

5101:2-42-18

**PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers.**

- (A) A public children services agency (PCSA) or private child placing agency (PCPA) having custody of a child, or upon interstate request by a state with jurisdiction, may approve placement with the following substitute caregivers in accordance with rule 5101:2-42-05 of the Administrative Code if the placement is determined to be in the child's best interest and the substitute caregivers ~~prefer~~ are not to be certified through the Ohio department of job and family services:
- (1) A relative by blood or marriage who, in accordance with sections 5103.02 and 5103.03 of the Revised Code, is exempt from certification and who is being considered as a substitute caregiver; ~~in lieu of a parent;~~ or
  - (2) A nonrelative who has a relationship with the child and/or family and who, in accordance with section 5153.161 of the Revised Code, is approved by the court.
- (B) Prior to placing the child with the relative or nonrelative substitute caregiver, the PCSA or PCPA shall adhere to the following procedures and document its actions in approving the placement setting:
- (1) Collect identifying information (first name, last name, maiden name, aliases, social security number, address, telephone number, place of employment) on the prospective caregiver and ~~others residing within the home~~ all household members.
  - (2) Assure that a search of the statewide automated child welfare information system (SACWIS) has been completed for the prospective caregiver and ~~others residing within the home~~ adult household members pursuant to rule 5101:2-33-22 of the Administrative Code.
  - (3) Assess the safety of the home by checking on all of the following:
    - (a) Cleanliness of the home.
    - (b) Absence of hazardous conditions inside and outside.
    - (c) Storing of poisonous and otherwise dangerous or combustible materials.
    - (d) Proper heating, lighting and ventilation.

- (e) Condition of indoor plumbing and toilet facilities.
  - (f) Installation of a working smoke alarm on each level of occupancy of the home.
  - (g) Safe storing of weapons, including firearms and ammunitions, in inoperative condition and in a secured and locked area.
  - (h) Adequacy of each child's bedding and appropriateness to his or her needs.
  - (i) Availability of a working telephone within the home or reasonable access to a working telephone for emergency situations.
- (4) Provide the prospective caregiver with known information regarding educational, medical, child care, and special needs of the child including information on how to access support services to meet the needs of the child.
- (5) Provide the prospective caregiver with the following information:
- (a) How to apply for Ohio works first (OWF) child-only financial assistance and medicaid coverage.
  - (b) How to apply for certification as a foster caregiver.
  - (c) The requirements for foster caregiver certification.
  - (d) The difference in payment between an OWF child-only payment and the foster care per diem.
  - (e) The difference (if any) in the eligibility for supportive services.
- (6) Assess the prospective caregiver's ability and willingness to provide care and supervision of the child and to provide a safe and appropriate placement for the child.
- (7) Require all adults in the home to identify prior PCSA or children services agency (CSA) involvement. When involvement with another PCSA or CSA is indicated or suspected, secure the necessary releases of information and initiate requests for information from the other PCSAs or CSAs.

- (8) Submit fingerprints for the prospective relative or nonrelative caregiver and all adults residing within the home according to the requirements of the bureau of criminal identification and investigation (BCII). Information on how to obtain a criminal records check can be found at ~~www.webcheck.ag.state.oh.us~~www.webcheck4.ag.state.oh.us. The agency shall request that BCII include information from the federal bureau of investigation (FBI) in the criminal records check. The required criminal records check must be completed prior to an agency approving the prospective relative or nonrelative placement.
- (9) Require the prospective caregiver to submit written notification if a person at least twelve years of age but less than eighteen years of age residing within the home of the prospective caregiver has been convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.
- (C) If a child must be removed from his or her home immediately in accordance with rules 5101:2-39-01 and 5101:2-39-03 of the Administrative Code, the PCSA or PCPA may place the child with the prospective relative or nonrelative substitute caregiver, if there are no known safety concerns, and initiate the assessments required by paragraph (B) of this rule no later than the next business day. All activities required by paragraph (B) of this rule shall be completed no later than five days from the date the child was placed.
- (D) The PCSA or PCPA shall complete either the JFS 01447 "~~Assessment of Relative or Nonrelative Caregiver's Ability to Care for Child(ren) and Recommendation for Placement~~" (rev. 10/2003) "Assessment of Relative or Nonrelative Substitute Caregiver" (rev. 2/2014) or an alternative form designed by the agency that includes all of the information on the JFS 01447.
- (E) The PCSA or PCPA shall approve or deny the relative or nonrelative placement and provide him or her with written notification of the approval or denial no later than thirty days from the date that the assessment was initiated, or the child was placed, whichever comes first.
- (F) The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adult residing within the home has a felony conviction ~~identified in paragraph (K) of rule 5101:2-7-02 of the Administrative Code~~ for spousal abuse, rape, sexual assault, or homicide.
- (G) The PCSA or PCPA ~~shall not approve~~ may deny the placement if the relative or

