

PUBLIC HEARING NOTICE
OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
DATE: September 27, 2006
TIME: 10:00 a.m.
LOCATION: Lobby Hearing Room, Rhodes State Office Tower
30 East Broad St., Columbus, Ohio 43215

Pursuant to sections 5101.03, 5101.14, 5101.141, 5101.16, 5101.35, 5153.163, and Chapter 119. of the Ohio Revised Code, the director of the Department of Job and Family Services gives notice of the department's intent to consider the adoption, amendment, and rescission of rules governing children services, as identified below and of a public hearing thereon.

OAC rule 5101:2-48-03 entitled Requirement of Social and Medical History. This rule sets forth the requirement to complete the background information on children who may be adopted. This rule is being amended to ensure that the most current version of forms referenced in the rule are being used.

OAC rule 5101:2-48-05 entitled Agency adoption policy and recruitment plan. This rule requires PCSAs, PCPAs and PNAs operating an adoption program to include the following information in their adoption policy: non-discrimination requirements for foster care and adoptive placements, a procedure to provide access to approved homestudies and related documents, a procedure for maintaining approved homestudies received from other agencies in the same manner that other adoptive homestudies that were approved by the receiving agency, statements of assurance indicating the agency will comply with the provisions of the Adoption and Safe Families Act of 1997, the Indian Child Welfare Act of 1978, the Multiethnic Placement Act as amended by Section 1808 of the Small Business Job Protection Act of 1996, and Title VI of the Civil Rights Act of 1964.

This rule is being amended to include additional criteria for matching adoptive parents to available children, to include language that agencies will be notified within sixty days when their adoption and recruitment policies are found to be in compliance.

In addition, this rule is amended to require agencies to include procedures for:

- Reporting when an applicant in the homestudy process knowingly falsifies information;
- Carrying out the provisions of falsification when a child has been placed in an approved adoptive home;
- Searching the statewide automated child welfare information system when the system becomes available;
- Conducting multiple children/large family assessments;
- Notifying PCSAs of impending adoptive placements;
- Notifying PCSAs of the initiation of a homestudy; and
- County agency reviews.

OAC rule 5101:2-48-06 entitled Agency adoption staffing. This rule sets forth the responsibility of assessors and requirements for their training. This rule has been amended to

revise the requirements for a new assessor to complete tier one within one year of the date the individual started tier one training sessions instead of completing tier one from the date of hire. This rule has also been amended to require ongoing training for assessors after the completion of tier two, and to indicate that as of July 1, 2009, an individual supervising a student must be an assessor.

OAC rule 5101:2-48-09 entitled Application process and preservice training. This rule sets forth the documents that the adoptive applicant must complete and submit and indicates the required training that the applicant must take. This rule is being amended to include the procedures for reporting when an applicant falsifies information contained in the application.

OAC rule 5101:2-48-11 entitled Approval of a foster home for adoptive placement. This rule outlines the process and procedures when a foster caregiver(s) who has not been approved through the joint homestudy process is interested in being approved as an adoptive parent(s). This rule is being amended to include use of the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" and the JFS 01530 "Multiple Children/Large Family Assessment," as applicable and to incorporate the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information during the homestudy process.

OAC rule 5101:2-48-11.1 entitled Foster caregiver adoption of a foster child who has resided with the caregiver for at least twelve consecutive months. This rule sets forth the procedures for conducting a foster caregiver homestudy when a foster caregiver expresses interest in adopting a child who has been in the foster caregiver's home for at least twelve consecutive months. This rule is being amended to include use of the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption." and the JFS 01530, "Multiple Children/Large Family Assessment," as applicable and to incorporate the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information during the homestudy process.

OAC rule 5101:2-48-12 entitled Completion of the homestudy report. This rule sets forth the requirements for the completion of adoption homestudies for special needs and non-special needs children by PCSAs, PCPAs, and PNAs. This rule specifies that agencies are prohibited from using race, color or national origin (RCNO) in making adoptive placements and prohibited from approving or disapproving a family's homestudy based upon an applicant's disability. In addition, timeframes are required for commencing and completing homestudies and agencies are required to provide written documentation when those timeframes are not met. This rule requires agencies to provide a detailed explanation of the reason for denial of a homestudy by explaining all of the reasons upon which the denial was based and requires use of the JFS 01609 "Family Permanency Planning Data Summary." This rule is being amended to include use of the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption," and the JFS 01530, "Multiple Children/Large Family Assessment," as applicable and to incorporate the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information during the homestudy process.

OAC rule 5101:2-48-12.1 entitled Completion of homestudy updates and amendments is being proposed as a new rule for adoption. This rule outlines the procedures the agency shall

follow when updating or amending an adoption homestudy. In addition, the rule revises the dates that an update should be completed to every two years after the initial approval. The rule introduces the term "amendment" and indicates when amendments to the homestudy should be completed.

OAC rule 5101:2-48-13 entitled Non-discrimination requirements for adoptive placements.

This rule outlines the policy on non-discrimination in the adoptive placement process. The rule includes requirements for handling certain negative comments made by a prospective adoptive family member living in the household or any other person living in the household reflecting a negative perspective regarding the RCNO of a child for whom the family has expressed an interest in adopting. Licensed professionals completing the JFS 01688 "Individualized Child Assessment" must receive the JFS 01607 "MEPA Educational Materials" pertaining to federal legislation and the opportunity to receive technical assistance regarding those materials prior to conducting such assessments and the JFS 01688 remains in effect for one year from the date it was signed by the custodial agency. This rule includes language that prohibits intimidation or retaliation against any person who has filed any oral or written complaint, testified, assisted, or participated in any manner in the investigation of any alleged violation of federal statutes prohibiting discrimination based upon race, color, or national origin. This rule is being amended to clarify the process when a child over twelve years of age does not consent to an adoption. Also, this rule specifies that agencies are required to document any verbal comments regarding RCNO made by any member of the adoptive family household and states that the matching committee shall consider this information to determine whether it will impact the placement. In addition, this rule includes language to indicate that the JFS 01608 be maintained by the agency and attached to each JFS 01688.

