



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

Business Impact Analysis

Agency, Board, or Commission Name: Ohio Department of Job and Family Services

Rule Contact Name and Contact Information:

Mike Lynch Michael.Lynch@jfs.ohio.gov

Regulation/Package Title (a general description of the rules' substantive content):

Kinship Home Assessments

Rule Number(s): 5101:2-42-18

Date of Submission for CSI Review: 2/9/2021

Public Comment Period End Date: 2/16/2021

Rule Type/Number of Rules:

- | | |
|-------------------------------------------------------------------------------|---------------------------------------------------------|
| <input type="checkbox"/> New/___ rules | <input type="checkbox"/> No Change/___ rules (FYR? ___) |
| <input checked="" type="checkbox"/> Amended/ <u>1</u> rules (FYR? <u>No</u>) | <input type="checkbox"/> Rescinded/___ rules (FYR? ___) |

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

X a. Requires a license, permit, or any other prior authorization to engage in or operate a line of business.

X b. Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.

X c. Requires specific expenditures or the report of information as a condition of compliance.

d. Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

Please include the key provisions of the regulation as well as any proposed amendments.

OAC rule 5101:2-42-18, entitled “PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers,” provides requirements for the assessment and approval of kinship caregivers. Language has been added to require the agency to notify the kinship caregiver of the right to be heard in court hearings involving the kinship child who has been placed in the home. Language has been added to require a search of the national sex offender registry for prospective kinship caregivers and adults residing in the home. The Ohio Revised Code sites for disqualifying offenses have been removed from the rule, which now refers to Appendix A for the list of disqualifying offenses. Language has been amended to clarify rehabilitation standards for disqualifying offenses. Language has been added to

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require a placing agency to notify a recommending agency about the intent to place a child when the home of the kinship caregiver is licensed as a foster home or approved as an adoptive home.

The JFS 01447 “Assessment of Relative or Nonrelative Substitute Caregiver” has been updated to refer to Appendix A of the rule for the list of disqualifying offenses.

The JFS 01447-I “Instructions for Completing the JFS 01447, Assessment of Relative or Nonrelative Substitute Caregiver” has been edited to remove the list of disqualifying offenses and to refer to Appendix A of the rule for the list of disqualifying offenses. It has been edited to add the list of offenses applicable to youth ages twelve to seventeen who reside in the home for which the caregiver is required to notify the approving agency of any convictions.

- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

5103.03, 5153.166

- 4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.**

This regulation does not implement a federal requirement.

- 5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

This rule is not written as a requirement of Federal Law, nor does it exceed any Federal requirements. This rule is specific to child welfare and follows state statute to ensure the safety of the children placed with relative or nonrelative substitute caregivers.

- 6. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

This regulation is necessary to ensure the safety of children when placed with a relative or nonrelative substitute caregiver.

- 7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

Agencies undergo compliance reviews once every two years as part of the recertification process which includes compliance with the requirements of this rule. Agencies also receive compliance reviews at approximately the one-year mark of the two-year certification period. Additional inspections may occur as a result of allegations of rule violations. Rule 5101:2-42-18 will be measured against the criteria specific to the rule content.

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- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No.

Development of the Regulation

- 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

If applicable, please include the date and medium by which the stakeholders were initially contacted.

Rule 5101:2-42-18 was one of the rules taken into consideration by the model foster care licensing standards stakeholder workgroup during the summer of 2019. Stakeholders on this workgroup included representatives from public children services agencies and private child placing agencies, foster and adoptive parents, Ohio Child Welfare Training Program staff, as well as representatives from the Public Children Services Association of Ohio and Ohio Children's Alliance.

- 10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The general consensus concluded by the model licensing standards stakeholder workgroup was that rule 5101:2-42-18 should reflect some of the standards that were to be adopted for foster care licensing and adoption approval, to ensure that kinship homes were not held to a higher standard than foster and adoptive homes. This rule was placed in clearance from October 28, 2020 through November 11, 2020. There were no comments received during that time.

- 11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Not Applicable.

- 12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

There were no other alternatives considered for rule 5101:2-42-18 as all parties involved were satisfied with the rule; and federal law and state Ohio Revised Code do not contemplate alternatives.

- 13. Did the Agency specifically consider a performance-based regulation? Please explain.**

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Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.

Rule 5101:2-42-18 contains specific requirements for approving a relative or nonrelative substitute caregiver. In order to ensure the safety of these children, a performance-based regulation was not considered.

14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Rule 5101:2-42-18 is the only rule that specifies the process for approving a relative or nonrelative substitute caregiver who is not certified as a foster caregiver. Therefore, there is no duplication of any other existing Ohio regulation.

15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

When the rule is final filed, a transmittal letter will be generated explaining the changes to the rule and the rationale for the changes. The transmittal letters can be viewed at [http://emanuals.odjfs.state.oh.us/emanuals/GetDocument.do?nodeId=%23node-id\(59\)&docId=Document\(storage%3DREPOSITORY%2CdocID%3D%23node-id\(87890\)\)&locSource=input&docLoc=%24REP_ROOT%24%23node-id\(87890\)&version=8.0.0](http://emanuals.odjfs.state.oh.us/emanuals/GetDocument.do?nodeId=%23node-id(59)&docId=Document(storage%3DREPOSITORY%2CdocID%3D%23node-id(87890))&locSource=input&docLoc=%24REP_ROOT%24%23node-id(87890)&version=8.0.0).

Certification reviews, which include monitoring the implementation of rule 5101:2-42-18, occur once every two years, and at the one-year mark during the two-year certification period.

Adverse Impact to Business

16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community; and

Rule 5101:2-42-18 contains requirements for all private child placing agencies. There are currently 23 certified private child placing agencies in Ohio.

b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and

Non-compliance may result in revocation or loss of certification. The adverse impact includes specific expenditures and the report of information.

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c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The agency is required to collect identifying information on all members of the household. Depending on the number of people in the household, an interview to collect this information should take approximately ten to twenty minutes.

The agency is required to assess the safety of the home, specifically considering all of the following: cleanliness of the home; absence of hazardous conditions inside and outside the home; storage of poisonous and other dangerous or combustible materials; proper heating, lighting and ventilation; condition of indoor plumbing and toilet facilities; working smoke detectors on each level of occupancy; safe storage of weapons in inoperative condition and in a secured and locked area; adequacy of each child's bedding and appropriateness to his or her needs; and availability of or reasonable access to a working telephone. An on-site home inspection should take one to two hours to complete.

