

5101:2-1-01 **Children services definitions of terms.**

(A) This rule contains the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-35, 5101:2-36, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-52 and 5101:2-57 of the Administrative Code.

(B) Definitions.

- (1) "Abandoned child", pursuant to section 2151.011 of the Revised Code, means a child who is presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.
- (2) "Adjudicatory hearing" pursuant to section 2151.28 of the Revised Code means a hearing held by the juvenile court to determine whether a child is a juvenile traffic offender, delinquent, unruly, abused, neglected, or dependent or otherwise within the jurisdiction of the court or whether temporary or legal custody should be converted to permanent custody.
- (3) "Administrative director" or "administrator" means the person designated by the governing body of an agency who is responsible for the management and administration of the agency.
- (4) "Adopted person" is a person whose legal relationship was terminated with his/her biological parents, through permanent surrender or court order, and a new legal relationship has been established with an adoptive family.
- (5) "Adoption" is the creation, by a court of competent jurisdiction, of parental rights and responsibilities between a child and an adult, along with the termination of all parental rights and responsibilities to the child held by any other persons, which have not been previously surrendered or terminated by court order.
- (6) "Adoption finalization" is an order of the court issued pursuant to section 3107.14 of the Revised Code terminating all parental rights and responsibilities of a biological or other legal parent and creating the relationship of parent and child between the petitioner and the adopted person.
- (7) "Adoptive parent" is a person who adopts a person legally available for adoption.

- (8) "Adoptive placement" means the permanent placement of a child for adoption, including any action resulting in a final adoption decree.
- (9) "After-hours" are the times other than the normal business day, Monday through Friday, pursuant to policies as set forth by the PCSA. "After-hours" also includes weekends and holidays.
- (10) "Agency" means a PCSA, private child placing agency (PCPA) or private non-custodial agency (PNA) certified by ODJFS.
- (11) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code and transferring the temporary custody of a child to a PCSA or a PCPA.
- (12) "Agreement for temporary custody of child" for the purposes of accepting temporary custody of a Native American (Indian) child shall mean when implementing rules contained in Chapter 5101:2-53 of the Administrative Code any action in which the parent or Indian custodian voluntarily transfers custody of an Indian child to an agency for temporary placement in a foster home or children's residential center or the home of a guardian, where parental rights such as the privileges of reasonable visitation, consent to adoption, the privilege to determine the child's religious or Indian affiliation, and the responsibility for support cannot be terminated. The parent or Indian custodian may revoke an agreement for temporary custody of the child at any time and the child must be returned.
- (13) "Applicant" as used in Chapters 5101:2-5 to 5101:2-9 of the Administrative Code means a person who has filed an application form with ODJFS to operate an agency regulated by Chapter 5101:2-5 of the Administrative Code or a person who has completed a JFS 01691 "Application for Child Placement" (rev. 12/2006) to become a foster caregiver and submitted the application to an agency pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. An applicant does not include a person currently certified as a foster caregiver and who is applying to become a specialized foster caregiver with the same agency with which the person is currently affiliated as a certified foster caregiver.
- (14) "Approved adoptive home" is a home in which the family has been studied, evaluated and approved by the PCSA, PCPA or PNA for the adoptive placement of a child.
- (15) "Assessment" means comprehensive family assessment and/or risk assessment

as defined by this rule.

- (16) "At risk of institutionalization" as used in the definition of a "medically fragile foster home" means that unless the child's medical condition, and/or functional abilities and/or environment are maintained or improved, the child would require placement in a hospital, skilled nursing facility or intermediate care facility for the mentally retarded, in order to maintain their health and safety.
- (17) "Attorney" is a person who has been admitted to the bar by order of the Ohio supreme court.
- (18) "Authorization of release form" is the form prescribed by the department of health under division (A)(2) of section 3107.50 of the Revised Code to be used by the birth parent.
- (19) "Birth parent" is a biological parent of an adopted person.
- (20) "Birth sibling" is a biological sibling of an adopted person.
- (21) "Board of directors" or "board of trustees" or "governing body" or "governing board" means the body of persons empowered by an organization's articles of incorporation, constitution, regulations, or statute to operate an agency and may or may not have proprietary interest in the agency.
- (22) "Branch office" means a location of an agency having an address separate from the main or primary location of the agency where any or all of the certified functions of the agency may be conducted.
- (23) "Caregiver" is a person providing the direct day-to-day care of a child during his placement in substitute care.
- (24) "Caretaker" is a person with whom the child resides or the person responsible for the child's daily care. This includes, but is not limited to, the parent, guardian, custodian or out-of-home care setting employee.
- (25) "Case management services" are activities performed by the PCSA, PCPA, PNA, or Title IV-E agency for the purpose of providing, recording and supervising services to a child and his parent, guardian, custodian, caretaker or substitute caregiver.

- (26) "Case plan" means a written document developed by the PCSA, PCPA or Title IV-E agency and the family which identifies strengths of the family, concerns to be resolved and supportive services to be provided which will result in ensuring permanence for the child.
- (27) "Casework services" are those services performed or arranged by the PCSA or PCPA to manage the progress, provide supervision and protection of the child and his parent, guardian or custodian.
- (28) "Caseworker" means a PCSA, PCPA or PNA staff person who is responsible for provision of protective services or supportive services to the child and his parent, guardian, custodian or substitute caregiver.
- (29) "Central registry report" is the report of an incident of alleged child abuse or neglect submitted by the PCSA to ODJFS to determine whether prior reports have been made in other counties concerning the child or other principals of the case.
- (30) "Certificate" means a document prescribed by ODJFS issued pursuant to Chapter 5103. of the Revised Code authorizing an agency to perform specific functions or authorizing a foster caregiver to care for children.
- (31) "Certified foster home" means a foster home operated by persons holding a certificate in force, issued under section 5103.03 of the Revised Code.
- (32) "Certified organization" pursuant to section 5153.01 of the Revised Code means any organization holding a certificate that is in full force and effect, issued under section 5103.03 of the Revised Code.
- (33) "Chemical dependency", pursuant to section 2151.3514 of the Revised Code, means either of the following:
- (a) The chronic and habitual use of alcoholic beverages to the extent that the user can no longer control the use of alcohol or endangers the user's health, safety, or welfare or that of others.
 - (b) The use of a drug of abuse, as defined in section 3719.011 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

- (34) "Chemical restraint" means any substance given to a child to subdue or restrict movement or behavior as punishment or for staff convenience. Chemical restraint is prohibited by ODJFS.
- (35) "Child" means any person under eighteen years of age or a mentally or physically handicapped person under twenty-one years of age.
- (36) "Child abuse and neglect memorandum of understanding" is a memorandum of understanding which establishes the normal operating procedures and responsibilities to be exercised by each participant regarding alleged child abuse and neglect.
- (37) "Child abuse and neglect multidisciplinary teams" are groups organized to provide prevention, identification, diagnosis, treatment and/or consultation on child abuse and neglect.
- (38) "Child care staff" means any employee, volunteer or college intern whose duties involve the direct face-to-face care of children ~~for more than twenty per cent of the duties~~ as specified on the individual's job description.
- (39) "Child day care" pursuant to Chapter 5104. of the Revised Code means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.
- (40) "Child day care center" and "center" means any place child day care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and are on the premises of the center shall be counted.
- (41) "Child in treatment foster care" means a child having one or more special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code that substantially interfere with or limit the child's functioning in family, school, or community activities.
- (42) "Child protection and permanency program" as used in rule 5101:2-33-02 of the Administrative Code means the administration of a wide range of services

identified through the risk assessment process. The program can include the provision of protective services, in-home supportive services, out-of-home care services and adoption services coordinated and delivered on behalf of a child who has come to the attention of the PCSA.

