

OAC Ch. 5101:2-5, Refs & Annos

OAC 5101:2-5-01

5101:2-5-01 Definitions--Repealed

OAC 5101:2-5-02

5101:2-5-02 Application for an agency to perform specific functions; amended applications

(A) An applicant seeking to operate a private child placing agency (PCPA) or private noncustodial agency (PNA) with the purpose of performing any of the functions specified in rule 5101:2-5-03 of the Administrative Code shall electronically submit a complete and correct JFS 01290 "Application for Certification of Agency Functions" (rev. 9/2006) with the Ohio department of job and family services (ODJFS) not less than one hundred-twenty days prior to the intended date of commencing operation.

(B) A local public entity (LPE) that is not a public children services agency (PCSA) that operates one or more of the functions specified in rule 5101:2-5-03 of the Administrative Code shall be considered by ODJFS as though the local public entity is a PNA. Unless a specific exception is made, references throughout Chapters 5101:2-5, 5101:2-7 and 5101:2-9 of the Administrative Code to a PNA or to an agency shall apply to a LPE that is not a PCSA. "Local public entity" (LPE) as used in this Chapter of the Administrative Code means a county, including county courts, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations and that is not a PCSA.

(C) An applicant shall submit all materials and documentation required by the JFS 01290.

(D) Any PCSA which intends to operate a residential facility shall electronically file a complete and correct JFS 01290 with ODJFS to be certified to operate the facility not less than one hundred-twenty days prior to the intended date of commencing operation.

(E) Applicable rules for agencies.

(1) Any PCSA, PCPA or PNA certified to perform functions listed in rule 5101:2-5-03 of the Administrative Code shall comply with all provisions of the Administrative Code applicable to the agency's performance of functions listed on its certificate. For agency noncompliance with applicable administrative rules, ODJFS may require the agency to submit and comply with a corrective action plan or may deny initial certification, or in the case of a certified agency, deny renewal of a certificate or revoke the PCSA's, PCPA's or PNA's certificate

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pursuant to Chapter 119. of the Revised Code.

(2) Any PCSA performing any function listed in rule 5101:2-5-03 of the Administrative Code not requiring certification by ODJFS shall comply with all applicable provisions of the Administrative Code. For PCSA noncompliance with applicable administrative rules when performing any function not requiring certification, ODJFS may take any action permitted under division (C) of section 5101.24 of the Revised Code.

(F) The application shall be submitted to the appropriate ODJFS field office. The date of initial application shall be the date of receipt as noted by the ODJFS district office date stamp. The application shall not be considered to have been filed until it is submitted to the appropriate ODJFS field office in complete and correct form.

(G) An application may be denied by ODJFS for failure to comply with any requirement of this rule or for any reason specified in rule 5101:2-5-07 of the Administrative Code.

(H) An agency shall not operate until a certificate is issued by ODJFS.

(I) When an application to amend the certificate is required.

(1) When an agency certified to operate a function listed in rule 5101:2-5-03 of the Administrative Code seeks to operate another function that is required to be certified by rule 5101:2-5-03 of the Administrative Code, not less than one hundred-twenty days prior to the anticipated operation of the new function, it shall electronically submit a complete and correct amended JFS 01290 to ODJFS requesting certification of the additional function. All additional information required by ODJFS for certification of the new function shall be submitted with the JFS 01290.

(2) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or operate a residential facility, except in an emergency situation where residential facility becomes uninhabitable for any reason, it shall notify ODJFS not less than sixty days prior to the intended relocation or operation by submitting an amended JFS 01290 to ODJFS requesting certification of the residential facilities at the new location.

(3) If a residential facility has become uninhabitable, due to an emergency situation, the agency shall:

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(a) Immediately notify any agency with children in placement and ODJFS of the emergency.

(b) Relocate the facility and any children in placement.

(c) Submit an amended JFS 01290 to ODJFS immediately after relocating.

(4) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or add an office it shall submit a JFS 01290 which lists the office to ODJFS not less than thirty days prior to the anticipated operation of the new office. In emergency situations the agency shall follow the procedures in their agency policy developed pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(5) An agency shall submit a JFS 01290 to ODJFS not less than ten days prior to any of the following changes:

(a) When an agency ceases to operate a certified function.

(b) When an agency ceases to operate a branch office.

(c) When an agency ceases to operate a residential facility.

(6) Not less than sixty days prior to implementing a change in a children's residential center or group home, an agency shall submit a JFS 01290 to ODJFS indicating the agency wishes to change any of the following:

(a) Sex of the children served.

(b) Age range of the children served.

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(c) Number of the children served.

(7) An agency shall submit a JFS 01290 to notify ODJFS within ten days after implementing a change to any of the following positions of its governing body:

(a) The administrator.

(b) The chairperson.

(c) The president.

(8) If an agency wishes to change the agency name, the agency shall submit a JFS 01290 to notify ODJFS not later than thirty days prior to implementing a name change. The agency shall submit the following information along with the JFS 01290:

(a) A copy of any amended articles of incorporation authorizing the name change.

(b) A copy of the minutes of the governing body meeting authorizing the name change.

(J) An agency shall not operate any function requiring certification by ODJFS that has not been certified by ODJFS. An agency shall not operate an office or residential facility that is not correctly listed on the most recent JFS 01290 on file with ODJFS.

(K) The certificate issued by ODJFS to the agency shall be posted in a prominent place so that visitors to the agency may view it.

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

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existing certified function.

OAC 5101:2-5-03

5101:2-5-03 Certification of an agency to perform specific functions

(A) Specific functions of a public children services agency (PCSA) which require certification by the Ohio department of job and family services (ODJFS) are:

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

(2) To operate group home(s).

(3) To operate residential parenting facilities.

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

(B) Functions performed by a PCSA that do not require certification by ODJFS shall comply with the Administrative Code rules applicable to the functions performed. ODJFS may take any appropriate action permitted under division (D) of section 5101.24 of the Revised Code for noncompliance with applicable rules.

(C) Specific functions of a private child placing agency (PCPA) which require certification by ODJFS are:

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

(2) To operate group home(s).

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- (3) To operate or provide independent living arrangements.

- (4) To operate residential parenting facilities.

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

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

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

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

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

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

- (11) To place children for foster care or adoption.

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

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

- (2) To operate group home(s).

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(3) To operate or provide independent living arrangements.

(4) To operate residential parenting facilities.

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

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

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

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

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

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

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

(F) A PCPA shall maintain compliance with any applicable rules of Chapters 5101:2-39 and 5101:2-42 of the Administrative Code for any child it is serving under a court order for protective supervision or for any child in the temporary, permanent or legal custody of the PCPA.

(G) During a complaint investigation or review of an agency acting as representative of ODJFS in recommending foster homes for certification, ODJFS may inspect any foster home recommended for certification by the agency. The inspection may be announced or unannounced.

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(H) An agency may voluntarily terminate certification of any or all of its authorized functions upon written notice to ODJFS.

OAC 5101:2-5-04

5101:2-5-04 Recertification of an agency to perform specific functions

(A) To apply for recertification an agency shall submit a JFS 01290 "Application for Certification of Agency Functions" (rev. 9/2006). The agency shall, at the time of recertification and whenever the agency changes their certification information, submit the following documentation with the JFS 01290:

(1) Any information required by rule 5101:2-5-02 of the Administrative Code.

(2) An audit if one is required.

(3) The first time a private child placing agency (PCPA) or private noncustodial agency (PNA) seeks recertification, it shall submit to ODJFS with its application:

(a) A copy of an independent audit of its first year of certification, unless the auditor of state has audited the PCPA or PNA during that year and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards.

(b) The independent audit shall demonstrate the agency operated in a fiscally accountable manner in accordance with the Revised Code, the Administrative Code and any agreement between the agency and a PCSA.

(c) If the auditor of state has audited the PCPA or PNA, a copy of that audit shall be submitted.

(4) After the first recertification, when a PCPA or PNA seeks recertification, it shall submit to ODJFS with its application, as a condition of recertification.

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(a) A copy of an independent audit for the two most recent previous years it is possible for an independent audit to have been conducted, unless the auditor of state has audited the PCPA or PNA during those years and the audit sets forth that no money has been illegally expended, converted, misappropriated, or is unaccounted for or sets forth findings that are inconsequential, as defined by government auditing standards.

(b) The independent audit shall be completed no later than six months after the end of the agency's fiscal year.

(c) The independent audit shall demonstrate the agency operated in a fiscally accountable manner in accordance with the Revised Code, the Administrative Code and any agreement between the agency and a PCSA.

(d) If the auditor of state has audited the PCPA or PNA, a copy of that audit shall be submitted.

(5) All audits required by this rule shall be conducted in accordance with government auditing standards. As used in this rule, "government auditing standards" means the government auditing standards published by the comptroller general of the United States general accounting office. The requirements of paragraph (A) of this rule do not apply to a public children services agency (PCSA) or to a local public entity that is not a PCSA.

(B) An agency seeking recertification shall submit all information and documentation required for recertification to the appropriate ODJFS field office not less than one hundred twenty days prior to the date of expiration of its current certificate. Failure of an agency to submit an application for recertification within the timeframes required by this rule may cause a lapse in certification or a delay in issuance of a certificate.

(C) When an application for recertification is received and found to be incomplete or incorrectly completed, the recertification application shall be returned to the applicant for completion and resubmission to ODJFS. A recertification application shall not be considered to have been submitted until it is received by the appropriate ODJFS field office in complete and correct form.

(D) An agency shall submit a list of all records, as requested by ODJFS, from which a sample will be selected for review during the site inspection.

(E) An agency shall return the list of records requested by ODJFS, pursuant to paragraph (D) of this rule, within

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fourteen calendar days of receipt of the ODJFS request. Failure of an agency to submit the list of records as requested shall not cause the start of the recertification review to be delayed but may cause a lapse in certification or a delay in issuance of a certificate.

(F) If an agency's list of records as requested by ODJFS, pursuant to paragraph (D) of this rule, is received by ODJFS within the timeframe specified in paragraph (E) of this rule, ODJFS may select a random sample of records from the list to be reviewed during the site inspection and shall provide the identity of these records to the agency two weeks prior to the scheduled site inspection.

(G) If an agency's list of records is not received by ODJFS within the timeframes specified in paragraph (E) of this rule, ODJFS may elect to do a random selection of records at the time of the site inspection with no prior notice to the agency of the identity of the records to be reviewed.

(H) An agency administrator or staff person shall not deny ODJFS access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency in the course of a recertification study or at any other time.

OAC 5101:2-5-04.1

5101:2-5-04.1 Acceptance of accreditation in lieu of certification requirements

(A) The Ohio department of job and family services (ODJFS) may consider an agency to have met a certification requirement if the agency can document to the satisfaction of ODJFS that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(B) The agency requesting such consideration shall submit a written request to the assigned ODJFS district office licensing specialist at the time of application for initial certification or at recertification, with the following documentation:

(1) A copy of the certificate, license or award letter of accreditation.

(2) A copy of the written accreditation report.

(3) A copy of any corrective action plans and the approval from the accreditation organization of such plans.

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(4) Specific documentation on which certification requirements are met by accreditation, including a copy of the standards met.

(C) If the accreditation organization does not have a comparable standard to an ODJFS certification requirement, the agency shall meet the ODJFS certification requirement.

(D) The acceptance of accreditation in lieu of an ODJFS certification requirement is restricted to the accreditation period or current ODJFS certificate, whichever expires first.

(E) The acceptance of accreditation in lieu of an ODJFS certification requirement rests solely at the discretion of ODJFS. The refusal of ODJFS to accept accreditation, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

OAC 5101:2-5-05

5101:2-5-05 Agency appeal of findings of noncompliance

(A) If the administrator or designee of an agency disagrees with any of the findings of noncompliance presented at an exit interview, the administrator or designee may submit a written appeal, with supporting documentation, to the appropriate Ohio department of job and family services (ODJFS) licensing supervisor. The appeal shall be submitted to the licensing supervisor not later than five working days following the agency's receipt of the summary of findings of noncompliance. The licensing supervisor shall review the appeal and the findings and render a written decision. The decision of the licensing supervisor shall be final and does not entitle the agency to any hearing rights under Chapter 119. of the Revised Code unless ODJFS initiates action to deny or revoke certification.

OAC 5101:2-5-06

5101:2-5-06 Corrective action plans

(A) An agency shall submit a corrective action plan, as prescribed by the Ohio department of job and family services (ODJFS), for any finding of noncompliance cited by ODJFS on a summary of noncompliance, to the appropriate ODJFS regional office within ten working days of the exit interview or of the receipt of an appeal decision pursuant to rule 5101:2-5-05 of the Administrative Code.

(B) A corrective action plan submitted by an agency pursuant to paragraph (A) of this rule shall specify:

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(1) What the agency is going to do to correct an area of noncompliance.

