

5101:2-33-13

Adoption administrative falsification procedures.

(A) The public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) upon an internal investigation shall refer all cases to the county prosecutor in which there is probable cause to believe that falsification of an adoptive application or homestudy has been committed under section 2921.13 of the Revised Code.

(B) The assessor of the PCSA, PCPA, and the PNA shall report in writing a person who knowingly makes a false statement on an application or homestudy document during the homestudy process to the agency administrator or designee within three days of the assessor's determination of possible falsification. The written statement shall include, but is not limited to:

(1) The original application completed by the applicant.

(2) Documentation verifying the information reported on the application or in the homestudy by the applicant is knowingly false.

(C) The PCSA, PCPA, or PNA shall within fourteen days of the determination of falsification, send a notification letter to the applicant indicating that the information submitted to the agency had been determined to be knowingly false. The notice shall include procedures for an agency review and shall include all of the following information

(1) Date notification letter is prepared by the assessor.

(2) Mailing address of the applicant(s).

(3) A statement indicating the homestudy process will discontinue because the agency has probable cause to believe the information provided by the applicant on the JFS 01691, "Application for the Placement of a Child" (rev. 12/2006) or during the homestudy process is knowingly false.

(4) A copy of the information that is alleged knowingly false.

(5) Documentation verifying the information submitted on the JFS 01691 or during the homestudy process that is knowingly false.

(6) A statement indicating that all cases in which it is determined by the agency the applicant made knowingly false statements will be referred to the county prosecutor office in the county the applicant(s) reside.

(7) The applicant(s) right to an agency review to respond to the alleged falsification.

(8) A statement indicating that if the applicant(s) fails to respond within the fourteen day period the applicant(s) application is withdrawn, and the action

of refusing to respond to allegations of knowingly making false statement(s) has resulted in the applicant(s) selecting themselves out of continuing the homestudy process.

(9) The notification letter shall be mailed to the applicant by certified mail.

(D) If the applicant responds within fourteen days of the date of receipt of the written notice alleging falsification, the agency is responsible for reviewing information received from the adoptive applicant within twenty-one days of receipt of the applicant(s) response. The PCSA, PCPA, or PNA shall conduct an internal investigation that shall include but not limited to:

(1) Face-to-face visit with the adoptive applicant, and all relevant witnesses, if available.

(2) Issuance of a final investigatory report to the adoptive applicant(s) that is the subject of the investigation. The report shall include the allegations, relevant background information deemed appropriate by the agency, the results of the investigation and recommendation of whether or not the agency found probable cause to indicate the applicant(s) made knowingly false statements on the application for child placement or during the homestudy process. The agency shall notify the applicant(s) no later than ten days after the agency review.

(3) If unanticipated circumstances require additional time to complete the investigation or to issue the final report, the PCSA, PCPA, or PNA shall notify the adoptive applicant that is the subject of the investigation of the need for additional time. The extension shall not be longer than fourteen days after the agency notifies the applicant(s) of the need for additional time to complete the investigatory report.

(E) The PCSA, PCPA, or PNA shall provide written notification, within thirty days, to the adoptive applicant of any action to be taken.

(F) Upon completion of the final investigation report and the agency determines there has been no falsification made by the applicant(s), the PCSA, PCPA, or PNA shall resume the homestudy process if the applicant(s) chooses to proceed. The homestudy shall be completed within one hundred eighty days from re-commencement.

(G) The PCSA, PCPA, or PNA shall include in the adoptive family case record all documentation which supports the PCSA's action in determining the results and recommendation of the internal investigation.

(H) When an adoptive child is placed in an approved adoptive parent(s) home and the adoptive parent(s) or other household member(s) knowingly made a false statement that results in the assessor's reassessment of an approved or updated homestudy, the

prospective adoptive parent(s) or other household member(s) is guilty of the offense of falsification under section 2921.13 of the Revised Code. The assessor shall report incidents of falsification according to the procedures pursuant to paragraphs (B), (C)(1) to (C)(7), (E), (F) and (G) of this rule.

- (I) The agency administrator or designee must determine in twenty-four hours of completing the agency's internal investigation, if there is probable cause related to the adoptive child's safety and well-being to remove the child from the adoptive parent(s) home until the result of an investigation is rendered.

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Certification

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Date

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