

5101:2-52-04

PCSA responsibilities for interstate compact on the placement of children.

(A) The public children services agency (PCSA) director or other designated administrator shall serve as the assistant deputy compact administrator for the agency in carrying out responsibilities involving interstate compact on the placement of children (ICPC). These responsibilities include:

- (1) Receiving, reviewing and authorizing all interactions between the PCSA and compact administrators for other states and territories who are requesting services from the PCSA for children in the custody of an out-of-state children services agency.
- (2) Reviewing and authorizing all interactions in which the PCSA is requesting services for children in the agency's custody who are being placed out-of-state and/or require supervision by a children services agency of another state or territory.
- (3) Entering data into the statewide automated child welfare information system (SACWIS) for all incoming and outgoing ICPC cases to enable the Ohio department of job and family services (ODJFS) to pull data for federal reporting purposes.
- (4) Coordinating with ODJFS for technical assistance and assurance of compliance with ICPC requirements.

(B) Visits are exempt from ICPC if all of the following apply:

- (1) The intention is to provide the child with a social or cultural experience of a short duration such as a stay in a camp or with a friend or relative.
- (2) The party with whom the child is staying is not proposed to assume legal responsibility or serve as a placement resource on a temporary or permanent basis.
- (3) No services are being requested of the receiving state during the time of the visit.
- (4) The visit has a defined ending date and will not be extended or renewed in a manner which causes the visit to exceed thirty days or a school vacation period.

(C) The PCSA shall not place any child in another state or territory without the approval by the compact or deputy compact administrator of the other state or territory as evidenced by the signed JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" (rev. 2/2007) indicating placement may be made.

(D) If a PCSA is planning to place a child in its custody in another state or territory, the

PCSA shall initiate a request by sending the following to the compact or deputy compact administrator of the other state or territory for each placement resource being considered.

(1) Four copies of the JFS 01661 for each child, signed by the assistant deputy compact administrator for the agency.

(2) Two packets containing the following information:

(a) A cover letter clearly identifying the service being requested and the name, office location, and telephone number of the originating supervisor making the request.

(b) A child summary that includes:

(i) All available social, medical, developmental, psychological and educational information.

(ii) The family history of the biological parents. If the request is for a sibling group, family history need not be duplicated for each child.

(iii) The reason for placement in another state.

(c) The case plan prepared pursuant to rule 5101:2-39-08.1 of the Administrative Code for each child.

(d) The child's social security number, birth certificate, and immunization record, if available.

(e) A copy of the most recent court order within the last year.

(f) A copy of a JFS 02424 "ICPC Placement Financial Information Form" (rev. 2/2007) or JFS 01674 "Statement of Assurance" (rev. 8/2006).

(g) If the PCSA is placing a child into a children's residential center and the child is adjudicated delinquent, documentation shall be provided indicating a placement for the child is not available in the PCSA's jurisdiction and the placement is in the best interest of the child and will not produce undue hardship on the child.

(h) If the PCSA is placing a child into an adoptive home, each packet shall include:

(i) Documentation indicating the child is legally free for adoption by submitting the JFS 01666 "Permanent Surrender of a Child" (rev. 6/2006) or a document demonstrating that parental rights have

been terminated; and the agency's authority to place the child for adoption.

(ii) The JFS 01695 "Application For Search Of Ohio's Putative Father Registry" (rev. 3/2008).

(iii) Documentation pursuant to rule 5101:2-53-03 of the Administrative Code ensuring the requirements are met regarding the Indian Child Welfare Act (25 USC Chapter 21, 2005).

(iv) The JFS 01616 "Social And Medical History" (rev. 6/2006) for the biological family.

(i) If a court has ordered the priority placement of a child, the PCSA shall include the JFS 01663 "Sending State's Priority Home Study Request" (ICPC 101) (8/2006) with the court order. The court may only order priority placements when both of the following conditions apply:

(i) The proposed placement is a relative in one of the following categories:

(a) Parent.

(b) Step-parent.

(c) Grandparent.

(d) Adult brother or sister.

(e) Adult uncle or aunt.

(f) Legal guardian.

(ii) At least one of the following conditions applies:

(a) The child is under two years of age.

(b) The child is in an emergency shelter.

(c) The child has spent a substantial amount of time in the home of the parent or relative.

(E) Upon approval by the receiving state or territory as evidenced by a signed JFS 01661 indicating that the placement may be made, the PCSA holding custody of the child shall:

(1) Make arrangements for the child to travel to the receiving state.