(2) How noncompliance will be prevented in the future.

(3) Who in the agency will be responsible for the implementation of the corrective action plan.

(4) How the agency will document that the corrective action plan has been implemented.

(C) The timeframe for implementation of all corrective action plans shall be no longer than thirty calendar days from the date ODJFS approves the corrective action plan unless more time is given by written approval of the appropriate ODJFS licensing supervisor.

(D) When a corrective action plan is disapproved by ODJFS, the agency shall submit another corrective action plan to ODJFS within ten working days of receipt of the ODJFS written notification that the corrective action plan was disapproved. The action of ODJFS to approve or disapprove a corrective action plan shall have no effect on the decision of ODJFS to deny or revoke an agency's certification.

OAC 5101:2-5-07

5101:2-5-07 Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates

(A) An application for an agency certificate or for any of the functions an agency intends to perform may be denied and an existing certificate or certification to perform specific functions may be revoked for any of the following reasons:

(1) An agency has failed to comply with any applicable requirement of Chapter 5101:2-5 of the Administrative Code or any requirement of any other applicable chapter of the Administrative Code relevant to the intended or certified functions of the agency.

(2) An agency has failed to comply with an approved corrective action plan for previously cited areas of noncompliance.

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(3) An agency is found to have furnished or made misleading or false statements or reports to the Ohio department of job and family services (ODJFS).

(4) An agency refuses or fails to submit to ODJFS required policy statements, application materials, plans or reports requested by ODJFS within required time frames.

(5) An agency has refused to admit onto its premises any person performing duties required by Chapter 5101:2-5 of the Administrative Code or other applicable chapters of the Administrative Code relevant to the intended or authorized functions of the agency, state or federal law or regulations or municipal ordinance.

(B) All actions of ODJFS with respect to denial or revocation shall be by prior adjudicatory hearing pursuant to and subject to the requirements of Chapter 119. of the Revised Code.

(C) Any act of omission or commission by an agency which results in the death, injury, illness, abuse, neglect or exploitation of a child in the care of the agency may be grounds for the revocation or denial of the agency's certification to perform any or all certified functions. This shall include any situation in which an agency has failed to inform any agency employee of the employee's obligation, pursuant to section 2151.421 of the Revised Code, to report any knowledge or suspicion of any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another child, to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect has occurred or is occurring.

(D) At the time ODJFS proceeds with an agency denial or revocation, ODJFS shall notify all public children services agencies (PCSAs) and private child placing agencies (PCPAs) of the proposed adjudication order. If an order of denial or revocation is not upheld after any administrative hearing held pursuant to Chapter 119. of the Revised Code or if an order of denial or revocation is overturned on appeal to a court of competent jurisdiction, ODJFS shall notify all PCSAs and PCPAs of the decision.

(E) When ODJFS enters an adjudication order to deny or revoke an agency's certificate pursuant to Chapter 119. of the Revised Code, the agency and those parties identified as the principals of the agency shall not be eligible for certification for any ODJFS children services license or certification for five years from the date of the denial or revocation or the exhaustion of all appeals, whichever is later. As used in this rule, "principal" means the agency's administrator(s) or director(s) and the agency's owners, partners, or members of the agency's governing body. In any denial or revocation action, ODJFS shall identify the principals of the agency against whom the denial or revocation action is taken.

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(F) When an agency certified to operate one or more of the functions listed in rule 5101:2-5-03 of the Administrative Code is found to be operating at less than an acceptable level of compliance with applicable rules of the Administrative Code ODJFS may issue a temporary certificate for one or more of the functions to the agency. A temporary certificate shall not be issued for an initial certification of a function requiring certification pursuant to rule 5101:2-5-03 of the Administrative Code and shall be effective for less than one year. A temporary certificate allows an agency to operate until ODJFS is satisfied that minimum requirements have been met. Whenever ODJFS issues a temporary certificate to an agency, the word “temporary” shall appear on the certificate in a contrasting color to words on the certificate in letters not less than one-half inch in height.

OAC 5101:2-5-08

5101:2-5-08 PCPA and PNA governance and administration

(A) A private child placing agency (PCPA) or private noncustodial agency (PNA) shall have an identifiable governing body responsible for establishing policies and assuring the effectiveness and efficiency of the PCPA or PNA in achieving its purposes. A local public entity that is not a public children services agency (PCSA) shall identify in writing to the Ohio department of job and family services (ODJFS) how the requirements of this rule are met by the local public entity, even if the local public entity does not have a governing body. The duties of the governing body shall include the following:

(1) Hiring an administrator who meets the minimum qualifications pursuant to rule 5101:2-5-09 of the Administrative Code.

(2) Annually evaluating the performance of the agency’s administrator in writing.

(3) Assuring the PCPA’s or PNA’s compliance with requirements of Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-47 and 5101:2-48 of the Administrative Code as applicable to the PCPA’s or PNA’s certified functions.

(4) Reviewing, approving and monitoring a written annual budget for the PCPA or PNA. Such budget shall ensure funding to provide services relevant to all certified functions and detail anticipated income and expenditures.

(5) Authorizing, reviewing and submitting to ODJFS an audit, if one is required pursuant to rule 5101:2-5-04 of the Administrative Code. This provision shall not apply to a local public entity that is not a PCSA.

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(6) Conducting an annual review of the PCPA's or PNA's written policies relevant to the agency's certified functions.

(B) The governing body of a PCPA or PNA shall identify the names and current addresses of all board members, current officers of the board, and any association, partnership or other arrangement under which the board has been established or operates, and the names and current addresses of all partners or principal owners of such association.

(C) A PCPA or PNA shall submit a copy of any proposed articles of incorporation or amendments thereto to ODJFS prior to filing them with the secretary of state pursuant to section 5103.04 of the Revised Code.

(D) A PCPA or PNA shall have an office located within the state.

(E) The minutes of all governing body meetings shall be maintained at the PCPA or PNA in an organized, permanent and current manner and shall include, at a minimum:

(1) Dates of meetings;

(2) Names of those governing body members present; and

(3) Issues discussed and actions taken.

(F) A PCPA or PNA shall compile and maintain a current written table of organization.

(G) A PCPA or PNA shall not permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the PCPA or PNA. The PCPA or PNA shall make a written disclosure, in the minutes of the board, of any financial transaction of the PCPA or PNA in which a member of the board or his/her immediate family is involved.

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(H) A person who is employed by a PCPA or PNA certified under this chapter or any person who is a member of the governing body shall not be eligible to vote on or participate in the decision making process with respect to any matter or issue in which he/she could benefit financially or materially.

(I) A PCPA or PNA shall have a written mission statement and a description of its programs.

OAC 5101:2-5-09

5101:2-5-09 Personnel and prohibited convictions for employment

(A) An agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall have written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers, and employees.

(B) Prior to hire, an agency shall obtain, from persons not related to the subject of reference, at least three written references or written notes on verbal references regarding prospective college interns, volunteers, and employees who will have direct contact with children

(C) An agency shall hire qualified employees to provide the services which it is certified to provide.

(1) The person employed as the administrator of the agency shall possess at least a bachelor's degree from a college or university accredited by a nationally recognized accrediting organization and other qualifications and experience as determined by the governing body in writing.

(2) An agency shall assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.

(3) Persons employed in positions responsible for the daily direct care or supervision of children shall be at least twenty-one years of age and possess a high school diploma or equivalency certificate. As an alternative to the educational requirement such persons shall have at least one year of full-time equivalent paid or volunteer experience in the direct provision of care to children.

(D) In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of paragraph (C) of this rule, such employee shall meet those qualifications which are the most rigorous among the competing criteria.

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(E) An agency shall require a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" (rev. 6/2001) to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any person who will have direct contact with children.

(F) An agency shall, at its own discretion or at the request of the Ohio department of job and family services (ODJFS), require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified professionals when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of children.

(G) An agency shall document that any person hired after October 29, 1993 as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home care shall not have been convicted of or pleaded guilty to any of the offenses listed in paragraph (I) of this rule except as provided in paragraph (H) of this rule.

(H) A prospective employee convicted of or who has pleaded guilty to an offense listed in paragraph (I) of this rule may be hired by an agency as an administrator, child care staff or caseworker, or in any other position responsible for a child's care in out-of-home care only if the following conditions have been met:

(1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.

(2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.

(3) The victim of the offense was not one of the following:

(a) A person under the age of eighteen.

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

(c) A mentally retarded person as defined in section 5123.01 of the Revised Code.

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

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

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

(4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining whether to hire the prospective employee:

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

(b) The nature and seriousness of the offense.

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

(d) The degree to which the person participated in the offense.

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

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

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(g) Whether the person is a repeat offender.

(h) The person's employment record.

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

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

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (I)(1) of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.

(l) Any others factors the agency considers relevant.

(I) Except as provided in paragraph (H) of this rule, an agency shall not, as of October 29, 1993, hire a prospective employee as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home-care if the person has been convicted of or pleaded guilty to any of the following offenses:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2919.12, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12 or 3716.11 of the Revised Code.

(2) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, a violation of section 4511.19 of the

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Revised Code if the person previously was convicted of or plead guilty to two or more violations within the three years immediately preceding the current violation, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A of this rule.

(3) A violation of an existing or former law of this state or the United States that is substantially equivalent to any of the offenses listed in paragraph (I)(1) of this rule.

(J) It is the prospective employee's duty to provide written verification that the conditions specified in paragraph (H) of this rule are met. If the prospective employee fails to provide such proof or if the agency determines that the proof offered by the prospective employee is inconclusive or insufficient, the person shall not be hired. Any doubt shall be resolved in favor of protecting the children the agency serves.

(K) To determine whether a prospective employee is qualified to be hired pursuant to paragraph (I) of this rule, a criminal records check shall be conducted pursuant to rule 5101:2-5-09.1 of the Administrative Code.

(L) An agency may conditionally hire a prospective employee until the criminal records check required by rule 5101:2-5-09.1 of the Administrative Code is completed and the agency receives the results of the criminal record check, if the prospective employee submits to the agency a signed statement attesting that the prospective employee has not been convicted of or pleaded guilty to any offense listed in paragraph (I) of this rule. If the results of the criminal record check indicate that the person does not qualify for employment, the agency shall release the person from employment.

(M) The provisions of paragraph (H) of this rule must be considered for any prospective employee who has been convicted of, or pleaded guilty to, one or more of the offenses listed in paragraph (I) of this rule even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care of children who may be entrusted to the person's care.

(N) A conviction of, or plea of guilty to, an offense listed in paragraph (I) of this rule shall not prevent a prospective employee's hire if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(O) An agency shall have a separate personnel file for each employee which shall include at a minimum:

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- (1) The employee's application for employment.
- (2) Copies of references.
- (3) A copy of the employee's current job description.
- (4) A copy of each job evaluation performed.
- (5) A copy of all medical records obtained.
- (6) Documentation of all training received, including specific training for and an annual review of acceptable methods of restraint, if applicable.
- (7) Copies of all professional credentials, licenses or certifications.
- (8) Copies of all disciplinary actions involving the employee.
- (9) The employee's date of hire and termination if applicable.
- (10) The BCII and FBI criminal records check required by rule 5101:2-5-09.1 of the Administrative Code and, if applicable, documentation that the requirements of paragraph (H) of this rule have been met.
- (11) Any notification of charges of any criminal offense brought against the employee and any notification of conviction of any criminal offense.
- (12) Copies of all educational degrees, diplomas or equivalency certificates.

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(13) Copies showing proof of current automobile insurance, if the staff member will be utilizing his or her own vehicle when transporting children.

(P) Personnel files for each employee shall be maintained for at least five years after the date of employment ends.

(Q) Nothing in this rule shall apply to a foster caregiver who is subject to the provisions of Chapter 5101:2-7 of the Administrative Code.

OAC 5101:2-5-09, App. A

5101:2-5-09 Appendix A



Image 1 within document in PDF format.

OAC 5101:2-5-09.1

5101:2-5-09.1 Criminal records check required for certain prospective employees and certified foster caregivers

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

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

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

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

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

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

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

(D) The appointing or hiring officer or administrative director of the agency shall provide each person listed in paragraph (A) of this rule with a copy of the BCII prescribed criminal records check form and a BCII standard impression sheet to obtain fingerprint impressions.

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

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

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

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

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

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

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

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

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

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

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

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

(L) The agency shall request the conducting of a criminal records check:

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

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

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

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

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

(P) The report of any criminal records check conducted by BCII in accordance with section 109.572 of the Revised Code and pursuant to a request made by the agency is not a public record. The report shall be made available only to the following persons:

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

(2) The agency requesting the criminal records check or its representative.

(3) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, approval or certification to the person.

(4) ODJFS employees when ODJFS determines the report is necessary for certification or monitoring purposes.

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(5) A county department of job and family services.

