Ohio Administrative Code

Chapter 5101:2-48

Definitions
Effective 02/2024

When ODCY definitions are updated, the latest version of the rules can be found on the Ohio Laws & Administrative Rules website:

https://codes.ohio.gov/ohio-administrative-code/5101:2

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Ohio Administrative Code

Rule 5101:2-48-03 Requirement of "Social and Medical History".

Effective: March 1, 2021

(A) The public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial (PNA) shall obtain information for the social and medical histories of the biological parents from the following sources:

(1) Written information and interviews with the biological parents of the child.

(2) Written information and interviews with other persons having knowledge of the biological parents and their ancestors.

(3) Any available records, if the biological parents or the legal guardian of the biological parents consents to release of information contained in the record.

(4) Results of a medical examination that the PCSA, PCPA or PNA may have requested for the biological parent. In the event the biological parents refuse to consent to a medical examination, this shall be noted on the JFS 01616 "Social and Medical History."

(B) Blank copies of the JFS 01616 shall be provided to the biological parents or other persons who can supply social and medical information on the biological parents and their ancestors.

(C) The PCSA, PCPA, or PNA shall complete an initial JFS 01616 prior to termination of parental rights, whether by court commitment or permanent surrender to assure:

(1) There is sufficient information available to place the child appropriately.

(2) The prospective adoptive family has sufficient information on the social and medical history of the biological family in order to make an informed decision about accepting placement of the child.

(3) Appropriate subsidies can be planned for the child and family.

(D) Following termination of parental rights, the PCSA, PCPA, or PNA shall continue to obtain additional social and medical information on the biological parents and the ancestors of the minor which can be used to update or complete the JFS 01616. All social and medical history information needed to complete the JFS 01616 shall be obtained prior to submission of the JFS 01699 "Prefinalization Adoption Assessment Report" to the court in accordance with the requirements contained in rule 5101:2-48-17 of the Administrative Code.

(E) When completing the JFS 01616, the PCSA, PCPA, or PNA shall not include identifying information about the biological parents or other ancestors of the minor.

(F) If any of the social and medical history information is not available, the agency shall document and maintain in the case record attempts to obtain this information.

(G) The PCSA, PCPA or PNA shall advise the biological parents or other persons supplying information of the right to correct or expand upon the information contained on the JFS 01616 at any time prior to or subsequent to the adoption of the child, including any time after the child becomes an adult, by submitting such correction or expansion to the assessor, the court involved in the adoption, the Ohio department of health (ODH), or the Ohio department of job and family services (ODJFS).

(H) The assessor, court, ODH or ODJFS receiving corrected or additional information to include on the JFS 01616 shall determine compliance with section 3107.09 or 3107.091 of the Revised Code prior to filing it with the court that issued the interlocutory order or final decree of adoption.

(I) If the assessor, court, ODH or ODJFS determines that the information supplied for inclusion in the social and medical history cannot be included in the record, written notification of this decision shall be made to the biological parent or other person supplying the information. The written notification shall also indicate that upon receipt of the notification, a petition can be filed with the court which was involved in the adoption to request the court review the information and determine whether the information may be included in the social or medical history.

(J) The PCSA, PCPA, or PNA shall provide biological parents with a copy of the social and medical

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history information obtained at the time of termination of parental rights.

(K) The assessor shall provide the completed copy of the JFS 01616 to the:

(1) Prospective adoptive family.

(2) Court where the petition for adoption has been filed at the time the JFS 01699 is submitted in accordance with the requirements contained in rule 5101:2-48-17 of the Administrative Code.

(L) The court may refuse to issue an interlocutory order or final decree of adoption if the assessor has not filed the JFS 01616 unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's and the PCSA, PCPA or PNA's control.

(M) The assessor shall advise the adoptive parents that if they wish to be notified when social and medical histories are updated or expanded pursuant to paragraph (G) of this rule, the JFS 01679 "Request for Notification" can be completed and filed with the court at any time.

(N) The assessor shall advise adoptive parents that:

(1) They may inspect all forms pertaining to the social and medical history of biological parents filed with the court prior to the child reaching age eighteen.

(2) After the child reaches age eighteen, only the adopted person may inspect the court files.

(O) The assessor is not required to complete the JFS 01616 if the child is being adopted by a stepparent or grandparent.

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Rule 5101:2-48-05 Agency adoption policy and recruitment plan.

Effective: October 15, 2022

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that places children for adoption or participates in the placement of children for adoption shall have a current written adoption policy.

(B) The policy shall include:

(1) The geographic area within which the agency conducts adoption homestudy assessments.

(2) A description of the adoption application process, the adoption homestudy, and the adoption homestudy update and amendment procedures, including:

(a) Eligibility requirements for an adoptive applicant(s).

(b) Timeframe for commencing and completing an adoption homestudy.

(c) Process for simultaneously certifying an applicant for foster care placement and approving an applicant for adoption.

(d) Preservice training requirements for an adoptive applicant(s).

(e) Criminal records check requirements and fees associated with obtaining a criminal records check pursuant to rule 5101:2-48-10 of the Administrative Code.

(f) If the agency requires additional assessment activities not specified in Chapter 5101:2-48 of the Administrative Code, then the agency shall include a description of those activities in their policy and require them of all adoptive applicants and approved adoptive parents.

(g) The requirement that an assessor shall complete the JFS 01530 "Large Family Assessment" if:

(i) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;

(ii) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care and the number of children the family will be approved to adopt.

(h) The requirement that an assessor shall complete a new JFS 01530 at the time of the update if the family circumstances have changed substantially or if a JFS 01530 was not completed at the time of the homestudy but is required at the time of the update.

(3) Notification procedures which, at a minimum, include:

(a) The requirements that an adoptive applicant(s) or approved adoptive parent(s) shall notify the agency in writing if a person residing in the home who is twelve years old, but under eighteen years old, has been convicted or pleaded guilty to any offense listed in appendix A to rule 5101:2-48-10 of the Administrative Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult, would constitute one of those offenses.

(b) The requirements that the PCSA, PCPA, or PNA shall notify in writing the PCSA in the county in which the adoptive applicant resides within ten days after the initiation of a homestudy pursuant to rule 5101:2-48-12 of the Administrative Code.

(c) The requirements that the PCSA, PCPA or PNA shall notify in writing the PCSA in the county in which the adoptive parent(s) resides, of an impending adoptive placement no later than ten days prior to the placement of the child pursuant to rule 5101:2-48-16 of the Administrative Code.

(d) The requirements that the PCSA or PCPA shall notify 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.

(4) A procedure to provide access to approved adoption homestudies and other related documents to a PCSA or PCPA that requests a copy of the adoption homestudy for purposes of matching a child pursuant to rule 5101:2-48-19 of the Administrative Code.

(5) A procedure for the receipt and maintenance of approved adoptive homestudies from other agencies or states, including the length of time that homestudies received shall be maintained in the agency's files.

(6) A procedure pursuant to rule 5101:2-48-24 of the Administrative Code, to review grievances or complaints, received from the prospective adoptive applicant(s), adoptive applicant(s), or approved adoptive parent(s).

(a) The requirements for hearing grievances and for resolving differences with the prospective adoptive applicant(s), adoptive applicant(s), or approved adoptive parent(s), relative to the requirements of Chapter 5101:2-48 of the Administrative Code and other agency policies.

(b) The requirements 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 statement that the requirements contained in rule 5101:2-33-03 of the Administrative Code supersede the requirements of rule 5101:2-48-24 of the Administrative Code when the grievance or complaint involve alleged discriminatory acts, policies, or practices pertaining to the foster care and adoption process that involve race, color or national origin (RCNO).

(8) A requirement that the child's custodial agency hold the initial matching conference within ninety days of the execution of the permanent surrender or the file stamp date of the permanent custody order, unless the order is under appeal as outlined in rule 5101:2-48-16 of the Administrative Code.

(9) The following procedures as outlined in rule 5101:2-48-16 of the Administrative Code:

(a) Matching procedures as outlined in paragraph (V) of rule 5101:2-48-16 of the Administrative Code.

(b) When subsequent matching conferences are not required as outlined in paragraph (Y) of rule 5101:2-48-16 of the Administrative Code.

(10) A non-discriminatory policy on determining the approved adoptive parents who will be presented as a potential adoptive parent for the child in the matching conference. If there are more than five families who are potential matches for the child, the agency may narrow the number of families to a minimum of five based on:

(a) The preference to keep siblings together if it is in their best interest.

(b) The level of experience the family has in working with children who have the specific behavior, medical or mental health challenges that a specific child presents.

(11) If a family was previously considered for a child in a matching conference and was not interested in the child, the agency does not have to consider the family for the same child in subsequent matching conferences.

(12) The availability of open adoptions between the birth parent(s) and the adoptive parent(s) and the referral process if the agency does not provide open adoptions.

(13) A procedure for the agency to report an adoptive applicant(s) or adoptive parent(s) who it feels has made a false statement in the application or homestudy process according to rule 5101:2-33-13 of the Administrative Code.

(14) A description of all state and federal adoption and post adoption assistance, including:

(a) Eligibility requirements of each program.

(b) Application requirements of each program.

(c) Availability of and process for requesting mediation, as described in rule 5101:2-49-05 of the Administrative Code.

(d) Availability of and process for requesting a state hearing, as described in section 5101.35 of the Revised Code and in accordance with division 5101:6 of the Administrative Code.

(15) Schedule of fees for service, if applicable.

(16) Religious affiliation requirements, if applicable.

(17) Provision of prefinalization and postfinalization services.

(18) The complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.

(C) Standards of conduct regarding 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, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as they apply to the adoption process, which do not supersede the provisions of the Indian Child Welfare Act of 1978, Nov. 8, 1978, P.L. 95-608, 25 U.S.C. sections 1901-1963 .

(D) The agency may prepare a summary of its adoption policy to respond to inquiries pursuant to rule 5101:2-48-08 of the Administrative Code. If the agency prepares a summary, it shall include:

(1) A written notice of the procedure for any complaints of discrimination in the adoption process that involve race, color or national origin (RCNO), pursuant to rule 5101:2-33-03 of the Administrative Code.

(2) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements," No additional language regarding non-discrimination in the adoptive placement process based upon RCNO shall be included in the agency's policy or other recruitment materials.

(E) The PCSA, PCPA, or PNA shall maintain its written policies to reflect requirements contained in the Administrative Code. When an agency revises a policy, the revision shall be submitted to ODJFS within ninety days of the change. If a change in the Administrative Code or the Revised Code requires the agency policy to change, the agency shall submit the affected policy to ODJFS within

ninety days of the effective date of the change in Administrative Code or Revised Code.

(F) Recruitment of prospective adoptive parents shall be an ongoing activity of the PCSA, PCPA, or PNA. The agency shall not deny any person the opportunity to become an adoptive parent on the basis of RCNO of the person or the child involved.

(G) The PCSA, PCPA or PNA shall develop, maintain and implement a comprehensive recruitment plan that identifies the agency's diligent recruitment efforts of parents and which reflects the diversity of waiting children for whom adoptive homes are needed. The plan shall be signed by the agency director or designee.

