

5101:2-48-16

Adoption preplacement and placement procedures.

- (A) The public children services agency (PCSA) or private child placing agency (PCPA) that holds permanent custody of the child shall begin services to prepare the child for adoptive placement no later than the date of the permanent custody. The date of permanent custody shall be either:
- (1) The date of the court's filing of its order of permanent commitment of the child to the PCSA or PCPA pursuant to section 2151.353, 2151.354, or 2151.414 of the Revised Code.
 - (2) The date of proper execution on the JFS 01666 "Permanent Surrender of Child" (~~rev. 10/2013~~) pursuant to section 5103.15 of the Revised Code.
- (B) A PCSA or PCPA shall assign an assessor to work with the child on adoption planning issues and adoptive placement no later than forty-five days after the execution of the permanent surrender or the file stamp date of the permanent custody order. If the order is under appeal, the agency shall assign an assessor to work with the child on adoption planning issues and adoption placement within forty-five days of the issuance of the final decision.
- (C) The assessor may also serve as the child's caseworker. If the assessor is assigned as the primary caseworker, the assessor shall visit with the child at least monthly. If the assessor is not assigned as the primary caseworker, the assessor shall visit with the child every other month at a minimum. The visit with the assessor may meet the requirements of rules 5101:2-42-65 and 5101:2-48-17 of the Administrative Code. During those visits, the assessor shall review and help the age appropriate child explore the following adoption issues.
- (1) Separation and attachment issues.
 - (2) Feelings concerning adoption and permanency.
 - (3) Terms and conditions of an open adoption, if applicable.
- (D) The PCSA or PCPA shall document the services provided to prepare the child for adoption in the case record.
- (E) For the purpose of this rule, "pre-adoptive staffing" is the process of identifying, planning and coordinating services for a child after the execution of the permanent surrender or the file stamp date of the permanent custody order.
- (F) The PCSA or PCPA shall conduct a pre-adoptive staffing according to the following:
- (1) No earlier than the date of the filing for termination of parental rights (TPR).

- (2) No later than forty-five days after the execution of the permanent surrender or of the file stamp date of the permanent custody order.
 - (3) For a private agency infant adoption, the pre-adoptive staffing may occur prior to the birth of the child.
- (G) If the order is under appeal, the agency may hold a pre-adoptive staffing prior to the issuance of the final decision.
- (H) The invitation to the pre-adoptive staffing shall be in written form, shall be documented in the case file, and shall be sent to the individual at least fourteen days prior to the staffing. The fourteen day timeframe does not apply to a private agency infant adoption. The individuals shall be notified if any staffing is rescheduled or canceled at least three days prior to the scheduled staffing or as soon as the information is available. The following individuals shall be invited to attend the pre-adoptive staffing.
- (1) The child's caseworker.
 - (2) The child's caseworker's supervisor.
 - (3) The assessor assigned to work with the child on adoption issues and the adoption placement, if different from the child's caseworker.
 - (4) The assessor's supervisor, if different from the caseworker's supervisor.
 - (5) Any professional who has the specific assignment of recruiting families for children who are awaiting adoption, if applicable.
 - (6) Any assessor who has or is in the process of conducting a homestudy for a kinship family or a foster family who has indicated an interest in the child, if applicable.
 - (7) The guardian ad-litem (GAL), if one has been assigned to the case.
 - (8) The court appointed special advocates (CASA) worker, if one has been assigned to the case.
 - (9) Key professionals working specifically with the child who have knowledge about the child's history and current needs that will be helpful to determine the child's placement needs.
 - (10) The child's current caregiver, if deemed appropriate by the PCSA or PCPA.