The agency is required to provide the prospective caregiver with the following: any known information about the child; information about Ohio works first (OWF) child-only financial assistance and medicaid coverage and how to apply; information about foster care certification and how to apply to be a foster caregiver; information about eligibility for other applicable supportive services. Providing this information to the caregiver should take approximately 30 to 40 minutes.

The agency is required to obtain fingerprints for BCI and FBI background checks. The agency may, but is not required to pay for the background checks. On average, fingerprinting using a Webcheck machine takes approximately 5 to 10 minutes per person. The actual cost of a BCI check is \$32, and the cost of an FBI check is an additional \$34, for a combined cost of \$66.

When the rule goes into effect, the agency shall be required to complete the JFS 01447 "Assessment of Relative or Nonrelative Substitute Caregiver". This form should take 10 to 15 minutes to complete.

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If the agency disapproves of a court ordered placement of a child, it is required to notify the court in writing of its findings. This activity should take 10 to 15 minutes and would also cost the agency in postage.

The agency is required to maintain documentation in the case record of assessments and findings. The cost in terms of time spent conducting these tasks would differ by agency and depend upon business practices and policies of the agency.

The agency is required, on an annual basis, to conduct a home assessment that reviews the requirements of this rule and ensure that the requirements continue to be met. This can be conducted as a phone or desk review, which should take 20 to 30 minutes. However, if the caregiver has moved to a new address, the agency would be required to conduct an on-site home inspection to review all of the items mentioned previously. Likewise, if any new adults have entered the home, the agency is required to collect and submit fingerprints for BCI and FBI background checks. The agency may, but is not required to pay for the background checks. If the agency chooses to pay for them, the cost is approximately \$60 per adult.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The adverse impact is necessary to ensure the safety of children who are placed with a relative or nonrelative substitute caregiver that is not certified as a foster caregiver.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

There are no exemptions and no alternative means of compliance for rule 5101:2-42-18.

19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

There are no fines or civil penalties for non-compliance with this rule other than the forfeiture of certification through denial or revocation.

20. What resources are available to assist small businesses with compliance of the regulation?

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ODJFS publishes all rules online as an e-manual. All public and private agencies have access to this publication, which is located at <http://emanuals.jfs.ohio.gov/>.

ODJFS has regional offices with licensing specialists that will be assigned to assist the agency in compliance with the requirements of rule 5101:2-42-18.

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5101:2-42-18

PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers.

- (A) A public children services agency (PCSA) or private child placing agency (PCPA) having custody of a child, or upon interstate request by a state with jurisdiction, may approve placement with the following substitute caregivers in accordance with rule 5101:2-42-05 of the Administrative Code if the placement is determined to be in the child's best interest and the substitute caregivers are not certified through the Ohio department of job and family services:
- (1) A relative by blood, adoption, or marriage who, in accordance with sections 5103.02 and 5103.03 of the Revised Code, is exempt from certification and who is being considered as a substitute caregiver; or
 - (2) A nonrelative who has a relationship with the child and/or family and who, in accordance with section 5153.161 of the Revised Code, is ~~approved by the court~~ a qualified non-relative.
- (B) Prior to placing the child with the relative or nonrelative substitute caregiver, the PCSA or PCPA shall adhere to the following procedures and document its actions in approving the placement setting:
- (1) Collect identifying information (first name, last name, maiden name, aliases, social security number, address, telephone number, place of employment) on the prospective caregiver and all household members.
 - (2) Require all adults in the home to identify prior PCSA or children services agency (CSA) involvement.
 - (3) Assure that a search of the statewide automated child welfare information system (SACWIS) has been completed for the prospective caregiver and adult household members pursuant to rule 5101:2-33-21 of the Administrative Code.
 - (a) If the agency has the ability to access SACWIS pursuant to rule 5101:2-33-70 of the Administrative Code and section 5101.132 of the Revised Code, the agency shall complete an alleged perpetrator search of abuse and neglect report history through SACWIS for the prospective caregiver and each adult who resides in the home.
 - (b) If the agency does not have the ability to access SACWIS, the agency shall request a search of SACWIS from the Ohio department of job and family services (ODJFS) for the prospective caregiver and each adult who

resides in the home and shall secure the necessary releases of information and initiate requests for information when applicable.

(4) When involvement with a CSA in another state is indicated or suspected, the PCSA or PCPA shall ~~secure the necessary releases of information and initiate requests for information from the other CSAs~~ request a check of the child abuse and neglect registry from the other state.

(5) When the home of the relative or nonrelative substitute caregiver is a licensed foster home or approved adoptive home, the PCSA or PCPA is to notify the recommending agency of the intent to place the kinship child in the home. The PCSA or PCPA should consider placing the child as a foster care placement if appropriate.

~~(5)~~(6) Assess the safety of the home by checking on all of the following:

- (a) Cleanliness of the home.
- (b) Absence of hazardous conditions inside and outside.
- (c) Storing of poisonous and otherwise dangerous or combustible materials.
- (d) Proper heating, lighting and ventilation.
- (e) Condition of plumbing and toilet facilities.
- (f) Installation of a working smoke alarm on each level of occupancy of the home.
- (g) Safe storing of weapons, including firearms and ammunitions, in inoperative condition and in a secured and locked area.
- (h) Adequacy of each child's bedding and appropriateness to his or her needs.
- (i) Availability of a working telephone within the home or reasonable access to a working telephone for emergency situations.

~~(6)~~(7) Provide the prospective caregiver with known information regarding educational, medical, prescription and nonprescription medications, child care, and special needs of the child including information on how to access support services to meet the needs of the child.

~~(7)~~(8) Provide the prospective caregiver with the following information:

- (a) Information about the kinship support program (KSP), including eligibility requirements and details about payments and payment timeframes, in accordance with rule 5101:2-42-18.2 of the Administrative Code.
- ~~(a)~~(b) How to apply for Ohio works first (OWF) child-only financial assistance and medicaid coverage.
- (c) The caregiver's right to apply for certification as a foster caregiver.
- ~~(b)~~(d) How to apply for certification as a foster caregiver.
- ~~(e)~~(e) The requirements for foster caregiver certification and adoption approval and how those requirements differ from the requirements for approval as a relative or nonrelative substitute caregiver.
- ~~(d)~~(f) The difference in payment between ~~an~~ OWF child-only payments, KSP payments, and the foster care per diem.
- ~~(e)~~(g) The difference (if any) in the eligibility for supportive services.
- (h) The caregiver's right to be heard during hearings involving the child(ren) if the placement is approved.
- ~~(8)~~(9) Assess the prospective caregiver's ability and willingness to provide care and supervision of the child and to provide a safe and appropriate placement for the child.
- ~~(9)~~(10) Submit fingerprints for the prospective relative or nonrelative caregiver and all adults residing within the home according to the requirements of the bureau of criminal investigation (BCI). The agency shall request that BCI include information from the federal bureau of investigation (FBI) in the criminal records check. The required criminal records check must be completed prior to an agency approving the prospective relative or nonrelative placement.
- (11) Complete a review of the national sex offender registry at <https://www.nsopw.gov> (2019) for the prospective relative or nonrelative caregiver and all adults residing within the home.
- ~~(10)~~(12) Require the prospective caregiver to submit written notification if a person at least twelve years of age but less than eighteen years of age residing within the home of the prospective caregiver has been convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code, 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.