(6) A public children services agency.

(Q) Reports from BCII or any other local, state, or federal agency regarding a person's criminal record are valid for a period of one year from the date of the report.

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

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

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

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

(S) The evaluation required by paragraph (R) of this rule shall include, at a minimum:

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

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

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

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

(T) Upon receipt of notification of an adult who resides with a foster caregiver who has pleaded guilty to or been convicted of a foster caregiver disqualifying offense, the recommending agency shall assess the foster home for safety concerns and forward any recommendations to ODJFS for revocation if applicable. As used in this rule, "foster caregiver disqualifying offense" means any offense or violation listed or described in division (C)(1) of section 2151.86 of the Revised Code.

(U) Pursuant to division (H) of section 2151.86 of the Revised Code, an agency may request a waiver of the requirement that a criminal records check based on fingerprints be conducted for an adult resident of a prospective foster home or the home of a foster caregiver if the recommending agency documents to the department's satisfaction that the adult resident is physically unable to comply with the fingerprinting requirement and poses no danger to foster children or adoptive children who may be placed in the home. In such cases, the recommending or approving agency shall request that the bureau of criminal identification and investigation conduct a criminal records check using the person's name and social security number. All waiver requests shall be submitted to ODJFS pursuant to rule 5101:2-5-18 of the Administrative Code.

OAC 5101:2-5-10

5101:2-5-10 Child records

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

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

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

OAC 5101:2-5-11

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5101:2-5-11 Complaint handling

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

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

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

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

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

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

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

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

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foster caregiver or employee taking any of the following actions:

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

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

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

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

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

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

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

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

OAC 5101:2-5-12

5101:2-5-12 Interstate placements--Repealed

OAC 5101:2-5-13

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5101:2-5-13 Required agency policies, plans and procedures

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

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

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

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

(2) An agency shall have a written plan describing strategies for foster caregiver recruitment that complies with the Multiethnic Placement Act, 42 U.S.C.A. 1996 (B), as amended by Section 1808 of the Small Business Job Protection Act of 1996 (MEPA), and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care process. Recruitment plans are due every two years on May first of each even numbered year, and shall address the upcoming two state fiscal years. If the PCSA, PCPA or PNA amends its recruitment plan at any other time than the required due date, the agency shall be responsible for submitting the amended recruitment plan to ODJFS within ten days following a plan change. This policy shall include:

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

(i) Ages.

(ii) Developmental needs.

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- (iii) Emotional needs.

- (iv) Physical needs.

- (v) Race, color and national origin backgrounds.

- (vi) Levels of care needed.

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

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

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

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

- (f) Strategies for dealing with linguistic barriers.

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

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

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

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

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

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

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

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

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

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

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

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(9) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with rule 5101:2-5-33 of the Administrative Code. If the foster caregiver complies with the policy, as determined by the agency, ODJFS may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal.

The policy shall include all of the following:

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

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

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

(10) An agency operating a specialized foster home program shall have a written policy on the operation of the specialized foster home program which shall comply with the requirements of rules 5101:2-5-36, 5101:2-5-37, 5101:2-7-16, and 5101:2-7-17 of the Administrative Code, as applicable. The policy shall specify the number of foster children, including specification of the number of treatment and medically fragile foster children, for which each treatment team leader shall be responsible for providing case management services. The policy shall also specify the number of treatment team leaders for which each treatment team leader supervisor is responsible for supervision. The policy shall also specify how the agency will determine the equivalent experience required by paragraph (A) of rule 5101:2-7-16 of the Administrative Code and rule 5101:2-7-17 of the Administrative Code, as applicable.

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

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

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

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

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

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

(f) Prior to each occasion of respite care, the recommending agency shall provide the respite care provider with a copy of the JFS 01443 "Child's Education and Health Information" (rev. 2/2006) or the form the agency uses in lieu of the JFS 01443 completed for the child pursuant to rule 5101:2-39-08.2 of the Administrative Code as part of his case plan and at least a written summary of the child's service plan and any information required to be shared with a foster caregiver by rule 5101:2-42-90 of the Administrative Code. In addition, for a medically fragile child, any nursing treatment plan containing physician orders shall be provided. The information required by this paragraph shall be provided to the respite care provider by the agency that has approved the respite care provider. Documentation that this has been done shall be maintained in the child's case record by the agency that approved the respite care provider.

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

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

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

(13) An agency operating a specialized foster care program shall have a written policy to assure that all children in specialized foster care and all specialized foster caregivers and their families affiliated with the program shall have access to crisis counseling, arranged by the program, for issues or problems caused by a

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specific incident related to a child receiving treatment within the caregiver's home, including the death or hospitalization of a child.

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

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

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

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

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

(15) An agency which is certified to operate a residential facility shall have a written policy on the use of alcohol, tobacco and tobacco products by staff and children within such facilities which shall conform to, but is not limited to, the requirements of rule 5101:2-9-06 of the Administrative Code. No residential facility shall use alcohol, tobacco or tobacco products to influence or control the behavior of a child.

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

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

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

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

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

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

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

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

(c) Procedures for handling staff grievances.

(d) Salary and fringe benefit plan.

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

(i) Failure to notify the agency within twenty-four hours of any charge of any of the crimes listed in

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rule 5101:2-5-09 of the Administrative Code shall result in immediate dismissal from employment.

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

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

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

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

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

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

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

(24) An agency shall develop and implement policies governing its adoption program pursuant to the requirements of Chapter 5101:2-48 of the Administrative Code.

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(25) An agency shall have a written policy on the type and extent of postfinalization adoption services that will be provided by the agency pursuant to the requirements of Chapter 5101:2-48 of the Administrative Code.

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

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

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

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

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

(b) The death of the foster child.

(c) Unauthorized absence of the foster child from the home.

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

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

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

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

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

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

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

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

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

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

OAC 5101:2-5-13.1

5101:2-5-13.1 Disaster preparedness plan requirements

(A) A public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA), and any residential facility that is in operation on the effective date of this rule shall create, in writing, a disaster preparedness plan within sixty days of the effective date of this rule and include this plan in its agency foster care policy. All residential facilities shall comply with this rule in addition to rule 5101:2-9-07 of the Administrative Code.

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(B) After sixty days from the effective date of this rule, any PCSA, PCPA, PNA or residential facility shall submit its plan to the Ohio department of job and family services (ODJFS) at any of the following times:

- (1) At the time of application for initial certification or recertification.
- (2) Upon review of PCSA foster home records by ODJFS.
- (3) Within ten days of a foster care policy change that would have an effect on the disaster preparedness plan.

(C) The following areas shall be addressed in a PCSA or a PCPA disaster preparedness plan:

- (1) Identification of essential personnel needed for the operation of the agency.
- (2) Alternative physical work location including provisions for temporary work sites.
- (3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, statewide automated child welfare information system (SACWIS) or telephone access.
- (4) Identification of essential work activities that must continue in order to ensure the safety of children, support caregivers and service providers.
- (5) Procedures for handling new reports of child maltreatment if the agency is responsible for responding to reports concerning children.
- (6) Procedures for tracking clients and substitute caregivers with or without SACWIS or other technical system in place.

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(7) Continuity of services to families receiving in-home supportive services.

(8) Continuity of services to children in substitute care and kinship care placements.

(9) Maintenance and security of agency records not included in SACWIS including soft copies stored in other software applications or hard copies.

(10) Maintenance and security of court records for child protective services cases and PCPA adoption court records.

(11) Coordination of services with law enforcement, hospitals/medical providers or other disaster response agencies for the following:

(a) Children in agency custody.

(b) Children with no known or available parent, guardian or custodian.

(12) Working with emergency shelters for the following:

(a) Staff training in disaster preparedness.

(b) Coordination of services for children and families in emergency shelters (physical location; shared responsibilities).

(c) Volunteers.

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(13) Plans of cooperation/memoranda of understanding with neighboring counties which, at a minimum, would address duties and requirements.

(D) The following areas shall be addressed in a disaster preparedness plan for a PNA or any residential facility including those residential facilities operated by a PCPA or PCSA:

(1) Identification of essential personnel needed for the operation of the agency.

(2) Identification of an alternative physical work location including provisions for temporary work sites.

(3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, SACWIS or telephone access.

(4) Identification of essential work activities that must continue in order to ensure child safety and support caregivers, youth and service providers, and facility staff, if applicable.

(5) Procedures for tracking clients and substitute caregivers.

(6) Continuity of services to children in substitute care.

(7) Maintenance and security of agency records.

OAC 5101:2-5-14

5101:2-5-14 Treatment or diagnostic services

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(A) An agency shall inform the individual or agency that placed a child in out of home care of any of the following services:

(1) If the child needs treatment for non-routine medical, dental, or vision care and this treatment is not included in the current case plan.

(2) If the child needs diagnostic services for non-routine medical, dental, or vision care and this diagnostic service is not included in the current case plan.

(B) If an agency does not directly employ or contract with a vendor for treatment or diagnostic services, the agency shall arrange with the custodial agency or individual for the provision of these services.

(C) Any treatment or diagnostic services provided to any child pursuant to this rule shall be documented in the child's case record required pursuant to rule 5101:2-5-10 of the Administrative Code.

OAC 5101:2-5-15

5101:2-5-15 Volunteers and college interns

(A) Volunteers or college interns whose duties include any of the same general duties as child care staff shall be trained in the mission of the out-of-home care setting to which they are assigned.

(B) Volunteers or college interns whose duties include any of the same general duties as child care staff shall receive training pursuant to rule 5101:2-9-03 of the Administrative Code, shall be supervised by agency staff, and shall participate in at least monthly face-to-face supervisory conferences.

(C) Volunteers or college interns shall be given a specific written job description delineating the functions to be performed.

(D) An agency shall not use volunteers or college interns as a replacement for or in lieu of paid staff. Volunteers or college interns shall not be counted to meet required staff ratios as required by rule 5101:2-9-02 of the Administrative Code.

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(E) An agency which accepts college interns shall have a written agreement with each school placing students. This agreement shall, at a minimum, include:

(1) A statement of the student's role and responsibilities.

(2) A description of the minimum qualifications the student must possess.

(3) A statement outlining the respective supervisory and evaluation responsibilities of the agency and the placing school.

OAC 5101:2-5-16

5101:2-5-16 Consideration to be given to child's religion

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

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

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

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

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OAC 5101:2-5-17

5101:2-5-17 Discharge summary

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

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

(1) The reason for discharge.

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

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

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

(5) The new location of the child.

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

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

OAC 5101:2-5-18

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5101:2-5-18 Waivers and variances

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

(1) The requirement that a criminal records check based on fingerprints be conducted for an adult resident of a prospective foster home or the home of a foster caregiver if the recommending agency documents to the department's satisfaction that the adult resident is physically unable to comply with the fingerprinting requirement and poses no danger to foster children or adoptive children who may be placed in the home. In such cases, the recommending or approving agency shall request that the bureau of criminal identification and investigation conduct a criminal records check using the person's name and social security number.

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

(3) Relative foster homes when the request is for a non-safety issue.

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

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

(D) A request for a waiver of the requirements or prohibitions imposed upon a foster home or a foster caregiver by

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Chapters 5101:2-1, 5101:2-7, 5101:2-39, and 5101:2-42, of the Administrative Code and related foster home provisions of Chapter 5101:2-5 of the Administrative Code shall be written using JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and submitted to ODJFS, bureau of accountability and regulation.

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

(F) The approval of a waiver request by ODJFS shall not be construed as constituting precedence for the approval of any other waiver request or the renewal of an existing waiver. All waiver requests shall be considered on a case-by-case basis.

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

(H) Beginning with the effective date of this rule, no variances shall be approved.

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

OAC 5101:2-5-19

5101:2-5-19 Variances--Repealed

OAC 5101:2-5-20

5101:2-5-20 Initial application for child placement in foster care

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) acting as a representative of the Ohio department of job and family services (ODJFS) in recommending foster homes for certification and/or placing children for foster care and adoption is responsible for:

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(1) Informing all individuals applying for an initial foster home certificate they can also be considered for approval for adoptive placement.

(2) Conducting a joint homestudy pursuant to the requirements contained in rule 5101:2-48-12 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Foster care placement.

(b) Adoptive placement.

(B) Upon request, the agency shall provide a JFS 01691 "Application for Child Placement" (rev. 6/2009) to any person who is twenty-one years of age, is a legal resident of the United States, resides in the state of Ohio and meets the specifications of the agency's recruitment plan pursuant to rule 5101:2-5-13 of the Administrative Code. The agency shall also provide, free of charge to an applicant, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

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

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

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

(4) For the purpose of this rule, "legal resident of the United States" means a person who is a native-born or

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naturalized citizen of the United States or a person who presents credible evidence from the bureau of immigration and customs enforcement of the U.S. department of homeland security that the person is a permanent resident of the United States and currently resides in Ohio.

