

TO BE RESCINDED

5101:2-1-01 **Children services definition of terms.**

- (A) This rule contains the definition of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-34, 5101:2-35, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, and 5101:2-57 of the Administrative Code.

"Abandoned child", pursuant to section 2151.011 of the Revised Code, means a child who is presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

"Abused child", pursuant to section 2151.031 of the Revised Code, includes any child who:

- (1) Is the victim of sexual activity as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under Chapter 2907. of the Revised Code except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child.
- (2) Is endangered as defined in section 2919.22 of the Revised Code, except that the court need not find that any person has been convicted under section 2919.22 of the Revised Code in order to find that the child is an abused child.
- (3) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in this definition, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this definition if the measure is not prohibited under section 2919.22 of the Revised Code.
- (4) Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.

"Adjudicatory hearing" pursuant to section 2151.28 of the Revised Code means a hearing held by the juvenile court to determine whether a child is a juvenile traffic offender, delinquent, unruly, abused, neglected, or dependent or otherwise within the jurisdiction of the court or whether temporary or legal custody should be converted to permanent custody.

"Administrative director" or "administrator" means the person designated by the governing body of an agency who is responsible for the management and administration of the agency.

"Adopted person" is a person whose legal relationship was terminated with his/her biological parents, through permanent surrender or court order, and a new legal relationship has been established with an adoptive family.

"Adoption" is the creation, by a court of competent jurisdiction, of parental rights and responsibilities between a child and an adult, along with the termination of all parental rights and responsibilities to the child held by any other persons, which have not been previously surrendered or terminated by court order.

"Adoption assistance" is an individual entitlement providing financial assistance to special needs children who meet the eligibility requirements in Chapter 5101:2-47 of the Administrative Code and have been placed for adoption or are living with parents who have legally adopted them.

"Adoption child serving agency (ACSA)" is the PCSA holding permanent custody of a waiting child and which is responsible for preparing the child for adoption, assisting in matching, placement, and case management activities until the adoption is finalized.

"Adoptive family serving agency (AFSA)" is a PCSA or PCPA which has a signed AdoptOhio contract with ODJFS.

"Adoption file" is the file maintained by the department of health under section 3705.12 of the Revised Code.

"Adoption finalization" is an order of the court issued pursuant to section 3107.14 of the Revised Code terminating all parental rights and responsibilities of a biological or other legal parent and creating the relationship of parent and child between the petitioner and the adopted person.

"Adoptive parent" is a person who adopted an adopted person.

"Adoptive placement" means the permanent placement of a child for adoption, including any action resulting in a final adoption decree.

"Adoption promotion and support services" means services and activities designed to encourage more adoptions out of the substitute care system, when adoptions promote the best interests of children, including such activities as pre- and post-adoptive services and activities designed to expedite the adoption process and support adoptive families.

"After-hours" are the times other than the normal business day, Monday through Friday, pursuant to policies as set forth by the PCSA. "After-hours" also includes weekends and holidays.

"Agency" means a public children services agency (PCSA), a private child placing

agency (PCPA) or private noncustodial agency (PNA) certified by ODJFS.

"Agreement for temporary custody" means a voluntary agreement that is authorized by section 5103.15 of the Revised Code and that transfers the temporary custody of a child to a PCSA or a PCPA.

"Agreement for temporary custody of child" for the purposes of accepting temporary custody of a Native American (Indian) child shall mean when implementing rules contained in Chapter 5101:2-42 of the Administrative Code any action in which the parent or Indian custodian voluntarily transfers custody of an Indian child to an agency for temporary placement in a foster home or children's residential center or the home of a guardian, where parental rights such as the privileges of reasonable visitation, consent to adoption, the privilege to determine the child's religious or Indian affiliation, and the responsibility for support cannot be terminated. The parent or Indian custodian may revoke an agreement for temporary custody of the child at any time and the child must be returned.

"Allegation" is a described set of circumstances which asserts the occurrence of child abuse or neglect.

"Alleged child victim" is a child suspected of being abused or neglected.

"Alleged perpetrator" is the individual suspected of being responsible for the abuse or neglect of the child.

"Anonymous reporter" is an unidentified person making a report of alleged child abuse or neglect.

"Applicant" as used in Chapters 5101:2-5 to 5101:2-9 of the Administrative Code means a person who has filed an application form with ODJFS to operate an agency regulated by Chapter 5101:2-5 of the Administrative Code or a person who has completed an ODJFS 01691 "Application for Child Placement" to become a foster caregiver and who has submitted the application to an agency pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. An applicant does not include a person who is currently certified as a foster caregiver and who is applying to become a specialized foster caregiver with the same agency with which the person is currently affiliated as a certified foster caregiver.

"Approved adoptive home" is a home in which the family has been studied, evaluated and approved by the PCSA, PCPA or PNA for the adoptive placement of a child.

"Assessment" means comprehensive family assessment and/or risk assessment as defined by this rule.

"Assessor" for the purposes of foster care or adoption is an individual who meets

the following requirements outlined in section 3107.014 of the Revised Code:

- (1) Is an individual employed by a court prior to September 18, 1996 to conduct homestudies of prospective adoptive parents and has completed the ODJFS assessor educational program; or
- (2) Is employed by or under contract with a court after August 5, 1998, or is employed by or under contract with a PCSA, PCPA or PNA, and:
 - (a) Is a professional counselor or social worker licensed under Chapter 4757. of the Revised Code; or
 - (b) Is a psychologist licensed under Chapter 4732. of the Revised Code; or
 - (c) Is a student working to earn a post-secondary degree who conducts assessor's duties under the supervision of a professional counselor or social worker licensed under Chapter 4757. of the Revised Code or a psychologist licensed under Chapter 4732. of the Revised Code; or
 - (d) Is a former employee of a public children services agency who, while so employed, conducted the duties of an assessor; or
 - (e) Is a civil service employee engaged in social work without a license under Chapter 4757. of the Revised Code, as permitted by division (E) of section 4757.16 of the Revised Code; and
 - (f) Completes the ODJFS assessor educational program in accordance with rule 5101:2-48-06 of the Administrative Code.

"At risk of institutionalization" as used in the definition of a "medically fragile foster home" means that unless the child's medical condition, and/or functional abilities and/or environment are maintained or improved, the child would require placement in a hospital, skilled nursing facility or intermediate care facility for the mentally retarded, in order to maintain their health and safety.

"Attorney" is a person who has been admitted to the bar by order of the Ohio supreme court.

"Authorization of release form" is the form prescribed by the department of health under division (A)(2) of section 3107.50 of the Revised Code to be used by the birth parent.

"Birth parent" is the biological parent of an adopted person.

"Birth sibling" is a biological sibling of an adopted person.

"Board of directors" or "board of trustees" or "governing body" or "governing board" means the body of persons who are empowered by an organization's articles of incorporation, constitution, regulations, or statute to operate an agency and which may or may not have proprietary interest in the agency.

"Boarder" means any adult, except the natural, adopted or former foster children of the caregiver, living in the foster home who is unrelated to the caregiver and who pays the caregiver in legal tender or in kind for room and/or board.

"Branch office" means a location of an agency having an address separate from the main or primary location of the agency where any or all of the certified functions of the agency may be conducted.

"Caregiver" is a person who provides the direct day-to-day care of a child during his placement in substitute care.

"Caretaker" is a person with whom the child resides or the person responsible for the child's daily care. This includes, but is not limited to, the parent, guardian, custodian or out-of-home care setting employee.

"Case disposition" which includes a report disposition, is the determination whether or not abuse or neglect has occurred or is occurring.

"Case evaluation" means the analysis of social, environmental and interactional information gathered during the assessment/investigation of child abuse or neglect for the purpose of making a report disposition/resolution, and developing a case plan, when necessary.

"Case management services" are activities performed by the PCSA or PCPA for the purpose of providing, recording and supervising services to a child and his parent, guardian, custodian, caretaker or substitute caregiver.

"Case plan" means a written document that is developed by the PCSA or PCPA which identifies strengths of the family, concerns to be resolved and supportive services to be provided which will result in ensuring permanence for the child.

"Case record" is the permanent written documentation of the provision of social services to families and children.

"Case resolution" means the analysis of social, environmental and interactional information gathered during the comprehensive family risk assessment regarding the degree of future risk of harm to a child. Case resolution also includes a case

disposition when an incident of child abuse or neglect is alleged.

