

5101:2-48-05

Agency adoption policy, and agency recruitment plan, and bi-annual comprehensive assessment report.

(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 topics:

- (1) The geographic area within which the agency conducts adoption homestudy assessments ~~with~~ for families;
- (2) Criteria for matching adoptive parents to available children, including, but not limited to: length of time between placements, consideration of placing siblings together and preferences to placing with relatives and foster parents per rule 5101:2-48-16 of the Administrative Code;
- (3) Nondiscriminatory procedures to review ~~out-of-county and out-of-state~~ 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 placement of available children;
- (4) Availability of open adoptions between the birth parent and the adoptive parent and the referral process if the agency does not provide open adoptions;
- (5) Training requirements for adoptive families;
- (6) 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;
- ~~(7) Restrictions regarding length of time between adoptive placements, if applicable;~~
- ~~(8) Foster caregiver adoptions;~~
- ~~(9) Relative adoptions;~~
- ~~(10)~~ (7) The joint foster care/adoption application and homestudy assessment process;
- ~~(11)~~ (8) Application, homestudy and homestudy update procedures, including time frames and eligibility requirements related to adoption services to applicants

seeking special and nonspecial needs children;

~~(12)~~(9) Agency review procedures pursuant to rule 5101:2-48-24 of the Administrative Code;

~~(13)~~(10) A description of all state and federal adoption assistance including eligibility, and the application requirements;

~~(14)~~(11) Schedule of fees for service, if applicable;

~~(15)~~(12) Religious affiliation requirements, if applicable;

~~(16)~~(13) Provision of prefinalization and postfinalization services; and

~~(17)~~(14) Availability of a state hearing when an adoptive family believes that an adoptive placement was denied or will be denied solely for the reasons of geographic location of the family.

(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.

(C) Each PCSA, PCPA, and PNA shall update its current written adoption policy to reflect new requirements contained in Chapter 5101:2-48 of the Administrative Code. A copy of the agency's adoption policy shall be submitted to ~~the district office or licensing specialist~~ ODJFS. When the PCSA, PCPA, or PNA amends its adoption policy the agency shall be responsible for submitting the amended policy to ~~the district office~~ ODJFS within ten days following a policy change. ~~For agencies certified by ODJFS after the effective date of this rule, the agency shall be responsible for submitting its adoption policy to the district office or licensing specialist at the time of application for initial certification or recertification pursuant to rule 5101:2-5-13 of the Administrative Code.~~

(D) Recruitment of and acceptance of prospective adoptive families shall be an ongoing program of a PCSA, PCPA, or PNA. As prohibited by the Multiethnic Placement Act, 42 U.S.C.A. 1996(B) (MEPA) as amended by section 1808 of the Small Business Job Protection Act of 1996, agencies may 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 foster and adoptive homes are needed. The agency's comprehensive

recruitment plan shall include, but is not limited to:

- (1) A description of the characteristics of children in the county and state available for adoption, including age, gender, race, culture, and ethnicity of the children, and their developmental, emotional, and physical needs;
- (2) Specific strategies to reach all parts of the community;
- (3) Diverse methods of disseminating both general, targeted, and child specific information and recruitment activities;
- (4) 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;
- (5) Procedures for assuring that all prospective parents will receive information regarding adoption procedures within seven days of inquiry;
- (6) Strategies for training staff to work with diverse cultural, racial, and economic communities;
- (7) Strategies for dealing with linguistic barriers;
- (8) Procedures for the provision of adoption homestudy services and preservice training to families in other counties;
- (9) ~~Non-discriminatory fee structures~~ Agencies should have a fee structure that is non-discriminatory. It should 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 should not influence the choice of the most appropriate family for a child;
- (10) Procedures for a timely search for prospective parents for a child in the permanent custody of the agency, including the use of exchanges, ~~ΘAPL~~, ~~AdoptOhio web page~~ "Ohio Adoption Photo Listing web page", "Ohio Adoption Photo Listing Families Waiting to Adopt Book". and other interagency efforts;
- (11) ~~Procedures for a timely search of prospective adoptive families.~~

- (E) The PCSA, PCPA and PNA shall enclose a statement of assurance ~~with~~ within its adoption policy that all recruitment activities and materials shall be in compliance with MEPA, the "Indian Child Welfare Act of 1978" (rules 5101:2-42-48 to 5101:2-42-58 of the Administrative Code), 25 U.S.C.A. 1901, et seq., as amended, and the "Adoption and Safe Families Act of 1997."
- (F) ~~Each PCSA, PCPA, and PNA shall submit a copy of its recruitment plan to its respective district office. Each PCPA and each PNA shall submit a copy of its recruitment plan to its respective licensing specialist. ODJFS. When the PCSA, PCPA, or PNA amends its recruitment plan the agency shall be responsible for submitting the amended recruitment plan to the district office or licensing specialist, as appropriate, ODJFS within ten days following a policy plan change.~~
- (G) ~~The ODJFS program staff, ODJFS district office staff and/or licensing specialist will conduct a review of the agency adoption policy and recruitment plan to identify any policies or plans in the area of adoption that authorize practices that are inconsistent with the requirements of the "Indian Child Welfare Act of 1978," 25 U.S.C.A. 1901, et seq., as amended, MEPA, and 42 U.S.C. 671(a), the "Adoption and Safe Families Act of 1997 (Pub. L. No. 105-89)."~~ If noncompliance is identified, ~~the district office or licensing specialist~~ ODJFS shall notify the agency of noncompliance. The notification shall include:
- (1) A statement of the noncompliance;
 - (2) What must be done to correct the noncompliance;
 - (3) The date by which the compliance must be completed.
- (H) The JFS 01668 "MEPA Bi-Annual Comprehensive Self-Assessment Report" shall be completed by each PCSA, PCPA, and PNA every two years. The initial one shall be submitted to ODJFS no later than six months after the effective date of this rule. Subsequent reports shall be submitted every two years to ODJFS.

Effective:

R.C. 119.032 review dates: 05/01/2003

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3107.032, 5103.12
Rule Amplifies: 3107.032, 5103.12, 5153.16
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.