~~nonrelative had his or her parental rights involuntarily terminated, or if the relative or nonrelative or other adults residing within the home have been convicted of or plead guilty to any offenses identified in paragraphs (J)(1) and (J)(2) of rule 5101:2-7-02 of the Administrative Code unless he or she meets the conditions of paragraphs (I)(1) to (I)(4) of rule 5101:2-7-02 of the Administrative Code.~~

(H) The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adults residing within the home have been convicted of or pleaded guilty to any offense listed in paragraph (I)(1) of this rule unless the agency finds and documents that person has met all of the following conditions:

(1) Except as provided in paragraph (H)(3) of this rule, where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction. A person who has had his record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.

(2) Except as provided in paragraph (H)(3) of this rule, where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.

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

(a) A person under the age of eighteen.

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

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

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

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

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

(4) The person's approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's approval as a relative or nonrelative caregiver or the person's residency in the

relative or nonrelative caregiver's household.

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

(b) The nature and seriousness of the offense.

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

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

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

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

(g) Whether the person is a repeat offender.

(h) The person's employment record.

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

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

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (I) of this rule, if the felony bears a direct and substantial relationship to being a relative or nonrelative caregiver or adult member of the caregiver's household.

(l) Any other factors the agency considers relevant.

(I) Except as provided in paragraph (H) of this rule, a relative or nonrelative caregiver or other adult residing in the home shall not have been convicted of or pleaded guilty to, any of the following offenses:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.22, 2909.23, 2909.24, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2913.49, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1,

1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more violations of section 4511.19 of the Revised Code or the equivalent violation from any other state committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A to this rule.

(2) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraphs (I)(1) and (I)(2) of this rule.

~~(H)~~(J) If the PCSA or PCPA disapproves of a court ordered placement of a child, it shall notify the court in writing of its findings and recommend a suitable substitute care placement. The PCSA or PCPA shall continue to notify the court in writing of its findings and recommended substitute care placement at least every six months.

~~(H)~~(K) The PCSA or PCPA shall maintain documentation, in the case record, of all assessments and findings required by this rule that are used in approving or disapproving the placement.

~~(J)~~(L) On an annual basis, The the PCSA or PCPA shall reevaluate the placement annually complete a home assessment to assure that the placement continues to meet the requirements of this rule for approval of the placement.

(1) If there are any new adults in the home, the agency shall conduct background checks on the new adult(s) pursuant to paragraphs (B)(2) and (B)(8) of this rule.

(2) If the relative or nonrelative caregiver(s) have moved to a new address, the agency shall ensure that the home meets the requirements listed in paragraph (B)(3) of this rule.

~~(K)~~(M) Nothing in this rule removes the PCSA's responsibility for conducting parent assessments when a child reunifies with the parent from which the child was removed or when a child is being placed with a non-custodial or non-residential parent in accordance with rules 5101:2-37-01, 5101:2-37-02, and 5101:2-37-04 of the Administrative Code.

Effective: 05/04/2014

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CERTIFIED ELECTRONICALLY

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Certification

04/24/2014

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Date

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