

5101:2-48-12

**Completion of the adoption homestudy.**

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) shall:

(1) Inform all individuals applying for adoption homestudy approval that they can also be studied for foster home certification.

(2) Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Adoption homestudy approval.

(b) Foster care placement.

(3) If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency must inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

(B) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor shall not perform any assessor duties for any of the following persons:

(1) Him or her self.

(2) Any person who is a relative of the assessor.

(3) Any agency employee for whom the assessor has any supervisory responsibility.

(4) Any agency employee who has any supervisory responsibility for the assessor.

(D) To avoid a conflict of interest, or the appearance of any conflict of interest:

(1) The agency administrator and a relative of the agency administrator shall not have an adoption homestudy completed by the agency with which the administrator is employed.

(2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not have an adoption homestudy completed by the agency with which the member is associated.

(3) Adoption inquiries from anyone mentioned in this paragraph wishing to have an adoption homestudy completed shall be referred to another agency with no such appearance of a conflict of interest.

(4) An existing approved adoption homestudy of any person referred to in paragraph (D) of this rule shall be transferred to another adoption agency within sixty days of the effective date of this rule.

(5) If the agency becomes aware an approved adoptive parent of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the adoption homestudy. The transfer shall be completed within sixty days of the discovery.

(E) A PCSA, PCPA or PNA may selectively recruit on the basis of the need for adoptive parents that reflect the diversity of waiting children for whom adoptive homes are needed as specified in the agency's recruitment plan as required by rule 5101:2-48-05 of the Administrative Code.

(1) The agency shall not consider the age, gender, sexual identity, or sexual orientation of a family for whom that agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(2) The agency shall not consider the age, gender, sexual identity, or sexual orientation of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency shall not discriminate in approving or disapproving a homestudy on the basis of disability in violation of Section 504 of the Rehabilitation Act of

1973, 29 U.S.C. 794 (~~7/2014~~)(12/2015) and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 1201 (8/1981).

(F) The agency shall not consider the race, color or national origin of a family for whom the agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(1) As prohibited by the Multiethnic Placement Act, ~~42 U.S.C. 1996(b) (1996), (MEPA)~~ Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, Aug. 20, 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), agencies may 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 any children involved.

(2) The agency shall not consider the race, color, or national origin of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency may consider a child's race, color, or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-48-13 of the Administrative Code.

(G) The agency shall use the JFS 01691 "Application for Child Placement" (rev. 12/2014) for all initial adoption homestudy applications.

(1) The agency shall not accept an incomplete JFS 01691.

(2) The agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the applicant(s).

(3) If a foster care applicant decides during the homestudy process to also become approved for adoption, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants shall not be required to duplicate documentation as a result of a new application date.

(H) The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the adoptive applicant(s).

(1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed

of the necessary materials required for the assessor to complete the homestudy.

- (2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" (rev. 12/2014) the reason(s) the agency is unable to meet this requirement.
- (I) The agency shall complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.
- (J) If a homestudy is not completed within one year of the application date it shall be terminated unless the agency makes the determination the homestudy should not be terminated. The decision not to terminate shall be made at the agency's discretion and documented on the JFS 01673. If the agency decides to terminate the homestudy, it shall notify the adoptive applicant in writing no less than thirty days prior to the termination. Written notification shall include the reason for termination and the procedures for requesting a review of the agency's decision.
- (K) If a PCSA initiates an adoptive homestudy with an applicant who resides in another county, the PCSA shall notify the PCSA in the county the applicant resides. This requirement does not apply to:
  - (1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.
  - (2) An adoption where the PCSA in the county the adoptive applicant resides contracts with another PCSA to complete the adoptive applicant's homestudy.
- (L) If a PCPA, PNA or attorney arranging an adoption initiates an adoptive homestudy with an applicant, they shall notify the PCSA in the county the applicant resides. This requirement does not apply to:
  - (1) An adoption by a step-parent whose spouse is a biological or adoptive parent of the minor to be adopted.
  - (2) An adoption where the PCSA in the county the adoptive applicant resides contracts with the PCPA or PNA to complete the adoptive applicant's homestudy.

