ACTION: Refiled

Rule Summary and Fiscal Analysis Part A - General Questions

Rule Number: 5101:2-5-20

Rule Type: Amendment

Rule Title/Tagline: Initial application and completion of the foster care homestudy.

Agency Name: Department of Job and Family Services

Division: Division of Social Services

Address: OFC- 4200 E. 5th Ave., 2nd fl. L2-01 P.O. Box 183204 Columbus OH

43218-3204

Contact: Michael Lynch Phone: 614-466-4605

Email: Michael.Lynch@jfs.ohio.gov

I. Rule Summary

- 1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 3/19/2020
- 2. Is this rule the result of recent legislation? No
- 3. What statute is this rule being promulgated under? 119.03
- 4. What statute(s) grant rule writing authority? 5103.03, 3107.033
- 5. What statute(s) does the rule implement or amplify? 2151.86, 5103.02, 5103.03, 5103.0327
- 6. What are the reasons for proposing the rule?

This rule is proposed for amendment due to the five year review and rule updates as a result of the Family First Prevention Services Act.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule provides guidance to agencies on the application and homestudy process for a foster care applicant. Paragraphs (K)(1), (K)(5), (K)(6) and (K)(9) regarding

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interviews, physical exams, immunizations and references for foster care applicants were amended due to legislative changes in the Family First Prevention Services Act. As a result of the Family First Prevention Services Act, paragraph (G) lowers the required minimum age of a foster caregiver from 21 to 18.

- 8. Does the rule incorporate material by reference? Yes
- 9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

This rule incorporates one or more references to another rule or rules of the Ohio Administrative Code. This question is not applicable to any incorporation by reference to another OAC rule because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75(A)(1)(d).

This rule incorporates one or more references to the Ohio Revised Code. This question is not applicable to any incorporation by reference to the ORC because such reference is exempt from compliance with ORC 121.71 to 121.74 pursuant to ORC 121.75 (A) (1)(a).

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(c).

This rule incorporates one or more dated references to the U.S. Code. This question is not applicable to any dated incorporation by reference to the U.S. Code because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(A)(2)(a).

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

4/30/2020 Paragraphs (K)(6)(b) and (c) were revised for clarity to remove the word "child" and replace it with the word "individual" when referring to immunizations.

II. Fiscal Analysis

11. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

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0.00

No expected fiscal effects on current or future budgets.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Agencies must adhere to specific requirements to complete a homestudy for foster care. There are multiple requirements that would result in a cost to an agency simply by the time involved for an employee to assess a foster caregiver applicant. The report (homestudy) is required to be completed by an assessor who must evaluate the home for compliance with foster homes rules which includes things such as criminal background checks, medical evaluations, safety audits and financial stability.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
- 15. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable.

III. Common Sense Initiative (CSI) Questions

- 16. Was this rule filed with the Common Sense Initiative Office? Yes
- 17. Does this rule have an adverse impact on business? Yes
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes
 - Certification and re-certification of an agency by the Ohio Department of Job and Family Services is contingent, in part, upon compliance with this rule.
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

Lack of compliance can result in revocation of an agency's certification or denial of re-certification

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C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

The rule requires the retention and documentation and reporting of information such as immunization records, home study results, and JFS forms. Some documentation would be kept in physical files and other documentation would be recorded in the SACWIS system.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? Yes

Immunization requirements may increase costs minimally to agencies by requiring the documentation of compliance be recorded and reported.

IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

- 18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No
 - A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable

Ohio Department of Job and Family Services

INSTRUCTIONS FOR COMPLETING JFS 01653, MEDICAL STATEMENT FOR FOSTER CAREGIVER/ADOPTIVE APPLICANT AND ALL HOUSEHOLD MEMBERS

USING THIS FORM

• This form is used to determine the suitability of an applicant to be a foster caregiver or adoptive home.

SECTION I

• This section is to be completed for each applicant and each household member. Each individual or parent/legal guardian will complete the information and sign the form. No other signatures are necessary for this section.