"Case status" is the PCSA's determination, recorded on the child abuse and neglect central registry, reflecting whether the child has been abused or neglected. The case status does not substantiate, indicate or unsubstantiate the identity of an alleged perpetrator.

"Casework services" are those services performed or arranged by the PCSA or PCPA to manage the progress, provide supervision and protection of the child and his parent, guardian or custodian.

"Caseworker" means a PCSA, PCPA or PNA staff person who is responsible for provision of protective services or supportive services to the child and his parent, guardian, custodian or substitute caregiver.

"Central registry report" is the report of an incident of alleged child abuse or neglect submitted by the PCSA to ODJFS to determine whether prior reports have been made in other counties concerning the child or other principals of the case.

"Certificate" means a document prescribed by ODJFS issued pursuant to Chapter 5103. of the Revised Code authorizing an agency to perform specific functions or authorizing a foster caregiver to care for children.

"Certified foster home" means a foster home operated by persons holding a certificate in force, issued under section 5103.03 of the Revised Code.

"Certified organization" pursuant to section 5153.01 of the Revised Code means any organization which holds a certificate that is in full force and effect, issued under sections 5103.03 to 5103.05 of the Revised Code.

"Chemical dependency", pursuant to section 2151.3514 of the Revised Code, means either of the following:

- (1) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others; or
- (2) The use of a drug of abuse, as defined in section 3719.011 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.

"Chemical restraint" means any substance given to a child to subdue or restrict movement or behavior as punishment or for staff convenience. Chemical restraint is prohibited by ODJFS.

"Child" means any person under eighteen years of age or a mentally or physically handicapped person under twenty-one years of age.

"Child abuse and neglect memorandum understanding" is a memorandum of understanding which establishes the normal operating procedures and responsibilities to be exercised by each participant regarding alleged child abuse and neglect.

"Child abuse and neglect multidisciplinary teams" are groups organized to provide prevention, identification, diagnosis, treatment and/or consultation on child abuse and neglect.

"Child care staff" means any employee, volunteer or college intern whose duties involve the direct face-to-face care of children for more than twenty per cent of the duties specified on the individual's job description.

"Child day care" pursuant to Chapter 5104. of the Revised Code means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than a child's own home.

"Child day care center" and "center" means any place in which child day care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and who are on the premises of the center shall be counted.

"Child in treatment foster care" means a child who has one or more special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code that substantially interfere with or limit the child's functioning in family, school, or community activities.

"Child protection and permanency program" as used in rule 5101:2-57-02 of the Administrative Code means the administration of a wide range of services identified through the risk assessment process. The program can include the provision of protective services, in-home supportive services, out-of-home care services and adoption services coordinated and delivered on behalf of a child who has come to the attention of the PCSA.

"Child service plan" or "service plan" means a goal-oriented, time-limited, individualized program of action for a child and the family, specific to the child's placement in a particular facility and separate from the case plan as required by Chapters 5101:2-5 and 5101:2-39 of the Administrative Code, developed by the

placement facility in cooperation with the custody holding agency or individual.

"Child stealing" is the illegal removal of a child from the parent, guardian or custodian who has legal custody.

"Child study inventory" is the comprehensive written account developed by a PCSA or PCPA that compiles information about a child in the custody of an agency.

"Children services agency" (CSA) is any agency or organization in another state which has assumed the administration of the child welfare function prescribed in its respective state statute.

"Children's protective services" (CPS) is a term used to describe a wide range of social services coordinated and delivered on behalf of a child who is at risk, or is being or has been abused or neglected.

"Children's residential center" (CRC) means a facility in which eleven or more children, including the children of any staff residing at the facility, are given nonsecure care and supervision twenty-four hours a day.

"Collateral source" is a person who provides or documents information concerning child abuse or neglect.

"Community education service" is a range of public information activities designed to increase the public's awareness of child abuse or neglect and to promote appropriate utilization of services.

"Compact state" means a state, U.S. commonwealth, possession or trust territory which is a signatory to the interstate compact on the placement of children.

"Comparable requirement" means a nationally recognized accreditation organization's standard that equals or exceeds Ohio Administrative Code (OAC) requirements.

"Comprehensive family assessment" is an ongoing exchange of information between worker, family and collaterals to determine the strengths of the family and the degree of risk and intervention necessary to keep a child safe. It organizes and categorizes information that focuses on the management of future risk or maltreatment and is constantly being revised during the life of the case.

"Co-parents" means adult individuals, related or unrelated, who live together in the same household and share parenting responsibilities.

"Corrective action" is action taken to correct or remediate situations which were identified as being the cause of a child abuse or neglect incident.

"Counseling" includes both of the following:

- (1) General counseling services performed by a public children services agency (PCSA) or shelter for victims of domestic violence to assist a child, a child's parents, and a child's sibling in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child; and
- (2) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or person licensed under Chapter 4754. of the Revised Code to engage in social work or professional counseling.

"Court-appointed special advocate" means a volunteer guardian ad litem appointed by the court who is responsible for: researching the background of assigned child abuse, neglect and dependency cases; representing the child's best interests; speaking for the child in all hearings, reviews and other relevant case activities; monitoring the child during the life of the case; and advocating for a safe and permanent home for the child.

"Court-authorized" also known as "duly authorized" is the established ongoing approval by a juvenile court, granting the PCSA permission to remove a child who is at imminent risk when time does not permit obtaining a court order or assistance from law enforcement.

"Court order of priority placement" means a court order prepared by an Ohio judge or a judge in another state, which designates that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.

"Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation (BCII) pursuant to section 109.572 of the Revised Code.

"Crisis nursery" is an emergency facility designed to prevent the occurrence of abuse or neglect by assuming immediate child-care responsibility on behalf of caretakers who are experiencing a crisis.

"Crisis services" are services provided to families in crisis situations for the purpose of providing an immediate or temporary solution to the presenting problem.

"Custodian" means a person who has legal custody of a child or a PCSA or PCPA that has permanent, temporary, or legal custody of a child.

"Cultural competency" means the understanding of culture as a system of values, beliefs, attitudes, traditions, and standards of behavior that govern the organization of people into social groups and regulate both group and individual behaviors.

"Day camp" is a nonfacility-based program in the outdoors that provides children with creative, recreational, and educational experiences in group living in a single-site natural environmental area.

"Day treatment services" are services provided for a portion of the day for a child, living at home or in substitute care, who is at risk, or is being or has been abused or neglected, and who manifests emotional, psychological, behavioral, or social problems which cannot be resolved in nonspecialized educational or developmental settings, or in specialized settings such as learning behavioral disabilities classes.

"Delinquent child" pursuant to section 2151.02 of the Revised Code includes any child:

- (1) Who violates any law of this state or the United States, or any ordinance or regulation of a political subdivision of the state, that would be a crime if committed by an adult, except as provided in section 2151.021 of the Revised Code; or
- (2) Who violates any lawful order of the court, made under Chapter 2151. of the Revised Code; or
- (3) Who violates division (A) of section 2923.211 of the Revised Code.

"Denial or authorization to release form" is either of the following:

- (1) The section of the ODJFS 01693, "Ohio Law and Adoption Materials" prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code where the birth parent checked the "no" space provided in that section; or
- (2) The form prescribed under division (A)(1) of section 3107.50 of the Revised Code.

"Dependent child" pursuant to section 2151.04 of the Revised Code means any child:

- (1) Who is homeless or destitute or without adequate parental care, through no fault of the child's parents, guardian, or custodian; or
- (2) Who lacks adequate parental care by reason of the mental or physical condition

of the child's parents, guardian, or custodian; or

(3) Whose condition or environment is such as to warrant the state, in the interests of the child, to assume the child's guardianship; or

(4) To whom both of the following apply:

(a) The child is residing in a household in which a parent, guardian, custodian, or other member of the household committed an act that was the basis for an adjudication that a sibling of the child or any other child who resides in the household is an abused, neglected, or dependent child; and

(b) Because of the circumstances surrounding the abuse, neglect or dependency of the sibling or other child and the other conditions in the household of the child, the child is in danger of being abused or neglected by that parent, guardian, custodian, or member of the household.

"Deserted child" means a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing an intent to return for the child and who, pursuant to sections 2151.3516 and 2151.3517 of the Revised Code, is less than seventy-two hours old and has no apparent signs of abuse or neglect.

