

TO BE RESCINDED

5101:2-42-90

Information to be provided to caregivers, school districts and juvenile courts; information to be included in individual child care agreement.

- (A) Prior to placing a child into a substitute care setting, the public children services agency (PCSA) or private child placing agency (PCPA) having custody of the child shall provide the substitute caregiver with pertinent information that the PCSA or PCPA possesses, that will allow the caregiver to make an informed decision as to whether the caregiver can provide care for the specific child. The information shall include:
- (1) The child's prior history of maltreatment, if applicable.
 - (2) The child's health, behavioral characteristics, identified treatment and service needs, and current plans to meet those needs, as identified in the case plan for the child and his/her family.
 - (3) Any special needs the child may have such as special diets, therapy, tutoring, learning disabilities, and any other need requiring assistance from the substitute caregiver.
 - (4) The type of school the child will attend, if applicable.
 - (5) The child's visitation schedule with his/her parents or guardian.
 - (6) The substitute caregiver's responsibilities.
 - (7) When a child who has been adjudicated delinquent for commission of any of the following offenses is being placed into a foster home, a written report, containing the information specified in paragraph (A)(8) of this rule, shall be provided to the foster caregiver prior to the child's placement being made, unless the placement is made on an emergency basis as described in paragraph (E) of this rule:
 - (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,
or
 - (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.
- (8) The written report required by paragraph (A)(7) of this rule shall contain the following information provided by the juvenile court that placed the child in agency custody:
- (a) A description of the child's social history;
 - (b) Unless a child's record has been sealed pursuant to section 2151.358 of the Revised Code, 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. If the agency knows the child's record has been sealed, the foster caregiver shall be informed in writing by the agency that the child's record of a prior delinquency adjudication has been sealed;
 - (c) A description of any other violent act committed by the child of which the PCSA or PCPA is aware;
 - (d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if

no psychological or psychiatric examination of the child is 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.

- (B) Unless a psychological examination of the child has been conducted pursuant to paragraph (A)(8) of this rule within twelve months prior to the date the child is placed in a foster home, the agency holding custody of the child shall assure that a psychological examination of the child is conducted and that a written report detailing the substantial and material conclusions and recommendations of the examination is provided to the foster caregiver no later than sixty days after placing the child in the foster home.
- (C) The PCSA or PCPA shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination required by paragraphs (A)(8) or (B) of this rule to the foster caregiver other than the substantial and material conclusions and recommendations of the examination.
- (D) Pursuant to sections 2151.62 and 2151.99 of the Revised Code, it is a minor misdemeanor for any person, including staff of a PCSA or PCPA responsible for a child's placement in a foster home or staff of a PNA responsible for the supervision of a child's placement in a foster home to fail to provide the foster caregiver with the information required by paragraph (A)(7), (A)(8) or (B) of this rule. It is not a violation of confidentiality to provide such information.
- (E) When placement of a child occurs on an emergency basis as set forth in section 2151.31 of the Revised Code, or due to an emergency change in the child's case plan pursuant to section 2151.412 of the Revised Code, the PCSA or PCPA having custody of the child shall provide information as identified in paragraph (A) of this rule to the caregiver within ninety-six hours of the child's placement.
- (F) When the PCSA or PCPA having custody of a child places the child in a setting that is operated by or under the direction of another agency, information concerning the child's condition and prior history of maltreatment and adjudications of unruliness or delinquency shall be provided to enable the agency accepting placement of the child, the potential foster caregiver or person responsible for the day-to-day operation of a CRC or group home in which the child may be placed, to make an informed decision as to whether appropriate care can be provided to the specific child in that substitute care setting.

- (G) Provision of information by a PCSA with regard to a child abuse or neglect assessment/investigation shall comply with rule 5101:2-34-38 of the Administrative Code.
- (H) The PCSA or PCPA having custody of the child shall maintain in the child's case record a copy of the information required by this rule that was provided to the potential substitute caregiver, including the date the information was provided, and the substitute caregiver's acknowledgment of receipt of the required information.
- (I) The PCSA or PCPA having custody of the child shall have a written individual child care agreement that complies with the requirements of paragraph (J) of this rule signed by the substitute caregiver and a representative of the agency having custody of the child, outlining the rights and responsibilities of all parties to the agreement for each child. The agreement shall be executed prior to the child's placement or no later than one week after placement. A copy of the signed agreement shall be provided to the substitute caregiver and a copy of the agreement shall be maintained in the child's case record.
- (J) The individual child care agreement shall include, but not be limited to, the following information:
- (1) PCSA or PCPA name, address and telephone number and the name, address and telephone number of the PCSA or PCPA representative to be contacted regarding the child, and information as to how an agency representative can be contacted on an emergency basis and the date of the agreement;
 - (2) Child's name and date of birth;
 - (3) History and background information known about the child which shall include, but is not limited to:
 - (a) Positive attributes, characteristics or strengths of the child such as friendliness, talents, interests or educational achievements;
 - (b) Physical, intellectual and social development of the child;
 - (c) Immediate health needs and current medications of the child;
 - (d) Psychiatric and/or psychological evaluation of the child, as needed;

