

5101:2-48-05

Agency adoption policy and recruitment plan.

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that places children for adoption or participates in the placement of children for adoption shall have a current written adoption policy.

(B) The policy shall include:

(1) The geographic area within which the agency conducts adoption homestudy assessments.

(2) A description of the adoption application process, the adoption homestudy, and the adoption homestudy update and amendment procedures, including:

(a) Eligibility requirements for an adoptive applicant(s).

(b) Timeframe for commencing and completing an adoption homestudy.

(c) Process for simultaneously certifying an applicant for foster care placement and approving an applicant for adoption.

(d) Preservice training requirements for an adoptive applicant(s).

(e) Criminal records check requirements and fees associated with obtaining a criminal records check pursuant to rule 5101:2-48-10 of the Administrative Code.

(f) If the agency requires additional assessment activities not specified in Chapter 5101:2-48 of the Administrative Code, then the agency shall include a description of those activities in their policy and require them of all adoptive applicants and approved adoptive parents.

~~(g)~~ (g) The requirement that an assessor shall complete the JFS 01530 "Multiple Children/Large Family Assessment" (12/200612/2014) if an approved adoptive parent(s) will have at least five children residing in the prospective adoptive home. ~~The five children includes the child who is to be placed in the home for adoption.~~

(i) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;

(ii) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care and the number of children the family will be approved to adopt.

(h) The requirement that an assessor shall complete a new JFS 01530 at the time of the update if the family circumstances have changed substantially or if a JFS 01530 was not completed at the time of the homestudy but is required at the time of the update.

(3) Notification procedures which, at a minimum, include:

(a) The requirements that an adoptive applicant(s) or approved adoptive parent(s) shall notify the agency in writing if a person residing in the home who is twelve years old, but under eighteen years old, has been convicted or pleaded guilty to any offense listed in appendix A to rule 5101:2-48-10 of the Administrative Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult, would constitute one of those offenses.

(b) The requirements that the PCSA, PCPA, or PNA shall notify in writing the PCSA in the county in which the adoptive applicant resides within ten days after the initiation of a homestudy pursuant to rule 5101:2-48-12 of the Administrative Code.

(c) The requirements that the PCSA, PCPA or PNA shall notify in writing the PCSA in the county in which the adoptive parent(s) resides, of an impending adoptive placement no later than ten days prior to the placement of the child pursuant to rule 5101:2-48-16 of the Administrative Code.

(4) A procedure to provide access to approved adoption homestudies and other related documents to ~~another~~ a PCSA, or PCPA, ~~or PNA~~ that requests a copy of the adoption homestudy for purposes of matching a child pursuant to rule 5101:2-48-19 of the Administrative Code.

(5) A procedure for the receipt and maintenance of approved adoptive homestudies from other agencies or states, including the length of time that homestudies received shall be maintained in the agency's files.

(6) A procedure pursuant to rule 5101:2-48-24 of the Administrative Code, to

review grievances or complaints, received from the prospective adoptive applicant(s), adoptive applicant(s), or approved adoptive parent(s).

- (a) The requirements for hearing grievances and for resolving differences with the prospective adoptive applicant(s), adoptive applicant(s), or approved adoptive parent(s), relative to the requirements of Chapter 5101:2-48 of the Administrative Code and other agency policies.
 - (b) The requirements of review by the highest administrative employee of the agency or designee for any unresolved grievance within thirty calendar days of the filing of the grievance.
- (7) ~~The~~ A statement that the requirements contained in rule 5101:2-33-03 of the Administrative Code supersede the requirements of ~~this rule~~ 5101:2-48-24 of the Administrative Code when the grievance or complaint involve alleged discriminatory acts, policies, or practices pertaining to the foster care and adoption process that ~~involves~~ involve race, color or national origin (RCNO).
- (8) A requirement that the child's custodial ~~PCSA or PCPA for the child to~~ agency hold the initial matching conference within ninety days of the execution of the permanent surrender or the file stamp date of the permanent custody order, unless the order is under appeal as outlined in rule 5101:2-48-16 of the Administrative Code.
- ~~(9) A procedure to match a child with an adoptive parent(s) that addresses all of the following:~~
- ~~(a) When any adult relative or the child's current foster caregiver has expressed an interest in adopting the child as evidenced by the completion and submission of either the JFS 01691 "Application for Child Placement" (rev. 6/2009) or JFS 01692 "Application for Adoption of a Foster child" (rev. 6/2009). Where either option would be suitable permanent homes for the child, the agency may place the child with whom it deems is in the child's best interest.~~
 - ~~(b) If the child is a member of a federally recognized tribe or Alaskan Native Village, the Indian Child Welfare Act of 1978, 25 U.S.C. 1901 (1/2/06) (ICWA) shall take precedence for an adoption.~~
 - ~~(c) Whenever possible and in the best interest of the child(ren), sibling groups should not be separated.~~
 - ~~(d) The child's preference may be considered if the child has the capacity to express a preference.~~