"Detention" pursuant to section 2151.011 of the Revised Code means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

"Developmental disability" pursuant to section 5123.01 of the Revised Code means a severe, chronic disability that is characterized by all of the following:

(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code.

(2) It is manifested before age twenty-two.

(3) It is likely to continue indefinitely.

(4) It results in one of the following:

- (a) In the case of a person under age three, at least one developmental delay or an established risk;
 - (b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;
 - (c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his age: self-care, receptive and expressive language, learning, mobility, self-direction, independent living, and, if the person is at least age sixteen, capacity for and economic self-sufficiency.
- (5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

"Diagnostic services" are medical, psychiatric, or psychological services performed by a licensed physician, psychiatrist, psychologist, licensed professional counselor with clinical endorsement, or a licensed independent social worker for the purpose of evaluating an individual's current physical, emotional, or mental condition.

"Direct placement" means the placement of a child by the parent, guardian or legal custodian of the child, including by court order, with the participation and agreement of an agency, into an out-of-home care setting operated or supervised by the agency, with the parent, guardian or legal custodian retaining legal custody of the child.

"Disabled infant" is a child less than one year of age who has a physical or mental handicap which substantially limits or may limit in the future one or more major life activities such as self-care, receptive and expressive language, learning, and mobility.

"Dispositional hearing," pursuant to sections 2151.35 to 2151.355 and 2151.414 of the Revised Code, means a hearing held by the juvenile court to determine what action shall be taken concerning a child who is within the jurisdiction of the court.

"Disruption" is the unplanned interruption of a substitute care placement of a child which requires the transfer of the child to a subsequent substitute care placement setting before the goals of the child's case plan are achieved.

"Domestic violence" pursuant to section 3113.33 of the Revised Code means attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent

physical harm.

"Domestic violence services" are the provision of direct assistance to victims of domestic violence and their dependents for the purpose of preventing further violence and may include but not be limited to: meals, transportation, housing, referral services, legal advocacy, children's counseling and support services and other services to victims of domestic violence and their dependents.

"Educational/vocational assistance" means counseling and other similar assistance related to educational and vocational training, preparation for a general equivalency diploma (GED) or for higher education, job readiness, job search assistance, and placement program.

"Effective denial of release form" is a denial of release form that has not been rescinded by an authorization of release form pursuant to division (B) of section 3107.46 of the Revised Code.

"Emergency" means a situation where there is reason to believe that a child is threatened or alleged to be abused, neglected or dependent to an extent that there is imminent risk to a child's life, physical or mental health, or safety.

"Emergency caretaker services" are those services provided by a person placed within a child's own home to act as a temporary caretaker when the child's own caretaker is unable or unwilling to fulfill the responsibility.

"Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.

"Emergency shelter" is the short-term crisis placement of any child who is threatened or alleged to be abused, neglected, or dependent to an extent that there is imminent risk to the child's life, physical or mental health, or safety.

"Emergency shelter care facility" is a group home for children, a children's residential center (CRC), or a portion of a CRC, which is certified to provide temporary emergency nonsecure care for children.

"Employment and training services" are services designed to assist individuals in obtaining paid employment. Such services may include, but not be limited to, the use of social, psychological, and vocational diagnostic assessment, training, and placement.

"Environmental management services" are services offered to the child and his family or caretaker to improve physical living conditions and provide emergency funds. Such services may be provided, arranged, or ensured and may include, but not be limited to, housing repair, housing location, exterminating rodents or insects, lead abatement or making available financial assistance for outstanding utility bills.

"Ex parte emergency order" is an order issued by a juvenile judge or a designated referee pursuant to section 2151.31 of the Revised Code initiated and obtained by one party where other parties have not had advance notice and the opportunity to be heard prior to the issuance of the order authorizing the taking of a child into custody.

"Family" means a group of people related by blood or circumstances who may rely upon one another for sustenance, support, security, and or socialization.

"Family and children services information system" (FACISIS) is the automated information system managed by ODJFS.

"Family decision making model" is a strength based/family centered model used to determine the safety and protection of the child throughout the life of a case and consists of the following parts: family risk assessment, safety planning, case planning and semiannual administrative reviews.

"Family foster home" means a foster home that is not a specialized foster home.

"Family preservation services" means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including:

- (1) Service programs designed to help children: return to their families from which they have been removed, if determined to be safe and appropriate; or be placed for adoption, or with a guardian; or if adoption or guardianship is determined not to be safe and appropriate for a child, in some other planned permanent living arrangement;
- (2) Preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of substitute care placement remain safely with their families;
- (3) Service programs designed to provide follow-up care to families to whom a child has been returned after a substitute care placement;
- (4) Respite care of children to provide temporary relief for parents and other caregivers (including foster caregivers); and
- (5) Services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.

"Family risk assessment matrix" is an assessment tool which identifies and organizes information needed to predict risk of abuse/neglect throughout the life of the case. It is the first component of the family decision making model.

"Family support services" means community-based services to promote the safety and well-being of children and families, which are designed to increase the strength and stability of families (including adoptive, foster, and extended families), to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable and supportive family environment, and otherwise to enhance child development.

"Final decree of adoption" includes an interlocutory order of adoption that has become final.

"Final report" as used in rule 5101:2-57-02 of the Administrative Code means the official written findings of the structured quality assurance review for the child protection and permanency program.

"Foster care for medically fragile children" means foster caregiver-based treatment services for children whose intensive health care needs cannot be met in their own home. Foster care for medically fragile children focuses rehabilitative services on medically fragile children and their families with the primary location of treatment in a medically fragile foster home.

"Foster caregiver" means a person holding a valid foster home certificate that has been issued by ODJFS.

"Foster care maintenance" is an individual entitlement for financial assistance for board and care of children who meet the eligibility requirements contained in Chapter 5101:2-47 of the Administrative Code, who are in the placement and care of a Title IV-E agency and are in an approved substitute care placement.

"Foster child" means a child who is placed in a foster home and who is not the natural or adopted child or other legal ward of the foster caregiver.

"Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes, preadoptive infant foster homes and specialized foster homes are types of foster homes.

"Group home" is a public or private facility which provides placement services for children and is licensed, regulated, approved, operated under the direction of, or otherwise certified as a group home by the department of job and family services,

the department of education, a local board of education, the department of youth services, the department of mental health, a county board of mental health, the department of mental retardation and developmental disabilities, a county board of mental retardation and developmental disabilities, or a political subdivision.

"Group home for children" referred to in Chapter 5101:2-5 of the Administrative Code as "group home" means any facility, public or private, which meets all of the following criteria:

(1) Gives a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day for hire, gain, or reward by a person or persons who are unrelated to such children by blood or marriage, or who is not the appointed guardian of such children. Any individual who provides care for children from only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being a group home for children:

(2) Is not certified as a foster home; and

(3) Receives or cares for children for two or more consecutive weeks.

"Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

"Guardian ad litem" is a guardian appointed by the juvenile court to represent and protect the best interest of an alleged or adjudicated abused, neglected, or dependent child.

"Habilitation" is the process by which the staff of a mental retardation institution assists a resident to acquire and maintain those life skills which enable him to cope more effectively with the demands of his own person and of his environment and to the level of his physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal structured education and training.

"Handicapped person" is an individual who is mentally and/or physically handicapped.

"Health care facility" is any public or private hospital or institution that offers maternity services, or services to premature disabled infants, or services to disabled newborns.

"Health care facility designee" is the person named by the health care facility to act

as the contact with the PCSA in all cases when there is an allegation that a disabled infant with life-threatening conditions is a neglected child as defined in division (A) of section 2151.03 of the Revised Code due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment.

"Health care facility review committee" is an infant care review committee, an institutional bioethics committee, or another entity established to deal with medical, legal, and ethical dilemmas arising in the care of patients within a health care facility.

"Health care professional" means any physician as defined in this rule or a registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code.

"Hire, gain, or reward" means any form of compensation made available to the person providing care and supervision to a child.

"Hold status" is an action taken by a PCSA or PCPA to exclude requests for OAPL matches.

"Home health aide services" means the personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene.

"Homemaker services" means the professionally directed or supervised simple household maintenance or management services provided by trained homemakers or individuals to families in their own homes.

