

5101:2-48-11.1 **Foster caregiver adoption process of a foster child who has resided with the caregiver for at least twelve consecutive months.**

(A) For the purpose of this rule, "fully implemented" means all functions that would have been entered into the family and children services information system (FACSIS) are now accessible to the agency through the statewide automated child welfare information system (SACWIS).

(B) The applicant shall provide the PCSA, PCPA or PNA with documentation that the applicant and all adults residing in the applicant's home have been residents of the state of Ohio for the five-year period immediately prior to the date on which a criminal records check is requested. This documentation may include tax records, school attendance records, bank records and rent or mortgage payment receipts.

(C) The public children services agency (PCSA), private child placing agency (PCPA) or private non-custodial agency (PNA) shall search SACWIS or the central registry of abuse and neglect pursuant to rules 5101:2-34-38.1 and 5101:2-33-22 of the Administrative Code if SACWIS is not fully implemented, for each adoptive applicant and each adult household member of the applicant's home prior to approval of the adoptive home. The search shall also be conducted for any new adult member of the applicant's household once the applicant has been approved until the adoptive applicant's home has been closed in SACWIS.

(D) The PCSA, PCPA or PNA shall request a check of the child abuse and neglect registry of any other state in which a prospective applicant or other adult member household member in the applicant's home has resided in the five years immediately prior to the application.

~~(A)(E) Prior to recommending an adoptive home for approval and upon request, ODJFS shall provide a public children services agency (PCSA), private child placing agency (PCPA) or private non custodial agency (PNA) a summary report of a search of the central registry to assist the agency in completing its evaluation of an applicant seeking approval as an adoptive parent, pursuant to rules 5101:2-34-38.1 and 5101:2-33-22 of the Administrative Code. The summary report of the registry shall include all other adult members of the adoptive applicants household. The search shall result in a summary report to be placed in the applicant's file. Prior to the adoptive placement of each adoptive child in the adoptive applicant(s) home, the summary report shall be considered as a tool to help determine the appropriateness of the placement. If the applicant is a foster parent for the adoptive child, the summary used as a foster parent is sufficient, unless it is deemed necessary by the assessor to complete another search. The central registry search is required until such a time that the uniform statewide automated child welfare information system is fully implemented pursuant to section 5101.13 of the Revised Code. A summary report of the results of the search shall be placed in each adoptive home record.~~

- (1) The summary report shall include, for each applicant and each adult household member, a chronological list of abuse and neglect determinations or allegations in which the person was involved where a PCSA has done one of the following:
 - (a) Determined that abuse or neglect occurred;
 - (b) Initiated an investigation, and the investigation is ongoing;
 - (c) Initiated an investigation, and the agency was unable to determine whether abuse or neglect occurred.
 - (2) The summary report shall not contain any of the following:
 - (a) ~~An abuse and neglect determination of which a person seeking to become a foster caregiver of a child is subject and in regards to which a public children services agency determined that abuse or neglect did not occur; Any information concerning a report of abuse or neglect where the public children services agency determined that abuse or neglect did not occur or was unsubstantiated.~~
 - (b) ~~Information or reports the dissemination of which is prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;~~
 - (e)(b) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.
 - (3) If the search indicates there are no allegations or reports of involvement in child abuse and/or neglect investigations or there are only unsubstantiated reports for any applicant or adult household member, the summary report shall indicate that there are no substantiated or indicated reports involving any applicant or adult household member in an allegation or report of involvement in a child abuse and/or neglect investigation reported to ~~the uniform statewide child welfare information system or the central registry~~SACWIS.
- (F) If the applicant is a foster parent for the adoptive child, the summary used as a foster parent is sufficient, unless the assessor determines additional central registry searching is necessary.
- ~~(B)~~(G) When a foster caregiver expresses the desire to adopt a foster child who is and has

been residing with the foster caregiver for at least twelve consecutive months, ~~the public children services agency (PCSA), private child placing agency (PCPA) or private noneustodial agency (PNA)~~ the PCSA, PCPA or PNA shall provide the foster caregiver with a JFS 01692; "Application For Adoption of a Foster Child" (rev. 12/2006). The JFS 01692 is a child specific application and shall expire once the foster child is adopted as evidenced by a final decree of adoption or interlocutory decree. ~~A completed JFS 01692, with supporting documentation, and if applicable, the JFS 01530 "Multiple Children/Large Family Assessment" (12/2006), shall serve as a shortened homestudy, replacing the JFS 01691, "Application for Child Placement" (rev. 12/2006) and the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 08/2005) required by rule 5101:2-48-12 of the Administrative Code.~~

(H) A completed JFS 01692, with supporting documentation, and if applicable, the JFS 01530 "Multiple Children/Large Family Assessment" (12/2006), shall serve as a shortened homestudy, replacing the JFS 01691, "Application for Child Placement" (rev. 12/2006) and the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 08/2005) required by rule 5101:2-48-12 of the Administrative Code.

