

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

**DATE:** April 20, 2020  
**TIME:** 10:00 a.m.  
**LOCATION:** Teleconference

**Due to COVID-19 precautions this meeting will be held by teleconference. If you would like to submit oral testimony, please call in at the above date and time to 1-614-728-7910. Then enter the meeting I.D. which is 6144664605#. Written testimony may also be submitted electronically to [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).**

Pursuant to sections 2151.86, 3107.033, 5101.14, 5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.0310, 5103.0316, 5103.0317, 5103.0319, 5103.0327, 5103.037, 5103.18, 5153.16 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules as identified below and of a public hearing thereon. These rules are proposed for amendment as a result of the five year review process and recent legislative changes.

OAC rule 5101:2-5-09, entitled "Personnel and prohibited convictions for employment," provides guidance to agencies on the process for the evaluation of background checks for staff and other agency personnel. New paragraphs (G), (H) and (P) were added to comply with new legislation requiring alleged perpetrator checks and more extensive criminal background checks for employees of agencies.

OAC rule 5101:2-5-09.1, entitled "Criminal records check required for certain prospective employees and certified foster caregivers, " provides guidance to agencies on the process for the evaluation of criminal background checks for foster caregivers and agency staff members. A new paragraph (Q) was added to require a search of the national sex offender registry for potential foster caregivers.

OAC rule 5101:2-5-18, entitled "Waivers and Variances," provides guidance on the procedure for requesting a waiver of foster care rules. Paragraph (A)(1) was removed due to a legislative change which eliminated that specific language.

OAC rule 5101:2-5-20, entitled "Initial application and completion of the foster care homestudy," provides guidance to agencies on the application and homestudy process for a foster care applicant. Paragraphs (K)(1), (K)(5)(K)(6) and (K)(9) regarding interviews, physical exams, immunizations and references for foster care applicants were amended due to legislative changes in the Family First Prevention Services Act.

OAC rule 5101:2-5-24, entitled "Foster home recertifications," provides guidance to agencies on the recertification requirements for foster caregivers. Paragraph (E)(3) was added to comply with the immunization requirement of the Family First Prevention Services Act.

OAC rule 5101:2-5-32, entitled "Occupancy limitations and accessibility," provides guidance to agencies on the occupancy limits in a foster home. Paragraph (B)(6) was amended to align the language concerning capacity exceptions with the Family First Prevention Services Act.

OAC rule 5101:2-5-33, entitled "Foster caregiver preplacement and continuing training," provides guidance to agencies on the requirements for the training of foster care applicants and the ongoing training of certified foster caregivers. New paragraphs (C)(1)(a)(vii), (ix) and (x) were added to require pre-placement training topics for CPR, first aid, medication administration and procedures for reporting child abuse or neglect. Paragraph (C)(2)(a)(v), (xv), (xvi) and (xvii) were added to include new training topics for family foster homes. All additions are the result of the passage of the Family First Prevention Services Act and HB 166 of the 133<sup>rd</sup> General Assembly.

OAC rule 5101:2-7-02, entitled "General requirements for foster caregivers and applicants," provides guidance to agencies, foster care applicants and existing caregivers on the general requirements needed to be a certified foster home. Paragraph (A) was amended to reduce the minimum age of a foster caregiver to eighteen years old. Paragraph (B) was amended to bring the existing paragraph into compliance with the Family First Prevention Services Act by clarifying the minimum standards for functional literacy and communication for the caregiver. Paragraph (F) was amended to require a physical exam for foster caregiver applicants. A new paragraph (H) was added to require immunizations. Paragraphs (J) and (K) were amended to clarify rehabilitation standards. A new paragraph (O) was added to require a check of the national sex offender database for foster caregivers and adult household members. A new paragraph (CC) was added to ensure compliance of the foster caregiver with the assurances listed on the JFS 01691.

OAC rule 5101:2-7-10, entitled "Care of a foster child under age two," provides guidance to agencies regarding specific care for a foster child under age two. A new paragraph (G) was added to ensure no co-sleeping with infants placed in the home.

OAC rule 5101:2-7-12, entitled "Site and safety requirements for a foster home," provides guidance to agencies, foster care applicants and existing caregivers on the safety requirements in and around a foster home. Paragraph (A) was amended to define a home. New paragraphs (B) and (C) were created to describe safety precautions for swimming pools and hot tubs according to the Family First Prevention Services Act. Paragraph (G) was amended to add alcoholic beverages to the list of items that must be stored in a safe manner. New paragraphs (Q) and (R) were added to require carbon monoxide detectors and first aid supplies in foster homes. A new paragraph (X) was added to ensure a foster home is free from rodent and insect infestation. Paragraph (BB) was amended to prohibit smoking in a foster home or vehicle used to transport a foster child. All changes to this rule were made to bring them into compliance with the Family First Prevention Services Act.

OAC rule 5101:2-7-15, entitled "Transportation," provides guidance to agencies, foster care applicants and existing caregivers on the requirements surrounding the transportation

of foster children. Paragraph (A) was amended to bring the requirements of a vehicle used to transport a foster child into compliance with the Family First Prevention Services Act.

A copy of the proposed rule(s) is available, without charge, to any person affected by the rule(s) at the address listed below. The rule(s) is also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rule(s) will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony. Written testimony may also be submitted electronically to [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@jfs.ohio.gov](mailto:rules@jfs.ohio.gov).