

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** November 29, 2004  
**TIME:** 10:00 A.M.  
**LOCATION:** Rhodes State Office Tower  
30 East Broad Street, Room 1823  
Columbus, Ohio

Pursuant to Sections 3107.032, 5103.03, 5103.0316, 5153.16. and Chapter 119.032 of the Ohio Revised Code, the director of the Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment and rescission of rules as identified below and of a public hearing thereon.

Rule 5101:2-5-13 entitled Required agency policy sets forth the required agency policies for public children services (PCSAs), private child placing agencies (PCPAs) and private non-custodial agencies (PNAs). This rule is amended to add language requiring PCSAs, PCPAs and PNAs operating a foster care program to include in its foster care policy a copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements." The rule also requires a written policy on the standards of conduct regarding non-discrimination in the foster care process.

Rule 5101:2-5-21 entitled Agency assessment of an initial application for a foster home certificate is amended to add language prohibiting discrimination against foster caregivers on the basis of national origin or disability. Language is also added regarding non-discriminatory practices pertaining to race, color, or national origin (RCNO) of applicants who wish to become foster caregivers or the RCNO of a child for whom a prospective or certified foster caregiver has expressed an interest. The rule requires a timeframe for which the homestudy shall be commenced and completed and requires written documentation when the agency fails to meet the required timeframe.

Rule 5101:2-33-03 entitled Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin is being adopted as a new rule to outline the procedure for complaints against any PCSA, PCPA or PNA regarding discrimination in foster care or adoption services that involve race, color or national origin. This rule contains a new requirement that agencies provide written notice of the complaint process to all individuals inquiring about or applying to be a foster caregiver or adoptive parent. It also requires that such notice be provided to certain foster caregivers or certain individuals involved in the adoption process following the effective date of this rule.

Rule 5101:2-33-11 entitled Multiethnic Placement Act (MEPA) administrative requirements is being adopted as a new rule to set forth the administrative requirements for PCSAs, PCPAs, and PNAs regarding certain administrative requirements for compliance with the Multiethnic Placement Act (MEPA). Most of the requirements of

this rule are not new and are being consolidated into this rule from other rules to facilitate their implementation. The new requirements include: completion of the "MEPA Biennial Comprehensive Self-Assessment Report" for those agencies that only provide foster care-related services; and the requirement for agencies to have a written policy on the standards of conduct regarding non-discrimination in the foster care and adoption process.

Rule 5101:2-39-02 entitled Case records for children services is amended to set forth the requirements for case records which are maintained by public children services agencies. This rule is also amended to update language and to specify the manner in which the case records are to be maintained.

Rule 5101: 2-42-18.1 entitled Foster care placement requirements pursuant to the Multiethnic Placement Act is being rescinded and will be replaced by a new rule of the same number. This rule outlines the policy on non-discrimination in the foster care placement process.

Rule 5101:2-42-18.1 entitled Non-discrimination requirements for foster care placements is a new rule replacing a rescinded rule of the same number. This rule outlines the policy on non-discrimination in the foster care placement process. Changes from the rescinded rule are: new requirements have been added for handling certain comments by persons living in the household of a family who has expressed an interest in adopting a child; licensed professionals conducting Individualized Child Assessments must now receive educational material about federal legislation regarding non-discrimination based upon race, color, or national origin in the foster care and adoptive placement process prior to conducting such assessments; and language has been added prohibiting intimidation or retaliation against any person who has filed any oral or written complaint, testified, assisted, or participated in any manner in the investigation of any alleged violation of federal statutes prohibiting discrimination based upon race, color, or national origin.

Rule 5101:2-48-05 entitled Agency adoption policy and recruitment plan is amended to specify the content and requirements of an agency's adoption policy, training requirements of staff, the content and requirements of the agency's recruitment plan.

Rule 5101:2-48-11.1 entitled Foster caregiver adoption of a foster child who has resided with the caregiver for at least twelve consecutive months is amended to set forth the procedures for conducting a foster caregiver homestudy when a foster caregiver expresses interest in adopting a child who has been in the foster caregiver's home for at least twelve consecutive months. Language pertaining to preferential order when placing a child in an adoptive home has been removed and new requirements for the approval or disapproval of a foster family for adoptive placement have been added.

