

5101:2-42-90

**Information to be provided to children, caregivers, school districts and juvenile courts.**

- (A) When a public children services agency (PCSA) or private child placing agency (PCPA) holds custody of a child and plans to place the child into a substitute care setting or respite care setting, the PCSA or PCPA shall share information with the caregivers in accordance with paragraphs (B), (C), and (D) of this rule to allow them to make an informed decision regarding whether they can care for the child.
- (B) The PCSA or PCPA shall share the information identified in paragraphs (C)(1) to (C)(9) of this rule with the caregivers:
- (1) Within ninety-six hours of either an emergency placement or change in the case plan in accordance with section 2151.31 or 2151.412 of the Revised Code.
  - (2) Or prior to placing the child.
- (C) The information shall include:
- (1) The child's health, behavioral characteristics, treatment and service needs, and plans to meet those needs as identified in the case plan.
  - (2) Any special needs the child may have such as special diets, therapy, ~~tutoring~~, or learning disabilities.
  - (3) The child's prior history of maltreatment. Provision of information regarding child abuse or neglect assessments/investigations shall comply with rule 5101:2-33-21 of the Administrative Code, if applicable.
  - (4) Information on any acts committed by the child that placed the health, safety, or well-being of others at risk; such as victimization of other children or animals, or fire-setting.
  - (5) The ~~type of~~ school the child will attend, if applicable.
  - (6) The child's visitation schedule with his/her parents or guardian.
  - (7) The substitute caregivers' responsibilities.
  - (8) A written report containing the information specified in paragraph (C)(9) of this rule, for a child who has been adjudicated delinquent for commission of any of the following offenses:
    - (a) Aggravated murder.

- (b) Murder.
  - (c) Voluntary manslaughter.
  - (d) Involuntary manslaughter.
  - (e) Felonious assault.
  - (f) Aggravated assault.
  - (g) Assault.
  - (h) Rape.
  - (i) Sexual battery.
  - (j) Gross sexual imposition.
  - (k) Conspiracy involving an attempt to commit aggravated murder or murder.
  - (l) Any other offense that would be a felony if committed as an adult, and the child, upon committing the offense, was found to be using or in possession of a firearm.
- (9) The PCSA shall make a written request of the juvenile court that placed the child in the agency's custody for the information identified in paragraphs (C) (9)(a) to (C)(9)(d) of this rule and share this information with the substitute caregiver. The PCSA shall maintain in the child's case record a copy of the written request for information, a copy of the written report shared with the caregivers, the date it was shared, and the caregivers' acknowledgement of receipt of the information. The PCSA shall maintain this information in the statewide automated child welfare information system (SACWIS). The PCPA shall maintain this information in the child's case record.
- (a) The child's social history;
  - (b) A description of all the known acts committed by the child that resulted in the child being adjudicated delinquent and the disposition made by the court, unless a child's record has been sealed pursuant to section 2151.358 of the Revised Code;
  - (c) A description of any other violent acts committed by the child.
  - (d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if not

available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.

- (D) Prior to the child's placement in a respite care setting, the PCSA or PCPA shall share with the respite caregiver pertinent information identified in paragraph (C) of this rule that could impact the health, safety, or well-being of the child or others within the temporary setting. The PCSA or PCPA shall maintain this information in accordance with paragraph (T) of this rule
- (E) The PCSA or PCPA shall provide foster caregivers with a written report which contains substantial and material conclusions and recommendations of any psychological, psychiatric, or mental health examination contained in the child's case record. This shall include, but is not limited to, examinations conducted in accordance with paragraph (C)(9)(d) of this rule and rule 5101:2-42-66.1 of the Administrative Code. The written report shall be provided to the foster caregivers as soon as possible, but no later than sixty days after placing the child in the foster home. The PCSA or PCPA shall maintain this information in accordance with paragraph (T) of this rule.
- (F) The PCSA or PCPA holding custody of a child who is placed in a planned permanent living arrangement in a family setting shall provide the caregiver a notice that addresses the following:
- (1) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.
  - (2) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition to adulthood.
- (G) ~~Prior to placing a child in a foster home in another county or in a foster home operated by a private agency whose headquarters are in another county, the~~ The PCSA or PCPA shall be responsible for sharing information with the prospective foster caregivers and the board of education for the school district in which the child will be enrolled prior to placing a child in a foster home outside the county of residence of the child. The PCPA is responsible for sharing information with the prospective foster caregivers and the board of education for the school district in which the child is enrolled prior

to placing a child in any foster home, regardless of the county the child is placed. The PCSA or PCPA shall share this information orally and send this information in writing no later than five days after the child's placement in the new school district. The PCSA shall maintain a copy of the information shared, the date the information was provided both orally and in writing, and the foster caregivers' acknowledgement of receipt of the information, in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record. The information shall include:

