

**PUBLIC HEARING NOTICE**  
**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES**

**DATE:** September 6, 2006  
**TIME:** 11:00 a.m.  
**LOCATION:** Room 2925, Rhodes State Office Tower  
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 2151.86, 5103.03, 5103.0316, 5103.13, 5153.16 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 adoption, amendment or rescission of the rule or rules identified below and of a public hearing thereon.

**5101:2-5-02** entitled **Application for an agency to perform specific functions** is being proposed for amendment by adding a new paragraph (B) to clarify how ODJFS will handle an application from a local public entity that is not a public children services agency; clarifying amendments are proposed for (C), (D), (E), (K), (L), (M) and (O); a proposed new (P) specifies when an amended application is required; a proposed new (Q) would prohibit an agency from operating any function, including an office or a residential facility without proper certification and being listed on the most current JFS 01290 application on file; a proposed new (R) requires an agency to post its certificate in a prominent place for viewing by visitors; a proposed new (S) would prohibit an agency from expanding a temporarily certified function, or expanding to operate a new function when another function is under temporary certification.

**5101:2-5-04** entitled **Recertification of an agency to perform specific functions** is being proposed for amendment to clarify (B) as to when an independent audit conducted according to government auditing standards is to be submitted to ODJFS and clarifies that this requirement does not apply to a PCSA or to a local public entity that is not a PCSA. Other non-substantive technical changes are made throughout the rule.

**5101:2-5-07** entitled **Denial or revocation of an agency's certificate or certification to perform specific functions** is being proposed for amendment to clarify (A)(4); a change in (E) would prohibit an agency whose operating certificate has been denied or revoked, and those parties identified as principals, from eligibility for any ODJFS children services license or certification for a 5 year period; a new (F) has been added regarding issues surround the issuance of a temporary certificate to an agency by ODJFS.

**5101:2-5-13** entitled **Required agency policies, plans and procedures** is being proposed for amendment to clarify language in paragraphs (A)(3)(38)(39) and (40) to conform with the federal Multiethnic Placement Act; in paragraph (A)(16) new language requires the sharing of the same information provided to specialized foster caregivers with respite care providers.

**5101:2-5-16** entitled **Religion, culture and ethnic heritage** is being proposed for amendment to change the tag line to **Consideration to be given to child's religion** and to strike language related to

racial, cultural and ethnic activities and to add language related to the practice of a child's or family's religious faith.

**5101:2-5-20** entitled **Initial application for child placement** is being proposed for amendment to add a new policy on U.S. residency for foster caregiver applicants in paragraph (B); clarifying language is added to (C); new language in (D) allows physical examinations to be completed by additional medical personnel; new language in (F) clarifies the length of time for which foster care preplacement training remains effective.

**5101:2-5-21** entitled **Agency assessment of an initial application for a foster home certificate** is being proposed for amendment to change (A) to conform with MEPA requirements; changes throughout the rule would eliminate the use of the JFS 01349, Foster Home Homestudy (All homestudies would now be required to be completed using the JFS 01673, Assessment for Child Placement.); a change in (E) requires a foster home homestudy to be completed within 180 days of the date the agency received the application, which is the same time frame required for adoptive homestudies; new paragraphs (K), (L), (M), (N), (O), (P) and (Q) are added to clarify and avoid conflicts of interest regarding conducting homestudies for a foster caregiver.

**5101:2-5-25** entitled **Phase-in period for specialized foster homes; changing the certification of a foster caregiver from one type of foster home to another** is being proposed for amendment to strike language from the tag line; to strike paragraph (B) related to a phase-in period that has now ended and remove outdated language from (E)(8).

**5101:2-5-31** entitled **Sharing or transfer of a foster home** is being proposed for rescission and to be replaced by a new rule of the same number and title. The new proposed policy would allow a limited portability of a foster care certificate and put the onus of the decision of whether to accept a transfer of a foster caregiver on the receiving agency, but only after the receiving agency has all the facts with which to make an informed decision about the foster caregiver's transfer.

**5101:2-7-10** entitled **Care of a foster child under age two** is being proposed for amendment by adding paragraph (F) to the rule which allows an agency to approve a child under the age of two to sleep in a toddler bed or standard bed if the agency determines the child poses a safety risk to themselves by climbing out of a crib.

**5101:2-7-13** entitled **Foster home certificate** is being proposed for amendment to add the department of alcohol and drug addiction to the list of state departments with which dual foster home certification is prohibited.

**5101:2-9-28** entitled **Bedrooms** is being proposed for amendment to correct a typo in paragraph (H).

**5101:2-9-36** entitled **Additional requirements for children's crisis care facilities** is being proposed to enact a new rule to implement a new requirement for the licensing of children's crisis care facilities as a result of the enactment of Am. Sub. S.B. 238 of the 126<sup>th</sup> General Assembly.

A copy of the proposed rules is available without charge to any person affected by the rules at the address listed below. The rule is 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 Services, 30 East Broad Street, 31<sup>st</sup> Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at [rules@odjfs.state.oh.us](mailto:rules@odjfs.state.oh.us).