

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES

DATE: July 28, 2015
TIME: 10:00 a.m.
LOCATION: Room 2921, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 3107.032, 3107.033, 5103.03, 5103.18, 5153.166 and Chapter 119. of the Ohio Revised Code, the director of the Ohio Department of Job and Family Services gives notice of the department's intent to consider the amendment of the rules identified below and of a public hearing thereon. There are eight rules proposed to be rescinded and replaced as new, one proposed for amendment and one proposed for rescission as a result of the five year review process, as well as a concerted effort to align the foster care and adoption homestudy processes, pursuant to section 3107.033 of the Revised Code.

OAC rule 5101:2-5-21, entitled "Agency assessment of an initial application for a foster home certificate" is proposed for rescission. The rule was largely duplicative of requirements found in other rules. The requirements that were not located in other rules were added to OAC rule 5101:2-5-20.

OAC rule 5101:2-5-20, entitled "Initial application for child placement in foster care" is proposed for rescission, and for replacement with a new rule of the same number entitled "Initial application and completion of the foster care homestudy." This rule provides guidance to agencies regarding the foster care application and homestudy process. For the most part, language was changed and moved to different paragraphs to align with adoption and flow with the homestudy process. New requirements include obtaining references from any agency the applicant has previously applied to for foster care or adoption and obtaining references from adult children of the applicants. Another new foster care requirement is that, as with adoption, the homestudy process cannot begin until the receipt of a fully completed JFS 01691 application. A caveat was added to both foster care and adoption rules, however, that if an applicant decides to add the other program (a foster applicant decides to add adoption, or vice versa) then they will not be required to duplicate documentation or training simply because there is a new application date. These were based on recommendations from the Partners for Ohio's Families (PFOF) rule review process that included many public and private agency partners, as well as foster and adoptive parents. Revisions were also completed based on feedback from external and internal stakeholders who made comments during the clearance process.

OAC rule 5101:2-5-24, entitled "Foster Home Recertification Procedure" "is proposed for rescission, and for replacement with a new rule of the same number entitled "Foster Home Recertifications." This rule provides guidance to agencies regarding the requirements of recertifying a foster home. For the most part, language was changed and moved to different paragraphs to align foster care and adoption rules, and flow better

with the recertification and update process. Paragraph (C) now allows agencies to send out the JFS 01331 up to 150 days prior to the expiration of the current foster care certificate. This change will allow agencies and families additional time to meet the requirements of the recertification. Paragraph (E)(4) was added to align with adoption, but simply requires the agency to review the most current financial statement, and allows the agency to require a new statement if there have been significant financial changes. Paragraph (E)(8) was revised to clarify when criminal background checks are required for existing residents of the household who turn 18, including children placed in the home. Language in paragraphs (G) and (H) was changed to remove the ability for a lapse in licenses and to clarify that the caregiver must submit the reapplication at least 30 days prior to expiration of the certificate or approval. If the family reapplies less than 30 days prior, the agency is able to complete the recertification or update if they are able to, but are not required to. This change will allow agencies the time necessary to complete the assessment of the family and not wait until the last minute in case the family reapplies late. Paragraph (I) of the foster care rule allows a thirty day lapse in the foster care certifications only for those due within 90 days of the effective date of the rule, in order to allow agencies and families time to implement the new standards. Paragraph (J) was brought over from the homestudy rule, as it should be applicable the entire time a home is licensed for foster care.

OAC rule 5101:2-5-30, entitled "Change in Household Occupancy; Change in Marital Status; Change of Address" is proposed for rescission, and for replacement with a new rule of the same number entitled "Foster Home Amendments," and gives guidance to agencies when there have been changes in the home of the foster parent, such as a new household member or change of address. The vast majority of the changes made to the rule were for paragraph and language alignment between foster care and adoption, as well as clarification and ease of the reader. One change across the rule was to allow agencies more time to complete requirements if the agency was not notified of the change in a timely manner. New language was added to paragraph (C) regarding how the agency processes the amendment. This is not a new requirement in regards to practice, but it was not previously explicit in rule. Paragraph (D) was changed to align with initial homestudy requirements for a new household member or spouse.