- (43) "Child service plan" or "service plan" means a goal-oriented, time-limited, individualized program of action for a child and the family, specific to the child's placement in a particular facility and separate from the case plan as required by Chapters 5101:2-5 and 5101:2-39 of the Administrative Code, developed by the placement facility in cooperation with the custody holding agency or individual.
- (44) "Child stealing" is the illegal removal of a child from the parent, guardian or custodian who has legal custody.
- (45) "Children services agency" (CSA) is any agency or organization in another state which has assumed the administration of the child welfare function prescribed in its respective state statute.
- (46) "Children's protective services" (CPS) is a term used to describe a wide range of social services coordinated and delivered on behalf of a child who is at risk, or is being or has been abused or neglected.
- (47) "Children's residential center" (CRC) means a facility in which eleven or more children, including the children of any staff residing at the facility, are given non-secure care and supervision twenty-four hours a day.
- (48) "Community education service" is a range of public information activities designed to increase the public's awareness of child abuse or neglect and to promote appropriate utilization of services.
- (49) "Compact state" means a state, U.S. commonwealth, possession or trust territory which is a signatory to the interstate compact on the placement of children.
- (50) "Comparable requirement" means a nationally recognized accreditation organization's standard that equals or exceeds Ohio Administrative Code (OAC) requirements.
- (51) "Comprehensive family assessment" is an ongoing exchange of information between worker, family and collaterals to determine the strengths of the family and the degree of risk and intervention necessary to keep a child safe.

It organizes and categorizes information focusing on the management of future risk or maltreatment and is constantly being revised during the life of the case.

- (52) "Co-parents" means adult individuals, related or unrelated, living together in the same household and share parenting responsibilities.
- (53) "Corrective action" is action taken to correct or remediate situations which were identified as being the cause of a child abuse or neglect incident.
- (54) "Counseling" includes both of the following:
 - (a) General counseling services performed by a PCSA or shelter for victims of domestic violence to assist a child, a child's parents, and a child's sibling in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.
 - (b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or person licensed under Chapter 4754. of the Revised Code to engage in social work or professional counseling.
- (55) "Court-appointed special advocate" means a volunteer guardian ad litem appointed by the court who is responsible for: researching the background of assigned child abuse, neglect and dependency cases; representing the child's best interests; speaking for the child in all hearings, reviews and other relevant case activities; monitoring the child during the life of the case; and advocating for a safe and permanent home for the child.
- (56) "Court order of priority placement" means a court order prepared by an Ohio judge or a judge in another state, which designates that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.
- (57) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation (BCII) pursuant to section 109.572 of the Revised Code.
- (58) "Crisis services" are services provided to families in crisis situations for the purpose of providing an immediate or temporary solution to the presenting

problem.

- (59) "Custodian" means a person having legal custody of a child or a PCSA, PCPA, or Title IV-E agency that has permanent, temporary, or legal custody of a child.
- (60) "Cultural competency" means the understanding of culture as a system of values, beliefs, attitudes, traditions, and standards of behavior governing the organization of people into social groups and regulate both group and individual behaviors.
- (61) "Day camp" is a nonfacility-based program in the outdoors providing children with creative, recreational, and educational experiences in group living in a single-site natural environmental area.
- (62) "Day treatment services" are services provided for a portion of the day for a child, living at home or in substitute care, who is at risk, or is being or has been abused or neglected, and who manifests emotional, psychological, behavioral, or social problems which cannot be resolved in nonspecialized educational or developmental settings, or in specialized settings such as learning behavioral disabilities classes.
- (63) "Delinquent child" pursuant to section 2151.02 of the Revised Code includes any child who does any of the following:
- (a) Violates any law of this state or the United States, or any ordinance or regulation of a political subdivision of the state, that would be a crime if committed by an adult, except as provided in section 2151.021 of the Revised Code.
 - (b) Violates any lawful order of the court, made under Chapter 2151. of the Revised Code.
 - (c) Violates division (A) of section 2923.211 of the Revised Code.
- (64) "Denial or authorization to release form" is either of the following:
- (a) The section of the JFS 01693, "Ohio Law and Adoption Materials" (rev. 5/2009) prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code where the birth parent checked the "no" space provided in that section.

- (b) The form prescribed under division (A)(1) of section 3107.50 of the Revised Code.
- (65) "Deserted child" means a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing an intent to return for the child and who, pursuant to sections 2151.3516 and 2151.3517 of the Revised Code, is thirty days old or younger and has no apparent signs of abuse or neglect.
- (66) "Developmental disability" is as defined in section 5123.01 of the Revised Code.
- (67) ~~Diagnostic~~ "Diagnostic services" are medical, psychiatric, or psychological services performed by a licensed physician, psychiatrist, psychologist, and persons licensed under Chapter 4757. of the Revised Code for the purpose of evaluating an individual's current physical, emotional, or mental condition.
- (68) "Direct placement" means the placement of a child by the parent, guardian or legal custodian of the child, including by court order, with the participation and agreement of an agency, into an out-of-home care setting operated or supervised by the agency, with the parent, guardian or legal custodian retaining legal custody of the child.
- (69) "Disabled infant" is a child less than one year of age who has a physical or mental handicap which substantially limits or may limit in the future one or more major life activities such as self-care, receptive and expressive language, learning, and mobility.
- (70) "Dispositional hearing," pursuant to sections 2151.35 to 2151.355 and 2151.414 of the Revised Code, means a hearing held by the juvenile court to determine what action shall be taken concerning a child who is within the jurisdiction of the court.
- (71) "Disruption" is the unplanned interruption of a substitute care placement of a child which requires the transfer of the child to a subsequent substitute care placement setting before the goals of the child's case plan are achieved.
- (72) "Domestic violence" pursuant to section 3113.33 of the Revised Code means attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent physical harm.

- (73) "Duly authorized" is the established ongoing approval by a juvenile court, granting the PCSA permission to remove a child who is at imminent risk when time does not permit obtaining a court order or assistance from law enforcement.
- (74) "Educational/vocational assistance" means counseling and other similar assistance related to educational and vocational training, preparation for a general equivalency diploma (GED) or for higher education, job readiness, job search assistance, and placement program.
- (75) "Effective denial of release form" is a denial of release form that has not been rescinded by an authorization of release form pursuant to division (B) of section 3107.46 of the Revised Code.
- (76) "Emergency caretaker services" are those services provided by a person placed within a child's own home to act as a temporary caretaker when the child's own caretaker is unable or unwilling to fulfill the responsibility.
- (77) "Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.
- (78) "Emergency shelter" is the short-term crisis placement of any child who is threatened or alleged to be abused, neglected, or dependent to an extent that there is imminent risk to the child's life, physical or mental health, or safety.
- (79) "Emergency shelter care facility" is a group home for children, a children's residential center (CRC), or a portion of a CRC, which is certified to provide temporary emergency nonsecure care for children.
- (80) "Employment and training services" are services designed to assist individuals in obtaining paid employment. Such services may include, but not be limited to, the use of social, psychological, and vocational diagnostic assessment, training, and placement.
- (81) "Environmental management services" are services offered to the child and his family or caretaker to improve physical living conditions and provide emergency funds. Such services may be provided, arranged, or ensured and may include, but not be limited to, housing repair, housing location, exterminating rodents or insects, lead abatement or making available financial assistance for outstanding utility bills.

