of the Administrative Code. Documentation of the receipt of this information shall be maintained in the treatment foster caregiver's record and in the child's record.
- (K) The agency shall assure that all professional treatment staff required to be licensed shall be appropriately licensed. Professional treatment staff shall demonstrate to the employing or contracting agency that the training required for professional licensure shall be in topics appropriate to treatment foster care. Documentation of the training topics shall be maintained in the child's record.
- (L) All professional treatment staff shall annually complete at least fifteen hours of training specific to treatment foster care issues and the mission of the agency.
- (M) The agency shall ensure that all professional treatment staff are provided with a manual of all policies and procedures relevant to the treatment foster care program at the beginning of their employment with the agency. If the agency contracts with an individual that is a member of the professional treatment staff, the agency shall provide a manual of all policies and procedures relevant to the treatment foster care program to the individual at the onset of the contractual agreement.
- (N) The agency shall not prohibit treatment foster caregivers from participation in any formal or informal support groups organized for the purpose of supporting foster caregivers.
- (O) The agency shall ensure that any certified treatment foster caregiver complies with the following occupancy limits:
  - (1) With the exception of the provisions of paragraph (O)(1)(b) of this rule, a treatment foster caregiver may provide foster care for not more than five foster children, two of whom may have exceptional needs as described in rule 5101:2-47-18 of the Administrative Code requiring their placement in a treatment foster home.
    - (a) Any exception to the number of treatment foster children placed in the home shall be only with specific justification in accordance with the agency's policy for matching treatment foster children and caregivers developed pursuant to rule 5101:2-5-13 of the Administrative Code.
    - (b) The justification as required by paragraph (O)(1)(a) of this rule shall be documented in the child's case record and in the foster home record. The justification may include the following:



- (i) The need to place a sibling group.
  - (ii) The abilities of a particular caregiver in relation to the exceptional needs of a particular child.
- (c) If more than two treatment 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 agency recommending certification of the home within seventy-two hours of the additional exceptional needs child's placement.
- (2) A treatment foster caregiver may provide care for up to 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 (O)(1) or (O)(2) of this rule.
- (P) The agency shall ensure that professional treatment staff shall have weekly consultation and face-to-face contact at least every two weeks with at least one member of each treatment foster caregiver couple or co-parents serving a child with special or exceptional needs. At least one of the face-to-face contacts each month shall take place in the treatment foster home.
- (Q) The agency shall ensure that professional treatment staff shall have at least weekly contact and face-to-face meetings at least every two weeks with each special or exceptional needs child placed in a treatment foster home. At least one of the face-to-face contacts each month shall take place in the treatment foster home.
- (R) The agency shall ensure that treatment foster caregivers keep a written record of the behavior and progress towards achieving treatment goals as identified in the child's service plan for each foster child placed in a treatment foster home. The written record shall be maintained current and kept in the manner prescribed by the treatment foster care program.
- (S) The agency shall assure that treatment foster caregivers are aware of the potential side effects of any prescribed medication for children placed in their home.

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: 5103.0316, 5103.03  
Rule Amplifies: 5103.02, 5103.03  
Prior Effective Dates: 01/01/2003, 08/01/2009, 07/01/2014

## **5101:2-5-37**

### **Additional Requirements For an Agency That Acts as a Representative of ODJFS in Recommending Medically Fragile Foster Homes For Certification.**

