

TO BE RESCINDED

5101:2-5-31 **Sharing or transfer of a foster home.**

- (A) Prior to an agency sharing use of a foster home that has been recommended for certification by another agency, the agency wishing to use the home shall obtain a written agreement signed by the recommending agency stating how the home is to be used and that all parties affected by the agreement approve of it. The recommending agency shall also provide written notification to any other agencies currently using the home.
- (B) Pursuant to the transfer conditions specified throughout this rule, an agency shall consider a transfer request from a currently certified foster home to a private child placing agency (PCPA) or private noncustodial agency (PNA) certified by the Ohio department of job and family services (ODJFS) to recommend foster homes of the same type or to a public children services agency (PCSA). A foster caregiver certified to operate a specialized foster home may transfer to an agency that does not operate a specialized foster home program if the caregiver agrees that upon execution of the transfer, the foster home designation will be identified as a family foster home.
- (1) An agency shall accept a transfer of a foster home from another agency only if the foster caregiver has been certified with the sending agency for a minimum of one year. Exceptions to the one year requirement may be made for the following:
- (a) If a foster caregiver has relocated to another county not served by the foster caregiver's recommending agency.
 - (b) If the foster caregiver's recommending agency ceases to recommend foster homes for certification to ODJFS.
 - (c) If both the sending and receiving agency agree to the transfer.
- (2) Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (B)(1) of this rule and who expresses a desire to transfer from the caregiver's current recommending agency, a receiving agency shall consider the request and make a decision whether it wishes to proceed further with an assessment to determine whether to accept the transfer. A foster caregiver shall not transfer more than once during a certification period.
- (3) If an agency determines that it wishes to further explore the possibility of a transfer of a foster home to its supervision, before accepting the transfer of

the foster home, the receiving agency shall contact the sending agency of the foster caregiver in writing to notify the sending agency that such a request has been received and to request a complete copy of the caregiver's foster home records except for any personal references and criminal records checks.

- (4) Upon receipt of the request from the receiving agency, if the foster caregiver's recommending agency has previously made a decision not to place any more children in the foster caregiver's home, it shall inform the receiving agency of this decision and the reasons why the decision was made. If the receiving agency still wishes to proceed with exploring the transfer request, it shall notify the sending agency in writing. Prior to sending the records to the receiving agency, the sending agency shall ensure that a signed release of information authorization from the foster caregiver authorizing the sending agency to provide a copy of the agency's foster care records to the receiving agency has been obtained. The release of information may be obtained by either agency or the foster caregiver. While the transfer request is pending, the sending agency shall continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency and shall continue to provide the caregiver with notification of training events needed according to the foster caregiver's written needs assessment and continuing training plan. The sending agency shall allow the foster caregiver to attend any such events and shall continue to meet with the caregiver regarding the care of any child placed in the home. No child shall be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.
- (5) Within fifteen working days of receipt of the signed release of information and any applicable copying fee, the sending agency shall send a complete copy of the foster home records except for any references and any criminal records background checks conducted pursuant to rule 5101:2-7-02 of the Administrative Code to the receiving agency. The records shall include the most recent homestudy, homestudy updates, training records, fire inspection reports, safety audits and medical reports. The records shall also contain copies of all complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding complaint or rule noncompliance investigations or corrective action plans that have not been fully implemented, the sending agency shall notify the receiving agency of the nature of any outstanding complaint or rule noncompliance investigations and any corrective action plans that have not been fully implemented. The sending agency may charge the receiving agency a reasonable fee for copying the records, not to exceed twenty-five cents per page. No additional fee shall be charged to any party. If a fee is charged for copying the records, the records shall not be sent until the fee is paid. The records shall be sent by certified mail, return receipt requested or hand delivered by agency staff. If the records are hand delivered, the sending

agency shall be provided with a receipt showing the date the records were delivered to the receiving agency and the receiving agency shall document the date it received the records.