- (82) "Ex parte emergency order" is an order issued by a juvenile judge or a designated referee pursuant to section 2151.31 of the Revised Code initiated and obtained by one party where other parties have not had advance notice and the opportunity to be heard prior to the issuance of the order authorizing the taking of a child into custody.
- (83) "Family" means a group of people related by blood or circumstances who may rely upon one another for sustenance, support, security, and or socialization.
- (84) "Family foster home" means a foster home that is not a specialized foster home.
- (85) "Family preservation services" means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including:
- (a) Service programs designed to help children: return to their families from which they have been removed, if determined to be safe and appropriate; or be placed for adoption, or with a guardian; or if adoption or guardianship is determined not to be safe and appropriate for a child, in some other planned permanent living arrangement.
 - (b) Preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of substitute care placement remain safely with their families.
 - (c) Service programs designed to provide follow-up care to families to whom a child has been returned after a substitute care placement.
 - (d) Respite care of children to provide temporary relief for parents and other caregivers (including foster caregivers).
 - (e) Services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.
- (86) "Family support services" means community-based services to promote the safety and well-being of children and families, which are designed to increase the strength and stability of families (including adoptive, foster, and extended

families), to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable and supportive family environment, and otherwise to enhance child development.

- (87) "Final decree of adoption" includes an interlocutory order of adoption that has become final.
- (88) "Final report" as used in rule 5101:2-33-02 of the Administrative Code means the official written findings of the structured quality assurance review for the child protection and permanency program.
- (89) "Foster care for medically fragile children" means foster caregiver-based treatment services for children whose intensive health care needs cannot be met in their own home. Foster care for medically fragile children focuses rehabilitative services on medically fragile children and their families with the primary location of treatment in a medically fragile foster home.
- (90) "Foster caregiver" means a person holding a valid foster home certificate issued by ODJFS.
- (91) "Foster care maintenance" is an individual entitlement for financial assistance for board and care of children who meet the eligibility requirements contained in Chapter 5101:2-47 of the Administrative Code, who are in the placement and care of a Title IV-E agency and are in an approved substitute care placement.
- (92) "Foster child" means a child placed in a foster home who is not the natural or adopted child or other legal ward of the foster caregiver.
- (93) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes, pre-adoptive infant foster homes and specialized foster homes are types of foster homes.
- (94) "Group home" is a public or private facility which provides placement services for children and is licensed, regulated, approved, operated under the direction of, or otherwise certified as a group home by ODJFS, the Ohio department of education, a local board of education, the Ohio department of youth services,

the Ohio department of mental health, a county board of mental health, the Ohio department of mental retardation and developmental disabilities, a county board of mental retardation and developmental disabilities, or a political subdivision.

- (95) "Group home for children" referred to in Chapter 5101:2-5 of the Administrative Code as "group home" means any facility, public or private, which meets all of the following criteria:
- (a) Gives a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day for hire, gain, or reward by a person or persons who are unrelated to such children by blood or marriage, or who is not the appointed guardian of such children. Any individual who provides care for children from only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being a group home for children.
 - (b) Is not certified as a foster home.
 - (c) Receives or cares for children for two or more consecutive weeks.
- (96) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.
- (97) "Guardian ad litem" is a guardian appointed by the juvenile court to represent and protect the best interest of an alleged or adjudicated abused, neglected, or dependent child.
- (98) "Habilitation" is the process by which the staff of a mental retardation institution assists a resident to acquire and maintain those life skills which enable him to cope more effectively with the demands of his own person and of his environment and to the level of his physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal structured education and training.
- (99) "Handicapped person" is an individual who is mentally and/or physically handicapped.
- (100) "Health care facility" is any public or private hospital or institution offering

maternity services, or services to premature disabled infants, or services to disabled newborns.

- (101) "Health care facility designee" is the person named by the health care facility to act as the contact with the PCSA in all cases when there is an allegation that a disabled infant with life-threatening conditions is a neglected child as defined in division (A) of section 2151.03 of the Revised Code due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment.
- (102) "Health care facility review committee" is an infant care review committee, an institutional bioethics committee, or another entity established to deal with medical, legal, and ethical dilemmas arising in the care of patients within a health care facility.
- (103) "Health care professional" means any physician as defined in this rule or a registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code.
- (104) "Hire, gain, or reward" means any form of compensation made available to the person providing care and supervision to a child.
- (105) "Hold status" is an action taken by a PCSA or PCPA to exclude requests for Ohio adoption photo listing (OAPL) matches.
- (106) "Home health aide services" means the personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene.
- (107) "Homemaker services" means the professionally directed or supervised simple household maintenance or management services provided by trained homemakers or individuals to families in their own homes.
- (108) "Hospital" is as defined in section 5122.01 of the Revised Code.
- (109) "Hospital employee" means any of the following:
- (a) A physician who has been granted privileges to practice at the hospital.
 - (b) A nurse, physician assistant, or nursing assistant employed by the hospital.

- (c) An authorized person employed by the hospital who is acting under the direction of a physician that has been granted privileges to practice at the hospital.
- (110) "Hotline/answering service" is a communication system which allows child abuse or neglect reports to be received twenty-four hours per day, seven days per week.
- (111) "Household" means a private residence including the members of the family living therein and/or unrelated individuals living in the same residence and sharing common living areas.
- (112) "Identifying information" as used in adoption is as defined in section 3107.01 of the Revised Code.
- (113) "Independent interstate placement" is the act of placing a child, by his parents or non agency legal guardian, across state boundaries into placement for foster care or placement for adoption.
- (114) "Independent living arrangement" means any living environment provided by an agency including service programs and activities to assist youth sixteen years of age and older to make the transition from substitute care to independent living.
- (115) "Indian foster home" for the purpose of placing a Native American (Indian) child pursuant to rules contained in Chapter 5101:2-53 of the Administrative Code means a home licensed, approved, or specified by the Indian child's tribe, whether on or off the reservation, or an Indian foster home certified by the department of job and family services or another state agency with such authority.
- ~~(116) "Indicated report" is a report to the central registry in which there is circumstantial, or other isolated indicators of child abuse or neglect lacking confirmation; or a determination by the caseworker that the child has been abused or neglected based upon completion of an assessment/investigation.~~
- ~~(117)~~(116) "Infant" means any child from birth to eighteen months of age.
- ~~(118)~~(117) "In-home services" are a range of supportive services provided to children and families in their own homes.

