

5101:2-52-06

Responsibilities applicable to interstate placement of children when a PCPA, PNA or court is the sending or receiving agency.

(A) The Ohio interstate compact on the placement of children (ICPC) office within the Ohio department of job and family services (ODJFS) shall serve as the central approving authority for all requests for services related to the placement of children into or outside of Ohio by private child placing agencies (PCPA), private noncustodial agencies (PNA) and courts.

(B) The PCPA, PNA or court shall not place any child in another state or territory without the approval of the Ohio ICPC office and 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.

(C) If an Ohio PCPA, PNA or court is planning the placement of a child into another state or territory, the PCPA, PNA or court shall send the following to the Ohio ICPC office for each placement resource being requested:

(1) Five copies of the JFS 01661.

(2) Three 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 child is being placed into a children's residential center and is adjudicated delinquent, documentation shall be provided indicating a placement for the child is not available in the PCPA'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 PCPA, PNA or court 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 if 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.

(D) Upon approval by the receiving state or territory as evidenced by a signed JFS 01661 indicating that the placement may be made, the PCPA, PNA or Ohio court 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 Ohio ICPC office 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 and retain jurisdiction of the child throughout the duration of placement 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.

(E) The PCPA, PNA or court shall submit two copies of the JFS 01662 to the Ohio ICPC office within ten business days of when any of the following occurs for a child the PCPA, PNA or court 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 must concur with custody terminations. A child must have resided in the placement in the other state in an approved status for a minimum of six months before concurrence can be considered.

(F) Upon notification from the appropriate authority in the receiving state, from the agency supervising the placement, or from Ohio ICPC office, that a child's return is necessary, the PCPA, PNA or Ohio court 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 Ohio sending agency.

(G) 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.

(H) For all interstate placements, the PCPA or PNA 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.

(I) If a PCPA or PNA receives a request from the Ohio ICPC office for the evaluation of an Ohio placement resource, the PCPA or PNA shall:

(1) 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.

(2) Submit two packets containing the results of the home assessment to the Ohio ICPC office within thirty days of receipt of an evaluation request from the Ohio ICPC office. 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, recommending approval or denial of 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.

(3) If a homestudy can not be completed and a recommendation made within thirty business days, notification of the delay shall be sent to the Ohio ICPC office prior to the expiration of the thirty day period so that the sending state may be notified.

(J) Upon receipt of a request from the Ohio ICPC office of a court ordered priority placement from another state or territory, the PCPA or PNA shall complete the evaluation, make its recommendation and fax these materials with all attachments to the Ohio ICPC office as soon as possible but no later than eighteen business days of the Ohio ICPC's office fax or the date the overnight transmission was signed as received by the PCPA or PNA. The court may only order priority placements if conditions referenced in paragraph (C)(2)(i) of this rule apply.

(K) If the Ohio ICPC office approves the placement of a child for whom the PCPA or PNA has an agreement to provide supervision, the PCPA or PNA shall:

- (1) Begin providing supervision and submit supervisory reports to the Ohio ICPC office as requested by the sending agency.
- (2) Notify the sending agency and the Ohio ICPC office 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.

Replaces: 5101:2-52-02, 5101:2-52-06

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, 8/18/03, 10/20/06.