SECTION II

• This section is only for applicants and not for household members. A physical exam is required and must be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife.

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	APPLICATION FOR CHILD	DI	ACTIVE	ידיואי:
	ALLEICH HUN FUR CHILD	TL.	ACLIVII	71 1

					AGI	ENCY USE OF	NLY	7				
Agency					Asse	essor					Date Con Received	npleted Application
							A	pplying to	Email Add	dres	S	
Applicant #1 Name First	(<i>Please Prii</i> Middle	nt)	La	nst	Mai	den	┨┌	Foster	Cell Phon	e #		
								_ ☐ Adopt	Work Pho		4	
Applicant #2 Name	(Please Pri	nt)					A	pplying to	Email Add	dres	S	
First	Middle	,	La	ast	Mai	den		Foster	Cell Phon	e #		
								Adopt	Work Pho	ne #	 	
Street Address				City	1			State	Zip Code		County	
II DI "		I.B. "				F (7 .				F 6	N
Home Phone #		Fax #				Emergency (Cont	act Name		-	Emergency C	Contact Phone #
		H(DUSE	HOLD M	EME	BERS (Add a	noth	ner sheet if	necessary)			
	Applicar			plicant #2		Household Member		Househ Memb	old Household			Household Member
Name	•			•								
Relationship to Applicant #1												
Date of Birth												
Race*												
Ethnic Background*												
School Grade												
Completed Area of					D	irections to you	r hoi	me from the	Agency			
Specialized Education												
Marital Status (if married, date												
of marriage)												
Employer or Source of Income												
How Long with this Employer												
Occupation Occupation												
Gross Annual												
Income Days/Hours of												
Work (in normal work week)												
Driver's License Number												

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^{*} For statistical purposes only

SLEEPING ARRANGEMENTS (Indicate where all household members sleep, and where foster/ adopted children will sleep) *If you will obtain a crib at the time an infant is placed in the home, please indicate that below							
BEDROOM	FLOOR/LEVEL	OCCUPANT(S)	Crib	TYPE OF BED(S): *, Twin, Full, Bunk, etc. bunk, indicate upper - U or lower - L)			
1	THOUNDER	occerniti(b)		or tower 2)			
2							
3							
4							
5							
6							
Are there any pets	Does any family member smoke?						
If yes, is business	erate a business from the reschild care, adult day care or f home business on foster ca	a rooming house? Yes	xplain: No				
VEHICLES One car Two or more cars Truck/SUV Van Recreational Vehicle Motorcycle Other Are vehicles in operable condition? Yes No If no, explain Are there infant car seats? Yes No Will Obtain Do you have proof of insurance for all vehicles? Yes No Name of Insurance Company? Is the home on or within comfortable walking distance of public transportation system (bus, etc.)? Yes No If yes, distance to nearest transit or bus stop Describe transportation plan if family does not own an operating vehicle or live on or within walking distance of a bus stop							
		STORY (For any household me		* -			
Name	Branch	Date Entered	Date Discharged	Type of Discharge			
				☐ Honorable ☐ Other			
				Honorable Other			
Explain if other th	Explain if other than honorable discharge						