~~(119)~~(118) "Initial report" is a report of information supplied to the PCSA by the reporter.

~~(120)~~(119) "Institution for children" for the purpose of placing a Native American (Indian) child pursuant to requirements contained in Chapter 5101:2-53 of the Administrative Code, means an institution approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

~~(121)~~(120) "Interlocutory order of adoption" is an order of the court issued pursuant to section 3107.14 of the Revised Code which automatically becomes a final decree of adoption upon the date specified in the order.

~~(122)~~(121) "Interstate children's protective services referral" is an out-of-state report concerning alleged, indicated, or substantiated child abuse or neglect made or accepted by a PCSA.

~~(123)~~(122) "Interstate compact on adoption and medical assistance (ICAMA)" is an interstate compact which formalizes cooperation among party states and provides the standardized procedures for arranging for medical assistance and services for adopted special needs children and their families when there is a state adoption assistance agreement or a federal adoption assistance agreement in effect.

~~(124)~~(123) "Interstate compact on the placement of children (ICPC)" is a uniform law enacted by states and jurisdictions of the United States, establishing orderly procedures for the interstate placement of children across state lines and assigning responsibilities for those involved in placing children.

~~(125)~~(124) "Interstate placement" is the arrangement made by a sending agency, for the care of a child to be sent from Ohio to another state or from another state into Ohio, which care is to be provided by a foster home, home of a parent or parents, relative home, child-care institution, or adoptive home. This definition does not include any of the following types of placements:

- (a) Placements into a facility caring for the mentally ill, mentally retarded or developmentally disabled; a facility that is primarily educational in nature; or a hospital or other medical facility.
- (b) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or nonagency legal guardian, and leaving the child with any such relative

or nonagency legal guardian in the receiving state.

(c) Placement of a child across state lines by a court as an incident to a divorce.

(d) Placement of a child into Ohio for a period of time not exceeding thirty calendar days, if the sending agency, when the sending agency is other than a parent or non agency legal guardian, has notified the agency in the county where the child will be visiting of the following:

(i) That the child will be visiting.

(ii) The child's date of arrival.

(iii) The anticipated length of the child's visit.

(e) Placement of a child who is subject to an agreement for temporary custody.

~~(126)~~(125) "Intrastate children's protective services referral" is a report concerning alleged, indicated, or substantiated child abuse and neglect made by one Ohio PCSA to another Ohio PCSA for the purpose of requesting the provision of protective services.

~~(127)~~(126) "Investigation" is a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the investigation provides data upon which to make a case resolution/disposition regarding a report of alleged child abuse or neglect.

~~(128)~~(127) "Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card.

~~(129)~~(128) "Kin" means the following:

(a) Individuals related by blood or adoption:

(i) Parents, grandparents, including grandparents with the prefix "great," "great-great," "grand," or "great-grand."

(ii) Siblings.

(iii) Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand."

(iv) Cousins and first cousins once removed.

(b) Stepparents and stepsiblings.

(c) Spouses and former spouses of individuals named in paragraph ~~(B)(129)(a)~~(B)(128)(a) of this rule.

(d) Any non-relative adult the current custodial caretaker or child identifies as having a familiar and long-standing relationship/bond with the child and/or the family which will ensure the child's social ties.

~~(130)~~(129) "Legal custody" means a legal status vesting in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

~~(131)~~(130) "Licensing authority" is the governmental body responsible for carrying out a department's licensing and regulatory functions, including monitoring compliance with applicable state laws and departmental rules by agencies, individuals, organizations, facilities, or other service providers licensed or certified by that body.

~~(132)~~(131) "Lifebook" is a record of the child's life which helps identify events in the child's past, including what happened while in agency care. The record shall include a chronological listing of such events and relationships in the child's life. Photographs may be used to depict events in the life book.

~~(133)~~(132) "Life skills assessment" is an evaluation of the strengths and needs regarding the life and personal skill development of a child in order to determine his current level of independence and the services required to help the child become a self-sufficient adult.

~~(134)~~(133) "Life skills services" are a series of developmentally appropriate services or activities that provide an opportunity for a child to gain the skills needed to live a self-sufficient adult life pursuant to rule 5101:2-42-19 of the Administrative Code.

~~(135)~~(134) "Life-threatening condition" is any condition in which a disabled infant would die unless medical or corrective surgical treatment is provided.

~~(136)~~(135) "Linkage and practice" means coordination with other components of the independent living program.

~~(137)~~(136) "Living unit" means one of the following:

(a) A group home.

(b) Individual houses or cottages, with a capacity of no more than twenty children, each of which contain bedrooms, bathrooms, living room or lounge, and may contain a kitchen or designated eating area.

(c) A floor or specific parts of a floor with a capacity of no more than twenty children and which contains bedrooms, bathrooms, living room or lounge, other activity space as required by rule 5101:2-9-26 of the Administrative Code, and may contain a kitchen or designated eating area.

~~(138)~~(137) "Managed care" refers to contracted service providers that have full responsibility for case planning and case management. It does not include contracted service providers that provide services while the public children services agency maintains decision making and case management responsibilities for the case or the child.

~~(139)~~(138) "Management information system" is the electronic method of arranging client, case and service data for storage and retrieval.

~~(140)~~(139) "Mechanical restraint" means any device used to prevent or restrict movement as punishment or for staff convenience. Mechanical restraint is prohibited by ODJFS.

~~(141)~~(140) "Medical consultant" is a licensed, board-certified, and practicing pediatrician, or neonatologist.

~~(142)~~(141) "Medical diagnosis" is the evaluation of a child examined by a licensed physician to determine if abuse or neglect is medically indicated.

~~(143)~~(142) "Medically fragile child" means a person from birth through twenty-one years of age who has intensive health care needs that can be met in a medically fragile foster home.

~~(144)~~(143) "Medically fragile foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-37 and 5101:2-7-02 to 5101:2-7-17 of the Administrative Code to provide foster care and other services for medically fragile children placed in the caregiver's medically fragile foster home.

~~(145)~~(144) "Medically fragile foster home" means a foster home providing specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

- (a) The children require a skilled level of care under rules adopted by the department of job and family services governing payment under Chapter 5111. of the Revised Code for long-term care services as defined in rule 5101:2-3-15 of the Administrative Code.
- (b) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.
- (c) The children require the services of a registered nurse on a daily basis.
- (d) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

~~(146)~~(145) "Mental illness" is as defined in section 5122.01 of the Revised Code.