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

(1) The agency shall not accept an incomplete JFS 01691. Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code.

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

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

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

(5) The agency shall not approve a prospective foster caregiver on a conditional basis awaiting the results of the criminal records check(s) required by rule 5101:2-7-02 of the Administrative Code. The required criminal records check(s) must be completed prior to the agency recommending a prospective foster caregiver for certification. An agency may require any person subject to a criminal records check successfully complete the criminal records check(s) before participating in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(D) The applicant who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(E) If the recommending agency has access to the statewide automated child welfare information system (SACWIS), the agency shall conduct a search of abuse and neglect report history in the system for each foster care applicant and each adult who resides with the applicant. If the agency does not have access to SACWIS, the agency shall request a search of the system from ODJFS for each foster care applicant and each adult who resides with the applicant.

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(1) The search is used to determine the suitability of the applicant to provide foster care.

(2) The search shall be conducted within ten days of the addition of any new adult member of the applicant's household once the applicant is certified.

(F) The recommending agency shall request a check of the child abuse and neglect registry of any other state a prospective foster caregiver or other adult household member in the applicant's home 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.

(G) Preparation of summary report of involvement of applicant and other adult household members in reports of child abuse and neglect contained in SACWIS.

(1) A summary report shall be placed in the applicant's file.

(a) If the applicant is subsequently certified as a foster caregiver, the summary report shall also be placed in the record of each child placed in the caregiver's home.

(b) Prior to the placement of each child in the caregiver's home, the summary report shall be considered as a tool to help determine the appropriateness of the placement.

(2) One summary report shall be prepared for each foster home. The summary report shall include, for each applicant and each adult household member, a chronological list of abuse and neglect determinations or allegations the person was involved where a PCSA has done one of the following:

(a) Determined abuse or neglect occurred.

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(b) Initiated an ongoing investigation.

(c) Initiated an investigation, and the agency is unable to determine whether abuse or neglect occurred. This provision is limited to report dispositions the PCSA determined unable to locate.

(3) The summary report shall not contain any of the following:

(a) Any information concerning a report of abuse or neglect where the PCSA determined abuse or neglect did not occur or was unsubstantiated.

(b) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. This includes any additional collateral contact who made, or participated in, the report of abuse or neglect.

(c) Any information release prohibited by state or federal law.

(d) The name of or other identifying information regarding a child.

(4) If the search indicates no allegations or reports of involvement in child abuse or neglect investigations for any applicant or adult household member, the summary report shall indicate no record involving any applicant or adult household member in an allegation or report of involvement in a child abuse or neglect investigation reported to SACWIS or the central registry.

(H) The agency shall require the applicant provide a statement for all members of the household on the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009), completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to an initial recommendation by the agency for certification.

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

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

(3) The agency may require the medical statement(s) be provided before the person participates in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

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

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

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

(3) The agency may require the person to provide the report of an additional examination required by the agency pursuant to this paragraph before the applicant may participate in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(J) The agency shall review the items required by paragraph (D) of rule 5101:2-7-02 of the Administrative Code in order to show the household has an income sufficient to meet the basic needs of the household and makes timely payment of shelter costs, utility bills, and other debts.

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

(1) The preplacement training shall be completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification.

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

(L) The agency shall require each applicant provide the names of three people who are unrelated to the applicant, do not reside with the applicant, and can be contacted by the agency as references. The agency may require the person to provide the names of the references and any signed release of information statements before the person participates in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(M) The agency shall require each applicant provide the name of any other agency or organization the applicant has been previously recommended for certification as a foster caregiver or provided care and supervision of children, as well as a written and signed release of information statement so the reference may be contacted.

(N) Prior to making an initial recommendation for certification of a foster home, the agency shall contact all references given by the applicant pursuant to paragraphs (L) and (M) of this rule. All contacts with references shall be documented in the narrative section of the JFS 01673, "Assessment for Child Placement (Homestudy)" (rev. 6/2011).

(O) The agency shall require each foster caregiver obtain an inspection of the foster home by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report For Homes or Residential Facilities Certified/Approved by ODJFS" (rev. 10/2000) or other form used for a local or state fire inspection, not more than twelve months prior to the agency's recommendation for initial certification, certifying the foster home is free from conditions hazardous to the safety of foster children.

(P) If a state certified fire safety inspector or the state fire marshal's office is unavailable within twelve months prior to the agency's recommendation for initial certification, the fire inspection required by paragraph (O) of this rule must still be completed as soon as a state certified fire safety inspector or the state fire marshal's office is available.

(Q) A safety audit shall be completed within six month prior to the agency's recommendation for initial certification using the JFS 01348 "Safety Audit of a Foster Home" (rev. 1/2003) and shall document the residence has met all safety standards required by rules 5101:2-7-05, 5101:2-7-10, 5101:2-7-12 and 5101:2-7-15 of the Administrative Code.

(R) In accordance with rule 5101:2-5-09.1 of the Administrative Code, the agency shall request the conducting of a criminal records check for the foster care applicant and each adult residing with the foster care applicant prior to the agency's recommendation for initial certification.

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(S) The agency shall not approve a foster care applicant on a conditional basis awaiting the results of the criminal records check required by paragraph (R) of this rule. The required criminal records check must be completed prior to an agency recommending a prospective foster caregiver for certification

(T) The agency shall not recommend an applicant for certification to ODJFS prior to the completion of all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification and documentation that the applicant is in compliance with the requirements of Chapter 5101:2-7 of the Administrative Code.

OAC 5101:2-5-21

5101:2-5-21 Agency assessment of an initial application for a foster home certificate

(A) As used in this rule, “family member” means a spouse or significant other, or a parent, child, sister, brother, aunt, uncle, niece, nephew, or cousin whether through birth or adoption. “Significant other” means a person in a domestic relationship between two or more people living together and sharing a common domestic life but are not joined in any type of legal partnership, marriage or civil union recognized under Ohio law.

(B) The agency shall not discriminate in recommending foster caregivers on the basis of age, color, race, sex, religion, national origin, marital status or 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., 1201 et seq. An agency may selectively recruit on the basis of the need for foster homes for specific types of children as specified in the agency’s recruitment plan as required by rule 5101:2-5-13 of the Administrative Code.

(C) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall not consider the race, color or national origin of a foster caregiver applicant to determine whether that person shall be certified as a foster caregiver.

(1) A PCSA, PCPA, or PNA shall not consider the race, color or national origin of a child, for whom a prospective foster caregiver or a certified foster caregiver indicates an interest in providing foster care, in determining whether the applicant is certified or the child placed with the foster caregiver.

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

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(D) The agency shall document in the record of each applicant that the applicant has been evaluated by an assessor to determine the applicant's compliance with Chapter 5101:2-7 of the Administrative Code and the suitability of the applicant to be certified as a foster caregiver considering all occupants of the caregiver's household and the availability of appropriate accommodations for any foster child placed in the home. The evaluation shall be a completed JFS 01673 "Assessment for Child Placement" (rev. 8/2005). In completing the form, a written narrative shall be compiled and signed by the assessor, indicating the assessor's approval or denial of the application.

(E) In addition to the criteria on the JFS 01673, an agency may establish a written policy, applicable to all applicants, requiring applicants to submit additional materials or documents and participation in additional assessment activities.

(F) The agency shall begin the assessment required by paragraph (D) of this rule within thirty days of the date the agency receives the JFS 01691, "Application for Child Placement" (rev. 6/2009) and complete the assessment within one hundred eighty days of the date the agency received the application.

(1) If an agency fails to commence an assessment within thirty days or complete the assessment within one hundred eighty days, it shall document the reasons it was unable to meet one or both of these requirements in the foster caregiver's record.

(2) 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. The assessment shall include:

(a) At least one visit by an assessor to the applicant's home ensuring the physical facilities of the home are in compliance with the requirements set forth in Chapter 5101:2-7 of the Administrative Code.

(b) The determination of any placement limitations due to the physical environment of the home.

(G) In order to complete the JFS 01673 the assessor shall interview all members of the household over the age of four years.

(1) The interview may be conducted in conjunction with the visit to the prospective foster home as required by paragraph (F) of this rule, or conducted during a separate visit to the home or held elsewhere.

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(2) The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.

(H) Prior to recommending initial certification of a foster home, the agency shall ensure:

(1) The applicant completes all of the preplacement training requirements for the type of foster home for which the applicant is seeking certification.

(2) The agency receives a signed and fully completed JFS 01691.

(3) A criminal records check is conducted and successfully completed for the applicant(s) and all other adult members of the home.

(4) Personal references are received, satisfactory and verified.

(5) A JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 1/2002) is received indicating the applicant and all household members are free from any physical, emotional, or mental condition that would endanger children or impair the ability of the household to care for a foster child; if determined necessary by the agency, an additional report of an examination by a physician, psychologist or other certified or licensed professional.

(6) A fire safety inspection of the applicant's home is conducted by a state certified fire safety inspector certifying the applicant's home is free from conditions hazardous to the safety of foster children.

(7) An assessor completed a JFS 01673 or JFS 01349, including a written narrative, indicating the assessor's approval of the application and the suitability of the applicant to be certified as a foster caregiver.

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

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(1) The initial assessment of the foster home and the JFS 01673 or the JFS 01349 is completed by an assessor and the assessor recommends the applicant(s) be certified as foster caregiver(s).

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

(3) An original JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending certification is submitted to the Ohio department of job and family services (ODJFS).

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

(J) The determination of the specific number, age, and sex of children to be placed in a foster home is the joint responsibility of the foster caregiver and the recommending agency based on the assessor's evaluation of the foster caregiver's capabilities and physical facilities as required by Chapter 5101:2-7 of the Administrative Code.

(K) All placements in a foster home shall conform with the provisions of paragraph (J) of this rule and with the provisions of rule 5101:2-5-32 of the Administrative Code.

(L) To avoid a conflict of interest, or the appearance of a conflict of interest, an assessor shall not conduct or approve a foster care homestudy or homestudy update for any of the following:

(1) Him or her self.

(2) Any family member of the assessor.

(3) Any agency employee the assessor supervises or is supervised by.

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(M) The agency administrator and a family member of the agency administrator shall not serve as a foster caregiver for the agency the administrator is employed.

(N) A member of the agency's governing body and a person known to the agency as a family member of the agency's governing body shall not serve as a foster caregiver for the agency the governing body member is associated.

(O) Foster care inquiries from anyone mentioned in paragraphs (M) and (N) of this rule wishing to become certified foster caregivers shall be referred to another recommending agency with no conflict of interest.

(P) An existing foster home certificate of any person referred to in paragraphs (M) and (N) of this rule shall be transferred to another recommending agency except the foster caregiver may maintain the certificate and continue to provide care for any currently placed foster children placed in the home prior to January 1, 2008. The person shall not accept any additional placements of foster children.

(Q) If the agency becomes aware a certified foster caregiver of the agency is a family member of the administrator or a family member of a member of the agency's governing body, it shall take the necessary steps to initiate a transfer of the foster caregiver's foster home certificate. The transfer shall be accomplished within thirty days of the discovery.

OAC 5101:2-5-22

5101:2-5-22 Recommendations for initial foster home certification

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

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

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

(1) A private child placing agency (PCPA) or private noncustodial agency (PNA) shall submit to the Ohio department of job and family services (ODJFS) a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003).

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

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

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

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

OAC 5101:2-5-23

5101:2-5-23 Form and duration of a foster home certificate

(A) The form and appearance of a foster home certificate shall be prescribed by the department. At a minimum, the certificate shall include:

(1) The legal name and address of the foster caregiver.

(2) The effective date of the certificate.

(3) The expiration date of the certificate.

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- (4) A designation of the type of foster home.
- (B) The duration of a foster home certificate shall not be longer than two years.
- (C) A foster home certificate shall be valid only for the address listed on the certificate.
- (D) The certificate for a family foster home shall include all of the requirements in paragraphs (A) to (C) of this rule and shall be identified by a family and children services information system (FACSIS) resource identification number or a statewide automated child welfare information system (SACWIS) resource identification number assigned to the home.
- (E) The certificate for a treatment foster home shall include all of the requirements in paragraphs (A) to (C) of this rule and shall be identified by a FACSIS or SACWIS resource identification number assigned to the home.
- (F) The certificate for a medically fragile foster home shall include all of the requirements in paragraphs (A) to (C) of this rule and shall be identified by a FACSIS or SACWIS resource identification number assigned to the home.
- (G) The certificate for a pre-adoptive infant foster home shall include all of the requirements in paragraphs (A) to (C) of this rule and shall be identified by a FACSIS or SACWIS resource identification number assigned to the home.

OAC 5101:2-5-24

5101:2-5-24 Foster home recertification procedure

(A) Not less than ninety or more than one hundred twenty calendar days prior to the expiration of a foster home certificate, the recommending agency shall notify a foster caregiver of the date of expiration of the certificate. The notification shall identify any information or documentation which a foster caregiver is required to submit for recertification. The notification shall be on JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate" (rev. 12/2006).