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CRIMINAL HISTORY (Documentation verifying compliance must be received for all convictions)							
Does any household member	er, including juveni	iles 12 - 18 y	ears of age, have a cri	minal history?	Y	es No If ye	s, explain below
Name	Name Offense		City and State	Convicted? Approx. Date of Conviction/ Adjudication		Sentence	On probation? Date of release from probation?
				☐ Yes ☐ Date?	No		☐ Yes ☐ No Date?
					No		Yes No
				☐ Yes ☐ Date?	No		☐ Yes ☐ No Date?
Has any household member Yes No If yes, p	been arrested and please list each inc		I for operating a vehicle	e under the inf	luence	of alcohol or drugs?	
APPLICANT RES	SIDENTIAL, E	MPLOYM	ENT, AND MARI	TAL HISTO	RY (A	dd extra sheets if	necessary)
Residential His	story	List r	Applicant #1 esidences for the last	10 years	L	Applicant ist residences for the	
Date moved to current resid	ence						
Previous address city and sta	ate						
Date moved to this city/state	e						
Previous address city and sta							
Date moved to this city/state							
Previous address city and sta	ate						
Date moved to this city/state	<u>e</u>						
Employment Hi	istory	Applicant #1 List employers for the last 10 years:			Li	Applicant ist employers for th	
Present employer							
Job title							
Length of time with present	employer						
Previous employer							
Job title							
Dates of employment							
Previous employer							
Job title							
Dates of employment			A 1. 4 H4			<u> </u>	
Marriage/Relationship History Previous marriage/significant relationship to			Applicant #1			Applicant	t # <i>L</i>
Date marriage or relationship began							
Date of separation							
Date of legal termination							
Previous marriage/significant relationship to							
Date marriage or relationship began							
Date of separation							
Date of legal termination							

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TYPE OF CHILD YOU WOULD CONSIDER (Check all that apply)						
Age	0 - 2 3 - 5 6 - 8 9 - 11 12 - 15 16 - 18 Male Female	☐ Will Consider	 Will Not Consider 	Number of Children One		
			EXPERIENCE	WITH CHILDREN		
Have you ever applied for or been certified as a foster caregiver in this state or any other state? Yes No Have you ever applied for or been approved to adopt a child in this state or any other state? Yes No If you answered yes to either of these questions, identify the agency involved, as well as their address or other contact information. Please include when you applied, when you were certified or approved, and discuss your experiences. If you applied or were certified or approved with more than one agency, please list all agencies and contact information here.						
Has any Yes				ed for foster care or adoption in this state or any other state? d or was certified/approved, and what agency they were associated with.		
Some people have had previous contact with a child welfare agency. Sometimes this is a positive experience, sometimes there are challenges. Please tell us about any contact any applicant or household member has had with a child welfare agency (Children Services, Child mental health facility, community child serving agencies, etc.). Please give the name of the agency, approximate dates of contact and what the contact involved. Include both positive and negative experiences.						
			er than your own. This manched for information.	ay include employment and/or volunteer work. Please include contact		

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REFERENCES

The state requires two non-relative references from people who do not live with you. One additional reference must be from a relative. Some agencies require additional references. If the agency has filled in the blanks below, it has requirements that go beyond the state rule, and you will need to supply that number of references. If the spaces are empty, please supply the information for two non-relative references and one relative who do not live with you.

of references required by the agency completing the homestudy

Name	Relationship	Address	Phone #	Email Address

ADULT CHILD REFERENCES

The state requires references from all adult children of the applicant(s) regardless of where they live or the amount of contact they have with the applicant. Please complete the following information for all adult children of all applicants.

Name	Relationship	Address	Phone #

STATEMENT OF UNDERSTANDING

- I understand that this is an application only and that additional documents will be required. This will include medical statements, background checks, safety audit of the home, fire inspection, references, and other information requested by the agency. Failure of an applicant to provide required information or documentation in a timely manner will render this application incomplete and the agency's file on the application will be closed.
- I agree to complete orientation and preplacement training as required by the agency. Failure to attend required training will render this application incomplete and the agency's file on the application will be closed.
- I understand this application does not represent a final commitment by either party. Any placement of a child will be by mutual agreement.
- I certify that the information contained in this application is accurate and complete to the best of my knowledge.
- If there is any significant change affecting health, marital status, residence, family composition, employment, or criminal charges, I
 will notify the agency promptly, within 24 hours or the next working day.
- I give permission to the agency to contact my adult children for information applicable to the foster care and/or adoption assessment.
- I give permission to the agency to contact any personal references I provide to them for information applicable to the foster care and/or adoption assessment.