"Hospital" means a hospital or part of a hospital or inpatient unit administered by a community mental health center licensed by the department of mental health under section 5119.20 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

"Hospital employee" means any of the following persons:

- (1) A physician who has been granted privileges to practice at the hospital
- (2) A nurse, physician assistant, or nursing assistant employed by the hospital
- (3) An authorized person employed by the hospital who is acting under the direction of a physician that has been granted privileges to practice at the hospital.

"Hotline/answering service" is a communication system which allows child abuse

or neglect reports to be received twenty-four hours per day, seven days per week.

"Household" means a private residence including the members of the family living therein and/or unrelated individuals living in the same residence and sharing common living areas.

"Identifying information" as used in adoption means any of the following with regard to a person: first name, last name, maiden name, alias, social security number, address, telephone number, place of employment, number used to identify the person for the purpose of the statewide education management information system established pursuant to section 3301.0714 of the Revised Code, and any other number federal or state law requires or permits to be used to identify the person.

"Imminent risk" is a situation in which a child's life, mental or physical health, or safety is in immediate danger of abuse or neglect.

"Independent interstate placement" is the act of placing a child, by his parents or nonagency legal guardian, across state boundaries into placement for foster care or placement for adoption.

"Independent living" is an arrangement in which a child age sixteen years or older resides and is partially or fully responsible for his individual living environment.

"Independent living arrangement" means any living environment provided by an agency which includes service programs and activities to assist youth sixteen years of age and older to make the transition from substitute care to independent living.

"Indian foster home" for the purpose of placing a Native American (Indian) child pursuant to rules contained in Chapter 5101:2-42 of the Administrative Code means a home licensed, approved, or specified by the Indian child's tribe, whether on or off the reservation, or an Indian foster home certified by the department of job and family services or another state agency with such authority.

"Indicated report" is a report to the central registry in which there is circumstantial, or other isolated indicators of child abuse or neglect lacking confirmation; or a determination by the caseworker that the child has been abused or neglected based upon completion of an assessment/investigation.

"Infant" means any child from birth to eighteen months of age.

"Information and referral services" are services which may assist any person in locating and/or using available and appropriate resources.

"In-home services" are a range of supportive services provided to children and families in their own homes.

"Initial report" is a report of information supplied to the PCSA by the reporter.

"Institution for children" for the purpose of placing a Native American (Indian) child pursuant to requirements contained in Chapter 5101:2-42 of the Administrative Code, means an institution approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

"Intake" is a function of the PCSA through which reports of alleged child abuse or neglect are received, screened, and prioritized.

"Interlocutory order of adoption" is an order of the court issued pursuant to section 3107.14 of the Revised Code which automatically becomes a final decree of adoption upon the date specified in the order.

"Interstate children's protective services referral" is an out-of-state report concerning alleged, indicated, or substantiated child abuse or neglect made or accepted by a PCSA.

"Interstate compact on adoption and medical assistance (ICAMA)" is an interstate compact which formalizes cooperation among party states and provides the standardized procedures for arranging for medical assistance and services for adopted special needs children and their families when there is a state adoption assistance agreement or a federal adoption assistance agreement in effect.

"Interstate compact on the placement of children" (ICPC) is a uniform law enacted by states and jurisdictions of the United States, establishing orderly procedures for the interstate placement of children across state lines and assigning responsibilities for those involved in placing children.

"Interstate placement" is the arrangement made by a sending agency, for the care of a child to be sent from Ohio to another state or from another state into Ohio, which care is to be provided by a foster home, home of a parent or parents, relative home, child-care institution, or adoptive home. This definition does not include any of the following types of placements.

- (1) Placements into a facility caring for the mentally ill, mentally retarded or developmentally disabled; a facility that is primarily educational in nature; or a hospital or other medical facility.
- (2) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or nonagency legal guardian, and leaving the child with any such relative or nonagency legal guardian in the receiving state.

- (3) Placement of a child across state lines by a court as an incident to a divorce.
- (4) Placement of a child into Ohio for a period of time not exceeding thirty calendar days, if the sending agency, when the sending agency is other than a parent or nonagency legal guardian, shall have notified the agency in the county where the child will be visiting:
- (a) That the child will be visiting;
 - (b) The child's date of arrival; and
 - (c) The anticipated length of the child's visit.
- (5) Placement of a child who is subject to an agreement for temporary custody.

"Intrastate children's protective services referral" is a report concerning alleged, indicated, or substantiated child abuse and neglect made by one Ohio PCSA to another Ohio PCSA for the purpose of requesting the provision of protective services.

"Investigation" is a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the investigation provides data upon which to make a case resolution/disposition regarding a report of alleged child abuse or neglect.

"Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card.

"Kin" means the following:

- (1) Individuals related by blood or adoption:
- (a) parents, grandparents, including grandparents with the prefix "great", "great-great", "grand", or "great-grand";
 - (b) siblings;
 - (c) aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand;"

(d) cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in paragraph (1) of this definition.

(4) Any nonrelative adult the current custodial caretaker or child identifies as having a familiar and long-standing relationship/bond with the child and/or the family which will ensure the child's social and cultural ties.

"Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

"Licensing authority" is the governmental body which is responsible for carrying out a department's licensing and regulatory functions, including monitoring compliance with applicable state laws and departmental rules by agencies, individuals, organizations, facilities, or other service providers licensed or certified by that body.

"Life book" is a record of the child's life which helps identify events in his past, including what happened during the period when he was in agency care. The record shall include a chronological listing of such events and relationships in the child's life. Photographs may be used to depict events in the life book.

"Life skill assessment" is an evaluation of the strengths and needs regarding the life and personal skill development of a child in order to determine his current level of independence and the services required to help the child become a self-sufficient adult.

"Life skill services" are a series of developmentally appropriate services or activities that provide an opportunity for a child to gain the skills needed to live a self-sufficient adult life pursuant to rule 5101:2-42-19 of the Administrative Code.

"Life-threatening condition" is any condition in which a disabled infant would die unless medical or corrective surgical treatment is provided.

"Linkage and practice" means coordination with other components of the independent living program.

"Living unit" means:

- (1) A group home; or
- (2) Individual houses or cottages, with a capacity of no more than twenty children, each of which contain bedrooms, bathrooms, living room or lounge, and may contain a kitchen or designated eating area; or
- (3) A floor or specific parts of a floor with a capacity of no more than twenty children and which contains bedrooms, bathrooms, living room or lounge, other activity space as required by rule 5101:2-9-26 of the Administrative Code, and may contain a kitchen or designated eating area.

"Long term care services" as used in the definition of a "medically fragile foster home" has the same meaning as defined in rule 5101:3-3-15 of the Administrative Code.

"Maintenance state adoption subsidy" is financial assistance paid to the adoptive parent on behalf of the special needs child to help meet the costs of food, shelter, clothing and routine medical and dental care.

"Management information system" is the electronic method of arranging client, case and service data for storage and retrieval.

"Mandated reporter" is any person who is required to report alleged child abuse or neglect pursuant to section 2151.421 of the Revised Code.

"Mechanical restraint" means any device used to prevent or restrict movement as punishment or for staff convenience. Mechanical restraint is prohibited by ODJFS.

"Medical consultant" is a licensed, board-certified, and practicing pediatrician, or neonatologist.

"Medical diagnosis" is the evaluation of a child examined by a licensed physician to determine if abuse or neglect is medically indicated.

"Medically fragile child" means a person from birth through twenty-one years of age who has intensive health care needs that can be met in a medically fragile foster home.

"Medically fragile foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-37 and 5101:2-7-02 to 5101:2-7-17 of the Administrative Code to provide foster care and other services for medically fragile children placed in the caregiver's medically fragile foster home.

"Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:

- (1) Under rules adopted by the department of job and family services governing payment under Chapter 5111. of the Revised Code for long-term care services, the children require a skilled level of care.
- (2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.
- (3) The children require the services of a registered nurse on a daily basis.
- (4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

"Mental illness" is a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

"Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

"Mental retardation" is the condition of significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

"Mental retardation institution" is a tax-supported facility under the jurisdiction of the department of mental retardation and developmental disabilities, a county mental retardation program, or any other facility in which a mentally retarded person may be placed by a court pursuant to section 5123.76 of the Revised Code.

"Mentally handicapped" is the condition of mental retardation and/or mental illness.