OAC rule 5101:2-5-31, entitled "Sharing or Transfer of a Foster Home" "is proposed for rescission, and for replacement with a new rule of the same number entitled "Sharing or Transferring a Foster Home." This rule gives agencies guidance on the requirements for sharing or transferring a foster home. Changes made to this rule were a result of paragraph and language alignment between foster care and adoption. Paragraph (B) was added to this rule to align it with the adoption requirements. New language was added to paragraph (G) to specify that the most recent alleged perpetrator check of child abuse and neglect must be shared with the new agency, along with the rest of the foster care file. This change is a result of guidance from our legal staff, to ensure that a complete copy of the file is shared. New language was added to paragraph (H) to specify that new references must be received for adult children of the foster parents, as references are not to be shared with the receiving agency. Language in (K) was revised to reflect current

practice and allow for agencies to complete the transfer process in the statewide automated child welfare information system (SACWIS) when SACWIS allows them to.

OAC rule 5101:2-48-11.1, entitled "Foster Caregiver Adoption of a Foster Child who has Resided with the Caregiver for at Least Six Consecutive Months" is being proposed for amendment and has been retitled "Foster Caregiver Adoption of a Foster Child or Sibling Group who has Resided with the Caregiver for at Least Six Consecutive Months." The change in title, as well as the changes throughout the rule were made to clarify that one JFS 01692 could be used for more than one foster child, as long as the children were siblings and placed with the caregiver for at least six months. Paragraphs (C),(E), and (F) were revised to align with similar requirements in other rules in this transmittal letter. Paragraph (J) was revised to clarify that the information listed is to be reviewed as part of the adoption assessment, rather than having a new requirement placed on the foster caregiver, in conjunction with ORC 3107.012. Paragraph (K) was added to align with the requirement in 5101:2-48-11 regarding timelines for forwarding required documentation to the agency completing the adoption homestudy approval.

OAC rule 5101:2-48-12, entitled "Completion of the Homestudy" is proposed for rescission, and for replacement with a new rule of the same number entitled "Completion of the Adoption Homestudy." The rule gives guidance to agencies on how to complete an adoption homestudy. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and flow with the homestudy process. Paragraph (D) is a new requirement for adoption and was brought over to align with the existing foster care requirement. The caveat in paragraph (G)(3) was added to both foster care and adoption rules that if an applicant decides to add the other program (a foster applicant decides to add adoption, or vice versa) then they will not be required to duplicate documentation or training simply because there is a new application date. Paragraph (M) was revised for clarity, and the request for information on third party investigations was removed. Paragraph (N) was revised to specify that the PCSA that receives the notification letter must respond, even if they have no relevant information. Paragraph (P) was expanded to include that if the agency determines the applicant knowingly provided false information for the application, the homestudy, or any document during the homestudy process they need to follow the procedures outlined in 5101:2-33-13. Paragraph (Q)(4) was revised to allow for when private agencies obtain access to SACWIS, and the language regarding the summary report was removed as this was an ODJFS requirement. Paragraph (Q)(6) was revised to clarify when the Large Family Assessment is required to be completed. Paragraph (Q)(7)(d) was added to align with foster care requirements. Paragraph (Q)(10) includes a new requirement to obtain references from any agency the applicant has previously applied to for foster care or adoption and obtain references from adult children of the applicants. Paragraph (Q)(13) was revised to align with foster care in that a well inspection is required for well water. Paragraph (S) was added to align with foster care requirements. A timeframe was added to paragraph (V) in response to an internal comment received from monitoring staff. Many of these were recommendations from the Partners for Ohio's Families' (PFOF) rule review process that included many public and private agency partners, as well as foster and adoptive parents.