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- I give permission to the agency to contact any other agency or association for information regarding any work with children or any care or supervision of children provided by myself or another household member.
- I give permission to the agency to contact any other agency for information and/or documentation regarding a previous application, certification, or approval for foster care or adoption.
- I give permission to the agency to access information in the statewide automated child welfare information system (SACWIS).
- I certify that I have been given access to or a copy of the rules and/or policies applicable to the program to which I am applying (Chapter 5101:2-5, Chapter 51012-7 and/or Chapter 5101:2-48 of the Administrative Code).
- Applications for a foster home certificate cannot be accepted for a residence that is licensed, regulated, operated under the direction
 of, or otherwise certified as a facility to care for unrelated persons, by the Ohio Department of Education, a local board of education,
 the Ohio Department of Mental Health and Addiction Services, a community alcohol, drug addiction and mental health services board,
 the Ohio Department of Developmental Disabilities, a county board of developmental disabilities, the Ohio Department of Health or
 a juvenile court.
- A person seeking to provide foster care or to adopt who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to Section 3107.031 or Section 5103.03 of the Revised Code is guilty of the offense of falsification under Section 2921.13 of the Revised Code. A homestudy with a knowingly false statement shall not be filed with the court and if filed may be struck from the court's records. I understand that providing false information during the homestudy process will prevent the agency from considering my home for placement of a child and may be grounds for revocation of a foster home certificate and/or denial of adoption approval.

STATEMENT OF ASSURANCES

- Applicants shall not use corporal or degrading punishment.
- Applicants shall not use any illegal substances, abuse alcohol by consuming it in excess amounts, or abuse legal prescription and/or nonprescription drugs by consuming them in excess amounts or using them contrary to as indicated.
- Applicants and their guests shall not smoke in the foster home, in any vehicle used to transport the child, or in the presence of the child in foster care.
- Applicants shall adhere to the agency's reasonable and prudent parent standard.
- Applicants shall agree to comply with their roles and responsibilities as discussed with the agency once a child is placed in their care.

Signature	Date
	Signature

Please tell us how you were referred to this agency.		

Note: Completion of this form is required in order for the agency to carry out its obligations under Chapters 5101:2-5, 5101:2-7, and/or 5101:2-48 of the Administrative Code. Your application cannot be processed unless this form is completed in its entirety.

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ACTION: Refiled Ohio Department

Ohio Department of Job and Family Services DATE: 04/30/2020 9:26 AM

MEDICAL STATEMENT FOR FOSTER CAREGIVER/ADOPTIVE APPLICANT AND ALL HOUSEHOLD MEMBERS

Section I – For all applicants and household members.

Name (L	AST, FIRST, MIDDLE)	Date of Birth			
Address (Street, City, State and ZIP)				
1.	Have you had treatment for a serious or chronic illness?	🗌 Y	es □ No		
	Have you been hospitalized in the past five years?	Y	Yes No		
	Have you ever received, or been advised to seek, mental health services?	T	Yes No		
	Have you ever received, or been advised to seek, treatment for alcohol or substance abuse?	\[\]	Yes No		
	If any are checked, please explain:				
2.	Asthma Hyperter Cancer Kidney I Epilepsy Tubercul	sease nsion Disease losis			
Attach an official copy of the individual's immunization record as applicable to the requirement of childhood immunizations (children living in the home), pertussis immunizations (everyone in home caring for infants), or annual flu immunization (everyone in home caring for infants and any age child with medical needs).					
person lis	exemptions available to the immunization requirements pursuant to rule 5101:2-5-2 ited above has not received and whether it is medically contraindicated, medically in	o. Frease list al appropriate, or	declined by the individual/parent.		
☐ I have	declined immunizations for the person listed at the top of this form for reasons of co	onscience, inclu	ding religious reasons.		
I hereby	affirm that I have completed this form to the best of my ability, and that the	information p	provided is true and correct.		
Signature	of applicant, household member or parent/legal guardian		Date		

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Section II – For applicants only.