"Mentally ill person subject to hospitalization by court order" pursuant to section 5122.01 of the Revised Code means a mentally ill person who, because of his illness:

- (1) Represents a substantial risk of physical harm to himself as manifested by evidence of threats of, or attempts at, suicide or serious self-inflicted bodily harm;

- (2) Represents a substantial risk of physical harm to others as manifested by evidence of recent homicidal or other violent behavior, evidence of recent threats that place another in reasonable fear of violent behavior and serious physical harm, or other evidence of present dangerous behavior;
- (3) Represents a substantial and immediate risk of serious physical impairment or injury to himself or others as manifested by evidence that he is unable to provide for and is not providing for his basic physical needs or the needs of his dependent children because of his mental illness and that appropriate provision for such needs cannot be immediately made available in the community; or
- (4) Would benefit from treatment in a hospital for his mental illness and is in need of such treatment as manifested by evidence of behavior that creates a grave and imminent risk to substantial rights of others or himself.

"Mentally retarded person" pursuant to section 5123.01 of the Revised Code means a person having significantly subaverage general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period.

"Mentally retarded person subject to institutionalization by court order" means a person age eighteen or older who is at least moderately mentally retarded and, because of his retardation, either of the following conditions exist:

- (1) The person represents a substantial risk of physical impairment or injury to himself or others as manifested by evidence that he is unable to provide for and is not providing for his most basic physical needs or the needs of his dependent children and that provision for such needs is not available in the community; or
- (2) The person needs and is susceptible to significant habilitation in an institution.

"Mentor" is an individual who is specifically trained and assigned to a child or family to assist the child or family deal with or learn to deal with day-to-day living situations.

"Neglected child" pursuant to section 2151.03 of the Revised Code includes any child:

- (1) Who is abandoned by the child's parents, guardian, or custodian.
- (2) Who lacks adequate parental care because of the faults or habits of the child's

parents, guardian, or custodian.

- (3) Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being.
- (4) Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition.
- (5) Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of sections 5103.16 and 5103.17 of the Revised Code.
- (6) Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.
- (7) Who is subject to out-of-home care child neglect.

Nothing in Chapter 2151. of the Revised Code shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when, solely in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child.

"Noncompact state" means a state, U.S. commonwealth, possession or trust territory which is not a signatory to the interstate compact on the placement of children.

"Nonidentifying information" as used in adoption means any information that is not identifying information, including all of the following:

- (1) A birth parent's age at the time the birth parent's child is adopted;
- (2) The medical and genetic history of the birth parents;
- (3) The age, sex, and medical and genetic history of an adopted person's birth siblings and extended family members;
- (4) A person's heritage and ethnic background, education level, general physical appearance, religion, occupation, and cause of death;
- (5) Any information that may be included in a social and medical history as specified in divisions (B) and (C) of section 3107.09 of the Revised Code.

"Nonrelative" for the purposes of selecting a substitute care setting for the placement of a child means an individual identified by the current custodial caretaker or child as having a familiar and longstanding relationship with the child or the family.

"Nonsecure care, supervision, training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

"Ohio adoption photo listing" (OAPL) is a recruitment tool which features a listing and description of Ohio's children available for adoption and approved adoptive families in Ohio through FACSIS.

"OAPL matches" is a listing of information which describes the characteristics of children available for adoption and links them with characteristics and preferences of approved adoptive families.

"ODJFS" means the Ohio department of job and family services.

"Ongoing evaluation" as used in rule 5101:2-57-02 of the Administrative Code means the continual analysis and self appraisal of a PCSA in participation with ODJFS.

"Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in foster homes or elsewhere.

"Out-of-home care" means detention facilities, shelter facilities, foster homes, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child-day care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

"Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (1) Engaging in sexual activity with a child in the person's care;
- (2) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;

- (3) Use of restraint procedures on a child that cause injury or pain;
- (4) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;
- (5) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

"Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (1) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child.
- (2) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person.
- (3) Failure to develop a process for all of the following:
 - (a) Administration of prescription drugs or psychotropic drugs for the child.
 - (b) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed.
 - (c) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.
- (4) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child.
- (5) Confinement of the child to a locked room without monitoring by staff.
- (6) Failure to provide ongoing security for all prescription and nonprescription medication.

(7) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

"Out-of-home care setting" is a detention facility, shelter facility, foster home, prefinalized adoptive placement, certified foster home, approved foster care, organization, certified organization, child day-care center, type A family day-care home, type B family day-care home, group home, institution, state institution, residential facility, residential care facility, residential camp, day camp, hospital, medical clinic, children's residential center, public or nonpublic school, or respite home that is responsible for the care, physical custody, or control of a child.

"Out-of-home perpetrator report" is a report to the PCSA alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code when the alleged perpetrator:

- (1) Is not a member of the alleged child victim's family;
- (2) Has no sanctioned or continued access to the alleged child victim;
- (3) Has no relationship with the alleged child victim; and
- (4) Is not involved in daily or regular out-of-home care for the alleged child victim.

"Outreach" means establishment of a system of outreach which would encourage children and families to participate in services; and develop community organizational efforts and ongoing support networks for children and families.

"Parent aide services" are those supportive services provided by a person assigned to families as a role model, and to provide family support for a portion of the twenty-four-hour day.

"Parent education" is a teaching process to assist a parent, guardian, or custodian in developing the basic skills necessary to provide adequate care and support to a child in his own home.

"Parental rights" is the authority of a child's parents to make all decisions regarding his care and control including, but not limited to, the determination of where and with whom he shall live and the right to protect, train, and discipline him and provide him with food, shelter, education, and medical care.

"Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

"Permanent alternative placement" is a planned placement for a child, when it has been determined he cannot return to his own home, which includes adoption, custody to kin, independent living, or planned permanent living arrangement.

"Permanency plan" shall have the same meaning as the case plan.

"Permanent commitment" is an order of a juvenile court exercising jurisdiction, pursuant to section 2151.353, 2151.354, 2151.355, or 2151.414 of the Revised Code, which grants permanent custody of a child to a PCSA or PCPA.

"Permanent court commitment" as used in Indian child welfare rules contained in Chapter 5101:2-42 of the Administrative Code means any court action resulting in the termination of the residual rights when it has been proven that reunification of the family will not serve the Indian child's best interests.

"Permanent custody" means a legal status that vests in a PCSA or a PCPA, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

"Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child by voluntary agreement authorized by section 5103.15 of the Revised Code to transfer the permanent custody of the child to a public children services agency PCSA or private child placing agency PCPA.

"Permanent surrender action" as used in Indian child welfare rules contained in Chapter 5101:2-42 of the Administrative Code means any voluntary permanent surrender on the part of the parent or Indian custodian resulting in the termination of the residual rights.

"Person responsible for a child's care in out-of-home care" means any of the following:

- (1) Any foster caregiver, in-home aide, or provider;
- (2) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child day-care center; type A family day-care home; certified type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic;
- (3) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

"Person responsible for a child's care in out-of-home care" does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

"Person subject to a criminal records check" means the following:

- (1) A person who is under final consideration for appointment or employment as a person responsible for a child's care in out-of-home care;
- (2) A prospective adoptive parent;
- (3) A prospective foster caregiver;
- (4) A person eighteen years old or older who resides with a prospective foster caregiver.

"Physical restraint" means a therapeutic holding technique(s) with the intent to minimize or prevent harm when the child has lost control of his actions in such a way as to threaten harm to self, others, or valuable property. Physical restraint shall not be used as a planned intervention until after other less restrictive procedures or measures have been explored and found to be inappropriate. At no time shall physical restraint be used as punishment or for staff convenience.

"Physically handicapped" is the impairment of vision, speech, or hearing; congenital orthopedic impairment, orthopedic impairment caused by disease, or orthopedic impairment from other causes (e.g., amputation); impairment caused by chronic or acute health problems (e.g., rheumatic fever); or a concomitant of the aforementioned.

"Physically impaired" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

- (1) A substantial impairment of vision, speech, or hearing;
- (2) A congenital orthopedic impairment;
- (3) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

"Physician" means an individual licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board or by a comparable

body in another state.

