

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) Prior to recommending an adoptive home , an agency shall conduct a search of state automated child welfare information system (SACWIS) for each applicant and each adult household member of the applicant(s) home to determine the suitability of the applicant(s) to provide permanent home for an adoptive child. The SACWIS search shall result in a summary report to be placed in the applicant's file, and if the applicant is subsequently approved as a adoptive placement, the summary report shall also be placed in the record of each child placed in the adoptive home. 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 of SACWIS.

(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;

(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;

(c) 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 SACWIS search indicates there are no allegations or reports of involvement in child abuse or neglect investigations for any applicant(s) or adult household members, the summary report shall indicate that there is no record in SACWIS involving any applicant or adult household member in an allegation or report of involvement in a child abuse or neglect investigation reported to SACWIS.

(B) 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 noncustodial agency (PNA) shall provide the foster caregiver with a JFS 01692, "Application For Adoption of a Foster Child" (rev. 12/2006). 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) When an applicant seeking to adopt a minor or foster child will have at least five or more children residing in the prospective adoptive home after the minor or foster child to be adopted is placed in the home, the assessor shall complete the JFS 01530, as outlined in rule 5101:2-48-12 of the Administrative Code.

(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) 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) 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 or 5101.03 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) When a PCSA or PCPA, determines that a homestudy has been falsified, the PCSA or PCPA 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) 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) 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 is required before a court issues a final decree of adoption or an interlocutory order of adoption.

(I) 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) 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) 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), if applicable.

(4) Foster home record.

(5) BCII and/or FBI criminal record check.

(6) Case record information documented by the placement worker's visits to the

foster home.

(L) 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 as an adoptive parent for the child who has resided in the applicant's home for at least twelve consecutive months.

(2) Deny the application.

(M) If the decision of the agency is to approve the applicant as an 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 including the date the approved homestudy will expire.

(N) If the decision of the assessor is to deny the applicant 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) 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) 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) 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.

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Certification

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