- (11) The child, if in the best interests of the child and deemed appropriate by the PCSA or PCPA.
 - (12) The birth family, if in the best interest of the child and deemed appropriate by the PCSA or PCPA.
 - (13) The prospective adoptive family, if deemed appropriate by the PCSA or PCPA.
 - (14) The PCSA or PCPA Multiethnic Placement Act (MEPA) monitor.
- (I) During the pre-adoptive staffing, the convened group will identify, coordinate and provide services that consider all of the following:
- (1) The child's social, developmental and medical history.
 - (2) Previous placements, including any residential placements, adoption disruptions or dissolutions.
 - (3) Specific recruitment efforts to find a permanent home for the child.
 - (4) Current strengths, limitations or other special considerations, including previous or current relationships with siblings, birth relatives or kin.
 - (5) Current therapeutic assessments or other needs to be considered in determining the child's adoptive placement.
 - (6) Transition of the case planning from a focus on foster care to adoption.
 - (7) Planning for good-bye visits, if applicable.
 - (8) Assessing the child's understanding and readiness for adoption.
 - (9) Status of child's lifebook.
 - (10) Any families who may be interested in adopting the child.
 - (11) Other preparation for adoption.
- (J) The PCSA or PCPA shall document the pre-adoptive staffing on the JFS 01690 "Documentation of the Pre-adoptive Staffing" ~~(rev. 4/2017)~~ and maintain the form in the child's adoptive case record. Following the pre-adoptive staffing, the agency may distribute the JFS 01690 to assessors who are responsible for completing or maintaining adoption homestudies.

- (K) For purposes of this rule, a "matching conference" is the process of determining the most appropriate family to adopt a child based on the child's individual needs and the ability of the prospective adoptive parent to meet those needs. A matching conference shall be conducted to match a child with a family for the purpose of adoption. The matching conference shall be held prior to the placement of the child for adoption as outlined in this rule.
- (L) The JFS 01530 "Large Family Assessment" ~~(rev. 12/2014)~~ as outlined in rule 5101:2-48-12 of the Administrative Code shall be discussed, if applicable.
- (M) A PCSA or PCPA shall hold the initial matching conference according to the following:
- (1) Within ninety days of the execution of the permanent surrender or the file stamp date of the permanent custody order, unless the order is under appeal.
 - (2) If the order is under appeal, the agency may hold a matching conference prior to the issuance of the final decision. If the order is under appeal, the agency shall hold the initial matching conference no later than ninety days after the issuance of the final decision.
 - (3) For a private agency infant adoption, the matching conference may occur prior to the birth of the child.
- (N) The invitation to the matching conference shall be in written form, shall be documented in the case file, and shall be sent to the individual at least fourteen days prior to the matching conference. The fourteen day timeframe does not apply to a private agency infant adoption. The individuals shall be notified if any matching conference is rescheduled or canceled at least three days prior to the scheduled matching conference or as soon as the information is available. The following individuals shall be invited to the matching conferences:
- (1) For the first matching conference only, the child's previous caseworker if the individual is different than the assessor assigned to work on adoption issues and placement.
 - (2) For the first matching conference only, the child's previous caseworker's supervisor, if applicable.
 - (3) The assessor assigned to work with the child on adoption issues and placement.
 - (4) The assessor's supervisor.
 - (5) The child's caseworker, if different from the assessor above.

- (6) Any professional who has the specific assignment of recruiting families for children who are awaiting adoption if there are no families identified for the child being presented in the matching conference, including any child-focused or child-specific recruiter working on behalf of the child.
 - (7) The child, if in the best interests of the child and deemed appropriate by the PCSA or PCPA.
 - (8) Any worker from any agency who is responsible for an approved adoptive family or adoptive applicant being presented at the matching conference. If an adult kin or current foster caregiver has submitted an application less than fourteen days prior to the matching conference and pursuant to paragraph (V)(3) of this rule, then the necessary parties shall be invited to the matching conference upon receipt of the application.
 - (9) The GAL, if one has been assigned to the case.
 - (10) The CASA, if one has been assigned to the case.
 - (11) Any other professional who may have knowledge of the child's history and current needs that will be helpful to determine the child's placement needs.
 - (12) The PCSA or PCPA MEPA monitor.
 - (13) The ODJFS MEPA coordinator at matchingconference@jfs.ohio.gov.
- (O) At a minimum, the following individuals shall participate in the matching conference and be included in the placement decision-making process:
- (1) The adoption caseworker for the child.
 - (2) The worker for any prospective adoptive families who will be presented at the matching conference. If the worker is unable to participate in the matching conference, another professional with knowledge of the family being presented shall participate in the matching conference.
 - (3) Any child-focused or child-specific recruiter working on behalf of the child.
 - (4) A member of the administrative or supervisory staff of the PCSA or PCPA adoption program.
- (P) If the child caseworker and family caseworker are the same individual, another adoption program staff member shall participate in the matching conference to assure that at least three individuals participate in the matching decision.