(H) If the PCSA, PCPA, or PNA amends its recruitment plan at any time the agency shall submit the amended recruitment plan to ODJFS within ninety days following the amendment.

(I) The PCSA, PCPA and PNA, at a minimum, shall include in its recruitment plan the following:

(1) A fee structure that is non-discriminatory to applicants and approved adoptive parents and that allows parents of various income levels the opportunity to adopt. Fees may be charged according to a standardized and uniformly applied sliding scale, based on a family's ability to pay. The ability to pay a fee shall not influence the choice of the most appropriate parent(s) for a child.

(2) Specific strategies to reach all parts of the community.

(a) The PCPA or PNA shall define its own community.

(b) The PCSA shall define the community as the county in which the PCSA is located.

(3) Specific methods of disseminating both general and targeted recruitment.

(4) Strategies for assuring that all prospective adoptive applicants will receive information regarding adoption procedures within seven days of inquiry.

(5) Strategies for assuring that all applicants have access to the homestudy process, including

location and hours of services that facilitate access to all members of the community.

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

(7) Strategies for dealing with linguistic barriers between the PCSA, PCPA, or PNA and the prospective adoptive applicant(s).

(J) The PCSA and PCPA shall include in its recruitment plan the following:

(1) A description of the characteristics of children in the permanent custody or permanent surrender of the agency, including:

(a) Age.

(b) Gender.

(c) Race and ethnicity.

(d) Developmental needs.

(e) Emotional and mental health needs.

(f) Physical needs.

(2) A comparison of the racial and ethnic diversity of the children in permanent custody with the racial and ethnic diversity of the approved adoptive family resources in the agency.

(3) Any racial or ethnic category of family that is under-represented and the strategies the agency will initiate to increase the category.

(4) Criteria to determine when the agency will conduct child specific recruitment strategies for a child.

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(5) Identification of the type of specific recruitment techniques the PCSA or PCPA will utilize when child specific recruitment is warranted, pursuant to rule 5101:2-48-16 of the Administrative Code.

(K) The PCSA, PCPA, or PNA shall maintain case records in a consistent and organized manner. If the PCSA, PCPA, or PNA maintains any required information set forth in this rule in a location other than the case record, it shall be stated in the agency policy or noted in the case record where the information can be found for the purpose of: preservation of agency records, searching for potential placement/adoptive resources, providing needed or requested services and/or screening/assessing families.

(L) An agency shall ensure that employees 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 agency policies.

(M) 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.

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

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Ohio Administrative Code

Rule 5101:2-48-06 Assessor roles and responsibilities for foster care and adoption.

Effective: March 1, 2021

(A) A public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency (PNA) or court that engages in the provision of foster care or adoption services shall employ or have under contract assessors who are responsible for, but not limited to, performing the following duties:

(1) Works with parents, guardians or persons having custody of a child who express the intent to surrender their child for adoption.

(2) Works with people seeking to adopt or provide foster care for a child, including but not limited to the following duties:

(a) Completing home study assessments for foster care and adoptive applicants.

(b) Completing adoption amendments and updates.

(c) Completing foster care recertifications.

(d) Completing prefinalization adoption assessments.

(3) Works with the child in the permanent custody of an agency to prepare the child for adoption.

(4) Initiates and/or supervises the foster care or adoptive placement.

(5) Completes the JFS 01616 "Social and Medical History" which shall be filed with the court.

(6) Completes the JFS 01673 "Assessment for Child Placement."

(7) Completes the JFS 01385 "Assessment for Child Placement Update."

(8) Completes the JFS 01692 "Application for Adoption of a Foster Child."

(9) Completes the JFS 01530 "Multiple Children/Large Family Assessment."

(10) Completes the JFS 01699 "ODJFS Prefinalization Adoption Assessment Form."

(11) Completes the JFS 01673-A "Child Characteristics Checklist For Foster Care and/or Adoption."

(12) Completes the JFS 01698 "Step-Parent Adoption Homestudy."

(B) To avoid a conflict of interest, or the appearance of a conflict of interest, an assessor shall not complete any of the documents or services listed in paragraph (A) of this rule 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.

(C) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the requirements in the assessor definition contained in rule 5101:2-1-01 of the Administrative Code and section 3107.014 of the Revised Code.

(D) The PCSA, PCPA, PNA, or court shall ensure a student hired to perform assessor duties meets all requirements of an assessor in rule 5101:2-1-01 of the Administrative Code and section 3107.014 of the Revised Code. The student shall be supervised by a professional counselor, social worker, marriage and family therapist or psychologist who has completed tier two assessor training and continues to comply with all requirements outlined in this rule and rule 5101:2-1-01 of the Administrative Code and section 3107.014 of the Revised Code.

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(E) The PCSA, PCPA, PNA, or court shall ensure the assessor completes or has completed all the prescribed Ohio department of job and family services (ODJFS) tier one assessor training sessions within one year of the start date of the tier one assessor training. An employee or contractor can only conduct assessor duties after he or she begins tier one training. If the employee or contractor is performing assessor duties prior to completion of the required training, the agency shall ensure that the employee or contractor is supervised by an assessor who has completed tier two assessor training and any applicable ongoing training required by this rule. An assessor who fails to complete the tier one training within one year of the start date of the tier one assessor training is not authorized to perform any assessor duties until the tier one assessor training has been completed.

(F) The PCSA, PCPA, PNA, or court shall ensure the assessor completes or has completed the prescribed ODJFS tier two assessor training within three years of the completion date of tier one assessor training. A person who has not completed all of the tier one assessor training is not eligible to begin tier two assessor training.

(1) An assessor who did not complete the required tier two assessor training within the three years of the completion date of tier one assessor training is not authorized to perform assessor duties until tier two assessor training requirements are properly met. An extension of no more than one year may be granted by the director of the PCSA, PCPA, PNA or court due to justifiable organizational circumstances which impede the ability of the assessor to attend offered training. The extension shall be documented on a signed JFS 01680 "Verification of Adoption Assessor Qualifications."

(2) An assessor who did not complete the tier two assessor training within the required time periods of this rule shall immediately cease performing the duties of an assessor until the person has completed the tier two assessor training.

(3) An assessor who did not complete the tier two training requirements of paragraph (F)(1) of this rule, shall repeat the tier two assessor training in its entirety. Tier two training shall be completed within one year of the start date of the tier two assessor training. A person who fails to complete tier two assessor training within one year shall repeat the entire training process beginning with tier one.

(G) The PCSA, PCPA, PNA, or court shall ensure the assessor completes or completed six hours of

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ongoing training on adoption or foster care related issues, within two years of the completion date of tier two assessor training, to renew their assessor status. Completion of an additional six accredited training hours is required within each subsequent two year period from the completion date of the previous six hours of ongoing training. Assessors who fail to complete the training within any two year period must immediately cease performing the duties of an assessor until the six accredited training hours required have been completed.

(H) The PCSA, PCPA, PNA or court shall document the assessor's compliance with this rule by completing the JFS 01680 and having it signed by the assessor and the PCSA, PCPA, PNA director, designee or court. This document shall be kept in the agency personnel records with a copy provided to the assessor and a copy shall be sent to the ODJFS adoption services section. An assessor shall be able to produce a copy of the JFS 01680 upon request. The assessor shall notify ODJFS within ten business days when any of the following occur.

(1) The assessor completes any level of training required by this rule.

(2) The assessor terminates his employment or contract with a PCSA, PCPA, PNA or court.

(3) The assessor begins employment or enters into a contract with a new PCSA, PCPA, PNA or court.

(4) The assessor is no longer employed with the PCSA, PCPA, PNA or court but plans to continue to complete the six hour training requirement. The assessor shall, within ten business days of completing the six hour training requirement, submit the updated JFS 01680 to the ODJFS adoption services section.

(5) The assessor is not able to conduct assessor duties due to non-compliance with the training requirements outlined in this rule.

(I) The PCSA, PCPA, PNA or court that employs or has a contract with the assessor shall notify ODJFS via the JFS 01680 within ten business days when as assessor terminates his or her employment or contract with the agency or court.

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(J) A person who is no longer employed by or under contract with a PCSA, PCPA, PNA or court to perform assessor duties may continue completing the additional six accredited training hours every two years or any other required assessor training to maintain assessor status. However, an individual who is not employed by or in contract with a PCSA, PCPA, PNA or court shall not perform assessor duties. Upon resuming employment or contract with a PCSA, PCPA, PNA or court to perform assessor duties, the assessor may immediately perform assessor duties as long as the six hour training or other training requirement was met in accordance with this rule while the person was not employed or contracting with the PCSA, PCPA, PNA or court.

(K) A person who is no longer employed with the PCSA, PCPA, PNA or court to perform assessor duties and who did not elect to continue to complete the assessor training hours to maintain their assessor status shall resume the assessor duties only after complying with all of the following:

(1) Be in an active employment or contract status with a PCSA, PCPA, PNA or court to perform assessor duties.

(2) Complete twelve hours "Assessor Refresher" training as prescribed by ODJFS.

(3) The cycle of having an additional ongoing six accrediting training hours required every two years begins with the completion of the twelve hour "Assessor Refresher" training.

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Rule 5101:2-48-08 Adoption inquiry.

Effective: May 1, 2022

(A) The public children services agency (PCSA), private child placing agency (PCPA) and private noncustodial agency (PNA) shall maintain a log of inquiries from persons interested in being adoptive parents. The agency shall document in the log any follow-up for each inquiry.

(B) If the inquirer resides in Ohio, the PCSA, PCPA or PNA shall provide the following to the inquirer within seven business days of the inquiry:

(1) A copy of the JFS 01675 "Ohio Adoption Guide: Handbook for Prospective Adoptive Families" or the link to access the guide electronically. The link for the state foster care and adoption website, www.FosterAndAdopt.jfs.ohio.gov.

(2) Instructions on how to get an application for adoption.

(3) A copy of the PCSA, PCPA or PNA adoption policy, or summary of the policy, prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

(C) If the inquirer resides out of state and has an approved homestudy, the PCSA, PCPA or PNA shall send the inquirer a copy of the JFS 01675, or the link to access the guide electronically. If the family has identified a child they are interested in, the family should be given the contact information to the custodial agency. This information shall be provided to the inquirer within seven business days of the inquiry.

(D) If the inquirer resides out of state and does not have an approved homestudy, the PCSA, PCPA or PNA shall send the inquirer a copy of the JFS 01675, or the link to access the guide electronically. The PCSA, PCPA or PNA shall also inform the inquirer that they will need a completed and approved homestudy from their state of residence in order to adopt an Ohio child. This information shall be provided to the inquirer within seven business days of the inquiry.

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(E) The PCSA, PCPA and PNA shall develop and implement referral procedures whereby an inquiry from an Ohio resident, who does not meet requirements for adoption services as identified in the agency's adoption policy, is referred to another agency for adoption services. If the inquirer resides in an Ohio county that the PCSA, PCPA or PNA does not serve, a referral shall include, at a minimum, the name, address and contact information of the PCSA in the county of the inquirer's residence. This information shall be given to the inquirer within seven business days of the inquiry.