- (1) A discussion of safety and well-being concerns regarding the child and, if the child attends school, the students, teachers, and personnel of the school.
- (2) A brief description of the reasons the child was removed from his home.
- (3) The services the child is or will be receiving.
- (4) The name, address and telephone number of the agency that is or will be directly responsible for monitoring the child's placement and the name and telephone number of the contact person for the agency.
- (5) The name, address, and telephone number of the agency having custody of the child and the name and telephone number of the contact person for the agency.
- (6) The previous school district attended by the child.
- (7) The last known address of the child's parents.

(H) ~~When the PCSA or PCPA places a child who has been adjudicated unruly or delinquent in a foster home in another county or in a foster home operated by a private agency whose headquarters are in another county, the~~ The PCSA or PCPA shall provide the prospective foster caregivers and the juvenile court where the prospective foster home is located with written information about the child no later than five days after the child's placement when the child has been adjudicated unruly or delinquent and the foster home is outside the county of residence of the child. The PCPA is to provide the foster caregivers and the juvenile court where the foster home is located with written information about the child no later than five days after placement when the child has been adjudicated unruly or delinquent, regardless of the county the child is placed. The PCSA shall maintain a copy of the information shared, the date the information was provided, and the foster caregivers' acknowledgement of receipt of the information in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record. The information to be provided shall include:

- (1) The information listed in paragraphs (G)(3), (G)(4) and (G)(5) of this rule.

- (2) A brief description of the facts supporting the adjudication that the child is unruly or delinquent.
  - (3) The name and address of the foster caregivers.
  - (4) The safety and well-being concerns with respect to the child.
  - (5) The safety and well-being concerns with respect to the community.
- (I) When the PCSA or PCPA contracts with a private non-custodial agency (PNA), the PCSA or PCPA shall share information with the PNA in accordance with paragraphs (B), (C), and (D) of this rule. The PCSA shall maintain this information in SACWIS. The PCPA shall maintain this information in the child's case record.
- (J) The PCSA or PCPA shall develop an individual child care agreement (ICCA) each time a child is placed in a substitute care setting, including a children's residential center (CRC) administered by the PCSA. An ICCA is not required for temporary leaves from a substitute care setting (e.g., respite or hospital stays) or direct placements ordered by the court (e.g., detention). The ICCA shall be signed by all parties and a copy provided to the substitute caregivers prior to placement, or within seven days of an emergency placement. The ICCA shall include, but is not limited to, the following:
- (1) The name, address, and telephone number of the PCSA or PCPA; the name of the child's caseworker; information regarding how the caseworker may be contacted during regular hours and for emergencies; and the date of the agreement.
  - (2) The child's name and date of birth.
  - (3) History and background information known about the child, including, but not limited to:
    - (a) Positive attributes, characteristics, or strengths such as ~~friendliness~~, talents, hobbies, interests, or educational achievements.
    - (b) Physical, intellectual, and social development.
    - (c) Immediate health needs and current medications.
    - (d) Psychiatric and/or psychological evaluations of the child.
    - (e) Attachment and bonding of the child to caregivers and siblings.
    - (f) History of abuse or neglect of the child.