Rule 5101:2-48-12 entitled Completion of the homestudy report is amended to set forth the requirements for the completion of adoption homestudies for special needs and non-special needs children by PCSAs, PCPAs, and PNAs. A prohibition regarding the use of race, color or national origin in making adoptive placements has been added. A

prohibition against approving or disapproving a family's homestudy based upon an applicant's disability has been added. Timeframes for completion of homestudies and a new documentation requirement have also been added.

Rule 5101:2-48-13 entitled Adoption placement requirements pursuant to the Multiethnic Placement Act is being rescinded and will be replaced by a new rule of the same number. This rule outlines the policy on non-discrimination on the basis of race, color, or national origin in the adoptive placement process.

Rule 5101:2-48-13 entitled Non-discrimination requirements for adoptive placements is adopted as a new rule replacing a rescinded rule of the same number. This rule outlines the policy on non-discrimination in the adoptive placement process. Changes from the rescinded rule are: new requirements for handling certain comments by persons living in the household of a family who has expressed an interest in adopting a child; licensed professionals conducting Individualized Child Assessments must now receive educational material about federal legislation regarding non-discrimination based upon race, color, or national origin in the foster care and adoptive placement process prior to conducting such assessments; and language has been added prohibiting intimidation or retaliation against any person who has filed any oral or written complaint, testified, assisted, or participated in any manner in the investigation of any alleged violation of federal statutes prohibiting discrimination based upon race, color, or national origin.

Rule 5101:2-48-16 entitled Adoptive placement procedures is being rescinded and will be replaced by a rule of the same number. This rule outlines the adoptive placement procedures when an agency receives permanent custody of a child.

Rule 5101:2-48-16 entitled Pre-adoptive staffing, matching and placement procedures is adopted as a new rule replacing a rescinded rule of the same number. Language was changed due to the federal corrective action plan. Changes from the rescinded rule include: adding the pre-adoptive transfer conference as a requirement to the pre-placement process; tightening time frames for which cases are staffed and transferred; strengthening the use of the JFS 01689 "Documentation of the Placement Decision-Making Process"; and requiring the use of the JFS 01609 "Family Permanency Planning Data Summary" and the JFS 01610 "Child's Permanency Planning Data Summary."

Rule 5101:2-48-19 entitled Release of adoptive homestudy and related information is being rescinded and will be replaced by a rule of the same number. This rule outlines the process for releasing a homestudy and related information to another agency and to adoptive parents.

Rule 5101:2-48-19 entitled Release of adoptive homestudy and related information is being adopted as a new rule replacing a rescinded rule of the same number. This rule outlines the process for releasing a homestudy and related information by a PCPA, PCSA or PNA to another agency and to adoptive applicants, specifically as it meets the requirements of a federal corrective action plan. Changes from the rescinded rule are: new requirement that agencies cannot solicit homestudies to locate a same race placement

unless specific procedures are followed; and a requirement on how agencies must file and maintain homestudies obtained from other agencies.

Rule 5101:2-48-22 entitled Adoptive family case record is amended to set forth the documents that shall be maintained in the adoptive family case record. This rule is amended to add language requiring agencies to maintain case records in a consistent and organized manner. This rule also requires the agency to maintain in the adoptive family case record additional information including documentation when verbal comments or indications are made by family members in the household which are negative toward the child's RCNO, documentation constituting or referring to a complaint or grievance by the family, a copy of the JFS 01609 "Family Permanency Planning Data Summary" and a copy of the JFS 01688 "Individualized Child Assessment."

Rule 5101:2-48-23 entitled Preservation of adoptive child case record is amended to set forth the requirements of the documents that must be maintained in the child's adoption record. This rule adds language requiring agencies to maintain case records in a consistent and organized manner. This rule also requires the adoptive child case record to contain documentation including all medical or psychological evaluations, school records or other material documented and a copy of the JFS 01610 "Child's Permanency Planning Data Summary."

Rule 5101:2-48-24 entitled Agency adoption review procedures is amended to set forth the procedures an agency must follow to review complaints from persons involved with an adoption. It is amended to specify that complaints regarding discrimination in the foster care or adoption process involving race, color or national origin are to be governed by rule 5101:2-33-03.

A copy of the proposed rules is available, without charge, to any person affected by them at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us>. A public hearing on the proposed rules will be held at the date, time and location listed at the top of this notice. Either written or verbal testimony on these rules will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be created as testimony.

Request for a copy of the proposed rules or comments on it should be submitted by mail to "Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215, by fax at (614) 752-8298, or by e-mail at [legal@jfs.state.oh.us](mailto:legal@jfs.state.oh.us).