(F) If the agency has appropriate access to the statewide automated child welfare information system (SACWIS), the agency shall maintain any requirement of this rule in SACWIS if the system has the ability to record the required information.

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Rule 5101:2-48-09 Application process and preservice training.

Effective: February 1, 2022

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) in recommending foster homes for certification or participates in the placement of children in foster homes and for adoption shall:

(1) Inform all individuals applying for approval for adoptive placement that they can also be studied for foster home certification.

(2) Conduct a joint homestudy pursuant to the requirements contained in rule 5101:2-5-20 of the Administrative Code which can result in the simultaneous approval of the applicant for:

(a) Adoptive placement.

(b) Foster care placement.

(B) A PCSA, PCPA and PNA shall utilize the JFS 01691 "Application for Child Placement" as the standard form when accepting applications for adoptive placement. A PCSA, PCPA or PNA shall send the JFS 01691 to any individual requesting an application for adoption within seven business days of receipt of a request for an application.

(C) An application submitted with a knowingly false statement shall not be used to initiate the homestudy. If a PCSA, PCPA or PNA determines that an application has been falsified, the PCSA, PCPA or PNA shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code.

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

(E) An agency shall not accept an application for approval for adoptive placement which does not

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contain complete and accurate information.

(F) Upon receipt of the completed JFS 01691, the PCSA, PCPA, or PNA shall commence the homestudy process and request the applicant provide additional information including at a minimum:

(1) Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.

(2) To show the household has an income sufficient to meet the basic needs of the household, an adoptive applicant shall provide at a minimum:

(a) A complete JFS 01681 "Applicant Financial Statement."

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

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

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

(3) The report of any criminal records check conducted in accordance with section 2151.86 of the Revised Code. Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not approve an adoption homestudy if the applicant or any adult member of the household has been convicted of any crime listed in appendix A to rule 5101:2-7-02 of the Administrative Code.

(G) The PCSA, PCPA or PNA shall search the statewide automated child welfare information system (SACWIS) or the central registry of abuse and neglect for each adoptive applicant and each adult household member of the applicant's home prior to approval of the adoptive home. This search is to be used to determine the suitability of the adoptive applicant as an adoptive parent. The search shall also be conducted within ten days of the addition of any new adult member of the household.

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

(I) The national sex offender registry is located at http://www.nsopw.gov/. A national sex offender registry check is to be completed:

(1) For the adoptive applicant and each adult who resides with the adoptive applicant. The results are to be reviewed prior to the agency's approval of the adoption homestudy. The application may be denied based solely on the results of the search.

(2) For an approved adoptive applicant and each adult who resides with the adoptive applicant prior to the adoption homestudy update. The adoption homestudy update may be denied solely on the results of the search.

(J) A summary report of the results of each search shall be placed in the adoptive home record.

(K) If the PCSA, PCPA, or PNA determines that an adoptive homestudy cannot be initiated, the agency shall send written notification to the applicant stating the reason for not initiating the homestudy and a description of procedures for requesting a review of the agency's decision. The notification shall be sent to the applicant no later than fifteen days after the application was submitted.

(L) An applicant shall have the opportunity to revise the JFS 01691 at any time regarding the characteristics or number of children desired. If the agency, based upon receipt of a revised JFS 01691, determines that the applicant is now seeking a special needs child, requirements and time frames for the application and homestudy process shall begin with the date that the revised JFS 01691 is received by the agency. If the applicant revises the JFS 01691 and does not seek to adopt a special needs child, the time frames for the application and homestudy process shall be consistent with the agency's adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

(M) Upon request, the PCSA, PCPA or PNA shall assist the applicant in completing the application and securing all required documents and information.

(N) The PCSA, PCPA or PNA shall not continue with the homestudy process if all required documentation is not submitted within one hundred eighty days of the receipt of the initial or revised JFS 01691 unless the agency makes a determination that the homestudy should not be terminated and documents this on the JFS 01673 "Assessment for Child Placement." The applicant shall be notified, in writing, at least thirty days prior to the termination of the application. Written notification shall contain an explanation of the reason for termination and a description of the procedures for requesting a review of the agency's decision.

(O) The PCSA, PCPA, or PNA shall document that each person seeking adoption approval successfully completes preservice training, prior to approval of the homestudy. Preservice training shall address the following components:

(1) The legal rights and responsibilities of adoptive parents.

(2) The recommending agency's policies and procedures.

(3) ODJFS requirements for approving adoptive applicants.

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

(5) Caregivers' involvement in permanency planning for children and their families and post adoptive issues for children and families including availability of adoption subsidies.

(6) The dynamics of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on human growth and development.

(7) Behavior management techniques.

(8) Effects of caregiving on children's families.

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(9) Cultural issues including cultural diversity training and an overview of 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, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care and adoption process.

(10) The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a prospective adoptive parent before a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed with a prospective adoptive parent.

(P) A PCSA, PCPA, or PNA may waive components of the training if the assessor determines that the family has received training previously or the family has the skills to care for the needs of the child that will be placed in the home. When a waiver has been granted by the agency, it shall document the waiver in the case record.

(Q) No agency shall deny the acceptance of the JFS 01691 based on race, color, national origin, disability, age, gender, gender identity, or sexual orientation of the applicant.

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Ohio Administrative Code

Rule 5101:2-48-10 Restrictions concerning provision of adoption services.

Effective: April 1, 2021

(A) A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall request that the bureau of criminal investigation (BCI) conduct a criminal records check on prospective adoptive parents and adult members of the prospective adoptive parent's household pursuant to the procedures set forth in section 2151.86 of the Revised Code.

(B) The PCSA, PCPA or PNA shall request that BCI include information from the federal bureau of investigation (FBI) in the criminal records check for each person subject to a criminal records check in accordance with division (A)(4) of section 109.572 of the Revised Code.

(C) A PCSA, PCPA or PNA shall not approve an adoptive placement if the results of the BCI criminal records check or the FBI check indicate that a prospective adoptive parent or, when applicable, any adult who resides with the prospective adoptive parent has been convicted of or pleaded guilty to any offense listed in appendix A to rule 5101:2-7-02 of the Administrative Code.

(D) Rehabilitative criteria for adoptive applicants and all other adult household members: unless specifically disqualified in appendix A to rule 5101:2-7-02 of the Administrative Code, no person who has been convicted of or pleaded guilty to an offense listed in appendix A to rule 5101:2-7-02 of the Administrative Code shall be considered for adoptive placement or be an adult resident of the prospective adoptive parent's household unless the PCSA, PCPA or PNA finds and documents that person has met all of the following conditions:

(1) The victim of the offense was not a person under the age of eighteen.

(2) The prospective adoptive parent's approval, or the person's residency in the prospective adoptive parent's household, will not jeopardize in any way the health, safety, or welfare of the children the PCSA, PCPA, or PNA serves. The following factors shall be considered in determining the person's approval as an adoptive parent or the person's residency in the adoptive parent's household:

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

(b) The nature and seriousness of the offense.

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

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

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

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

(g) Whether the person is a repeat offender. "Repeat offender" means a person who has been convicted of or pleaded guilty to the commission of any of the offenses listed in appendix A to rule 5101:2-7-02 of the Administrative Code two or more times in separate criminal actions. Convictions or guilty pleas resulting from or connected with the same act, or resulting from offenses committed at the same time, shall be counted as one conviction or guilty plea.

(h) The person's employment record.

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

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

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in appendix A to rule 5101:2-7-02 of the Administrative Code, if the felony bears a direct and substantial relationship to being an adoptive parent or adult member of the 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 PCSA, PCPA, or PNA considers relevant.

(E) It is the prospective adoptive parent's duty to provide written verification that the conditions specified in paragraph (D) of this rule are met. If the prospective adoptive parent fails to provide such proof or if the PCSA, PCPA, or PNA determines that the proof offered by the prospective adoptive parent is inconclusive, the prospective adoptive parent shall not be considered. Any doubt shall be resolved in favor of protecting the children the PCSA, PCPA, or PNA serves.

(F) All paragraphs of this rule are applicable to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code because the information contained in those sealed records bears a direct and substantial relationship to the care to be provided to any child who may be placed in the home.

(G) A conviction of, or a plea of guilty to, an offense listed in appendix A to rule 5101:2-7-02 of the Administrative Code shall not prevent a person's approval as an adoptive parent or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(H) The report of any criminal records check conducted by BCI in accordance with section 109.572 of the Revised Code and pursuant to a request made by the PCSA, PCPA or PNA is not a public record for purposes of section 149.43 of the Revised Code. The report shall be made available only to the following persons:

(1) The person who is the subject of the criminal records check or his representative.

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(2) The PCSA, PCPA, or PNA requesting the criminal records check or its representative.

(3) The department of job and family services, a county department of job and family services or a public children services agency.

(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of a final decree of adoption or interlocutory order of adoption.

(I) Foster parents who are being considered for adoption of a foster child residing in their home shall be assessed according to the standards contained in rule 5101:2-48-11 or 5101:2-48-11.1 of the Administrative Code, as applicable.

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Ohio Administrative Code

Rule 5101:2-48-12 Completion of the adoption homestudy.

Effective: February 16, 2024

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

(1) Inform all individuals applying for adoption homestudy approval that they can also be studied for foster home certification.

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

(a) Adoption homestudy approval.

(b) Foster care placement.

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

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

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

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

(3) Section 3107.014 of the Revised Code.

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(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 have an adoption homestudy completed by the agency with which the administrator is employed.

(2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not have an adoption homestudy completed by the agency with which the member is associated.

(3) Adoption inquiries from anyone mentioned in this paragraph wishing to have an adoption homestudy completed shall be referred to another agency with no such appearance of a conflict of interest.

(4) An existing approved adoption homestudy of any person referred to in paragraph (D) of this rule shall be transferred to another adoption agency within sixty days of the effective date of this rule.

(5) If the agency becomes aware an approved adoptive parent of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the adoption homestudy. The transfer shall be completed within sixty days of the discovery.

(E) A PCSA, PCPA or PNA may selectively recruit on the basis of the need for adoptive parents that

reflect the diversity of waiting children for whom adoptive homes are needed as specified in the agency's recruitment plan as required by rule 5101:2-48-05 of the Administrative Code.

(1) The agency shall not consider the age, gender, gender identity, or sexual orientation of a family for whom that agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(2) The agency shall not consider the age, gender, gender identity, or sexual orientation of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency shall not discriminate in approving or disapproving a homestudy on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12132.

(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 family for whom the agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(1) As prohibited by the Multiethnic Placement Act, Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), agencies may not deny any person the opportunity to become an adoptive parent on the basis of race, color, or national origin of the person or of any children involved.

(2) The agency shall not consider the race, color, or national origin of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency may consider a child's race, color, or national origin only in those cases it is

determined acceptable pursuant to rule 5101:2-48-13 of the Administrative Code.

(G) The agency shall use the JFS 01691 "Application for Child Placement" for all initial adoption homestudy applications.

(1) The agency shall not accept an incomplete JFS 01691.

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

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

(H) The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the adoptive applicant(s).

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

(2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" the reason(s) the agency is unable to meet this requirement.

