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Please send comments to epubs_updates@dfs.ohio.gov
FCASM Transmittal Letters
In accordance with Ohio Revised Code (ORC) section 106.03 each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. The purpose of a five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule’s scope and purpose. The rules have been reviewed and revised with the collaboration of an external workgroup comprised of various adoption assistance county partners across Ohio. The following rules were recently reviewed and amended to provide clarity as part of a five-year rule review. The rules and forms will be effective August 1, 2019.

Ohio Administrative Code (OAC) rule 5101:2-49-01 entitled "Administration of the Title IV-E Adoption Assistance (AA) Program" outlines the AA administrative requirements for public children services agencies (PCSA). This rule also contains requirements for private child placing agencies (PCPAs). Changes include updates to revision dates in paragraphs (B), (F) and (I); correction to form name in paragraph (F)(2)(b)(i); clarification in paragraph (E)(2)(c) regarding agency responsibility has been amended to placement and care/custody; paragraph (G) approval or denial of an eligibility determination application request has been changed from thirty working days to thirty days; and language has been stricken in (H)(1) referencing CRIS-E as a source of verification and information to determine eligibility. This can now be done by launching the Ohio Integrated Eligibility System (OIES) interface in the Statewide Automated Child Welfare Information System (SACWIS). The JFS 06612 "Health Insurance Information Sheet" is no longer available on the JFS Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through JFS Forms Central. The title to the rule has been amended. Ohio Administrative Code (OAC) rule 5101:2-49-17 entitled "Case Record Requirements for Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" has been amended to incorporate the changes made to rule 5101:2-49-17 of the Administrative Code. The title to the rule has been amended. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-17 of the Administrative Code.

Ohio Administrative Code (OAC) rule 5101:2-49-21 entitled "Reimbursement of Title Nonrecurring Adoption Expenses for a child with Special Needs" outlines the requirements for eligibility for nonrecurring adoption expenses and the reimbursement of the nonrecurring adoption expenses. Changes were made to clearly explain requirements. Language was added to paragraph (M)(1) to clarify that the application for reimbursement of nonrecurring adoption expenses, the JFS 01421 entitled "Application for Reimbursement of Nonrecurring Adoption Expenses," to the Public Children Services Agency (PCSA) that holds permanent custody, or the case of an independent adoption is submitted in the county that the adoptive
parent(s) resides. Submission of the JFS 01421 “Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses” shall be submitted to the county where the adoptive parent(s) reside. Clarifying language added to paragraph (S)(2) for children legally available for adoption. Paragraph (S)(3) was added to paragraph (S) to include language for a final decree of adoption by a foreign country which now constitutes a final adoption. The JFS 01421 “Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses”; JFS 01421-I “Instruction for Completing JFS 01421, Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses”; and JFS 01438 "Agreement for Payment of Reimbursement for Title IV-E Nonrecurring Expenses incurred in Adoption of a Child" have been amended to incorporate the changes made to rule 5101:2-49-21 of the Administrative Code. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-21 of the Administrative Code.

Forms

JFS 01421 – "Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses." Clarification to section IV to include (C), documentation that a child has been determined to be at substantial risk, with no manifestation of a special needs factor, as criteria for reimbursement of Nonrecurring Adoption Expenses pursuant to Family, Children and Adult Services Procedure Letter (FCASPL) 316, effective March 17, 2017. The title to this form has been revised. The revision date has been updated.

JFS 01421-I – "Instruction for Completing JFS 01421, Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses." Clarification to section IV to include the change from three to four special needs criteria with documentation to meet the special needs certification section of the form. The title to this form has been revised. The revision date has been updated.

JFS 01438 – "Agreement for Payment of Reimbursement for Title IV-E Nonrecurring Expenses incurred in Adoption of a Child." Clarification to section V and VI to include documentation of a child with special needs or a substantial risk, with no manifestation of a special need pursuant to rule 5101:2-49-03 of the Administrative Code. The revision date has been updated.

JFS 01451 – "Title IV-E Adoption Assistance Application." No change.

JFS 01451-B - "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage," amended to annual diagnosis by a qualified professional in section 1. Minor clarification to section V. Revision date to this form has been revised.

JFS 01453 – "Title IV-E Adoption Assistance Agreement." Title to the form has been revised. The attachment of the nonrecurring agreement is now submitted with this form per OAC rule 5101:2-49-21. Identification of an Independent adoption has been added to Article I of this form. Article IV, has included specifications of additional adoption assistance programs such as Nonrecurring, SAMS, PASSS, AAC and notification to the adoptive parent. Clarification of adoption assistance payment specific to the service needs of the child. Article VII has been included to address requirements of when a Title IV-E agency may suspend adoption assistance (AA) payment. Article X has been included to identify the AA agreement effective date with the inclusion of the Agency Representative and Director signature in addition to the adoptive parents. Changes were made to the form to be consistent with amendments made to OAC rules 5101: 2-49-03, 04, 06, 07, 08, 09, 09.1, 12, 17, 19, 21, 23, and 25. Revision date to this form has been revised.

JFS 01470 – "Title IV-E Adoption Assistance State Mediation Conference Request." Form amended to incorporate the changes made to rule 5101:2-49-05 of the Administrative Code. Title to the form and the form revision date have been revised.

The JFS 06612 "Health Insurance Information Sheet" is no longer available on the Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central.

INSTRUCTION:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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This letter transmits four amended rules regarding the Interstate Compact on the Placement of Children (ICPC) as a result of the five-year review process. These rules will be effective August 1, 2019.

The following is a brief explanation of the changes:

OAC rule 5101:2-52-04, entitled “PCSA responsibilities for the interstate compact on the placement of children” provides guidance regarding the requirements of the PCSA and designated ADCA when considering placing a child across state lines or receiving a request from another state for approval of a placement into Ohio. Paragraph (A) was amended to clarify the role of the ADCA. Paragraph (D)(2)(j) was amended to add new language from the compact regulations regarding qualifications for making a priority placement request. Paragraph (J)(2)(d) was amended to provide guidance regarding the completion of parent home studies for ICPC purposes. Various parts of the rule were amended for clarification.

OAC rule 5101:2-52-06, entitled “Requirements applicable to interstate placement of children when the PCPA, PNA, or court is the receiving agency” provides guidance regarding the requirements for private agencies and courts when they receive a request for placement of a child from another state when the Interstate Compact applies. Paragraph (B) was removed for clarity as this paragraph did not pertain to children being placed into Ohio. No substantive changes were made.

OAC rule 5101:2-52-08, entitled “Interstate placement requirements for Ohio parents, legal guardians, or private entities when placing a child into another state or territory for adoption” provides guidance regarding requirements when a child is to be placed from Ohio into another state for the purposes of adoption. No substantive changes were made.

OAC rule 5101:2-52-10, entitled “Interstate placement requirements for Ohio courts, parents, or legal guardians when placing a child in a residential placement in another state or territory” provides guidance regarding requirements for when a child is to be placed from Ohio into a residential facility in another state. Paragraph (A)(2)(f) was amended to change the type of financial responsibility form required to better meet Interstate Compact requirements. Paragraph (C) was added to further clarify Interstate Compact requirements for residential placements.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children, and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Five-year review of chapter 5101:2-44 rules

This letter transmits changes to Ohio Administrative Code Management and Administration Rules in chapter 5101:2-44 as a result of the five-year review. These rules will be effective 8/1/2019.

The following is a brief explanation of the changes:

OAC rule 5101:2-44-03 "Public children services agency (PCSA) Administration of the state adoption maintenance subsidy program" Form revision dates were updated. Grammatical changes were made throughout. New paragraph (P) was added regarding terminating Medicaid in SACWIS at adoption finalization if child did not have a special need for medical, mental health or rehabilitative care. No substantive changes were made.

OAC rule 5101:2-44-05.1 "Medicaid eligibility for Children with special needs" The title of the rule was changed. Form revision dates were updated. OAC rule references were updated. No substantive changes were made.

OAC rule 5101:2-44-05.2 "Medicaid eligibility for state adoption subsidy recipient moving from or to Ohio." The title of the rule was changed. A form revision date was updated. OAC rule references were updated. No substantive changes were made.

OAC rule 5101:2-44-06 "Eligibility for the state adoption maintenance subsidy program" The revision dates were updated; the words "approval for," and "maintenance," were added where necessary.

OAC rule 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy" Form revision dates were updated. No substantive changes were made.

OAC rule 5101:2-44-09 "Requirements for the State Adoption Special Services Subsidy Program Approved Before July 1, 2001" Form JFS 01618 "Redetermination/Amendment of State Adoption Special Services Subsidy" was deleted from the rule.

OAC rule 5101:2-44-10 "Suspension of a state adoption maintenance subsidy" Clarified in the rule that if the adoptive child has been determined eligible for Medicaid pursuant to rule 5101:2-44-05.1 of the Administrative Code, the suspension of the SAMS payment does not impact the child's Medicaid eligibility.

OAC rule 5101:2-44-11 "Termination of a state adoption maintenance subsidy" A grammatical change was made to rule.

OAC rule 5101:2-44-12 “State adoption maintenance subsidy records," Form revision dates were updated. No substantive changes were made.

OAC rule 5101:2-44-13 "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program," sets forth the requirements that the PCSA is responsible for the administration and determination of eligibility for the Post Adoption Special Services Subsidy (PASSS) program. The revision dates and minor changes to the forms were updated within the rule and to the form.

OAC rule 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy (PASSS) program," Spelling corrections and clarification were made. No substantive changes were made.

OAC rule 5101:2-44-14 "State adoption assistance loan fund" revision dates were changed. No substantive changes were made.

INSTRUCTIONS:
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TO: All Family, Children, and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Amendments to Ohio Administrative Code (OAC) rules 5101:2-25-01, 5101:2-25-02, and 5101:2-25-03 and the obsoletion of forms JFS 01821 and JFS 01821-I.

This letter transmits changes to Ohio Administrative Code rules 5101:2-25-01, 5101:2-25-02, and 5101:2-25-03 and the obsoletion of forms JFS 01821 and JFS 01821-I.

The following is a brief explanation of the changes:

For rules 5101:2-25-01 and 5101:2-25-02, the JFS 01821 form number and revision date were removed from the rules.

For rule 5101:2-25-03 the automation of the County Profile through the Federal Reporting SSBG Title XX System was added to the rule. Also, words and sentences were added and removed for clarity and understanding.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children, and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Rescission of rule 5101:2-40-06 “Kinship Child Care Program”

This letter transmits the rescission of rule 5101:2-40-06 of the Ohio Administrative Code. This rule is being rescinded due to the termination of program funding. The rescission of this rule will be effective July 1, 2019.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 415

May 29, 2019

TO: Family, Children and Adult Services Manual Holders

FROM: Kimberly Hall, Director


In accordance with Ohio Revised Code (ORC) section 106.03 each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. The purpose of a five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The rules have been reviewed and revised with the collaboration of an external workgroup comprised of various adoption assistance county partners across Ohio. The following rules were recently reviewed and amended to provide clarity as part of a five-year rule review.

OAC rule 5101:2-49-11 entitled "Suspension of Title IV-E Adoption Assistance (AA) Payment." This is a new rule to allow the Public Children Services Agency (PCSA) to suspend adoption assistance payments to adoptive parent(s) when certain circumstances apply. This rule was developed in accordance with the guidance set forth in the Child Welfare Policy Manual (CWPM), §8.2A, Question and Answer #2. The rule outlines the circumstances for suspension when a PCSA proposes to suspend a subsidy when the agency cannot establish contact with the adoptive parent(s). Documented concerted efforts by the PCSA to establish contact with the adoptive parent(s) is required to make such a determination. Written notification of intent is to be sent to the adoptive parent(s) along with state hearing rights prior to suspension. Adoptive parent(s) have ninety days to contact the PCSA and provide documentation of support to re-establish a subsidy.

OAC rule 5101:2-49-12 entitled "Amendment of the Title IV-E Adoption Assistance (AA) Agreement" outlines criteria to amending an AA agreement. Changes were made to the rule to provide clarification in paragraph (B) when amending the AA agreement to take into consideration newly documented special needs of the child or the adoptive family’s circumstances that were not subject to the current agreement pursuant to 473(a)(3) of the Social Security Act. New language was added to the rule in paragraph (F) to notify the Public Children Services Agency (PCSA) that an AA payment cannot automatically be amended if the adopted child is placed under the responsibility and care of the PCSA. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-12 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-13 entitled "Termination of Title IV-E Adoption Assistance (AA)

Eligible Children (COBRA)" outlines the circumstances that result in the termination of an AA agreement. Changes were made to the rule to provide clarification. In paragraph (B) the word "financial" was added as a form of support that an adoptive parent(s) can provide to a child regardless of the child’s physical location. Minor edits were made in paragraphs (A), (B), (C), (E)(1), (E)(2), and (E)(3). The JFS 01958 "Referral for Medicaid Continuing Eligibility Review" and JFS 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" are no longer available on the JFS Forms Central website. The forms are available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through JFS Forms Central. Revision updates were corrected in paragraph (F). The title to the rule has been amended.

OAC rule 5101:2-49-19 entitled "Title XIX Medicaid Coverage for Title IV-E Adoption Assistance (AA) Eligible Children (COBRA)" outlines the procedures to follow for provisions of Title XIX medical coverage for
children eligible for Title IV-E adoption assistance. Changes were made to the rule to incorporate the changes to the Interstate Compact on Adoption and Medical Assistance (ICAMA) due to the interstate compact amendments as a result of systematic enhancements. Forms were updated to incorporate the new form numbers 6.03 to 7.5 "Information Exchange" and 6.01 to 7.01 "Notice of Medicaid Eligibility/Case Activation." Reference to form JFS 06612 "Health Insurance Information Sheet" has changed to the Ohio Department of Medicaid (ODM) forms with the same name and title. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-19 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-23 entitled "Title IV-E Adoption Assistance (AA) Intercounty and Interstate Case Management Responsibility" outlines the requirements for intercounty and interstate adoption assistance case management. Minor amendments were made to this rule. The JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" has been amended to incorporate the changes made to rule 5101:2-49-23 of the Administrative Code. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-23 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-25 entitled "Qualified and Disqualified Alien Eligibility for Title IV-E Adoption Assistance (AA)" outlines the requirements for adoption assistance for qualified aliens. Changes include clarification in paragraph (A) to clearly identify the Immigration and Nationality Act. Title XIX Medicaid rules 5160:1-2-01.8 "Medicaid: Conditions of Eligibility for each Applicant or Recipient," 5160:1-2-02.3 "Medicaid: Qualified Aliens," and 5160:1-2-01.9 of the Administrative Code were rescinded and replaced with rules 5160:1-2-12, "Medicaid: non-citizens" and 5160:1-4-06, "Medicaid: coverage for individuals in receipt of adoption or foster care assistance" of the Administrative Code. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-25 of the Administrative Code. The title to the rule has been amended.

Forms

JFS 01451-B – "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage," amended to include annual diagnosis by a qualified professional in section I. Clarification to section V to read "physical or mental disability or has a medical condition." Revision date to this form has been revised.

JFS 01453 – "Title IV-E Adoption Assistance Agreement." Title to the form has been revised. The attachment of the nonrecurring agreement is now submitted with this form per OAC rule 5101:2-49-21. Identification of an Independent adoption has been added to Article I of this form. Article IV, has included specifications of additional adoption assistance programs such as Nonrecurring, SAMSS, PASSS, AAC and notification to the adoptive parent. Clarification of adoption assistance payment specific to the service needs of the child. Article VII has been included to address requirements of when a Title IV-E agency may suspend adoption assistance (AA) payment. Article X has been included to identify the AA agreement effective date with the inclusion of the Agency Representative and Director signature in addition to the adoptive parents. Changes were made to the form to be consistent with amendments made to OAC rules 5101: 2-49-03, 04, 06, 07, 08, 09, 09.1, 12, 17, 19, 21, 23, and 25. Revision date to this form has been revised.

JFS 01958 "Referral for Medicaid Continuing Eligibility Review," JFS 06612 "Health Insurance Information Sheet," and the JFS 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" have changed to the Ohio Department of Medicaid (ODM) forms with the same name and title. The forms are available through ODM Forms Listing website which can be accessed through Job & Family Services (JFS) Forms Central under the link "Medicaid Forms Listing."

INSTRUCTION:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).
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Family, Children and Adult Services Manual Transmittal Letter No. 414
May 29, 2019

TO: Family, Children and Adult Services Manual Holders

FROM: Kimberly Hall, Director


In accordance with Ohio Revised Code (ORC) section 106.03 each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. The purpose of a five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The rules have been reviewed and revised with the collaboration of an external workgroup comprised of various adoption assistance county partners across Ohio. The following rules were recently reviewed and amended to provide clarity as part of a five-year rule review. The rules and forms will be effective July 1, 2019.