- (Q) If the PCSA or PCPA does not have at least three adoption program staff employees to participate in the matching conference, a professional or para-professional who is employed by the PCSA or PCPA shall participate in the matching conference. This person shall have, at a minimum, basic knowledge related to special needs adoption and permanency planning.
- (R) If more than one PCSA, PCPA or private non-custodial agency (PNA) is involved in an adoptive matching decision, a representative from each agency shall participate in the matching conference. Participation by teleconference or other electronic means is acceptable. The PCSA, PCPA, or PNA shall provide relevant information that may impact the safety and well being of the child being placed with the prospective adoptive family which shall include at a minimum:
- (1) Past or present functioning of the prospective adoptive parent.
 - (2) Rule violation(s) involving foster and/or pre-adoptive child(ren).
 - (3) Third party investigations.
 - (4) Information relating to previous adoption applications.
 - (5) Previous disruptions from the prospective adoptive family home.
- (S) The PCSA or PCPA shall document matching conference information as specified on the JFS 01689 "Documentation of the Placement Decision-Making Process." (~~rev. 4/2017~~).
- (T) The PCSA or PCPA shall document each matching conference for each child on the JFS 01610 "Child's Permanency Planning Data Summary." (~~rev. 2/2005~~).
- (U) The matching decision shall be based on the following, at a minimum:
- (1) Consideration of the placement of siblings together.
 - (2) The JFS 01690.
 - (3) The child study inventory.
 - (4) The JFS 01689.
 - (5) The JFS 01688 "Individualized Child Assessment," (~~rev. 4/2014~~), if applicable.
 - (6) The child's preference may be considered if the child has the capacity to express a preference.

(V) Regardless of the geographic location, the following preferential order shall be applied when considering families in the matching process:

(1) For a child federally recognized as a member of a tribe or Alaskan native village, the Indian Child Welfare Act of 1978, Nov. 8, 1978, P.L. 95-608, 25 U.S.C. 1901-1963 ~~(11/1987)~~ (ICWA) shall take precedence in any adoption proceedings.

(2) Whenever possible and in the best interest of the child(ren), sibling groups should not be separated.

(3) Any adult kin, or the child's current foster caregiver, when the following apply:

(a) The adult has expressed an interest in adopting the child and already has an approved adoptive homestudy, or has submitted the required document listed below at least five business days prior to the scheduled matching conference:

(i) The JFS 01691 "Application for Child Placement," ~~(rev. 12/2014)~~.

(ii) The JFS 01692 "Application for Adoption of a Foster Child or Sibling Group," ~~(rev. 12/2014)~~.

(iii) The adoption application or equivalent document that is required in the state the adult resides in.

(b) Placement with the adult would establish permanency for the child and be in the best interest of the child.

(4) A foster caregiver with whom the child has resided in the past, whose placement would be in the best interest of the child and who is approved for adoption pursuant to Chapter 5101:2-48 of the Administrative Code or the laws of the state where the previous foster caregiver now resides.

(5) Any other approved adoptive parent(s) who is accepting of the child's characteristics, who has expressed an interest in adopting the child, and whose placement would be in the best interest of the child.

(W) Subsequent matching conferences shall be held for the child, except as referenced in paragraph (Y) of this rule, at least once every ninety days.

(X) If there are no families available to be considered at a matching conference for a specific child and the JFS 01654 "Adoptive Placement Agreement" ~~(rev. 4/2017)~~ has not been signed, the agency shall conduct child-specific recruitment for the child prior to the

next matching conference. Child specific recruitment shall include at least two of the three activities listed:

- (1) Distribution of written information regarding the child to two or more adoption agencies, media outlets, or social media sites used to recruit adoptive families for the child.
- (2) Review case file information for relatives or individuals in the child's past who may be able and willing to provide a permanent home for the child.
- (3) Exploration with the child of individuals with whom the child is familiar who may be able and willing to provide a permanent home for the child.

(Y) Subsequent matching conferences are not required when:

- (1) The child has been matched with an adoptive family in a matching conference and there is a complete JFS 01654 that includes the adoptive placement date and signatures of the adoptive parent(s) and applicable agencies.
- (2) The child is age eighteen years old or older. However, the agency has the option to continue to hold matching conferences until the child reaches age twenty-one if the child is mentally or physically handicapped and still in the permanent custody of the agency.
- (3) The child's custody changes to a status other than permanent custody.

(Z) If the child's adoptive placement disrupts , the PCSA or PCPA shall begin the cycle of ninety day matching conferences again with the first one due ninety days from the date of disruption.