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

(J) If a homestudy is not completed within one year of the application date it shall be terminated unless the agency makes the determination the homestudy should not be terminated. The decision not

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to terminate shall be made at the agency's discretion and documented on the JFS 01673. If the agency decides to terminate the homestudy, it shall notify the adoptive applicant in writing no less than thirty days prior to the termination. Written notification shall include the reason for termination and the procedures for requesting a review of the agency's decision.

(K) If a PCSA initiates an adoptive homestudy with an applicant who resides in another county, the PCSA shall notify the PCSA in the county the applicant resides. This requirement does not apply to:

(1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.

(2) An adoption where the PCSA in the county the adoptive applicant resides contracts with another PCSA to complete the adoptive applicant's homestudy.

(L) If a PCPA, PNA or attorney arranging an adoption initiates an adoptive homestudy with an applicant, they shall notify the PCSA in the county the applicant resides. This requirement does not apply to:

(1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.

(2) An adoption where the PCSA in the county the adoptive applicant resides contracts with the PCPA or PNA to complete the adoptive applicant's homestudy.

(M) The written notification to the PCSA, required in paragraphs (K) and (L) of this rule, shall be sent within ten days of the initiation of the homestudy, and shall include the following information:

(1) The applicant's name.

(2) The applicant's address.

(3) The applicant's telephone number.

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(4) The names and dates of birth of all household members at the time of the application.

(5) A request for any relevant information, if known, including, at a minimum:

(a) Confirmation of household members as determined by a review of agency records.

(b) Information relating to any previous foster care or adoption applications and/or placements, such as:

(i) Past or present functioning of the prospective adoptive parent and household members.

(ii) Rule violations.

(iii) Information on the events leading to a removal of any child from the prospective adoptive family home.

(N) When a PCSA in the county the adoptive applicant resides receives a notification letter, the PCSA shall provide, in writing, any relevant information listed in paragraph (M)(5) of this rule to the requesting agency within fifteen days of the receipt of the letter. If the PCSA does not have any relevant information regarding the adoptive applicant or any household members, the PCSA shall respond to the requesting agency that no information was found.

(O) The PCSA in the county the adoptive applicant resides shall maintain written documentation on each family for whom they receive a notification letter. If the family is known to the agency and a record exists, the information shall be merged with the existing file.

(P) If an agency determines any applicant knowingly provided false information for the homestudy or application, or any document submitted by the applicants during the homestudy process contains false information, the agency shall follow procedures outlined in rule 5101:2-33-13 of the Administrative Code.

(Q) The following is required for the homestudy:

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(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) Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.

(3) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code for all persons subject to a criminal records check.

(a) The criminal records check(s) must be completed and the results received by the agency prior to approval of the homestudy.

(b) Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not approve an adoption homestudy if the applicant or any adult member of the household has been convicted of any crime listed in appendix A to rule 5101:2-7-02 of the Administrative Code.

(4) 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 adoptive 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 adoptive applicant and each adult who resides with the applicant.

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

(b) This report is used to determine the suitability of the adoptive applicant as an adoptive parent.

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

(6) The agency is to complete a check of the national sex offender registry at https://www.nsopw.gov/ for the adoptive applicant and each adult who resides with the adoptive applicant. The results are to be reviewed prior to the agency's approval of the adoption homestudy. The application may be denied based solely on the results of the search.

(7) Completion of the JFS 01530 "Large Family Assessment" is required at the time of the adoption homestudy when:

(a) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;

(b) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care, and the number of children the family will be approved to adopt.

(8) 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 approval of the homestudy 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 that the applicant and all members of the household are free from any physical, emotional or mental condition which would endanger children or seriously impair the ability of the household members to care for the child being adopted.

(c) The agency may require an applicant 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.

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

(9) 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 approval of the adoption homestudy.

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

(10) Prior to approving the homestudy for adoption, the agency shall document that each person seeking adoption approval successfully completes preservice training in accordance with rule 5101:2-48-09 of the Administrative Code. Each person seeking adoption approval shall receive training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency approves the adoption homestudy.

(11) References shall be received by the agency prior to the approval of the homestudy.

(a) The applicant shall provide the names and contact information of at least three people who do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency approves the homestudy. 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 other agency or organization the applicant and any household member has applied to or had a homestudy approved

for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and all adult household members shall complete a written and signed release of information statement so any such reference may be contacted.

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

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

(12) The JFS 01200 "Fire Inspection Report for Homes or 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 agency's approval of the homestudy.

(13) The JFS 01348 "Safety Audit" completed not more than six months prior to the agency's approval of the homestudy, documenting the residence satisfactorily meets all safety standards.

(14) There shall be a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to approval of the adoption homestudy.

(15) The applicant's home is to have a working smoke alarm on each level of occupancy and at least one near all sleeping areas approved by one of the following:

(a) "Underwriter's Laboratory."

(b) A certified fire inspector.

(16) The applicant's home is to have at least one carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas.

(17) 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 of the child the applicant is willing to adopt.

(a) The determination of the specific number, age, and gender of children the adoptive applicant is approved for is the joint decision of the applicant and the assessor, based on the applicant's strengths and needs.

(b) Upon the request from an applicant or approved adoptive parent, the JFS 1673-A may be updated as often as needed.

(c) International and step-parent adoptions are exempt from this form requirement.

(R) The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be approved as an adoptive parent considering all household members.

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

(2) This evaluation shall be a completed JFS 01673 or JFS 01692 "Application for Adoption of a Foster Child or Sibling Group," as applicable.

(3) Step-parent and international homestudies are exempt from this form requirement. The JFS 01698 "Step-parent Adoption Homestudy" may be used when the court requests an agency to conduct a homestudy involving a step-parent adoption.

(S) In addition to the requirements of Chapter 5101:2-48 of the Administrative Code, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not approve an adoption homestudy prior to the completion of those requirements, in addition to all requirements of Chapter 5101:2-48 of the Administrative Code that are applicable to the approval of the adoption homestudy.

(T) The assessor shall make one or more of the following recommendations at the completion of the adoption homestudy:

(1) Approve the applicant(s) as adoptive parent(s).

(2) Approve the applicant(s) as adoptive parents and recommend the applicant(s) for certification as a foster caregiver(s) simultaneously.

(3) Deny the adoption application.

(U) The assessor shall provide written notification to the applicant(s) of approval or denial of the adoption homestudy. The written notification shall be provided within ten days after the homestudy is approved or disapproved.

(1) Adoption homestudy approval notification shall include, at a minimum, the following information:

(a) Date of approval of the adoptive homestudy with the date the approved homestudy expires.

(b) A description of the characteristics of the child or children for whom the applicant is being approved.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

(V) No later than ten days after the homestudy is completed, the agency shall document the results of the homestudy on the JFS 01609 "Family Permanency Planning Data Summary."

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(W) The agency shall enter the appropriate data into the Ohio SACWIS to complete the provider record and approve the adoption homestudy.

(X) No agency shall release a homestudy to any other agency or probate court if it is determined that the application, homestudy or any document provided during the homestudy process contains a false statement knowingly made by the applicant.

(Y) The homestudy shall be updated every two years from the date of approval of the initial homestudy in accordance with rule 5101:2-48-12.1 of the Administrative Code. The homestudy shall be amended, if applicable, in accordance with rule 5101:2-48-12.2 of the Administrative Code.

(Z) If a child has been placed in an approved adoptive home, the agency shall assure that the home continues to be in an approved status until the adoption is finalized by updating and amending the homestudy in accordance with rules 5101:2-48-12.1 and 5101:2-48-12.2 of the Administrative Code.

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Ohio Administrative Code

Rule 5101:2-48-12.1 Adoption homestudy updates.

Effective: March 1, 2021

(A) All adoption homestudies shall be updated every two years from the date of approval of the initial homestudy or the date of approval of the most current update, whichever is more recent. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.

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

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

(B) The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete adoption homestudy updates comply with the following requirements.

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

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

(3) Section 3107.014 of the Revised Code.

(C) The agency shall notify the adoptive parent(s) of the date of expiration of the homestudy not fewer than ninety days or more than one hundred fifty days prior to the expiration date. The notification shall:

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

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

(D) Following agency notification to the adoptive parent as required by paragraph (C) of this rule, if the adoptive parent fails to either reapply or voluntarily terminate prior to the expiration date of the approval, the homestudy approval shall expire. If the family wishes to have an adoption homestudy approval after the expiration date, they shall reapply through the initial homestudy application process pursuant to rule 5101:2-48-09 of the Administrative Code.

Following the expiration of an adoption homestudy, the agency is to enter the appropriate data into the statewide automated child welfare information system (SACWIS) to close the adoption homestudy.

(E) If the adoptive parent has applied to update an adoption homestudy prior to the expiration of a current adoption approval, an assessor shall complete a JFS 01385 "Assessment for Child Placement Update," ensure that the adoptive parent remains in compliance with the requirements of Chapter 5101:2-48 of the Administrative Code, and determine the continued suitability of the adoptive family. The agency shall compile and review the following documents, in addition to completing the JFS 01385:

(1) The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" 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 adoptive parent(s) or other household member in order to ensure the safety, health or care of an adoptive child. The examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

(3) The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" or other form used for a local or state fire inspection. The agency may require a new fire inspection at

the time of the update if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of an adoptive child.

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

(5) The most recent well water test approved by the health department, if applicable. The agency may require a new well water test if the agency deems it necessary.

(6) The most recent JFS 01530 "Large Family Assessment," if applicable. If the family circumstances have changed substantially since the previous JFS 01530, or if a JFS 01530 was not previously completed and is now required, the agency shall complete a new JFS 01530 at the time of the update.

(7) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each adoptive parent and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request and obtain a search of the system from ODJFS for each adoptive parent and each adult household member.

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

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

(8) The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" completed within six months prior to the approval of the adoption homestudy update, documenting the residence continues to meet all safety standards.

(9) The most recent criminal records check for the adoptive parents and adult household members. Once a homestudy is approved, a new criminal records check shall be conducted, pursuant to section 2151.86 of the Revised Code, for the adoptive parent(s) and each adult household member every four years prior to approving the adoption update. If an existing resident of the home, including youth placed in the home, turned eighteen years of age during the current approval span, the agency shall

have criminal records checks completed at the time of the next update and every four years thereafter at the time of update.

(10) A minimum of one written reference from a professional who is knowledgeable of the family dynamics and family functioning. If a reference is not available from a professional, a personal reference from someone aware of the adoptive family's functioning is permissible. This reference shall not be completed by a household member. This reference is required for families who are only approved for adoption by the recommending agency. If the family is also certified for foster care by the recommending agency, the reference is not required.

(11) The agency is to complete a check of the national sex offender registry at https://www.nsopw.gov/ for the approved adoptive parent and each adult who resides with the adoptive parent. The results are to be reviewed prior to each adoption homestudy update. The adoption homestudy update may be denied solely on the results of the search.

(F) An assessor's update of an adoption homestudy shall include at least one home visit and one interview with each member of the household (except foster children) 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 the adoption approval, an agency shall follow the requirements listed in this rule to complete the assessment for the update of the adoption approval.

(1) At the completion of the assessment and prior to the expiration of the current adoption homestudy approval span, an agency is to enter the required data into SACWIS documenting one of the following:

(a) Adoption update approval.