- (C) If a child must be removed from his or her home immediately in accordance with rules 5101:2-39-01 and 5101:2-39-03 of the Administrative Code, the PCSA or PCPA may place the child with the prospective relative or nonrelative substitute caregiver, if there are no known safety concerns, and initiate the assessments required by paragraph (B) of this rule no later than the next business day.
- (1) The PCSA or PCPA shall complete all activities required by paragraph (B) of this rule no later than five business days from the date the child was placed.
 - (2) The PCSA or PCPA shall make a final decision to approve or not approve the placement of the child no later than five business days from the date the agency receives the BCI and FBI background check results and/or alleged perpetrator background check results.
 - (3) The PCSA or PCPA shall provide the relative or nonrelative caregiver with written notification of the decision to approve or not approve the placement within three business days of the date the final decision to approve or not approve the placement was made.
- (D) The PCSA or PCPA shall complete the JFS 01447 "Assessment of Relative or Nonrelative Substitute Caregiver" ~~_(rev. 5/2017). When the home assessment for relative or nonrelative substitute caregivers has been incorporated into SACWIS, the~~ The PCSA or PCPA shall use the SACWIS application to complete home assessments.
- (E) The PCSA or PCPA may deny the placement if the relative or nonrelative had his or her parental rights involuntarily terminated.
- ~~(F) The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adult residing within the home has a felony conviction for spousal abuse, rape, sexual assault, or homicide, or 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 these offenses. The provisions of paragraph (G) of this rule do not apply to these offenses.~~
- ~~(G)~~(F) The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adults residing within the home have been convicted of or pleaded guilty to any offense listed in paragraph (H) appendix A of this rule unless the agency finds and documents that person has met all of the following conditions: person's residency in the relative or nonrelative 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 approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household:

- (1) The person's age at the time of the offense.
- (2) The nature and seriousness of the offense.
- (3) The victim of the offense was any 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 person with an intellectual disability 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 circumstances under which the offense was committed.
- (5) The degree of participation of the person involved in the offense.
- (6) The time elapsed since the person was fully discharged from imprisonment or probation.
- (7) The likelihood that the circumstance leading to the offense will recur.
- (8) The likelihood that the circumstance leading to the offense will recur.
- (9) The person's employment record.
- (10) The person's efforts at rehabilitation and the results of those efforts.
- (11) Whether any criminal proceedings are pending against the person.
- (12) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (H) of this rule, if the felony bears a direct and substantial relationship to being a relative or nonrelative caregiver or adult member of the caregiver's household.
- (13) Any other factors the agency considers relevant.

- ~~(1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least one year has 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 five years have elapsed since the person was fully discharged from imprisonment or probation.~~
- ~~(3) The person's approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative 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 approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household:~~
 - ~~(a) The person's age at the time of the offense.~~
 - ~~(b) The nature and seriousness of the offense.~~
 - ~~(c) The victim of the offense was any of the following:~~
 - ~~(i) A person under the age of eighteen.~~
 - ~~(ii) A functionally impaired person as defined in section 2903.10 of the Revised Code.~~
 - ~~(iii) A person with an intellectual disability as defined in section 5123.01 of the Revised Code.~~
 - ~~(iv) A developmentally disabled person as defined in section 5123.01 of the Revised Code.~~
 - ~~(v) A person with a mental illness as defined in section 5122.01 of the Revised Code.~~
 - ~~(vi) A person sixty years of age or older.~~
 - ~~(d) The circumstances under which the offense was committed.~~
 - ~~(e) The degree of participation of the person involved in the offense.~~

- ~~(f) The time elapsed since the person was fully discharged from imprisonment or probation.~~
 - ~~(g) The likelihood that the circumstance leading to the offense will recur.~~
 - ~~(h) Whether the person is a repeat offender.~~
 - ~~(i) The person's employment record.~~
 - ~~(j) The person's efforts at rehabilitation and the results of those efforts.~~
 - ~~(k) Whether any criminal proceedings are pending against the person.~~
 - ~~(l) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (H) of this rule, if the felony bears a direct and substantial relationship to being a relative or nonrelative caregiver or adult member of the caregiver's household.~~
 - ~~(m) Any other factors the agency considers relevant.~~
- (G) The PCSA, PCPA, and kinship caregiver or potential kinship caregiver are to refer to appendix A of this rule to determine the rehabilitative status of a crime.
- ~~(H) Except as provided in paragraph (G) of this rule, a relative or nonrelative caregiver or other adult residing in the home 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, 2909.03, 2909.22, 2909.23, 2909.24, 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;~~
 - ~~(2) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;~~
 - ~~(3) 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;~~

- ~~(4) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense as defined in section 2925.01 of the Revised Code;~~
 - ~~(5) 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 start date of the home assessment;~~
 - ~~(6) Felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A to this rule; or~~
 - ~~(7) 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 (H)(1) to (H)(6) of this rule.~~
- ~~(H)~~(H) The PCSA or PCPA shall complete the requirements of paragraph (B) of this rule and make a decision to approve or not approve the child's placement with the relative or nonrelative caregiver within thirty calendar days from the date the assessment was initiated. If the BCI or FBI background check results and/or alleged perpetrator background check results have not been received by the PCSA or PCPA within thirty calendar days from the date the assessment was initiated, the PCSA or PCPA shall make a final decision to approve or not approve the placement of the child no later than five business days from the date the agency receives the BCI and FBI background check results and/or alleged perpetrator background check results.
- ~~(I)~~(I) The PCSA or PCPA shall provide the relative or nonrelative caregiver with written notification of the decision to approve or not approve the placement within three business days of the date the final decision to approve or not approve the placement was made.
- ~~(J)~~(J) If the PCSA or PCPA disapproves of a court ordered placement of a child, it shall notify the court in writing of its findings and recommend a suitable substitute care placement. The PCSA or PCPA shall continue to notify the court in writing of its findings and recommended substitute care placement at least every six months.
- ~~(K)~~(K) The PCSA or PCPA shall maintain documentation, in the case record, of all assessments and findings required by this rule that are used in approving or disapproving the placement.
- ~~(L)~~(L) Annually, based on the date of the original approval, the PCSA or PCPA shall complete a home assessment to assure that the placement continues to meet the requirements of this rule for approval of the placement.
- (1) If there are multiple children placed by one agency in the home, the agency may complete one annual assessment based on the date of the original placement

approval, but shall consider the appropriateness of each placement on a child specific basis.

