

5101:2-48-05

**Agency adoption policy, ~~and agency recruitment plan, and bi-annual comprehensive assessment report.~~**

(A) A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA); that places children for adoption or participates in the placement of children for adoption shall have a current written adoption policy and shall make this policy available upon request to individuals interested in adoption services. The policy shall include, but not be limited to, the following topics:

- (1) The geographic area within which the agency conducts adoption homestudy assessments for families;
- (2) Criteria for matching adoptive parents to available children, including, but not limited to: length of time between placements, consideration of placing siblings together and preferences to placing with relatives and foster ~~parents~~ caregivers ~~per~~ pursuant to rule 5101:2-48-16 of the Administrative Code;
- (3) A copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements". No additional language regarding discrimination in the adoptive placement process based upon race, color, or national origin shall be permitted in the PCSA, PCPA, or PNA adoption policy except as ordered by a federal court order and approved by the Ohio department of job and family services (ODJFS) before the effective date of this rule.
- (4) A procedure to provide access to homestudies approved by a PCSA, PCPA or PNA as well as related documents to another PCSA, PCPA, or PNA which requests a copy of the homestudy for matching purposes of a special needs child pursuant to rule 5101:2-48-19 of the Administrative Code.
- (5) A procedure for maintaining approved homestudies received from any other agency in the same manner that other adoptive homestudies that were approved by the receiving PCSA, PCPA or PNA pursuant to rule 5101:2-48-19 of the Administrative Code.
- (3)(6) Nondiscriminatory procedures to review all approved adoptive families for matching with available children. ~~An~~ An agency cannot use race, color, national origin, or geographic location as the basis for denying or delaying placement of available children;
- (7) A statement of assurance that the agency shall maintain compliance with 42 U.S.C. 671(a), the Adoption and Safe Families Act of 1997, Pub. L. No. 105-89.
- (8) A statement of assurance that the agency shall maintain compliance with the Indian Child Welfare Act of 1978, 25 U.S.C.A. 1901, et seq. The Multiethnic

Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (hereinafter "MEPA") and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq. as they apply to the adoption process (hereinafter "Title VI"), do not supercede the provisions of the Indian Child Welfare Act of 1978.

- ~~(4)~~(9) Availability of open adoptions between the birth parent and the adoptive parent and the referral process if the agency does not provide open adoptions;.
- ~~(5)~~(10) Training requirements for adoptive families;.
- ~~(6)~~(11) Criminal records check requirements and fees associated with obtaining a criminal records check pursuant to the provisions set forth in section 2151.86 of the Revised Code;.
- ~~(7)~~(12) The joint foster care/adoption application and homestudy assessment process;.
- ~~(8)~~(13) Application, homestudy and homestudy update procedures, including time frames and eligibility requirements related to adoption services to applicants seeking special and nonspecial needs children;.
- ~~(9)~~(14) Agency review procedures pursuant to rule 5101:2-48-24 of the Administrative Code;.
- ~~(10)~~(15) A description of all state and federal adoption assistance, including eligibility; and the application requirements;.
- ~~(11)~~(16) Schedule of fees for service, if applicable;.
- ~~(12)~~(17) Religious affiliation requirements, if applicable;.
- ~~(13)~~(18) Provision of prefinalization and postfinalization services; ~~and~~.
- ~~(14)~~(19) Availability of a state hearing when an adoptive family believes that an adoptive placement was denied or will be denied solely for the reasons of geographic location of the family.
- (20) The complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.

(21) Standards of conduct regarding MEPA and Title VI in accordance with rule 5101:2-33-11 of the Administrative Code.

- (B) A PCSA, PCPA, or PNA may prepare a summary of its agency adoption policy to respond to inquiries concerning adoption pursuant to rule 5101:2-48-08 of the Administrative Code. The summary shall include the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" in accordance with paragraph (A)(3) of this rule. No additional language regarding non-discrimination in the adoptive placement process based upon race, color, or national origin shall be included in the agency's policy or other recruitment materials.
- (C) Each PCSA, PCPA, and PNA shall update its ~~current~~ written adoption policy to reflect new requirements contained in Chapter 5101:2-48 of the Administrative Code. ~~A PCSAs, PCPAs, and PNAs shall submit a copy of the agency's adoption policy shall be submitted to ODJFS to ODJFS within thirty days of the effective date of this rule.~~ When the PCSA, PCPA, or PNA subsequently amends its adoption policy the ~~agency~~ agencies shall be responsible for submitting the amended policy to ODJFS within ten days following a policy change.
- (D) ~~Recruitment of and acceptance of prospective adoptive families shall be an ongoing program activity of a PCSA, PCPA, or PNA. As prohibited by the Multiethnic Placement Act, 42 U.S.C.A. 1996(B) (MEPA) as amended by section 1808 of the Small Business Job Protection Act of 1996, agencies may~~ Agencies shall not deny any person the opportunity to become an adoptive parent, on the basis of race, color, or national origin of the person or of the child(ren) involved. The agency shall develop and implement a comprehensive recruitment plan that identifies the agency's diligent recruitment efforts of families and which reflects the diversity of waiting children for whom foster and adoptive homes are needed. The PNA comprehensive recruitment plan shall include the applicable items listed in paragraphs (D)(1) through (D)(12) of this rule. The agency's comprehensive recruitment plan for the PCSA and PCPA shall include, but is not limited to all of the following:
- (1) A description of the characteristics of children in the ~~county and state~~ custody of the agency available for adoption, including age, gender, race, ~~culture~~, and ethnicity of the children, and their developmental, emotional, and physical needs; the number and race of the children awaiting adoptive placement for one to twelve months, as well as more than twelve months, from the date the court order granting permanent custody became final and non-appealable; and the average time over the previous five years from the date on which the court order granting permanent custody of each child, broken down by race, became final and non-appealable and was placed for adoption.