OAC rule 5101:2-49-03 entitled "Special Needs Criteria for Title IV-E Adoption Assistance (AA)" sets forth the criteria for a child with special needs to be eligible for the AA program. Changes were made to the rule to provide clarity. In paragraph (A), the Statewide Automated Child Welfare Information System (SACWIS) was added to clarify the reporting system that is used to input a child's special needs. In paragraph (A)(1), language was added to the rule to include "independent adoptions" for AA eligibility for a child who is legally available for adoption that meets the special needs criteria who is the subject of an independent adoption pursuant to rule 5101:2-49-02 of the Administrative Code. The definition of a "qualified professional," their role and responsibilities were updated in paragraph (A)(2)(g) of the rule as well as the addition of three new categories of qualified professionals: "certified nurse practitioner," "physician assistant," and "school psychologist" to broaden the list of individuals able to diagnose children who have a special need. Language in paragraph (A)(2)(g)(ii) was included to define and list developmental disabilities as defined in Section 35.108, "Definition of Disability," of the Code of Federal Regulations, August 11, 2016 and section, 5123.01, "Department of Developmental Disabilities," of the Ohio Revised Code. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-03 of the Administrative Code. Changes to the form title and revision date. The title to the rule has been amended.

OAC rule 5101:2-49-04 entitled "Requirement for Title IV-E Adoption Assistance (AA) Past Age Eighteen" outlines the requirements for AA for children with an existing adoption assistance agreement that are eighteen to twenty-one years of age. To be eligible for adoption assistance beyond age eighteen, the child must have a documented developmental disability or medical condition that is verified annually. In paragraph (B), the words "special needs" were replaced with "physical or mental disability or medical condition" and a reference to rule 5101:2-49-03 was added for more clarification. Language was included in paragraph (B)(1) to include eligibility requirements for title XVI supplemental security income (SSI) benefits. Clarification was given to the rule to define a "qualified professional" for approved diagnoses for a developmental disability or medical condition in paragraph (B)(2) of the rule. Language was added to paragraph (B)(4) that requires an adoptive parent(s) to provide official documentation from the school when the child is receiving special educational services. All references to adoption assistance connection (AAC) to age twenty-one was stricken from the rule. AAC program eligibility information can now be found in its own chapter 5101:2-51. The JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" has been amended to incorporate the
changes made to rule 5101:2-49-04 of the Administrative Code. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-04 of the Administrative Code. The title to the rule has been amended. This rule was rescinded and created as new for clarification.

OAC rule 5101:2-49-06 entitled "Title IV-E Adoption Assistance (AA) Agreement and Duration: Provision for Financial Support and Services" outlines the criteria of the AA agreement and the duration of the agreement. The rule has been edited to provide clarification. Minor edits to paragraph (A) to denote new title change to the JFS 01453 "Title IV-E Adoption Assistance Agreement" and revision date update. Paragraph (C) has incorporated new language to indicate an effective agreement date to go into effect July 1, 2019. Agreement effective dates will be denoted by the date identified in section IV of the JFS 01453. Agreements prior to this date will be effective on the date signed by the adoptive parent(s) and the Public Children Services Agency (PCSA). Language was included to address new provisions for suspension in paragraphs (J)(4) and (K)(4) pursuant to OAC rule 5101:2-49-11. All references to adoption assistance connection (AAC) to age twenty-one were stricken from the rule. AAC program eligibility information can now be found in its own chapter 5101:2-51. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-06 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-07 entitled "Initial Title IV-E Adoption Assistance (AA) Agreement Only with No Payment" outlines conditions and procedures for completing an AA agreement with no payment option. Minor edits to paragraph (A) to update form name and revision date. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-07 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-08 entitled "Title IV-E Adoption Assistance (AA) Monthly Payment" outlines the procedures for determining when a monthly AA payment shall begin. This rule has been edited to provide clarification. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-08 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-09 entitled "Title IV-E Adoption Assistance (AA) Post-Finalization Application" outlines the criteria for determining AA eligibility and entering into an AA agreement after the adoption finalization. Additional rule references (5101:2-48-05, "Agency adoption policy and recruitment plan," 5101:2-48-11.1 "Foster caregiver adoption of a foster child or sibling group who has resided with the caregiver for at least six consecutive months," and 5101:2-48-15 "Provision of information to a prospective adoptive parent matched with a specific child") were added in paragraph (A)(2)(a) that require the PCSA or PCPA to notify potential adoptive parent(s) of AA. Language was added to paragraph (C) of the rule to provide clarification to the Public Children Services Agency (PCSA) when submitting the JFS 01451 "Title IV-E Adoption Assistance (AA) Application" when the following occur: (1) a child of a minor parent, (2) in receipt of AA in a prior adoption; and (3) a child of a sibling group. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-09 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-09.1 entitled "Title IV-E Adoption Assistance (AA) Retroactive Payment Process" outlines the process for retroactive AA payments. This rule has been edited to provide clarification. Clarifying language has been added to paragraph (C) of this rule for the negotiation process for retroactive payments based on the special needs of the child, circumstances and resources of the adoptive family. Retroactive payment negotiations shall be conducted in the same manner as AA benefits negotiated prior to the adoption finalization which include services and assistance. The JFS 01453 "Title IV-E Adoption Assistance Agreement" has been amended to incorporate the changes made to rule 5101:2-49-09.1 of the Administrative Code. The title to the rule has been amended.

OAC rule 5101:2-49-10 entitled "Title IV-E Adoption Assistance (AA) Ongoing Verification" sets forth the responsibilities of the PCSA and the adoptive parent(s) to provide assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage through the AA program. Paragraph (B)(2) was amended to include children who are home schooled full-time in the state where their parent(s) resides and must include documentation in the AA case records of their school attendance. Clarification to paragraph
(D)(1) and (E) outlines parental support for a child who is under the age of eighteen or under the age of twenty-one with a physical or mentally disabled or has a medical condition. Reference to a child who is self-supporting was stricken from the rule in paragraph (F)(4). The JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" has been amended to incorporate the changes made to rule 5101:2-49-10 of the Administrative Code. The JFS 06612 "Health Insurance Information Sheet" is no longer available on the Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central. The title to the rule has been amended.

Forms

JFS 01451 – "Title IV-E Adoption Assistance Application." No change.

JFS 01451-B – "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage," amended to include annual diagnosis by a qualified professional in section I. Clarification to section V to read "physical or mental disability or has a medical condition." Revision date to this form has been revised.

JFS 01453 – "Title IV-E Adoption Assistance Agreement." Title to the form has been revised. The attachment of the nonrecurring agreement is now submitted with this form per OAC rule 5101:2-49-21. Identification of an Independent adoption has been added to Article I of this form. Article IV, has included specifications of additional adoption assistance programs such as Nonrecurring, SAMS, PASSS, AAC and notification to the adoptive parent. Clarification of adoption assistance payment specific to the service needs of the child. Article VII has been included to address requirements of when a Title IV-E agency may suspend adoption assistance (AA) payment. Article X has been included to identify the AA agreement effective date with the inclusion of the Agency Representative and Director signature in addition to the adoptive parents. Changes were made to the form to be consistent with amendments made to OAC 5101: 2-49-03, 04, 06, 07, 08, 09, 09.1, 12, 17, 19, 21, 23, and 25. Revision date to this form has been revised.

JFS 01454 – "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments." No change.

The JFS 06612 "Health Insurance Information Sheet" is no longer available on the Form Central website. The form is available through the Ohio Department of Medicaid, Medicaid Forms Listing website which can be accessed through Forms Central.

INSTRUCTION:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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**TRANSMITTAL LETTERS**

FCASMTL No. 414
TO: Family, Children and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Amendment to Ohio Administrative Code rules 5101:2-1-01 and 5101:2-40-02

This letter transmits revisions to rules 5101:2-1-01 and 5101:2-40-02 of the Ohio Administrative Code as a result of five-year review and new or revised definitions due to The Fostering Connections to Success and Increasing Adoptions Act of 2008, Public Law 110-351, the Family First Prevention Services Act (FFPSA), the Consolidated Appropriations Act of 2018, and the Promoting Safe and Stable Families (PSSF) and The Comprehensive Addiction and Recovery Act of 2016, Public Law 114-198. These changes will be effective June 1, 2019.

The following is a brief explanation of the changes.

**OAC 5101:2-1-01** entitled *Children services definitions of terms* sets forth the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-37, 5151:2-38, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-50, 5101:2-52, and 5101:2-53 of the Administrative Code. This rule has been amended to add or revise the terms of “Adopted young adult, Case plan for direct placements, Emancipation, Independent living arrangement, Sibling, Substance exposed infant, and Substance use disorder (SUD) residential facility” to the definitions rule.

**OAC 5101:2-40-02** entitled *Supportive services for prevention of placement, reunification and life skills* sets forth the requirements for provision of supportive services. Minor grammatical changes were made to the rule. This rule has been reviewed for the five-year review requirement.

**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Kimberly Hall, Director  
SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rules  

This letter transmits amended rules for Title IV-E foster care maintenance. The following rules were reviewed in accordance with section 106.031 of the Revised Code, which requires the review of all state agency rules within a five-year period. The rules will be effective May 1, 2019.

OAC 5101:2-47-01 entitled Administration of the Title IV-E Foster Care Maintenance Program. This rule sets forth the objectives, goals and responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program. The JFS 01975 "Annual Foster Care Maintenance and Adoption Assistance Survey" is no longer being used. A new paragraph (M) explains that the foster care maintenance per diem information to establish reimbursement ceilings will be taken from the statewide child welfare information system (SACWIS). Minor changes to language for clarity.

OAC 5101:2-47-17 entitled Foster care maintenance program reimbursability: Reimbursements for FCM and child care for public foster homes, relative homes, and pre-finalized adoptive homes. Minor changes to language for clarity.

OAC 5101:2-47-18 entitled Foster care maintenance program reimbursability: Reimbursements related to the difficulty of care needs of a child placed in a foster home, relative home, or prefinalized adoptive home. This rule outlines the requirements for services authorized for children who have special, exceptional or intensive needs that required special parenting. Minor changes to language for clarity.

OAC 5101:2-47-19 entitled Foster care maintenance program reimbursability: Reimbursements, Graduation Expenses and Personal Incidentals. This rule outlines the requirements for reimbursements for graduation expenses and personal incidentals. Paragraph (J) was updated to require receipts and invoices be made available upon request. Minor changes to language for clarity.

INSTRUCTIONS:  
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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In accordance with Public Law 115-123, the Family First Prevention Services Act (FFPSA) allows for a Title IV-E agency to claim title IV-E foster care maintenance payments for a child placed with a parent in a substance use disorder (SUD) residential facility, defined as a licensed residential family-based treatment facility for substance abuse, for up to 12 months. These rules will become effective May 1, 2019.

OAC 5101:2-47-11 “Reimbursement for Title IV-E Foster Care Maintenance (FCM) Costs for Children’s Residential Centers (CRC), Group Homes, Maternity Homes, Residential Parenting Facilities, Private Foster Homes, and a Substance Use Disorder (SUD) Residential Facility.” This rule outlines the reimbursement criteria for children who are eligible for FCM. Changes include: updating the revision date of the JFS 02911 "Title IV-E Single Cost Report" to 8/2018; adding a facility type, “substance use disorder (SUD) residential facility”; adding specific reimbursement requirements for SUD residential facilities; correcting the website for emanuals; and making grammar clarification throughout the rule.

OAC 5101:2-47-12 “Title IV-E Foster care maintenance (FCM): Initial determination of program eligibility and reimbursability” This rule outlines the requirements for determining FCM eligibility and reimbursement. Changes include: adding to paragraph (C)(2) specific eligibility criteria for the SUD residential facility as ADC-relatedness is not required for children placed with parents in that specific setting; adding a SUD residential facility as an exception in paragraph (E) and the end of eligibility in paragraph (F)(5); and added SUD residential as a new eligibility determination in (G).

OAC 5101:2-47-16 “Title IV-E Foster care maintenance (FCM) program: Reimbursable placement settings.” This rule outlines the requirements for placement settings that are eligible for foster care maintenance reimbursement. Changes include: adding “SUD residential facility” in paragraph (A)(9); adding clarification in paragraph (A)(10) for alternative care setting as a family foster home at the same level of care as the current foster home for a child temporarily placed into for at least twenty-four hours, but for no more than fourteen days as long as the child returns to the original family foster home by the end of the fourteen days; and adding language for bed holds in paragraph (B) for a child on leave.

OAC 5101:2-47-23 "Beginning date of reimbursability for Title IV-E foster care maintenance (FCM)." This rule outlines the requirements to begin reimbursement for FCM. Changes include adding the exception of “SUD residential facility” as it pertains to ADC-relatedness in paragraph (A)(2).

OAC 5101:2-47-24 “Title IV-E Agency Contract and Contract Monitoring Requirements for Placement of Children with a Parent in a Substance Use Disorder (SUD) Residential Facility.” This new rule was created to list the contract requirements for the Title IV-E Agency when contracting with a SUD Residential facility provider. In addition, this rule includes invoicing procedures.

OAC 5101:2-47-26 “Title IV-E agencies, private child placing agencies (PCPA), private noncustodial agencies (PNA), residential care facilities, substance use disorder (SUD) residential facilities: penalties for failure to comply with fiscal accountability procedures.” This rule outlines the penalties that can be enacted if an identified agency fails to comply with ODJFS fiscal accountability procedures. Changes include adding facility types of “residential care facilities” and “substance use disorder (SUD) residential facilities” throughout the rule.

OAC 5101:2-47-26.1 “Public Children Services Agencies (PCSA), Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA), Residential Care Facilities, Substance Use Disorder.
(SUD) Residential Facilities: Title IV-E Cost Report Filing Requirements, Record Retention Requirements and Related Party Disclosure Requirements.” This rule clarifies the cost report filing requirements, the deadlines for filing the cost report, and record retention requirements. In paragraph (B) the reference to the CFR Part 225 and Part 230 were revised to the most recent versions. The date of the cost report instructions JFS 02911 was revised. In addition, facility types of residential care facility and substance use disorder (SUD) residential facilities were added throughout the rule.

OAC 5101:2-47-26.2 “Cost Report "Agreed Upon Procedures" Engagement.” This rule outlines the requirements for a private child placing agency (PCPA), a private noncustodial agency (PNA), residential care facility, or SUD residential facility that completes a JFS 02911 JFS "Title IV-E Single Cost Report" to have an annual JFS 02913 "Title IV-E Agreed Upon Procedures Engagement" conducted for its cost report. Changes include correcting the title of the JFS 02911-I "Instructions for Completing JFS 02911, Title IV-E Single Cost Report" and updating the revision date to 8/2018.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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This letter transmits new, rescinded and amended Ohio Administrative Code (OAC) rules governing the Title IV-E adoption assistance for children over the age of two and under the age of two as a result of the passage of P.L. 115-123. The rules will become effective on April 17, 2019.

OAC 5101:2-49-02 "Title IV-E adoption assistance (AA) eligibility criteria for children over age two" sets forth the eligibility criteria for the adoption assistance program for children age two and older. The rule has been rescinded and filed as new to correct the requirement in paragraph (B)(2). There is no requirement for a judicial determination of contrary to the welfare of a child when a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) or a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) is executed. In paragraph (B)(2), language was added to state that the Title IV-E agency may make the determination that the child meets the medical or disability requirements for SSI benefits.

OAC 5101:2-49-02.1 "Title IV-E adoption assistance (AA) eligibility criteria for children under age two" sets forth the eligibility criteria for the adoption assistance program. The rule contains the requirements for non-applicable children to be eligible for adoption assistance for children under age two. Changes were made to paragraph (B)(2)(b)(iii). There is no requirement for a judicial determination of contrary to the welfare of a child when a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) or a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) is executed.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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This letter transmits Ohio Administrative Code rules governing Substitute Care policy that are being revised as a result of the Five-Year Rule Review. The following is a brief explanation of the changes.

The amended rule 5101:2-42-66 entitled "Administrative procedures for comprehensive health care for children in placement" of the Administrative Code sets forth the requirements for the early and periodic screening, diagnosis, and treatment (EPSDT) program which is a federally mandated program of comprehensive preventive health services available to Medicaid-eligible individuals from birth through age twenty years. This rule has been amended to include tracking the information given to the substitute caregiver regarding Healthchek and transportation.

The amended rule 5101:2-42-66.1 entitled "Comprehensive health care for children in placement" of the Administrative Code sets forth the requirements for the public children services agency (PCSA) or private child placing agency (PCPA) to coordinate comprehensive health care for each child in its care or custody who is placed into substitute care. This rule has been amended to clarify expected time frames pertaining to medical services for children in substitute care. Changes were made to provide clarity for specific age ranges. The rule update also corrected a form reference and minor grammatical changes were made.

The amended rule 5101:2-42-66.2 entitled "Documentation of comprehensive health care for children in placement" sets forth the requirements of documenting and where to maintain the documentation of children in care receiving physical health exams, developmental and psychological assessments, and treatment for each child in the care or custody of a PCSA, PCPA or PNA. This rule has been amended to add as a reference source the managed care plans (MCPs).

