

5101:2-5-20

Initial application for child placement.

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) in recommending foster homes for certification and/or to place children for foster care or adoption shall be responsible for:

(1) Informing all individuals applying for an initial foster home certificate that they can also be studied for approval for adoptive placement.

(2) Conducting a joint homestudy pursuant to the requirements contained in rule 5101:2-48-12 of the Administrative Code which can result in the simultaneous approval of the applicant for:

(a) Foster care placement; ~~and~~.

(b) Adoptive placement.

(B) Upon request, an agency shall provide a JFS 01691 "Application for Child Placement" (rev. ~~9/2006~~12/2006) 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. An agency shall also provide, free of charge to an applicant, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. ~~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. As prohibited by the Multiethnic Placement Act, 42 U.S.C.A. 1996 (B), as amended, (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. Along with the JFS 01691 an agency shall provide free of charge to an applicant a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.~~

(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) As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996), as amended, (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.

~~(1)~~(3) If a person an agency has reason to believe is not a legal resident of the United States 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 (formerly the immigration and naturalization service of the U.S. department of justice) allowing the person to reside in the United States. If the immigration document(s) provided by the applicant show that the person is a conditional permanent resident of the United States or that the person 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.

~~(2)~~(4) 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 and currently resides in Ohio.

(C) An agency shall use the JFS 01691 for all initial foster home and adoption applications.

(1) An agency shall not accept a JFS 01691 that does not contain complete information. Incomplete applications shall not be processed by the agency and do not afford the applicant an opportunity for a hearing pursuant to Chapter 119. of the Revised Code. Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code.

(2) An agency shall require that 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.

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

(4) Except as provided in paragraph (I) of rule 5101:2-7-02 of the Administrative Code, an agency shall not recommend a person to 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.

(5) An agency shall not approve a prospective foster caregiver on a conditional basis awaiting the results of the criminal records check(s) required by

paragraph (L) of rule 5101:2-7-02 of the Administrative Code. The required criminal records check(s) must be completed prior to the agency recommending a prospective foster caregiver for certification. An agency may require that any person subject to a criminal records check successfully complete the criminal records check(s) before the person may participate in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(D) The recommending agency shall search the statewide automated child welfare information system (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 foster care applicant and each adult who resides with a foster caregiver in accordance with paragraph (F) of this rule. This search is to be used to determine the suitability of the applicant to provide foster care. The search shall also be conducted within ten days of the addition of any new adult member of the applicant's household once the applicant has become certified.

(E) The recommending agency shall request a check of the child abuse and neglect registry of any other state in which a prospective foster caregiver or other adult household member in the applicant's home 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.

~~(D)~~(F) Preparation of summary report of involvement of applicant and other adult household members in reports of child abuse and neglect contained in the statewide automated child welfare system (SACWIS) SACWIS.

~~(1) Prior to recommending a foster home for certification, an agency that has access to the SACWIS system shall conduct a search of SACWIS for each applicant and each adult household member of the applicant's home to determine the suitability of the applicant to provide foster care. If the agency can not access the SACWIS system, the agency shall request the Ohio department of job and family services (ODJFS) to conduct a search of the central registry or SACWIS system pursuant to rules 5101:2-34-38.1 and 5101:2-33-22 of the Administrative Code. The search shall result in a A summary report to shall be placed in the applicant's file, and if the applicant is subsequently certified as a foster caregiver, the summary report shall also be placed in the record of each child placed in the caregiver's home. Prior to the placement of each child in the caregiver's home, the summary report shall be considered as a tool to help determine the appropriateness of the placement.~~

(2) One summary report shall be prepared for each foster home. 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. This provision is limited to report dispositions the PCSA determined to be unable to locate.

(3) 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 who made, or participated in, the report of abuse or neglect.
- (c) Any information the release of which is prohibited by state or federal law.
- (d) The name of or other identifying information regarding a child.