OAC rule 5101:2-48-12.1, entitled "Completion of Adoption Homestudy Updates" is proposed for rescission, and for replacement with a new rule of the same number entitled "Adoption Homestudy Updates" and provides guidance to agencies regarding how to update the adoption homestudy every two years. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and flow with the homestudy update process. Paragraph (C) now allows agencies to send out the JFS 01331 up to 150 days prior to the expiration of the current adoption homestudy approval. This change will allow agencies and families additional time to meet the requirements of the update. Paragraph (E)(7) was added to ensure that if the large family assessment had not already been required when the original homestudy was completed, and is required at the time of update, then the agency shall complete the JFS 01530 at the time of update. This paragraph also requires that if the family's situation has changed significantly since the previous JFS 01530, a new one shall be completed at the time of update. Paragraph (E)(8) was aligned with foster care to specify that agencies must complete the safety audit within six months prior to the update. Paragraph (E)(9) was revised for clarity regarding when background checks are to be completed on existing household residents who turn eighteen. Paragraph (E)(10) was revised to specify that it is only required if the family is only approved for adoption, and not also foster parents. Paragraph (G) was revised to clarify that the adoptive family must send in the re-application timely in order for the agency to have ample time to complete the update.

OAC rule 5101:2-48-12.2, entitled "Completion of Adoption Homestudy Amendments" is proposed for rescission, and for replacement with a new rule of the same number entitled "Required Notification and Adoption Homestudy Amendments" and gives guidance to adoptive families regarding when they need to notify the agency of certain changes, and gives guidance to agencies regarding how to complete amendments. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and to flow better with the amendment process. One change across the rule was to allow agencies more time to complete requirements if the agency was not notified of the change in a timely manner. New language was added to paragraph (D) regarding how the agency processes the amendment. This is not a new requirement in regards to practice, but it was not previously explicit in rule. Paragraph (E) was changed to align with initial homestudy requirements for a new household member or spouse. Paragraph (G) is a new requirement that aligns with the homestudy approval and update approval process. The rule states that agencies shall provide written notice to adoptive parents of the approval or denial of the amendment. This allows agencies the opportunity to deny an amendment and end the homestudy approval span if the change that occurred in the family calls for such an action.

OAC rule 5101:2-48-19, entitled "Sharing and Transferring Adoptive Homestudies" is proposed for rescission, and for replacement with a new rule of the same number entitled "Sharing and Transferring an Adoptive Homestudy" and gives agencies guidance on how to share homestudies and process the transfer of an adoptive homestudy approval. For the most part, language was changed and moved to different paragraphs to align foster care and adoption and to flow better with the transfer process. Paragraphs (D) and (F)

include new language that if a supporting document contains a false statement knowingly made by the adoptive parent, then the agency shall not release a copy of it to another agency or consider that homestudy in a matching conference or transfer. Paragraph (E) includes new language that the most recent alleged perpetrator check of child abuse and neglect must be shared with the new agency, along with the rest of the adoptive parent file. This change is a result of guidance from our legal staff, to ensure that a complete copy of the file is shared. Paragraph (H) includes the new requirement that adult children of the adoptive parent must be contacted for a reference. Paragraphs (I) and (J) were revised to align with foster care transfer requirements. Language in paragraph (K) was revised to reflect current practice and allow for agencies to complete the transfer process in SACWIS when SACWIS allows them to.

A copy of the proposed rules are available, without charge, to any person affected by the rules at the address listed below. The rules are also available on the internet at <http://www.registerofohio.state.oh.us/>. A public hearing on the proposed rules will be held at the date, time, and location listed at the top of this notice. Either written or oral testimony will be taken at the public hearing. Additionally, written comments submitted or postmarked no later than the date of the public hearing will be treated as testimony.

Requests for a copy of the proposed rule(s) or comments on the rule(s) should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal and Acquisition Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@jfs.ohio.gov.