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Amendments to Children Services Licensing OAC Rules in chapter 5101:2-5 and 2-33.

This letter transmits eight amended rules surrounding foster care updates as a result of the Five-Year Review. These rules will be effective May 1, 2019. The following is a brief explanation of the changes:

OAC rule 5101:2-5-04, entitled "Recertification of an agency to perform specific functions," provides guidance to agencies on the process for agency recertification. Paragraph (A) was amended to update the revision date on the JFS 01290 form. No other changes were made.

OAC rule 5101:2-5-13.1, entitled "Disaster preparedness plan requirements," provides guidance to agencies on requirements in case of a disaster. Paragraph (A) was amended to remove dated language. No substantive changes were made.

OAC rule 5101:2-5-27, entitled "Agency procedure for the termination of a foster home certificate," provides guidance to agencies on how to terminate a foster home certificate. Paragraph (B) was removed as the information was outdated. No other changes were made.

OAC rule 5101:2-5-29, entitled "Agency requirements for foster home records," provides guidance to agencies on foster home records. Paragraph (E) was amended to remove dated language. No other changes were made.

OAC rule 5101:2-5-36, entitled "Additional requirements for an agency that acts as a representative of ODJFS in recommending treatment foster homes for certification," provides guidance to agencies on additional requirements for treatment foster homes. Paragraphs (O)(2) and (O)(3) were amended to break out the paragraphs for clarification and to align the rule with rule 5101:2-7-16 of the Administrative Code.

OAC rule 5101:2-5-37, entitled "Additional requirements for an agency that acts as a representative of ODJFS in recommending medically fragile foster homes for certification," provides guidance to agencies on more specific requirements for medically fragile foster homes. Paragraph (Q) amended to break out the paragraphs for clarification and to align the rule with rule 5101:2-7-17 of the Administrative Code.

OAC rule 5101:2-5-40, entitled "Preplacement and continuing training programs," provides guidance to agencies on creation and maintenance of foster caregiver training programs. Paragraph (B) was amended to add a reference regarding amendments to the training plan.

OAC rule 5101:2-33-80, entitled "Rapback," provides guidance to agencies concerning the process of criminal records hits received as a result of the Rapback system. Paragraph (C) was removed due to referring to an outdated form. Paragraph (D) was amended to ensure all agencies enter the proper information into SACWIS. Other changes were made throughout the rule due to procedural changes that have occurred since the last rule review.

INSTRUCTIONS: The following chart depicts the material that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that are to be inserted in the FCASM.

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TO: All Family, Children, and Adult Services Manual Holders
FROM: Kimberly Hall, Director

This letter transmits twelve amended rules surrounding foster care updates as a result of the five-year review. These rules will be effective April 1, 2019.

The following is a brief explanation of the proposed changes:

OAC rule 5101:2-7-03, entitled "The care and treatment team" provides guidance to foster caregivers to participate in providing and discussing the care and services provided to a foster child. A grammatical change was made in paragraph (B). No substantive changes were made.

OAC rule 5101:2-7-04, entitled "Records and confidentiality" provides guidance to foster caregivers regarding the records the caregiver is required to keep. Paragraph (A)(3) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-7-05, entitled "Sleeping arrangements" provides guidance to foster caregivers about sleeping arrangements in the home of the caregiver. Paragraph (B)(1) was amended to clarify that a fresh air ventilation system can include central air conditioning. No other substantive changes were made.

OAC rule 5101:2-7-06, entitled "Meals" provides guidance to foster caregivers about meals to be provided to children in care. Paragraph (A)(5) was broken out for clarity. No substantive changes were made.

OAC rule 5101:2-7-07, entitled "Health services" provides guidance to foster caregivers regarding health care for children in foster care. A grammatical change was made in paragraph (B)(3). No substantive changes were made.

OAC rule 5101:2-7-09, entitled "Care, supervision and care" provides guidance to foster caregivers on the treatment and supervision required to be provided to a child in care. A grammatical change was made in paragraph (D). No substantive changes were made.

OAC rule 5101:2-7-10, entitled "Care of a foster child under age two" provides guidance to foster caregivers for the care of a foster child under age two. A grammatical change was made in paragraph (A)(3). No substantive changes were made.

OAC rule 5101:2-7-12, entitled "Site and safety requirements for a foster home" provides guidance to foster caregivers on the proper safety items and procedures in a foster home. Paragraph (I) was amended to clarify what type of door locks for storage areas may be used in a foster home. Paragraphs (M), (Q) and (R) were broken out for clarity. Language was also added to each of these paragraphs to allow the approval of a smoke alarm, heater and fire extinguisher by a certified fire inspector.

OAC rule 5101:2-7-13, entitled "Foster home certificate" provides guidance to foster caregivers on the certificate for a foster home. A grammatical change was made in paragraph (G). No substantive changes were made.

OAC rule 5101:2-7-14, entitled "Required notification" provides guidance to foster caregivers on when to notify the agency in case of certain events. A grammatical change was made in paragraph (B)(4). Paragraph (F) was amended to clarify that notifications by a caregiver in relation to this paragraph should be made within twenty-four hours of gaining knowledge of the event. Also, the requirement to seek revocation in the event of a violation related to paragraph (F) was removed. Paragraph (G) was broken out and a portion of it was moved to a newly created paragraph (H) for clarity.

OAC rule 5101:2-7-16, entitled "Additional requirements for a treatment foster caregiver and a treatment foster home" provides guidance to foster caregivers about what is needed to provide services to treatment
level foster children. Paragraph (D)(2) was amended to align it with the language in rule 5101:2-5-36 of the Administrative Code.

OAC rule 5101:2-7-17, entitled "Additional requirements for a medically fragile foster caregiver and a medically fragile foster home" provides guidance to foster caregivers what is needed to provide services to medically fragile children. Paragraph (D)(2)(d) was amended to correct the spelling of a word. No substantive changes were made

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children, and Adult Services Manual Holders

FROM: Michael J. McCreight, Interim Director

SUBJECT: Five Year Review of OAC rules 5101:2-40-04 “Kinship permanency incentive (KPI) program” and 5101:2-42-60 “Placement services for infants of incarcerated mothers”

In accordance with Ohio Revised Code (ORC) section 106.031, each agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The following rules were recently reviewed as required by ORC 106.031. Rule 5101:2-40-04 has an effective date of 03/01/2019. Rule 5101:2-42-60 was filed as a no-change rule and will maintain the previous effective date of 06/01/2016.

OAC 5101:2-40-04, “Kinship permanency incentive (KPI) program” has been amended to remove some requirements for KPI reapplications.

OAC 5101:2-42-60, “Placement services for infants of incarcerated mothers” outlines public children services agency (PCSA) requirements for providing placement services to incarcerated mothers. There were no changes made to this rule.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children, and Adult Services Manual Holders  
FROM: Michael J. McCreight, Interim Director  

This letter transmits Ohio Administrative Code rules governing Substitute Care policy that are being revised as a result of the Five-Year Rule Review and the enactment of The Family First Prevention Services Act, Public Law 115-123. The following is a brief explanation of the changes.

The amended rule 5101:2-42-19 entitled "Requirements for the provision of independent living services to youth in custody" sets forth the requirements for PCSAs and PCPAs to prepare youth for the transition into adulthood and independence. This rule has been amended to clarify supervision services and to include instructions provided by the enactment of The Family First Prevention Services Act, P.L. 115-123. This rule has been amended to format the rule for clarity and minor grammatical changes were made.

The amended rule 5101:2-42-19.2 entitled "Requirements for provision of independent living services to young adults who have emancipated" sets forth the requirements for PCSAs to provide services and support to emancipated foster care recipients. This rule has been amended to clarify supervision services and to include instructions provided by the enactment of The Family First Prevention Services Act, P.L. 115-123. This rule has been amended to format the rule for clarity and minor grammatical changes were made.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

In accordance with Public Law 115-123, the Family First Prevention Services Act (FFPSA) revised the program eligibility rules to delay phasing in the “applicable child” requirements based on the age of the child. From January 1, 2018 until June 30, 2024, the “applicable child” requirements apply only to children who will be age two or older by the end of the fiscal year their adoption assistance agreement was entered into. Rule 5101:2-49-02 of the Administrative Code was also reviewed as part of a five-year review. These rules will become effective November 17, 2018.

OAC 5101:2-49-02 "Title IV-E adoption assistance (AA) eligibility criteria for children over age two" sets forth the eligibility criteria for the adoption assistance program. This rule contains the requirements for applicable children to be eligible for adoption assistance. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-02.1 "Title IV-E adoption assistance (AA) eligibility criteria for children under age two" sets forth the eligibility criteria for the adoption assistance program. This rule contains the requirements for non-applicable children to be eligible for adoption assistance. This is a new rule.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director

This letter transmits Ohio Administrative Code rules governing Substitute Care policy that have been revised as a result of the Five-Year Rule Review. The following is a brief explanation of the changes.

The amended rule 5101:2-42-06 entitled "Agreement for Temporary Custody of Child" of the Administrative Code sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent. This rule has been amended to update the statutory authority and amplification statute.

The amended rule 5101:2-42-07 entitled "Extension of "Agreement for Temporary Custody of Child" (JFS 01645)" of the Administrative Code sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of an extension. This rule has been amended to update the statutory authority and amplification statute.

The amended rule 5101:2-42-19.1 entitled "Requirements for independent living arrangements for independent living youth in custody" sets forth the requirements for the PCSAs and PCPAs when placing a youth in its custody in an independent living arrangement. This rule has been amended to clarify the age requirements pertaining to independent living arrangements.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits amended Ohio Administrative Code (OAC) rules governing adult protective services (APS) that have been revised as a result of the passage of HB 49. The following is a brief explanation of the changes.

OAC rule 5101:2-20-01 entitled “Adult protective services definitions” sets forth definitions of terminology used by those working in the APS field. This rule has been amended to include a definition for abandonment, amend the definitions of neglect and exploitation, and add previously defined terms that were moved from other sections of the Ohio Revised Code.

OAC rule 5101:2-20-06 entitled “The county adult protective services memorandum of understanding” sets forth the requirements for the county department of job and family services and their designated agencies when creating a memorandum of understanding. This rule has been amended due to section changes within the Ohio Revised Code.

OAC rule 5101:2-20-14 entitled “CDJFS requirement for cross-referring reports of elder abuse, neglect, or exploitation” sets forth the requirements for when a county department of job and family services must make a referral to an outside agency. This rule has been amended to include local law enforcement agencies as a cross-referral source.

**INSTRUCTIONS:**

The following chart identifies the material that has been removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

This letter transmits amendments to Ohio Administrative Code rules 5101:2-42-65.1 and 5101:2-44-05.2. These rules will be effective August 1, 2018. The following is a brief explanation of the changes:

OAC rule 5101:2-42-65.1, entitled "Exit interviews when a child in custody leaves an out of home placement," has been amended to incorporate language clarifying situations when completion of the interview is not required. Paragraph (B) was modified to update procedure changes with the inclusion of the JFS 01678 Exit Interview in the statewide automated child welfare information system (SACWIS).

OAC rule 5101:2-44-05.2, entitled "Covered families and children (CFC) Medicaid eligibility for state adoption subsidy recipient moving from or to Ohio," has been amended to include current forms and obsolete forms which are no longer available. Paragraphs (D) and (F) were amended to simplify instruction.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added. Appendices

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This letter transmits twelve no change rules surrounding foster care as a result of the Five Year Review. The following is a list of the no change rules:

OAC rule 5101:2-5-04.1, entitled "Acceptance of accreditation in lieu of certification requirements," provides guidance to agencies on procedures and requirements for the acceptance of accreditation from sources other than through the certification criteria.

OAC rule 5101:2-5-14, entitled "Treatment or diagnostic services," provides guidance to agencies on informing the custodial agency of the medical treatment for a foster child.

OAC rule 5101:2-5-15, entitled "Volunteers and college interns," provides guidance to agencies on the requirements for the use of volunteers and college interns within the agency.

OAC rule 5101:2-5-34, entitled "PCPA and PNA case plans and administrative case reviews for direct placements," provides guidance to agencies on procedures and requirements for direct placement case plans for foster children.

OAC rule 5101:2-9-04, entitled "General maintenance of a residential facility," provides guidance to foster care residential facilities regarding the infrastructure of the facility.

OAC rule 5101:2-9-07, entitled "Emergency planning and preparedness," provides guidance to foster care residential facilities regarding the requirements for emergency situations such as natural disasters and fires.

OAC rule 5101:2-9-09, entitled "Emergency medical plan and first aid supplies," provides guidance to foster care residential facilities regarding the requirements for emergency medical incidents as well as the required medical supplies for a facility.

OAC rule 5101:2-9-15, entitled "Residential facility handbook for residents and their families," provides requirements for foster care residential facilities in regard to the content of the facility handbook.

OAC rule 5101:2-9-18, entitled "Recreation and leisure activities and equipment," provides guidance and regulations for recreational equipment and activities at a foster care residential facility.

OAC rule 5101:2-9-26, entitled "Living rooms, dining areas and lounges," provides guidance to foster care residential facilities on the regulations for size, furniture and other requirements of living rooms, dining areas and lounges.

OAC rule 5101:2-9-31, entitled "Laundry Facilities," provides guidance to foster care residential facilities on regulations for the laundry area of the facility.

OAC rule 5101:2-9-35, entitled "Additional programmatic requirements regarding behavior management," provides guidance to foster care residential facilities on more detailed behavior management regulations.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 399

June 18, 2018

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director


The rule was reviewed in accordance with section 106.031 of the Revised Code, which requires the review of all state agency rules within a five-year period. The rule has been filed with no changes. The effective date of the "no change" rule will remain the same as the existing rule.

OAC 5101:2-33-29 "Verification of United States citizenship and immigration status for all children in foster care." This rule explains what can be used to verify citizenship for all children in foster care.

INSTRUCTIONS:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Children Services Licensing OAC Rules in chapter 5101:2-5 and 2-7.

This letter transmits four amended rules surrounding foster care updates as a result of the Five Year Review. These rules will be effective July 1, 2018. The following is a brief explanation of the changes:

OAC rule 5101:2-5-32, entitled "Occupancy limitations and accessibility," provides guidance to agencies on the capacity limits and exceptions for foster homes. Paragraph (B)(3) was modified to correct a grammatical error. No substantial changes were made.

OAC rule 5101:2-7-02, entitled "General requirements for foster caregivers and applicants," provides guidance to agencies and potential foster caregivers on the requirements for becoming a foster caregiver. Paragraph (M)(2) was modified to remove the six month requirement for submission of the criminal record check at recertification. This aligns the language with OAC rule 5101:2-5-09.1 (N)(2).

OAC rule 5101:2-7-11, entitled "Socialization and education," provides guidance to agencies and caregivers on the socialization and education requirements for foster children. A new paragraph (D) was added to allow foster caregiver(s) to use the reasonable and prudent parent standard when making social decisions for foster children.

OAC rule 5101:2-7-15, entitled "Transportation," provides guidance to agencies and foster caregivers on the regulations for transporting a child in care. Paragraphs (A) and (B) were broken out for clarity. No substantive changes were made.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

The following rules were reviewed as part of a five-year rule review. The purpose of the five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The rules will be effective June 23, 2018.

OAC rule 5101:2-47-05 "Title XIX Medicaid coverage for Title IV-E foster care maintenance (FCM) recipients in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA) " outlines the foster care maintenance (FCM) eligibility requirements for COBRA. The reference to the form JFS 06612 "Health Insurance Information Sheet" has been changed to an Ohio Department of Medicaid (ODM) form with the same number and title. Paragraph (C) now references paragraph (B) in the same rule.

OAC 5101:2-47-09 "Case record requirements for foster care maintenance (FCM)" sets forth the case record responsibilities for FCM. References to the JFS 06612 "Health Insurance Information Sheet" and the JFS 06613 "Accident/Injury Insurance Information" have been changed to ODM forms with the same title and numbering.

OAC 5101:2-47-12 "Title IV-E Foster care maintenance (FCM): Initial determination of program eligibility and reimbursability" outlines the requirements for determining FCM eligibility and reimbursement. Revisions included minor changes to language to add clarity.

OAC 5101:2-47-13 "Title IV-E Foster care maintenance (FCM) program eligibility: Legal responsibility requirements" sets forth the legal responsibility requirements for FCM. The reference to the form JFS 01666 "Permanent Surrender" revision date was changed to October 2013.

OAC 5101:2-47-14 "Title IV-E Foster care maintenance (FCM) program eligibility: ADC-relatedness" outlines the aid to dependent children (ADC) program requirements for foster care maintenance. The reference to the form JFS 01666 "Permanent Surrender" revision date was changed to October 2013.

OAC 5101:2-47-14.1 "Title IV-E eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" outlines that the ADC relatedness requirements for FCM eligibility are based on the ADC relatedness eligibility requirements that were in effect on July 16, 1996. These rules are contained in appendix A of this rule. Minor changes were made for clarity.