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(B) Following agency notification to the foster caregiver as required by paragraph (A) of this rule, if the caregiver fails to either reapply or voluntarily terminate prior to the expiration date of the certificate, the foster home certificate shall expire.

(C) If a foster home certificate expires because a caregiver has failed to comply with paragraph (K) of rule 5101:2-7-14 of the Administrative Code there are no rights to appeal pursuant to Chapter 119. of the Revised Code.

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

(1) A private child placing agency (PCPA) or a private noncustodial agency (PNA) shall submit a JFS 01317 "recommendation for certification/recertification of a foster home" (rev. 1/2003) to the Ohio department of job and family services (ODJFS) to recommend closure of the home.

(2) A public children services agency (PCPA) shall enter the appropriate data into the statewide automated child welfare information system (SACWIS) to recommend closure of the home.

(E) If a foster caregiver(s) has re-applied for a foster home certificate prior to the recommendation for and expiration of a current certificate, an assessor shall complete a JFS 01385, "Ohio Department of Job and Family Services Assessment for Child Placement Update" (rev. 12/2006), to ensure that the foster caregiver(s) remains in compliance with the requirements set forth in Chapter 5101:2-7 of the Administrative Code and to determine the continued suitability of the caregiver to serve as a foster caregiver.

(F) A reassessment of a foster home by an assessor shall include at least one home visit and one interview with each member of the household (except foster children) over the age of four years currently residing in the home. This may be a joint interview or individual interviews.

(G) The agency shall conduct a safety audit of the foster caregiver's residence within six months prior to recommending a foster home for recertification and prior to or within ten working days after any relocation of a foster home and document that the residence has met all safety standards required by rules 5101:2-7-05, 5101:2-7-10, 5101:2-7-12, and 5101:2-7-15 of the Administrative Code by completing a JFS 01348 "Safety Audit of a Foster Home" (rev. 1/2003). Any deficiencies noted on the JFS 01348 shall result in the completion of a rule violation report and a corrective action plan in accordance with paragraph (E) of rule 5101:2-5-28 of the Administrative Code.

(H) The agency may require a foster caregiver to have the foster home inspected by a certified fire safety inspector

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prior to recommending the home for recertification if the agency deems it necessary to ensure that the home is free from conditions which may be hazardous to the safety of a foster child.

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

(J) A PCSA shall search for reports of child abuse and neglect contained in SACWIS for each foster caregiver and each adult residing with a foster caregiver.

(K) A PCPA or PNA shall request ODJFS to conduct a search for reports of child abuse and neglect contained in SACWIS for each foster caregiver and each adult residing with a foster caregiver.

(L) Preparation of summary report of involvement of a foster caregiver and other adult household members in reports of child abuse and neglect contained in SACWIS.

(1) A summary report shall be placed in the caregiver's file, and in the record of each child placed in the caregiver's home. Prior to the placement of each child in the caregiver's home, the summary report shall be considered as a tool to help determine the appropriateness of the placement.

(2) One summary report shall be prepared for each foster home. The summary report shall include, for each caregiver and each adult household member, a chronological list of abuse and neglect determinations or allegations in which the person was involved where a PCSA has done one of the following:

(a) Determined that abuse or neglect occurred.

(b) Initiated an investigation, and the investigation is ongoing.

(c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred. This provision is limited to report dispositions the PCSA determined to be unable to locate.

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(3) The summary report shall not contain any of the following:

(a) Any information concerning a report of abuse or neglect where the public children services agency determined that abuse or neglect did not occur or was unsubstantiated.

(b) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect. This includes any additional collateral contact who made, or participated in, the report of abuse or neglect.

(c) Any information the release of which is prohibited by state or federal law.

(d) The name of or other identifying information regarding a child.

(4) If the search indicates there are no allegations or reports of involvement in child abuse or neglect investigations for any applicant or adult household member, the summary report shall indicate that there is no record involving any applicant or adult household member in an allegation or report of involvement in a child abuse or neglect investigation reported to SACWIS or the central registry.

(M) In accordance with rule 5101:2-5-09.1 of the Administrative Code, the agency shall request the conducting of a criminal records check for a certified foster caregiver and each adult who resides with the foster caregiver every four years prior to recommending a foster home for recertification.

(N) If an agency receives a completed JFS 01331 more than thirty days prior to the expiration date of a foster home certificate, a PCSA shall enter required data into SACWIS, and a PCPA or PNA shall submit an original JFS 01317 to ODJFS recommending one of the following:

(1) Recertification.

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(2) Denial of recertification.

(3) Closure, based on receipt of a voluntary withdrawal or failure of the caregiver(s) to submit a reapplication as required by rule 5101:2-7-14 of the Administrative Code.

(O) If an agency receives a completed JFS 01331 less than thirty days prior to the expiration of a foster home certificate, the agency may take thirty days past the expiration date to submit the requirements of paragraph (N) of this rule to ODJFS. If the agency submits a recommendation for certification after the expiration date of a foster home, the effective date will be determined according to paragraph (P) of this rule.

(P) The effective date of a foster home certificate shall be:

(1) The first day following the expiration of the previous certificate if the recommendation for certification was received prior to the expiration of the certification period.

(2) The date of receipt of the recommendation for certification if the recommendation for certification was made after the expiration of the previous certificate and the foster caregiver reapplied prior to the expiration of the previous certification period.

(Q) If the foster caregiver fails to reapply prior to the date of expiration of the previous certificate, the certificate will expire and the family must re-apply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

OAC 5101:2-5-25

5101:2-5-25 Changing the certification of a foster caregiver from one type of foster home to another

(A) No child placed in a family foster home on or before March 31, 2005 shall be moved to another placement solely because of the failure of the foster caregiver to meet the requirements for treatment or medically fragile foster homes found in this chapter or in Chapter 5101:2-7 of the Administrative Code.

(B) An agency shall recommend a foster caregiver be certified to operate only one type of foster home at a time. A foster home may accept a foster child that is assessed as needing care at or below the level of care for which the home is certified.

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(C) Whenever a foster caregiver who is certified to operate a foster home wishes to seek to change the foster home's certification to another type of certification, the foster caregiver shall submit a written request to the recommending agency.

(D) If a foster caregiver seeks to change the foster home's certification to a treatment foster home or a medically fragile foster home, the agency shall determine if the foster caregiver meets the qualifying experience requirements contained in paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code. If the foster caregiver meets those requirements, the agency shall proceed as in paragraph (E) of this rule. If the foster caregiver does not meet those requirements, the agency shall not proceed with the foster caregiver's request. Failure of a foster caregiver to prove to the recommending agency's satisfaction that the foster caregiver meets the qualifying experience requirements of paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code does not constitute denial of certification and is not subject to appeal pursuant to Chapter 119. of the Revised Code.

(E) Changing from one type of foster home to another.

(1) The agency shall ensure that all the preplacement training requirements of a foster caregiver contained in rule 5101:2-5-33 of the Administrative Code have been completed prior to recommending the home to the Ohio department of job and family services (ODJFS) for another type of certification.

(2) Pursuant to sections 5103.032, 5103.033 and 5103.039 of the Revised Code, a recommending agency shall not approve a waiver of any preplacement training requirements for the first certification of the new type of foster home.

(3) Notwithstanding paragraphs (E)(1) and (E)(2) of this rule, pursuant to Section (3) of Substitute House Bill 332 as enacted by the 123rd Ohio General Assembly, a foster caregiver holding a valid family foster home certificate on January 1, 2001 shall not be required to meet the additional preplacement training requirements of paragraphs (C)(3) and (C)(7) of rule 5101:2-5-33 of the Administrative Code.

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

(5) At the discretion of the recommending agency, for a currently certified foster caregiver who is seeking to change the type of foster home for which the caregiver is certified, preplacement or continuing training courses successfully completed within the most recent three year period from the date of the caregiver's written request to the agency to be certified as a different type of foster home, may be counted towards meeting the

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preplacement requirements for the new type of foster home.

(6) When the change in type of foster home certification takes place during a foster caregiver's certification period, if the foster home's certification designation is changing from a certification designation that has more stringent requirements to a certification designation that has less stringent requirements, the new certification period for the foster home shall be until the end of the caregiver's current certification period.

(7) If the foster home's certification designation is recommended to change from a certification category that has less stringent requirements to a certification category that has more stringent requirements, the new certification period will be for two years, effective from the date ODJFS receives the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending the change.

(8) When the agency recommends that a foster caregiver's certification be changed to another type of foster home, the recommendation shall be submitted as a change to ODJFS on the JFS 01317. The ODJFS uniform statewide automated child welfare database resource identification number shall remain the same as the previous identification number.

OAC 5101:2-5-26

5101:2-5-26 Revocation, denial of initial certification or denial of recertification of a foster home certificate

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Return the JFS 01317 and evidence to the agency due to insufficient or inappropriate evidence and

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documentation with a written explanation of the deficiency;

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

(3) Proceed with the denial or revocation process.

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

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

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

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

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

OAC 5101:2-5-27

5101:2-5-27 Termination of a foster home certificate

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

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

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

OAC 5101:2-5-28

5101:2-5-28 Cause for denial of initial certification, denial of recertification or revocation of a foster home certificate

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

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

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

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

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

(5) A foster caregiver or applicant refuses to admit into the residence any person performing duties required by Chapter 5101:2-5, 5101:2-7 or 5101:2-34 of the Administrative Code or any laws of the state or any subdivision therein.

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

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

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

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

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

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

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

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

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

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

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

(C) If a recommending agency learns that a foster caregiver has failed to comply with the provisions of paragraph (R) of rule 5101:2-7-02 or paragraph (H) of rule 5101:2-7-14 of the Administrative Code, it shall immediately notify ODJFS and ODJFS shall revoke the foster home certificate.

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

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

(1) Begin an investigation of all allegations of rule noncompliance of Chapter 5101:2-7 of the Administrative Code within three calendar days of receipt of an allegation of a rule violation.

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

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

(a) Investigations conducted pursuant to this paragraph.

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

(c) If noncompliance is not found, a statement documenting and explaining the result.

(F) Any act of omission or commission by a foster caregiver or other member of the household which results in the death, injury, illness, abuse, neglect or exploitation of a child shall be grounds for the denial of recertification or revocation of a foster home certificate. This may be a recommendation of the agency supervising a foster home or ODJFS.

OAC 5101:2-5-29

5101:2-5-29 Foster home records

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

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

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

(1) The name of the foster child.

(2) The child's date of birth.

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

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

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(5) The new location of the child.

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

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

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

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

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

OAC 5101:2-5-30

5101:2-5-30 Change in household occupancy; change in marital status; change of address

(A) Upon notification of any change in household occupancy of a foster home or a change in marital status of a foster caregiver, the recommending agency shall evaluate the change within thirty days of the agency's receipt of notification to determine if the foster caregiver is capable of providing continued care for foster children or determine new household occupants meet any applicable requirements of Chapter 5101:2-5 or Chapter 5101:2-7 of the Administrative Code.

(1) If the change is a new resident in the foster home, a JFS 01653, "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 1/2002) shall be completed for that individual within ninety days of the date the person becomes a household member.

(2) If the new occupant is an infant child of the foster caregiver and the foster caregiver has had prenatal care from a physician during the pregnancy and receives periodic medical examinations from a physician after

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delivery, the JFS 01653 shall be completed within ninety days of the date the infant becomes a household member.

(3) 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.

(4) If the new occupant of a foster home is a person subject to a criminal records check, a criminal records check shall be initiated within ten working days of the date the person becomes a household member.

(5) If the new occupant is a person at least eighteen years of age, a check of the central registry of abuse and neglect shall be initiated within ten working days of the date the person becomes a household member.

(B) If there is a new occupant in a foster home, the agency shall review the new circumstances and, if necessary, redetermine the specific number, age, and sex of children to be placed with the foster caregiver taking into consideration the new occupant(s) of the foster home.

(1) The review and redetermination shall be completed within thirty days after the notification of the change of occupancy and documented in the caregiver's record.

(2) If the new occupant is the spouse of the foster caregiver or a co-parent to be added to the foster home certificate and the person has not previously completed the preplacement training for a foster caregiver required by rule 5101:2-5-33 of the Administrative Code, the agency shall ensure the person completes the required preplacement training not later than one hundred twenty days after becoming an occupant of the home.

(3) The spouse or co-parent shall not be added to the foster home certificate until after the spouse or co-parent completes the required preplacement training .

(4) The required continuing training hours shall be prorated from the date the spouse or co-parent is added to the foster caregiver's certificate through the expiration date of the current certificate.