OAC rule 5101:2-48-16 entitled Pre-adoptive staffing, matching and placement procedures.

Due to the reorganization of the sections of this rule and the new language that is being incorporated, this rule is being filed as new. This rule outlines the matching process and requires a pre-adoptive staffing within forty-five days after the execution of the permanent surrender or of the file stamp date of the permanent custody order of a child. This rule also requires custodial agencies to invite certain individuals to pre-adoptive staffings and matching conferences and specifies that matching conferences must occur every ninety days for all children in permanent custody who have not been matched with a family. This rule requires documentation pertaining to the pre-adoptive staffing be completed on the new JFS 01690 "Documentation of the Pre-adoptive Staffing and Updates." This rule requires that an assessor be assigned to a case within forty-five days from execution of the permanent surrender or of the file stamp date of the permanent custody order and requires agencies to develop written procedures on the structured decision making process to select the most appropriate family to be matched with the child and to address how all families accepting of the child's characteristics shall be considered by the agency to be presented in the matching conference. In addition, this rule requires and strengthens the use of the JFS 01689 "Documentation of the Placement Decision-Making Process" and requires the use of the JFS 01609 "Family Permanency Planning Data Summary" and the JFS 01610 "Child's Permanency Planning Data Summary." This rule is being amended to include use of the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption." This rule clarifies that the previous caseworker is invited to the first matching conference only and adds the MEPA monitor as an individual who must be invited to the matching conference. Also,

this rule requires that matching conferences be held prior to placement of a child and outlines when subsequent matching conferences are not required. Language has been added that requires agencies to search for potential families in the statewide automated child welfare information system when no families have been identified for the child at any matching conference after the initial conference. Agencies must also consider the multiple child assessment during the pre-adoptive staffing and the matching conference, if applicable.

OAC rule 5101:2-48-17 entitled Prefinalization services. This rule is rescinded and filed as new to state the visitation requirements regarding time frames for face to face contact with adoptive parent(s), child(ren), adult children not residing in the adoptive parent(s) home and other member(s) of the adoptive parent(s) home. This rule also contains procedures for sharing of relevant information and evaluation of the progress of the adoptive placement. This rule also excludes stepparent(s).

OAC rule 5101:2-48-19 entitled Soliciting and releasing adoptive homestudies and related material for consideration of placement. This rule outlines the policy on releasing an approved homestudy. This rule is being amended to indicate the procedures that must be followed if it is determined the homestudy contains knowingly false information.

OAC rule 5101:2-48-22 entitled Adoptive family case record. This rule states the type of documentations must be filed in the adoptive family case record. This rule is being amended to include the JFS 01530, Multiple Children/Large Family Assessment.

OAC rule 5101:2-48-23 entitled Preservation of adoptive child case record. This rule is amended to ensure that the most current version of forms referenced in the rule are being used.

OAC rule 5101:2-48-24 entitled Agency adoption review procedures. This rule clarifies the procedures to be used for an adoption review process. This rule has been amended to outline the procedures for applicant(s) or other household members who knowingly make false statements on the child placement application or during the homestudy process.

OAC rule 5101:2-33-11 entitled Multiethnic Placement Act (MEPA) agency administrative requirements. This rule sets forth the requirements of the public children services agencies (PCSAs) and private child placing agencies (PCPAs) to designate a MEPA monitor, and the private non-custodial agencies (PNAs) to refer cases to the child's custodial agency for assessment when race, color, or national origin (RCNO) may be a factor in the placement decision. This rule also requires PCSAs, PCPAs, and PNAs to complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" and develop written standards of conduct that will govern the performance of employees and contractors. The rule also states that no PCSA, PCPA, or PNA shall require workers to justify a proposed placement based on RCNO of the child or foster caregiver/adoptive family involved. This rule is being amended to include the revision dates of the ODJFS forms referenced.

This rule is being amended to identify the review period for the PCSAs, PCPAs and PNAs when completing the JFS 01668. The rule was also amended to clarify that the PCSA and PCPA MEPA monitors shall review and monitor foster care and adoptive placement decisions when the

current JFS 01688 "Individualized Child Assessment" is in effect. In addition, PCSAs and PCPAs will be required to collect aggregate data using the JFS 01420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" on children being accepted or rejected by families for which they were matched for adoptive placement, and time frames for reporting that data.

OAC rule 5101:2-33-13 entitled Adoption administrative falsification procedures. This rule outlines the procedures the agency shall follow when an applicant(s) knowingly makes a false statement during the application or homestudy processes.

The following rules are being rescinded because they are being replaced by new rules:

Rule 5101:2-48-05 entitled, Agency adoption policy and recruitment plan.

Rule 5101:2-48-06 entitled, Agency adoption staffing.

Rule 5101:2-48-11 entitled, Approval of a foster home for adoptive placement

Rule 5101:2-48-16 entitled, Pre-adoptive staffing, matching and placement procedures.

A copy of the proposed rules is available, without charge, to any person affected by the rule(s) 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 rules or comments on the rules should be submitted by mail to the Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414, by fax at (614) 752-8298, or by e-mail at rules@odjfs.state.oh.us.