

5101:2-7-02

General requirements for foster caregivers and applicants.

- (A) A foster caregiver or applicant shall be at least twenty-one years of age at the time of initial certification.
- (B) At least one foster caregiver or applicant in the home shall be able to read, write, and speak in English or be able to effectively communicate with any child placed in their home and with the recommending agency.
- (C) A foster caregiver or applicant may be a legally married couple, a single person or co-parent(s).
- (D) A foster caregiver or applicant shall have ~~an~~ a completed JFS 01681 "Applicant Financial Statement" (rev. 10/2000) to show the household has an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts.
- (E) A foster caregiver or applicant and all members of the foster caregiver's or applicant's household shall be free of any physical, emotional, or mental condition which would endanger a child or seriously impair the ability of the foster caregiver or applicant to care for a foster child.
- (F) An applicant shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 1/2002) completed for the applicant and all household members by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to the agency's initial recommendation for certification. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.
- (G) An applicant may be required to secure and provide a report in addition to the JFS 01653 of an examination of any member of the household by a licensed physician, psychologist, or other certified or licensed professional if: either of the following are applicable:
- (1) An applicant or any person residing within the household has suffered a serious illness or injury within the past year; ~~or,~~
 - (2) The recommending agency determines it to be necessary to ensure the safety, health, or care of any foster child who may be placed in the home.
- (H) Except as provided in paragraph (I) of this rule, a foster caregiver or applicant and all other persons eighteen years of age or older who reside with the foster caregiver or

applicant shall not have been convicted of or pleaded guilty to any of the offenses listed in paragraph (J) of this rule.

- (I) No person who has been convicted of or pleaded guilty to an offense listed in paragraph (J) of this rule shall be certified as a foster caregiver or be an adult resident of the foster caregiver's household unless the recommending agency finds and documents that person has met all of the following conditions:
- (1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction. A person who has had his record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.
 - (2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.
 - (3) The victim of the offense was not one of the following:
 - (a) A person under the age of eighteen.
 - (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
 - (c) A mentally retarded person as defined in section 5123.01 of the Revised Code.
 - (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
 - (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
 - (f) A person sixty years of age or older.
 - (4) The person's certification as a foster caregiver or the person's residency in the foster caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's certification as a foster caregiver or the person's residency in the foster caregiver's household.

- (a) The person's age at the time of the offense.
 - (b) The nature and seriousness of the offense.
 - (c) The circumstances under which the offense was committed.
 - (d) The degree of participation of the person involved in the offense.
 - (e) The time elapsed since the person was fully discharged from imprisonment or probation.
 - (f) The likelihood that the circumstance leading to the offense will recur.
 - (g) Whether the person is a repeat offender.
 - (h) The person's employment record.
 - (i) The person's efforts at rehabilitation and the results of those efforts.
 - (j) Whether any criminal proceedings are pending against the person.
 - (k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (J) of this rule, if the felony bears a direct and substantial relationship to being a foster caregiver or adult member of the caregiver's household.
 - (l) Any other factors the agency considers relevant.
- (J) Except as provided in paragraph (I) of this rule, a foster caregiver, applicant or other adult resident of the foster caregiver's household shall not have been convicted of or pleaded guilty to, any of the following offenses:
- (1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.22, 2909.23, 2909.24, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2913.49, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04,

2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more violations of section 4511.19 of the Revised Code or the equivalent violation from any other state committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A to this rule.

(2) A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraphs (J)(1) and (J)(2) of this rule.

(K) ~~It is the applicant's or foster caregiver's duty to~~ The applicant or foster caregiver shall provide verification to the recommending agency that the conditions specified in paragraph (I) of this rule are met for that person and for all adult members of the household. If the applicant or foster caregiver fails to provide such proof or if the agency determines that the proof offered by the person is inconclusive or insufficient, the applicant shall be denied certification and a foster caregiver's certificate shall be recommended for denial or revocation pursuant to rule 5101:2-5-26 of the Administrative Code.

~~(L) To determine whether a prospective foster caregiver is qualified to be certified as a foster caregiver pursuant to paragraph (J) of this rule, a criminal records check shall be conducted for the prospective foster caregiver and each adult member of the household pursuant to rule 5101:2-5-09.1 of the Administrative Code.~~

(L) In accordance with rule 5101:2-5-09.1 of the Administrative Code, the agency shall request the conducting of a criminal records check and review the results:

(1) For the prospective foster caregiver and each adult who resides with the prospective foster caregiver in accordance with paragraph (J) of this rule, and

(2) For a certified foster caregiver and each adult who resides with the foster caregiver every four years within six months prior to the upcoming recertification of the caregiver.

