

5101:2-47-22

Reasonable efforts requirements for Title IV-E foster care maintenance.

(A) The Title IV-E agency must obtain a judicial determination by a juvenile court of competent jurisdiction documenting one of the following:

(1) Reasonable efforts were made prior to the removal of the child to prevent the placement.

(a) The child was known to be at risk prior to any petition for removal of the child.

(b) There was some opportunity to work with the family to prevent the removal of the child.

(c) Attempts were made to provide services to reduce the risk to the child, or to improve the family situation so as to prevent the need to remove the child.

(2) Reasonable efforts to prevent the removal were ~~made, although~~ not possible due to the urgent nature of the circumstances prevented the provision of services to the family prior to removal.

(a) An emergency situation caused the child to be in imminent risk of harm and no opportunity to provide preventative services exists.

(b) The court found that an emergency situation required removal of the child for his or her safety and services cannot prevent removal of the child.

(3) Reasonable efforts were not required as outlined in rule 5101:2-39-01 of the Administrative Code.

(B) A judicial determination as specified in paragraph (A) of this rule must be explicitly documented in a court order or court transcript no later than sixty days from the date the child is removed, as defined in rule 5101:2-47-14 of the Administrative Code. If such a determination is not made in accordance with this paragraph, the child will not be program eligible or reimbursable under Title IV-E for the entire substitute care episode.

~~In situations~~ situations where a child is in a detention facility at the time the legal responsibility is directly ordered to the Title IV-E agency, the court order placing the child into detention will serve as the initial court order that removed the child from the specified relative.

(C) The Title IV-E agency which has legal responsibility for a child must obtain a judicial determination by a juvenile court of competent jurisdiction signifying that reasonable

efforts were made by the Title IV-E agency to finalize the permanency plan for a child placed in substitute care:

- (1) Within twelve months of whichever of the following occurs first:
 - (a) The date the child is adjudicated abused, neglected, dependent, unruly or delinquent, or
 - (b) Sixty days after the child was initially removed from a specified relative and placed into substitute care or into detention; and
- (2) At least once every twelve months thereafter.
- (3) If such a determination is not made in accordance with this paragraph:
 - (a) The child becomes non-reimbursable under Title IV-E from the end of the twelfth month following the date the child is considered to have entered foster care; and
 - (b) The child will remain non-reimbursable under Title IV-E through the first day of the month in which the reasonable efforts to finalize the permanency plan requirement is met.
 - (c) If a hearing is held regarding reasonable efforts, but the court does not issue a journal entry documenting the determination until a later date, the case remains reimbursable and the written judicial determination, once issued, will apply retroactively to the date of the hearing.
- (D) If a judicial determination of reasonable efforts is not included as required in the court order, a transcript of the court proceedings is the only other documentation that will be acceptable to verify that these requirements have been made. An affidavit, amendment or a nunc pro tunc order will not be accepted as verification documentation of these judicial determinations.
- (E) The documentation of all judicial determinations of reasonable efforts must meet the requirements described in rule 5101:2-39-01 of the Administrative Code.

Effective: 6/23/2018

Five Year Review (FYR) Dates: 3/19/2018 and 06/23/2023

CERTIFIED ELECTRONICALLY

Certification

06/13/2018

Date

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.16, 5101.141

Rule Amplifies: 5103.03, 5153.16, 5101.141

Prior Effective Dates: 07/02/1987, 09/01/1988, 01/01/1989, 05/01/1998,
03/18/1999 (Emer.), 06/17/1999, 06/13/2000 (Emer.),
09/07/2000, 09/01/2003, 10/08/2007, 06/01/2013