

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 and shall make this policy available upon request to individuals interested in adoption services. The policy shall include, but not be limited to, the following:

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

(2) Criteria for matching adoptive parents to available children, including, but not limited to:

(a) Length of time between placements.

(b) Consideration of placing siblings together and preferences to placing with relatives and foster caregivers pursuant to rule 5101:2-48-16 of the Administrative Code.

(c) How all families accepting of the child's characteristics shall be considered by the agency to be presented in the matching conference.

(d) A structured decision making process to select the most appropriate family to be matched with the child.

(e) Nondiscriminatory procedures to review all approved adoptive families for matching with available children. An agency cannot use race, color, national origin or geographic location as the basis for denying or delaying presentation of a family at a matching conference.

(f) Nondiscriminatory procedures to select approved adoptive families to be presented at the matching conference for available children. An agency cannot use race, color, or national origin, or geographic location as the basis for denying or delaying presentation of a family at a matching conference.

(3) A copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 02/2005). No additional language regarding discrimination in the adoptive placement process based upon race, color, or national origin (RCNO) shall be permitted in the PCSA, PCPA, or PNA adoption policy except as may be necessary to fulfill the requirements of paragraphs (A)(20) and (A)(21) of this rule or where ordered by a federal court order and approved by the Ohio department of job and family services (ODJFS) before February 1, 2005.

(4) A procedure to provide access to homestudies approved by a PCSA, PCPA or PNA as well as related documents to another PCSA, PCPA, or PNA which

requests a copy of the homestudy for matching purposes of a special needs child pursuant to rule 5101:2-48-19 of the Administrative Code.

- (5) A procedure for maintaining approved homestudies received from any other agency in the same manner that other adoptive homestudies that were approved by the receiving PCSA, PCPA or PNA pursuant to rule 5101:2-48-19 of the Administrative Code.
- (6) A statement of assurance that the agency shall maintain compliance with 42 U.S.C. 671(a), the Adoption and Safe Families Act of 1997, Pub. L. No. 105-89.
- (7) A statement of assurance that the agency shall maintain compliance with the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901, et seq. 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), 671(a)(18), 674(d) and 1996(b) (hereinafter "MEPA") and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. as they apply to the adoption process (hereinafter "Title VI"), do not supercede the provisions of the Indian Child Welfare Act of 1978.
- (8) Availability of open adoptions between the birth parent and the adoptive parent(s) and the referral process if the agency does not provide open adoptions.
- (9) Training requirements for adoptive families.
- (10) Criminal records check requirements and fees associated with obtaining a criminal records check pursuant to the provisions set forth in section 2151.86 of the Revised Code.
- (11) The joint foster care/adoption application and homestudy assessment process.
- (12) Application, homestudy and homestudy update procedures, including time frames and eligibility requirements related to adoption services to applicants seeking special and nonspecial needs children.
- (13) Agency review procedures pursuant to rule 5101:2-48-24 of the Administrative Code.
- (14) A procedure for responding to the court when an adult who consents to be adopted was in the agency's custody prior to the age of their eighteenth birthday.
- (15) A procedure for reporting when an applicant knowingly makes a false statement in the application or homestudy process. The procedure shall include, but is not limited to, the notification to the applicant and the

applicant's rights to an agency review according to rule 5101:2-33-13 of the Administrative Code.

- (16) The procedure the agency shall follow when an adoptive child is placed in an approved adoptive parent(s) home and the adoptive parent(s) or other household member(s) knowingly make a false statement that results in the assessor's reassessment of an approved or updated homestudy and an internal investigation determines the adoptive parent(s) or other household member(s) is guilty of the offense of falsification under section 2921.13 of the Revised Code. The assessor shall report incidents of falsification according to procedures outlined in rule 5101:2-33-13 of the Administrative Code.
 - (17) The requirement that an assessor shall complete the JFS 01530 "Multiple Children/Large Family Assessment" (12/2006) when an applicant seeking to adopt a minor or foster child will have at least five children residing in the prospective adoptive home after the minor or foster child to be adopted is placed in the home for adoption.
 - (18) A description of all state and federal adoption assistance, including eligibility and the application requirements.
 - (19) Schedule of fees for service, if applicable.
 - (20) Religious affiliation requirements, if applicable.
 - (21) Provision of prefinalization and postfinalization services.
 - (22) Availability of a state hearing when a prospective applicant(s) believes that an adoptive placement was denied or will be denied solely for the reasons of geographic location of the family.
 - (23) The complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.
 - (24) Standards of conduct regarding MEPA and Title VI in accordance with rule 5101:2-33-11 of the Administrative Code.
 - (25) The procedure to notify the public children services agency in the county in which the prospective adoptive parent resides within ten days after the initiation of a homestudy according to section 3107.013 of the Revised Code.
 - (26) The procedure to notify the public children services agency in the county in which the prospective parent resides of an impending adoptive placement no later than ten days prior to the placement of the child in the adoptive home.
- (B) A PCSA, PCPA, or PNA 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. The summary shall include the JFS 01611 in accordance with paragraph (A)(3) of this rule. No additional language regarding non-discrimination in the adoptive placement process based upon race, color, or national origin shall be included in the agency's policy or other recruitment materials.

(C) Each PCSA, PCPA, and PNA shall update its written adoption policy to reflect new requirements contained in Chapter 5101:2-48 of the Administrative Code. PCSAs, PCPAs, and PNAs shall submit a copy of the agency's adoption policy to ODJFS within thirty days of the effective date of this rule. If the PCSA, PCPA, or PNA amends its adoption policy at any other time than the required due date, the agency shall be responsible for submitting the amended adoption policy to ODJFS within ten days following a policy change.