~~(147)~~(146) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

~~(148)~~(147) "Mental retardation" is the condition of significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

- ~~(149)~~(148) "Mental retardation institution" is a tax-supported facility under the jurisdiction of the department of mental retardation and developmental disabilities, a county mental retardation program, or any other facility in which a mentally retarded person may be placed by a court pursuant to section 5123.76 of the Revised Code.
- ~~(150)~~(149) "Mentally handicapped" is the condition of mental retardation and/or mental illness.
- ~~(151)~~(150) "Mentally ill person subject to hospitalization by court order" is as defined in section 5122.01 of the Revised Code.
- ~~(152)~~(151) "Mentally retarded person" pursuant to section 5123.01 of the Revised Code means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.
- ~~(153)~~(152) "Mentor" is an individual who is specifically trained and assigned to a child or family to assist the child or family deal with or learn to deal with day-to-day living situations.
- ~~(154)~~(153) "Nonidentifying information" as used in adoption is as defined in section 3107.60 of the Revised Code.
- ~~(155)~~(154) "Nonrelative" for the purposes of selecting a substitute care setting for the placement of a child means an individual identified by the current custodial caretaker or child as having a familiar and longstanding relationship with the child or the family.
- ~~(156)~~(155) "Nonsecure care, supervision, training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.
- ~~(157)~~(156) "Ohio adoption photo listing (OAPL)" is a recruitment tool featuring a listing and description of Ohio's children available for adoption and approved adoptive families.
- ~~(158)~~(157) "OAPL matches" is a listing of information describing the characteristics of children available for adoption and links them with characteristics and preferences of approved adoptive families.

~~(159)~~(158) "Ongoing evaluation" as used in rule 5101:2-33-02 of the Administrative Code means the continual analysis and self appraisal of a PCSA in participation with ODJFS.

~~(160)~~(159) "Organization" is as defined in section 2151.011 of the Revised Code.

~~(161)~~(160) "Out-of-home care" is as defined in section 2151.011 of the Revised Code.

~~(162)~~(161) "Out-of-home care setting" is a detention facility, shelter facility, foster home, pre-finalized adoptive placement, certified foster home, approved foster care, organization, certified organization, child day-care center, type A family day-care home, type B family day-care home, group home, institution, state institution, residential facility, residential care facility, residential camp, day camp, hospital, medical clinic, children's residential center, public or nonpublic school, or respite home that is responsible for the care, physical custody, or control of a child.

~~(163)~~(162) "Stranger danger report" is a report to the PCSA alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code if the alleged perpetrator:

- (a) Is not a member of the alleged child victim's family.
- (b) Has no sanctioned or continued access to the alleged child victim.
- (c) Has no relationship with the alleged child victim.
- (d) Is not involved in daily or regular out-of-home care for the alleged child victim.
- (e) Is a stranger, previously unknown to the alleged child victim and the alleged child victim's family.

~~(164)~~(163) "Outreach" means establishment of a system of outreach which would encourage children and families to participate in services; and develop community organizational efforts and ongoing support networks for children and families.

~~(165)~~(164) "Parent aide services" are those supportive services provided by a

person assigned to families as a role model, and to provide family support for a portion of the twenty-four hour day.

~~(166)~~(165) "Parent education" is a teaching process to assist a parent, guardian, or custodian in developing the basic skills necessary to provide adequate care and support to a child in his own home.

~~(167)~~(166) "Parental rights" is the authority of a child's parents to make all decisions regarding the child's care and control including, but not limited to, the determination of where and with whom the child shall live and the right to protect, train, and discipline the child and provide the child with food, shelter, education, and medical care.

~~(168)~~(167) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

~~(169)~~(168) "Permanent alternative placement" is a planned placement for a child, when it has been determined he cannot return to the child's own home, including adoption, custody to kin, independent living, or planned permanent living arrangement.

~~(170)~~(169) "Permanency plan" shall have the same meaning as the case plan.

~~(171)~~(170) "Permanent commitment" is an order of a juvenile court exercising jurisdiction, pursuant to section 2151.353, 2151.354, 2151.355, or 2151.414 of the Revised Code, which grants permanent custody of a child to a PCSA or PCPA.

~~(172)~~(171) "Permanent court commitment" as used in Indian child welfare rules contained in Chapter 5101:2-53 of the Administrative Code means any court action resulting in the termination of the residual rights when it has been proven that reunification of the family will not serve the Indian child's best interests.

~~(173)~~(172) "Permanent custody" is as defined in section 2151.011 of the Revised Code.

~~(174)~~(173) "Permanent surrender" is as defined in section 2151.011 of the Revised Code.

~~(175)~~(174) "Permanent surrender action" as used in Indian child welfare rules

contained in Chapter 5101:2-53 of the Administrative Code means any voluntary permanent surrender on the part of the parent or Indian custodian resulting in the termination of the residual rights.

~~(176)~~(175) "Person responsible for a child's care in out-of-home care" means any of the persons named below, but does not include a prospective employee of the department of youth services, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(a) Any foster caregiver, in-home aide, or provider.

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child care center; type A family child care home; certified type B family child care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic.

(c) Any other person performing a similar function with respect to, or has a similar relationship to, children.

~~(177)~~(176) "Physical restraint" means a therapeutic holding technique(s) with the intent to minimize or prevent harm when the child has lost control of his or her actions in such a way as to threaten harm to self; or others, ~~or valuable property~~. Physical restraint shall not be used as a planned intervention until after other less restrictive procedures or measures have been explored and found to be inappropriate. At no time shall physical restraint be used as punishment or for staff convenience.

~~(178)~~(177) "Physically handicapped" is the impairment of vision, speech, or hearing; congenital orthopedic impairment, orthopedic impairment caused by disease, or orthopedic impairment from other causes (e.g., amputation); impairment caused by chronic or acute health problems (e.g., rheumatic fever); or a concomitant of the aforementioned.

~~(179)~~(178) "Physically impaired" is as defined in section 2151.011 of the Revised Code.

~~(180)~~(179) "Physician" means an individual licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board or by a comparable body in another state.

~~(181)~~(180) "Placement for adoption" is as defined in section 2151.011 of the Revised Code.

~~(182)~~(181) "Placement for foster care" is as defined in section 2151.011 of the Revised Code.

~~(183)~~(182) "Planned permanent living arrangement," pursuant to Chapter 2151. of the Revised Code, means an order of a juvenile court to which the following apply:

- (a) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care; or
- (b) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative; or
- (c) The child is sixteen years of age or older, has been counseled on the permanent placement options available to the child, is unwilling to accept or unable to adapt to a permanent placement, and is in an agency program preparing the child for independent living.

~~(184)~~(183) "Post-finalization services" or "post-finalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support, maintain and assist an adopted child, adoptive family or birth parent anytime after finalization of an adoption.

(184) "Practitioner of behavior science" means an individual licensed or credentialed by the state of Ohio having within their scope of practice the assessment and treatment of psychological, developmental and behavioral disorders of children.

(185) "Pre-adoptive infant foster home" means a foster home for the care of a child who is in the custody of a PCSA or PCPA pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed.

(186) "Pre-adoptive family" means a parent(s) who has signed an adoption

placement agreement for which the placement has not been finalized in court.