- (6) The receiving agency shall accept the copy of the foster caregiver's records only from the sending agency. A copy of the records shall not be accepted from a foster caregiver. A caregiver may provide other information to the receiving agency that the caregiver considers to be pertinent.
- (7) Upon receipt of the foster caregiver's records, the receiving agency shall assign an assessor to review the information received and conduct an assessment of the transfer request.
- (8) To allow the receiving agency an opportunity to make an informed decision as to whether it wishes to proceed with the transfer request, the assessor shall review the foster caregiver's foster home records and any other information received from the sending agency and the foster caregiver(s). The assessor shall complete the review and make a recommendation to the receiving agency regarding the transfer within sixty days after the records have been received. If the transfer review cannot be completed within sixty days, the assessor shall document in the foster home records the reasons why the review cannot be completed within sixty days. In addition to reviewing the sending agency's records and any information provided by the foster caregiver(s), in conducting the transfer review, the assessor shall contact staff from the sending agency and the foster caregiver(s) to ascertain the reasons why the request is being made and to determine if there are foster children in the home and, if so, to identify the agency with custody of the child(ren). The assessor shall also make at least one visit to the foster home and conduct a face-to-face meeting with each foster caregiver and with all other household members. If the foster caregiver's records indicate that there are any outstanding complaint or rule noncompliance investigations or corrective action plans that have not been fully implemented, the assessor shall not recommend acceptance of the transfer unless the assessor is satisfied that any outstanding complaints or rule noncompliance investigations are not material to the request to transfer the home and the safety of any children who are or may be placed in the home. All transfer review activities shall be documented in the receiving agency's foster home records.
- (9) The receiving agency shall not approve the transfer request until the following information has been received and approved by the agency.
 - (a) Three new personal references for the foster caregiver(s) from three persons who are unrelated to the caregiver and who do not live with the caregiver;

- (b) A new criminal records check has been obtained, reviewed and approved by the assessor for all persons subject to a criminal records check residing in the foster home;
 - (c) A new safety audit of the foster home has been conducted to verify that the home meets all current safety requirements for foster homes; and
 - (d) Documentation of the assessor's decision to recommend approval of the transfer request, and the reasons for the decision are recorded in the receiving agency's foster home records. The foster caregiver and the sending agency shall be sent a written notice of the receiving agency's decision within five working days of the decision.
- (10) If the receiving agency approves the transfer request, all information contained in the copy of the caregiver's records sent by the original recommending agency as well as any information gathered in the transfer review process and the assessor's written recommendation shall be incorporated as part of the receiving agency's foster caregiver records.
- (11) If the receiving agency does not approve the transfer request, the copy of the records received from the sending agency and the assessor's written recommendation to reject the transfer request shall be maintained by the agency for at least two years.
- (12) The approval or rejection of a transfer request rests solely with the receiving agency subject to the approval of ODJFS and creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party to the transfer request.
- (13) Prior to accepting a transfer, the receiving agency shall ensure that the custodial agency of any child currently placed in the home agrees to the transfer. If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer shall not take place until the child is no longer placed in the home. A child shall not be removed from a caregiver's home solely because the caregiver seeks to transfer his/her foster home certificate to another agency.
- (14) Nothing in this rule shall be construed to require an agency to accept the transfer of a foster home from another agency.
- (15) Prior to or not later than thirty calendar days after a transfer request has been processed by ODJFS, the receiving agency shall provide an orientation to the

foster caregiver of the agency's policies and procedures for foster caregivers.

- (16) The transfer of a foster home to a receiving agency has the effect of conferring upon the receiving agency all the duties of a recommending agency contained in Chapter 5101:2-5 of the Administrative Code.
- (C) When the receiving agency has decided to accept the transfer, it shall make a recommendation to ODJFS to transfer the foster home to the agency by submitting a completed JFS 01334 "Notification of Transfer of a Foster Home" (rev. 6/2009).
- (D) To allow for the orderly processing of transfer requests and recertifications of a foster home, if a transfer of a foster home is pending within the ninety days immediately prior to the expiration of the certificate, the sending agency and the receiving agency may determine which agency will conduct the recertification review. If there is no agreement between the two agencies, the foster home's recommending agency shall be responsible for conducting the recertification review and recommendation.
- (E) When the receiving agency has decided to accept the transfer of a foster home it shall enter the necessary data into the ODJFS uniform statewide automated child welfare database to register the foster home as a resource.
- (F) Following receipt of a JFS 01334 by the foster care licensing section, ODJFS will issue a foster home certificate with the receiving agency identification number indicated as the recommending agency and enter information into the ODJFS uniform statewide automated child welfare database to indicate that the sending agency's records for the caregiver have been closed. The certificate shall be effective from the date of the transfer until the end of the current certification period unless at the time of the transfer the foster home is changing from a pre-adoptive infant foster home to a family foster home or specialized foster home, or from a family foster home to a specialized foster home. In such cases, due to the increased training requirements, a new two year certification period will begin upon the date of transfer.
- (G) Upon receipt of a signed release of information form, an agency shall release a copy of a foster care homestudy to an adoption agency when the foster caregiver is being considered as an adoptive parent.

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