

5101:2-47-22

Foster care maintenance: reasonable efforts requirements.

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

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

(2) Reasonable efforts to prevent the placement were made, although the urgent nature of the circumstances prevented the provision of services to the family prior to removal.

(3) Reasonable efforts were not required as outlined in rule 5101:2-39-05 of the administrative code.

(B) As specified in paragraph A(1) of this rule, a judicial determination that reasonable efforts were made prior to the placement of the child to prevent the placement is made when:

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

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

(3) Attempts were made to provide services to reduce the risk to the child, or to improve the family situation so as to obviate the need to remove the child from the home.

(C) As specified in paragraph A(2) of this rule, a judicial determination that reasonable efforts to prevent the placement were made, although the urgent nature of the circumstances prevented the provision of services to the family prior to removal is made when:

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

(2) The court found that an emergency situation required placement of the child for his safety and services cannot prevent removal of the child from the home.

(D) As specified in paragraph A(3) of this rule, a judicial determination that reasonable efforts are not required must meet the requirements described in rule 5101:2-39-05 of the administrative code.

(E) 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 from the home of a specified relative, 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.

(F) Once a child is placed in substitute care, the Title IV-E agency must obtain a judicial determination by a juvenile court of competent jurisdiction signifying that reasonable efforts were made to finalize the permanency plan:

(1) Within twelve months of the earlier of:

(a) The date the child is adjudicated abused, neglected, dependent, unruly or delinquent, or

(b) Sixty days after the child was removed from home and placed into substitute care; and

(2) At least once every twelve months thereafter.

(G) A judicial determination as specified in paragraph (F) of this rule must be explicitly documented in a court order or court transcript. If such a determination is not made in accordance with this paragraph:

(1) 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

(2) 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.

(3) If a hearing is held regarding reasonable efforts, but the court does not issue a journal entry documenting the determination until a later date, then the case remains reimbursable and the written judicial determination, once issued, will apply retroactively to the date of the hearing.

(H) The documentation of all reasonable efforts judicial determinations must meet the requirements described in rule 5101:2-39-05 of the administrative code.

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Certification

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