

5101:2-48-11

Approval of a foster home for adoptive placement.

- (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. This includes any additional collateral contact that made, or participated in, the report of abuse and 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.

(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) Except as outlined in rule 5101:2-48-11.1 of the Administrative Code, when a foster caregiver who has not been approved to be an adoptive parent through the

joint homestudy process expresses an interest in being approved as an adoptive parent, the agency is responsible for completing the following:

- (1) Assist the foster caregiver in completing the JFS 01691, "Application for Child Placement" (rev. 12/2006);2
- ~~(2) The PCSA, if different from the PCSA in the county in which the adoptive applicant(s) resides, the PCPA or PNA shall provide a letter containing relevant information about the adoptive applicant(s) to the PCSA in the county in which the adoptive applicant resides when the adoptive homestudy is initiated. Relevant information includes, but is not limited to all of the following:~~
 - ~~(a) Past or present functioning of the prospective adoptive parent,~~
 - ~~(b) Rule violations involving foster and pre-adoptive child,~~
 - ~~(c) Third party investigations,~~
 - ~~(d) Information relating to previous adoption applications, or~~
 - ~~(e) Previous disruptions from the prospective adoptive family home.~~
- ~~(3)~~(2) Compile and review the following information to determine the appropriateness of the foster caregiver for adoptive placement:
 - (a) JFS 01653, "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 02/2003);2
 - (b) ~~JFS 01349, "Foster Home Homestudy" (rev. 01/2003) or the~~ The JFS 01673, "Assessment for Child Placement (Homestudy)" (rev. 08/2005) (rev. 8/2005), and the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 08/2005) and the JFS 01530 "Multiple Children/Large Family Assessment" (rev. 12/2006), as applicable;2
 - (c) All JFS 01385 ~~forms~~, "Assessment for Child Placement Update" (rev. 12/2006) forms, if applicable;2
 - (d) Foster home record;2
 - (e) ~~BCII and/or FBI criminal record check; and The bureau of identification and investigation (BCII) and federal bureau of investigation (FBI)~~

reports as outlined in rule 5101:2-48-10 of the Administrative Code.

- (f) Case record information documented by the placement worker's visits to the foster home.

~~(4)~~(3) Have an assessor:

- (a) Review information contained on the JFS 01691~~;~~.
- (b) Conduct a home visit~~;~~.
- (c) Complete the JFS 01530, if applicable, as outlined in rule 5101:2-48-12 of the Administrative Code 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.
- (d) Observe the interaction between the child, foster caregiver and other members of the household, if applicable~~;~~.
- (e) Discuss how the foster caregiver has been working with the child on problems which were identified in the case plan and how they will deal with long term issues the child may have~~;~~.
- (f) Discuss the availability of adoption assistance and postfinalization adoption services with the foster caregiver.

~~(5)~~(4) Based upon information obtained through review of documentation outlined in paragraphs ~~(B)(1), (B)(2) and (B)(3)~~ paragraph (I) of this rule, the assessor shall ~~complete the portions of the JFS 01673 that were not previously completed on the JFS 01349, and attach the JFS 01349 and most recent~~ attach the most recent JFS 01385, if applicable, to the JFS 01673. If the JFS 01673 was completed as a foster only application, the assessor shall attach the previous JFS 01673 and JFS 01673-A to the current JFS 01673, if applicable.

(H) 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.

(I) 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.

(J) 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.

(K) The requirements outlined in paragraphs (G) through (I) of this rule do not apply to step-parent adoptions.

(L) 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 (I) of this rule to the requesting agency within fifteen days.

(M) The PCSA 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.

(N) If the PCSA in the county in which the adoptive applicant resides has contracted with the 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.

~~(C)~~(O) The PCSA or PCPA shall follow procedures contained in rule 5101:2-48-12 of the Administrative Code for approval or denial of an applicant for adoptive placement.

~~(D)~~(P) A person seeking to adopt a ~~minor~~ who knowingly makes false statements to be 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.

~~(E)~~(Q) When a PCSA, 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 makes 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.

~~(F)~~(R) Any case for which a homestudy has not been completed within one year of the application date shall be terminated unless the agency makes the determination that the homestudy should not be terminated. The decision not to terminate shall be made at the agency's discretion. The PCSA, PCPA, or PNA shall notify the adoptive applicant in writing no less than thirty days prior to the termination. Written notification shall include an explanation of the reason for termination and the procedures for requesting a review of the agency's decision.

~~(G)~~(S) Homestudies initiated prior to the effective date of this rule shall be in compliance with Administrative Code rules which were in effect prior to the effective date of this rule. These homestudies shall be updated in accordance with the update process outlined in rule 5101:2-48-12 of the Administrative Code.

~~(H)~~(T) Paragraph ~~(G)~~ (Q) of this rule does not apply to a homestudy which has been determined to have knowingly false statements. The adoption assessor shall follow procedures according to rule 5101:2-33-13 of the Administrative Code.

(U) 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.

(V) 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.

(W) 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.
- (X) 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.
- (Y) The requirements outlined in paragraphs (T) through (W) do not apply to step-parent adoptions.
- ~~(I) The PCSA, if different from the PCSA in the county in which the adoptive applicant(s) resides, the PCPA or PNA shall provide a notification letter to the PCSA in which the adoptive parent resides which shall include a description of the special needs and the age of the prospective adoptive child and the name of the prospective adoptive parent and the number of children that will reside in the prospective adoptive home when the prospective adoptive child is placed in the prospective adoptive home. This does not apply to stepparent adoption.~~

Effective:

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Certification

Date

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