

5101:2-5-20 **Initial application and completion of the foster care homestudy.**

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) acting as a representative of the Ohio department of job and family services (ODJFS) shall:

(1) Inform all individuals applying for an initial foster home certificate they can also be considered for adoption homestudy approval.

(2) Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Foster care placement.

(b) Adoption homestudy approval.

(3) If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency must inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

(B) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor shall not perform any assessor duties for any of the following persons:

(1) Him or her self.

(2) Any person who is a relative of the assessor.

(3) Any agency employee for whom the assessor has any supervisory responsibility.

(4) Any agency employee who has any supervisory responsibility for the assessor.

(D) To avoid a conflict of interest, or the appearance of any conflict of interest:

- (1) The agency administrator and a relative of the agency administrator shall not be certified as a foster caregiver by the agency with which the administrator is employed.
 - (2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not be certified as a foster caregiver by the agency with which the member is associated.
 - (3) Foster care inquiries from anyone mentioned in this paragraph wishing to be certified foster caregivers shall be referred to another recommending agency with no such appearance of a conflict of interest.
 - (4) An existing foster home certificate of any person referred to in paragraph (D) of this rule shall be transferred to another recommending agency except the foster caregiver may maintain the certificate and continue to provide care for any currently placed foster children placed in the home prior to January 1, 2008. This foster caregiver shall not accept any additional placements of foster children and shall transfer to another recommending agency within sixty days of the date the current foster children are no longer placed in the home.
 - (5) If the agency becomes aware a certified foster caregiver of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the foster caregiver's certificate. The transfer shall be completed within sixty days of the discovery.
- (E) A PCSA, PCPA, or PNA may selectively recruit on the basis of the need for foster homes for specific types of children as specified in the agency's recruitment plan as required by rule 5101:2-5-13 of the Administrative Code.
- (1) The agency shall not consider the age, gender, sexual identity, sexual orientation, religion, or marital status of a family for whom the agency is conducting a homestudy in determining whether to recommend the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.
 - (2) The agency shall not consider the age, gender, sexual identity, sexual orientation, or religion of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.
 - (3) The agency shall not discriminate in recommending an applicant for certification on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (7/2014) and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C., 1201 (8/1981).

(F) The agency shall not consider the race, color or national origin of a foster caregiver applicant to determine whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(1) As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996) (MEPA), agencies may not deny any person the opportunity to become a foster caregiver on the basis of race, color, or national origin of the person, or of any foster child or children involved.

(2) The agency shall not consider the race, color or national origin of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

(3) The agency may consider a child's race, color or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-42-18.1 of the Administrative Code.

(G) Upon request, the agency shall provide a JFS 01691 "Application for Child Placement" (rev. 12/2014) to any person who is twenty-one years of age, is a legal resident of the United States, resides in the state of Ohio and meets the specifications of the agency's recruitment plan pursuant to rule 5101:2-5-13 of the Administrative Code. The agency shall also provide, free of charge to an inquirer, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, or inform the inquirer how to access the rules electronically.

(1) If the person does not reside in the state of Ohio, an application for foster care shall not be considered until the person has established Ohio residency.

(2) If a person requests an application for child placement and an agency has reason to believe the person is not a legal resident of the United States, the agency shall request the person to provide a copy of the person's immigration document(s) issued by the bureau of immigration and customs enforcement of the U.S. department of homeland security allowing the person to reside in the United States. If the immigration document(s) provided by the applicant shows the person is a conditional permanent resident of the United States or is not a permanent United States resident, the application shall not be considered for foster care unless the applicant is being considered for placement of a specific child and the person is "kin" to the child as defined in rule 5101:2-1-01 of the Administrative Code.

(3) For the purpose of this rule, "legal resident of the United States" means a person who is a native-born or naturalized citizen of the United States or a person who presents credible evidence from the bureau of immigration and customs enforcement of the U.S. department of homeland security that the person is a permanent resident of the United States.

(H) The agency shall use the JFS 01691 for all initial foster home applications.

(1) The agency shall not accept an incomplete JFS 01691.

(2) The agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the applicant(s).

(3) If an adoptive applicant decides during the homestudy process to also become a certified foster caregiver, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants shall not be required to duplicate documentation as a result of a new application date.

(4) Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code. An individual who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(5) The agency shall require an application be made in the full name of each adult member of a couple residing in the home, a single person, or each co-parent residing in the home.

(6) The agency shall not accept more than one application per household and shall not recommend certification of more than one foster home per household.

(I) The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the foster care applicants.

