

5101:2-5-32

Occupancy limitations and accessibility.

(A) An agency shall place a foster child in a foster home only when the agency and the foster caregiver are in compliance with the provisions of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

(B) Specific circumstances and limitations for the capacity of a foster home:

- (1) To determine the total number of children in the home, the agency shall include at a minimum:
 - (a) Foster children placed in the home.
 - (b) Kinship children residing in the home.
 - (c) The children of a foster caregiver.
 - (d) Children being cared for by a type B child care provider.
 - (e) Children receiving any private child care services.
- (2) ~~Pursuant to section 5103.0317 of the Revised Code, a~~ foster home shall not receive more than five foster children.
- (3) When a foster caregiver has been certified for less than two years to operate a foster home, or has less than two years of professional child care experience as documented by the recommending agency, the caregiver shall not receive more than three foster children in the home at any one time.
- (4) Not more than two children under the age of two years shall reside or receive child care services in a foster home at any one time.
- (5) Not more than four children under the age of five years shall reside or receive child care services in a foster home at any one time.
- (6) If a foster home is at or below the capacity limits set forth in this paragraph, the home may exceed the capacity limits if the additional children meet one of the following circumstances:
 - (a) To accommodate a sibling group or the remaining members of a sibling group.
 - (b) To accommodate a sibling or siblings of a kinship child.

- (c) ~~When the additional child or children are related to the foster caregiver by adoption, blood or marriage~~To allow a family with special training or skills to provide care to one additional child who has a severe disability.
 - (d) ~~When the additional child or children are foster children who previously resided in the foster home~~To allow a child with an established meaningful relationship with the family to be placed with the family.
 - (e) ~~When the additional child or children are the children of a foster child who resides in the foster home~~To allow a parenting youth in foster care to remain with the child of the parenting youth.
- (7) If a foster home is above the capacity limits set forth in this paragraph, the home shall not accept additional children unless the children meet one of the following exceptions:
- (a) To accommodate a sibling or siblings of a foster child currently placed in the home.
 - (b) To accommodate a sibling or siblings of a kinship child currently placed in the home.
 - (c) ~~When the additional child or children are related to the foster caregiver by adoption, blood or marriage~~To allow a family with special training or skills to provide care to one additional child who has a severe disability.
 - (d) ~~When the additional child or children are foster children who previously resided in the foster home~~To allow a child with an established meaningful relationship with the family to be placed with the family.
 - (e) ~~When the additional child or children are the children of a foster child who resides in the foster home~~To allow a parenting youth in foster care to remain with the child of the parenting youth.
- (8) If the foster home is a specialized foster home, the additional placement limitations of rules 5101:2-5-36 and 5101:2-5-37 of the Administrative Code, as applicable, shall apply.
- (C) Not more than a total of ten children, including the children of a foster caregiver, children being cared for by a type B child care provider and children receiving any private child care services, shall reside or receive child care services in a foster home at any one time.

- (D) Placement of a physically ~~handicapped~~disabled foster child in a foster home shall be made only after the agency has assured that any necessary special arrangements to meet the child's needs have been made.

Effective: 6/15/2020

Five Year Review (FYR) Dates: 3/19/2020 and 06/15/2025

CERTIFIED ELECTRONICALLY

Certification

06/05/2020

Date

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.0317, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990
(Emer.), 10/01/1990, 01/01/1991, 01/01/2003,
08/22/2005, 08/14/2008, 10/01/2011, 03/01/2017,
10/01/2017, 07/01/2018