Date you completed the physical examination of this individual:		Date you last treated this individual:					
Do you provide services to this individual:	Regularly	Occasio		First Time			
Please respond to each of the following to the best	of your knowledge:						
1. Does this individual suffer from an illness, including a communicable disease, that would be detrimental to the care of a foster/adoptive child placed in his/her home?							
2. Are there any chronic or serious disorder	Are there any chronic or serious disorders for which this individual has received treatment?						
3. Is this individual currently taking medical	tion?						
4. Is this individual experiencing any physic detrimental to a foster/adoptive child place				Yes No			
5. Have you ever referred this individual to treatment for alcohol/substance abuse? .				Yes No			
If the answer to any of the above questions is YES,	please explain:						
Please state your professional opinion regardine health, considering the individual's medical himdividual. AUTHO	story as given on the	reverse side	of this form and from				
I hereby affirm that I have completed this form to the best of my ability, and that the information provided is true and correct. I further authorize the physician completing this form to release any information he/she may have concerning my physical or mental health to:							
		(Name of	Agency)				
Signature of Applicant			Dat	e			
Signature:	Date	N	ame (Print or Type):				
Please check one of the following:	I	V	/ork Address:				
☐ Licensed Physician ☐ Physician As	sistant						
☐ Clinical Nurse Specialist ☐ Certified Nur	rse Practitioner	V	Vork Phone Number:	State License Number:			
Certified Nurse-Midwife							

NOTE: Completion of this form is required pursuant to Ohio Administrative Code Rules 5101:2-5-20 or 5101:2-48-07. JFS 01653 (Rev. 1/2020) ACTION: Refiled Onio Department of Job and Family Services DATE: 04/30/2020 9:26 AM

Name (or Caregiver #1	Name of Caregiver #2	
Addres	s	Name of Caregiver #3 (if applicable)	Provider ID
Name o	of Agency	Relocation / Renovation Other	
All items	s listed can be found in rule 5101:2-7-12 of the Administrativ	ve Code.	
1.	The home and all structures associated with the home sanitary condition and in a reasonable state of repair.		Yes No
2.	Swimming pool has barriers on all sides, access throug safety device such as a bolt lock, a life saving device supump if it cannot be emptied after each use.	uch as a ring buoy and a working	Yes No No N/A
3.	Hot tub and spas have a safety cover which is locked w	hen not in use.	Yes No N/A
4.	Outdoor recreation equipment on the grounds of the horepair.	me is maintained in a safe state of	Yes No N/A
5.	Potentially hazardous outdoor areas on the grounds of are reasonably safeguarded.		Yes No N/A
6.	The home is adequately heated, lighted and ventilated.		Yes No
7.	Bleach, cleaning materials, other poisonous or corrosiv and combustible materials, potentially dangerous tools/ machinery or alcoholic beverages in or on the grounds manner that prevents the child's access, as appropriate	utensils, and electrical equipment, of the home are stored in a safe for his or her age and development.	Yes No
8.	Firearm, air rifles, hunting slingshot or other projectile we the home are stored in an inoperative condition in a loc	Yes No No N/A	
9.	Ammunition, arrows or projectiles for weapons are store weapon.	Yes No N/A	
10.	There is reasonable access to a working phone for eme	ergency situations	Yes No
11.	Emergency telephone numbers posted: Fire	☐ Squad/Rescue ☐ Placing Agency	Yes No
12.	All locks on at least one door to any room or walk in sto person could become confined, and from which the onl use of a key, shall be able to be unlocked from either si	y other means of exit requires the	Yes No
13.	The home has a continuous supply of safe drinking wat and cooking, it was tested and approved by the health (and annually thereafter for foster care)		Yes No
14.	The home has working bathroom and toilet facilities loc to an indoor plumbing system.	Yes No	
15.	The home ensures proper water heater temperature of	110-120 degrees Fahrenheit.	Yes No
16.	Garbage shall be disposed of on a regular basis. Garba containers or closed bags.	age stored outside shall be in covered	Yes No
17.	The home has a working smoke alarm approved by "Ur fire inspector on each level of occupancy and at least o	Yes No	
18.	The home has a working carbon monoxide detector on and at least one near all sleeping areas.	each level of occupancy of the home	Yes No
19.	The home has first aid supplies.		Yes No