- (2) If there are any new adults in the home, the PCSA or PCPA shall conduct background checks on the new adult(s) pursuant to ~~paragraphs (B)(1) to (B)(4) and (B)(9)~~paragraph (B) of this rule.
 - (3) If the relative or nonrelative caregiver(s) ~~have~~has moved to a new address, the PCSA or PCPA shall ensure that the home meets the requirements listed in paragraph ~~(B)(5)~~(B) of this rule.
- ~~(N)~~(M) Once a child has been placed with a relative or nonrelative substitute caregiver and is not in need of a new placement, the PCSA or PCPA may continue to complete additional home assessments on other relative or nonrelative substitute caregivers. The PCSA or PCPA may extend the timeframe for completing these additional assessments by a maximum of thirty days past the requirements listed in paragraph (I) of this rule.
- ~~(O)~~(N) Nothing in this rule removes the PCSA's responsibility for conducting parent assessments when a child reunifies with the parent from which the child was removed or when a child is being placed with a non-custodial or non-residential parent in accordance with rules 5101:2-37-01, 5101:2-37-02, and 5101:2-37-04 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under:	119.03
Statutory Authority:	5103.03, 5153.166
Rule Amplifies:	2151.86, 5103.03, 5153.16
Prior Effective Dates:	09/28/1987 (Emer.), 12/27/1987, 01/01/1989, 11/03/2003, 12/19/2008, 06/15/2009, 06/01/2011, 05/04/2014, 07/01/2017

AMENDED

Appendix
DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE
~~5101:2-42-18~~

ORC	Offense	Misdemeanor	Felony
Non-rehabilitative felony offenses. Misdemeanor offenses must be evaluated using the rehabilitative criteria in paragraph (G) of rule 5101:2-42-18 of the Administrative Code but are not automatically disqualifying.			
2903.01	Aggravated murder	N/A	Non-rehabilitation offense - caregiver cannot be approved
2903.02	Murder	N/A	Non-rehabilitation offense - caregiver cannot be approved
2903.03	Voluntary manslaughter	N/A	Non-rehabilitation offense - caregiver cannot be approved
2903.04	Involuntary manslaughter	N/A	Non-rehabilitation offense - caregiver cannot be approved
2903.041	Reckless homicide	N/A	Non-rehabilitation offense - caregiver cannot be approved
2903.06	Aggravated Vehicular Homicide	√	Non-rehabilitation offense - caregiver cannot be approved
2905.32	Trafficking in persons	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.02	Rape	N/A	Non-rehabilitation offense -

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

			caregiver cannot be approved
2907.03	Sexual battery	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.04	Unlawful sexual conduct with a minor	√	Non-rehabilitation offense - caregiver cannot be approved
2907.05	Gross sexual imposition	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.12	Felonious sexual penetration (as this former section of law existed)	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.19	Commercial sexual exploitation of a minor	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.21	Compelling prostitution	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.321	Pandering obscenity involving a minor	N/A	Non-rehabilitation offense - caregiver cannot be approved
2907.322	Pandering sexually oriented matter involving a minor	N/A	Non-rehabilitation offense - caregiver

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

			cannot be approved
2907.323	Illegal use of a minor in nudity-oriented material or performance	N/A	Non-rehabilitation offense - caregiver cannot be approved
2919.22	Endangering children	√	Non-rehabilitation offense - caregiver cannot be approved
2919.25	Domestic violence	√	Non-rehabilitation offense, if considered spousal abuse - caregiver cannot be approved
<p>Non-rehabilitative offense if felony conviction occurred within the last five years.</p> <p>Felony convictions after five years and misdemeanor offenses must be evaluated using the rehabilitative criteria in paragraph (G) of rule 5101:2-42-18 of the Administrative Code, but are not automatically disqualifying.</p>			
2903.08	Aggravated Vehicular Assault; Vehicular Assault	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2903.11	Felonious assault	N/A	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2903.12	Aggravated assault	N/A	Non-rehabilitation offense -

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

			caregiver cannot be approved if conviction occurred within the last five years
2903.13	Assault	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.02	Corrupting another with drugs	N/A	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.03	Trafficking, aggravated trafficking in drugs	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.04	Illegal manufacture of drugs or cultivation of marijuana	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.041	Illegal assembly or possession of chemicals for manufacture of drugs	N/A	Non-rehabilitation offense -

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

			caregiver cannot be approved if conviction occurred within the last five years
2925.05	Funding of drug or marijuana trafficking	N/A	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.06	Illegal administration or distribution of anabolic steroids	N/A	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.11	Possession of controlled substances	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.13	Permitting drug abuse	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.22	Deception to obtain a dangerous drug	N/A	Non-rehabilitation offense -

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

			caregiver cannot be approved if conviction occurred within the last five years
2925.23	Illegal processing of drug documents	N/A	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.24	Tampering with drugs	N/A	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.31	Abusing harmful intoxicants	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.32	Trafficking in harmful intoxicants – improperly dispensing or distributing nitrous oxide	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
2925.36	Illegal dispensing of drug samples	√	Non-rehabilitation offense -

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

			caregiver cannot be approved if conviction occurred within the last five years
2925.37	Counterfeit controlled substance offenses	√	Non-rehabilitation offense - caregiver cannot be approved if conviction occurred within the last five years
All other offenses that must be evaluated using the rehabilitative criteria in paragraph (G) of rule 5101:2-42-18 of the Administrative Code.			
959.13	Cruelty to animals	√	N/A
2903.15	Permitting child abuse	√	√
2903.16	Failing to provide for a functionally impaired person	√	√
2903.21	Aggravated menacing	√	√
2903.211	Menacing by stalking	√	√
2903.22	Menacing	√	√
2903.34	Patient abuse, neglect	√	√
2905.01	Kidnapping	N/A	√
2905.02	Abduction	N/A	√
2905.05	Criminal child enticement	√	√
2905.11	Extortion	N/A	√
2907.06	Sexual imposition	√	√
2907.07	Importuning	N/A	√
2907.08	Voyeurism	√	√
2907.09	Public indecency	√	√
2907.22	Promoting prostitution	N/A	√
2907.23	Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another	√	√
2907.25	Prostitution – after positive HIV test	N/A	√
2907.31	Disseminating matter harmful to juveniles	√	√
2907.32	Pandering obscenity	N/A	√
2909.02	Aggravated arson	N/A	√
2909.03	Arson	√	√
2909.22	Soliciting or providing support for act of terrorism	√	√
2909.23	Making terroristic threat	N/A	√