- (187) "Pre-finalization services" or "pre-finalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support and assist a child and adoptive family from the date of adoptive placement until the issuance of a final decree of adoption.
- (188) "Pre-finalized adoptive parent" is an adoptive parent with whom a PCSA or PCPA has placed a child for adoption and who has entered into an adoptive placement agreement but for whom an adoption has not been finalized in court.
- (189) "Pre-finalized adoptive placement" is the placement of a child in an adoptive home with an adoptive placement agreement in effect, for whom the court has not issued a final decree of adoption.
- (190) "Pre-placement preventive services" are those services designed to alleviate family problems which would otherwise result in the child's removal from the home.
- (191) "Preschool age child" means any child from three years of age to five years of age.
- (192) "Pre-service training program" means a training program designed to provide caregivers with an understanding of the needs of an abused, neglected, or dependent child, or a child with special needs.
- (193) "Priority placement" means a placement status, based upon the findings by an Ohio court or a court in another state, designating that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.
- (194) "Private child placing agency (PCPA)" means any association, as defined in section 5103.02 of the Revised Code, certified pursuant to section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.
- (195) "Private non-custodial agency (PNA)" means any person, organization, association, or society certified by ODJFS that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

- (a) Receives and cares for children for two or more consecutive weeks;
 - (b) Participates in the placement of children in certified foster homes;
 - (c) Provides adoption services in conjunction with a PCSA or PCPA.
- (196) "Professional treatment staff" means specialized foster home program agency employees or contractors with responsibility for:
- (a) Providing rehabilitative services to a child placed in a specialized foster home program or to the child's family;
 - (b) Conducting homestudies as an assessor for specialized foster homes;
 - (c) Providing clinical direction to specialized foster caregivers; and/or
 - (d) Supervision of treatment team leaders.
 - (i) Professional treatment staff of a PCPA or a PNA shall be a licensed social worker, a licensed independent social worker, a licensed professional counselor, a licensed professional clinical counselor, a counselor trainee, a licensed marriage and family therapist, a licensed independent marriage and family therapist, a certified chemical dependency counselor, a licensed medical doctor or doctor of osteopathy, a licensed psychologist, a licensed psychology assistant or a master's level or registered nurse with responsibility for providing agency services for a child placed in a treatment foster home or a medically fragile foster home.
 - (ii) Professional treatment staff of a PCSA who are exempted from the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.
- (197) "Prospective employee" means a person who is under final consideration for appointment or employment with a PCSA, a PCPA or a PNA as an administrator, caseworker, child care staff or other person in a position responsible for a child's care in out-of-home care, including those directly employed by the agency as well as those under contract with another person or entity. "Prospective employee" does not include a prospective foster caregiver.

- (198) "Protective day-care services" are services provided for a portion of the twenty-four-hour day for the direct care and protection of children who have been harmed or threatened with harm, or who are at risk of abuse, neglect, or exploitation due to a psychological or social problem, or physical or mental handicap of a caretaker parent, or whose health or welfare is otherwise jeopardized by their home environment.
- (199) "Protective services" is a term used to describe a wide range of supportive services coordinated and delivered on behalf of children at risk of abuse or neglect.
- (200) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, unruly, or delinquent child, or juvenile traffic offender to remain in the custody of the child's parent, guardian, or custodian and stay in the child's own home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.
- (201) "Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.
- (202) "Putative father" as defined in section 3107.01 of the Revised Code means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:
- (a) He is not married to the child's mother at the time of the child's conception or birth;
 - (b) He has not adopted the child;
 - (c) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.20 to 3111.29 of the Revised Code, or an administrative agency proceeding in another state.
 - (d) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code.

- (203) "Putative father registry" is a registry established and maintained by the ODJFS to allow a putative father to register should he wish to be given notice of a petition to adopt a minor he claims as his child. The registry will allow a mother, agency or attorney to search and either confirm or deny if a child has a registered putative father and thus shall be contacted prior to finalization of the adoption.
- (204) "Qualified alien" at the time of application for or receipt of Title IV-E foster care maintenance, adoption assistance or independent living services is an alien:
- (a) Who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA), codified at 8 U.S.C. 1255 (amended 8/12/06).
 - (b) Who is granted asylum under section 208 of the INA.
 - (c) Who is a refugee admitted to the United States under section 207 of the INA.
 - (d) Who is paroled into the United States under section 212(D)(5) of the INA for a period of at least one year.
 - (e) Whose deportation is being withheld under section 243(H) of the INA, as in effect immediately before April 1, 1997, or section 241(B)(3) of the INA.
 - (f) Who is granted conditional entry pursuant to section 203(A)(7) of the INA as in effect prior to April 1, 1980.
 - (g) Who is a Cuban or Haitian entrant (as defined in section 501(E) of the Refugee Education Assistance Act of 1980), or
 - (h) Who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States, in accordance with exhibit B to attachment 5 of the department of justice interim guidance, 62 fed. reg. 61344 (November 17, 1997).
- (205) "Quality assurance review" as used in rule 5101:2-33-02 of the Administrative Code means an examination of a PCSA's performance level on specific outcomes and processes that are to be accomplished through the

PCSA's child protection and permanency program and is conducted by ODJFS in participation with the PCSA.

- (206) "Quality improvement plan" is a specific plan required by ODJFS which is developed, implemented and completed by a PCSA to address review findings and areas of improvement to enhance the condition of the child protection and permanency program.
- (207) "Reasonable medical judgment" is a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
- (208) "Receiving state" is a state into which a child is placed by a sending agency.
- (209) "Recommending agency" means a PCSA, PCPA or PNA recommending ODJFS take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:
- (a) Issues a certificate;
 - (b) Denies a certificate;
 - (c) Renews a certificate;
 - (d) Denies renewal of a certificate; or,
 - (e) Revokes a certificate.
- (210) "Recruitment" is the action and effort by a PCSA, PCPA, or PNA to provide information alerting the community of the need for foster homes and adoptive homes for children. Recruitment activities by a PCSA, PCPA or PNA must be directed at the general public as well as conducted on an individual basis for specific children.
- (211) "Rehabilitative services" means those services provided to a child to assist the child to reacquire and maintain those life skills that may have been lost due to abuse, neglect, dependency or delinquency that enable the child to cope more effectively with the child's personal needs and with the child's environment and in raising the level of the child's physical, mental, social, and vocational efficiency. Rehabilitative services may include, but are not limited to, case management, social skills training, activities of daily living,

vocational training, medical services, counseling, psychosocial interventions, social psychotherapy, crisis services, treatment planning, and independent living skills training provided for a child in foster care or the child's family. Rehabilitative services also include any diagnostic assessment conducted to determine the services the child or the child's family need.

(212) "Relative" means the following:

(a) Individuals related by blood or adoption:

(i) Parents, grandparents, including grandparents with the prefix "great", "great-great", "grand", or "great-grand";

(ii) Siblings;

(iii) Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand;"

(iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings;

(c) Spouses and former spouses of individuals named in paragraph ~~(a)~~(B)(212)(a) of this rule.

(213) "Religious coercion" may include, but is not limited to:

(a) Being required to accompany the foster caregiver or other residents of the foster home to religious services, but allowed to sit outside the area where the service actually occurs.

(b) Being given extra chores to perform or being required to read or listen to specific material while others attend religious services.

(c) Being required to view or listen to specific religiously oriented television, video tapes, or music.

(214) "Repeat offender" means a person who has been convicted of or pleaded guilty to any of the offenses listed in rules contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code two or more times in separate criminal actions. Guilty pleas or convictions resulting from or

connected with the same act, or from offenses committed at the same time, shall be counted as one conviction or guilty plea.

