

5101:2-7-02

General requirements for foster caregivers and applicants.

- (A) A foster caregiver or applicant shall be at least ~~twenty-one~~eighteen years of age at the time of initial certification.
- (B) ~~At least one~~A 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~~have functional literacy to be able to read and write at the level necessary to participate effectively in the community in which they live. A foster caregiver or applicant is to be able to communicate with:
- (1) Any child placed in the home.
 - (2) The recommending agency.
 - (3) Health care providers.
 - (4) Other service providers working with the family or children.
- (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 income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show the household has an income sufficient to meet the basic needs of the household and makes timely payment of shelter costs, utility bills, and other debts, a foster caregiver or applicant shall provide at a minimum:
- (1) For a foster care applicant:
 - (a) A completed JFS 01681 "Applicant Financial Statement" (~~rev. 10/2000~~).
 - (b) Proof of income for the household for the most recent tax year prior to the date of application.
 - (c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for initial certification.
 - (d) At least one utility bill for each utility necessary to maintain the household. The bill or bills shall not be dated more than six months prior to the agency's recommendation for initial certification.
 - (2) For a certified foster caregiver a completed JFS 01681 if there are any substantial changes to a caregiver's financial situation.

- (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 physical exam and a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) 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 one year prior to the agency's initial recommendation for certification. Any additional written documentation of the physical examination shall be completed by the individual who conducted the examination. All household members are to complete a JFS 01653.
- (G) An applicant or household member 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.
 - (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) Homes certified prior to June 1, 2020 do not have to comply with immunization requirements.
- (I) Immunizations for homes certified on or after June 1, 2020.
- (1) All children who are household members are to be up to date on immunizations consistent with the recommendations of the american academy of pediatrics, the advisory committee on immunization practices of the centers for disease control and prevention, and the american academy of family physicians unless the immunization is contrary to the child's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.
 - (2) All household members in a home caring for infants and children with special medical needs are to have an annual influenza vaccine consistent with the recommendations of the advisory committee on immunization practices (ACIP) unless the immunization is contrary to the individual's health as documented

by a licensed health care professional or for reasons of conscience, including religious convictions.

(3) All household members in a home caring for infants are to be up to date on the pertussis vaccine unless the immunization is contrary to the individual's health as documented by a licensed health care professional or for reasons of conscience, including religious convictions.

(4) Copies of the immunization records are to be placed in the file of the home.

~~(H)(J)~~ 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. The applicant or foster caregiver is to refer to appendix A to view a list and the status of the disqualifying crimes for each applicant, caregiver and adult household member.

~~(H)(K)~~ Rehabilitative criteria for foster care applicants, foster caregivers and all other adult household members. Unless specifically disqualified in appendix A to this rule, No person who has been convicted of or pleaded guilty to an offense listed in paragraph (J) of this rule appendix A to 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) Except as provided in paragraph (I)(3) of this rule, 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.~~

~~(2) Except as provided in paragraph (I)(3) of this rule, where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.~~

~~(3) Where an offense was committed by a foster child under the age of twenty-one who remains in the custody of a PCSA or PCPA, the recommending agency may determine the person need not meet the elapsed time period requirements of paragraphs (I)(1) and (I)(2) of this rule.~~

~~(4)(1)~~ The victim of the offense was not one of the following: a person under the age of eighteen.

~~(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 developmentally disabled person as defined in section 5123.01 of the Revised Code.~~

~~(d) A person with a mental illness as defined in section 5122.01 of the Revised Code.~~

~~(e) A person sixty years of age or older.~~

~~(5)~~(2) 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)~~ appendix A of to 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) The victim of the offense was:

(i) A functionally impaired person as defined in section 2903.10 of the Revised Code.

(ii) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

(iii) A person with a mental illness as defined in section 5122.01 of the Revised Code.

(iv) A person sixty years of age or older.

~~(m)~~ 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) If any of the following have a felony conviction for spousal abuse, rape, sexual assault, or homicide, the foster home shall not be certified and no rehabilitation standards exist for:~~

~~(1) An adult resident in the household of a foster caregiver or applicant.~~

~~(2) A foster caregiver.~~

~~(3) A foster care applicant.~~

(L) The applicant or foster caregiver shall provide verification to the recommending agency that the conditions specified in paragraph ~~(H)~~(K) 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.

(M) In accordance with rule 5101:2-5-09.1 of the Administrative Code, a criminal records check shall be requested:

(1) For the foster care applicant and each adult who resides with the foster care applicant in accordance with paragraph ~~(H)~~(K) of this rule. The results shall be reviewed prior to the agency's recommendation for certification to ODJFS.

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

(N) Prior to certification or recertification, the foster care applicant or 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 foster care applicant or 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.

(O) The national sex offender registry is located at <https://www.nsopw.gov/>. In accordance with rule 5101:2-5-09.1 of the Administrative Code, a national sex offender registry check is to be completed:

(1) For the foster care applicant and each adult who resides with the foster care applicant. The results are to be reviewed prior to the agency's recommendation for certification to ODJFS. The application may be denied based solely on the results of the search.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver prior to the upcoming recertification of the caregiver. The recertification may be denied based solely on the results of the search.

~~(P)~~(P) The provisions of paragraph ~~(J)~~(J) 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)~~paragraph (J) ~~of to~~appendix A of to 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.

~~(Q)~~(Q) A conviction of, or plea of guilty to, an offense listed in ~~paragraph (J)~~paragraph (J) ~~of to~~appendix A of to 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.

~~(R)~~(R) A foster care applicant 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 care applicant has been convicted of or pleaded guilty to any of the offenses 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 a violation.

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

(2) ODJFS may 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 foster care applicant 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,. The agency shall review the provisions of ~~paragraphs (I)(4) and (I)(5)~~paragraph (K) 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.

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

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

~~(T)~~(U) A foster caregiver shall not provide or allow public or private 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 licensed type B family day care home provider shall follow the requirements for approval or licensure as a type B family day care home.

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

~~(V)~~(W) A specialized foster caregiver shall not apply for licensure as a type B family day care home. A specialized foster care applicant shall not be licensed as a type B day care provider.

~~(W)~~(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 twelve months prior to the initial recommendation for certification.

~~(X)~~ If the applicant or foster caregiver is unable to obtain an inspection as required by paragraph (W) of this rule due to the unavailability of a state certified fire safety inspector or the state fire marshal's office, they shall notify the agency.

(Y) 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.

- (Z) 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.
- (AA) A foster caregiver shall not violate a child's rights as described in paragraph (A) of rule 5101:2-5-35 of the Administrative Code.
- (BB) A foster care applicant is to comply with the assurances as listed on the JFS 01691 "Application for Child Placement." A foster caregiver is to comply with the assurances as listed on the JFS 01331 "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval."

Effective:

Five Year Review (FYR) Dates: 3/19/2020

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 2151.86, 5103.03, 5103.0319, 5103.0327
Rule Amplifies: 2151.86, 5103.02, 5103.03, 5103.0319, 5103.0327
Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 09/18/1996,
07/01/2000, 01/01/2003, 12/11/2006, 08/14/2008,
04/01/2010, 10/01/2011, 07/01/2014, 07/01/2018