~~(C)~~(I) When a family has a total of five or more children residing in the home, including foster children and children in kinship care; or if the family will have a total of five or more children who will reside in the home upon the adoptive placement of a child, the assessor shall complete the JFS 01530, as outlined in rule 5101:2-48-12 of the Administrative Code.

(J) If a PCSA initiates an adoptive homestudy with an applicant from another county, it shall notify the PCSA in the county in which the applicant resides.

(K) If a PCPA, PNA or attorney arranging an adoption initiates an adoptive homestudy, it shall notify the PCSA in the county in which the applicant resides.

(L) The written notification to the PCSA shall be sent within ten days of the initiation of the homestudy and shall include the following:

(1) The applicant's name.

(2) The applicant's address.

(3) The applicant's telephone number.

(4) The names and dates of birth of all household members at the time of the application.

(5) A request for any relevant information, if known, including, at a minimum:

(a) Past or present functioning of the prospective adoptive parent.

- (b) Rule violations involving any foster or pre-adoptive child.
 - (c) Any third party investigations.
 - (d) Information relating to any previous adoption applications and/or placements.
 - (e) Information on the events leading to a removal of any child from the prospective adoptive family home.
 - (f) Confirmation of household members as determined by a review of agency records.
- (M) The requirements outlined in paragraphs (I) through (K) of this rule do not apply to step-parent adoptions.
- (N) When the PCSA in the county in which the adoptive applicant resides receives the notification letter, the PCSA shall provide, in writing, any relevant information listed in paragraph (K) of this rule to the requesting agency within fifteen days.
- (O) The PCSA in the county in which the adoptive applicant resides shall maintain a file on each family for whom they have received a notification letter. If the family is known to the agency and a record exists, the information shall be merged with the existing file.
- (P) If the PCSA in the county in which the adoptive applicant resides has contracted with a PCPA or PNA to complete the adoptive applicant's homestudy, the PCPA or PNA is exempt from notifying the PCSA of the initiation of the homestudy.
- ~~(D) When a homestudy is initiated in a county, the PCSA, PCPA, or PNA shall provide a letter containing relevant information about the adoptive applicant(s) if the homestudy is not being initiated by the PCSA in the county in which the adoptive applicant resides. Relevant information includes, but is not limited to all of the following:~~
- ~~(1) Past or present functioning of the prospective adoptive parent,~~
 - ~~(2) Rule violations involving foster and pre-adoptive child,~~
 - ~~(3) Third party investigations,~~
 - ~~(4) Information relating to previous adoption applications, or~~
 - ~~(5) Previous disruptions from the perspective adoptive family home.~~
- ~~(E)~~(Q) The PCSA, PCPA, or PNA shall inform the foster caregiver that consideration

will be given to their application provided that the placement is in the best interests of the child pursuant to rule 5101:2-48-16 of the Administrative Code.

~~(F)~~(R) A person seeking to adopt ~~a minor~~ who knowingly makes a false statement that is included in the written report of the homestudy pursuant to section 3107.031 of the Revised Code is guilty of the offense falsification under section 2921.13 of the Revised Code. A homestudy with a knowingly false statement shall not be filed with the court. If such a homestudy is filed with the court, the court may strike the homestudy from the courts records.

~~(G)~~(S) When a PCSA, ~~or~~ PCPA, or PNA determines that a homestudy has been falsified, the PCSA, ~~or~~ PCPA or PNA shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code. 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 reassessment of an approved or updated homestudy, 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 pursuant to rule 5101:2-33-13 of the Administrative Code.

~~(H)~~(T) Upon receipt of a completed JFS 01692, the PCSA, PCPA, or PNA shall review the application with the foster caregiver. A PCSA, PCPA, or PNA shall not require the foster caregiver to undergo a bureau of criminal identification and investigation (BCII) or federal bureau of investigation (FBI) check as a condition of acceptance or approval of the application for adoption of a foster child; however, the agency shall inform the foster caregiver that a criminal records check pursuant to rule 5101:2-48-10 of the Administrative Code is required before a court issues a final decree of adoption or an interlocutory order of adoption.