- (215) "Residential camp" means a public or private facility that engaging or accepting the care, physical custody, or control of children during summer months and that is licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of health or the American camping association.
- (216) "Residential care facility" means an institution, residence, or facility licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.
- (217) "Residential facility" means a group home, children's crisis care facility (as defined in rule 5101:2-9-36 of the Administrative Code), children's residential center, or residential parenting facility where twenty-four hour child care is provided by child care staff employed or contracted by an agency. A foster home is not a residential facility. "Residential facility", as used in Chapter 5101:2-36 of the Administrative Code, is a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.
- (218) "Residential parenting facility" means a facility in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.
- (219) "Residual parental rights, privileges, and responsibilities" are those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.
- (220) "Respite care," as used in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, is any alternative care provided for a child placed in a specialized foster home that lasts more than twenty-four consecutive hours when the plan is to return the child to the same specialized foster home at the end of the period of respite care.
- (221) "Respite care services" are services designed to provide temporary relief of child-caring functions including, but not limited to, crisis nurseries, day treatment, and volunteers or paid individuals who provide such services

within the home. This service may be provided to a child placed in a foster home or with a relative as well as for a child in his own home.

- (222) "Respite home" is a home managed by a respite family receiving funds from and approved to provide respite care services by the department of mental retardation and developmental disabilities.
- (223) "Self-esteem/self confidence development" means individual and group counseling skills, workshops and conferences for improved self-esteem and self confidence, and interpersonal, and social skills training and development.
- (224) "Sending agency" is a PCSA, PCPA, or any agency, officer or employee of the state or local government, or any court or person, voluntary agency, or other entity which sends or brings a child, or causes a child to be sent or brought, into another state.
- (225) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.
- (226) "Skilled level of care" as used in the definition of a "medically fragile foster home" has the same meaning as described in rule 5101:3-3-05 of the Administrative Code.
- (227) "Special needs child" for the purposes of the state adoption subsidy program is a child who, prior to substitute care or adoptive placement, has at least one of the following needs or circumstances that may be a barrier to placement or adoption or a barrier to a child being sustained in a substitute care placement or adoptive home without financial assistance because the child:
- (a) Is in a sibling group which should be placed together;
 - (b) Is a member of a minority or ethnic group;
 - (c) Is six years of age or older;
 - (d) Has remained in the permanent custody of a PCSA or PCPA for more than one year;
 - (e) Has a medical condition, physical impairment, mental retardation or developmental disability;

- (f) Has an emotional disturbance or behavioral problem;
 - (g) Has a social or medical history or the background of the child's biological family has a social or medical history which may place the child at risk of acquiring a medical condition, a physical, mental or developmental disability or an emotional disorder;
 - (h) Has been in the home of his/her prospective adoptive parents as a foster child for at least one year and would experience severe separation and loss if placed in another setting due to his/her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional;
 - (i) Has experienced previous adoption disruption or multiple placements.
- (228) "Special service state adoption subsidy" is financial assistance directly related to the child's special needs at the time of the subsidy agreement, including any identified or anticipated risk of a special need. Payments may be made to the adoptive parent or to the service provider. Special service subsidies include, but are not limited to, payments for:
- (a) Medical and surgical costs as determined by a licensed physician. If the child has a medical problem needing treatment, investigation shall be made of the adoptive family's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.
 - (b) Psychiatric, psychological, or counseling costs as determined by a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed independent social worker or a licensed independent marriage and family therapist. This may also include counseling sessions for the child or adoptive family to help integrate the child into the adoptive family. If the child has a psychiatric or psychological condition needing treatment, investigation shall be made of the adoptive parent's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.
 - (c) Other special service costs as documented by the appropriate professional or determined as necessary by the PCSA. This may include, but not be limited to, remedial education, rehabilitation training, corrective dental

treatment, speech and hearing therapy, wheelchair, braces, crutches, prostheses, day care, transportation and any other expenses related to the care and treatment of the child when not available from other funding sources. These could also include other costs incidental to the care of the child.

- (229) "Specialized foster home" means a medically fragile foster home or a treatment foster home.
- (230) "Spousal abuse" is violence between two caretakers regardless of marital status, and reflects the presence of domestic violence.
- (231) "Staff secure facility" means a residential setting for adjudicated offenders that provides treatment in a safe environment with an atmosphere of mutual respect between staff and residents without traditional obstacles to prevent escape. Traditional barriers include locked doors, barbed wire, electric gates. In a staff secure facility staff become the deterrent to escape by having an ODJFS approved plan for positioning themselves in such a way that residents are prevented from escaping.
- (232) "State adoption maintenance subsidy" is a state-funded adoption program intended to make permanent homes possible for children with special needs. Through the subsidized adoption program, special service and maintenance subsidy payments are made available to assist an adoptive parent who is otherwise qualified to adopt except for financial need.
- (233) "State institution" is a facility established by, or operated pursuant to the authority of, the general assembly, for the care of delinquent children, blind children, deaf children, children with a mental illness, children who are mentally retarded, or children with a developmental disability, and that is under the management, control, or supervision of the division of correctional services of the department of youth services, the state board of education, the state department of mental health, the state department of mental retardation and developmental disabilities, or a political subdivision.
- (234) "Substitute care" is the care provided for a child apart from his parent or guardian, while the child's custody is held by a PCSA or PCPA.
- (235) "Substitute caregiver" means an individual providing care for a child who is in the custody of the PCSA or PCPA including, ~~has been removed from the home of his parent, guardian or custodian and who is a relative other than the child's parents, a nonrelative having a familiar and longstanding relationship with the child or the family,~~ a foster parent, ~~group home or residential facility~~

~~caregiver, or pre-adoptive parent, and a staff person of a group home or residential facility who is , kin or relative~~ providing care for the child.

- (236) "Supervising agency" is the agency providing pre-finalization services to an adoptive family or adoptive child during the period prior to an adoption finalization.
- (237) "Supervisor" as the term is used in rules contained in Chapter 5101:2-33 of the Administrative Code means a person who is employed by the PCSA to oversee, direct or manage one or more workers employed by the agency in a social services capacity.
- (238) "Supplemental plan" means a written plan for a child outlining the agency's plan to locate a permanent placement for the child and which may be developed concurrently with the case plan.
- (239) "Support system" means the involvement of relatives, mentors, and caregivers in the development of independent living skills; and training children or families in decision making, planning, and time management.
- (240) "Supportive services" are services provided or arranged to protect, strengthen, or assist children and families or caretakers. Supportive services may include family preservation services, family support services, time limited family reunification services, or adoption promotional and support services.
- (241) "Temporary certificate" means a certificate issued as a sanction by ODJFS to a PCSA, PCPA, PNA pursuant to section 5103.03 of the Revised Code for a period of less than one year.
- (242) "Temporary custody" means legal custody of a child who is removed from the child's home, which may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.
- (243) "Temporary custody by commitment" as this term is used in Indian child welfare rules contained in Chapter ~~5101:2-42~~5101:2-53 of the Administrative Code, is any involuntary court action transferring legal custody of an Indian child from his parent or Indian custodian to an agency or including the child becoming a ward of the juvenile or tribal court for temporary placement in a foster home or children's residential center or the home of a guardian where the parent or Indian custodian cannot have the child returned upon demand,

but where parental rights such as the privileges of reasonable visitation, consent to adoption, the privilege to determine the child's religious or Indian affiliation, and the responsibility for support have not been terminated.