- ~~(e) The length of time between adoptive placements for the adoptive parents shall be specified in the policy.~~
- ~~(f) Any adult relative or foster caregiver who has expressed interest in the child by the completion and submission of either the JFS 01691 or JFS 01692 shall be considered at the matching conference. The following is the preferential order for the placement of a child if more than one family is being considered for placement:
 - ~~(i) An adult relative.~~
 - ~~(ii) The foster caregiver with whom the child resides, if the child has substantial emotional ties to the foster caregiver and if the removal of the child from placement with the foster caregiver would be detrimental to the child's well being.~~
 - ~~(iii) A foster caregiver with whom the child has previously resided at any time.~~
 - ~~(iv) An approved adoptive parent(s) who is accepting of the child's characteristics and who has expressed an interest in adopting the child.~~~~
- (9) The following procedures as outlined in rule 5101:2-48-16 of the Administrative Code:
 - (a) Matching procedures as outlined in paragraph (V) of rule 5101:2-48-16 of the Administrative Code.
 - (b) Child specific recruitment procedures as outlined in paragraph (X) of rule 5101:2-48-16 of the Administrative Code when there are no families to be considered at a matching conference.
 - (c) When subsequent matching conferences are not required as outlined in paragraph (Y) of rule 5101:2-48-16 of the Administrative Code.
- ~~(g) If there are no families available to be considered at a matching conference for a specific child and the JFS 01654 "Adoptive Placement Agreement" (rev. 2/2014) has not been signed, the agency shall conduct child-specific recruitment for the child prior to the next matching conference. Child specific recruitment shall include at a minimum:
 - ~~(i) The agency distribution of information regarding the child to two or more adoption agencies.~~
 - ~~(ii) The agency exploration with the child and review of the case file for~~~~

~~relatives or individuals in the child's past who may possess the ability and be willing to provide a permanent home for the child.~~

~~(h) When subsequent matching conferences are not required as outlined in rule 5101:2-48-16 of the Administrative Code.~~

(10) A non-discriminatory policy on determining the approved adoptive parents ~~listed in paragraph (B)(9)(f)(iv) of this rule~~ who will be presented as a potential adoptive parent for the child in the matching conference. If there are more than five families who are potential matches for the child, the agency may narrow the number of families to a minimum of five based on:

(a) The preference to keep siblings together if it is in their best interest.

~~(a)~~(b) The level of experience the family has in working with ~~child(ren)~~children with who have the specific behavior, medical or mental health challenges that a specific child presents.

~~(b) The preference to keep siblings together if in the child's best interest.~~

(11) If a family was previously considered for a child in a matching conference and was not interested in the child, the agency does not have to consider the family for the same child in subsequent matching conferences.

(12) The availability of open adoptions between the birth parent(s) and the adoptive parent(s) and the referral process if the agency does not provide open adoptions.

(13) A procedure for the agency to report an adoptive applicant(s) or adoptive parent(s) who it feels has made a false statement in the application or homestudy process according to rule 5101:2-33-13 of the Administrative Code.

(14) A description of all state and federal adoption assistance, including eligibility and ~~the~~ application requirements.

(15) Schedule of fees for service, if applicable.

(16) Religious affiliation requirements, if applicable.

(17) Provision of prefinalization and postfinalization services.

- (18) Availability of a state hearing, as described in section 5101.35 of the Revised Code, if a prospective applicant(s) believes that an adoptive placement was denied or will be denied solely for the reason of geographic location of the family.
- (19) The complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.
- (C) Standards of conduct regarding the Multiethnic Placement Act of 1994 as amended by section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9) (9/2014), 671(a)(18) (9/2014), 674(d) (10/2008) and 1996(b)(9) (MEPA) (~~1/2/06~~)(8/1978) and the Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d, (~~1/2/06~~)(7/1964) as they apply to the adoption process (Title VI), do not supersede the provisions of the ~~ICWA~~ Indian Child Welfare Act of 1978, 25 U.S.C. 1901 (11/1987).
- (D) The ~~PCSA, PCPA, or PNA~~ agency may prepare a summary of its agency adoption policy to respond to inquiries ~~concerning adoption~~ pursuant to rule 5101:2-48-08 of the Administrative Code. If the agency prepares a summary, it shall include:
- (1) A written notice of the procedure for any complaints of discrimination in the adoption process that involve race, color or national origin (RCNO), pursuant to rule 5101:2-33-03 of the Administrative Code.
 - (2) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009). No additional language regarding non-discrimination in the adoptive placement process based upon RCNO shall be included in the agency's policy or other recruitment materials.
- (E) The PCSA, PCPA, or PNA shall ~~update~~ maintain its written ~~policy~~policies to reflect ~~new~~ requirements contained in Chapter 5101:2-48 of the Administrative Code. ~~The agency shall submit its adoption policy to the Ohio department of job and family services (ODJFS) within thirty days of the effective date of this rule~~When an agency revises a policy, the revision shall be submitted to ODJFS within thirty days of the change. If a change in the Administrative Code or the Revised Code requires the agency policy to change, the agency shall submit the affected policy to ODJFS within thirty days of the effective date of the change in Administrative Code or Revised Code.
- (F) ~~If the PCSA, PCPA or PNA amends its adoption policy at any time other than the required due date, the PCSA, PCPA or PNA shall submit the amended adoption policy to ODJFS within thirty days following the policy change.~~

~~(G)~~(F) Recruitment of prospective adoptive parents shall be an ongoing activity of the PCSA, PCPA, or PNA. The agency shall not deny any person the opportunity to become an adoptive parent on the basis of RCNO of the person or the child involved.