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

2909.24	Terrorism	One degree higher than the most serious underlying specified offense the defendant committed (If the offense was a third degree felony, the terrorism charge related to that offense would be a second degree felony) This could be a disqualifying offense if the original charge was a non-rehabilitative crime listed above.	
2911.01	Aggravated robbery	N/A	√
2911.02	Robbery	N/A	√
2911.11	Aggravated burglary	N/A	√
2911.12	Burglary	N/A	√
2913.49	Identity Fraud	N/A	√
2917.01	Inciting to violence	√	√
2917.02	Aggravated riot	N/A	√
2919.12	Unlawful abortion	√	√
2919.23	Interference with custody (that would have been a violation of RC 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)	√	√
2919.24	Contributing to unruliness or delinquency of a child	√	N/A
2923.12	Carrying concealed weapons	√	√
2923.13	Having weapons while under disability	N/A	√
2923.161	Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function	N/A	√
2923.17	Unlawful possession of dangerous ordnance – illegally manufacturing or processing explosives	N/A	√
2923.21	Improperly furnishing firearms to minor	N/A	√
2923.42	Participating in criminal gang	N/A	√
2927.12	Ethnic intimidation	√	√
3716.11	Placing harmful objects in food or confection	√	N/A
4511.19	Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC	√ Only a disqualifying offense if two or more violations have	√ Only a disqualifying offense if two or more violations have been

DISQUALIFYING OFFENSES FOR RULE 5101:2-42-18 OF THE ADMINISTRATIVE CODE

		been committed within the past 3 years	committed within the past 3 years
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 this appendix.			

Ohio Department of Job and Family Services
ASSESSMENT OF RELATIVE OR NONRELATIVE SUBSTITUTE CAREGIVER

Name of Agency	<input type="checkbox"/> Initial Home Assessment <input type="checkbox"/> Amendment <input type="checkbox"/> Annual Assessment Reason*: _____
Purpose of Assessment <input type="checkbox"/> PCSA placement <input type="checkbox"/> Court request <input type="checkbox"/> Kinship Permanency Incentive Application <input type="checkbox"/> Other, Please describe: _____	

*In accordance with rule 5101:2-42-18 (M), a home assessment shall be completed on an annual basis. Background checks shall be required on any new adults in the home and the Safety Check shall be conducted when the caregiver moves to a new residence.

Caregiver Information	
Name of Caregiver #1 (<i>first and last</i>)	Name of Caregiver #2 (<i>first and last</i>)
Race*	Race*
Ethnic Background*	Ethnic Background*
Home Address, City, State, and Zip Code	
County of Residence	Phone Number
Place of Employment Caregiver #1	Place of Employment Caregiver #2

*For statistical purposes only

Child(ren) Placed and To Be Placed				
Name of Child(ren) (<i>first and last</i>)	Relationship to Caregiver #1	Social Security Number	Date of Birth (<i>mm/dd/yyyy</i>)	Sex
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female
				<input type="checkbox"/> Male <input type="checkbox"/> Female

Household Members (including caregivers)					
Name (<i>first and last</i>)	Maiden/Alias	Relationship to Caregiver #1	Social Security Number	Date of Birth (<i>mm/dd/yyyy</i>)	Sex
		self			<input type="checkbox"/> Male <input type="checkbox"/> Female
					<input type="checkbox"/> Male <input type="checkbox"/> Female
					<input type="checkbox"/> Male <input type="checkbox"/> Female
					<input type="checkbox"/> Male <input type="checkbox"/> Female
					<input type="checkbox"/> Male <input type="checkbox"/> Female
					<input type="checkbox"/> Male <input type="checkbox"/> Female

Background Checks on all adults in home (Completed only at Initial Home Evaluation or for any new adults in the residence)	
Date SACWIS alleged perpetrator search and other state central registry searches conducted, if applicable.	Requested Date _____ Received Date _____
Narrative	
Date BCI criminal records requested Date BCI criminal records received	Date _____ Date _____
Narrative	
Date FBI criminal records requested Date FBI criminal records received	Date _____ Date _____
Narrative	
Does the relative or nonrelative or other adult residing within the home have a felony conviction for spousal abuse, rape, sexual assault or homicide? (if yes, the home cannot be approved)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Has the relative or nonrelative or other adult residing within the home been convicted of or plead guilty to any offense listed in Ohio Administrative Code (OAC) 5101:2-42-18 (H) Appendix A of rule 5101:2-42-18?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
If yes, has the agency found or documented that the adult has met all of the conditions listed in 5101:2-42-18 (G)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Narrative	
Safety Check	
Item	Response
Cleanliness of home	
The home is maintained in a clean, safe, and sanitary condition.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Absence of hazardous conditions inside and outside	
All structures associated with the home are maintained in a safe condition and in a reasonable state of repair.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Storing of poisonous and otherwise dangerous or combustible materials	
Bleach, cleaning materials, other poisonous or corrosive household chemicals, and flammable and combustible materials are stored in a safe manner.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Proper heating, lighting and ventilation	
The home is adequately heated, lighted and ventilated.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	

Condition of plumbing and toilet facilities	
The home has working bathroom and toilet facilities.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Working smoke alarms	
The home has a working smoke alarm on each level of occupancy.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Safe storing of weapons, including firearms and ammunitions, in inoperative condition and in a secured and locked area	
Firearm, air rifles, hunting slingshot or other projectile weapons kept on the grounds of or in the home are stored in an inoperative condition in a locked area inaccessible to children.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Narrative	
Adequacy of each child's bedding and appropriateness to his or her needs	
Each child has adequate and appropriate bedding.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	
Availability of a working telephone	
There is reasonable access to a working telephone for emergency situations.	<input type="checkbox"/> Yes <input type="checkbox"/> No
Narrative	

Caregiver/Household members Assessment
Assess the prospective caregiver's ability and willingness to provide care and supervision of the child(ren) and to provide a safe and appropriate placement for the child(ren).
Narrative
Assess the impact of past PCSA or children services agency (CSA) involvement of household members in relation to the safety and well-being of the child (ren) to be placed.
Narrative
Assess the impact of household members aged twelve to seventeen years old who have been convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code, or who have been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.
Narrative
Additional comments not addressed elsewhere in assessment.
Narrative

Caregiver Assurance

I am willing and able to provide care and supervision of the child and to provide a safe and appropriate placement for the child(ren).