- (2) A description of children in the state available for adoption listed on the website at <http://jfs.ohio.gov/ocf/>. This description will include the children's age, gender, race, and ethnicity of the children; their developmental, emotional, and physical needs; the number and race of the children awaiting adoptive placement for one to twelve months, as well as more than twelve months, from the date the court order granting permanent custody became final and non-appealable; and the average time over the previous five years from the date on which the court order granting permanent custody of each child, broken down by race, became final and non-appealable and was placed for adoption.
- (3) A comparison of the characteristics specified in (D)(1) and (D)(2) of this rule, with the racial and ethnic diversity of the adoptive applicants approved by the agency who are waiting to adopt and an identification of any racial or ethnic category of families that are under represented.
- ~~(2)~~(4) Specific strategies to reach all parts of the community;.
- ~~(3)~~(5) Diverse methods of disseminating both general, targeted, and child specific information, and implementation of procedures specified in (A)(4) of this rule; and recruitment activities;.
- ~~(4)~~(6) Strategies for assuring that all prospective parents have access to the homestudy process, including location and hours of services that facilitate access to all members of the community;.
- ~~(5)~~(7) Procedures for assuring that all prospective parents will receive information regarding adoption procedures within seven days of inquiry;.
- ~~(6)~~(8) Strategies for training staff to work with diverse cultural, racial, and economic communities;.
- ~~(7)~~(9) Strategies for dealing with linguistic barriers;.
- ~~(8)~~(10) Procedures for the provision of adoption homestudy services and preservice training to families in other counties;.
- ~~(9)~~(11) ~~Agencies should~~ When a fee is charged, agencies shall have a fee structure that is non-discriminatory. ~~It should~~ The fee structure shall allow families of various income levels the opportunity to adopt. Fees may be charged according to a standardized and uniformly applied sliding scale, based on a family's ability to pay. The ability to pay a fee ~~should~~ shall not influence the

choice of the most appropriate family for a child;

~~(10)~~(12) Procedures for a timely search for prospective parents for a child in the permanent custody of the agency, including the use of exchanges, "Ohio Adoption Photo Listing web page", "Ohio Adoption Photo Listing Families Waiting to Adopt Book": and other interagency efforts;

(E) A PCSA, PCPA, and PNA shall maintain case records in a consistent and organized manner such that required information set forth in chapter 5101:2-48 of the Administrative Code can be readily located. When the PCSA, PCPA, or PNA maintain any required information set forth in this rule in a location other than the case record, it shall be stated in the agency policy or noted in the case record where the information can be found.

~~(E)~~(F) The PCSA, PCPA and PNA shall enclose a statement of assurance within its adoption policy that all recruitment activities and materials shall be in compliance with MEPA and Title VI, the "Indian Child Welfare Act of 1978" ~~rules 5101:2-42-48 to 5101:2-42-58 of the Administrative Code~~, 25 U.S.C.A. 1901, et seq., as amended, and the "Adoption and Safe Families Act of 1997;"

~~(F)~~(G) Each PCSA, PCPA, and PNA shall submit a copy of its recruitment plan for state fiscal year 2006, signed by the agency director, to ODJFS by May 1, 2005. When Subsequent annual recruitment plans will be due on May first of each year, and shall address the upcoming state fiscal year. If the PCSA, PCPA, or PNA amends its recruitment plan at any other time than the required due date, the agency shall be responsible for submitting the amended recruitment plan to ODJFS within ten days following a plan change.

~~(G)~~(H) Upon receipt of the revised adoption policy and the annual recruitment plan submitted by the PCSA, PCPA, or PNA, ODJFS will conduct a review of the agency adoption policy and recruitment plan to identify any policies or plans in the area of adoption that authorize practices that are inconsistent with the requirements of the "Indian Child Welfare Act of 1978," 25 U.S.C.A. 1901, et seq., MEPA, the Civil Rights Acts of 1964 (Title VI), and 42 U.S.C. 671(a), the "Adoption and Safe Families Act of 1997 Pub. L. No. 105-89". If noncompliance is identified, ODJFS shall notify the agency of noncompliance within sixty days of the department's receipt of the plan. The notification shall include:

- (1) A statement of the noncompliance;
- (2) What ~~must~~ shall be done to correct the noncompliance;
- (3) The date by which the compliance ~~must~~ shall be completed.

~~(H) The JFS 01668 "MEPA Bi Annual Comprehensive Self Assessment Report" shall be completed by each PCSA, PCPA, and PNA every two years. The initial one shall be submitted to ODJFS no later than six months after the effective date of this rule. Subsequent reports shall be submitted every two years to ODJFS.~~

Effective:

R.C. 119.032 review dates: 10/29/2004

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 5101.141, 5103.03  
Rule Amplifies: 5103.03, 5153.16  
Prior Effective Dates: 12/30/1966, 10/1/1986, 7/1/1990, 9/1/1994,  
12/15/1995 (Emer.), 3/1/1996, 9/18/1996, 12/31/1996  
(Emer.), 3/31/1997, 2/13/98 (Emer.), 5/14/1998,  
12/31/1998 (Emer.), 4/5/1999, 9/01/2000, 11/12/2002,  
9/1/03