

5101:2-5-18

**Waivers.**

- (A) The granting of a waiver of any requirement imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-39, and 5101:2-42, ~~and 5101:2-47~~ of the Administrative Code is a discretionary act of the Ohio department of job and family services (ODJFS) based upon documentation as to why the agency or foster caregiver is not in compliance. The refusal of ODJFS to grant a waiver, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.
- (B) A request for a waiver shall be written and time limited. ODJFS shall deny any waiver request that does not contain sufficient information, including the time period for which the waiver is requested, to allow ODJFS to make an informed decision on the request. The time limit of a waiver shall not exceed the expiration date of the current certificate. Upon the written request of an agency, a waiver may be renewed once, at the discretion of ODJFS, contingent upon documentation to ODJFS of the efforts of the agency or foster caregiver to come into compliance and the reasons they have not come into compliance.
- (C) A request for a waiver of the requirements or prohibitions imposed by ~~Chapter~~ Chapters 5101:2-1 or 5101:2-9 of the Administrative Code and related residential facility provisions of Chapter 5101:2-5 of the Administrative Code shall be written using JFS 01376 "Waiver Request for CRCs and Group Homes" (Rev. 7/2005) and submitted to the appropriate ODJFS regional office.
- (D) A request for a waiver of the requirements or prohibitions imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-9, 5101:2-39, and 5101:2-42, ~~and 5101:2-47~~ of the Administrative Code on an agency's administration shall be written using the JFS 01276 "Waiver Request for Agency Rules" (Rev. 7/2005) and submitted to the appropriate ODJFS regional office.
- (E) A request for a waiver of the requirements or prohibitions imposed upon a foster home or a foster caregiver by Chapters 5101:2-1, 5101:2-7, 5101:2-39, and 5101:2-42, ~~and 5101:2-47~~ of the Administrative Code and related foster home provisions of Chapter 5101:2-5 of the Administrative Code shall be written using JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (Rev. 1/2003) and submitted to, ODJFS, bureau of accountability and regulation.
- (F) The approval of a waiver request by ODJFS shall not be construed as constituting precedence for the approval of any other waiver request or the renewal of an existing waiver. All waiver requests shall be considered on a case-by-case basis.

Effective:

R.C. 119.032 review dates: 06/30/2005

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.02, 5103.03  
Rule Amplifies: 5103.02, 5103.03  
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