I agree to inform the PCSA of any new adults residing in the household.

I have disclosed all prior PCSA or CSA involvement if applicable.

I have informed and agree to inform the agency of any known violent delinquency adjudications by any youth between 12 and 17 years of age residing in the household.

I affirm that no adult in the home has a felony conviction for spousal abuse, rape, sexual assault, or homicide.

I affirm that no adult in the home has been convicted of or plead guilty to any disqualifying offense listed in ~~5101:2-42-18 (H)(1) through (H)(7)~~ Appendix A of rule 5101:2-42-18; or if an adult residing in the home has a disqualifying conviction, the adult meets the requirements set forth in paragraph (G) of this rule.

The information provided above is full and accurate to the best of my knowledge.

Caregiver #1 Signature	Date
Caregiver #2 Signature	Date

Agency Recommendation

Worker has assessed the physical environment, the capability of the relative/nonrelative to care for the child(ren), and the best interest, safety, well-being and permanency needs of the child(ren).

Worker has provided caregiver with information on applying for OWF child-only and Medicaid.

Worker has provided caregiver with known information regarding education, medical, child care, and special needs of the child(ren) including information on how to access support services to meet the needs of the child (if child is in agency custody).

Worker has provided caregiver with the following information:

- [Information about the kinship support program \(KSP\), including eligibility requirements and details about payments and payment timeframes;](#)
- the requirements for foster caregiver certification and adoption approval and how those requirements differ from the requirements for approval as a relative or nonrelative substitute caregiver;
- how to apply for certification as a foster caregiver;
- the difference in payments between an OWF-child only payment, [KSP payments](#), and the foster care per diem; ~~and~~
- [the difference \(if any\) in the eligibility for supportive services \(if child is in agency custody\); and](#)
- [the caregiver's right to be heard during hearings involving the child\(ren\)](#)

Worker will provide caregiver with a copy of the individual child care agreement per rule 5101:2-42-90 (if child is in agency custody).

- ☐ Worker recommends approval of relative/nonrelative substitute caregiver.
- ☐ Worker does not recommend approval of relative/nonrelative substitute caregiver.
- ☐ Caregiver withdrew.

Agency Worker Signature

Date

- ☐ Relative/nonrelative substitute caregiver is approved.
- ☐ Relative/nonrelative substitute caregiver is not approved.
- ☐ Caregiver withdrew.

Agency Supervisor Signature

Date

Comments on agency recommendation.

Ohio Department of Job and Family Services
**INSTRUCTIONS FOR COMPLETING JFS 01447, ASSESSMENT OF RELATIVE OR
NONRELATIVE SUBSTITUTE CAREGIVER**

Background Checks

The dates requested and received fields on the form should be based on the date of the earliest request and last document received.

Adults (persons aged 18 years old and up)

Background checks need to be completed only at Initial Home Evaluation or for any new adults in the home. The minimum requirements for all adults in the home are:

- SACWIS alleged perpetrator checks
- Bureau of Criminal Investigation (BCI) checks
- Federal Bureau of Investigations (FBI) checks

SACWIS (and other States' Central Registry) checks

At a minimum the agency must complete an alleged perpetrator check in SACWIS on all adults in the home. In addition, the agency must ask all adults in the home to identify prior PCSA or other state children services history/involvement. If history is identified or suspected, the agency must secure the necessary releases of information and initiate requests for information from the other agencies. Agencies may also request central registry checks when an adult in the home has resided in another state.

In this narrative field, detail the findings found in the search. Later on in the form, you will assess the impact of any findings.

BCI and FBI Criminal Background Checks

All adults in the home must have BCI and FBI Criminal Background checks completed and the results returned prior to approval of the home assessment. (Please note that for emergency placements, as described in the rule, if there are no known safety concerns, the child may be placed pending these results.)

The agency first needs to determine if the relative or nonrelative or other adult residing within the home has been convicted of or plead guilty to any offense listed in [Ohio Administrative Code \(OAC\) 5101:2-42-18 \(H\) Appendix A of rule 5101:2-42-18](#) to decide if any convictions rule out the home as a placement option:

- If no, criminal offenses are not an issue for this home assessment
- If yes, the agency needs to assess the following:
 - If any of the following are true, the home cannot be approved for placement (see Table A on page 7):
 - The conviction was a felony for spousal abuse, rape, sexual assault or homicide

- For misdemeanors, it has not been 1 year since the person was ~~fully discharged from any imprisonment or probation~~ the date of conviction
- For felonies, it has not been 5 years since the ~~person was fully discharged from any imprisonment or probation~~ date of conviction

If the timeframe has elapsed, the agency per rule, needs to take the following factors into consideration in determining if the home can be approved for placement of the child. The assessment of the below factors needs to also involve the short and long term impact on the child to be placed with regards to safety, well-being and permanency:

1. The person's approval as a relative or nonrelative substitute caregiver or the person's residency in the relative or nonrelative caregiver's household will not jeopardize in any way the health, safety, or welfare of the children the agency services.

- 1.2. The person's age at the time of the offense
- 2.3. The nature and seriousness of the offense
- 3.4. The victim of the offense was any of the following:
 - a. A person under the age of eighteen
 - b. A functionally impaired person as defined in ORC 2903.10
 - c. A mentally retarded person as defined in ORC 5123.01
 - d. A developmentally disabled person as defined in ORC 5123.01
 - e. A person with a mental illness as defined in ORC 5122.01
 - f. A person sixty years of age or older
- 4.5. The circumstances under which the offense was committed
- 5.6. The degree of participation of the person involved in the offense
- 6.7. The time elapsed since the person was fully discharged from imprisonment or probation
- 7.8. The likelihood that the circumstance leading to the offense will recur
- 8.9. Whether the person is a repeat offender
- 9.10. The person's employment record
- 10.11. The person's efforts at rehabilitation and the results of those efforts
- 11.12. Whether any criminal proceedings are pending against the person
- 12.13. Whether the person has been convicted of or pleaded guilty to a felony not listed as a disqualifying offense if the felony bears a direct and substantial relationship to being a caregiver or adult member of the caregiver's household
- 13.14. Any other factors the agency considers relevant

Safety Check

Cleanliness of Home

The home is maintained in a clean, safe, and sanitary condition.