(b) Denial of the adoption update and closure of the adoption homestudy.

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

(2) The effective date of the adoption homestudy approval shall be the first day following the expiration of the previous approval span.

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

(1) If the agency is unable to complete the update of the adoption approval prior to the expiration, the adoption approval will expire on the date of expiration.

(2) If the adoption approval expires, the agency shall, within ten days after the expiration date of the current approval span:

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

(i) That the adoption homestudy approval has expired.

(ii) That the family must reapply for initial adoption approval pursuant to rule 5101:2-48-12 of the Administrative Code if they would like to obtain adoption homestudy approval.

(b) An agency shall enter the required data into SACWIS to document the provider has closed because the adoption homestudy approval has expired.

(I) The assessor shall provide written notification to the applicant(s) of approval or denial of the update to the adoption homestudy. The written notification shall be provided to the adoptive family within ten days of completion of the adoption approval update.

(1) Adoption homestudy update approval notification shall include, at a minimum, the following information:

(a) Date of approval of the adoption homestudy update with the date the update expires.

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(b) A description of the characteristics of the child or children for whom the update is being approved.

(2) Adoption homestudy update denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

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Ohio Administrative Code

Rule 5101:2-48-12.2 Required notification and adoption homestudy amendments.

Effective: March 1, 2021

(A) An approved adoptive parent shall notify the recommending agency within one hour of any of the following circumstances involving an adoptive child whose adoption is not finalized:

(1) A serious injury or illness involving medical treatment of the adoptive child.

(2) Unauthorized absence of the adoptive child from the home.

(3) Removal of the adoptive child from the home by any person or agency other than the placing agency, or attempts at such removal.

(4) Any involvement of the adoptive child with law enforcement authorities.

(5) The death of the adoptive child.

(B) An approved adoptive parent shall notify the recommending agency within twenty-four hours or the next working day if any of the following occur:

(1) A change in the marital status of an approved adoptive parent(s).

(2) Any serious illness or death of an approved adoptive parent or household member.

(3) The finalization of an adoptive child placed by a different agency.

(4) A change in the number of household members, not including foster children.

(5) A criminal charge or conviction of any approved adoptive parent or other adult household member(s).

(6) A significant change in financial status or income.

(7) A change of address for the adoptive family that is different than the address listed on the most recent homestudy or update.

(C) If the agency is notified of any of the following changes for the adoptive family, the agency shall amend the homestudy:

(1) A change in the marital status of the approved adoptive parent(s).

(2) The death of an approved adoptive parent or household member.

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

(4) A change of address for the adoptive family that is different than the address listed on the most recent homestudy or update.

(D) The public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency (PNA), or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

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

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

(3) Section 3107.014 of the Revised Code.

(E) An amendment is a narrative of the assessor's evaluation of the change that has occurred in the approved adoptive family. The agency shall document the date of notification in the amendment.

(1) The amendment shall be completed within thirty days of the date of the change, or within thirty days of the date the agency became aware a change occurred if notification did not occur pursuant to paragraph (A) or (B) of this rule.

(2) If the change is to add an adoptive parent to the homestudy, the amendment shall not be completed until the preservice training has been completed or waived pursuant to rule 5101:2-48-09 of the Administrative Code.

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

(4) The amendment shall be completed in the statewide automated child welfare information system (SACWIS).

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

(1) New household members residing with the adoptive parent shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" completed.

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

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

(c) If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the agency shall ensure the new household member completes the JFS 01653 within ninety days of the date the agency became aware of the new household member.

(2) New adult household members residing with the approved adoptive parent shall have a search of the national sex offender registry at https://www.nsopw.gov/, a bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) records check, as outlined in rule 5101:2-48-10 of the Administrative Code.

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

(b) If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the criminal record checks shall be conducted within ten working days of the date the agency became aware of the new household member.

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

(4) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for the new adult household member within ten working days of the date the person becomes a household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for the new adult household member within ten working days of the date they become a household member. If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the agency shall ensure the search is conducted within ten working days of the date the agency became aware of the new household member.

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

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

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

(6) If the new household member is the spouse of the approved adoptive parent and shall therefore be added as an approved adoptive parent, the agency shall ensure the following is completed in addition to the requirements found in paragraph (F) of this rule:

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

(b) If the new spouse has not previously completed the preservice training, the agency shall ensure the spouse completes the training or meets the requirements for a waiver pursuant to rule 5101:2-48-09 of the Administrative Code no later than one hundred eighty days after becoming a household member. The spouse shall not be added to the adoption approval until the training or waiver has been completed.

(G) If the amendment is due to a change of address of the adoptive family, the agency shall ensure the following:

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

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

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

(c) If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, the agency shall conduct the safety audit within ten working days of the date they became aware of the change of address.

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

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

(b) The fire safety inspection shall be requested prior to or within thirty days of the date of the change of address. If the agency was not notified of the change of address pursuant to paragraph (B) of this

rule, then the fire safety inspection shall be requested within thirty days of the date the agency became aware of the change of address.

(c) The fire safety inspection shall be conducted prior to or within ninety days of the date of the change of address. If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, then the fire safety inspection shall be conducted within ninety days of the date the agency became aware of the change of address.

(H) The assessor shall provide written notification to the adoptive parent of approval or denial of the amendment to the adoption homestudy. The written notification shall be provided to the adoptive family within ten days of completion of the homestudy amendment. If an amendment is denied, the adoption homestudy is no longer approved.

(1) Amendment approval notification shall include, at a minimum, the following information:

(a) A summary of the change requiring the amendment.

(b) The date of the notification provided pursuant to paragraph (B) of this rule.

(c) The date the change occurred that required the amendment.

(d) Date of approval of the adoption amendment.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

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Ohio Administrative Code

Rule 5101:2-48-13 Non-discrimination requirements for adoptive placements.

Effective: October 15, 2022

(A) A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall not deny any person the opportunity to become an adoptive parent on the basis of race, color or national origin (RCNO) of that person, or of the child involved; nor shall the PCSA, PCPA or PNA delay or deny the placement of a child for adoption on the basis of RCNO of the adoptive parent, or of the child involved.

(B) The Multiethnic Placement Act, Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as they apply to the adoption process, do not supercede the provisions of the Indian Child Welfare Act of 1978, P.L. 95-608, 25 U.S.C. 1901-1963.

(C) A PCSA, PCPA, or PNA shall not routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective adoptive parent to meet those needs.

(D) Only the most compelling reasons may serve to justify consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective adoptive parent. In those exceptional circumstances when RCNO needs to be taken into account in a placement decision, such consideration shall be narrowly tailored to advance the child's best interests. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.

(E) A JFS 01689 "Documentation of the Placement Decision-Making Process," shall be completed at each matching conference where families are considered as potential matches and prior to the placement selection by the custodial agency, pursuant to rule 5101:2-48-16 of the Administrative Code.

(F) Annually each PCSA, PCPA, and PNA is to review and update their foster care and adoption

recruitment plan. The review and update is to be completed in the Ohio statewide automated child welfare information system (SACWIS) by June thirtieth each year.

(G) The following actions by a PCSA, PCPA, or PNA are permitted as it applies to the adoptive placement:

(1) Asking about and honoring any initial or subsequent choices made by prospective adoptive parents regarding what RCNO of child(ren) the prospective adoptive parents will accept.

(2) Honoring the decision of a child over twelve years of age not to consent to an adoption, unless the court finds that the adoption is in the best interest of the child and the child's consent is not required.

(3) Providing information and resources about adopting a child of another RCNO to prospective adoptive parents who request such information and making known to all families that such information and resources are available.

(4) Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

(5) Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that the RCNO needs to be a factor in the placement decision pursuant to paragraph (J) of this rule. Even when the facts of a particular case allow consideration related to the RCNO, this consideration shall not be the sole determining factor in the placement decision.

(6) Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities, and national origins as part of the training which is required of all applicants who seek to become adoptive parents.

(H) The agency is required to document verbal comments, verbatim, or describing in detail any other indication made by a prospective adoptive parent or prospective adoptive family member living in the household or any other person living in the household reflecting a negative perspective

regarding the RCNO of a child for whom the prospective adoptive family have expressed an interest in adopting.

(1) The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training that is required for all adoptive applicants.

(2) The documentation shall be included in the prospective adoptive family's homestudy, update, or in an addendum to the homestudy or update prior to consideration of placement or a matching conference. The matching conference committee shall consider the information to determine if it will impact the placement.

(I) The following actions by a PCSA, PCPA, or PNA are prohibited as it applies to the adoption process:

(1) Using the RCNO of a prospective adoptive parent to differentiate between adoptive placements for a child(ren), unless the procedures in paragraphs (J) to (N) of this rule are followed.

(2) Honoring the request of a birth parent(s) to place a child with a prospective adoptive parent(s) of a specific RCNO.

(3) Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.

(4) Using culture or ethnicity as a proxy for RCNO.

(5) Delaying or denying placement of a child based upon any of the following:

(a) The geographical location of the neighborhood of the prospective adoptive family if geography is being used as a proxy for the racial or ethnic composition of the neighborhood.

(b) The demographics of the neighborhood.

(c) The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.

(6) Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective adoptive parents of children of a different RCNO than required of other prospective adoptive parents.

(7) Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

(8) Relying upon general or stereotypical assumptions about the ability of prospective adoptive parents of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.

(9) Steering prospective adoptive parents away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective adoptive parents from parenting a child of a particular RCNO.

(J) If a medical or psychological evaluation, school record, or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons to consider needs the child may have regarding RCNO in the placement process, the agency shall determine if the child should be referred for an assessment of whether the child has individual needs involving RCNO.

(K) One of the following licensed professionals shall conduct the assessment regarding RCNO:

(1) A licensed child psychiatrist.

(2) A licensed child psychologist.

(3) A licensed independent social worker.

(4) A licensed professional clinical counselor.

(L) The licensed professional conducting the assessment shall not be employed by the PCSA or PCPA making the referral.

(M) At the time of the referral, the PCSA or PCPA shall initiate and subsequently complete the JFS 01688 "Individualized Child Assessment" using the following procedures:

(1) The caseworker shall complete section I of the JFS 01688 and submit the JFS 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the PCSA or PCPA MEPA monitor.

(2) If both the supervisor and the MEPA monitor determine that the documented material contained in the case file indicates there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the child shall be referred within ten days of the completion date of the individual child assessment as indicated in paragraph (J) of this rule. At the time of the referral, the agency shall forward to the licensed professional the following documents:

(a) The original JFS 01688.

(b) All relevant medical or psychological evaluations, and school records.

(c) All other relevant material documented in the child case file.

(3) The PCSA or PCPA shall request in writing that the licensed professional complete and sign section II of the original JFS 01688 and return it within sixty days to the PCSA or PCPA with a copy of the requested assessment attached.

(4) The licensed professional shall determine whether the child has needs involving RCNO and any other needs of a psychological or behavior nature and, if so to specify what those needs are and how those needs may impact a potential adoptive placement.

(5) A licensed professional shall not complete an assessment pursuant to paragraph (J) of this rule until the PCSA or PCPA has provided the licensed professional with copies of the following:

(a) The JFS 01607 "MEPA Educational Materials."