(C) If the agency is notified of a change of address of a foster home, the agency shall:

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(1) Conduct a safety audit of the foster caregiver's new residence using the JFS 01348 "Safety Audit of a Foster Home" (rev. 1/2003) within ten working days after the notification or the change of address is received.

(2) Require the foster caregiver obtain a fire safety inspection certifying the foster caregiver's new residence is free from conditions hazardous to the safety of foster children. The fire safety inspection shall be requested within thirty days and conducted within ninety days of the change of address by a state certified fire safety inspector or the state fire marshal's office.

(3) Evaluate whether the foster home remains in compliance with Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

(4) Review the foster caregiver's new living situation and, if necessary, redetermine the specific number, age, and sex of children to be placed with the foster caregiver taking into consideration the physical facilities of the foster caregiver's new residence.

(a) The review and redetermination, shall address sleeping arrangements, beds/cribs and bedrooms at the new address, and be documented in the caregiver's record.

(b) The review and redetermination shall be completed within thirty days of the agency's notification of the change of address.

(D) If the agency does not have access to the statewide automated child welfare information system (SACWIS), the agency shall submit a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) to the Ohio department of job and family services to recommend any change causing a change on the face of the foster home certificate.

(E) If the agency has access to SACWIS, the agency shall enter any change causing a change on the face of the foster home certificate into SACWIS and submit the recommendation to the Ohio department of job and family services.

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(F) The recommendation to the Ohio department of job and family services shall be made within thirty calendar days of the agency's receipt of notification except:

(1) When the change is the result of a new spouse or co-parent being added to the foster caregiver's certificate as outlined in paragraph (A) of this rule, the recommendation shall be made within thirty days after the new spouse or co-parent completes their preplacement training.

(2) When there is a change of address, the recommendation shall be made within thirty calendar days after either the notification or the change of address.

OAC 5101:2-5-31

5101:2-5-31 Sharing or transfer of a foster home

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

(B) Pursuant to the transfer conditions specified throughout this rule, an agency shall consider a transfer request from a currently certified foster home to a private child placing agency (PCPA) or private noncustodial agency (PNA) certified by the Ohio department of job and family services (ODJFS) to recommend foster homes of the same type or to a public children services agency (PCSA). A foster caregiver certified to operate a specialized foster home may transfer to an agency that does not operate a specialized foster home program if the caregiver agrees that upon execution of the transfer, the foster home designation will be identified as a family foster home.

(1) An agency shall accept a transfer of a foster home from another agency only if the foster caregiver has been certified with the sending agency for a minimum of one year. Exceptions to the one year requirement may be made for the following:

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

(b) If the foster caregiver's recommending agency ceases to recommend foster homes for certification to ODJFS.

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(c) If both the sending and receiving agency agree to the transfer.

(2) Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (B)(1) of this rule and who expresses a desire to transfer from the caregiver's current recommending agency, a receiving agency shall consider the request and make a decision whether it wishes to proceed further with an assessment to determine whether to accept the transfer. A foster caregiver shall not transfer more than once during a certification period.

(3) If an agency determines that it wishes to further explore the possibility of a transfer of a foster home to its supervision, before accepting the transfer of the foster home, the receiving agency shall contact the sending agency of the foster caregiver in writing to notify the sending agency that such a request has been received and to request a complete copy of the caregiver's foster home records except for any personal references and criminal records checks.

(4) Upon receipt of the request from the receiving agency, if the foster caregiver's recommending agency has previously made a decision not to place any more children in the foster caregiver's home, it shall inform the receiving agency of this decision and the reasons why the decision was made. If the receiving agency still wishes to proceed with exploring the transfer request, it shall notify the sending agency in writing. Prior to sending the records to the receiving agency, the sending agency shall ensure that a signed release of information authorization from the foster caregiver authorizing the sending agency to provide a copy of the agency's foster care records to the receiving agency has been obtained. The release of information may be obtained by either agency or the foster caregiver. While the transfer request is pending, the sending agency shall continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency and shall continue to provide the caregiver with notification of training events needed according to the foster caregiver's written needs assessment and continuing training plan. The sending agency shall allow the foster caregiver to attend any such events and shall continue to meet with the caregiver regarding the care of any child placed in the home. No child shall be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.

(5) Within fifteen working days of receipt of the signed release of information and any applicable copying fee, the sending agency shall send a complete copy of the foster home records except for any references and any criminal records background checks conducted pursuant to rule 5101:2-7-02 of the Administrative Code to the receiving agency. The records shall include the most recent homestudy, homestudy updates, training records, fire inspection reports, safety audits and medical reports. The records shall also contain copies of all complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding complaint or rule noncompliance investigations or corrective action plans that have not been fully implemented, the sending agency shall notify the receiving agency of the nature of any outstanding complaint or rule noncompliance investigations and any corrective action plans that have not been fully implemented. The sending agency may charge the receiving agency a reasonable fee for copying the records, not to exceed twenty-five cents per page. No additional fee shall be charged to any party. If a fee is charged for copying the records, the records shall not be sent until the fee is paid. The records shall be sent by certified mail, return receipt requested or hand delivered by agency staff. If the records are hand delivered, the sending agency shall be provided with a receipt showing the date the records were delivered to the receiving agency and the receiving agency shall document the date it received the records.

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(6) The receiving agency shall accept the copy of the foster caregiver's records only from the sending agency. A copy of the records shall not be accepted from a foster caregiver. A caregiver may provide other information to the receiving agency that the caregiver considers to be pertinent.

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

(8) To allow the receiving agency an opportunity to make an informed decision as to whether it wishes to proceed with the transfer request, the assessor shall review the foster caregiver's foster home records and any other information received from the sending agency and the foster caregiver(s). The assessor shall complete the review and make a recommendation to the receiving agency regarding the transfer within sixty days after the records have been received. If the transfer review cannot be completed within sixty days, the assessor shall document in the foster home records the reasons why the review cannot be completed within sixty days. In addition to reviewing the sending agency's records and any information provided by the foster caregiver(s), in conducting the transfer review, the assessor shall contact staff from the sending agency and the foster caregiver(s) to ascertain the reasons why the request is being made and to determine if there are foster children in the home and, if so, to identify the agency with custody of the child(ren). The assessor shall also make at least one visit to the foster home and conduct a face-to-face meeting with each foster caregiver and with all other household members. If the foster caregiver's records indicate that there are any outstanding complaint or rule noncompliance investigations or corrective action plans that have not been fully implemented, the assessor shall not recommend acceptance of the transfer unless the assessor is satisfied that any outstanding complaints or rule noncompliance investigations are not material to the request to transfer the home and the safety of any children who are or may be placed in the home. All transfer review activities shall be documented in the receiving agency's foster home records.

(9) The receiving agency shall not approve the transfer request until the following information has been received and approved by the agency.

(a) Three new personal references for the foster caregiver(s) from three persons who are unrelated to the caregiver and who do not live with the caregiver;

(b) A new criminal records check has been obtained, reviewed and approved by the assessor for all persons subject to a criminal records check residing in the foster home;

(c) A new safety audit of the foster home has been conducted to verify that the home meets all current safety requirements for foster homes; and

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(d) Documentation of the assessor's decision to recommend approval of the transfer request, and the reasons for the decision are recorded in the receiving agency's foster home records. The foster caregiver and the sending agency shall be sent a written notice of the receiving agency's decision within five working days of the decision.

(10) If the receiving agency approves the transfer request, all information contained in the copy of the caregiver's records sent by the original recommending agency as well as any information gathered in the transfer review process and the assessor's written recommendation shall be incorporated as part of the receiving agency's foster caregiver records.

(11) If the receiving agency does not approve the transfer request, the copy of the records received from the sending agency and the assessor's written recommendation to reject the transfer request shall be maintained by the agency for at least two years.

(12) The approval or rejection of a transfer request rests solely with the receiving agency subject to the approval of ODJFS and creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party to the transfer request.

(13) Prior to accepting a transfer, the receiving agency shall ensure that the custodial agency of any child currently placed in the home agrees to the transfer. If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer shall not take place until the child is no longer placed in the home. A child shall not be removed from a caregiver's home solely because the caregiver seeks to transfer his/her foster home certificate to another agency.

(14) Nothing in this rule shall be construed to require an agency to accept the transfer of a foster home from another agency.

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

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

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(C) When the receiving agency has decided to accept the transfer, it shall make a recommendation to ODJFS to transfer the foster home to the agency by submitting a completed JFS 01334 "Notification of Transfer of a Foster Home" (rev. 6/2009).

(D) To allow for the orderly processing of transfer requests and recertifications of a foster home, if a transfer of a foster home is pending within the ninety days immediately prior to the expiration of the certificate, the sending agency and the receiving agency may determine which agency will conduct the recertification review. If there is no agreement between the two agencies, the foster home's recommending agency shall be responsible for conducting the recertification review and recommendation.

(E) When the receiving agency has decided to accept the transfer of a foster home it shall enter the necessary data into the ODJFS uniform statewide automated child welfare database to register the foster home as a resource.

(F) Following receipt of a JFS 01334 by the foster care licensing section, ODJFS will issue a foster home certificate with the receiving agency identification number indicated as the recommending agency and enter information into the ODJFS uniform statewide automated child welfare database to indicate that the sending agency's records for the caregiver have been closed. The certificate shall be effective from the date of the transfer until the end of the current certification period unless at the time of the transfer the foster home is changing from a pre-adoptive infant foster home to a family foster home or specialized foster home, or from a family foster home to a specialized foster home. In such cases, due to the increased training requirements, a new two year certification period will begin upon the date of transfer.

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

OAC 5101:2-5-32

5101:2-5-32 Occupancy limitations and accessibility

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

(B) Except as provided in paragraph (C) of this rule not more than five foster children shall reside in a foster home at any one time, subject to the following limitations:

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

(2) Not more than two children under the age of two years, except sibling groups, including the children of a foster caregiver, children being cared for by a type B child care provider and children receiving any private child care services, shall reside or receive child care services in a foster home at any one time.

(3) Not more than four children under the age of five years, except sibling groups, including the children of a foster caregiver, children being cared for by a type B child care provider and children receiving any private child care services, shall reside or receive child care services in a foster home at any one time.

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

(C) Pursuant to section 5103.0317 of the Revised Code, a foster home shall not receive more than five foster children except in any of the following circumstances:

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

(2) When the additional child or children are related to the foster caregiver by blood or marriage.

(3) When the additional child or children are foster children who previously resided in the foster home.

(4) When the additional child or children are the children of a foster child who resides in the foster home.

(D) If a foster home has less than five foster children placed, the home may accept one additional sibling group that causes the foster home to exceed the limit of five foster children. The foster home that accepts a sibling placement in this circumstance shall not exceed a total of ten children in the home as specified in paragraph (E) of this rule.

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

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

OAC 5101:2-5-33

5101:2-5-33 Foster caregiver preplacement and continuing training

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

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

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

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

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

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

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

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(d) Infant care.

(e) Early childhood development.

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

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

(3) Effective on or before December 31, 2008 a person seeking certification to operate a family foster home shall complete a minimum of twenty-four hours of preplacement training prior to the agency recommending the home for certification. Effective January 1, 2009 a person seeking certification to operate a family foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. No preplacement training shall be counted towards the completion of continuing training required by paragraph (C)(5) of this rule. The preplacement training program shall consist of courses in the role of foster caregivers as a part of the care and treatment of foster children. A foster caregiver shall complete all of the courses, which shall, at least, address all of the following:

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

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

(c) ODJFS requirements for certifying foster homes.

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

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(e) Foster caregivers' involvement in permanency planning for children and their families.

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

(g) Behavior management techniques.

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

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

(j) Prevention, recognition, and management of communicable diseases.

(k) Community health and social services available to children and their families.

(l) The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a foster caregiver when a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed in a foster home. A course addressing section 2152.72 of the Revised Code shall be not less than one hour long.

(4) In addition to the preplacement training requirements of paragraph (C)(3) of this rule, a prospective family foster caregiver who will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide, under the instruction of the recommending agency, such services to the youth as are needed and appropriate and, to the extent possible, coordinate such services with the life skill services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(5) A foster caregiver certified to operate a family foster home shall complete a minimum of forty hours of continuing training during each certification period. A continuing training program shall consist of courses that

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a foster caregiver must complete in accordance with the caregiver's written needs assessment and continuing training plan.

(6) No preplacement training received under paragraph (C)(3) of this rule shall be counted towards the completion of continuing training required by this paragraph. If an agency determines that it is necessary for a child placed in a family foster home to be provided care by a foster caregiver who has completed certification in CPR and/or first aid and the caregiver has not previously completed such training, the training shall be provided as soon as possible after the child is placed.