- (g) If applicable, a description of all acts which resulted in the child being found delinquent and the disposition made by the court.
  - (h) Information on any other violent acts committed by the child that may or may not have resulted in the child being adjudicated delinquent, including, but not limited to: arson, kidnapping, domestic violence, or animal cruelty.
- (4) The child's need for placement and estimated timeframe for placement.
  - (5) Procedures for meeting the child's emergency and non-emergency medical needs, and information regarding the child's eligibility for Title XIX medical assistance.
  - (6) Any services, including, but not limited to, mental health and substance abuse services to be provided to the child or substitute caregivers and the party responsible for providing the services.
  - (7) Visitation plan with parents, guardian, custodian and other persons when applicable, pursuant to rule 5101:2-42-92 of the Administrative Code.
  - (8) Transportation arrangements for visits, school, therapy, and other activities, and the party responsible for providing the transportation.
  - (9) Case plan goal for the child, pursuant to rule 5101:2-38-05 of the Administrative Code, if applicable, for a PCSA and rules 5101:2-38-06 and 5101:2-38-07 of the Administrative Code for a PCPA.
  - (10) Any special needs the child may have such as supervision level, special diets, therapy, tutoring, learning disabilities and any other needs requiring assistance from the substitute caregiver.
  - (11) A statement that the methods of discipline used for the child shall comply with either rule 5101:2-7-09 or 5101:2-9-21 of the Administrative Code, as applicable.
  - ~~(12) The agency's invoicing procedures, if applicable.~~
  - ~~(13)~~(12) The rights and responsibilities of the PCSA or PCPA, the agencies providing services to the child, and the substitute caregivers.
  - ~~(14)~~(13) For children in the custody of a PCSA, a statement that assures the substitute caregivers and agencies providing services will provide all applicable data to the PCSA for the "Adoption and Foster Care Analysis and Reporting

System" (AFCARS) as required by section 479 of the Social Security Act (42 USC Section 679, 1994, 108 stat. 4459).

- (K) If the PCSA or PCPA is unable to complete any part of the ICCA within the timeframe required in paragraph (J) of this rule, the PCSA or PCPA shall document in the ICCA the information needed and the steps that will be taken to obtain the information.
- (L) When the child's placement is in a children's residential center (CRC) under the direction of another agency, the PCSA or PCPA shall develop and execute the ICCA with the other agency and provide a copy of the ICCA to both the agency and the CRC.
- (M) When the child's placement is in a foster home certified by another agency, a second ICCA shall be executed between the certifying agency and the substitute caregivers, with a copy maintained in the child's case record.
- (N) The PCSA or PCPA shall review and update the ICCA or develop a new ICCA when there is a change in any information required by paragraph (J) of this rule. The PCSA or PCPA shall provide a copy of the updated or ~~revised~~new ICCA to the substitute caregivers no later than seven days after any information changes, and document its provision on the case plan document.
- (O) The PCSA or PCPA shall maintain copies of all ICCAs and updates in the child's case record and the substitute caregivers' record.
- (P) The PCSA shall provide the substitute caregiver with a copy of the JFS 01443 "Child's Education and Health Information" (~~rev. 8/2010~~), or its alternative pursuant to rule 5101:2-38-08 of the Administrative Code.
- (Q) The PCSA or PCPA holding custody shall provide the JFS 01677 "Foster Youth Rights Handbook" (~~6/2014~~) to any child being placed in substitute care who is fourteen years of age or older.
  - (1) If the child is placed on or after the effective date of this rule, the child shall be given the JFS 01677 within seven days after the placement. At the time of receipt, the caseworker shall have the child sign the signature form of the JFS 01677.
  - (2) If the child attains the age of fourteen while in custody, the child shall be given the JFS 01677 within seven days after their fourteenth birthday. At the time of receipt, the caseworker shall have the child sign the signature form of the JFS 01677.

- (3) Any child, age fourteen or older, who was placed prior to the effective date of this rule and has not already received the JFS 01677 shall be given the JFS 01677 within sixty days after the effective date of this rule.
- (R) The JFS 01677 shall be reviewed with the child. At the time of review, the caseworker shall have the child sign the additional signature line of the JFS 01677. Once both signatures are received, the signature page shall be included with the child's case plan, whether initial or amendment, for submission to court.
- (S) The custodial agency may provide the JFS 01677 to a child younger than age fourteen.
- (T) The PCSA shall maintain in SACWIS and in the child's case record, a detailed record of all information shared with the caregivers, the date it was shared, and the caregivers' acknowledgment of receipt of the information pursuant to this rule. The PCPA shall maintain this information in the child's case record.



Effective: 5/1/2021  
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CERTIFIED ELECTRONICALLY

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Certification

03/30/2021

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Date

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