- (e) Attachment and bonding of the child to caregivers and siblings;
 - (f) Current and past history of abuse or neglect of the child;
 - (g) As required in paragraphs (A) and (F) of this rule, if the child has been adjudicated delinquent, a description of the act 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 of which the PCSA or PCPA has knowledge;
- (4) Information regarding the child's need for placement;
 - (5) Procedures for meeting the child's emergency and non-emergency medical needs, including information as to whether the child is eligible for Title XIX medical assistance;
 - (6) Services to be provided to the child or substitute caregiver, if applicable, including services for which the agency having custody of the child is responsible, including mental health and/or substance abuse services for the child, and services to be provided by other persons or agencies involved in case planning or delivery or provision of services to the child;
 - (7) Services to be provided to the child by the substitute caregiver;
 - (8) Estimated timeframe for the child's placement;
 - (9) Child's visitation plan with his parent, guardian, custodian and other persons, when applicable, pursuant to rule 5101:2-42-92 of the Administrative Code;
 - (10) Transportation arrangements for visits and other activities, including who will be responsible for transportation, if applicable;
 - (11) Case plan goal for the child pursuant to rule 5101:2-39-08.1 of the Administrative Code for a PCSA and rules 5101:2-39-10 and 5101:2-39-11 of the Administrative Code for a PCPA;
 - (12) Any special needs the child may have such as special diets, therapy, tutoring, learning disabilities, and any other needs requiring assistance from the substitute caregiver;

- (13) 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;
 - (14) Agency's billing procedures, if applicable;
 - (15) Rights and responsibilities of the agency having custody of the child, the agency providing services to the child and the rights and responsibilities of the substitute caregiver; and
 - (16) For a child in the custody of a PCSA, a statement that assures that all applicable data to enable the PCSA to report to the Ohio department of job and family services (ODJFS) all information required by section 479 of the Social Security Act (42 USC section 679) and 45 CFR parts 1355, 1356 and 1357 for the Adoption and Foster Care Analysis and Reporting System (AFCARS) will be provided to the PCSA having custody of the child by the substitute caregiver or agency providing services.
- (K) If the agency having custody of the child is unable to complete any part of the individual child care agreement within the timeframe required in paragraph (I) of this rule, the PCSA or PCPA shall document in the agreement what information is still needed in order to complete the agreement and the steps that will be taken to obtain the needed information.
- (L) When the child's placement is in a substitute care setting operated by or under the direction of another agency, the individual child care agreement shall be executed between the PCSA or PCPA having custody of the child and the agency providing services to the child. A copy of the individual child care agreement shall be provided to the person responsible for the day-to-day operation of any residential facility in which the child is placed.
- (M) When the child's placement is in a foster home recommended for certification by an agency that does not hold custody of the child, a second individual child care agreement shall be executed between the recommending agency and the foster caregiver.
- (N) The individual child care agreement shall be reviewed and updated or a new agreement executed each time a child is placed in a substitute care setting, or within thirty days of the date any of the information required by paragraph (J) of this rule that will affect the care of the child, is obtained by the agency or changes. This requirement does not pertain to temporary placements away from a substitute caregiver's setting, or temporary placements ordered by the court which supersede

the custody holding agency's authority to place the child. Examples of this include hospital stays or court ordered detentions. However, the agency having custody of the child or the agency providing services to the child, whichever is applicable, shall provide to the temporary caregiver the information about the child that is necessary to provide care for the child, as required by paragraph (J) of this rule.

- (O) The PCSA or PCPA or the recommending agency shall provide the substitute caregiver with a copy of the child care agreement and any updates made to the agreement at the time the agreement is executed or the update is made. The agency shall record on the case plan document that a copy of the individual child care agreement has been provided to the substitute caregiver and shall maintain copies of all individual child care agreements and updates of the agreement in the child's case record and the agency's substitute caregiver record.
- (P) The PCSA or PCPA having custody of the child shall provide the substitute caregiver with a copy of the JFS 01443 "Child's Education and Health Information" form, or the form being used in lieu of the JFS 01443, pursuant to rule 5101:2-39-08.2 of the Administrative Code, at the time the case plan document is provided, or at least within five days after the PCSA or PCPA has received the information and completed the JFS 01443, except as noted in paragraph (C) of rule 5101:2-39-08.2 of the Administrative Code. The PCSA or PCPA shall maintain a copy of the JFS 01443 in the substitute caregiver's record and the child's case record.
- (Q) When a PCSA or PCPA intends to place a child in a foster home in a county other than the county in which the child resided at the time he was removed from his home, a representative of the agency having custody of the child shall orally communicate the intended placement to the foster caregiver with whom the child will be placed. If the child will attend school in the district in which the foster home is located, a representative of the agency shall also orally communicate the intended placement to a representative of the school district's board of education.
- (R) The representative of the agency having custody of the child shall provide the following information and include within each of the oral communications required by paragraph (Q) of this rule, the following:
 - (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 name of the previous school district attended by the child.
 - (7) The last known address of the child's parents.
- (S) No later than five days after a child described in paragraph (Q) of this rule is enrolled in school in the district in which the foster caregiver resides, the agency having custody of the child shall provide in writing the information required to be orally communicated by paragraph (R) of this rule to both the school district and the child's foster caregiver.
- (T) When a PCSA or PCPA having custody of a child who has been adjudicated to be an unruly or delinquent child places the child in a foster home in a county other than the county in which the child resided at the time of being removed from his home, the agency shall provide in writing the following information to the juvenile court of the county in which the foster home is located:
- (1) The information listed in paragraphs (R)(3), (R)(4) and (R)(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 caregiver.
 - (4) Safety and well-being concerns with respect to the child and the community.

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CERTIFIED ELECTRONICALLY

Certification

08/31/2005

Date

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