~~(J)~~(U) A PCSA, PCPA, or PNA that receives a completed JFS 01692 shall provide the foster caregiver with both of the following:

- (1) Information about the requirement for adoption training as outlined in rule 5101:2-48-09 of the Administrative Code.
- (2) Information about the application process and eligibility requirements of Title IV-E adoption assistance, state adoption maintenance, post adoption special services subsidy, and non-recurring adoption expenses.

~~(J)~~(V) Prior to the approval of the adoption homestudy, the PCSA, PCPA or PNA shall document in the case file that the foster caregiver has fulfilled the required adoption training as outlined in rule 5101:2-48-09 of the Administrative Code.

~~(K)~~(W) The PCSA, PCPA or PNA shall compile and review all of the following information to determine the appropriateness of the foster caregiver for adoptive placement:

- (1) JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 02/2003).
- (2) ~~JFS 01349 "Foster Home Homestudy" (rev. 01/2003) or the~~ JFS 01673 and the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 08/2005), as applicable.
- (3) All JFS 01385 "Assessment for Child Placement Update," ~~(rev. 06/2001)~~ (rev. 12/2006), if applicable.
- (4) Foster home record.
- (5) ~~BCII and/or FBI criminal record check. The BCII and FBI reports as outlined in~~ rule 5101:2-48-10 of the Administrative Code.
- (6) Case record information documented by the placement worker's visits to the foster home.

~~(L)~~(X) The PCSA, PCPA or PNA shall process the completed JFS 01692 and the assessor shall arrive at one of the following recommendations:

- (1) Approve the applicant(s) as a prospective adoptive parent for the child who has resided in the applicant's home for at least twelve consecutive months.
- (2) Deny the application.

~~(M)~~(Y) If the decision of the agency is to approve the applicant(s) as a prospective adoptive parent for the specific child(ren) who has resided in the home for twelve consecutive months, the written notification shall include, but not be limited to, the following information:

- (1) Date of approval of the JFS 01692.

~~(N)~~(Z) If the decision of the assessor is to deny the applicant(s) for adoption for the specific child(ren) who has resided in the home for twelve consecutive months, the written notification shall contain the following:

- (1) A detailed explanation of the reason for the denial which sets forth all of the reasons upon which it was based.
 - (2) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.
 - (3) A summary of steps that will be taken by the agency to assure the next matching conference meeting in a timely fashion.
- ~~(O)~~(AA) The JFS 01692 shall only be used in consideration of the adoptive placement for the child(ren) for whom the homestudy was conducted. A separate JFS 01692 or JFS 01673 and JFS 01673-A, as applicable, shall be used for any other child(ren) that the family is considering adopting.
- ~~(P)~~(BB) Upon approval of the foster caregiver for the adoptive placement, the agency shall follow the adoptive placement procedures as outlined in rule 5101:2-48-16 of the Administrative Code which includes, but is not limited to, conducting a matching conference.
- ~~(Q)~~(CC) ~~When a child is placed in an approved adoptive home by a PCSA or PNA that is not the PCSA in the county where the prospective parent resides, the placing PCSA or PCPA shall provide a notification letter to the PCSA in the adoptive applicants county of residence which shall include a description of the special needs, the age of the prospective adoptive child, the name of the prospective adoptive parent, and the number of children that will reside in the prospective adoptive home. This does not apply to stepparent adoption.~~
- (DD) If a PCSA intends to place a child for adoption with an adoptive family from another county, it shall notify the PCSA in the county in which the applicant resides.
- (EE) If a PCPA, PNA or attorney arranging an adoption intends to place a child, it shall notify the PCSA in the county in which the applicant resides.
- (FF) The written notification to the PCSA shall be sent at least ten days prior to the placement of the child and shall include the following:
- (1) The prospective adoptive child's age.
 - (2) A description of the prospective adoptive child's special needs.
 - (3) The name(s) of the prospective adoptive parents.

(4) The number of children that will reside in the prospective adoptive home when the prospective adoptive child is placed in that home.

(GG) If the PCSA in the county in which the adoptive family resides has contracted with a PCPA or PNA for placement and/or post placement supervision services, the PCPA or PNA is exempt from notifying the PCSA of the placement of the child into the home.

(HH) The requirements outlined in paragraphs (CC) through (FF) do not apply to step-parent adoptions.

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Certification

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