Considerations in this assessment may include any sanitary issues with the condition of the furniture, floors, walls, rooms, ceilings, household pets or farm animals, disposal of trash, odors detected, dirty dishes/clothes; clear pathways for exits; infestations

Absence of hazardous conditions inside and outside

All structures associated with the home are maintained in a safe condition and in a reasonable state of repair

Observations:

Observe the structure of the home for safety issues.

Observe the following pool/pond/lakes, shed/barn, play equipment, et cetera and address any potential safety issues

Storing of poisonous and otherwise dangerous or combustible material

Bleach, cleaning materials, other poisonous or corrosive household chemicals, and flammable and combustible materials are stored in a safe manner

Sample Questions:

Where do you keep your laundry supplies?

Where do you keep items such as paint, automotive fluids, fertilizers, gasoline, lighter fluid, matches?

Where do you keep your cleaning supplies?

Observations:

Observed hazardous items are kept locked or in an area where children do not have access, such as a shed or cabinet on a high shelf.

Observe where in the home the cleaning supplies are kept. Are they in an area the child can reach?

Ensure that the area by the furnace/hot water heater is clear and there are no items obstructing the path to such equipment.

Proper heating, lighting and ventilation

The home is adequately heated, lighted, and ventilated.

Sample questions:

How do you heat your home?

Do you use any other heat source?

If the home is heated by a free standing stove or wood burner, how will the child be protected from the heat source?

How is your heating system vented?

Do the windows in the home open?

If there is a second floor, do the windows have screens or barriers to prevent falls?

Does every room have working electricity?

Children requiring powered medical equipment (ie feeding pump, heart monitor, etc.): Do you have a back-up generator or batteries for the equipment? If not, what is your back-up plan in case of power failure?

Condition of plumbing and toilet facilities

The home has working bathroom and toilet facilities

Sample Questions

Does the home have a working toilet inside of the home?

Does the home have a working tub and/or shower?

What type of sewer system does the home have?

Is there running water in the bathroom?

Working smoke alarms

The home has a working smoke alarm on each level of occupancy

Observations:

The home has a working smoke alarm approved by "Underwriter's Laboratory" on each level of occupancy.

Safe storing of weapons, including firearms and ammunitions, in inoperative condition and in a secured and locked area

Firearm, air rifles, hunting slingshot or other projectile weapons kept on the grounds of or in the home are stored in an inoperative condition in a locked area inaccessible to children.

Sample Questions:

Does the caregiver or someone in the home have any weapons in the home?

If so, how are they secured/stored?

Are firearms, other weapons and ammunition locked?

Adequacy of each child's bedding and appropriateness to his or her needs

Each child has adequate and appropriate bedding.

Sample Questions:

Where will the child/ren be sleeping?

Will the child/ren be sharing a bed? If so, what is the age and sex of other child.

For infants, the caregiver/agency should follow the Ohio Department of Health's Safe Sleep Guidelines found at:

<http://www.odh.ohio.gov/features/odhfeatures/SafeSleep/Safe%20Sleep%20Home%20Page.aspx>

Availability of a working telephone

There is reasonable access to a working telephone for emergency situations.

Caregiver/Household members Assessment

Sample questions:

Considering the age and special needs of the child, are you able to provide the level of supervision the child needs including before and after school? If not, what arrangements can you make to have another provide appropriate supervision?

Are you able to transport the child to appointments such as doctors, school, counseling, parental visits and such? If not, what arrangements can you make to ensure the child can get to appointments?

Do you support the child's contact/visits with the parents, therapy services and/or other activities?

Do you have an understanding of the child's needs/behaviors and how to meet those needs?

What is your relationship with the child's parents? Other siblings that may be in placement?

Do you feel as though you can financially meet the child's needs?

Assess the impact of past PCSA or children services agency (CSA) involvement of household members in relation to the safety and well-being of the child (ren) to be placed.

See above section title SACWIS (and other States' Central Registry) checks. Substantiated and/or Indicated child abuse and neglect (CA/N) history on the caregiver and/or other adults in the home does not automatically rule out the caregiver as a kinship provider. If additional information is needed based on the results of the check, the worker should have the caregiver or adult household member sign a release of information so a request can be made for the details of the allegation. Agencies need to consider child abuse and neglect history on a case-by-case basis, which includes a discussion with the applicants and household members, to determine if the safety of any child placed in the home will be impacted. The safety, well-being and permanency of the child to be placed including the impact of a more restrictive placement setting (if the kinship home is not approved) should drive the decision regarding approval or disapproval of the kinship home.

Assess the impact of household members aged twelve to seventeen years old who have been convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code, or who have been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.

When a child (not the child being placed) between the ages of 12 to 17 resides in the home, the agency must ask the caregiver if the child has been adjudicated to be a delinquent child or convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code (See [Tables A and B Table A](#)). If the caregiver indicates "yes" to this question, the caregiver needs to submit written notification to the agency regarding the delinquency or conviction.

No convictions or delinquency adjudications of children aged 12 to 17 automatically rule out a caregiver's home for a child. The agency needs to consider the information and determine if the home could still be approved for placement taking into consideration of the safety, well-being and permanency of the child to be placed.

Additional comments not addressed elsewhere in assessment

Address any strengths, issues, et cetera that does not fit in another section of the assessment.

Caregiver Assurances

The agency needs to review each statement with each caregiver and ask the caregiver(s) if they understand each statement. The caregiver(s) will then sign and date this page.

Agency Recommendation

The agency worker needs to verify that all needed information and paperwork has been provided to the caregiver.

The worker will then indicate whether the home study is being recommended, not recommended or if the caregiver withdrew and sign and date the form.

The supervisor or other authorized employee will indicate if the caregiver's home has been approved. Please note the home can be approved, but placement not made.

Comments regarding the agency's recommendation should be detailed in the comments box. This should include whether the child(ren) are being placed into the home or not.

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Table A

The kinship caregiver is required to notify the approving agency when a child between the ages of 12 and 17 who resides in the home has been convicted of or plead guilty to, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted a violation of any of the offenses listed in section 5103.0319 of the Ohio Revised Code (ORC).