"Placement for adoption" means the arrangement by a PCSA or a PCPA with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

"Placement for foster care" means the arrangement by a PCSA or a PCPA for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

"Planned permanent living arrangement," pursuant to section 2151.011 of the Revised Code, means an order of a juvenile court pursuant to which both of the following apply:

- (1) The court gives legal custody of a child to a PCSA or PCPA without the termination of parental rights; and
- (2) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

A planned permanent living arrangement would be considered to meet the best interests of the child, pursuant to section 2151.353 of the Revised Code, when one of the following exists:

- (1) The child, because of physical, mental, or psychological problems or needs, is unable to function in a family-like setting and must remain in residential or institutional care;
- (2) The parents of the child have significant physical, mental, or psychological problems and are unable to care for the child because of those problems, adoption is not in the best interest of the child, as determined in accordance with division (D) of section 2151.414 of the Revised Code, and the child retains a significant and positive relationship with a parent or relative; or
- (3) The child is sixteen years of age or older, has been counseled on the permanent placement options available to the child, is unwilling to accept or unable to adapt to a permanent placement, and is in an agency program preparing the child for independent living.

"Postfinalization services" or "postfinalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support, maintain and assist an adopted child, adoptive family or birth parent anytime after finalization of an adoption.

"Practitioner of behavior science" means a certified or licensed social worker, counselor, psychologist, or psychiatrist competent in the assessment of psychological, developmental, and behavioral disorders of children.

"Pre-adoptive infant foster home" means a foster home for the care of a child who is in the custody of a PCSA or PCPA pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed.

"Preadoptive family" means a parent(s) who has signed an adoption placement agreement for which the placement has not been finalized in court.

"Prefinalization services" or "prefinalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support and assist a child and adoptive family from the date of adoptive placement until the issuance of a final decree of adoption.

"Prefinalized adoptive parent" is an adoptive parent with whom a PCSA or PCPA has placed a child for adoption and who has entered into an adoptive placement agreement but for whom an adoption has not been finalized in court.

"Prefinalized adoptive placement" is the placement of a child in an adoptive home with an adoptive placement agreement in effect, for whom the court has not issued a final decree of adoption.

"Preplacement preventive services" are those services designed to alleviate family problems which would otherwise result in the child's removal from the home.

"Preschool age child" means any child from three years of age to five years of age.

"Pre-service training program" means a training program designed to provide caregivers with an understanding of the needs of an abused, neglected, or dependent child, or a child with special needs.

"Principals of the report or case" are the alleged child victim, the parent or caretaker, and the alleged perpetrator.

"Priority placement" means a placement status, based upon the findings by an Ohio court or a court in another state, designating that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.

"Private child placing agency" (PCPA) means any association, as defined in section 5103.02 of the Revised Code, that is certified pursuant to section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and

place the children for either foster care or adoption.

"Private noncustodial agency" (PNA) means any person, organization, association, or society certified by ODJFS that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

- (1) Receives and cares for children for two or more consecutive weeks;
- (2) Participates in the placement of children in certified foster homes;
- (3) Provides adoption services in conjunction with a PCSA or PCPA.

"Professional treatment staff" means specialized foster home program agency employees with responsibility for:

- (1) Providing rehabilitative services to a child placed in a specialized foster home program or to the child's family;
- (2) Conducting homestudies as an assessor for specialized foster homes;
- (3) Providing clinical direction to specialized foster caregivers; and/or
- (4) Supervision of treatment team leaders.

Professional treatment staff of a PCPA or a PNA shall be a licensed social worker, a licensed independent social worker, a licensed professional counselor, a licensed professional clinical counselor, a counselor trainee, a certified chemical dependency counselor, a licensed medical doctor or doctor of osteopathy, a licensed psychologist, a licensed psychology assistant or a master's level or registered nurse with responsibility for providing agency services for a child placed in a treatment foster home or a medically fragile foster home. Professional treatment staff of a PCSA who are exempted from the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

"Prospective employee" means a person who is under final consideration for appointment or employment with a PCSA, a PCPA or a PNA as an administrator, caseworker, child care staff or other person in a position responsible for a child's care in out-of-home care, including those directly employed by the agency as well as those under contract with another person or entity. "Prospective employee" does not include a prospective foster caregiver.

"Protective day-care services" are services provided for a portion of the twenty-four-hour day for the direct care and protection of children who have been harmed or threatened with harm, or who are at risk of abuse, neglect, or exploitation due to a psychological or social problem, or physical or mental handicap of a caretaker parent, or whose health or welfare is otherwise jeopardized by their home environment.

"Protective services" is a term used to describe a wide range of supportive services coordinated and delivered on behalf of children who are in danger of abuse or neglect.

"Protective services alert" is a written document prepared by a PCSA or CSA which contains allegations that a child may be at risk of abuse or neglect, and the current whereabouts of the child and caretaker are unknown.

"Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, unruly, or delinquent child, or juvenile traffic offender to remain in the custody of the child's parent, guardian, or custodian and stay in the child's own home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

"Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.

"Putative father" as defined in section 3107.01 of the Revised Code means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:

- (1) He is not married to the child's mother at the time of the child's conception or birth;
- (2) He has not adopted the child;
- (3) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.19 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.20 to 3111.29 of the Revised Code, or an administrative agency proceeding in another state.

- (4) He has not acknowledged paternity of the child pursuant to section 2105.18 of the Revised Code.

"Putative father registry" is a registry established and maintained by the ODJFS to allow a putative father to register should he wish to be given notice of a petition to adopt a minor he claims as his child. The registry will allow a mother, agency or attorney to search and either confirm or deny if a child has a registered putative father and thus shall be contacted prior to finalization of the adoption.

"Qualified alien" at the time of application for or receipt of Title IV-E foster care maintenance, adoption assistance or independent living services is an alien:

- (1) Who is lawfully admitted for permanent residence under the Immigration and Nationality Act (INA).
- (2) Who is granted asylum under section 208 of the INA.
- (3) Who is a refugee admitted to the United States under section 207 of the INA.
- (4) Who is paroled into the United States under section 212(D)(5) of such Act for a period of at least one year.
- (5) Whose deportation is being withheld under section 243(H) of the INA, as in effect immediately before April 1, 1997, or section 241(B)(3) of the INA.
- (6) Who is granted conditional entry pursuant to section 203(A)(7) of the INA as in effect prior to April 1, 1980.
- (7) Who is a Cuban or Haitian entrant (as defined in section 501(E) of the Refugee Education Assistance Act of 1980), or
- (8) Who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States, in accordance with exhibit B to attachment 5 of the department of justice interim guidance, 62 fed. reg. 61344 (November 17, 1997).

"Quality assurance review" as used in rule 5101:2-57-02 of the Administrative Code means an examination of a PCSA's performance level on specific outcomes and processes that are to be accomplished through the PCSA's child protection and permanency program and is conducted by ODJFS in participation with the PCSA.

"Quality improvement plan" is a specific plan required by ODJFS which is

developed, implemented and completed by a PCSA to address review findings and areas of improvement to enhance the condition of the child protection and permanency program.

"Reason to believe" is knowing or suspecting that abuse or neglect of a child is occurring or has occurred. Physical proof or other forms of validation are not required.

"Reasonable medical judgment" is a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

"Receiving state" is a state into which a child is placed by a sending agency.

"Recommending agency" means a PCSA, PCPA or PNA that recommends that ODJFS takes any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

- (1) Issues a certificate;
- (2) Denies a certificate;
- (3) Renews a certificate;
- (4) Denies renewal of a certificate; or,
- (5) Revokes a certificate.

"Recruitment" is the action and effort by a PCSA, PCPA, or PNA to provide information which will alert the community to the need for foster homes and adoptive homes for children. Recruitment activities by a PCSA, PCPA or PNA must be directed at the general public as well as conducted on an individual basis for specific children.

"Referral" is an allegation of child abuse or neglect made orally or in writing. It includes, but is not limited to, allegations involving individuals, families, and out-of-home care settings.

"Rehabilitative services" means those services provided to a child to assist the child to reacquire and maintain those life skills that may have been lost due to abuse, neglect, dependency or delinquency that enable the child to cope more effectively with the child's personal needs and with the child's environment and in raising the level of the child's physical, mental, social, and vocational efficiency. Rehabilitative services may include, but are not limited to, case management, social

skills training, activities of daily living, vocational training, medical services, counseling, psychosocial interventions, social psychotherapy, crisis services, treatment planning, and independent living skills training provided for a child in foster care or the child's family. Rehabilitative services also include any diagnostic assessment conducted to determine the services the child or the child's family need.