(D) Recruitment of prospective adoptive families shall be an ongoing activity of a PCSA, PCPA, or PNA. Agencies shall not deny any person the opportunity to become an adoptive parent, on the basis of race, color, or national origin of the person or of the child(ren) involved. The agency shall develop and implement a comprehensive recruitment plan that identifies the agency's diligent recruitment efforts of families and which reflects the diversity of waiting children for whom adoptive homes are needed. The PCPA comprehensive recruitment plan shall include the applicable items listed in paragraphs (D)(1), and (D)(4) to (D)(12) of this rule. The PNA comprehensive recruitment plan shall include the applicable items listed in paragraphs (D)(5) to (D)(12) of this rule. The comprehensive recruitment plans submitted by the PCSAs shall include, but is not limited to all of the following:

(1) A description of the characteristics of children in the custody of the agency available for adoption, including age, gender, race, and ethnicity of the children, and their developmental, emotional, and physical needs; the number and race of the children awaiting adoptive placement for one to twelve months, as well as more than twelve months, from the date the court order granting permanent custody became final and non-appealable; and the average time over the previous five years from the date on which the court order granting permanent custody of each child, broken down by race, became final and non-appealable and was placed for adoption.

(2) A description of children in the state available for adoption for the previous state fiscal year listed on the website at <http://jfs.ohio.gov/ocf/>. This description will include the children's age, gender, race, and ethnicity of the children; their developmental, emotional, and physical needs; the number and race of the children awaiting adoptive placement for one to twelve months, as well as more than twelve months, from the date the court order granting permanent custody became final and non-appealable; and the average time over the previous five years from the date on which the court order granting permanent custody of each child, broken down by race, became final and non-appealable and was placed for adoption.

- (3) For PCSAs, a comparison of the characteristics specified in paragraphs (D)(1) and (D)(2) of this rule, with the racial and ethnic diversity of the adoptive applicants approved by the agency who are waiting to adopt and an identification of any racial or ethnic category of families that are under represented.
- (4) For PCPAs, a comparison of the characteristics specified in paragraph (D)(1) of this rule, with racial and ethnic diversity of the adoptive applicants approved by the agency who are waiting to adopt and an identification of any racial or ethnic category of families that are under represented.
- (5) Specific strategies to reach all parts of the community. PCPAs and PNAs shall define their community. For PCSAs, community is defined, at a minimum, as the county in which the PCSA is located.
- (6) Specific methods of disseminating both general, targeted, and child specific information, and implementation of procedures specified in paragraph (A)(4) of this rule.
- (7) Strategies for assuring that all prospective parents have access to the homestudy process, including location and hours of services that facilitate access to all members of the community.
- (8) Procedures for assuring that all prospective parents will receive information regarding adoption procedures within seven days of inquiry.
- (9) Strategies for training staff to work with diverse cultural, racial, ethnic and economic communities.
- (10) Strategies for dealing with linguistic barriers between the PCSA, PCPA or PNA and the prospective adoptive applicant(s).
- (11) Procedures for the provision of adoption homestudy services and preservice training to adoptive applicants in their agency.
- (12) When a fee is charged to families, agencies shall have a fee structure that is non-discriminatory. The fee structure shall allow families 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 family for a child.
- (13) Procedures for a timely search for prospective parents for a child in the permanent custody of the agency, including at a minimum, the use of the "Ohio Adoption Photo Listing web page" and search of the statewide automated child welfare information system as it becomes available to the

agency when there are no families to be presented at any matching conference scheduled for a child.

- (E) A PCSA, PCPA, and PNA shall maintain case records in a consistent and organized manner such that required information set forth in Chapter 5101:2-48 of the Administrative Code can be readily located. When the PCSA, PCPA, or PNA maintain 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.
- (F) The PCSA, PCPA and PNA shall enclose a statement of assurance within its adoption policy that all recruitment activities and materials shall be in compliance with MEPA and Title VI, the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901, et seq., and the Adoption and Safe Families Act of 1997 Pub. L. No. 105-89.
- (G) Each PCSA, PCPA, and PNA shall submit an annual recruitment plan on May first of each year, and shall address the upcoming state fiscal year. If the PCSA, PCPA, or PNA amends its recruitment plan at any other time than the required due date, the agency shall be responsible for submitting the amended recruitment plan to ODJFS within ten days following a plan change.
- (H) Upon receipt of the revised adoption policy and the annual recruitment plan submitted by the PCSA, PCPA, or PNA, ODJFS will conduct a review to determine the compliance of the adoption policy or recruitment plan with the requirements of the Indian Child Welfare Act of 1978 25 U.S.C.A. 1901, et seq., MEPA, the Civil Rights Acts of 1964 (Title VI), and 42 U.S.C. 671(a), the Adoption and Safe Families Act of 1997 Pub. L. No. 105-89. ODJFS will notify the agency of the compliance status within sixty days of ODJFS' receipt of the adoption policy or recruitment plan. When an agency's adoption policy or recruitment plan is non-compliant, the agency shall continue to work with ODJFS until the adoption policy or recruitment plan is in compliance.
- (I) If during the course of any MEPA site visit to an agency additional information warrants review of an adoption policy or recruitment plan, ODJFS may provide technical assistance or require a corrective action plan based on the additional information regardless of the compliance status of the adoption policy or recruitment plan at the time of the MEPA site visit.

Replaces: 5101:2-48-05

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3107.032, 5153.16
Rule Amplifies: 3107.15, 3107.031, 3107.031. 3107.033
Prior Effective Dates: 12/30/66, 10/1/86, 7/1/90, 9/1/94, 12/15/95 (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, 9/01/00,
11/12/02, 9/1/03, 2/1/05