- (A) The recommending agency shall not allow a medically fragile child to be placed in a foster home unless the foster caregiver(s) has been certified to operate a medically fragile foster home pursuant to this rule and rule 5101:2-7-17 of the Administrative Code. The recommending agency shall document in the homestudy of the caregiver's file how a foster caregiver for medically fragile children meets the requirements in paragraph (A) of the rule 5101:2-7-16 of the Administrative Code.
- (B) The recommending agency shall assign a treatment team to each medically fragile child placed in a medically fragile foster home. A licensed physician, licensed nurse practitioner or a registered nurse shall supervise the medical aspects of the child's service plan.
- (C) A service plan shall be developed by the treatment team in accordance with the following requirements:
- (1) An initial service plan shall be completed by the treatment team for each medically fragile child placed in a medically fragile foster home no later than thirty days after placement.
  - (2) The service plan shall be reviewed and revised, if necessary, at least once every sixty days thereafter.
  - (3) Service plan approval and any revisions shall be completed by the individual assigned under paragraph (B) of this rule who is supervising the medical aspects of the child's service plan and approved by the treatment team leader's supervisor.
  - (4) All treatment team members shall be notified in advance of each treatment team meeting and invited to participate. Documentation of the invitations shall be maintained in the child's record.
- (D) The service plan for a medically fragile child placed in a medically fragile foster home shall include:
- (1) A nursing treatment plan signed by a licensed physician. The nursing treatment plan shall be reviewed and approved by a licensed physician at least every sixty days. The nursing treatment plan shall list all of the following:
    - (a) Any special instructions for the care of the child.
    - (b) The child's medications including instructions for administering the medications and potential side effects.
    - (c) The child's nursing needs.
  - (2) Treatment goals, clinical and/or rehabilitative services and other necessary interventions for the child and his family.
  - (3) The method by which the goals, rehabilitative services, and other necessary interventions will be attained and progress evaluated.
  - (4) The projected length of the child's stay in the foster home.

- (5) The criteria to be met for the child's reunification with his or her parent(s)/family or guardian or the projected post-treatment setting into which the child will be placed upon attainment of the treatment goals.
  - (6) Aftercare services to be provided or arranged.
  - (7) How the child's permanency plan for family reunification, adoption, independent living or other permanent living arrangement, as specified in the custodial agency's case plan, will be attained.
- (E) If the service plan developed by the treatment team recommends any special needs of the child that would conflict with any rule in Chapter 5101:2-7 of the Administrative Code, the service plan shall be followed.
- (F) The recommending agency shall develop an individual plan for respite care for each medically fragile child placed in a medically fragile foster home. The use of respite care shall comply with the agency's respite care policy prepared pursuant to rule 5101:2-5-13 of the Administrative Code. A copy of the individual plan for respite care for each medically fragile child placed in a medically fragile foster home shall be included in the child's case record.
- (G) The agency shall ensure that a member of the agency's professional staff shall be on-call for foster caregivers for medically fragile children and each medically fragile child placed in a medically fragile foster home on a twenty-four hour, seven day a week basis.
- (H) The agency shall ensure that foster caregivers for medically fragile children are provided with a manual containing all policies, procedures and other information related to the program not later than the date the individual becomes certified as a foster caregiver for medically fragile children. The agency shall provide foster caregivers for medically fragile children copies of any revisions to the manual within thirty days of the revision.
- (I) The agency shall coordinate with the agency holding custody of a medically fragile child or the child's parent or guardian for the provision of all rehabilitative services and other necessary interventions contained in the child's service plan and any revisions thereto. The agency shall also implement those aspects of the child's service plan that are its responsibility.
- (J) The agency shall ensure that a discharge summary is prepared pursuant to rule 5101:2-5-17 of the Administrative Code for each child discharged from a medically fragile foster home. This paragraph does not apply to a child who is receiving respite services other than as a direct placement.
- (K) The recommending agency shall ensure the caregiver is provided written step-by-step instructions for each skilled procedure required to be performed for each medically fragile child placed in the home. Documentation of the receipt of this information shall be maintained in the caregiver's record and in the child's record.
- (L) At the following times the agency shall disclose to the foster caregiver for medically fragile children all information available to the agency about the child and his family pursuant to rule 5101:2-42-90 of the Administrative Code:
- (1) At the time of a child's placement in a medically fragile foster home.
  - (2) Whenever additional information becomes available.
- (M) The agency shall ensure that all professional treatment staff required to be licensed shall be appropriately licensed. Professional treatment staff shall demonstrate to the employing or contracting agency that the training required for professional licensure shall be in topics appropriate to medically fragile foster care. Documentation of the training topics shall be maintained in the child's record.