OAC 5101:2-47-20 "Title IV-E Foster care maintenance (FCM) program reimbursability: Supplemental reimbursement for the cost of care for the child of a Title IV-E recipient parent" outlines the process to receive reimbursement for a child of a minor parent that is not in the custody of a Title IV-E agency. Paragraph (D) was revised and a new paragraph (E) was added for clarity.

OAC 5101:2-47-22 "Reasonable efforts requirements for Title IV-E foster care maintenance (FCM)" outlines the federal requirements regarding reasonable efforts for foster care maintenance eligibility. Minor changes to language were made to add clarity.

OAC 5101:2-47-23 "Beginning date of reimbursability for Title IV-E foster care maintenance (FCM)" outlines the requirements to begin reimbursement for FCM. Language was revised and added to provide clarity.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).
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In accordance with Ohio Revised Code (ORC) section 106.03 each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. The purpose of a five-year rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule’s scope and purpose. The following rule was reviewed as part of a five-year rule review. The rules will be effective July 1, 2018

**OAC 5101:2-47-08**, entitled "Required application/update Title IV-D (child support) services and referrals to Title IV-A (public assistance); healthchek; third party insurance; and supplemental security income (SSI)" outlines all the required applications that a Title IV-E agency is responsible for. Changes were made to provide clarification to the Title IV-E agency when making an application to the Title IV-D agency and clarification when the IV-D agency assigns child support. Additionally, minor changes were made to the rule for clarity.

Language was added in paragraph (A)(5) to include good cause circumstances for a child support application when appropriate based on the circumstances of the case when a child is in out-of-home placement.

Language was added in paragraph (F)(3) to include instructions for the Title IV-E agency to complete in the Statewide Automated Child Welfare Information System (SACWIS) the pre-termination review (PTR) "Referral for Medicaid Continuing Eligibility Review" prior to termination.

References to forms JFS 03528 "Healthchek & Pregnancy Related Services Information Sheet", JFS 06612 "Health Insurance Information Sheet" and JFS 06613 "Accident/Injury Insurance Information" have changed to Ohio Department of Medicaid (ODM) forms with the same name and title. The forms are available through ODM Forms Listing website which can be accessed through Job & Family Services (JFS) Forms Central under the link "Medicaid Forms Listing."

**INSTRUCTIONS:**

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director
SUBJECT: Implementation of Ohio Administrative Code rule 5101:2-20-02, and Amendments to Ohio Administrative Code rule 5101:2-20-04

This letter transmits new and amended Ohio Administrative Code (OAC) rules governing the adult protective services (APS) program that are being implemented as a result of the passage of HB 64. The following is a brief explanation of the changes.

OAC rule 5101:2-20-02 entitled “Ohio database for adult protective services (ODAPS)” sets forth the requirements for county departments of job and family services (CDJFSs) or their designated agencies to enter information into the Ohio database for adult protective services, including all elder abuse, neglect, or exploitation referrals received by the CDJFS or its designated agency. This rule also outlines the process and requirements for obtaining access to ODAPS. The rule replaces rule 5101:9-14-02 of the Administrative Code.

OAC rule 5101:2-20-04 entitled “Adult protective services case records” sets forth the requirements for the development of a permanent case record for each adult who is the subject of a referral related to abuse, neglect, or exploitation. This rule has been amended to require a CDJFS, or its designated agency to record all referrals of abuse, neglect, and exploitation received by the agency, including the screening decision for each referral. Amendments to the rule direct the CDJFS, or its designated agency, to document all case activity in the case record which is maintained in the ODAPS system.

INSTRUCTIONS:

The following chart identifies the material that is being removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits seven amended rules and two new rules regarding the Indian Child Welfare Act. Changes to these rules and the addition of the two new rules are a result of the issuance of updated federal guidelines and new federal regulations for the implementation of the Indian Child Welfare Act. These rules will become effective 02/01/2018. The following is a brief explanation of the changes and additions:

OAC 5101:2-53-01, "Definitions related to the Indian Child Welfare Act," provides definitions of terms used in rules implementing the Indian Child Welfare Act. This rule is being amended to reflect updated definitions provided by the Bureau of Indian Affairs (BIA) and to provide definitions to terms that had not previously been defined.

OAC 5101:2-53-02, "General provisions of the Indian Child Welfare Act (ICWA)," provides information regarding when ICWA requirements apply to child custody proceedings and when they do not apply.

OAC 5101:2-53-03, "Determination of Indian status, Tribal eligibility and membership," describes provisions for determining a child's status as an "Indian child." This rule is being amended to reflect updated language included in the new federal regulations governing ICWA.

OAC 5101:2-53-04, "Indian Child Welfare Act (ICWA) notice requirements," outlines requirements for notifying an Indian child's parents or Indian custodian, the Indian child's Tribe, and the BIA regarding a child custody proceeding involving the Indian child.

OAC 5101:2-53-05, "Voluntary agreement for temporary custody of Indian child," describes the responsibilities of a public children services agency (PCPA) or a private child placing agency (PCPA) when executing an agreement for temporary custody of an Indian child. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA.

OAC 5101:2-53-06, "Emergency removal and involuntary custody of Indian children," describes the responsibilities of PCSAs and PCPAs when an Indian child is in the agency's custody. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA. Additionally, language regarding notification to the parents or Indian custodian, the Indian child's Tribe, and the BIA was removed and placed into new OAC rule 5101:2-53-04.

OAC 5101:2-53-07, "Permanent surrender or parental consent to adoptive placement of Indian children," describes the responsibilities of PCSAs and PCPAs when an Indian child has been permanently surrendered for adoption by the parent or the Indian custodian. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA.

OAC 5101:2-53-08, "Placement preference of Indian children," describes the requirements of PCSAs and PCPAs for adhering to placement preferences when selecting a placement setting for an Indian child. This rule is being amended to reflect updated language included in the new federal regulations governing ICWA. The requirement for an agency to complete the JFS 01646 "Report of Indian Child Placement" (rev. 11/2007) is being removed and the form will be obsoleted.

OAC 5101:2-53-09, "Procedures for the transfer of Indian children to a Tribal court, a Tribal Title IV-E agency or an Indian Tribe with a Title IV-E agreement," identifies requirements for transferring child custody proceedings to a Tribal court, a Tribal Title IV-E agency, or an Indian Tribe with a Title IV-E agreement. Language was added to this rule to identify requirements when a parent, an Indian custodian, or an Indian child's Tribe requests the transfer of a child custody proceeding to Tribal court.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASMTL 392 (Rules Amended to Include Language on Adoption Assistance Connections to Age Twenty-One Program)

Family, Children and Adult Services Manual Transmittal Letter No. 392

December 19, 2017

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Adoption Assistance rules 5101:2-49-04, 5101:2-49-06 and 5101:2-49-17 of the Administrative Code were amended to include language on the Adoption Assistance Connections to Age Twenty-One program.

In accordance with sections 5101.141 and 5101.411 of the Revised Code. The following rules have been amended to outline the requirements for adopted children who entered Title IV-E Adoption Assistance (AA) agreement at age 16 or 17 and were in the permanent custody of a public children services agency that finalized an adoption before age 18. The rules were reviewed and will become effective on January 10, 2018.

5101:2-49-04 "Requirement for adoption assistance past age eighteen" outlines the special needs requirements for an adopted child in receipt of AA to continue to receive the payment beyond age 18. Paragraph (I) was added to list the requirements for an adopted young adult to be eligible for the Adoption Assistance Connections (AAC) to Age Twenty-One program.

5101:2-49-06 "Adoption assistance agreement and duration: provision for financial support and services" outlines the timeframe for an adopted child to receive AA as long as the child continues to meet the special needs requirement and the adopted parent(s) are still providing support. Paragraph (M) was added to reference the AAC program for adopted young adults that had an AA agreement after age 16 or 17 and finalized their adoption before age 18.

5101:2-49-17 "Case record requirements for adoption assistance" outlines the documentation to be maintained in the adoption assistance case record. Paragraph (G) was added to require maintaining a copy of the AA case record with AAC case record, if applicable.

Instructions

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Adoption Assistance Connections to Age Twenty-One rules 5101:2-51-01, 5101:2-51-02 and 5101:2-51-03 of the Administrative Code. Forms JFS 00147, JFS 00148, JFS 00149 and JFS 00150.

In accordance with section 5101.141 of the Revised Code. The following Administrative Code rules have been written to outline the requirements for the Adoption Assistance Connections (AAC) to Age Twenty-One program. Adopted young adults who are age 18 may be able to continue adoption assistance payments to age 21. The AAC program provides adoption assistance payments on behalf of the adopted young adults that were in the permanent custody of a public children services agency (PCSA), had an adoption assistance agreement finalized after the age of 16 or 17 and finalized an adoption before age 18. The rules were reviewed and will become effective on January 10, 2018.

OAC 5101:2-51-01 "Administration of the Adoption Assistance Connections (AAC) to Age Twenty-One" provides guidelines for the administration of the AAC program.

OAC 5101:2-51-02 "Eligibility for the Adoption Assistance Connections to Age Twenty-One" outlines the requirements that the adoptive parent(s) must assure they continue to provide parental responsibility for the adopted young adult, the adopted young adult also assures ongoing parental support, and the adopted young adult meets one of the five eligibility criteria.

OAC 5101:2-51-03 "Payments for the Adoption Assistance Connections to Age Twenty-One" outlines the payment process for the AAC program.

JFS 00147 "Title Adoption Assistance Connections (AAC) to Age Twenty-One Application" will be sent to all adopted parents of children who entered into an adoption assistance agreement after age 16 or 17.

JFS 00148 "Title IV-E Adoption Assistance Connections to Age Twenty-One Agreement" is the agreement between an AAC representative and the adoptive parent.

JFS 00149 "Title IV-E Adoption Assistance Connections (AAC) to Age Twenty-One Semi-annual Assurance of Parental Responsibility and Eligibility for Continued Medicaid Coverage" shall be completed by the adopted parent semi-annually to assure that the adopted parent maintains parental responsibility.

JFS 00150 "Title IV-E Adoption Assistance Connections (AAC) to Age Twenty-One Adopted Young Adult Semi-annual Assurance of Parental Responsibility and Eligibility for Continued Medicaid coverage" shall be completed by the adopted young adult semi-annually to assure the adopted parent maintains parental responsibility.

Instructions

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TO: All Family, Children, and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  

This letter transmits 3 new rules governing the Bridges program and 6 new JFS forms. The rules will be effective 12/11/2017 and the JFS forms with be effective 12/11/2017. The following is a brief explanation of each rule and JFS form.

OAC rule 5101:2-50-02 entitled “Requirements for Bridges Eligibility” provides guidance to agencies and other interested stakeholders on the eligibility criteria a Bridges applicant must meet in order to enroll in the program. This rule also contains the steps on how a Bridges applicant may apply for Bridges as well as the denial process.

OAC rule 5101:2-50-03 entitled “Bridges Termination and Reentry” provides guidance to agencies and other interested stakeholders on the ways a Bridges participant could be terminated from Bridges. This rule also contains the termination and reentry process for Bridges.

OAC rule 5101:2-50-05 entitled “Bridges Appeal Process” provides guidance to agencies on the appeals process when Bridges applicants or participants choose to appeal a denial or termination decision from Bridges.

JFS 01617 “Bridges Voluntary Participation Agreement” provides responsibilities that the Bridges participant is responsible for as well as responsibilities of ODJFS. This form will also trigger entry into the Bridges program and Title IV-E eligibility.

JFS 01618 “Bridges Notice of Denial” form provides the Bridges applicant the reason for their denial into Bridges.

JFS 01619 “Bridges Notice of Ineligibility” form provides the Bridges participant notice that they have become ineligible. This notice will also give information on the program grace period and how the participant may regain eligibility.

JFS 01620 “Bridges Notice of Termination” form provides the Bridges participant the reason for their termination from Bridges.

JFS 01621 “Bridges Voluntary Withdrawal Request” form will serve as a form for the Bridges participant to complete and submit to ODJFS signifying their voluntary withdrawal from Bridges.

JFS 01622 “State Hearing Request” form provides the rights and instructions a program applicant or participant should follow in order to request an appeal of the denial or termination from Bridges by way of a state hearing.

INSTRUCTIONS:

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Family, Children and Adult Services Manual Transmittal Letter No. 389

December 11, 2017

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director


This letter transmits 2 new rules governing the Bridges program. The rules will be effective 12/11/2017. The following is a brief explanation of each rule.

OAC rule 5101:2-50-01 entitled “Bridges Definitions” provides definitions for terms used in Chapter 5101:2-50 of the Administrative Code.

OAC rule 5101:2-50-04 entitled “Title IV-E Eligibility and Reimbursability Determination for Bridges” provides guidance on how Title IV-E eligibility and reimbursability are determined for a Bridges participant.

INSTRUCTIONS:

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Family, Children and Adult Services Manual Transmittal Letter No. 388

November 30, 2017

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director


This letter transmits two amended rules governing substitute care that have been revised for clarity. These rules will become effective 12/11/2017. The following is a brief explanation of the changes:

The amended rule 5101:2-42-19 entitled "Requirements for the provision of independent living services to youth in custody" sets forth the requirements for PCSAs and PCPAs to prepare youth for the transition from agency custody to supported independence. This rule is being amended to include language that requires agencies to request a credit report from each of the three major credit reporting agencies each year until the child is discharged from substitute care. This rule has also been amended to include guidance for agencies regarding the Bridges program.

The amended rule 5101:2-42-19.2 entitled "Requirements for provision of independent living services to young adults who have emancipated" sets forth the requirements for PCSAs to provide services and support to emancipated foster care recipients. This rule has been amended to include guidance based on H.B. 50 for PCSAs to refer young adults to the Bridges program.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits four amended rules surrounding foster care updates as a result of the Five Year Review, new legislation and for rule clarification. These rules will be effective October 1, 2017. The following is a brief explanation of the changes:

OAC rule 5101:2-5-28, entitled "Agency Cause for Denial of Initial Certification, Denial of Recertification or Revocation of a Foster Home Certificate," provides guidance to agencies on valid reasons for denial or revocation of a foster home certificate. Paragraphs (A)(1), (C) and (E) were amended for clarity to reference the proper paragraphs. No other changes were made.

OAC rule 5101:2-5-32, entitled "Occupancy limitations and accessibility," provides guidance on the limits for the number of foster children placed in a home based on certain criteria. Paragraph (B) was amended to clarify the exceptions for the capacity limits.

OAC rule 5101:2-5-38, entitled "Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies," provides guidance to agencies on the requirements for the processing of foster caregiver training stipends and training allowance payments. Paragraph (B)(c)(i) was amended to require the agency that recommends a foster caregiver for certification to be responsible for entering the pre-placement training into the state system and providing the stipend payment to the caregiver upon certification. Paragraph (D)(1) was amended to allow a private agency to enter pre-placement training into the state system in order to receive a training allowance prior to certification of the caregiver.

OAC rule 5101:2-9-36, entitled "Additional requirements for children's crisis care facilities," provides guidance to agencies on what an agency must do if the agency is certified as a crisis care facility. Paragraph (H) was added to assist facilities by implementing a new engagement plan in place of the service plan and case plan. Paragraph (T) was added to bring awareness to new legislation described in section 5103.132 of the Revised Code.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 386-B

May 29, 2018

To: Family, Children and Adult Services Manual Holders

From: Cynthia C. Dungey, Director

Subject: Amendment to the Intake and Assessment / Investigation rules contained in Chapter 5101:2-36 of the Ohio Administrative Code

This letter is a follow up to previously published FCASMTL 386 and 386-A which will be archived.

This letter transmits amendments to the Ohio Administrative Code (OAC) rules which address the PCSA requirements for intake and the assessment/investigation of accepted reports. These rules have been amended in accordance with the Joint Commission on Agency Rule Review 5-year review requirement. In addition, changes were made to include the requirements outlined in the Comprehensive Addiction and Recovery Act of 2016.

The following OAC rules have been amended: 5101:2-36-01, 5101:2-36-03, 5101:2-36-04, 5101:2-36-05, 5101:2-36-06, 5101:2-36-07, 5101:2-36-08, 5101:2-36-09, 5101:2-36-10, 5101:2-36-11, 5101:2-36-12, 5101:2-36-13, 5101:2-36-14, 5101:2-36-20. These rules will become effective June 17, 2018.

The following is a brief explanation of the proposed changes to each rule.