(M) For foster caregivers who were certified prior to the effective date of this rule, a criminal records check pursuant to rule 5101:2-5-09.1 of the Administrative Code for the foster caregiver and each adult member of the household shall be conducted upon the next scheduled recertification of the caregiver and every four years thereafter upon recertification.

(N) Prior to certification or recertification, the prospective foster caregiver subject to a criminal records check shall notify the recommending agency of the revocation of any foster home license, certificate, or other similar authorization in another state occurring within the five years prior to the date of application to become a foster caregiver in this state.

(1) The failure of a prospective foster caregiver to notify the recommending agency of any revocation of that type in another state that occurred within that five-year period shall be grounds for denial of the person's foster home application or the revocation of the person's foster home certification, whichever is applicable.

(2) If a person has had a revocation in another state within the five years prior to the date of the application, the Ohio department of job and family services (ODJFS) shall not issue a foster home certificate to a prospective foster caregiver.

~~(M)~~(O) An agency shall not approve a prospective foster caregiver on a conditional basis awaiting the results of the criminal records check required by paragraph (L) of this rule. The required criminal records check must be completed prior to an agency recommending a prospective foster caregiver for certification.

~~(N)~~(P) The provisions of paragraph (I) of this rule must be considered for any applicant or foster caregiver and any other person eighteen years of age or older who resides with the applicant or foster caregiver and who has been convicted of, or pleaded guilty to, one or more of the offenses listed in paragraph (J) of this rule, even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care to be provided to any foster child who may be placed in the home.

~~(O)~~(Q) A conviction of, or plea of guilty to, an offense listed in paragraph (J) of this rule shall not prevent a person's certification as a foster caregiver or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or transpired.

~~(P)~~(R) A ~~foster caregiver or~~ prospective foster caregiver shall notify the recommending agency in writing if a person at least twelve years of age, but less than eighteen years of age, residing with the ~~foster caregiver or~~ prospective foster caregiver has been convicted of or pleaded guilty to any of the offenses listed in appendix A of this rule, or has been adjudicated to be a delinquent child for committing an act that

if committed by an adult would have constituted such a violation.

~~ODJFS shall deny a foster home certificate on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense listed in appendix A to this rule or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense, unless the agency establishes that the delinquent child meets the rehabilitation provisions of paragraphs (I)(3) and (I)(4) of this rule. In considering the provisions of paragraphs (I)(3) and (I)(4) of this rule, the agency shall view these provisions considering the age of the delinquent child involved and the age and sex of children that are or would be placed in the foster home.~~

(1) If a prospective foster caregiver fails to notify the recommending agency, the recommending agency shall recommend denial of the foster home application to ODJFS.

(2) ODJFS shall deny a foster home application on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to an offense listed in appendix A to this rule or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense, unless the agency establishes that the delinquent child meets the rehabilitation provisions of paragraphs (I)(3) and (I)(4) of this rule.

(3) In considering the provisions of paragraphs (I)(3) and (I)(4) of this rule, the agency shall view these provisions considering the age of the delinquent child involved and the age and sex of children that are or would be placed in the foster home.

~~(Q)~~(S) A foster caregiver shall not operate a foster home as an adult boarding or rooming house.

~~(R)~~(T) A foster caregiver shall obtain written approval from the recommending agency prior to conducting any business, or allowing any business to operate, including babysitting services, in a foster home.

~~(S)~~(U) A foster caregiver shall not provide or allow babysitting services in a foster home when more than ten children, including foster, natural or adoptive children are present and under the supervision of the foster caregiver at any one time. Any foster caregiver that is an approved or certified type B family day care home provider shall follow the requirements for approval or certification as a type B family day care home.

(V) A foster caregiver or applicant shall not apply for licensure as a type A family day care home.

(W) A specialized foster caregiver or applicant shall not apply for certification as a type B family day care home.

~~(F)~~(X) A foster caregiver or applicant shall obtain an approved inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children. The approval must have occurred within six months prior to the initial recommendation for certification of the applicant's home by the agency and within ninety days of any change of address of the foster home.

~~(U)~~(Y) If the applicant or foster caregiver is unable to obtain an inspection as required by paragraph (T) of this rule due to the unavailability of a state certified fire safety inspector or the state fire marshal's office, they shall ~~so~~ notify the agency.

~~(V)~~(Z) A foster caregiver or applicant shall complete all preplacement and continuing training as required by rule 5101:2-5-33 of the Administrative Code and any additional hours of training required by the recommending agency's written training plan.

~~(W)~~(AA) A foster caregiver or applicant shall comply with all agency policies or instructions including cooperating fully with the agency during the certification or recertification process.

Effective:

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Certification

Date

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