(M) The written notification to the PCSA, required in paragraphs (K) and (L) of this rule, shall be sent within ten days of the initiation of the homestudy, and shall include the following information:

- (1) The applicant's name.
- (2) The applicant's address.
- (3) The applicant's telephone number.
- (4) The names and dates of birth of all household members at the time of the application.
- (5) A request for any relevant information, if known, including, at a minimum:
  - (a) Confirmation of household members as determined by a review of agency records.
  - (b) Information relating to any previous foster care or adoption applications and/or placements, such as:
    - (i) Past or present functioning of the prospective adoptive parent and household members.
    - (ii) Rule violations.
    - (iii) Information on the events leading to a removal of any child from the prospective adoptive family home.

(N) When a PCSA in the county the adoptive applicant resides receives a notification letter, the PCSA shall provide, in writing, any relevant information listed in paragraph (M)(5) of this rule to the requesting agency within fifteen days of the receipt of the letter. If the PCSA does not have any relevant information regarding the adoptive applicant or any household members, the PCSA shall respond to the requesting agency that no information was found.

(O) The PCSA in the county the adoptive applicant resides shall maintain written documentation on each family for whom they receive a notification letter. If the family is known to the agency and a record exists, the information shall be merged with the existing file.

(P) If an agency determines any applicant knowingly provided false information for the homestudy or application, or any document submitted by the applicants during the homestudy process contains false information, the agency shall follow procedures outlined in rule 5101:2-33-13 of the Administrative Code.

(Q) The following is required for the homestudy:

- (1) An assessor shall conduct a face to face interview with all members of the household over the age of four years. The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.
- (2) Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.
- (3) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code for all persons subject to a criminal records check.
  - (a) The criminal records check(s) must be completed and the results received by the agency prior to approval of the homestudy.
  - (b) Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not approve an adoption homestudy if the applicant or any adult member of the household has been convicted of any crime listed in paragraph (C) of rule 5101:2-48-10 of the Administrative Code.
- (4) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each adoptive applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each adoptive applicant and each adult who resides with the applicant.
  - (a) A report with the results of the search shall be placed in the adoptive record.
  - (b) This report is used to determine the suitability of the adoptive applicant as an adoptive parent.

- (5) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or other adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.
- (6) Completion of the JFS 01530 "Large Family Assessment" (rev. 12/2014) is required at the time of the adoption homestudy when:
  - (a) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;
  - (b) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care, and the number of children the family will be approved to adopt.
- (7) The JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife within one year prior to approval of the homestudy for the applicant and all household members.
  - (a) Any written documentation of a physical examination shall be completed by the individual conducting the examination.
  - (b) The form shall document that the applicant and all members of the household are free from any physical, emotional or mental condition which would endanger children or seriously impair the ability of the household members to care for the child being adopted.
  - (c) The agency may require an applicant to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:
    - (i) The applicant or any household member has suffered a serious illness or injury within the past year.
    - (ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any child who may be placed in the home of the

applicant.

- (8) The applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant shall provide at a minimum:
  - (a) A completed JFS 01681 "Applicant Financial Statement" (rev. 10/2000).
  - (b) Proof of income for the household for the most recent tax year prior to the date of application.
  - (c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's approval of the adoption homestudy.
  - (d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency's approval of the adoption homestudy.
- (9) Prior to approving the homestudy for adoption, the agency shall document that each person seeking adoption approval successfully completes preservice training in accordance with rule 5101:2-48-09 of the Administrative Code. Each person seeking adoption approval shall receive training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency approves the adoption homestudy.
- (10) References shall be received by the agency prior to the approval of the homestudy.
  - (a) The applicant shall provide the names and contact information of at least three people who are unrelated to the applicant and do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency approves the homestudy.
  - (b) The applicant and all adult household members shall provide the name of any other agency or organization the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and all adult household members shall complete a written and signed release of information statement so any such reference may be contacted.