Chapter 5101:2-36

OAC rule 5101:2-36-01 entitled Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes outlines the PCSA response to gathering information from a referent. This rule includes the PCSA responsibilities in recording referral information, categorizing referral information, completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS), and assigning a report to a pathway. The addition of “legal substance abuse” has been added into this rule as previously only “illegal substance abuse or withdrawal symptoms resulting from prenatal” were referenced. Substance abuse exposure has been referenced as the definition has been added to 5101:2-1-01. Specific guidelines have been added regarding how a PCSA shall gather information regarding a plan of safe care, as referenced in CARA, at the time a referral is called into the agency. PCSA’s are instructed to gather this information to determine if the substance exposed infants plan of safe care is sufficient to meet the needs of both the infant and their caregivers. These additions satisfy the Comprehensive Addiction and Recovery Act of 2016 (CARA). At the time of original filing of this rule package on October 1, 2017, the sentence “The PCSA shall not contact collateral sources prior to screening the referral in as a report” was added into paragraph (I). This sentence has since been removed and paragraph (I) remains as it was in its original form with no changes being made.

OAC rule 5101:2-36-03 entitled PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Clarification has been added for PCSA’s regarding not needing to interview a child if certain documentation is in the case record. Criteria has been added to reflect the requirements needed for infants identified as affected by legal or illegal substance abuse at the time a report is received as defined by the Comprehensive Addiction and Recovery Act of 2016 (CARA). The requirements of a plan of safe care have been added which shall be gathered at the time a report is received by a PCSA. Referrals of all infants born and identified as affected by both legal or illegal substance abuse, withdrawal symptoms or fetal alcohol spectrum disorder must all be referred to Help Me Grow, not just infants identified as affected by illegal substance abuse as previously required. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of the paragraphs have occurred throughout the rule.

OAC rule 5101:2-36-04 entitled PCSA requirements for conducting a specialized assessment/investigation sets forth the PCSA requirements for conducting a specialized
assessment/investigation of abuse or neglect. The word “setting” to has been added to “out-of-home care” for clarification purposes. Institution has been changed to “organization” as it is defined in 2151.011 of the Administrative Code throughout this rule. Wording has been changed to provide clarification of the needed documentation for when a child is not needed to be interviewed. The addition of “legal substance abuse” has been added into this rule as previously only “illegal substance abuse or withdrawal symptoms resulting from prenatal” were referenced. Criteria has been added to reflect the requirements needed for infants identified as affected by legal or illegal substance abuse at the time a report is received as defined by the Comprehensive Addiction and Recovery Act of 2016 (CARA). The requirements of a plan of safe care have been added which shall be gathered at the time a report is received by a PCSA. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of paragraphs have occurred throughout the rule.

OAC rule 5101:2-36-05 entitled PCSA requirements for conducting stranger danger investigations sets forth the PCSA requirements for conducting a stranger danger investigation. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-06 entitled PCSA requirements for a deserted child assessment/investigation sets forth the PCSA requirements for conducting a deserted child assessment/investigation. Requirements have been added to reflect the Comprehensive Addiction and Recovery Act of 2016 (CARA) when screening a report of child abuse and/or neglect in for an assessment/investigation when an infant is identified as affected by legal or illegal substance abuse as defined in 5101:2-1-01. Restructuring the order of paragraphs and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-07 entitled PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions sets forth the PCSA requirements for conducting an assessment/investigation regarding the medical neglect of a disabled infant with life-threatening conditions. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-08 entitled PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. Wording has been modified to reflect a type B family day care home should be referenced as a “child” care home. These organizations are licensed by “Ohio” department of job and family services (ODJFS), previously the rule stated they were licensed by a “county” department of job and family services.

OAC rule 5101:2-36-09 entitled Requirements for dependent child assessments sets forth the PCSA requirements for conducting a dependent child assessment. An amendment was made to refer any child zero to three years of age to “Help Me Grow” if a developmental delay is suspected. Previously infants born identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure were only referenced in this rule as being referred to “Help Me Grow.”

OAC rule 5101:2-36-10 entitled PCSA requirements for responding to family in need of services reports sets forth the PCSA requirements for responding to family in need of services reports. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-11 entitled Justification to extend time frames for completion or waive completion of assessment/investigation activities outlines the process to extend the timeframe to complete assessment/investigation activities and outlines which assessment/investigation activities may be waived. Minor grammatical changes were made to this rule.

OAC 5101:2-36-12 entitled PCSA requirement for cross-referring reports of child abuse and/or neglect outlines the requirements of the PCSA to refer reports of child abuse and/or neglect to entities with a need for such information to carry out their respective duties. For clarification purposes, a grammatical change has been made to reflect “foster care” licensing versus “children services.”

OAC 5101:2-36-13 entitled Intrastate and interstate referral procedures for children's protective services addresses when a PCSA shall make intrastate and interstate referrals and the procedures the PCSA is to follow. Minor grammatical changes were made to this rule.
OAC rule 5101:2-36-14 entitled **Protective service alert** addresses when a PCSA shall issue a protective service alert (PSA). Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-20 entitled **Public children services agencies assessment requirements for child abuse and neglect reports in alternative response** outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect in the alternative response pathway. Reference to alternative response implementation and approval for PCSA’s to utilize this pathway have been deleted from rule as all counties have been approved to utilize alternative response pathway. Requirements have been added to reflect the Comprehensive Addiction and Recovery Act (CARA) of 2016 when screening a report of child abuse and/or neglect in for an assessment/investigation when an infant is identified as affected by legal or illegal substance abuse as defined in 5101:2-1-01. Referrals of all infants born and identified as affected by both legal or illegal substance abuse, withdrawal symptoms or fetal alcohol spectrum disorder must all be referred to Help Me Grow, not just infants identified as affected by illegal substance abuse as previously required. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of the paragraphs occurred throughout the rule.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendment to Ohio Administrative Code rules 5101:2-40-02 and 5101:2-1-01  

This letter transmits revisions to rules 5101:2-1-01 and 5101:2-40-02 of the Ohio Administrative Code as a result of the Comprehensive Addiction and Recovery Act of 2016, Public Law 114-198. These rule changes will be effective October 1, 2017.

The following is a brief explanation of the changes.

**OAC 5101:2-1-01** entitled *Children services definitions of terms* sets forth the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-52 and 5101:2-57 of the Administrative Code. This rule has been amended to add the terms “Sibling, Substance Affected Infant, Substance Exposed Infant, and Plan of Safe Care” to the definitions rule.

**OAC 5101:2-40-02** entitled *Supportive services for prevention of placement, reunification and life skills* sets forth the requirements for PCSAs to provide or arrange services for families when the PCSA determines the services are necessary. This rule has been amended to revise the age requirement from age sixteen to fourteen for inclusion in independent living services and to make other minor clarifying changes.

**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

This letter transmits changes to Ohio Administrative Code rule 5101:2-33-11, rule 5101:2-33-70 and forms JFS 01607, JFS 01608, JFS 01611, JFS 01688 and JFS 01688-I. These changes are effective 9/01/2017.

The following is a brief explanation of the changes:

The citation of the Multiethnic Placement Act was changed in the rules and the forms to read: 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.)

Information added to paragraph (K) of rule 5101:2-33-70 says that private child placing agencies (PCPAs) and private non-custodial agencies (PNAs) shall enter the following information into SACWIS: Provider record information including homestudies and recruitment plans, and any other data identified by the department as necessary to reflect current provider activities including, but not limited to: services, person, licensing information, or financial information.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children, and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendments to Ohio Administrative Code Rule 5101:2-40-04  

This letter transmits amendments to rule 5101:2-40-04 governing the Kinship Permanency Incentive (KPI) program. These changes are effective 9/01/2017.  

OAC 5101:2-40-04, "Kinship Permanency Incentive Program" has been amended to incorporate language that supports the implementation of the program in the SACWIS application. Revisions have also been made to provide program and policy clarification.  

INSTRUCTIONS:  
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  

This letter transmits six amended rules reflecting updates to the foster care and adoption rules as a result of feedback from public and private agencies, as well as a review of federal statutes. The rules will be effective 8/1/2017. The following is a brief explanation of the changes:

OAC rule 5101:2-5-13, entitled "Required agency policies, plans and procedures" provides guidance to agencies regarding the policies and practices they are required to have in place. Paragraphs (A) and (B) were amended to allow agencies ninety days to submit any revised plans or policies to the Ohio Department of Job and Family Services (ODJFS). The reference to the Multiethnic Placement Act in paragraph (A)(2) was updated. Paragraph (A)(7) was revised to more accurately describe the notification requirements. Paragraph (E) was added to align with the language in the adoption policy rule 5101:2-48-05.

OAC rule 5101:2-48-05, entitled "Agency adoption policy and recruitment plan" provides guidance to agencies regarding the policies they are required to have in place. A new section was added to paragraph (B)(3) regarding notification requirements. This requirement was previously only in the foster care policy rule, and was added to this rule for clarity. Paragraph (B)(14) was amended to add and clarify policy requirements in relation to state and federal adoption assistance. Paragraph (B)(18) was removed as it was not consistent with current law. The reference to the Multiethnic Placement Act in paragraph (C) was updated. Paragraphs (E) and (H) were amended to allow agencies ninety days to submit any revised plans or policies to ODJFS. Paragraph (I) was amended to state that the fee schedule must not discriminate against adoptive applicants or approved adoptive parents. Paragraph (J) was amended to align with the child-specific recruitment requirements in rule 5101:2-48-16.

OAC rule 5101:2-48-09, entitled "Application process and preservice training" provides guidance to agencies related to application and training requirements for those interested in adopting. The reference to the Multiethnic Placement Act in paragraph (N) was updated.

OAC rule 5101:2-48-12, entitled "Completion of the adoption homestudy" provides guidance to assessors regarding the requirements for an adoption homestudy. The reference to the Multiethnic Placement Act in paragraph (F)(1) was updated.

OAC rule 5101:2-48-13, entitled "Non-discrimination requirements for adoptive placements" provides guidance to agencies regarding the actions they can and cannot take in making a decision for an adoptive placement. The reference to the Multiethnic Placement Act in paragraph (B) was revised. Paragraph (I) was revised for clarity.

OAC rule 5101:2-48-24, entitled "Agency adoption review procedures" provides guidance to agencies regarding the procedures for reviewing complaints from adoptive applicants and adoptive families. Paragraph (E) was removed because it was an inaccurate directive. Adoptive families do not have a right to a state hearing if they believe they were denied a placement due to geographic location, however they may request an agency review.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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</table>
This letter transmits one amended rule reflecting updates to the adoption matching process as well as revisions to three forms. The revisions are a result of stakeholder feedback and the efforts of an adoption workgroup formed to effect positive changes in adoption practice. The rule and forms will be effective 9/1/2017. The following is a brief explanation of the changes:

OAC rule 5101:2-48-16, entitled "Adoption preplacement and placement procedures" provides guidance to agencies in regards to the matching and placement requirements for children in their permanent custody. Clarifying language was added to paragraph (C) regarding assessor visits with the child in permanent custody. Paragraphs (F) and (M) were revised to clarify that pre-adoptive staffings and matching conferences may be held prior to the birth of the child in a private agency infant adoption. Paragraph (H) now states that the prospective adoptive family shall be invited to the pre-adoptive staffing, if the PCSA or PCPA deems it to be appropriate. Language concerning distribution of the JFS 01690 was revised in paragraph (J). Paragraph (N) was revised to clarify invitations for kin who have applied to adopt the child less than fourteen days prior to the matching conference, as well as require the agency to invite any child focused recruiters to the matching who are assigned to the child, and allow the agency to invite the child to the matching if appropriate. Paragraph (O) was revised to stress the importance of the matching conferences and not delay permanency for waiting children, and require any child focused or child specific recruiter to participate in the matching conference. Paragraphs (O) and (R) were both revised to allow for flexibility with technology. The child study inventory was added to paragraph (U) as one of the factors in making the matching decision. The requirement that an adult non-relative must have been named by the biological parent in order to be considered for placement has been removed from paragraph (V). The requirement for updating the JFS 01690 pre-adoptive staffing prior to every subsequent matching conference was removed from paragraph (W). The pre-adoptive staffing meeting will now be a one-time only occurrence. Paragraph (X) was revised to allow for more flexibility in regards to permanency options other than adoption. Paragraph (Y) was revised to clarify that the JFS 01654 Adoptive Placement Agreement is not complete unless it includes all applicable signatures and the adoptive placement date. The reference to the Multiethnic Placement Act in paragraph (KK) was updated. All other changes made were not substantive.

The JFS 01654 "Adoptive Placement Agreement" was revised to clarify that the custodial agency shall supervise the adoptive placement unless the adoptive family lives in another state. Reporting requirements of the adoptive parents were also revised to align with current OAC rules. The elements regarding subsidies and foster care maintenance were separated for clarification. The last statement was added to highlight the importance of finalizing the adoption and not causing undue delay in establishing permanency for the child. All other changes were not substantive.

The JFS 01689 "Documentation of the Placement Decision-making Process" was revised to provide clarity to those involved in the decision making process. Language was revised in order to simplify the rating system and formatting changes were completed to make the form easier to read. Language was added to the form to include recruitment activities in the event no families were matched with the child. All other changes were not substantive.

The JFS 01690 "Documentation of the Pre-adoptive Staffing" was revised and reformatted to include language regarding transition requirements, such as the child study inventory, the child's lifebook, and goodbye visits. Additional language was revised to clarify that the document is now completed only one time, and no updates are required going forward. All other changes were not substantive.
**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>Transmittal Letters</td>
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</table>
This letter transmits amended rule 5101:2-42-18. The amended rule incorporates the recommendations of an established Children and Family Services Plan workgroup charged with exploring and developing a statewide kinship home assessment. This rule will become effective 07/01/2017. The following is a brief explanation of the changes.

OAC 5101:2-42-18, "PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers" sets forth requirements for the assessment of relative and nonrelative (kinship) caregivers for the placement of children who are unable to remain in their own homes. This rule has been amended to provide clear timelines for the initiation and completion of the assessment, as well as notification of approval or denial to the caregiver. Additionally, language regarding disqualifying offenses and rehabilitation standards has been amended in an effort to allow public children services agencies (PCSAs) and private child placing agencies (PCPAs) more flexibility when assessing kinship caregivers who might otherwise not meet more stringent requirements applied to licensed foster and adoptive caregivers. The amended rule has been edited to require PCSAs and PCPAs to use the JFS 01447 "Assessment of relative or nonrelative substitute caregiver."

This letter also transmits revisions to the JFS 01447, "Assessment of relative or nonrelative substitute caregiver" as well as a new form JFS 01447-I "Instructions for completing JFS 01447, Assessment of relative or nonrelative substitute caregiver." The JFS 01447 has been edited to reflect amendments to rule 5101:2-42-18 of the Ohio Administrative Code. The JFS 01447-I has been created to provide PCSAs and PCPAs with guidance when completing the JFS 01447.

INSTRUCTIONS:
The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Ohio Administrative Code Rule 5101:2-33-55

This letter transmits amendments to rule 5101:2-33-55. These changes are effective 06/01/2017.

OAC 5101:2-33-55, "Education and in-service training requirements for PCSA caseworkers" has been amended to incorporate language that requires additional training in the area of human trafficking. Minor revisions were also made for clarity.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM. Obsolete

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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

This letter transmits changes to Ohio Administrative Code rules 5101:2-25-01, 5101:2-25-02, 5101:2-25-03 and 5101:2-25-07 as well as JFS 01821 and JFS 01821-I forms.

The following is a brief explanation of the changes:

For rules 5101:2-25-01 and 5101:2-25-02, the following definitions were added or modified for clarity:

1. Compact services - formal or informal arrangements between the CDJFS and a community agency(s),
2. Direct service - services provided by staff or the CDJFS,
3. Purchase services - services provided through written contract between private or nonprofit agency(s),
4. Grants - agreements made between public children services agencies (PCSAs) only.

For rules 5101:2-25-03 and 5101:2-25-07, words and sentences were added and removed for clarity and understanding. Forms JFS 01821, and JFS 01821-I were updated to coincide with the rules.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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FCASMTL 377 (Five-Year Rule Review: Amendment to Title IV-E Foster Care Maintenance Rules 5101:2-47-03.1, 5101:2-47-04, 5101:2-47-15 and No Change to Rule 5101:2-47-07 of the OAC)

Family, Children and Adult Services Manual Transmittal Letter No. 377

March 22, 2017

TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

In accordance with Ohio Revised Code (ORC) section 106.03, each state is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule’s scope and purpose. The following rules were recently reviewed and amended to provide clarity, with an effective date of April 15, 2017.

Ohio Administrative Code (OAC) rule 5101:2-47-03.1 "Qualified and Disqualified Alien Eligibility for Foster Care Maintenance and Independent Living Services," this rule outlines the foster care maintenance (FCM) eligibility requirements for qualified aliens. This rule has been edited to provide clarification.

OAC 5101:2-47-04 entitled "Intercounty and interstate case management responsibility for foster care maintenance" describes the case management responsibilities for FCM when a case is transferred to another county. A minor grammatical error was fixed.

OAC 5101:2-47-15 entitled "Foster care maintenance program reimbursability: authorization for foster care maintenance and auxiliary payment reimbursements" outlines the process to receive reimbursement for FCM, difficulty of care auxiliary reimbursements. Paragraph (E) was amended to include residential parenting facilities as a type of FCM reimbursable setting and minor edits to paragraph (J) for clarity.