(b) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements."

(c) Rule 5101:2-42-18.1 of the Administrative Code.

(d) Rule 5101:2-48-13 of the Administrative Code.

(e) Rule 5101:2-48-16 of the Administrative Code.

(6) The licensed professional shall sign the JFS 01608 "Licensed Professional's Statement" acknowledging receipt of the materials required by paragraph (M)(5) of this rule. A copy of the signed JFS 01608 shall be submitted to the PCSA or PCPA.

(7) The PCSA or PCPA shall keep the JFS 01608 and attach a copy to each JFS 01688 the licensed professional completes. The PCSA or PCPA shall submit a copy of the JFS 01608 and JFS 1688, if applicable to ODJFS within ten days after receiving it.

(8) Each completed JFS 01688 shall remain in effect for twelve months from the date of the final decision as documented on the JFS 01688.

(a) If it has been determined that RCNO should be a factor considered in the child's placement, an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.

(b) If it has been determined that RCNO should not be a factor considered in the child's placement, an updated JFS 01688 and assessment is not required prior to the twelve month expiration date. In such instance, the PCSA or PCPA may update the JFS 01688 and assessment as deemed necessary.

(9) The following documents shall be presented as part of the placement decision making process at each matching conference in which the child is considered for a match with a prospective adoptive family:

(a) The JFS 01688, if applicable.

(b) The JFS 01690 "Documentation of the Pre-Adoptive Staffing and Updates."

(c) All other relevant supporting materials.

(10) Documentation of how RCNO impacted the placement decision shall be documented on the JFS 01689 pursuant to rule 5101:2-48-16 of the Administrative Code.

(11) The PCSA or PCPA shall submit the JFS 01689 to ODJFS within ten days of the matching conference if the PCSA or PCPA determined that RCNO should be a factor considered in the child's placement.

(N) The PCSA or PCPA shall maintain in the child's case file the completed original JFS 01688 and all medical or psychological evaluations, school records or other material documented in the file.

(O) A PCSA, PCPA, or PNA shall not intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed any complaint orally or in writing, testified, assisted, or participated in any manner in the investigation of any alleged violation of MEPA and/or Title VI, including:

(1) Any potential or approved adoptive family or foster caregiver.

(2) Any employee of a PCSA, PCPA, or PNA.

(3) Any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA or PCPA, such as a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer.

(P) Prohibited retaliatory conduct includes, at a minimum:

(1) A reduction in the size of an adoption subsidy which a family should receive based on the child's individual needs.

(2) Unwarranted poor evaluations of an employee by his or her supervisor.

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Ohio Administrative Code

Rule 5101:2-48-15 Provision of information to a prospective adoptive parent matched with a specific child.

Effective: May 1, 2021

(A) Prior to placing a child with the adoptive parent(s), the public children services agency (PCSA) or private child placing agency (PCPA) shall provide the prospective adoptive parent(s) with information about the child and any special needs of the child, identified or anticipated, and available resources to assist the prospective adoptive parent(s) in making an informed decision about the placement. If a newborn child is placed from a hospital into an adoptive home, the PCSA or PCPA is to provide the information required in this rule to the adoptive parent(s) as soon as it is available, but no later than thirty days after the adoptive placement.

(B) Prior to the date of adoptive placement, the PCSA or PCPA shall, as applicable:

(1) Provide the prospective adoptive parent(s) with the child study inventory. The information disclosed to the adoptive parent(s) shall include all background information available on the child in accordance with rule 5101:2-48-21 of the Administrative Code.

(2) Provide the adoptive family with written information describing types of behavior that the prospective adoptive parent may anticipate from children who have experienced abuse and neglect, suggested interventions, and the post adoption services available if the child exhibits those types of behavior after adoption.

(3) Provide the prospective adoptive parent(s) with information regarding any child-specific financial and medical resources, known or anticipated, including subsidy information.

(4) Provide the prospective adoptive parent(s) with the child's lifebook.

(5) Provide the prospective adoptive parent(s) with materials the biological parent(s) requested be given to the adopted person or adoptive parent(s), if authorization is given on the JFS 01693 "Ohio Law and Adoption Materials".

(6) Provide the prospective adoptive parent(s) with photographs of the biological parent(s) that the birth parent requested be given to the adopted person or adoptive parent(s), if authorization is given on the JFS 01693.

(7) Provide the prospective adoptive parent(s) with the biological parent's first name, if authorization is given on the JFS 01693.

(8) Provide the prospective adoptive parent(s) with the child's social security number, if applicable.

(C) Prior to the adoptive placement, the PCSA or PCPA shall provide a written report to the adoptive parent(s) if the child has been adjudicated a delinquent for an act to which of any of the following offenses apply:

(1) Aggravated murder.

(2) Murder.

(3) Voluntary manslaughter.

(4) Involuntary manslaughter.

(5) Felonious assault.

(6) Aggravated assault.

(7) Assault.

(8) Rape.

(9) Sexual battery.

(10) Gross sexual imposition.

(11) Conspiracy involving an attempt to commit aggravated murder or murder.

(12) Any other offense that would be a felony if committed by an adult, and the child was found to be using or in possession of a firearm when the child committed the offense.

(13) Any other offense that would be a felony if committed by an adult, and the child was found to be wearing or carrying body armor when the child committed the offense.

(D) The written report required for those children adjudicated delinquent pursuant to paragraph (C) of this rule shall include the following information:

(1) A descriptive summary of the child's social history.

(2) Unless a child's record has been sealed pursuant to section 2151.356 of the Revised Code, a description of all the known acts committed by the child that resulted in the court making a disposition that the child is adjudicated delinquent. If the agency knows the child's record has been sealed, the prospective adoptive parent(s) shall be informed in writing by the agency that the child's record of a prior delinquency adjudication has been sealed.

(3) A description of any other violent act(s) committed by the child of which the PCSA or PCPA is aware.

(4) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child.

(a) Pursuant to section 2152.72 of the Revised Code, if a child has been adjudicated delinquent for any of the crimes listed in paragraph (C) of this rule, the custodial agency is to ensure that a new psychological examination of the child is completed unless either of the following apply:

(i) A psychological examination of the child has been conducted within twelve months prior to the child's placement in the adoptive home and the child's record has not been sealed in accordance with section 2151.36.

(ii) A psychological examination of the child has been conducted within twenty-four months prior to the date of the adoptive placement when the child is being adopted by their foster caregiver.

(b) If no psychological or psychiatric examination of the child is available, the agency shall include the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by one of the following licensed professionals:

(i) An independent social worker.

(ii) A social worker.

(iii) A licensed professional clinical counselor.

(iv) A licensed professional counselor.

(v) An independent marriage and family therapist.

(vi) A marriage and family therapist.

(c) The agency shall not provide any part of the examination to the adoptive parent(s) other than the substantial and material conclusions and recommendations.

(d) If a new psychological examination was required pursuant to this rule, the custodial agency is to provide the prospective adoptive parent with the substantial and material conclusions and recommendations within sixty days of the date of the adoptive placement. The custodial agency is not to provide any part of an examination required by this rule to the prospective adoptive parent other than the substantial and material conclusions and recommendations.

(E) In accordance with sections 2152.72 and 2152.99 of the Revised Code, it is a minor misdemeanor for any person, including staff of a PCSA or PCPA responsible for a child's placement in a prospective adoptive home or staff of a PNA responsible for the prospective adoptive home, to fail to provide the prospective adoptive parent(s) with the information required by paragraphs (C)

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and (D) of this rule. It is not a violation of confidentiality to provide such information.

(F) If a custodial agency places a child who has been adjudicated delinquent for any of the offenses listed in paragraph (C) of this rule in a prospective adoptive home with the assistance of or by contracting with another agency, then all of the following apply:

(1) The custodial agency shall provide the other agency with the information outlined in paragraphs (C) and (D) of this rule.

(2) The agency providing assistance to or contracting with the custodial agency shall provide written acknowledgment to the custodial agency that the information outlined in paragraphs (C) and (D) of this rulewas received.

(3) The custodial agency shall keep the acknowledgment and provide a copy to the other agency.

(G) The adoptive family case record and the adoptive child case record shall contain documentation of the information provided to the adoptive family and of the family's receipt of the information required in this rule.

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Ohio Administrative Code

Rule 5101:2-48-16 Adoption preplacement and placement procedures.

Effective: October 15, 2022

(A) The public children services agency (PCSA) or private child placing agency (PCPA) that holds permanent custody of the child shall begin services to prepare the child for adoptive placement no later than the date of the permanent custody. The date of permanent custody shall be either:

(1) The date of the court's filing of its order of permanent commitment of the child to the PCSA or PCPA pursuant to section 2151.353, 2151.354, or 2151.414 of the Revised Code.

(2) The date of proper execution on the JFS 01666 "Permanent Surrender of Child" pursuant to section 5103.15 of the Revised Code.

(B) A PCSA or PCPA shall assign an assessor to work with the child on adoption planning issues and adoptive placement no later than forty-five days after the execution of the permanent surrender or the file stamp date of the permanent custody order. If the order is under appeal, the agency shall assign an assessor to work with the child on adoption planning issues and adoption placement within forty-five days of the issuance of the final decision.

(C) The assessor may also serve as the child's caseworker. If the assessor is assigned as the primary caseworker, the assessor shall visit with the child at least monthly. If the assessor is not assigned as the primary caseworker, the assessor shall visit with the child every other month at a minimum. The visit with the assessor may meet the requirements of rules 5101:2-42-65 and 5101:2-48-17 of the Administrative Code. During those visits, the assessor shall review and help the age appropriate child explore the following adoption issues.

(1) Separation and attachment issues.

(2) Feelings concerning adoption and permanency.

(3) Terms and conditions of an open adoption, if applicable.

(D) The PCSA or PCPA shall document the services provided to prepare the child for adoption in the case record.

(E) For the purpose of this rule, "pre-adoptive staffing" is the process of identifying, planning and coordinating services for a child after the execution of the permanent surrender or the file stamp date of the permanent custody order.

(F) The PCSA or PCPA shall conduct a pre-adoptive staffing according to the following:

(1) No earlier than the date of the filing for termination of parental rights (TPR).

(2) No later than forty-five days after the execution of the permanent surrender or of the file stamp date of the permanent custody order.

(3) For a private agency infant adoption, the pre-adoptive staffing may occur prior to the birth of the child.

(G) If the order is under appeal, the agency may hold a pre-adoptive staffing prior to the issuance of the final decision.

(H) The invitation to the pre-adoptive staffing shall be in written form, shall be documented in the case file, and shall be sent to the individual at least fourteen days prior to the staffing. The fourteen day timeframe does not apply to a private agency infant adoption. The individuals shall be notified if any staffing is rescheduled or canceled at least three days prior to the scheduled staffing or as soon as the information is available. The following individuals shall be invited to attend the pre-adoptive staffing.

(1) The child's caseworker.

(2) The child's caseworker's supervisor.

(3) The assessor assigned to work with the child on adoption issues and the adoption placement, if

different from the child's caseworker.