- (c) The agency shall contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the homestudy process and documented on the homestudy.
  - (d) All contacts with references listed in this rule are required and shall be documented in the narrative section of the homestudy.
- (11) The JFS 01200 "Fire Inspection Report for Homes or Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not be dated more than twelve months prior to the agency's approval of the homestudy.
- (12) The JFS 01348 "Safety Audit" (rev. 12/2014) completed not more than six months prior to the agency's approval of the homestudy, documenting the residence satisfactorily meets all safety standards.
- (13) There shall be a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to approval of the adoption homestudy.
- (14) Prior to the end of the assessment process, applicants shall complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) indicating the acceptable characteristics of the child the applicant is willing to adopt.
  - (a) The determination of the specific number, age, and gender of children the adoptive applicant is approved for is the joint decision of the applicant and the assessor, based on the applicant's strengths and needs.
  - (b) Upon the request from an applicant or approved adoptive parent, the JFS 1673-A may be updated as often as needed.
  - (c) International and step-parent adoptions are exempt from this form requirement.
- (R) The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be approved as an adoptive parent considering all household members.

- (1) In completing the evaluation, a written narrative shall be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.
  - (2) This evaluation shall be a completed JFS 01673 or JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 12/2014), as applicable.
  - (3) Step-parent and international homestudies are exempt from this form requirement. The JFS 01698 "Step-parent Adoption Homestudy ~~Report~~" (rev. 12/2014) may be used when the court requests an agency to conduct a homestudy involving a step-parent adoption.
- (S) In addition to the requirements of Chapter 5101:2-48 of the Administrative Code, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not approve an adoption homestudy prior to the completion of those requirements, in addition to all requirements of Chapter 5101:2-48 of the Administrative Code that are applicable to the approval of the adoption homestudy.
- (T) The assessor shall make one or more of the following recommendations at the completion of the adoption homestudy:
- (1) Approve the applicant(s) as adoptive parent(s).
  - (2) Approve the applicant(s) as adoptive parents and recommend the applicant(s) for certification as a foster caregiver(s) simultaneously.
  - (3) Deny the adoption application.
- (U) The assessor shall provide written notification to the applicant(s) of approval or denial of the adoption homestudy. The written notification shall be provided within ten days after the homestudy is approved or disapproved.
- (1) Adoption homestudy approval notification shall include, at a minimum, the following information:
    - (a) Date of approval of the adoptive homestudy with the date the approved homestudy expires.

- (b) A description of the characteristics of the child or children for whom the applicant is being approved.
- (2) Adoption homestudy denial shall include, at a minimum, the following information:
  - (a) A detailed explanation of the reasons for the denial.
  - (b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.
- (V) No later than ten days after the homestudy is completed, the agency shall document the results of the homestudy on the JFS 01609 "Family Permanency Planning Data Summary" (rev. 2/2005).
- (W) If the agency has access to SACWIS, the agency shall enter the appropriate data into the system to complete the provider record and approve the adoption homestudy. If the agency does not have access to the system, the agency shall submit the completed JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS.
- (X) No agency shall release a homestudy to any other agency or probate court if it is determined that the application, homestudy or any document provided during the homestudy process contains a false statement knowingly made by the applicant.
- (Y) The homestudy shall be updated every two years from the date of approval of the initial homestudy in accordance with rule 5101:2-48-12.1 of the Administrative Code. The homestudy shall be amended, if applicable, in accordance with rule 5101:2-48-12.2 of the Administrative Code.
- (Z) If a child has been placed in an approved adoptive home, the agency shall assure that the home continues to be in an approved status until the adoption is finalized by updating and amending the homestudy in accordance with rules 5101:2-48-12.1 and 5101:2-48-12.2 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

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Certification

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Date

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