No changes were made to the following rule:

OAC 5101:2-47-07 entitled "Notice of Rights to a Hearing for Foster Care Maintenance" describes the hearing rights for Title IV-E agencies.

INSTRUCTION:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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FCASMTL 376 (Amendments to Children Services Licensing OAC Rules in chapter 5101:2-5 and 2-7)

Family, Children and Adult Services Manual Transmittal Letter No. 376

February 9, 2017

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Children Services Licensing OAC Rules in chapter 5101:2-5 and 2-7.

This letter transmits six amended rules surrounding foster care updates as a result of the Five Year Review and for rule updates. These rules will be effective March 1, 2017. The following is a brief explanation of the changes:

OAC rule 5101:2-5-09.1, entitled "Criminal records check required for certain prospective employees and certified foster caregivers," provides guidance to agencies on the requirements for criminal records checks for agency employees as well as for foster caregivers. Paragraphs (A), (K) and (N) were amended to include a reference to section 2151.86 of the Revised Code in regard to conducting criminal records checks.

OAC rule 5101:2-5-26, entitled "Procedures for revocation, denial of initial certification or denial of recertification of a foster home certificate," provides guidance to agencies on what an agency must do to deny a foster home certificate. Paragraphs (B), (D) and (E) were amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-28, entitled "Agency cause for denial of initial certification, denial of recertification or revocation of a foster home certificate," provides guidance to agencies on valid reasons for denial or revocation of a foster home certificate. Paragraph (A)(13) was added to reference section 5103.0326 of the Revised Code.

OAC rule 5101:2-5-32, entitled "Occupancy limitations and accessibility," provides guidance to agencies on occupancy limits in foster homes. Paragraph (B) was amended to add and clarify exceptions to each occupancy limit listed in the paragraph. These exceptions existed for the total number of children in the home but were never expanded to include the limits in paragraph (B) prior to this change.

OAC rule 5101:2-5-35, entitled "Children's rights," provides guidance to agencies on the rights of a child placed in foster care. Paragraph (A) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-7-08, entitled "Alternative Care Arrangements," provides guidance to agencies on the requirements for babysitting and other child care arrangements for foster children by the foster caregivers. A new paragraph (C) was added to clarify how the reasonable and prudent parent standard affects alternative care arrangements.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 375

March 9, 2017

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Ohio Administrative Code (OAC) Rule 5101:2-44-13 and Rule 5101:2-44-13.1

This letter transmits changes to Ohio Administrative Code rule 5101:2-44-13 and rule 5101:2-44-13.1. The following is a brief explanation of the changes:

OAC rule 5101:2-44-13, entitled "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program," sets forth the requirements that the PCSA is responsible for the administration and determination of eligibility for the Post Adoption Special Services Subsidy (PASSS) program.

Updated paragraph (K) with the "Approval or Denial for Post Adoption Special Services Subsidy" SACWIS report. Removed the written notice requirement in paragraph (L). Updated paragraph (Q) to include appendix A to rule 5160-27-05 of the OAC for mental health services.

OAC rule 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy (PASSS) program" is a state-funded program designed to assist eligible families, after adoption finalization.

In paragraph (C)(4)(b)(i) the words "mental retardation" were changed to "intellectual disability." In paragraph (D)(1) the words "certified nurse practitioner" or "other licensed/certified professionals" were added. In paragraph (M) an explanation of gross income above or below 200% federal poverty guideline, and the statement: "If the service amount is higher, the adoptive parent is responsible for the co-pay percentage amount and the overage cost of the service," was added.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Users  
FROM: Cynthia C. Dungey, Director  
SUBJECT: The rescission of Ohio Administrative Code rule 5101:2-20-02; amendments to Ohio Administrative Code rule 5101:2-20-03 and adoption of new Ohio Administrative Code rules 5101:2-20-12, 5101:2-20-13 and 5101:2-20-16

This letter transmits Ohio Administrative Code (OAC) rules governing the adult protective services (APS) program that have been amended, rescinded and proposed as new as a result of legislation. The following is a brief explanation of the changes.

OAC 5101:2-20-02 entitled "Provisions for adult protective services" sets forth the requirements that standardize APS practice statewide. This rule has been rescinded and has been replaced by new OAC rules 5101:2-20-12 and 5101:2-20-16.

OAC 5101:2-20-03 entitled "Adult protective services designated agency provisions" sets forth requirements which allow county departments of job and family services to designate an agency to investigate and evaluate the need for adult protective services. This rule is being amended to allow designated agencies to receive and screen referrals of adult abuse, neglect and exploitation.

OAC 5101:2-20-12 entitled "Adult protective services assessment and investigation" sets forth the requirements for the CDJFS or its designee to use during the assessment and investigation of adult abuse, neglect and/or exploitation.

OAC 5101:2-20-13 entitled "Adult protective services third party investigation" sets forth the requirements for the CDJFS or its designee to use during the investigation of adult abuse, neglect and/or exploitation if there is a conflict of interest.

OAC 5101:2-20-16 entitled "Service planning and case review for adult protective services" sets forth the requirements for the CDJFS or its designee to use during the delivery of protective services.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits new rule 5101:2-53-09 "Procedures for the transfer of Indian children to a tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement." This rule will become effective November 1, 2016.

This rule incorporates the requirements that were outlined in Family, Children, and Adult Services Procedure Letter No. 294 issued on October 26, 2015 which identified the minimum federal requirements set forth in 45 CFR Section 1356.67 for the transfer of jurisdiction and/or responsibility for the placement and care of an Indian child from an Ohio Title IV-E agency to a Tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

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July 13, 2016

TO: All Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment to Ohio Administrative Code Rules

This letter is to inform private child placing agencies (PCPAs) of changes to the Ohio Administrative Code (OAC) rules governing the case plan and review.

A new rule 5101:2-38-04 was developed to outline the PCPA responsibilities regarding semiannual administrative review of the case plan. Previously, the PCSA and PCPA requirements for completing the semiannual administrative review were contained in rule 5101:2-38-10 Requirements for Completing the Semiannual Administrative Review.

The following is a brief explanation of the changes.

OAC rule 5101:2-38-04 entitled PCPA semiannual review of the case plan is a new rule and identifies the requirements that apply to PCPAs for completing the semiannual review. This rule was developed to outline the PCPA SAR requirements separate and apart from the PCSA requirements as both PCSAs and PCPAs were previously addressed in rule 5101:2-38-10. The PCPA requirements in relation to completing the case review are addressed.

OAC rule 5101:2-38-07 entitled PCPA case plan identifies the requirements that apply to the PCPA for completing the case plan. A substantive change reflects that youth ages 14 and older are to be invited to participate in the case planning. Additionally, the youth may elect to include two individuals who are a support to the youth, but are not the foster parent or caseworker to be invited to develop, implement and review the case plan. This Federal requirement is now reflected in the rule. Another substantive revision is that the parties to the case plan are now identified in the rule. Lastly, the identification of the parties to the SAR is now reflected in the rule.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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</table>
This letter is to inform public children services agencies (PCSA) of changes to the Ohio Administrative Code (OAC) rules governing the case plan and review.

The following is a brief explanation of the changes.

OAC rule 5101:2-38-01 entitled Requirements for PCSA Case Plan for In-Home Supportive Services without Court Order identifies the requirements for PCSAs for completing an in-home voluntary case plan. Language was added regarding the documentation of contacts.

OAC rule 5101:2-38-05 entitled PCSA case plan for children in custody or under court ordered protective supervision identifies the requirements that apply to the PCSA for completing the case plan. A substantive change reflects that youth ages 14 and older are to be invited to participate in the development, implementation and review of the case plan. Additionally, the youth may elect to include two individuals who are a support to the youth, to be invited to participate in the development, implementation and review of the case plan. These Federal requirements are now reflected in the rule. Lastly, the identification of the parties to the case plan is now contained within the rule.

OAC rule 5101:2-38-09 entitled PCSA Requirements for Completing the Case Review identifies the requirements that apply to the PCSA for completing the case review. The trigger dates were amended to mirror OAC rule 5101:2-38-10. The language as to the purpose of the case review was stricken as it is reflected in the case review tool. The language concerning documentation and supervisory approval of the assessment of safety was clarified.

OAC rule 5101:2-38-10 PCSA Requirements for Completing the Semiannual Administrative Review was revised to address only PCSAs. The PCPA requirements can now be found in rule 5101:2-38-04. The list of individuals to be invited to the SAR was expanded per the Federal requirements. Parties to the SAR were identified for clarity.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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<td>TRANSMITTAL LETTERS</td>
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<td>FCASMTL 371</td>
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FCASMTL 370 (Amendment to OAC rule 5101:2-20-01; Development of OAC rules 5101:2-20-05, 5101:2-20-06, 5101:2-20-07, 5101:2-20-11, and 5101:2-20-14)

Family, Children and Adult Services Manual Transmittal Letter No. 370

June 27, 2016

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment to Ohio Administrative Code rule 5101:2-20-01; development of Ohio Administrative Code rules 5101:2-20-05, 5101:2-20-06, 5101:2-20-07, 5101:2-20-11, and 5101:2-20-14

This letter transmits new and amended Ohio Administrative Code (OAC) rules governing adult protective services (APS) that have been proposed and amended as a result of the passage of HB 64. The following is a brief explanation of the changes.

OAC rule 5101:2-20-01 entitled "Adult protective services definitions" sets forth definitions of terminology used by those working in the APS field. This rule has been amended to include definitions for case management, case record, caseworker, principals of the case, and supervisor. It also expands the definition of "exploitation".

OAC 5101:2-20-05 entitled "Confidentiality and dissemination of adult protective services information" outlines the confidential nature of adult abuse, neglect and exploitation reports and specifies when release of such information is required or permissible.

OAC rule 5101:2-20-06 entitled "The county adult protective services memorandum of understanding" sets forth the requirements for the CDJFSs and their designated agencies when creating a memorandum of understanding.

OAC rule 5101:2-20-07 entitled "Education and in-service training requirements for APS caseworkers and supervisors" sets forth the core and on-going training requirements for APS caseworkers and supervisors.

OAC 5101:2-20-11 entitled "Adult protective services screening" sets forth the requirements for the CDJFS or its designee in screening APS referrals of abuse, neglect and exploitation. This rule also specifies that the CDJFS is permitted to designate another agency to record and screen APS referrals.

OAC rule 5101:2-20-14 entitled "CDJFS requirement for cross-referring reports of elder abuse, neglect, or exploitation" sets forth the requirements for when a CDJFS must make a referral to their local board of developmental disabilities, state long-term care ombudsman program, department of health, or the public children services agency.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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<thead>
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<td>OAC 5101:2-20-11</td>
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</table>
TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment to CPS removal of a child rule of the Ohio Administrative Code (OAC)

This letter transmits revisions to rule 5101:2-39-01 of the Ohio Administrative Code as a result of Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act requirements. These changes will be effective July 15, 2016.

The following is a brief explanation of the changes.

OAC 5101:2-39-01 entitled Removal of a child from the child’s own home sets forth the requirements for removing children from the home. This rule is being amended to include notification to all parents of a sibling of the child where such parent has legal custody of such sibling.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>TRANSMITTAL LETTERS</td>
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<td>FCASMTL No. 369</td>
</tr>
</tbody>
</table>
This letter transmits amended rule 5101:2-42-60. This rule will become effective June 1, 2016. The following is a brief explanation of the changes.

OAC 5101:2-42-60, “Placement services for infants of incarcerated mothers” sets forth requirements for public children services agencies (PCSAs) to provide services to infants of incarcerated mothers. This rule has been edited to provide clarification.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

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<th>LOCATION</th>
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<td>TRANSMITTAL LETTERS</td>
<td></td>
<td>FCASMTL No. 368</td>
</tr>
</tbody>
</table>
This letter transmits five amended rules and one new rule surrounding foster care updates as a result of the Five Year Review and the passage of Amended Substitute House Bill Number 64 of the 131st General Assembly requiring ODJFS to draft rules for the operation and licensure of private, nonprofit therapeutic wilderness camps. These rules will be effective July 1, 2016. The following is a brief explanation of the changes:

OAC rule 5101:2-1-01, entitled "Children services definition of terms," provides guidance to agencies on the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-52 and 5101:2-57 of the Administrative Code. Paragraph (B)(21) was amended to refer directly to statute for the definition of "assessor." Paragraph (B)(147) was amended to bring the definition of "independent living arrangement" into compliance with new federal language. Paragraph (B)(222) was amended to refer directly to statute for the definition of "planned permanent living arrangement." Paragraph (B)(238) was added to define a private, nonprofit therapeutic wilderness camp. Paragraph (B)(269) was amended to add a private, nonprofit therapeutic wilderness camp as a type of residential facility. Paragraph (B)(324) was amended to comply with federal language lowering the age of a child from sixteen to fourteen as part of the "treatment team."

OAC rule 5101:2-5-02, entitled "Application for an agency to perform specific functions; amended applications," provides guidance to agencies on the requirements for requesting agency certification for functions related to foster care. Paragraph (I)(6) was amended to remove the timeframe of sixty days for the request of approval for implementing a change in a residential facility. The facility must now request the approval from ODJFS prior to implementing a change. This paragraph was also amended to include private, nonprofit therapeutic wilderness camps as a type of residential facility.

OAC rule 5101:2-5-03, entitled "Certification of an agency to perform specific functions," provides guidance to agencies on the types of certifications that foster care agencies may be certified for. Paragraph (D) was amended to include private, nonprofit therapeutic wilderness camps as a type of residential facility. Two grammatical changes were made to paragraph (F).

OAC rule 5101:2-5-13, entitled "Required agency policies, plans and procedures," provides guidance to agencies on all policies a foster care agency is to implement. Paragraph (A)(28) was amended to require the recommending agency to notify the custodial agency immediately, but no later than twenty-four hours from the time the agency is notified of an unauthorized absence of a foster child. Paragraph (A)(29) was amended to clarify that the psychotropic medication policy is required for PCSAs only. A new paragraph (A)(30) was added to ensure the required agency policies in section 5103.50 of the Revised Code for private, nonprofit therapeutic wilderness camps were addressed.

OAC rule 5101:2-5-18, entitled "Waivers and variances," provides guidance to agencies on the guidelines and procedures of requesting a waiver and the longevity of pre-existing variances. A new paragraph (A)(3) was added to allow a private, nonprofit therapeutic wilderness camp to request a waiver.

OAC rule 5101:2-9-40, entitled "Private, nonprofit therapeutic wilderness camps," provides guidance to agencies on the specific regulations of a wilderness camp. As a result of the passage of Amended Substitute House Bill Number 64 of the 131st General Assembly, this rule was created due to new legislation requiring ODJFS to draft rules for the operation and licensure of private, nonprofit therapeutic wilderness camps.
The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 366

March 14, 2016

TO: All Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Ohio Administrative Code Rules 5101:2-33-55 and 5101:2-33-56

This letter transmits amendments to OAC 5101:2-33-55 Education and in-service training for PCSA caseworkers and OAC 5101:2-33-56 Education and in-service training for PCSA supervisors. Forms JFS 01825 and JFS 01826 will be obsoleted and the Ohio Child Welfare Training Program’s (OCWTP) Learning Management System, E-Track will be used to maintain all training records for PCSA caseworkers and supervisors. These changes will be effective on April 1, 2016.

OAC 5101:2-33-55 Education and in-service training requirements for PCSA caseworkers includes 102 hours of in-service training during the first year of the caseworker’s continuous employment with a public children services agency (PCSA). Caseworkers are also required to complete 36 hours of training annually in areas relevant to the caseworker’s assigned duties after the first year of continuous employment as a caseworker. County PCSAs will now use E-Track to maintain all training records for PCSA caseworkers.

OAC 5101:2-33-56 Education and in-service training requirements for PCSA supervisors includes 60 hours of supervisory core training offered by the Ohio Child Welfare Training Program during the first year of the supervisor’s continuous employment with a PCSA. The supervisor is also required to complete 12 hours of domestic violence training during the first two years of continuous employment with a PCSA. Supervisors are also required to take 30 hours of training annually in areas relevant to the supervisor’s assigned duties after the first year of continuous employment with a PCSA. County PCSAs will now use E-Track to maintain all training records for PCSA supervisors.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

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</table>
This letter transmits an amended rule for Title IV-E foster care maintenance. The rule has been revised through a collaborative partnership between ODJFS, public children service agencies (PCSAs), private child placing agencies (PCPAs) and private noncustodial agencies (PNAs). The rule will be effective April 30, 2016.