(7) In addition to the continuing training requirements of paragraph (C)(5) of this rule, a family foster caregiver who is or will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide, under the instruction of the recommending agency, such services to the youth as are needed and appropriate and, to the extent possible, coordinate such services with the life skills services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(8) A person seeking certification to operate a specialized foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program shall consist of all the courses listed in paragraph (C)(3) of this rule except that the cultural issues in placement training shall be at least three hours in length, and, if applicable, paragraph (C)(4) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home the person seeks to operate. Such courses shall include:

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

(b) Education advocacy training.

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

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

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(9) A foster caregiver certified to operate a specialized foster home shall complete a minimum of sixty hours of continuing training during each certification period. The continuing training program shall be in accordance with the caregiver's written needs assessment and continuing training plan and shall include, if applicable, the training listed in paragraph (C)(7) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home for which the caregiver is certified. Such training shall also include continuous maintenance of certification in a first aid training program and a child and adult CPR certification training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

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

- (1) Have at least two years experience as a certified foster caregiver.
- (2) Have had at least two child placements in their foster home.
- (3) Be a currently certified foster home.
- (4) Not be under a corrective action plan by a recommending agency.
- (5) Not be under investigation for a violation of state statute or rule by a recommending agency or ODJFS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Video presentations.

(ii) Books or magazines.

(iii) Computer programs.

(iv) Internet sites.

(v) Interactive video presentations.

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

(i) A pretest.

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(ii) A posttest.

(iii) A discussion following the training.

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

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

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

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

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

(2) Be appropriate for the type of foster home the foster caregiver operates.

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

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

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the courses.

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

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

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

(H) For the purpose of determining whether a foster caregiver has satisfied the requirements of paragraph (C) of this rule, a recommending agency shall accept training for foster caregivers obtained from a regional training center of the OCWTP or an approved preplacement training program or continuing training program operated by a PCPA or PNA under rule 5101:2-5-40 of the Administrative Code regardless of whether the recommending agency operated the preplacement training program or continuing training program. The recommending agency may require that the applicant or foster caregiver successfully complete additional training as a condition of certification or recertification.

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

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

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

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

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

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

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

(1) The date of the waiver.

(2) The number of hours of training waived.

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

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

(L) A foster caregiver to whom either paragraph (L)(1) or (L)(2) of this rule applies shall be given an additional amount of time within which to complete the continuing training required under paragraph (C)(2), (C)(5) or (C)(9) of this rule, as applicable to the type of foster home the caregiver is certified to operate. The additional time shall be one month for each month the caregiver was on active duty. Any required training that is not met at the end of a foster caregiver's certification period applying the preceding sentence shall be waived by the agency. When a waiver of training is approved by an agency under this paragraph, the required training for the next certification period shall be the same as for any other caregiver operating a foster home of the type for which the foster caregiver is certified. The agency shall document any such extension of time in the foster caregiver's record.

(1) The foster caregiver has served in active duty outside Ohio with a branch of the armed forces of the United

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States for more than thirty days in the preceding two-year period.

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

(M) Pursuant to Section 3 of Substitute House Bill 332 as enacted by the 123rd Ohio General Assembly, the provisions of paragraphs (C)(3) and (C)(9) of this rule shall not apply to a foster caregiver holding a valid certificate to operate a family foster home on or prior to January 1, 2001.

OAC 5101:2-5-34

5101:2-5-34 PCPA and PNA case plans and administrative case reviews for direct placements

(A) A private child placing agency (PCPA) or private noncustodial agency (PNA) which accepts a direct placement of a child from a parent, guardian or custodian, shall develop and prepare a case plan within thirty days from the date of placement on the child and family which shall be a separate part of the case record. If the child is placed for less than thirty consecutive days, a case plan is not required.

(B) A PCPA or PNA shall develop, review or amend the case plan only with the participation of the child's parent, guardian or custodian. A case plan or amendment to the case plan shall be signed by the child's parent, guardian or custodian. A copy of the signed case plan or any amendment to the case plan shall be provided to the child's parent, guardian or custodian.

(C) A PCPA or PNA which has accepted a direct placement of a child shall complete an administrative review of the case plan no later than six months after the date of placement.

(D) After the first administrative review, the PCPA or PNA shall continue to conduct administrative reviews every six months.

(E) Each administrative review required for a child in a direct placement shall comply with the following requirements:

(1) The administrative review shall be conducted by a review panel of at least three persons. The review panel

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shall include at a minimum:

(a) A caseworker with day-to-day responsibility for, or familiarity with the management of the child's case plan; and

(b) A person who is not responsible for the management of the child's case plan, or the delivery of services to the child or his parent, guardian, or other individual holding custody of the child.

(2) The administrative review shall include a joint meeting by the review panel with:

(a) The child if age appropriate.

(b) The child's parent, guardian, or custodian.

(c) The child's substitute caregiver.

(d) Any other person the agency deems appropriate.

(3) All persons shall be given the opportunity to submit any written materials to be included in the child's case record. If a parent, guardian, custodian or substitute caregiver declines to participate in the administrative review after being contacted, the PCPA or PNA does not have to include them in the joint meeting.

(4) The administrative review shall be summarized in writing by the PCPA or PNA to include all of the following:

(a) A conclusion regarding the appropriateness of the child's placement;

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- (b) The extent of compliance by all parties with the case plan;

- (c) The extent of progress made toward alleviating the circumstances that precipitated the parent, guardian or custodian to enter into a direct placement agreement with the agency;

- (d) An estimated date by which the child may be returned home, placed with a relative or other suitable nonrelative or prepared for independent living;

- (e) An explanation regarding any changes that the PCPA or PNA is proposing in the case plan; and

- (f) The names of all persons who participated in the administrative review.

OAC 5101:2-5-35

5101:2-5-35 Children's rights

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

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

- (2) The right to reasonable enjoyment of privacy.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OAC 5101:2-5-36

5101:2-5-36 Additional requirements for an agency that acts as a representative of ODJFS in recommending treatment foster homes for certification

(A) The recommending agency shall not allow a child who has special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code to be placed in a foster home unless the foster caregiver has been certified to operate a treatment foster home pursuant to this rule and rule 5101:2-7-16 of the Administrative Code. The recommending agency shall document in the homestudy how a treatment foster caregiver meets the requirements in paragraph (A) of rule 5101:2-7-16 of the Administrative Code.

(B) The agency shall assign a treatment team to each child with special or exceptional needs placed in a treatment foster home.

(C) The treatment team shall develop a service plan in accordance with the following requirements:

- (1) An initial service plan shall be completed by the treatment team for each treatment foster child placed in a treatment foster home no later than thirty days after placement.

- (2) The service plan shall be reviewed and revised, if necessary, at least once every ninety days thereafter.

- (3) Service plan development and any revisions shall be completed by the treatment team leader with approval

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of the treatment team leader's supervisor who shall be a member of the agency's professional treatment team staff.

(4) The agency shall notify the treatment team members in advance of each treatment team meeting and invite them to participate and document the invitations in the child's record.

(D) The service plan for a child with special or exceptional needs placed in a treatment foster home shall include:

(1) Treatment goals, clinical and/or rehabilitative services and other necessary interventions for the child and his or her family.

(2) The method by which the goals, rehabilitative services, and other necessary interventions will be attained and progress evaluated.

(3) The projected length of the child's stay in treatment foster care.

(4) The criteria for the child to meet for the child's reunification with his or her parent(s)/family or guardian or the projected post-treatment setting into which the child will be placed upon attainment of the treatment goals.

(5) Services to be provided or arranged for the child after discharge from the treatment foster care program.

(6) How the child's permanency plan for family reunification, adoption, independent living or a planned permanent living arrangement, as specified in the custodial agency's case plan, will be attained.

(E) The recommending agency shall develop an individual plan for respite care for each child with special or exceptional needs placed in treatment foster care. The use of respite care shall comply with the agency's respite care policy prepared pursuant to rule 5101:2-5-13 of the Administrative Code. A copy of the individual plan for respite care for each foster child with special or exceptional needs placed in a treatment foster home shall be included in the child's case record.

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(F) The agency shall ensure that a member of the agency's professional staff shall be on-call for treatment foster caregivers and children with special or exceptional needs placed in a treatment foster home on a twenty-four hour, seven day a week basis.

(G) The agency shall ensure that treatment foster caregivers are provided with a manual containing all policies, procedures and other information related to the treatment foster care program no later than the date the individual becomes certified to operate a treatment foster home. The agency shall provide treatment foster caregivers copies of any revisions to the manual within thirty days of the revision.

(H) The agency shall coordinate with the agency holding custody of a child in treatment foster care or the child's parent or guardian for the provision of all rehabilitative services and other necessary interventions contained in the child's service plan and any revisions thereto. The agency shall also implement those aspects of the child's service plan that are its responsibility.

(I) The agency shall ensure that a discharge summary is prepared pursuant to rule 5101:2-5-17 of the Administrative Code for each special or exceptional needs child discharged from a treatment foster home. This paragraph does not apply to a child who has been enrolled only for respite services.

(J) At the time of placement and whenever additional information becomes available, the agency shall disclose to the treatment foster caregiver all information available to the agency about the child and his family pursuant to rule 5101:2-42-90 of the Administrative Code. Documentation of the receipt of this information shall be maintained in the treatment foster caregiver's record and in the child's record.

(K) The agency shall assure that all professional treatment staff required to be licensed shall be appropriately licensed. Professional treatment staff shall demonstrate to the employing or contracting agency that the training required for professional licensure shall be in topics appropriate to treatment foster care. Documentation of the training topics shall be maintained in the child's record.

(L) All professional treatment staff shall annually complete at least fifteen hours of training specific to treatment foster care issues and the mission of the agency.

(M) The agency shall ensure that all professional treatment staff are provided with a manual of all policies and procedures relevant to the treatment foster care program at the beginning of their employment with the agency. If the agency contracts with an individual that is a member of the professional treatment staff, the agency shall provide a manual of all policies and procedures relevant to the treatment foster care program to the individual at the onset of the contractual agreement.

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(N) The agency shall not prohibit treatment foster caregivers from participation in any formal or informal support groups organized for the purpose of supporting foster caregivers.

(O) A certified treatment foster caregiver shall comply with the following occupancy limits:

(1) With the exception of the provisions of paragraph (O) (1)(b) of this rule, a treatment foster caregiver may provide foster care for not more than five foster children, two of whom may have exceptional needs as described in rule 5101:2-47-18 of the Administrative Code requiring their placement in a treatment foster home.

(a) Any exception to the number of treatment foster children placed in the home shall be only with specific justification in accordance with the agency's policy for matching treatment foster children and caregivers developed pursuant to rule 5101:2-5-13 of the Administrative Code.

(b) The justification as required by paragraph (O)(1)(a) of this rule shall be documented in the child's case record and in the foster home record. The justification may include the following:

(i) The need to place a sibling group.

(ii) The abilities of a particular caregiver in relation to the exceptional needs of a particular child.

(c) If more than two treatment foster children are placed in a medically fragile foster home, all agencies holding custody of any other children placed in the home shall be notified by the agency recommending certification of the home within seventy-two hours of the additional exceptional needs child's placement.

(2) A treatment foster caregiver may provide care for not more than five treatment foster children placed in the caregiver's home if any of the following apply:

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(a) The caregiver is an appropriately trained and licensed professional such as a social worker, professional counselor, psychologist or teacher.

(b) The caregiver has a minimum of a bachelor's degree in a child development or social services field and five years of child care experience and training related to serving children in foster care.

(3) Children placed in a foster home shall not be moved to another placement solely to meet this requirement.

(P) The agency shall ensure that professional treatment staff shall have weekly consultation and face-to-face contact at least every two weeks with at least one member of each treatment foster caregiver couple or co-parents serving a child with special or exceptional needs. At least one of the face-to-face contacts each month shall take place in the treatment foster home.

(Q) The agency shall ensure that professional treatment staff shall have at least weekly contact and face-to-face meetings at least every two weeks with each special or exceptional needs child placed in a treatment foster home. At least one of the face-to-face contacts each month shall take place in the treatment foster home.

(R) The agency shall ensure that treatment foster caregivers keep a written record of the behavior and progress towards achieving treatment goals as identified in the child's service plan for each foster child placed in a treatment foster home. The written record shall be maintained current and kept in the manner prescribed by the treatment foster care program.

(S) The agency shall assure that treatment foster caregivers are aware of the potential side effects of any prescribed medication for children placed in their home.

OAC 5101:2-5-37

5101:2-5-37 Additional requirements for an agency that acts as a representative of ODJFS in recommending medically fragile foster homes for certification

(A) The recommending agency shall not allow a medically fragile child to be placed in a foster home unless the foster caregiver(s) has been certified to operate a medically fragile foster home pursuant to this rule and rule 5101:2-7-17 of the Administrative Code. The recommending agency shall document in the homestudy of the caregiver's file how a medically fragile foster caregiver meets the requirements in paragraph (A) of rule 5101:2-7-16 of the Administrative Code.