(4) The assessor's supervisor, if different from the caseworker's supervisor.

(5) Any professional who has the specific assignment of recruiting families for children who are awaiting adoption, if applicable.

(6) Any assessor who has or is in the process of conducting a homestudy for a kinship family or a foster family who has indicated an interest in the child, if applicable.

(7) The guardian ad-litem (GAL), if one has been assigned to the case.

(8) The court appointed special advocates (CASA) worker, if one has been assigned to the case.

(9) Key professionals working specifically with the child who have knowledge about the child's history and current needs that will be helpful to determine the child's placement needs.

(10) The child's current caregiver, if deemed appropriate by the PCSA or PCPA.

(11) The child, if in the best interests of the child and deemed appropriate by the PCSA or PCPA.

(12) The birth family, if in the best interest of the child and deemed appropriate by the PCSA or PCPA.

(13) The prospective adoptive family, if deemed appropriate by the PCSA or PCPA.

(14) The PCSA or PCPA Multiethnic Placement Act (MEPA) monitor.

(I) During the pre-adoptive staffing, the convened group will identify, coordinate and provide services that consider all of the following:

(1) The child's social, developmental and medical history.

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(2) Previous placements, including any residential placements, adoption disruptions or dissolutions.

(3) Specific recruitment efforts to find a permanent home for the child.

(4) Current strengths, limitations or other special considerations, including previous or current relationships with siblings, birth relatives or kin.

(5) Current therapeutic assessments or other needs to be considered in determining the child's adoptive placement.

(6) Transition of the case planning from a focus on foster care to adoption.

(7) Planning for good-bye visits, if applicable.

(8) Assessing the child's understanding and readiness for adoption.

(9) Status of child's lifebook.

(10) Any families who may be interested in adopting the child.

(11) Other preparation for adoption.

(J) The PCSA or PCPA shall document the pre-adoptive staffing on the JFS 01690 "Documentation of the Pre-adoptive Staffing" and maintain the form in the child's adoptive case record. Following the pre-adoptive staffing, the agency may distribute the JFS 01690 to assessors who are responsible for completing or maintaining adoption homestudies.

(K) For purposes of this rule, a "matching conference" is the process of determining the most appropriate family to adopt a child based on the child's individual needs and the ability of the prospective adoptive parent to meet those needs. A matching conference shall be conducted to match a child with a family for the purpose of adoption. The matching conference shall be held prior to the placement of the child for adoption as outlined in this rule.

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(L) The JFS 01530 "Large Family Assessment" as outlined in rule 5101:2-48-12 of the Administrative Code shall be discussed, if applicable.

(M) A PCSA or PCPA shall hold the initial matching conference according to the following:

(1) Within ninety days of the execution of the permanent surrender or the file stamp date of the permanent custody order, unless the order is under appeal.

(2) If the order is under appeal, the agency may hold a matching conference prior to the issuance of the final decision. If the order is under appeal, the agency shall hold the initial matching conference no later than ninety days after the issuance of the final decision.

(3) For a private agency infant adoption, the matching conference may occur prior to the birth of the child.

(N) The invitation to the matching conference shall be in written form, shall be documented in the case file, and shall be sent to the individual at least fourteen days prior to the matching conference. The fourteen day timeframe does not apply to a private agency infant adoption. The individuals shall be notified if any matching conference is rescheduled or canceled at least three days prior to the scheduled matching conference or as soon as the information is available. The following individuals shall be invited to the matching conferences:

(1) For the first matching conference only, the child's previous caseworker if the individual is different than the assessor assigned to work on adoption issues and placement.

(2) For the first matching conference only, the child's previous caseworker's supervisor, if applicable.

(3) The assessor assigned to work with the child on adoption issues and placement.

(4) The assessor's supervisor.

(5) The child's caseworker, if different from the assessor above.

(6) Any professional who has the specific assignment of recruiting families for children who are awaiting adoption if there are no families identified for the child being presented in the matching conference, including any child-focused or child-specific recruiter working on behalf of the child.

(7) The child, if in the best interests of the child and deemed appropriate by the PCSA or PCPA.

(8) Any worker from any agency who is responsible for an approved adoptive family or adoptive applicant being presented at the matching conference. If an adult kin or current foster caregiver has submitted an application less than fourteen days prior to the matching conference and pursuant to paragraph (V)(3) of this rule, then the necessary parties shall be invited to the matching conference upon receipt of the application.

(9) The GAL, if one has been assigned to the case.

(10) The CASA, if one has been assigned to the case.

(11) Any other professional who may have knowledge of the child's history and current needs that will be helpful to determine the child's placement needs.

(12) The PCSA or PCPA MEPA monitor.

(13) The ODJFS MEPA coordinator at matchingconference@jfs.ohio.gov.

(O) At a minimum, the following individuals shall participate in the matching conference and be included in the placement decision-making process:

(1) The adoption caseworker for the child.

(2) The worker for any prospective adoptive families who will be presented at the matching conference. If the worker is unable to participate in the matching conference, another professional with knowledge of the family being presented shall participate in the matching conference.

(3) Any child-focused or child-specific recruiter working on behalf of the child.

(4) A member of the administrative or supervisory staff of the PCSA or PCPA adoption program.

(P) If the child caseworker and family caseworker are the same individual, another adoption program staff member shall participate in the matching conference to assure that at least three individuals participate in the matching decision.

(Q) If the PCSA or PCPA does not have at least three adoption program staff employees to participate in the matching conference, a professional or para-professional who is employed by the PCSA or PCPA shall participate in the matching conference. This person shall have, at a minimum, basic knowledge related to special needs adoption and permanency planning.

(R) If more than one PCSA, PCPA or private non-custodial agency (PNA) is involved in an adoptive matching decision, a representative from each agency shall participate in the matching conference. Participation by teleconference or other electronic means is acceptable. The PCSA, PCPA, or PNA shall provide relevant information that may impact the safety and well being of the child being placed with the prospective adoptive family which shall include at a minimum:

(1) Past or present functioning of the prospective adoptive parent.

(2) Rule violation(s) involving foster and/or pre-adoptive child(ren).

(3) Third party investigations.

(4) Information relating to previous adoption applications.

(5) Previous disruptions from the prospective adoptive family home.

(S) The PCSA or PCPA shall document matching conference information as specified on the JFS 01689 "Documentation of the Placement Decision-Making Process."

(T) The PCSA or PCPA shall document each matching conference for each child on the JFS 01610 "Child's Permanency Planning Data Summary."

(U) The matching decision shall be based on the following, at a minimum:

(1) Consideration of the placement of siblings together.

(2) The JFS 01690.

(3) The child study inventory.

(4) The JFS 01689.

(5) The JFS 01688 "Individualized Child Assessment," if applicable.

(6) The child's preference may be considered if the child has the capacity to express a preference.

(V) Regardless of the geographic location, the following preferential order shall be applied when considering families in the matching process:

(1) For a child federally recognized as a member of a tribe or Alaskan native village, the Indian Child Welfare Act of 1978, Nov. 8, 1978, P.L. 95-608, 25 U.S.C. 1901-1963 (ICWA) shall take precedence in any adoption proceedings.

(2) Whenever possible and in the best interest of the child(ren), sibling groups should not be separated.

(3) Any adult kin, or the child's current foster caregiver, when the following apply:

(a) The adult has expressed an interest in adopting the child and already has an approved adoptive homestudy, or has submitted the required document listed below at least five business days prior to the scheduled matching conference:

(i) The JFS 01691 "Application for Child Placement."

(ii) The JFS 01692 "Application for Adoption of a Foster Child or Sibling Group."

(iii) The adoption application or equivalent document that is required in the state the adult resides in.

(b) Placement with the adult would establish permanency for the child and be in the best interest of the child.

(4) A foster caregiver with whom the child has resided in the past, whose placement would be in the best interest of the child and who is approved for adoption pursuant to Chapter 5101:2-48 of the Administrative Code or the laws of the state where the previous foster caregiver now resides.

(5) Any other approved adoptive parent(s) who is accepting of the child's characteristics, who has expressed an interest in adopting the child, and whose placement would be in the best interest of the child.

(W) Subsequent matching conferences shall be held for the child, except as referenced in paragraph (Y) of this rule, at least once every ninety days.

(X) If there are no families available to be considered at a matching conference for a specific child and the JFS 01654 "Adoptive Placement Agreement" has not been signed, the agency shall conduct child-specific recruitment for the child prior to the next matching conference. Child specific recruitment shall include at least two of the three activities listed:

(1) Distribution of written information regarding the child to two or more adoption agencies, media outlets, or social media sites used to recruit adoptive families for the child.

(2) Review case file information for relatives or individuals in the child's past who may be able and willing to provide a permanent home for the child.

(3) Exploration with the child of individuals with whom the child is familiar who may be able and willing to provide a permanent home for the child.

(Y) Subsequent matching conferences are not required when:

(1) The child has been matched with an adoptive family in a matching conference and there is a complete JFS 01654 that includes the adoptive placement date and signatures of the adoptive parent(s) and applicable agencies.

(2) The child is age eighteen years old or older. However, the agency has the option to continue to hold matching conferences until the child reaches age twenty-one if the child is mentally or physically handicapped and still in the permanent custody of the agency.

(3) The child's custody changes to a status other than permanent custody.

(Z) If the child's adoptive placement disrupts , the PCSA or PCPA shall begin the cycle of ninety day matching conferences again with the first one due ninety days from the date of disruption.

(AA) No later than seven business days after each matching conference, the PCSA or PCPA shall provide written information necessary for the completion of the JFS 01609 "Family Permanency Planning Data Summary" to any Ohio agency that had a family presented at the matching conference. The agency responsible for each prospective adoptive family presented at the matching conference shall document the outcome of the matching conference for the family on the JFS 01609.

(BB) The PCSA or PCPA shall make an adoptive placement only when it has permanent custody of the child, whether custody is obtained by permanent surrender or commitment. A child shall only be placed into an adoptive home which meets the best interests and special needs of the child.

(CC) No PCSA or PCPA shall place a child in an Ohio home for the purpose of adoption unless an adoptive homestudy has been completed and approved by an Ohio PCSA, PCPA or PNA pursuant to Chapter 5101:2-48 of the Administrative Code. The homestudy shall be completed by an agency with authority recognized by ODJFS to complete adoptive homestudies.

(DD) The PCSA or PCPA may place a child in an adoptive home in another state pursuant to rules and regulations governing the interstate placement of children pursuant to Chapter 5101:2-52 of the Administrative Code.

(EE) Prior to the adoptive placement, the PCSA or PCPA shall provide the prospective adoptive parent with the completed and signed JFS 01667 "Adoption Information Disclosure" in accordance with rule 5101:2-48-21 of the Administrative Code.

(FF) The JFS 01654 shall explain the responsibilities and authority of those who sign it. The following shall sign the JFS 01654 on or before the date of the adoptive placement:

(1) PCSA or PCPA director or designee.

(2) Adoptive parent(s).

(3) Any other PCSA, PCPA, PNA or out of state agency providing adoption services, if applicable.

(GG) A copy of the signed JFS 01654 shall be given to the adoptive parent and any other signer of the agreement.

