

TO BE RESCINDED

5101:2-47-22

Foster care maintenance program reimbursability: reasonable efforts to requirement.

- (A) A judicial determination by a juvenile court of competent jurisdiction must certify that reasonable efforts, to prevent placement, as defined in paragraph (C) of this rule were made or reasonable efforts to prevent a child's removal from home or to reunify the child and family are not required as defined in rule 5101:2-39-05 of the Administrative Code. This requirement applies to all children placed in substitute care by court order on or after October 1, 1983. The judicial determination must be evidenced in a court order or court statement 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 certifying that reasonable efforts, were made or were not required. If the reasonable efforts determination is not made in accordance with this paragraph, the child is not Title IV-E program eligible or reimbursable for this substitute care episode.
- (B) A reasonable efforts statement is not required for children who are in substitute care as the result of an ODHS 1645 "Agreement for Temporary Custody of Child." The best interests requirements of rule 5101:2-47-13 of the Administrative Code shall apply for these children.
- (C) The Title IV-E agency must petition the court for an order signifying that the court determined one of the following:
- (1) Reasonable efforts were made prior to the placement of the child to prevent the placement.
 - (a) The "reasonable efforts to prevent" certification is applicable in those instances where 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 from the home.
 - (c) This requirement shall be met if, upon the court's review, it found that 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.
 - (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 the removal.

- (a) This certification is primarily applicable in emergency situations when a child is in imminent risk and no opportunity to provide preventive services exists.
 - (b) This certification should be utilized when, in the agency's assessment, the emergency situation requires placement of the child for his safety and services cannot prevent removal of the child from the home.
- (3) Reasonable efforts were made to finalize the permanency plan, that is in effect:
 - (a) Within twelve months of the earlier of:
 - (i) The date the child is adjudicated abused, neglected or dependent pursuant to section 2151.28 of the Revised Code; or
 - (ii) Sixty days after the child was removed from his or her home and placed into substitute care; and
 - (b) At least once every twelve months thereafter while the child is in foster care.

Until this determination is made, the cost of the child's placement is not Title IV-E reimbursable.
- (4) Reasonable efforts are not required as outlined in rule 5101:2-39-05 of the Administrative Code.
- (D) The documentation of the reasonable efforts judicial determination must meet the requirements described in rule 5101:2-39-05 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 04/17/2003

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.16, 5101.141
Rule Amplifies: 5103.03, 5153.16, 5101.141
Prior Effective Dates: 7/2/87, 9/1/88, 1/1/89, 5/1/98,
3/18/99(EMER.)