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>TRANSMITTAL LETTERS</td>
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<td>FCASMTL No. 365</td>
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</table>
TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendment to Ohio Administrative Code (OAC) Rule 5101:2-44-13.1

This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-44-13.1. The rule will be effective December 1, 2015. The following is a brief explanation of the changes:

OAC rule 5101:2-44-13.1 entitled, "Eligibility and Application for the Post Adoption Special Services Subsidy (PASSS) program" has been amended to add the definitions of "mentally handicapped" and "physically handicapped" to paragraph (C)(4)(b). Paragraph (N) was updated under the "vehicle modification" and "computer software" sections.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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<td>TRANSMITTAL LETTERS</td>
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<td>FCASMTL No. 364</td>
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</table>
This letter transmits four amended rules reflecting updates as a result of guidance received from the federal government via the CFSR Round 3 Onsite Review Instrument (pg. 66) located at https://training.cfsrportal.org/resources/3044. The guidance results in changes to who may complete caseworker visitation. The rules will be effective January 1, 2016, however FCASPL 278 was published February 23, 2015 in the interim. The following is a brief explanation of the changes:

- OAC rule 5101:2-42-65, entitled "Caseworker visits and contacts with children in substitute care" provides guidance to agencies regarding who is to complete caseworker visits, as well as the required frequency and content of those visits. Paragraph (B) is being revised to clarify that a caseworker from the agency who has case management responsibility of the child's case must complete the visit. The paragraph adds that the caseworker assigned to the child's case shall complete a majority of the required monthly visits. Paragraph (C) was revised to allow the PCSA or PCPA to contract out the subsequent visits, if more than one visit per month is required for the case. Paragraph (D) was revised to add that the caseworker must document the caregiver's efforts to promote and allow normalcy for the child in placement by following the reasonable and prudent parent standard. Paragraph (E) was revised to add that visitation for interstate placements must follow the regulations of the interstate compact, and gives the website for where to locate those regulations.

- OAC rule 5101:2-48-17, entitled "Assessor visits and contacts with children in adoptive homes prior to finalization" provides guidance to agencies regarding who is to complete assessor visits for children in a prefinalized adoption placement, as well as the required frequency and content of those visits. Paragraph (A) is being revised to clarify that an assessor from the agency who has full responsibility for case planning and case management of the child's case must complete the visits. The paragraph adds that the caseworker assigned to the child's case shall complete a majority of the required monthly visits. Paragraph (B) was revised to allow contracted agencies to complete subsequent visits if more than one visit per month is required for the case. Paragraph (E) was revised to add that visitation for interstate placements must follow the regulations of the interstate compact, and provides the website for where to locate those regulations.

- OAC rule 5101:2-52-04, entitled "PCSA responsibilities for the interstate compact on the placement of children" provides guidance to public agencies regarding how to handle placements across state lines. Paragraph (I) was revised to add that the regulations of the compact must be followed regarding supervision of the case, and provides the website for where to find those regulations.

- OAC rule 5101:2-52-08, entitled "Interstate placement requirements for Ohio parents, legal guardians, or private entities when placing a child into another state or territory for adoption" provides private entities guidance regarding placements that cross state lines. Paragraph (B) was revised to give the specific website for where to find the ICPC regulations. Paragraph (C) was revised to add that the regulations of the compact must be followed regarding supervision of the case, and provides the website for where to locate those regulations.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.
<table>
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<td>Transmittal Letters</td>
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<td>FCASMTL No. 363</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Adoption Rules 5101:2-48-05 and 5101:2-48-16

This letter transmits two amended rules reflecting updates as a result of aligning the foster care and adoption recruitment plan requirements, as well as feedback from public and private agencies regarding matching procedures that were contradictory and in need of alignment. The rules will be effective December 1, 2015. The following is a brief explanation of the changes:

- OAC rule 5101:2-48-05, entitled "Agency adoption policy and recruitment plan" provides guidance to agencies regarding the policies they are required to have, including their adoption recruitment plan. Paragraph (B)(2)(g) was revised to clarify when a large family assessment is due, in alignment with a change to rule 5101:2-48-12 of the Administrative Code. Paragraph (B)(4) was revised to remove private noncustodial agencies from the requirement, as they would not be requesting a homestudy for matching purposes. Paragraph (B)(9) was revised to simply refer agencies to rule 5101:2-48-16 of the Administrative Code in creating their matching policy, in an effort to alleviate any discrepancies. Paragraph (B)(10) was revised to accentuate the preference to keep siblings together whenever possible and in their best interests. The language in paragraph (F) was added to paragraph (E). The language in paragraph (I) was added to paragraph (G). Paragraphs (L) and (M) were taken from the requirements located in rule 5101:2-48-16 for foster care policies, in a continued effort to align the two programs. All other revisions were not substantive and were for grammar purposes or for the ease of the reader.

- OAC rule 5101:2-48-16, entitled "Adoption preplacement and placement procedures" provides guidance to agencies regarding what is required between the time of permanent custody and the time of adoption. Language was added to paragraph (H) to ensure that the appropriate individuals who are required to be invited to the pre-adoptive staffing are given appropriate notice to the meeting, or any changes or cancelations to the meeting. Identical language was added to paragraph (N) for the purposes of the matching conferences. The language in paragraph (U)(5) was taken from the stricken language in rule 5101:2-48-05 of the Administrative Code. Paragraph (V) was revised to clarify, in one rule, what the matching preference order is when all possible placement options are in the best interest of the child. Language was added to paragraph (AA) to require a specific timeframe for when information must be given to other agencies after a matching conference. Private noncustodial agencies were removed from paragraph (DD) as a noncustodial agency is not to be placing children out of state in adoptive homes, and private child placing agencies were added to the paragraph as they are permitted to place out of state. Paragraphs (II) and (JJ) were added to the language in paragraphs (LL) through (NN). All other revisions were not substantive and were for grammar purposes or for the ease of the reader.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>Transmittal Letters</td>
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<td>FCASMTL 362</td>
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</table>
This letter transmits the five year review to the Ohio Administrative Code (OAC) rule 5101:2-36-08 entitled **PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report**. This rule addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. This rule does not have any amendments.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<td>TRANSMITTALS</td>
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Family, Children and Adult Services Manual Transmittal Letter No. 360

August 26, 2015

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment to Ohio Administrative Code Rule 5101:2-42-88

This letter transmits an Ohio Administrative Code rule governing Substitute Care that has been amended as a result of Federal legislation. The following is a brief explanation of the changes.

The amended rule 5101:2-42-88 entitled "Requirements when a child in substitute care disrupts from placement or is absent without leave (AWOL)" sets forth the requirements for PCSAs and PCPAs when a child in substitute care placement disrupts. This rule has been amended to include requirements in documentation and services offered if a child is missing, abducted or found to be a victim of sex trafficking.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

<table>
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<th>LOCATION</th>
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Family, Children and Adult Services Manual Transmittal Letter No. 359

August 25, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director


This letter transmits three amended rules surrounding substitute care updates as a result of the five year review. The rules will be effective September 1, 2015.

The following is a brief explanation of the changes:

OAC rule 5101:2-42-87, entitled "Termination of substitute care and custody of a child" sets forth requirements for agencies regarding the termination of custody of a child. Paragraph (D) was amended to include the recommending agency in the notification process. Minor changes were also made to reorganize the paragraphs for clarity and for the ease of the reader.

OAC rule 5101:2-42-90, entitled "Information to be provided to children, caregivers, school districts and juvenile courts" sets forth the requirements for PCSAs and PCPAs in the sharing of information with substitute caregivers, school districts, and juvenile courts. The rule title was amended to more accurately reflect the requirements set forth by the rule. Paragraphs (B), (C), and (I) were amended for clarity and grammatical errors. Paragraph (F) was added to meet new requirements as a result of legislative changes made to the Ohio Revised Code pursuant to Amended Substitute House Bill two hundred thirteen of the 130th General Assembly. The new language requires PCSAs and PCPAs provide the caregiver of a child who is placed in a planned permanent living arrangement a notice that addresses the caregivers' understanding of the permanency of a planned permanent living arrangement and that the caregiver is expected to actively participate in the child's case plan. Paragraphs (Q), (R), and (S) were added requiring the custodial agency to provide the JFS 01677 "Foster Youth Rights Handbook" to every child being placed in substitute care, age fourteen and older.

OAC rule 5101:2-48-15, entitled "Provision of information to a prospective adoptive parent matched with a specific child" provides guidance to custodial agencies regarding the documentation that is required to be given to a prospective adoptive parent prior to the adoptive placement of a child. The rule was updated as a result of the five year review. There were no substantive changes made to the rule. The changes made were a result of reorganizing the paragraphs for clarity and for the ease of the reader.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

<table>
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FCASMTL 358 (Amendment to Ohio Administrative Code Rule 5101:2-42-68)

Family, Children and Adult Services Manual Transmittal Letter No. 358

November 6, 2015

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment to Ohio Administrative Code Rule 5101:2-42-68

This letter transmits Ohio Administrative Code rule governing Substitute Care that is being amended as a result of Federal legislation. The following is a brief explanation of the change. This rule will be effective December 1, 2015.

The amended rule 5101:2-42-68 entitled "Necessity for Continued Substitute Care Placement: Court Reviews and Hearing Requirements" sets forth the requirements for PCSAs and PCPAs to determine the necessity for continued substitute care placement of each child, whether the child's custody is by agreement or court commitment or whether the child's custody status is temporary or permanent. Public Law 113-183 "Preventing Sex Trafficking and Strengthening Families Act" has set a mandate that only children age sixteen or older shall be considered for planned permanent living arrangement (PPLA).

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Adoption OAC Rules.

This letter transmits four amended rules as a result of the five year review, as well as changes recommended from the Partners for Ohio's Families rule review that was completed in 2013 and included a collaboration of public and private agencies, as well as foster and adoptive parents. These rules will be effective October 1, 2015. The following is a brief explanation of the proposed changes:

OAC rule 5101:2-48-13, entitled "Non-discrimination requirements for adoptive placements" provides guidance to agencies regarding discriminating actions that are prohibited when making placement decisions, as well as required actions when race, color, or national origin is intended to be a factor in the decision making process. There were no substantive changes to this rule. Form effective dates were updated throughout the rule and language was changed for grammatical purposes.

OAC rule 5101:2-48-22, entitled "Adoptive family case record" provides guidance to agencies regarding the documentation requirements for the case record for each potential adoptive family. Language in paragraph (B)(5) was changed to align with the requirements in rule 5101:2-48-12 regarding falsification. Other changes were not substantive. Form effective dates were updated and language was revised for grammatical purposes.

OAC rule 5101:2-48-23, entitled "Preservation of adoptive child case record" provides guidance to custodial agencies regarding the documentation requirements to be placed in the adoptive child's case record. Language in paragraph (B)(4) was added to meet the requirements of ORC 3107.12. There were no other substantive changes. Form effective dates were updated throughout the rule.

OAC rule 5101:2-48-24, entitled "Agency adoption review procedures" provides guidance to agencies on the requirements of the review process when a complaint is received from adoptive applicants or families. Paragraph (B) was broken out into sub-paragraphs for the ease of the reader. The language in paragraph (G) was revised to align with the requirements in rule 5101:2-48-12 regarding falsification.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>TRANSMITTALS</td>
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<td>FCASMTL No. 357</td>
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This letter transmits the amendment to the Ohio Administrative Code (OAC) rule 5101:2-36-11 entitled Extending Time Frames for Completion or Waiving Completion of Assessment/Investigation Activities. This rule addresses the permitted justifications for the PCSA to either extend or waive required assessment/investigation activities of accepted reports. This rule has been amended to incorporate an allowable extension for the following:

1. The written notification of the report disposition to the alleged perpetrator if the alleged perpetrator is the subject of a law enforcement investigation into human trafficking. The extended time frame shall not exceed 120 days from the date the PCSA screened in the referral as a child abuse and/or neglect report.

2. Completion of a second attempt of face-to-face contact in order to complete the Safety Assessment within four working days from the screening decision when specific child focused safety criteria have been met and recorded.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 356</td>
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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  

This letter transmits eleven amended rules surrounding foster care updates as a result of the Five Year Review. These rules will be effective December 1, 2015. The following is a brief explanation of the changes:

OAC rule 5101:2-5-05, entitled "Agency appeal of findings of noncompliance", provides guidance to agencies on what an agency must do to appeal a finding of noncompliance. Paragraph (A) was amended to change the requirement for submission of an appeal from five days to ten days following the receipt of the summary of findings of noncompliance. An additional requirement for the licensing supervisor is to arrange a meeting in person or by phone if requested and render a decision within ten business days. A new paragraph (B) was added to prohibit any form of retaliation to an agency by an employee of ODJFS due to the filing of an appeal by the agency.

OAC rule 5101:2-5-06, entitled "Corrective action plans", provides guidance to agencies on what is needed to create and submit a corrective action plan for a finding of noncompliance. Paragraph (A) was amended to expand the number of days for submission of a corrective action plan from ten to fifteen days from the date of the exit interview. A sentence was added to allow ODJFS to grant an extension for submissions to go beyond the fifteen days.

OAC rule 5101:2-5-07, entitled "Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates", provides guidance to agencies on the process and reasoning for denials and revocations of certification. Paragraph (F) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-08, entitled "PCPA and PNA governance and administration", provides guidance to agencies on the requirements and responsibilities for agency directors and board members. Paragraph (B) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-10, entitled "Child records", provides guidance to agencies on the requirements for the contents and storage of the records for children. Paragraph (C) was amended for clarification. No substantive changes were made.

OAC rule 5101:2-5-16, entitled "Consideration to be given to child's religion", provides guidance to agencies on what the agency should consider when a child has religious backgrounds and practices. The title of the rule was amended to "Consideration to be given to child's religion, beliefs and practices". Paragraph (B) was amended to consider a child's dietary restrictions due to beliefs.

OAC rule 5101:2-5-17, entitled "Discharge summary", provides guidance to agencies on what is required when a child is discharged from a residential facility or specialized foster home. Paragraph (A) was amended for clarity. A new paragraph (D) was added to ensure that when a child is receiving pre-planned respite care services or is a short term direct placement on a recurring schedule addressed in the case plan, the discharge summary is required at six month intervals or at the conclusion of the service, whichever occurs sooner.

OAC rule 5101:2-5-22, entitled "Recommendations for initial foster home certification", provides guidance to agencies on the requirements for submission of a recommendation for certification of a foster home. Paragraphs (A) and (B) were amended for clarity. Paragraph (F) was removed because it is required in other rules and is duplicative.

OAC rule 5101:2-5-25, entitled "Changing the certification of a foster caregiver from one type of foster home to another", provides guidance to agencies on how to upgrade or downgrade a certification type for a foster home. Paragraph (D) was amended for clarity and paragraph (E) was amended to remove an outdated reference.
OAC rule 5101:2-9-02, entitled "Staffing requirements", provides guidance to agencies on staff ratios and other staffing issues in a residential facility. A new paragraph (K) was added to ensure a facility has at least one staff on site that is trained and authorized to apply the reasonable and prudent parent standard as required by H.R. 4980 of the 113th Congress.

OAC rule 5101:2-9-03, entitled "Staff development and evaluation", provides guidance to agencies on residential staff training and experience. Paragraph (D) was amended to require training in the prudent parent standard for existing staff. New paragraphs (I)(12), (I)(13) and (I)(14) were added to require new topics for orientation training for residential staff. These additions were the direct result of legislation.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 354</td>
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TO: All Family, Children and Adult Services Manual Users  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendment to Ohio Administrative Code Rule 5101:2-42-19  

This letter transmits an Ohio Administrative Code rule governing Substitute Care that is being revised as a result of Federal legislation. The following is a brief explanation of the change.

The amended rule 5101:2-42-19 entitled "Requirements for the provision of independent living services to youth in custody" sets forth the requirements for PCSAs and PCPAs to prepare youth for the transition from agency custody to supported independence. This rule has been amended to format a change in age requirement for the provision of independent living assessment and services.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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FCASMTL 355 (Amendment to Ohio Administrative Code Rule 5101:2-42-19)  
Family, Children and Adult Services Manual Transmittal Letter No. 347  
July 17, 2015
FCASMTL 353 (Amendment to OAC Rules 5101:2-33-03 and 5101:2-33-11)

Family, Children and Adult Services Manual Transmittal Letter No. 353

June 9, 2015

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment to Ohio Administrative Code (OAC) Rules 5101:2-33-03 and 5101:2-33-11

This letter transmits Ohio Administrative Code rules governing MEPA that are being amended as a result of the Five Year Rule Review and recent policy updates as a result of the Partners for Ohio's Families (PFOF) initiative. The following is a brief explanation of the changes:

OAC rule 5101:2-33-03 entitled "Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin" has been updated to include the Bureau of Civil Rights. The revision date on the JFS 02333 "Discrimination Complaint Form" was updated, and the reference to OAC rule 5101:2-33-04 was removed, due to the rescission of the rule.

OAC rule 5101:2-33-11 entitled "Multiethnic Placement Act (MEPA) agency administrative requirements" has been updated to require the MEPA Corrective Action and Resolution Plan Data to be submitted by March first of every even numbered year. The revision dates of the forms in the rule were also updated.