"Relative" means the following:

(1) Individuals related by blood or adoption:

(a) Parents, grandparents, including grandparents with the prefix "great", "great-great", "grand", or "great-grand";

(b) Siblings;

(c) Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand;"

(d) First cousins and first cousins once removed.

(2) Stepparents and stepsiblings;

(3) Spouses and former spouses of individuals named in paragraph (1) of this definition.

"Religious coercion" may include, but is not limited to:

(1) Being required to accompany the foster caregiver or other residents of the foster home to religious services, but allowed to sit outside the area where the service actually occurs.

(2) Being given extra chores to perform or being required to read or listen to specific material while others attend religious services.

(3) Being required to view or listen to specific religiously oriented television, video tapes, or music.

"Repeat offender" means a person who has been convicted of or pleaded guilty to any of the offenses listed in rules contained in Chapters 5101:2-5 and 5101:2-48 of the Administrative Code two or more times in separate criminal actions. Guilty pleas or convictions resulting from or connected with the same act, or from offenses committed at the same time, shall be counted as one conviction or guilty

plea.

"Report" is a referral accepted by the PCSA for further investigation or assessment.

"Report disposition" is the determination of whether a report of abuse or neglect has occurred or is occurring. It is part of the case disposition and includes a finding of whether other forms of abuse or neglect that have not been previously assessed/investigated or alleged in the current report have occurred or are occurring.

"Reporter" is the person alleging abuse or neglect of a child.

"Residential camp" means a public or private facility that engages or accepts the care, physical custody, or control of children during summer months and that is licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of health or the American camping association.

"Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.

"Residential facility" means a home or facility that is not a private residence in which children reside where care is provided by child care staff employed by an agency. A foster home is not a residential facility. "Residential facility", as used in Chapter 5101:2-34 of the Administrative Code, is a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

"Residential parenting facility" means a facility in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.

"Residual parental rights, privileges, and responsibilities" are those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

"Respite care," as used in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, is any alternative care provided for a child placed in a specialized foster home that lasts more than twenty-four consecutive hours when the plan is to return the child to the same specialized foster home at the end of the period of respite care.

"Respite care services" are services designed to provide temporary relief of

child-caring functions which may include, but are not limited to, crisis nurseries, day treatment, and volunteers or paid individuals who provide such services within the home. This service may be provided to a child placed in a foster home or with a relative as well as for a child in his own home.

"Respite home" is a home that is managed by a respite family that receives funds from and is approved to provide respite care services by the department of mental retardation and developmental disabilities.

"Risk assessment" means a systematic decision making process to determine the safety and protection of the child, used throughout the life of a case.

"Risk element" means the twenty-eight specific concerns which comprise family risk assessment matrix and are designed to identify the risk of abuse/neglect (e.g. age of child; extent of physical injury). These elements are grouped into seven major risk factors on the family risk assessment matrix.

"Risk factor/category" means conditions or circumstances which contribute to the risk to children of abuse/neglect, seven major risk factors found on the family risk assessment matrix, child characteristics, adult characteristics and socio-economic conditions.

"Risk rating" means the numerical value or rating assigned to each element of the family risk assessment matrix based on a range of values: no risk (NR), low risk (L), moderate risk (M) or high risk (H) to the child.

"Safety plan" means a document which is required when there is immediate danger of significant harm to the child. The plan incorporates action steps, identifies who is responsible, and identifies time frames for each action step.

"Screening" is the process by which the PCSA determines whether information contained in an allegation constitutes a report of child abuse or neglect.

"Self-esteem/self confidence development" means individual and group counseling skills, workshops and conferences for improved self-esteem and self confidence, and interpersonal, and social skills training and development.

"Sending agency" is a PCSA, PCPA, or any agency, officer or employee of the state or local government, or any court or person, voluntary agency, or other entity which sends or brings a child, or causes a child to be sent or brought, into another state.

"Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

"Skilled level of care" as used in the definition of a "medically fragile foster home"

has the same meaning as described in rule 5101:3-3-05 of the Administrative Code.

"Special needs child" for the purposes of the state adoption subsidy program is a child who, prior to substitute care or adoptive placement, has at least one of the following needs or circumstances that may be a barrier to placement or adoption or a barrier to a child being sustained in a substitute care placement or adoptive home without financial assistance because the child:

- (1) Is in a sibling group which should be placed together;
- (2) Is a member of a minority or ethnic group;
- (3) Is six years of age or older;
- (4) Has remained in the permanent custody of a PCSA or PCPA for more than one year;
- (5) Has a medical condition, physical impairment, mental retardation or developmental disability;
- (6) Has an emotional disturbance or behavioral problem;
- (7) Has a social or medical history or the background of the child's biological family has a social or medical history which may place the child at risk of acquiring a medical condition, a physical, mental or developmental disability or an emotional disorder;
- (8) Has been in the home of his/her prospective adoptive parents as a foster child for at least one year and would experience severe separation and loss if placed in another setting due to his/her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional;
- (9) Has experienced previous adoption disruption or multiple placements.

"Special service state adoption subsidy" is financial assistance directly related to the child's special needs at the time of the subsidy agreement, including any identified or anticipated risk of a special need. Payments may be made to the adoptive parent or to the service provider. Special service subsidies include, but are not limited to, payments for:

- (1) Medical and surgical costs as determined by a licensed physician. If the child has a medical problem needing treatment, investigation shall be made of the adoptive family's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.
- (2) Psychiatric, psychological, or counseling costs as determined by a licensed psychiatrist, licensed psychologist, licensed professional counselor or licensed independent social worker. This may also include counseling sessions for the child or adoptive family to help integrate the child into the adoptive family. If the child has a psychiatric or psychological condition needing treatment, investigation shall be made of the adoptive parent's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.
- (3) Other special service costs as documented by the appropriate professional or determined as necessary by the PCSA. This may include, but not be limited to, remedial education, rehabilitation training, corrective dental treatment, speech and hearing therapy, wheelchair, braces, crutches, prostheses, day care, transportation and any other expenses related to the care and treatment of the child when not available from other funding sources. These could also include other costs incidental to the care of the child.

"Specialized foster home" means a medically fragile foster home or a treatment foster home.

"Spouse abuse" is violence between two caretakers regardless of marital status, and reflects the presence of domestic violence.

"Staff secure facility" means a residential setting for adjudicated offenders that provides treatment in a safe environment with an atmosphere of mutual respect between staff and residents without traditional obstacles to prevent escape. Traditional barriers include locked doors, barbed wire, electric gates. In a staff secure facility staff become the deterrent to escape by having an ODJFS approved plan for positioning themselves in such a way that residents are prevented from escaping.

"State adoption subsidy" is a state-funded adoption program intended to make permanent homes possible for children with special needs. Through the subsidized adoption program, special service and maintenance subsidy payments are made available to assist an adoptive parent who is otherwise qualified to adopt except for financial need.

"State institution" is a facility that was established by, or operated pursuant to the authority of, the general assembly, for the care of delinquent children, blind children, deaf children, children with a mental illness, children who are mentally retarded, or children with a developmental disability, and that is under the management, control, or supervision of the division of correctional services of the department of youth services, the state board of education, the state department of mental health, the state department of mental retardation and developmental disabilities, or a political subdivision.

"Structured decision making" is a process used to identify the overall professional judgment level of risk, determined through a weighted analysis of the information gathered from the twenty-eight elements; strengths; concerns and an evaluation of how the risk factors interrelate.

"Substantial risk" shall have the same meaning as imminent risk.

"Substantiated report" is a report sent to the central registry by the PCSA in which there is an admission of child abuse or neglect by the person(s) responsible; an adjudication of child abuse or neglect; or other forms of confirmation deemed valid by the PCSA.

"Substitute care" is the care provided for a child apart from his parent or guardian, while the child's custody is held by a PCSA or PCPA.

"Substitute caregiver" means an individual who provides care for a child who has been removed from the home of his parent, guardian or custodian and who is a foster parent, group home or residential facility caregiver, pre-adoptive parent, kin or relative providing care for the child.

"Supervising agency" is the agency providing prefinalization services to an adoptive family or adoptive child during the period prior to an adoption finalization.

"Supervisor" as the term is used in rules contained in Chapter 5101:2-33 of the Administrative Code means a person who is employed by the PCSA to oversee, direct or manage one or more workers employed by the agency in a social services capacity.