(HH) A PCSA shall not refuse to provide or arrange for services within its county to another PCSA or a public child serving agency in another state on behalf of a special needs child when such services, if not provided, would cause a delay in the adoptive placement of a special needs child. Services shall include, but are not limited to:

(1) Homestudy services.

(2) Prefinalization and postfinalization services.

(3) Services needed to provide the court with information required for adoption finalization.

(II) The PCSA or PCPA shall not make an adoptive placement if the permanent custody of a child is under appeal through a court of appropriate jurisdiction or awaiting journalization of a court order.

(JJ) If an applicant knowingly makes a false statement in the application or homestudy process, the custodial agency shall not present that family at the matching conference if the outcome of the agency review results in a reassessment of the homestudy pursuant to rule 5101:2-33-13 of the

Administrative Code.

(KK) All placement activities shall be in compliance with rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code and 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, Aug.20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care and adoption process.

(LL) If a PCSA intends to place a child for adoption with an adoptive parent who resides in another county, it shall notify the PCSA in the county in which the parent resides of the impending placement. The notification shall be sent at least ten days prior to placement of a child. In the case of an infant placement, the notification may be prior to the birth of the child. This requirement does not apply to:

(1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.

(2) An adoption where the PCSA in the county in which the adoptive parent resides is in a contract with the other agency to complete the adoptive homestudy.

(MM) If a PCPA or attorney arranging an adoption intends to place a child for adoption with an adoptive family, it shall notify the PCSA in the county in which the adoptive parent resides. The notification shall be sent at least ten days prior to placement of a child. In the case of an infant placement, the notification may be prior to the birth of the child. This requirement does not apply to:

(1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.

(2) An adoption where the PCSA in the county in which the adoptive parent resides has contracted with the other agency to complete the adoptive homestudy.

(NN) If a child from outside Ohio is placed with an Ohio adoptive family, the Ohio private agency approving the adoptive family homestudy shall notify, in writing, the PCSA in the county where the

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adoptive parent resides of the impending placement no later than ten days prior to the placement. In the case of an infant placement, the notification may be made prior to the birth of the child.

(OO) The written notification required in paragraphs (LL), (MM) and (NN) of this rule shall include the following information:

(1) The prospective adoptive child's age.

(2) A description of the prospective adoptive child's special needs.

(3) The name(s) and address of the prospective adoptive parents.

(4) The number of children that will reside in the prospective adoptive home once the prospective adoptive child is placed in the home.

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Ohio Administrative Code

Rule 5101:2-48-19 Sharing or transferring an adoptive homestudy.

Effective: March 1, 2021

(A) The following definitions apply for the purposes of this rule:

(1) "Sharing an adoptive homestudy" means forwarding an approved adoptive homestudy to a public children services agency (PCSA), private child placing agency (PCPA), or comparable agency in another state for consideration of potential adoption matches, or receiving an approved adoptive homestudy from a PCSA, PCPA, private non-custodial agency (PNA) or comparable agency in another state for the same purpose.

(2) "Transferring an adoptive homestudy" means releasing a copy of the approved homestudy and all related materials to another agency. Upon acceptance of the receiving agency and the execution of the JFS 01334 "Recommendation for Transfer of a Foster or Adoptive Home" the sending agency is relieved of all responsibilities related to the approved adoptive family.

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

(C) An agency shall only consider approved homestudies forwarded by another agency. A copy of the adoption homestudy shall not be accepted directly from the approved adoptive parent or other individual. An adoptive parent may provide other information to the receiving agency that the parent considers to be relevant. The agency shall not require any additional documentation for the homestudy beyond the requirements of Chapter 5101:2-48 of the Administrative Code.

(D) If the approved adoptive family has signed a release of information the agency shall make the homestudy available to any other agency requesting a copy of the homestudy for sharing or transferring.

(1) An agency shall not release or accept a homestudy for sharing or transferring purposes if it has been determined that the homestudy or a supporting document contains a false statement knowingly

made by the adoptive parent. The agency shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code when the determination has been made that a document was falsified.

(2) The agency may charge a reasonable fee for the release of the homestudy and related materials. A public agency may not charge another public agency a fee for the release of the homestudy and related materials.

(E) The agency shall forward a copy of the homestudy and all related materials within fifteen working days of the receipt of the signed release of information and any applicable fee pursuant to paragraph (D) of this rule. If the request is to transfer the homestudy, then the most recent report of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS) shall also be forwarded to the receiving agency with the homestudy and related materials.

(F) If the agency in receipt of the homestudy determines that the homestudy or a supporting document contains a knowingly false statement, the agency in receipt of the homestudy shall not consider the homestudy in any matching conference or for consideration of a transfer and shall notify the sending agency in writing of the false statement within three days of the determination of the false statement.

(G) If an incomplete homestudy is received from an agency, or supporting documentation is missing from the record, the receiving agency shall notify the sending agency in writing within ten days from the date of receipt of the incomplete homestudy.

(1) The written notification shall indicate the information needed in order for the homestudy to be considered complete as required by Chapter 5101:2-48 of the Administrative Code.

(2) The sending agency shall respond within fifteen days from the date of receipt of the written notification from the receiving agency.

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

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

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

(b) Make at least one visit to the home and conduct a face-to-face meeting with each adoptive parent and all other household members.

(c) Receive three new personal references for the adoptive parent(s) from persons who do not live with the family. A minimum of one of the required references is to be from a relative and at least two references from non-relatives.

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

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

(f) The agency is to complete a new search of the national sex offender registry at http://www.nsopw.gov (2019) for an approved applicant and each adult who resides with the adoptive applicant. The adoption homestudy transfer may be denied solely on the results of the search.

(g) Complete a new safety audit of the adoptive home on the JFS 01348 "Safety Audit" to ensure the home meets all current safety requirements.

(2) If a transfer request is pending within ninety days immediately prior to the expiration date of the two year approval span, the current agency and the receiving agency may determine through mutual agreement which agency will conduct the update of the adoption homestudy.

(3) The assessor shall complete the transfer assessment within sixty days of the date the complete record was received from the current agency. If the transfer cannot be completed in this timeframe,

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the assessor shall document the reason(s) in the record.

(I) Upon completion of the assessment, the assessor shall make a final decision regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shall be given to the adoptive parent and the recommending agency within five working days of the date the decision was made. The approval or rejection of a transfer request rests solely with the receiving agency. Nothing in this rule shall be construed to require an agency to accept the transfer of an adoption homestudy from another agency.

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

(K) If the decision is to approve the transfer request, the JFS 01334 shall be completed and signed by both the sending and receiving agencies, and all information gathered during the assessment process shall be incorporated into the receiving agency's adoptive provider record. The sending agency will enter the applicable data into SACWIS to complete the transfer to the receiving agency.

(L) Homestudies received from other agencies shall be regularly considered for potential adoption matches pursuant to rule 5101:2-48-16 of the Administrative Code, and shall be maintained according to the agency's policy.

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Ohio Administrative Code

Rule 5101:2-48-21 Child study inventory.

Effective: May 1, 2021

(A) A child study inventory (CSI) shall be developed and completed within thirty days after the public children services agency (PCSA) or private child placing agency (PCPA) receives permanent custody of a child.

(1) If sufficient information is not available to complete any element of the CSI, the caseworker is to document in the child's case record efforts that were made to secure such information.

(2) The CSI is not to contain any identifying information regarding the child's birth family.

(B) The CSI shall be reviewed and updated at the time of each semiannual administrative review, adoptive placement and removal from the adoptive placement.

(C) The CSI shall include, at a minimum, the following information, as applicable to the age and circumstances of the child:

(1) A summation of the history of the child's biological family, which shall include, but is not limited to the biological parents':

(a) Age.

(b) Marital status.

(c) Educational and occupational background.

(d) Ethnic and racial background, religion, and other cultural characteristics.

(e) Talents and hobbies.

(f) Mental and physical disabilities.

(g) Medical conditions such as genetic/inherited diseases, illnesses, etc.

(h) Social and medical information on the adoptive child's sibling(s).

(i) Social and medical information on the adoptive child's ancestors.

(2) The child's substitute care placement history, including reasons for the original placement and reasons for subsequent placement moves.

(3) A listing of the child's identified and anticipated special needs, and documentation verifying those special needs.

(4) A summation of the history and background information known about the child which shall include, but is not limited to:

(a) Positive attributes, characteristics or strengths of the child such as talents, interests or educational achievements.

(b) Physical, intellectual and social development of the child.

(c) Immediate health needs and current medications of the child.

(d) Attachment and bonding of the child to caregivers and siblings.

(e) The information to be shared with the prospective adoptive parents pursuant to rule 5101:2-48-15 of the Administrative Code.

(5) Written information describing the types of behavior that the prospective adoptive parent(s) may anticipate from a child who has experienced trauma, suggested interventions, and the services available to the family after finalization.

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(D) Copies of the CSI are to be provided prior to the adoptive placement to the following:

(1) The PCSA, PCPA, or private noncustodial agency (PNA) assisting in the adoptive placement of the child.

(2) The adoptive parents no later than the date of the adoptive placement. Pursuant to rule 5101:2-48-16 of the Administrative Code, the CSI may be shared with prospective adoptive parents prior to the matching conference.

(E) If a newborn child is placed from a hospital into an adoptive home, the PCSA or PCPA is to provide copies of the CSI to the entities in paragraph (D) of this rule no later than thirty days after the adoptive placement.

(F) The adoptive child's case record and the adoptive family's case record are to both contain copies of the CSI and the completed JFS 01667 "Adoption Information Disclosure" documenting that all information to be shared with the adoptive family was received by the adoptive family.

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Ohio Administrative Code

Rule 5101:2-48-24 Agency adoption review procedures.

Effective: October 15, 2022

(A) Each public children services agency (PCSA), private child placing agency (PCPA) and private noncustodial agency (PNA) shall develop and implement written procedures to review complaints from adoptive applicants, prospective adoptive families and adoptive families.

(B) If requested, the agency review shall occur within thirty days of receipt of a request and shall include a face-to-face meeting with the following individuals:

(1) The adoptive applicant, prospective adoptive family or adoptive family requesting an agency review.

(2) The adoptive family's caseworker.

(3) The adoptive child's caseworker, if applicable.

(4) The agency administrator or designee.

(5) Any other individual with information regarding the complaint, as deemed appropriate by the agency administrator or designee.

(C) A written decision, including the reason for the decision, shall be rendered by the administrator of the PCSA, PCPA or PNA or his designee. The decision shall be based upon the evidence presented at the review. A copy of the decision shall be provided to all parties to the agency review within fifteen days of the review.

(D) All documentation related to notification regarding rights to an agency review and written decisions of the agency review required by this rule shall be maintained in the child and family case record.

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(E) For complaints involving alleged discriminatory acts, policies, or practices pertaining to the foster care and adoption process that involve race, color or national origin, the procedures contained in rule 5101:2-33-03 of the Administrative Code supercede the requirements of this rule.

(F) Each agency shall follow procedures as outlined in rule 5101:2-33-13 of the Administrative Code when an agency determines there may knowingly be falsification on an adoptive application or homestudy, or any document submitted during the homestudy process.