<u>ORC</u>	<u>Offense</u>	<u>If would have been a Misdemeanor</u>	<u>If would have been a Felony</u>
<u>2903.01</u>	<u>Aggravated murder</u>	<u>N/A</u>	<u>√</u>
<u>2903.02</u>	<u>Murder</u>	<u>N/A</u>	<u>√</u>
<u>2903.03</u>	<u>Voluntary manslaughter</u>	<u>N/A</u>	<u>√</u>
<u>2903.04</u>	<u>Involuntary manslaughter</u>	<u>N/A</u>	<u>√</u>
<u>2903.11</u>	<u>Felonious assault</u>	<u>N/A</u>	<u>√</u>
<u>2903.12</u>	<u>Aggravated assault</u>	<u>N/A</u>	<u>√</u>
<u>2903.13</u>	<u>Assault</u>	<u>√</u>	<u>√</u>
<u>2903.16</u>	<u>Failing to provide for a functionally impaired person</u>	<u>√</u>	<u>√</u>
<u>2903.21</u>	<u>Aggravated menacing</u>	<u>√</u>	<u>√</u>
<u>2903.34</u>	<u>Patient abuse, neglect</u>	<u>√</u>	<u>√</u>
<u>2905.01</u>	<u>Kidnapping</u>	<u>N/A</u>	<u>√</u>
<u>2905.02</u>	<u>Abduction</u>	<u>N/A</u>	<u>√</u>
<u>2905.05</u>	<u>Criminal child enticement</u>	<u>√</u>	<u>√</u>
<u>2907.02</u>	<u>Rape</u>	<u>N/A</u>	<u>√</u>
<u>2907.03</u>	<u>Sexual Battery</u>	<u>N/A</u>	<u>√</u>
<u>2907.04</u>	<u>Unlawful sexual conduct with a minor</u>	<u>√</u>	<u>√</u>
<u>2907.05</u>	<u>Gross sexual imposition</u>	<u>N/A</u>	<u>√</u>
<u>2907.06</u>	<u>Sexual imposition</u>	<u>√</u>	<u>√</u>
<u>2907.07</u>	<u>Importuning</u>	<u>N/A</u>	<u>√</u>
<u>2907.08</u>	<u>Voyeurism</u>	<u>√</u>	<u>√</u>
<u>2907.09</u>	<u>Public indecency</u>	<u>√</u>	<u>√</u>
<u>2907.12</u>	<u>Felonious sexual penetration (as this former section of law existed)</u>	<u>√</u>	<u>√</u>
<u>2907.21</u>	<u>Compelling prostitution</u>	<u>N/A</u>	<u>√</u>
<u>2907.22</u>	<u>Promoting prostitution</u>	<u>N/A</u>	<u>√</u>
<u>2907.23</u>	<u>Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another</u>	<u>√</u>	<u>√</u>
<u>2907.25</u>	<u>Prostitution – after positive HIV test</u>	<u>N/A</u>	<u>√</u>
<u>2907.31</u>	<u>Disseminating matter harmful to juveniles</u>	<u>√</u>	<u>√</u>
<u>2907.32</u>	<u>Pandering obscenity</u>	<u>N/A</u>	<u>√</u>
<u>2907.321</u>	<u>Pandering obscenity involving a minor</u>	<u>N/A</u>	<u>√</u>

<u>2907.322</u>	<u>Pandering sexually oriented matter involving a minor</u>	<u>N/A</u>	<u>√</u>
<u>2907.323</u>	<u>Illegal use of a minor in nudity-oriented material or performance</u>	<u>N/A</u>	<u>√</u>
<u>2909.02</u>	<u>Aggravated arson</u>	<u>N/A</u>	<u>√</u>
<u>2909.03</u>	<u>Arson</u>	<u>√</u>	<u>√</u>
<u>2911.02</u>	<u>Robbery</u>	<u>N/A</u>	<u>√</u>
<u>2911.11</u>	<u>Aggravated burglary</u>	<u>N/A</u>	<u>√</u>
<u>2911.12</u>	<u>Burglary</u>	<u>N/A</u>	<u>√</u>
<u>2919.12</u>	<u>Unlawful abortion</u>	<u>√</u>	<u>√</u>
<u>2919.22</u>	<u>Endangering children</u>	<u>√</u>	<u>√</u>
<u>2919.23</u>	<u>Interference with custody (that would have been a violation of RC 2905.04 as it existed prior to July 1, 1996 if violation had been committed prior to that date)</u>	<u>√</u>	<u>√</u>
<u>2919.24</u>	<u>Contributing to unruliness or delinquency of a child</u>	<u>√</u>	<u>N/A</u>
<u>2919.25</u>	<u>Domestic violence</u>	<u>√</u>	<u>√</u>
<u>2923.01 (only if it involved an attempt to commit aggravated murder or murder)</u>	<u>Conspiracy</u>	<u>N/A</u>	<u>√</u>
<u>2923.12</u>	<u>Carrying concealed weapons</u>	<u>√</u>	<u>√</u>
<u>2923.13</u>	<u>Having weapons while under disability</u>	<u>N/A</u>	<u>√</u>
<u>2923.161</u>	<u>Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function</u>	<u>N/A</u>	<u>√</u>
<u>2925.02</u>	<u>Corrupting another with drugs</u>	<u>N/A</u>	<u>√</u>
<u>2925.03</u>	<u>Trafficking, aggravated trafficking in drugs</u>	<u>√</u>	<u>√</u>
<u>2925.04</u>	<u>Illegal manufacture of drugs or cultivation of marijuana</u>	<u>√</u>	<u>√</u>
<u>2925.05</u>	<u>Funding of drug or marijuana trafficking</u>	<u>N/A</u>	<u>√</u>
<u>2925.06</u>	<u>Illegal administration or distribution of anabolic steroids</u>	<u>N/A</u>	<u>√</u>
<u>2925.11 (only if not a minor drug possession offense)</u>	<u>Possession of controlled substances</u>	<u>√</u>	<u>√</u>

<u>2941.141</u>	<u>Firearm on or about offender's person or under offender's control specification</u>	<u>N/A</u>	<u>√</u>
<u>2941.144</u>	<u>Automatic firearm or firearm muffler or silencer specification</u>	<u>N/A</u>	<u>√</u>
<u>2941.145</u>	<u>Firearm displayed, brandished, indicated that offender possessed the firearm, or used it to facilitate offense specification</u>	<u>N/A</u>	<u>√</u>
<u>3716.11</u>	<u>Placing harmful objects in food or confection</u>	<u>√</u>	<u>N/A</u>
	<u>Other offenses that would be a felony if convicted as an adult that relates to the possession or use of a firearm*</u>	<u>N/A</u>	<u>√</u>
<u>4511.19</u>	<u>Operating vehicle under the influence of alcohol or drugs – OVI or OVUAC</u>	<u>Unlike adults, only one violation need to have been committed within the past 3 years</u>	<u>Unlike adults, only one violation need to have been committed within the past 3 years</u>

[*Per ORC 2923.11, Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm, and any firearm that is inoperable but that can readily be rendered operable.](#)