

5101:2-48-19

Sharing or transferring an adoptive homestudy.

(A) The following definitions apply for the purposes of this rule:

- (1) "Sharing an adoptive homestudy" means forwarding an approved adoptive homestudy to a public children services agency (PCSA), private child placing agency (PCPA), or comparable agency in another state for consideration of potential adoption matches, or receiving an approved adoptive homestudy from a PCSA, PCPA, private non-custodial agency (PNA) or comparable agency in another state for the same purpose.
- (2) "Transferring an adoptive homestudy" means releasing a copy of the approved homestudy and all related materials to another agency. Upon acceptance of the receiving agency and the execution of the JFS 01334 "Recommendation for Transfer of a Foster or Adoptive Home" ~~(rev. 12/2014)~~ the sending agency is relieved of all responsibilities related to the approved adoptive family.

(B) An agency shall not solicit homestudies or transfers from other agencies for the purpose of locating a family of a specific race, color or national origin.

(C) An agency shall only consider approved homestudies forwarded by another agency. A copy of the adoption homestudy shall not be accepted directly from the approved adoptive parent or other individual. An adoptive parent may provide other information to the receiving agency that the parent considers to be relevant. The agency shall not require any additional documentation for the homestudy beyond the requirements of Chapter 5101:2-48 of the Administrative Code.

(D) If the approved adoptive family has signed a release of information the agency shall make the homestudy available to any other agency requesting a copy of the homestudy for sharing or transferring.

- (1) An agency shall not release or accept a homestudy for sharing or transferring purposes if it has been determined that the homestudy or a supporting document contains a false statement knowingly made by the adoptive parent. The agency shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code when the determination has been made that a document was falsified.
- (2) The agency may charge a reasonable fee for the release of the homestudy and related materials. A public agency may not charge another public agency a fee for the release of the homestudy and related materials.

(E) The agency shall forward a copy of the homestudy and all related materials within fifteen working days of the receipt of the signed release of information and any applicable fee pursuant to paragraph (D) of this rule. If the request is to transfer

the homestudy, then the most recent report of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS) shall also be forwarded to the receiving agency with the homestudy and related materials.

- (F) If the agency in receipt of the homestudy determines that the homestudy or a supporting document contains a knowingly false statement, the agency in receipt of the homestudy shall not consider the homestudy in any matching conference or for consideration of a transfer and shall notify the sending agency in writing of the false statement within three days of the determination of the false statement.
- (G) If an incomplete homestudy is received from an agency, or supporting documentation is missing from the record, the receiving agency shall notify the sending agency in writing within ten days from the date of receipt of the incomplete homestudy.
 - (1) The written notification shall indicate the information needed in order for the homestudy to be considered complete as required by Chapter 5101:2-48 of the Administrative Code.
 - (2) The sending agency shall respond within fifteen days from the date of receipt of the written notification from the receiving agency.
- (H) Upon receipt of the record, the receiving agency shall assign an assessor to review the information received and conduct an assessment of the transfer request.
 - (1) In addition to reviewing the recommending agency's records and any information provided by the adoptive parent(s), the assessor shall:
 - (a) Contact staff from the current recommending agency and the adoptive parent(s) to determine the reasons why the request to transfer is being made at this time.
 - (b) Make at least one visit to the home and conduct a face-to-face meeting with each adoptive parent and all other household members.
 - (c) Receive three new personal references for the adoptive parent(s) from persons who ~~are unrelated to the adoptive parent and~~ do not live with the family. A minimum of one of the required references is to be from a relative and at least two references from non-relatives.
 - (d) Receive new references from all adult children of the adoptive parent(s). If the adult children are unable or unwilling to provide a reference this shall be assessed during the transfer process and documented in the provider record.

- (e) Conduct a new criminal records check for all persons subject to a criminal records check residing in the home. Results shall be obtained, reviewed and approved prior to accepting the transfer request.
 - (f) The agency is to complete a new search of the national sex offender registry at <http://www.nsopw.gov> (2019) for an approved applicant and each adult who resides with the adoptive applicant. The adoption homestudy transfer may be denied solely on the results of the search.
 - ~~(f)~~(g) Complete a new safety audit of the adoptive home on the JFS 01348 "Safety Audit" ~~(rev. 12/2014)~~ to ensure the home meets all current safety requirements.
- (2) If a transfer request is pending within ninety days immediately prior to the expiration date of the two year approval span, the current agency and the receiving agency may determine through mutual agreement which agency will conduct the update of the adoption homestudy.
 - (3) The assessor shall complete the transfer assessment within sixty days of the date the complete record was received from the current agency. If the transfer cannot be completed in this timeframe, the assessor shall document the reason(s) in the record.
- (I) Upon completion of the assessment, the assessor shall make a final decision regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shall be given to the adoptive parent and the recommending agency within five working days of the date the decision was made. The approval or rejection of a transfer request rests solely with the receiving agency. Nothing in this rule shall be construed to require an agency to accept the transfer of an adoption homestudy from another agency.
 - (J) If the decision is to deny the transfer request, all information contained in the copy of the record from the current recommending agency as well as any information gathered during the transfer assessment, including the written notice to deny the request, shall be maintained by the agency for at least two years.
 - (K) If the decision is to approve the transfer request, the JFS 01334 shall be completed and signed by both the sending and receiving agencies, and all information gathered during the assessment process shall be incorporated into the receiving agency's adoptive provider record. The sending agency will enter the applicable data into SACWIS to complete the transfer to the receiving agency.

- ~~(1) If the sending agency has the appropriate access to SACWIS, the sending agency shall enter the applicable data into the system to complete the transfer to the receiving agency.~~
 - ~~(2) If the sending agency does not have the appropriate access to SACWIS, then either the sending agency or the receiving agency shall submit the completed JFS 01334 to ODJFS to complete the transfer process.~~
- (L) Homestudies received from other agencies shall be regularly considered for potential adoption matches pursuant to rule 5101:2-48-16 of the Administrative Code, and shall be maintained according to the agency's policy.

Effective: 3/1/2021

Five Year Review (FYR) Dates: 11/30/2020 and 03/01/2026

CERTIFIED ELECTRONICALLY

Certification

02/09/2021

Date

Promulgated Under: 119.03
Statutory Authority: 3107.033, 5153.166
Rule Amplifies: 3107.031, 3107.035, 3107.10, 5153.16
Prior Effective Dates: 07/01/1990, 09/01/1994, 02/13/1998 (Emer.),
05/14/1998, 07/01/2003, 02/01/2005, 12/11/2006,
07/01/2009, 11/01/2015