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(B) The recommending agency shall assign a treatment team to each medically fragile child placed in a medically fragile foster home. A licensed physician, licensed nurse practitioner or a registered nurse shall supervise the medical aspects of the child's service plan.

(C) A service plan shall be developed by the treatment team in accordance with the following requirements:

(1) An initial service plan shall be completed by the treatment team for each medically fragile child placed in a medically fragile foster home no later than thirty days after placement.

(2) The service plan shall be reviewed and revised, if necessary, at least once every sixty days thereafter.

(3) Service plan approval and any revisions shall be completed by the individual assigned under paragraph (B) of this rule who is supervising the medical aspects of the child's service plan and approved by the treatment team leader's supervisor.

(4) All treatment team members shall be notified in advance of each treatment team meeting and invited to participate. Documentation of the invitations shall be maintained in the child's record.

(D) The service plan for a medically fragile child placed in a medically fragile foster home shall include:

(1) A nursing treatment plan signed by a licensed physician. The nursing treatment plan shall be reviewed and approved by a licensed physician at least every sixty days. The nursing treatment plan shall list all of the following:

(a) Any special instructions for the care of the child.

(b) The child's medications including instructions for administering the medications and potential side effects.

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(c) The child's nursing needs.

(2) Treatment goals, clinical and/or rehabilitative services and other necessary interventions for the child and his family.

(3) The method by which the goals, and rehabilitative services, and other necessary interventions will be attained and progress evaluated.

(4) The projected length of the child's stay in the foster home.

(5) The criteria to be met for the child's reunification with his or her parent(s)/family or guardian or the projected post-treatment setting into which the child will be placed upon attainment of the treatment goals

(6) Aftercare services to be provided or arranged.

(7) How the child's permanency plan for family reunification, adoption, independent living or other permanent living arrangement, as specified in the custodial agency's case plan, will be attained.

(E) The recommending agency shall develop an individual plan for respite care for each medically fragile child placed in a medically fragile foster home. The use of respite care shall comply with the agency's respite care policy prepared pursuant to rule 5101:2-5-13 of the Administrative Code. A copy of the individual plan for respite care for each medically fragile child placed in a medically fragile foster home shall be included in the child's case record.

(F) The agency shall ensure that a member of the agency's professional staff shall be on-call for medically fragile foster caregivers and each medically fragile child placed in a medically fragile foster home on a twenty-four hour, seven day a week basis.

(G) The agency shall ensure that medically fragile foster caregivers are provided with a manual containing all policies, procedures and other information related to the program not later than the date the individual becomes certified as a medically fragile foster caregiver. The agency shall provide medically fragile foster caregivers copies of any revisions to the manual within thirty days of the revision.

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(H) The agency shall coordinate with the agency holding custody of a medically fragile child or the child's parent or guardian for the provision of all rehabilitative services and other necessary interventions contained in the child's service plan and any revisions thereto. The agency shall also implement those aspects of the child's service plan that are its responsibility.

(I) The agency shall ensure that a discharge summary is prepared pursuant to rule 5101:2-5-17 of the Administrative Code for each child discharged from a medically fragile foster home. This paragraph does not apply to a child who has been enrolled in the program only for respite services.

(J) The recommending agency shall provide the caregiver written step-by-step instructions for each skilled procedure required to be performed for each medically fragile child placed in the home. Documentation of the receipt of this information shall be maintained in the caregiver's record and in the child's record.

(K) At the following times the agency shall disclose to the medically fragile foster caregiver all information available to the agency about the child and his family pursuant to rule 5101:2-42-90 of the Administrative Code:

(1) At the time of a child's placement in a medically fragile foster home.

(2) Whenever additional information becomes available.

(L) The agency shall assure that all professional treatment staff required to be licensed shall be appropriately licensed. Professional treatment staff shall demonstrate to the employing or contracting agency that the training required for professional licensure shall be in topics appropriate to medically fragile foster care. Documentation of the training topics shall be maintained in the child's record.

(M) All professional treatment staff shall be appropriately licensed and shall annually complete at least fifteen hours of training in specific issues addressing the needs of medically fragile children and the mission of the agency.

(N) The agency shall ensure that all professional treatment staff are provided with a manual of all policies and procedures relevant to the program at the beginning of their employment with the agency.

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(O) The agency shall not prohibit medically fragile foster caregivers from participation in any formal or informal support groups organized for the purpose of supporting foster caregivers.

(P) The recommending agency shall ensure a medically fragile certified foster caregiver complies with the following occupancy limits:

(1) With the exception of the provisions of paragraph (P) (1)(b) of this rule, a medically fragile foster caregiver may provide foster care for not more than five foster children, two of whom may have intensive needs as described in rule 5101:2-47-18 of the Administrative Code requiring their placement in a medically fragile foster home.

(a) Any exception to the number of medically fragile foster children placed in the home shall be only with specific justification in accordance with the agency's policy for matching medically fragile foster children and caregivers developed pursuant to rule 5101:2-5-13 of the Administrative Code.

(b) The justification as required by paragraph (P)(1)(a) of this rule shall be documented in the child's case record and in the foster home record and may include the following:

(i) The need to place a sibling group.

(ii) The abilities of a particular caregiver in relation to the intensive needs of a particular child.

(c) The recommending agency of a medically fragile foster home shall notify, within seventy-two hours, all agencies holding custody of any other children placed in the home if more than two medically fragile children are placed in a medically fragile foster home.

(2) Children placed in a foster home shall not be moved to another placement solely to meet this requirement.

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(Q) The agency shall ensure that professional treatment staff shall have consultation at least every two weeks and at least monthly face-to-face contact with the medically fragile foster caregiver or at least one member of a medically fragile foster caregiver couple or co-parents serving an intensive needs child. At least one of the face-to-face contacts every two months shall take place in the medically fragile foster home.

(R) The agency shall ensure that professional treatment staff shall have face-to-face meetings with each intensive needs child placed in a medically fragile foster home at least every two weeks. At least one of the face-to-face meetings each month shall take place in the medically fragile foster home.

(S) For each medically fragile child placed in a medically fragile foster home, the agency shall assure that the medically fragile foster caregivers keep a written record of the child's emotional response to treatment and progress towards achieving the treatment goals identified in the child's service plan.

(1) The written record shall include signed documents of treatment provided by any health care professional providing services to the child, as well as records of any hospitalizations and hospital emergency room or urgent medical care visits.

(2) All documentation shall be maintained current and kept in the manner prescribed by the agency.

(T) The agency shall assure that medically fragile foster caregivers are aware of the potential side effects of any prescribed medication for children placed in their home.

(U) If a child with special or exceptional needs is placed in a medically fragile foster home, the provisions of rule 5101:2-5-36 of the Administrative Code shall apply for that child.

OAC 5101:2-5-38

5101:2-5-38 Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) For continuing training, ODJFS will reimburse stipend payments made by recommending agencies per the

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following schedule of training hours:

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

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

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

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

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

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

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

(D) ODJFS will pay a training allowance to each private recommending agency to compensate that entity for its costs in providing, securing or procuring training for foster caregivers through a preplacement training program or

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continuing training program operated under rule 5101:2-5-40 of the Administrative Code. The allowance rate will be fifteen dollars per foster caregiver per training hour successfully completed within a training session.

(1) ODJFS will not make an allowance payment for any training that it will not also otherwise honor for stipend reimbursement, except that it will not defer allowance payments earned for preplacement training where the private recommending agency has deferred payment of a foster caregiver's lump sum stipend until the foster caregiver is certified.

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

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

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

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

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

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

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

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

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payment of a licensing or royalty fee is required for each such use.

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

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

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

(c) Mails training announcements to foster caregivers.

(d) Uses an uncompensated trainer.

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

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

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

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

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

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

(H) Each private recommending agency and PCSA shall register an update to a foster caregiver's training history within thirty calendar days from the date on which the private recommending agency or PCSA renders a stipend payment to the foster caregiver. Failure to complete the update in this time frame will result in the forfeiture of any stipend reimbursement or allowance payment owed to the private recommending agency or PCSA for the event.

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

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

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

OAC 5101:2-5-40

5101:2-5-40 Preplacement and continuing training programs

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

(B) A training proposal shall be submitted to ODJFS by October fifteenth of every even-numbered year. An approved training proposal shall be valid for two calendar years beginning the first day of January each odd-

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numbered year.

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

(D) Upon receipt of a PCPA's or PNA's training proposal, ODJFS shall review the proposal for compliance with the requirements set forth in this rule. If ODJFS approves the proposal, it shall notify the PCPA or PNA in writing within thirty calendar days of ODJFS receipt of the proposal. If ODJFS does not approve the proposal it shall notify the PCPA or PNA in writing, within thirty calendar days of ODJFS receipt of the proposal, of the reasons why the proposal was not approved. If the proposal was not approved, ODJFS shall advise the PCPA or PNA of how to revise the proposal so that ODJFS can approve it. The PCPA or PNA shall submit a revised proposal within fifteen calendar days.

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

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

(G) The proposal shall include the following information:

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

(a) Preplacement training for prospective foster caregivers seeking certification to operate a pre-adoptive infant foster home.

(b) Continuing training for foster caregivers certified to operate a pre-adoptive infant foster home.

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(c) Preplacement training for prospective foster caregivers seeking certification to operate a family foster home.

(d) Continuing training for foster caregivers certified to operate a family foster home.

(e) Preplacement training for prospective foster caregivers seeking certification to operate a treatment foster home.

(f) Continuing training for foster caregivers certified to operate a treatment foster home.

(g) Preplacement training for prospective foster caregivers seeking certification to operate a medically fragile foster home.

(h) Continuing training for foster caregivers certified to operate a medically fragile foster home.

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

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

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

(a) Policies and procedures for assessing foster caregiver training needs and utilizing foster caregivers continuing training plans as the basis for determining course offerings and frequency of course offerings.

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

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

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

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

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

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

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

(a) Course title and description.

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

(c) Course learning objectives.

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(d) Training hours.

(e) Course outline.

(f) Qualifications of the trainer.

(H) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a pre-adoptive infant foster home shall offer training courses addressing all of the following areas:

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

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

(3) The ODJFS requirements for certifying pre-adoptive infant foster homes.

(4) Infant care.

(5) Early childhood development.

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

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

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(1) Infant care.

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

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

(J) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a family foster home shall offer training courses addressing all of the following areas:

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

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

(3) ODJFS requirements for certifying foster homes.

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

(5) Foster caregivers' involvement in permanency planning for children and their families.

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

(7) Behavior management techniques.

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

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(9) At least two hours of cultural issues in placement training including cultural diversity training.

(10) Prevention, recognition, and management of communicable diseases.

(11) Community health and social services available to children and their families.

(12) The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a foster caregiver when a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed in a foster home; a course addressing section 2152.72 of the Revised Code shall be not less than one hour long.

(13) Preparing adolescents for independent living if the prospective foster caregiver will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday.

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

(1) Parents and foster caregivers as part of child protection teams.

(2) The dynamics of child abuse and neglect and recognizing and preventing child abuse and neglect.

(3) The effect of child abuse and neglect on child development;

(4) How foster caregivers should work with children and their families regarding placement, separation, and attachment issues.

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- (5) Behavior management techniques.
- (6) Foster caregivers' working with children's families.
- (7) Effects of caregiving on children's families.
- (8) Caring for children who have been sexually abused.
- (9) Cultural competency.
- (10) Substance abuse and dependency.
- (11) Symptoms of mental illness and learning disorders.
- (12) Developmentally appropriate activities for children.
- (13) CPR and first aid.
- (14) Preparing adolescents for independent living if the foster caregiver will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday.
- (15) Teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers as specified in rule 5101:2-5-33 of the Administrative Code.

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(L) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a specialized foster home shall offer training courses addressing all of the following areas:

(1) All of the courses listed in paragraph (J) of this rule, except that the ODJFS requirements for certifying foster homes shall pertain to the type of specialized foster home the person seeks to operate and the cultural issues in placement training shall be at least three hours in length.

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

(3) Education advocacy training.

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

(5) Courses specific to the types of children placed in the type of specialized foster home the person seeks to operate.

(M) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a specialized foster home shall offer training courses appropriate to the training needs of the specialized foster caregivers that will be trained by the program. Such courses shall include continuous maintenance of certification in a first aid training program and a child and adult CPR certification training program such as those training programs offered by the American red cross, the American heart association, or the equivalent. The continuing training program may include, but is not limited to, courses such as the following:

(1) All of the courses listed in paragraph (K) of this rule.

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

(3) Education advocacy training.

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

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

(1) Availability of space in the training program.

(2) If applicable, payment of an instruction or registration fee, if any, by the foster caregiver's recommending agency.

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

(1) Availability of space in the training program.

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

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

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

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OAC 5101:2-5-99

5101:2-5-99 Child care agencies--Repealed