"Supplemental plan" means a written plan for a child which outlines the agency's plan to locate a permanent placement for the child and which may be developed concurrently with the case plan.

"Support system" means the involvement of relatives, mentors, and caregivers in the development of independent living skills; and training children or families in decision making, planning, and time management.

"Supportive services" are services provided or arranged to protect, strengthen, or assist children and families or caretakers. Supportive services may include family preservation services, family support services, time-limited family reunification services, or adoption promotional and support services.

"Temporary certificate" means a certificate issued as a sanction by ODJFS to a PCSA, PCPA, PNA pursuant to section 5103.03 of the Revised Code for a period of less than one year.

"Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

"Temporary custody by commitment" as this term is used in Indian child welfare rules contained in Chapter 5101:2-42 of the Administrative Code, is any involuntary court action transferring legal custody of an Indian child from his parent or Indian custodian to an agency or including the child becoming a ward of the juvenile or tribal court for temporary placement in a foster home or children's residential center or the home of a guardian where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights such as the privileges of reasonable visitation, consent to adoption, the privilege to determine the child's religious or Indian affiliation, and the responsibility for support have not been terminated.

"Temporary emergency care" is physical care and meeting the emotional needs of a child in a facility established to receive children at any time of day, twenty-four hours per day.

"Termination" as used in Chapter 5101:2-34 of the Administrative Code means the final resolution of a child abuse or neglect report or closure of a children's protective services case.

"Therapeutic counseling" means, pursuant to section 2151.011 of the Revised Code, psychiatric or psychological services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

"Therapeutic services" are medical, psychiatric or psychological services performed by licensed or certified physicians, psychiatrists, psychologists, professional counselors or independent social workers for the purpose of correcting or alleviating physical, mental, or emotional illnesses, or disorders.

"Time-limited family reunification services" for the purposes of utilizing Title IV-B, subpart 2 means the services and activities listed in this definition that are

provided to a child who is removed from his home and placed in a foster home or a residential facility and to the parent, guardian or custodian of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the fifteen month period that begins on the date the child is considered to have entered care. Services and activities allowable are the following: individual, group, and family counseling; inpatient, residential, or outpatient substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families, including crisis nurseries; and transportation to or from any of the services or activities described in this definition.

"Title IV-E agency" means a public children services agency or a public entity with whom the Ohio department of job and family services has a Title IV-E interagency agreement in effect.

"Toddler" means any child from eighteen months of age to thirty-six months of age.

"Training" means the training and staff development activities which directly or indirectly benefit or assist agency staff in the delivery of services.

"Training episode" means a class, session or workshop for foster caregivers of two consecutive hours duration or more, as contained in an agency's approved foster caregiver replacement and continuing training proposal.

"Transfer" means an agreement between two recommending agencies and a foster caregiver for transferring the responsibility for future utilization, supervision and recertification of a foster home from one agency to another.

"Transportation" means arranging for or providing transportation to and from needed services, resources and facilities.

"Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.

"Treatment foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-35 and 5101:2-7-02 to 5101:2-7-16 of the Administrative Code to provide treatment to children with special or exceptional needs placed in the treatment foster home.

"Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, or

developmentally disabled, or who otherwise have exceptional needs.

"Treatment team" means the group of individuals who formulate, assess, monitor and revise, as needed, the child's service plan. The treatment team shall include, but is not limited to:

- (1) A treatment team leader;
- (2) Case managers or therapists from agencies providing social, medical or mental health services to the child and his family;
- (3) The treatment or medically fragile foster caregiver(s);
- (4) A representative(s) of the agency holding custody of the child, including, for any child who has attained the age of sixteen, a representative of the custody-holding agency's independent living program;
- (5) A representative of the educational system providing educational services to the child;
- (6) The child, according to his age and functioning level;
- (7) Parent(s) of the child, when reunification with the parent(s) is the plan for the child, or the child's guardian; and
- (8) The child's guardian ad litem or court appointed special advocate, if one has been appointed to represent the child.

"Treatment team leader" means the member(s) of the treatment team with primary responsibility for day-to-day leadership of the treatment team and for preparation of the written service plan and any revisions thereto. The treatment team leader shall be a professional treatment staff member of the treatment or medically fragile foster care program or the child's treatment or medically fragile foster caregiver if the foster caregiver is appropriately licensed/certified to perform the functions of a treatment team leader. Nothing in this definition shall prohibit a treatment team from being co-led by more than one individual.

"Type A family day-care home" and "type A home" is a permanent residence of the administrator in which child day care is provided:

- (1) For seven to twelve children at one time, including any children under six years of age who are related to a licensee, administrator, or employee of the type A

home and who are on the premises of the type A home; or

- (2) For four to twelve children at one time if four or more children at one time are under two years of age, including any children under six years of age who are related to a licensee, administrator, or employee of the type A home and who are on the premises of the type A home.

Type A family day-care home does not include a residence in which all of the children are siblings of the same family and the residence is the home of the siblings.

"Type B family day-care home," "type B home," and "home" means a permanent residence of the provider in which child day care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time.

- (1) In counting children for the purposes of this rule, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. Children six years of age or older who are related to the provider and who are on the premises of the "type B home" shall not be included in this count.
- (2) A "type B home" also includes a home which is the permanent residence of both the provider and the parent.

"Unable to locate" is a report of child abuse or neglect sent to the central registry by the PCSA in which the investigation was not initiated due to the inability to locate the family or the family moved before the assessment/investigation was completed and the agency was unable to locate them.

"Unaccompanied refugee minor" is a person who has not yet reached eighteen years of age, or such higher age as the ODJFS has provided for in its child welfare plan under Title IV-B of the social security act, and who entered the United States unaccompanied by and not destined to:

- (1) A parent; or
- (2) A close nonparental adult relative who is willing and able to care for the minor;
or
- (3) An adult with a court claim to custody of the minor; and
- (4) Who has no parent(s) in the United States.

"Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV and other blood borne pathogens.

"Unruly child" pursuant to section 2151.022 of the Revised Code includes any child:

- (1) Who does not subject himself or herself to the reasonable control of his or her parents, teachers, guardian, or custodian, by reason of being wayward or habitually disobedient.
- (2) Who is an habitual truant from home or school.
- (3) Who so departs himself or herself as to injure or endanger his or her health or morals or the health or morals of others.
- (4) Who attempts to enter the marriage relation in any state without the consent of his or her parents, custodian or legal guardian, or other legal authority.
- (5) Who is found in a disreputable place, visits or patronizes a place prohibited by law, or associates with vagrant, vicious, criminal, notorious, or immoral persons.
- (6) Who engages in an occupation prohibited by law or is in a situation dangerous to life or limb or injurious to his or her health or morals or the health or morals of others.
- (7) Who violates a law, other than division (A) of section 2923.211 of the Revised Code, that is applicable only to a child.

"Unsubstantiated report-no evidence" is a report of child abuse or neglect sent to the central registry by the PCSA in which the investigation determined no occurrence of child abuse or neglect.

"Variance" means a discretionary action of ODJFS to permanently suspend, pursuant to rule 5101:2-5-19 of the Administrative Code, all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code.

"Verified report" is a report submitted by the PCSA and assigned a child abuse and neglect central registry identification number under which the reporting agency receives information concerning the existence of a prior report involving an alleged

perpetrator and/or child victim.

"Volunteer services" are those services (e.g., transportation) performed by a person of his own free will and without monetary gain or compensation.

"Waiting child" is a child in the permanent custody of a PCSA with the goal of adoption that is not currently in a prefinalized adoptive placement, in the process of visiting a prospective adoptive family or involved in an appeal.

"Waiver" means a discretionary action of ODJFS to temporarily suspend, pursuant to rule 5101:2-5-18 of the Administrative Code, all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code in order to give the agency or foster caregiver time to come into compliance.

"Withholding of medically indicated treatment" is the failure to respond to the disabled infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the attending physician's reasonable medical judgment, will most likely be effective in ameliorating or correcting all such conditions. Withholding medically indicated treatment may constitute neglect of a child. This term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to a disabled infant when, in the attending physician's reasonable medical judgment, any of the following circumstances apply:

- (1) The disabled infant is chronically and irreversibly comatose.
- (2) The provisions of such treatment would merely prolong dying, or not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of survival of the disabled infant.
- (3) The provisions of such treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane.

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