- (244) "Temporary emergency care" is physical care and meeting the emotional needs of a child in a facility established to receive children at any time of day, twenty-four hours per day.
- (245) "Therapeutic counseling" means, pursuant to section 2151.011 of the Revised Code, psychiatric or psychological services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or persons licensed under Chapter 4757. of the Revised Code.
- (246) "Therapeutic services" are medical, psychiatric or psychological services performed by licensed or certified physicians, psychiatrists, psychologists, and persons licensed under Chapter 4757. of the Revised Code for the purpose of correcting or alleviating physical, mental, or emotional illnesses, or disorders.
- (247) "Time-limited family reunification services" for the purposes of utilizing Title IV-B, "subpart 2" means the services and activities listed in this definition that are provided to a child who is removed from his home and placed in a foster home or a residential facility and to the parent, guardian or custodian of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the fifteen month period that begins on the date the child is considered to have entered care. Services and activities allowable are the following: individual, group, and family counseling; inpatient, residential, or outpatient substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families, including crisis nurseries; and transportation to or from any of the services or activities described in this definition.
- (248) "Title IV-E Adoption assistance" is a federally funded program in which a public children services agency (PCSA) may provide financial assistance and medical coverage to special needs children who meet the eligibility requirements of 42 U.S.C 673 (amended 2/8/06 as if enacted 10/1/05) and have been placed for adoption or are living with parents who have legally adopted them.
- (249) "Title IV-E agency" means a public children services agency or a public entity with whom the Ohio department of job and family services has a Title

IV-E subgrant agreement in effect.

- (250) "Toddler" means any child from eighteen months of age to thirty-six months of age.
- (251) "Training" means the training and staff development activities which directly or indirectly benefit or assist agency staff in the delivery of services.
- (252) "Training episode" means a class, session or workshop for foster caregivers of two consecutive hours duration or more, as contained in an agency's approved foster caregiver pre-placement and continuing training proposal.
- (253) "Transfer" means an agreement between two recommending agencies and a foster caregiver for transferring the responsibility for future utilization, supervision and recertification of a foster home from one agency to another.
- (254) "Transportation" means arranging for or providing transportation to and from needed services, resources and facilities.
- (255) "Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.
- (256) "Treatment foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-35 and 5101:2-7-02 to 5101:2-7-16 of the Administrative Code to provide treatment to children with special or exceptional needs placed in the treatment foster home.
- (257) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, or developmentally disabled, or who otherwise have exceptional needs.
- (258) "Treatment team" means the group of individuals who formulate, assess, monitor and revise, as needed, the child's service plan. The treatment team shall include, but is not limited to:

- (a) A treatment team leader;
- (b) Case managers or therapists from agencies providing social, medical or mental health services to the child and his family;
- (c) The treatment or medically fragile foster caregiver(s);
- (d) A representative(s) of the agency holding custody of the child, including, for any child who has attained the age of sixteen, a representative of the custody-holding agency's independent living program;
- (e) A representative of the educational system providing educational services to the child;
- (f) The child, according to his age and functioning level;
- (g) Parent(s) of the child, when reunification with the parent(s) is the plan for the child, or the child's guardian; and
- (h) The child's guardian ad litem or court appointed special advocate, if one has been appointed to represent the child.

(259) "Treatment team leader" means the member(s) of the treatment team with primary responsibility for day-to-day leadership of the treatment team and for preparation of the written service plan and any revisions thereto. The treatment team leader shall be a professional treatment staff member, as defined in this rule, of the treatment or medically fragile foster care program or the child's treatment or medically fragile foster caregiver if the foster caregiver is appropriately licensed/certified to perform the functions of a treatment team leader. Nothing in this definition shall prohibit a treatment team from being co-led by more than one individual.

(260) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child day-care or publicly funded child day-care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child day-care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this paragraph, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted. "Type A family day-care home" does not include a

residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A family day-care home" and "type A home" do not include a child day camp.

(261) "Type B family day-care home," "type B home," and "home" means a permanent residence of the provider in which child day care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time.

(a) In counting children for the purposes of this rule, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. Children six years of age or older who are related to the provider and who are on the premises of the "type B home" shall not be included in this count.

(b) A "type B home" also includes a home which is the permanent residence of both the provider and the parent.

(262) "Unaccompanied refugee minor" is a person who has not yet reached eighteen years of age, or such higher age as the ODJFS has provided for in its child welfare plan under Title IV-B of the social security act, and who entered the United States unaccompanied by and not destined to:

(a) A parent; or

(b) A close non parental adult relative who is willing and able to care for the minor; or

(c) An adult with a court claim to custody of the minor; and

(d) Who has no parent(s) in the United States.

(263) "Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus (HIV), hepatitis b virus (HBV) and other blood borne pathogens.

(264) "Variance" means a discretionary action of ODJFS to permanently suspend; ~~pursuant to rule 5101:2-5-19 of the Administrative Code~~, all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of

Chapter 5101:2-7 of the Administrative Code.

- (265) "Volunteer services" are those services (e.g., transportation) performed by a person of his own free will and without monetary gain or compensation.
- (266) "Waiting child" is a child in the permanent custody of a PCSA with the goal of adoption that is not currently in a pre-finalized adoptive placement, in the process of visiting a prospective adoptive family or involved in an appeal.
- (267) "Waiver" means a discretionary action of ODJFS to temporarily suspend, pursuant to rule 5101:2-5-18 of the Administrative Code, all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code in order to give the agency or foster caregiver time to come into compliance.
- (268) "Withholding of medically indicated treatment" is the failure to respond to the disabled infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the attending physician's reasonable medical judgment, will most likely be effective in ameliorating or correcting all such conditions. Withholding medically indicated treatment may constitute neglect of a child. This term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to a disabled infant when, in the attending physician's reasonable medical judgment, any of the following circumstances apply:
- (a) The disabled infant is chronically and irreversibly comatose.
 - (b) The provisions of such treatment would merely prolong dying, or not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of survival of the disabled infant.
 - (c) The provisions of such treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane.
- (269) "Witness" means a person who has direct knowledge of the alleged abuse and/or neglect of a child.

Effective: 06/01/2011
R.C. 119.032 review dates: 10/01/2014

CERTIFIED ELECTRONICALLY

Certification

05/04/2011

Date

Promulgated Under: 119.03
Statutory Authority: 2151.412, 2151.421, 5103.03, 5153.166
Rule Amplifies: 2151.01, 2151.011, 2151.031, 2151.421, 5103.03,
5153.16
Prior Effective Dates: 12/30/66, 10/2/80, 1/14/83, 4/1/86, 6/14/86, 8/1/86,
10/1/86, 1/1/87, 4/1/87, 9/28/87 (Emer.), 12/27/87,
1/1/88, 2/1/88, 1/1/89, 1/1/90, 6/1/90, 7/1/90, 7/2/90
(Emer.), 10/1/90, 1/1/91, 1/13/92 (Emer.), 7/1/94,
9/18/96, 2/18/98 (Emer.), 5/14/98, 3/18/99 (Emer.),
6/17/99, 10/15/01, 1/1/07, 10/1/09.