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

~~(E)~~(G) An agency shall require that the applicant provide a statement for all members of the household on the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. ~~1/2002~~ 2/2003), completed by a

licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to an initial recommendation by the agency for certification. Any written documentation of the physical examination shall be completed by the individual who conducted the examination. Such statement shall document that 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. An agency may require that the medical statement(s) be provided before the person may participate in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

~~(F)~~(H) An agency may require an applicant to secure and provide to the agency a report of an additional examination by a licensed physician, or psychologist, or other certified or licensed professional if: any of the following apply:

- (1) An applicant or any person residing within the household has suffered a serious illness or injury within the past year; ~~or,~~
- (2) It is determined to be necessary by the recommending agency to ensure the safety, health, or care of any foster child who may be placed in the home of the applicant.
- (3) The agency may require the person to provide the report of an additional examination required by the agency pursuant to this paragraph before the applicant may participate in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(I) The agency shall review the items required by paragraph (D) of rule 5101:2-7-02 of the Administrative Code in order to show the household has an income sufficient to meet the basic needs of the household and makes timely payment of shelter costs, utility bills, and other debts.

~~(G)~~(J) Prior to recommending initial certification of a foster home, an agency shall require and assure that each applicant successfully completes all preplacement training required by rule 5101:2-5-33 of the Administrative Code. The preplacement training shall be completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification. Each foster home recommended for certification shall receive preplacement training on the Administrative Code rules and the recommending agency's policies and procedures that are in effect on the date the agency recommends the home for initial certification.

~~(H)~~(K) An agency shall require that each applicant provide to the agency the names of

three persons who are unrelated to the applicant and who do not reside with the applicant, who can be contacted by the agency as references. ~~In addition, an agency shall require that each applicant provide the name of any other agency or organization with which the applicant has been previously certified as a foster caregiver or has provided care and supervision of children, as well as a written and signed release of information statement in order that any such reference may be contacted.~~ The agency may require the person to provide the names of the references and any signed release of information statements before the person participates in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(L) An agency shall require that each applicant provide the name of any other agency or organization with which the applicant has been previously recommended for certification as a foster caregiver or has provided care and supervision of children, as well as a written and signed release of information statement in order that any such reference may be contacted.

~~(M)~~ (M) Prior to making an initial recommendation for certification of a foster home, an agency shall contact all references given by the applicant, including any other agency or organization with which the applicant has been previously certified as a foster caregiver, or has provided care and supervision of children. All contacts with references shall be documented in the narrative section of ~~either the JFS 01349 "Foster Home Homestudy" (rev. 1/2003) or the JFS 01673, "Assessment for Child Placement (Homestudy)" (rev. 8/2005) as appropriate. . Effective January 1, 2007 the JFS 01673 shall be used to initiate all foster home homestudies. Homestudies initiated prior to December 31, 2006 that used the JFS 01349 may be completed using the JFS 01349.~~ the JFS 01673, "Assessment for Child Placement (Homestudy)" (rev. 8/2005).

~~(J) An agency shall require each foster caregiver to obtain an inspection of the foster home by a state certified fire safety inspector or the state fire marshal's office, not more than six months prior to the agency's recommendation for initial certification, certifying that the foster home is free from conditions hazardous to the safety of foster children. If a prospective foster caregiver is unable to obtain such an inspection due to the unavailability of a state certified fire safety inspector or the state fire marshal's office and the agency can document in writing when the request was made and the response from the certified fire safety inspector or the state fire marshal's office that such an inspection cannot be completed within six months of the request, the recommending agency may conduct an alternative safety audit.~~

(N) An agency shall require each foster caregiver to obtain an inspection of the foster home by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report For Homes or Residential Facilities Certified/Approved by ODJFS"(rev. 10/2000), not more than six months prior to the agency's recommendation for initial certification, certifying that the foster home

is free from conditions hazardous to the safety of foster children.

(O) If a state certified fire safety inspector or the state fire marshal's office is unavailable within six months prior to the agency's recommendation for initial certification, the fire inspection required by paragraph (N) of this rule must still be completed as soon as a state certified fire safety inspector or the state fire marshal's office is available.

~~(K)~~(P) If an alternative safety audit is conducted, such A safety audit shall be completed within six month prior to the agency's recommendation for initial certification using the JFS 01348 "Safety Audit of a Foster Home" (rev. 1/2003) and shall document that the residence has met all safety standards required by rules 5101:2-7-05, 5101:2-7-10, 5101:2-7-12 and 5101:2-7-15 of the Administrative Code.

~~(L)~~(Q) No recommendation for certification shall be made to ODJFS prior to the completion of all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification and documentation that the applicant is in compliance with the requirements of Chapter 5101:2-7 of the Administrative Code.

Effective:

R.C. 119.032 review dates: 05/01/2011

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03, 5103.0327
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91,
9/18/96, 10/1/97 (Emer.), 12/30/97, 1/1/03, 12/11/06