- (N) All professional treatment staff shall be appropriately licensed and shall annually complete at least fifteen hours of training in specific issues addressing the needs of medically fragile children and the mission of the agency.
- (O) The agency shall ensure that all professional treatment staff are provided with a manual of all policies and procedures relevant to the program at the beginning of their employment with the agency.
- (P) The agency shall not prohibit foster caregivers for medically fragile children from participation in any formal or informal support groups organized for the purpose of supporting foster caregivers.
- (Q) The recommending agency shall ensure a medically fragile certified foster caregiver complies with the following occupancy limits:
  - (1) With the exception of the provisions of paragraph (Q)(1)(c) 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 as described in rule 5101:2-47-18 of the Administrative Code requiring their placement in a medically fragile foster home.
    - (a) Any exception to the number of medically fragile foster children placed in the home shall be only with specific justification in accordance with the agency's policy for matching medically fragile foster children and caregivers developed 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) 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:
      - (i) A registered nurse.
      - (ii) A licensed practical nurse.
      - (iii) A licensed emergency medical technician.
      - (iv) A physician assistant.
      - (v) A licensed physician.
    - (d) The recommending agency of a medically fragile foster home shall notify, within seventy-two hours, all agencies holding custody of any other children placed in the home if more than two medically fragile children are placed in a medically fragile foster home.
  - (2) 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 (Q)(1) of this rule.
- (R) The agency shall ensure that professional treatment staff shall have consultation at least every two weeks and at least monthly face-to-face contact with the foster caregiver for medically fragile children or at least one member of a foster caregiver for medically fragile children couple or co-parents serving an intensive needs child. At least one of the face-to-face contacts every two months shall take place in the medically fragile foster home.

- (S) The agency shall ensure that professional treatment staff shall have face-to-face meetings with each intensive needs child placed in a medically fragile foster home at least every two weeks. At least one of the face-to-face meetings each month shall take place in the medically fragile foster home.
- (T) For each medically fragile child placed in a medically fragile foster home, the agency shall assure that the foster caregivers for medically fragile children keep a written record of the child's emotional response to treatment and progress towards achieving the treatment goals identified in the child's service plan.
  - (1) The written record shall include signed documents of treatment provided by any health care professional providing services to the child, 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 agency.
- (U) The agency shall assure that foster caregivers for medically fragile children are aware of the potential side effects of any prescribed medication for children placed in their home.
- (V) If a child with special or exceptional needs is placed in a medically fragile foster home, the provisions of rule 5101:2-5-36 of the Administrative Code shall apply for that child.

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: 5103.0316, 5103.03

Rule Amplifies: 5103.02, 5103.03

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

## **5101:2-5-38**

### **Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies.**

(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 fifteen dollars per foster caregiver per training hour for all hours completed.
  - (b) For continuing training, fifteen 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 preplacement training, the agency that 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.
- (2) A recommending agency is solely responsible for any foster caregiver stipend payment due that exceeds the amount reimbursable to the recommending agency. 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 fifteen dollars per foster caregiver per training hour for hours recorded by an agency in SACWIS. ODJFS will reimburse according to the following:
    - (i) For pre-adoptive infant homes, twelve hours.
    - (ii) For a family foster home, twenty-four hours.
    - (iii) For a specialized foster home, twenty-four hours.
  - (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 thirty 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 forty-five 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 twenty dollars per foster caregiver per training hour successfully completed within a training session.
- (1) A private recommending agency may enter a preplacement training 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 participant for the same training session.
  - (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.
  - (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.
- (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 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.

Effective: 1/1/2023

Five Year Review (FYR) Dates: 8/26/2022 and 01/01/2028

Certification: CERTIFIED ELECTRONICALLY

Date: 11/01/2022

Promulgated Under: 119.03

Statutory Authority: 5103.0316

Rule Amplifies: 5103.0312, 5103.0313, 5103.0314

Prior Effective Dates: 04/01/2003, 01/01/2004, 08/01/2005, 05/22/2008, 11/01/2013, 10/01/2017, 06/01/2021

## **5101:2-5-40**

### **Preplacement and continuing training programs.**

- (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 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.

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: 5103.0316

Rule Amplifies: 5103.034, 5103.302, 5103.0311, 5103.039, 5103.038, 5103.036, 5103.035

Prior Effective Dates: 01/01/2003, 08/22/2005, 12/11/2006, 05/22/2008, 07/01/2014