- (2) Submit the JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100B)" (rev. 2/2007) to the compact or deputy compact administrator of the other state within ten business days of the child's placement or within ten business days of determining the placement will not be made. If the JFS 01662 is not submitted within the six month timeframe, the placement for approval will expire.
- (3) Maintain financial responsibility for the care, medical care and education of the child and retain jurisdiction of the child until one of the following occurs:
- (a) The child is adopted.
 - (b) The child reaches the age of majority.
 - (c) The child becomes self-supporting.
 - (d) The child custody is transferred, with concurrence from the receiving state.
- (F) The PCSA shall submit two copies of the JFS 01662 to the compact or deputy compact administrator of the other state within ten business days if any of the following occurs for a child the PCSA has placed:
- (1) The placement disrupts.
 - (2) The child has been discharged from placement.
 - (3) The adoption has finalized.
 - (4) The agency's custody has terminated. The other state or territory must concur with custody terminations. A child must have been residing in the placement in the other state in an approved status for a minimum of six months before concurrence can be considered.
- (G) Upon notification from the appropriate authority in the receiving state, from the agency supervising the placement, or from the Ohio ICPC office, that a child's return is necessary, the PCSA holding custody of the child shall arrange for the child's return or for an alternative placement. All costs associated with the child's return or alternative placement shall be the responsibility of the PCSA.
- (H) If the placement is for a foreign born child being placed across state lines subsequent to the child's arrival to the United States, the original documentation and a certified translation of all legal documents verifying the child's birth and the agency's or adoptive parent's authority to place the child shall be included.
- (I) For all interstate placements, the PCSA shall continue to follow:

- (1) Case planning requirements pursuant to rules 5101:2-39-08 and 5101:2-39-08.1 of the Administrative Code or rules 5101:2-38-01 and 5101:2-38-05 of the Administrative Code, if applicable.
 - (2) Semiannual administrative reviews pursuant to rule 5101:2-42-43 of the Administrative Code or rule 5101:2-38-10 of the Administrative Code, if applicable.
 - (3) Visitation requirements pursuant to rule 5101:2-42-65 of the Administrative Code.
- (J) If a PCSA receives a request from the compact or deputy compact administrator of another state or territory to conduct a home assessment for an Ohio placement resource, the PCSA shall:
- (1) Record the information into SACWIS pursuant to rule 5101:2-36-01 of the Administrative Code.
 - (2) Prepare the home assessment in accordance with the administrative rule governing the placement resource being considered.
 - (a) A foster home shall be evaluated pursuant to Chapter 5101:2-7 of the Administrative Code.
 - (b) An adoptive home shall be evaluated pursuant to rule 5101:2-48-12 of the Administrative Code.
 - (c) A relative or non-relative kin home shall be evaluated pursuant to rule 5101:2-42-18 of the Administrative Code unless the sending state requires the relative or non-relative kin to be certified as a foster home.
 - (3) Submit two packets containing the results of the home assessment to the compact or deputy compact administrator of the other state within sixty days from the date in which the PCSA received the request. Each packet shall contain the following information:
 - (a) The home assessment narrative.
 - (b) A written statement that assures:
 - (i) The prospective caregivers were provided all available information about the child.
 - (ii) The agency's recommendation of the approval or denial of the placement resource is based on the caregivers' ability and willingness to care for the specific child proposed for placement.

- (iii) A signed form from the other state or territory, equivalent to the JFS 01661, approving or denying the placement of the child.
- (iv) All required attachments to the narrative in accordance with the rule for the type of home that is the subject of the assessment, such as copies of criminal background checks, references, etc.
- (4) If an initial home assessment cannot be completed and a recommendation made within sixty days, send written notice of the delay to the compact or deputy compact administrator of the other state or territory prior to the expiration of the sixty day period. Delays of initial home assessments can result in federal financial sanctions to state and/or receiving agencies found out of compliance.
- (K) If a court in the other state or territory has ordered the placement of the child to be a priority, the PCSA shall conduct the home assessment and submit the requested packets outlined in paragraph (J) of this rule to the compact or deputy compact administrator of the other state or territory within twenty business days from the date the overnight mailing was received. The court may only order priority placements if conditions referenced in paragraph (D)(2)(i) of this rule apply.
- (L) If a PCSA has been requested to provide supervision for a placement the PCSA has approved as indicated by the signed form from the other state or territory, equivalent to the JFS 01661, the PCSA shall:

 - (1) Begin providing supervision and submit supervisory reports as requested by the compact or deputy compact administrator of the other state or territory.
 - (2) Notify the compact or deputy compact administrator of the other state or territory if the child's placement disrupts and there is a need to make immediate plans for the child's return to the sending state or for an alternative placement.
- (M) The PCSA shall maintain information in SACWIS or other information system regarding services it requests and provides on behalf of children being considered for placement or placed across state lines to enable ODJFS to comply with federal reporting requirements related to interstate requests and placements.

Replaces: 5101:2-52-02, 5101:2-52-04

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 5103.23 (Sec. 5 of Am. Sub. H.B. 214 (2008))
Rule Amplifies: 2151.39, 5103.23 (Sec. 5 of Am. Sub. H.B. 214 (2008))
Prior Effective Dates: 1/14/83, 7/1/90, 2/13/98 (Emer.), 5/14/98, 2/15/02, 08/18/03, 10/20/06.