(1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed of the necessary materials required for the assessor to complete the homestudy.

(2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" (rev. 12/2014) the reason(s) the agency is unable to meet this requirement.

(J) The agency shall complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.

(K) The following is required for the homestudy:

- (1) An assessor shall conduct a face to face interview with all members of the household over the age of four years. The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.
- (2) The agency shall conduct criminal records checks for all persons subject to a criminal records check pursuant to rules 5101:2-5-09.1 and 5101:2-7-02 of the Administrative Code.

 - (a) The required criminal records checks must be completed and the results received by the agency prior to the agency recommending an applicant for certification.
 - (b) Except as provided in paragraph (I) of rule 5101:2-7-02 of the Administrative Code, an agency shall not recommend a person be certified as a foster caregiver if the person or any adult member of the applicant's household has been convicted of any crime listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.
- (3) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster care applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each foster care applicant and each adult who resides with the applicant.

 - (a) A report with the results of the search shall be placed in the foster caregiver record.
 - (b) This report is used to determine the suitability of the applicant to provide foster care.
- (4) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.
- (5) The JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the recommendation for certification for the applicant and all household members.

 - (a) Any written documentation of a physical examination shall be completed by the individual conducting the examination.

- (b) The form shall document the applicant and all members of the household are free from any physical, emotional, or mental condition which would endanger children or seriously impair the ability of the household members to care for a foster child.
- (c) The agency may require an applicant to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:

 - (i) The applicant or any household member has suffered a serious illness or injury within the past year.
 - (ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any foster child who may be placed in the home of the applicant.
- (6) The applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant shall provide at a minimum:

 - (a) A completed JFS 01681 "Applicant Financial Statement" (rev. 10/2000).
 - (b) Proof of income for the household for the most recent tax year prior to the date of application.
 - (c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for certification.
 - (d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency's recommendation for certification.
- (7) Prior to recommending initial certification of a foster home, an agency shall require and assure each applicant successfully completes all preplacement training required by rule 5101:2-5-33 of the Administrative Code.

 - (a) Only the preplacement training completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification will meet the training requirement.
 - (b) Each foster home recommended for certification shall receive preplacement training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency recommends the home for certification.

- (8) References shall be received by the agency prior to the date the agency recommends the home for certification.
- (a) The applicant shall provide the names and contact information of at least three people who are unrelated to the applicant and do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency recommends the home for certification.
- (b) The applicant and all adult household members shall provide the name of any agency the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and any adult household members shall complete a written and signed release of information statement so any such reference may be contacted.
- (c) The agency shall contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the homestudy process and documented on the homestudy.
- (d) All contacts with references listed above are required and shall be documented in the narrative section of the homestudy.
- (9) The JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not be dated more than twelve months prior to the date the agency recommends the home for certification.
- (10) The JFS 01348 "Safety Audit" (rev.12/2014) completed not more than six months prior to the date the agency recommends the home for certification, documenting the residence satisfactorily meets all safety standards.
- (11) A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to the date the agency recommends the home for certification and annually thereafter.
- (12) Prior to the end of the assessment process, applicants shall complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) indicating the acceptable characteristics and type of child the applicant is willing to foster.
- (a) The determination of the specific number, age, and gender of children the

foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.

(b) All placements in a foster home shall be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.

(c) Upon the request from an applicant or caregiver, the JFS 1673-A may be updated as often as needed.

(L) The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be certified as a foster caregiver considering all household members and the availability of appropriate accommodations for any foster child that may be placed in the home.

(1) In completing the evaluation, a written narrative shall be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.

(2) The evaluation shall be a completed JFS 01673.

(M) In addition to the requirements of the JFS 01673, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not recommend an applicant for certification to ODJFS prior to the completion of those requirements, in addition to all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification of the foster home.

(N) The agency shall not place a child or cause a child to be placed in a foster home until:

(1) The foster caregiver completes the preplacement training required by rule 5101:2-5-33 of the Administrative Code for the type of foster home certification the caregiver is seeking.

(2) The assessment of the foster home, including the JFS 01673 and all supporting documentation, is completed by an assessor who recommends certification of the applicant for foster care.

(3) An original JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending certification is submitted to ODJFS or the homestudy has been approved by ODJFS through the SACWIS system. If the agency does not have access to SACWIS then the agency shall submit the completed JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS in addition to the JFS 01317.

(4) The effective date of a foster home certificate issued by ODJFS.

Replaces: 5101:2-5-20
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CERTIFIED ELECTRONICALLY

Certification

09/09/2015

Date

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