(AA) No later than seven business days after each matching conference, the PCSA or PCPA shall provide written information necessary for the completion of the JFS 01609 "Family Permanency Planning Data Summary" (~~rev. 2/2005~~) to any Ohio agency that had a family presented at the matching conference. The agency responsible for each prospective adoptive family presented at the matching conference shall document the outcome of the matching conference for the family on the JFS 01609.

(BB) The PCSA or PCPA shall make an adoptive placement only when it has permanent custody of the child, whether custody is obtained by permanent surrender or commitment. A child shall only be placed into an adoptive home which meets the best interests and special needs of the child.

(CC) No PCSA or PCPA shall place a child in an Ohio home for the purpose of adoption unless an adoptive homestudy has been completed and approved by an Ohio PCSA,

PCPA or PNA pursuant to Chapter 5101:2-48 of the Administrative Code. The homestudy shall be completed by an agency with authority recognized by ODJFS to complete adoptive homestudies.

- (DD) The PCSA or PCPA may place a child in an adoptive home in another state pursuant to rules and regulations governing the interstate placement of children pursuant to Chapter 5101:2-52 of the Administrative Code.
- (EE) Prior to the adoptive placement, the PCSA or PCPA shall provide the prospective adoptive parent with the completed and signed JFS 01667 "Adoption Information Disclosure" (~~rev. 7/2016~~) in accordance with rule 5101:2-48-21 of the Administrative Code.
- (FF) The JFS 01654 shall explain the responsibilities and authority of those who sign it. The following shall sign the JFS 01654 on or before the date of the adoptive placement:
- (1) PCSA or PCPA director or designee.
 - (2) Adoptive parent(s).
 - (3) Any other PCSA, PCPA, PNA or out of state agency providing adoption services, if applicable.
- (GG) A copy of the signed JFS 01654 shall be given to the adoptive parent and any other signer of the agreement.
- (HH) A PCSA shall not refuse to provide or arrange for services within its county to another PCSA or a public child serving agency in another state on behalf of a special needs child when such services, if not provided, would cause a delay in the adoptive placement of a special needs child. Services shall include, but are not limited to:
- (1) Homestudy services.
 - (2) Prefinalization and postfinalization services.
 - (3) Services needed to provide the court with information required for adoption finalization.
- (II) The PCSA or PCPA shall not make an adoptive placement if the permanent custody of a child is under appeal through a court of appropriate jurisdiction or awaiting journalization of a court order.
- (JJ) If an applicant knowingly makes a false statement in the application or homestudy process, the custodial agency shall not present that family at the matching conference

if the outcome of the agency review results in a reassessment of the homestudy pursuant to rule 5101:2-33-13 of the Administrative Code.

(KK) All placement activities shall be in compliance with rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code and with the Multiethnic Placement Act, 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), as it applies to the foster care and adoption process.

(LL) If a PCSA intends to place a child for adoption with an adoptive parent who resides in another county, it shall notify the PCSA in the county in which the parent resides of the impending placement. The notification shall be sent at least ten days prior to placement of a child. In the case of an infant placement, the notification may be prior to the birth of the child. 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 in which the adoptive parent resides is in a contract with the other agency to complete the adoptive homestudy.

(MM) If a PCPA or attorney arranging an adoption intends to place a child for adoption with an adoptive family, it shall notify the PCSA in the county in which the adoptive parent resides. The notification shall be sent at least ten days prior to placement of a child. In the case of an infant placement, the notification may be prior to the birth of the child. 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 in which the adoptive parent resides has contracted with the other agency to complete the adoptive homestudy.

(NN) If a child from outside Ohio is placed with an Ohio adoptive family, the Ohio private agency approving the adoptive family homestudy shall notify, in writing, the PCSA in the county where the adoptive parent resides of the impending placement no later than ten days prior to the placement. In the case of an infant placement, the notification may be made prior to the birth of the child.

(OO) The written notification required in paragraphs (LL), (MM) and (NN) of this rule shall include the following information:

(1) The prospective adoptive child's age.

- (2) A description of the prospective adoptive child's special needs.
- (3) The name(s) and address of the prospective adoptive parents.
- (4) The number of children that will reside in the prospective adoptive home once the prospective adoptive child is placed in the home.

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CERTIFIED ELECTRONICALLY

Certification

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