20.	The home has a written evacuation plan for evacuating the home or seeking shelter in the event of fire, tornado or other disaster.	Yes No
21.	The evacuation plan contains a primary and alternate escape for each floor, and the escape routes are kept free of clutter and other obstructions.	Yes No
22.	All heaters used in the home are approved by "Underwriter's Laboratory" or a certified fire inspector and are equipped with safeguards in accordance with age and functioning level of foster children in the home. Unvented heaters that burn kerosene or oil are not used.	Yes No N/A
23.	The home has an "Underwriter's Laboratory" approved or certified fire inspector approved portable fire extinguisher in working order in or near the cooking area of the home.	Yes No
24.	The home is free from rodents and insect infestation.	Yes No
25.	Pets or domestic animals in or on the premises of the home are kept in a safe and sanitary manner in accordance with state and/or local laws.	Yes No N/A
26.	Interior and exterior stairways accessible to children are protected by child safety gates or doors according to the child's age and functioning level.	Yes No N/A
27.	The foster home provides a smoke free environment for foster children.	Yes No
28.	The foster home is free of peeling or chipping paint.	Yes No
29.	All prescription drugs in a home are stored in a locked cabinet or storage area except that an inhaler or medication may be left unlocked if a person has a special health condition that requires it to be immediately available.	Yes No N/A
30.	Each foster child's bedroom has an outside wall window that is screened and capable of opening and closing, unless the room has a fresh air ventilation system.	Yes No
31.	Bedrooms for foster children accommodate no more than four children.	Yes No
32.	Bedrooms for foster children provide reasonable access to an emergency exit.	Yes No
33.	Bedrooms for foster children are not located on a floor higher than the second floor or in a basement unless approved in writing by a fire safety inspector.	Yes No N/A
34.	A bunk bed in use for a foster child is equipped with safety rails on the upper tier for a child under the age of ten years, or an older child who needs such protection.	Yes No N/A
35.	Cribs used for children under two years of age or under 35 inches in height are: • full-sized • slats no more than 2 3/8 inches apart • no decorative cutout areas on end panels which could entrap a child's head	Yes No No N/A
	compliant with the U.S Consumer Product Safety Commission	Will Obtain
	 mattress is at least 1½ inches thick and covered with a waterproof material mattress is close enough to the frame that there is no more than one inch between the mattress and sides of the crib 	Crib Manufacture Date:
36.	If a bassinet is used, it is used only for infants less than 15 lbs. in weight.	Yes No N/A
27	All vahicles used to transport factor children are sovered by liability incurance in accordance	
37.	All vehicles used to transport foster children are covered by liability insurance in accordance with current state laws.	Yes No N/A
38.	In accordance with the age and weight of foster children placed in the home, child restraint seats or booster seats are available for use in vehicles used to transport foster children.	☐ Yes ☐ No ☐ N/A
		Will Obtain

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Assessor and Supervisor Action: Check one or both boxes below and sign indicating approval or need for a fire safety inspection					
I.		I certify that based on my observations of this home on this date, this home appears to be reasonably safe for placement of a foster or adoptive child (ren).			
II.	Based on my observations of this home on this date, the required fire inspection will need to be completed before a decision can be made regarding the safety of the home.				
	Assessor Signa	ture	Date		
	Supervisor Signature		Date		
	Date Fire Safety	y Inspection Was Conducted			

Note: Completion of this form is required by Chapter 5101:2-5 and Chapter 5101:2-48 of the Ohio Administrative Code.

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