

## TO BE RESCINDED

5101:2-5-20

**Initial application for child placement in foster care.**

- (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) in recommending foster homes for certification and/or placing children for foster care and adoption is responsible for:
- (1) Informing all individuals applying for an initial foster home certificate they can also be considered 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 resulting in the simultaneous approval of the applicant for:
    - (a) Foster care placement.
    - (b) Adoptive placement.
- (B) Upon request, the agency shall provide a JFS 01691 "Application for Child Placement" (rev. 6/2009) 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 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.
  - (3) 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 (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 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.

- (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) The agency shall use the JFS 01691 for all initial foster home and adoption applications.
- (1) The agency shall not accept an incomplete JFS 01691. Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code.
  - (2) 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.
  - (3) The 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 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) The agency shall not approve a prospective foster caregiver on a conditional basis awaiting the results of the criminal records check(s) required by 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 any person subject to a criminal records check successfully complete the criminal records check(s) before participating in any preplacement training required by rule 5101:2-5-33 of the Administrative Code.
- (D) The applicant who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

- (E) If the recommending agency has access to the statewide automated child welfare information system (SACWIS), the agency shall conduct a search of abuse and neglect report history in the system for each foster care applicant and each adult who resides with the applicant. If the agency does not have access to 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.
- (1) The search is used to determine the suitability of the applicant to provide foster care.
  - (2) The search shall be conducted within ten days of the addition of any new adult member of the applicant's household once the applicant is certified.
- (F) The recommending agency shall request a check of the child abuse and neglect registry of any other state a prospective foster caregiver or other adult household member in the applicant's home 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.
- (G) Preparation of summary report of involvement of applicant and other adult household members in reports of child abuse and neglect contained in SACWIS.
- (1) A summary report shall be placed in the applicant's file.
    - (a) 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.
    - (b) 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 the person was involved where a PCSA has done one of the following:
    - (a) Determined abuse or neglect occurred.
    - (b) Initiated an ongoing investigation.

- (c) Initiated an investigation, and the agency is unable to determine whether abuse or neglect occurred. This provision is limited to report dispositions the PCSA determined unable to locate.
- (3) The summary report shall not contain any of the following:
- (a) Any information concerning a report of abuse or neglect where the PCSA determined abuse or neglect did not occur or was unsubstantiated.
  - (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 release prohibited by state or federal law.
  - (d) The name of or other identifying information regarding a child.
- (4) If the search indicates no allegations or reports of involvement in child abuse or neglect investigations for any applicant or adult household member, the summary report shall indicate 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.
- (H) The agency shall require 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. 6/2009), completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to an initial recommendation by the agency for certification.
- (1) Any written documentation of a physical examination shall be completed by the individual conducting the examination.
  - (2) The statement 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.
  - (3) The agency may require the medical statement(s) be provided before the person participates in any preplacement training required by rule 5101:2-5-33 of the

Administrative Code.

- (I) The 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) The applicant or any person residing within the household has suffered a serious illness or injury within the past year.
  - (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.
- (J) 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.
- (K) 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.
- (1) The preplacement training shall be completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification.
  - (2) 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.
- (L) The agency shall require each applicant provide the names of three people who are unrelated to the applicant, do not reside with the applicant, and can be contacted by the agency as references. 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.

- (M) The agency shall require each applicant provide the name of any other agency or organization the applicant has been previously recommended for certification as a foster caregiver or provided care and supervision of children, as well as a written and signed release of information statement so the reference may be contacted.
- (N) Prior to making an initial recommendation for certification of a foster home, the agency shall contact all references given by the applicant pursuant to paragraphs (L) and (M) of this rule. All contacts with references shall be documented in the narrative section of the JFS 01673, "Assessment for Child Placement (Homestudy)" (rev. 6/2011).
- (O) The agency shall require each foster caregiver 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) or other form used for a local or state fire inspection, not more than twelve months prior to the agency's recommendation for initial certification, certifying the foster home is free from conditions hazardous to the safety of foster children.
- (P) If a state certified fire safety inspector or the state fire marshal's office is unavailable within twelve months prior to the agency's recommendation for initial certification, the fire inspection required by paragraph (O) 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.
- (Q) 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 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.
- (R) In accordance with rule 5101:2-5-09.1 of the Administrative Code, the agency shall request the conducting of a criminal records check for the foster care applicant and each adult residing with the foster care applicant prior to the agency's recommendation for initial certification.
- (S) The agency shall not approve a foster care applicant on a conditional basis awaiting the results of the criminal records check required by paragraph (R) of this rule. The required criminal records check must be completed prior to an agency recommending a prospective foster caregiver for certification
- (T) The agency shall not recommend an applicant for certification 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:

Five Year Review (FYR) Dates: 06/25/2015

WITHDRAWN ELECTRONICALLY

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Certification

09/09/2015

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Date

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