~~(H)~~(G) The PCSA, PCPA or PNA shall develop, maintain and implement a comprehensive recruitment plan that identifies the agency's diligent recruitment efforts of parents and which reflects the diversity of waiting children for whom adoptive homes are needed. The plan shall be signed by the agency director or designee.

~~(I)~~ The PCSA, PCPA, or PNA shall submit a recruitment plan to ODJFS for each ~~upcoming state fiscal year by May first of each even-numbered year.~~ The director of the PCSA, PCPA or PNA shall sign the plan.

~~(J)~~(H) If the PCSA, PCPA, or PNA amends its recruitment plan at any time ~~other than the required due date,~~ the PCSA, PCPA, or PNA agency shall submit the amended recruitment plan to ODJFS within ten days following the amendment.

~~(K)~~(I) The PCSA, PCPA and PNA, at a minimum, shall include in its recruitment plan the following:

(1) A fee structure that is non-discriminatory to approved adoptive parents and that allows parents of various income levels the opportunity to adopt. Fees may be charged according to a standardized and uniformly applied sliding scale, based on a family's ability to pay. The ability to pay a fee shall not influence the choice of the most appropriate parent(s) for a child.

(2) Specific strategies to reach all parts of the community.

(a) The PCPA or PNA shall define its own community.

(b) The PCSA shall define the community as the county in which the PCSA is located.

(3) Specific methods of disseminating both general and targeted recruitment.

(4) Strategies for assuring that all prospective adoptive applicants will receive information regarding adoption procedures within seven days of inquiry.

(5) Strategies for assuring that all applicants have access to the homestudy process,

including location and hours of services that facilitate access to all members of the community.

- (6) Strategies for training staff to work with diverse cultural, racial, ethnic and economic communities.
- (7) Strategies for dealing with linguistic barriers between the PCSA, PCPA, or PNA and the prospective adoptive applicant(s).

~~(I)~~(J) The PCSA and PCPA shall include in its recruitment plan the following:

- (1) A description of the characteristics of children in the permanent custody or permanent surrender of the agency, including:
 - (a) Age.
 - (b) Gender.
 - (c) Race and ethnicity.
 - (d) Developmental needs.
 - (e) Emotional and mental health needs.
 - (f) Physical needs.
- (2) A comparison of the racial and ethnic diversity of the children in permanent custody with the racial and ethnic diversity of the approved adoptive family resources in the agency.
- (3) Any racial or ethnic category of family that is under-represented and the strategies the agency will initiate to increase the category.
- (4) Criteria to determine when the agency will conduct child specific recruitment strategies for a child.
- (5) Identification of the type of specific recruitment techniques the PCSA or PCPA will have available and will utilize when child specific recruitment is warranted. Child specific recruitment activities shall include, at a minimum, distribution of information on the child to other adoption agencies.

- ~~(M)~~(K) The PCSA, PCPA, or PNA shall maintain case records in a consistent and organized manner. If the PCSA, PCPA, or PNA maintains any required information set forth in this rule in a location other than the case record, it shall be stated in the agency policy or noted in the case record where the information can be found for the purpose of: preservation of agency records, searching for potential placement/adoptive resources, providing needed or requested services and/or screening/assessing families.
- (L) An agency shall ensure that employees and contractors performing work related to the functions listed in rule 5101:2-5-03 of the Administrative Code shall implement all current written policies of the agency related to those functions and that all activities and programs related to those functions occur in accordance with agency policies.
- (M) All policies required by this chapter shall be provided to any person affected by the policy. Any policy required by this chapter shall be provided to any person upon request.
- (N) If ODJFS determines an agency's adoption policy, policy revisions or ~~annual~~ recruitment plan are noncompliant with this rule, the agency shall accept technical assistance from ODJFS until such time that the policy or recruitment plan is in compliance.

Effective: 12/01/2015

Five Year Review (FYR) Dates: 07/01/2019

CERTIFIED ELECTRONICALLY

Certification

10/21/2015

Date

Promulgated Under: 119.03
Statutory Authority: 3107.032, 5153.166
Rule Amplifies: 3107.031, 3107.032
Prior Effective Dates: 12/30/66, 10/1/86, 7/1/90, 9/1/94, 12/15/98 (Emer.),
3/1/96, 9/18/96, 12/31/96 (Emer.), 3/31/97, 2/13/98/
(Emer.), 5/14/98, 12/31/98 (Emer.), 4/5/99, 9/1/00,
11/12/02, 9/1/03, 2/1/05, 12/11/06, 5/15/09, 7/10/14