The JFS 01420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" form was updated.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits one amended rule reflecting adoption updates as a result of the Five Year Review. This rule will be effective September 1, 2015. The following is a brief explanation of the changes:

OAC rule 5101:2-48-08, entitled "Adoption inquiry" provides guidance to agencies on the response required when community members call to express interest in adopting. Paragraph (B) was removed for clarity, and the same requirement was expressed through each subsequent paragraph in the rule. The new paragraph (B)(1) was revised to allow agencies to give inquirers the link for the JFS 01675 "Ohio Adoption Guide: Handbook for Prospective Adoptive Families" (rev. 5/2014) rather than sending the hard copy, allowing the agency to save resources. Paragraph (B)(2), (B)(5), (B)(6), and (B)(7) were removed because they are each described in detail in the JFS 01675, which is required to be given to the inquirer. Paragraph (D) was revised for clarity. Paragraph (F) was added to ensure agencies that have access to the statewide automated child welfare information system (SACWIS) know that requirements of this rule must be captured in the SACWIS system. All changes are a result of the Partners For Ohio's Families rule review process that included public and private agencies, as well as foster and adoptive parents.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

This letter transmits one rule that has been rescinded and filed as a new rule due to multiple changes. This rule will be effective October 1, 2015. The following is a brief explanation of the changes:

OAC rule 5101:2-33-13, entitled "Adoption Administrative Falsification Procedures" is being rescinded and replaced with a new rule of the same number, entitled "Administrative procedures for falsification in adoption." The rule describes the procedures and timeframes for handling a report of falsification in the adoption homestudy process. The procedures and timeframes were rewritten for clarity of the reader.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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This letter transmits one amended rule reflecting updates as a result of changes needed to allow access for specified private agency staff. This rule will be effective October 1, 2015. The following is a brief explanation of the changes:

OAC rule 5101:2-33-70, entitled "Statewide Automated Child Welfare Information System (SACWIS) access" provides guidance to agencies regarding access, use, and training on the confidential information contained within the SACWIS system. Paragraph (B) was added to clarify when data may be accessed in the SACWIS system. Paragraph (I)(13) was revised to correct the name of the National Child Abuse and Neglect Data System. Paragraph (N) was added to allow staff who are employed as Wendy's Wonderful Kids recruiters for agencies other than the custodial agency to have direct access to the SACWIS system.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Foster Care and Adoption OAC Rules in Chapters 5101:2-5 and 5101:2-48.

This letter transmits one rescinded rule, 8 rules to be rescinded and replaced as new, and one amended rule surrounding foster care and adoption updates as a result of the Five Year Review and the alignment of the foster care and adoption homestudy processes. These rules will be effective November 1, 2015. Many of the rules were rescinded and replaced with new rules because of the number of changes involved. These changes primarily involve moving requirements to different paragraphs, rather than actually requiring anything new of agencies. The concept of aligning the foster care and adoption rules was a recommendation of the Partners for Ohio's Families rule review process, as well as continued efforts to streamline the processes for agencies required by Section 3107.033 of the Revised Code. The following is a brief explanation of the changes:

OAC rule 5101:2-5-21, entitled "Agency assessment of an initial application for a foster home certificate" is being rescinded. 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" has been rescinded and replaced 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 changes 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" has been rescinded and replaced 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) were 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" has been rescinded and replaced 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" has been rescinded and replaced 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 paragraph (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" has been amended and 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 has been rescinded and replaced 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. (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 changes 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" has been rescinded and replaced 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" has been rescinded and replaced 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" has been rescinded and replaced 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 (K) was revised to reflect current practice and allow for agencies to complete the transfer process in SACWIS when SACWIS allows them to.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.
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FCASMTL 348 (Amendments to Adoption OAC Rule 5101:2-48-02)

Family, Children and Adult Services Manual Transmittal Letter No. 348

July 29, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Adoption OAC Rule 5101:2-48-02.

This letter transmits one amended rule reflecting updates as a result of the passage of substitute Senate Bill 250, which was effective March 23, 2015. The bill puts forth changes regarding the timeframes for putative fathers to register with the Ohio Putative Father Registry. This rule will be effective August 3, 2015. The following is a brief explanation of the changes:

- OAC rule 5101:2-48-02, entitled "Putative Father Registry" provides guidance to agencies regarding the Ohio Putative Father Registry, established to assist putative fathers in securing their parental rights in an adoption. In paragraph (B), the form name and effective date for the JFS 01694 were corrected. Paragraph (D) was revised to reflect the law change from thirty days to fifteen days after birth for the putative father to register. Paragraph (E) was revised to correctly mirror the language in the law, as well as update the effective date of the JFS 01695. Paragraph (F) was revised to reflect the change in law allowing a final search to be completed of the registry no sooner than sixteen days after the birth of the child. Paragraphs (G), (H), and (I) were revised to reflect the corrected language in paragraph (E).

This letter also transmits revisions to three forms that are utilized in connection with the Ohio Putative Father Registry (OPFR). Input regarding formatting and other updates was provided by the program area responsible for the registry. The following forms were reviewed and updated in response to the law change:

- The JFS 01694, "Ohio Putative Father Registry – Registration for Fathers" was renamed to accurately reflect the purpose of the form. The requirement for fathers to submit registration was revised to within fifteen days after the child's birth. A request for father's email address was added to assist OPFR staff in contacting putative fathers when there are questions concerning the registration form. The contact information for the Office of Child Support Enforcement was updated, as well as the contact information for submitting the forms to OPFR.

- The JFS 01694I, "Instructions for Completing the JFS 01694, Ohio Putative Father Registry – Registration for Fathers" was revised to reflect the changes to the JFS 01694, such as the timeframes for registration and the contact information for the OPFR. The website link was also added to the form as an option for fathers wanting to register online.

- The JFS 01695, "Application for Search of Ohio Putative Father Registry" was revised to update the contact information for the OPFR, correcting the address as well as adding a fax number and email address. The instructions at the top of the form were also revised to more accurately reflect the policy and practice of conducting a search of the OPFR. A section was added requesting an email address for the party requesting the search of the registry. This section was also reformatted and reworded for ease of the user and to more accurately reflect the law.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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FCASMTL 347 (Amendments to Children Services Licensing OAC Rules in Chapter 5101:2-5)

Family, Children and Adult Services Manual Transmittal Letter No. 347

July 17, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Children Services Licensing OAC Rules in Chapter 5101:2-5.

This letter transmits two amended rules surrounding foster care updates as a result of the Five Year Review. These rules will be effective September 1, 2015. The following is a brief explanation of the changes:

OAC rule 5101:2-5-09, entitled "Personnel and prohibited convictions for employment," provides guidance to agencies on the requirements for the hiring of personnel for the agency. Paragraph (E) was amended to clarify that this requirement is for residential facilities. No other substantive changes were made.

OAC rule 5101:2-5-33, entitled "Foster caregiver preplacement and continuing training," provides guidance to agencies regarding the required training in order to achieve and maintain a foster home certificate. Paragraph (C) was amended for clarity and to add a training requirement for the reasonable and prudent parenting standard. Paragraph (F)(3) was amended to allow up to six hours of outside the classroom training to be accepted for pre-placement training. Paragraph (G)(2) was amended to include training for the caregiver that relates to providing independent living services as part of the written needs assessment and continuing training plan.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 346

February 10, 2015

To: Family, Children and Adult Services Manual Holders
From: Cynthia C. Dungey, Director
Subject: Amendment of rule 5101:2-33-02 of the Ohio Administrative Code.

This letter transmits the amendment of the Ohio Administrative Code (OAC) rule which addresses the public children services agencies (PCSA) requirement to participate in the child protection and oversight and evaluation (CPOE). This rule has been through the Partnership for Ohio's Families (PFOF) Rule Review initiative. The rule is a product of the collaborative partnership between ODJFS and PCSAs. The rule was developed through the Monitoring, Administration, SACWIS and Documentation Rule Review Team and approved by the PFOF Rule Review Coordination Board.

The following is a brief explanation of the changes to the rule.

OAC rule 5101:2-33-02 entitled Public Children Services Agency Requirement to Participate in Child Protection Oversight and Evaluation addresses the continuous quality improvement process. Language has been modified for clarity and to specify the distinct processes of clarifying or appealing the CPOE final report.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter transmits two new rules surrounding foster care updates as a result of legislative changes made to the Ohio Revised Code pursuant to Amended Substitute House Bill four hundred eighty-three of the 130th General Assembly. These rules will be effective June 1, 2015.

The following is a brief explanation of the changes:

OAC rule 5101:2-9-37, entitled "Information to be provided by residential facilities" provides guidance to agencies for the requirements the facility needs to communicate with the local community at initial certification and recertification.

OAC rule 5101:2-9-38, entitled "Community engagement plan for residential facilities" provides guidelines to agencies on what a residential facility must include in their community engagement plan.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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FCASMTL 344 (Amendment of Title IV-E Foster Care Maintenance Rules 5101:2-47-11, 5101:2-47-26.1 and 5101:2-47-26.2)

Family, Children and Adult Services Manual Transmittal Letter No. 344

May 8, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rules 5101:2-47-11, 5101:2-47-26.1 and 5101:2-47-26.2

This letter transmits amended rules for Title IV-E Foster Care Maintenance. The rules have been revised through a collaborative partnership between ODJFS, public children services agencies (PCSAs), private child placing agencies (PCPAs) and private noncustodial agencies (PNAs).

The rules will be effective June 1, 2015.

OAC 5101:2-47-11 entitled Reimbursement for Foster Care Maintenance Costs for Children's Residential Centers, Group Homes, Maternity Homes, Residential Parenting Facilities, and Purchased Foster Care Homes. This rule outlines the reimbursement criteria for children who are eligible for FCM. The revision date of the JFS 02911 "Single Cost Report" was changed to September, 2014.

OAC 5101:2-47-26.1 entitled Public Children Services Agencies (PCSA), Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA): Title IV-E Cost Report Filing Requirements, Record Retention Requirements and Related Party Disclosure Requirements. This rule clarifies the cost report filing requirements, the deadlines for filing the cost report, and record retention requirements. In paragraph (B)(1) the reference to the OMB circular A 122 was changed to CFR Part 230 (https://www.whitehouse.gov/sites/default/files/omb/fedreg/2005/083105_a122.pdf) and (B)(2) the reference to OMB circular A 87 was changed to CFR Part 255 (https://www.whitehouse.gov/sites/default/files/omb/fedreg/2005/083105_a87.pdf).

OAC 5101:2-47-26.2 entitled Cost Report "Agreed Upon Procedures" Engagement. This rule outlines the requirement for a private child placing agency (PCPA) or a private noncustodial agency (PNA) that completes a JFS 02911 JFS "Title IV-E Single Cost Report" to have an annual JFS 02913 "Title IV-E Agreed Upon Procedures Engagement" conducted for its cost report. The "Agreed Upon Procedures Engagement" was changed from an appendix to a form.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Ohio Administrative Code Rule 5101:2-40-04

This letter transmits revisions to rule 5101:2-40-04 Kinship Permanency Incentive (KPI) Program. This rule is being amended as a result of changes to this program required by House Bill 213. These changes are effective 1/20/2015.

OAC 5101:2-40-04, "Kinship Permanency Incentive Program" has been amended to increase the maximum amount of incentive payments that an eligible kinship caregiver may receive from six to eight. This rule is also being amended to increase the maximum amount of time that a kinship caregiver may be determined eligible from thirty-six months to forty-eight months.

The forty-eight month time frame and maximum of eight incentive payments shall not be applicable to caregivers who received a sixth incentive payment prior to March 17, 2014.

INSTRUCTIONS:
The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

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Family, Children and Adult Services Manual Transmittal Letter No. 342
October 31, 2014

To: Family, Children and Adult Services Manual Holders
From: Cynthia C. Dungey, Director
Subject: Amendment of rule 5101:2-33-70 of the Ohio Administrative Code.

This letter transmits the amendment of the Ohio Administrative Code (OAC) rule which address access to the statewide automated child welfare information system (SACWIS). This rule has been revised through the Partnership for Ohio's Families (PFOF) Rule Review initiative. The rule is a product of the collaborative partnership between ODJFS and PCSAs. The presenting rule amendments were developed through the Monitoring, Administration, SACWIS and Documentation Rule Review Team and approved by the PFOF Rule Review Coordination Board.

The following is a brief explanation of the proposed changes to the rule.

OAC rule 5101:2-33-70 entitled Statewide automated child welfare information system (SACWIS) sets forth the requirements for staff to access, utilize and be trained on the confidential information contained within SACWIS. This rule is currently promulgated under Chapter 111.15 of the Ohio Revised Code. The Chapter 111.15 rule will be rescinded. The rule is being introduced as a new rule utilizing the same rule number to incorporate the statutory authority of Chapter 119. of the Ohio Revised Code.

Additionally, the rule has been streamlined to improve the flow of the information. Language has been modified to address the information contained in SACWIS as child welfare information as a result of the expansion of access to private child placing agencies (PCPA), private non-custodial agency (PNA) and a juvenile court that is a sub grantee with ODJFS for the purposes of Title IV-E financial reimbursement. Language has been added to address SACWIS access for prosecuting attorneys and interns. Language was added to this rule regarding the entry of case notes and dictation, which was previously contained in the case record rule.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendments to Adoption OAC Chapter 5101:2-48.

This letter transmits ten amended rules surrounding adoption updates as a result of the Five Year Review. These rules will be effective October 1, 2014. The following is a brief explanation of the changes:

OAC rule 5101:2-48-02, entitled "Putative father registry," provides guidance regarding the procedures of registering with the Putative Father Registry and completing a check of the registry. Paragraph (A) was removed because it is duplicative and also found in rule 5101:2-1-01. Paragraphs (C),(G),(L) and (N) were removed because they outlined the responsibilities of ODJFS. New paragraphs (B),(C) and (E) were revised to add the registry website as a source of information and also a venue to register or request a search electronically. All other changes were made as a result of the Partners for Ohio Families rule review for clarity and ease of the reader.

OAC rule 5101:2-48-03, entitled "Requirement of social and medical history," provides guidance to agencies regarding the requirement to obtain historical information from birth families prior to the adoption of a child. The only change to this rule was to update the revision date of the JFS 01616 "Social and Medical History" form.

OAC rule 5101:2-48-06, entitled "Assessor roles and responsibilities for foster care and adoption," provides guidance to agencies, attorneys, and courts that employ or contract with assessors to provide specific foster care and adoption services. The rule was amended to add in courts that contract with assessors for adoption purposes and to clarify that those workers completing certain foster care services must also be assessors. Other changes were made for clarity as a result of the Partners for Ohio Families rule review.

OAC rule 5101:2-48-09, entitled "Application process and preservice training," gives agencies guidance regarding the process and training required for persons seeking adoption approval. Paragraphs (A) and (B) were revised for clarification purposes. Paragraph (C) was revised to better align with foster care requirements. Paragraph (H) was removed as it was unnecessary due to the requirement in (G). The new paragraph (I) was revised because it listed a requirement that ODJFS is responsible for. The new paragraph (N) was revised to align adoption and foster care training requirements. Foster care training rule revisions will be forthcoming. All other changes were the result of discussion and review of the Partners for Ohio Families rule review process.

OAC rule 5101:2-48-10, entitled "Restrictions concerning provision of adoption services," provides guidance to agencies regarding the criminal records check requirement for adoption approval. No substantive changes were made to this rule.

OAC rule 5101:2-48-11, entitled "Approval of a foster home for adoption placement," provides guidance to agencies for persons wanting to add adoption approval to an existing foster care certification. All changes made to this rule were for the clarification and ease of the reader, as a result of the Partners for Ohio Families rule review process.

OAC rule 5101:2-48-17, entitled "Assessor visits and contacts with children in adoptive homes prior to finalization," provides guidance to agencies regarding prefinalization visits with adoptive families. Paragraph (E) was revised to refer all adoptive placements outside Ohio to the Interstate Compact for the Placement of Children (ICPC) rules located in Chapter 5101:2-52 of the Administrative Code. All other changes made to this rule were for the clarification and ease of the reader, as a result of the Partners for Ohio Families rule review process.

OAC rule 5101:2-48-18, entitled "Postfinalization services," gives agencies guidance regarding their policies on the postfinalization adoption services they will provide, and what procedures to follow in the event they do
not provide a service that is requested or needed by an adoptive family. A clarification was made to paragraph (A) regarding the definition of agency for the purpose of this specific rule.

OAC rule 5101:2-48-20, entitled "Release of identifying and nonidentifying information," provides guidance to agencies regarding the information that is able to be shared with adopted children and adoptive parents at different times. The changes made for this rule were for clarification purposes.

OAC rule 5101:2-48-21, entitled "Child study inventory," provides guidance to agencies regarding the collective information about the child to be adopted. The only change made to this rule was to update the revision date of the JFS 01616 "Social and Medical History" form.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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This letter transmits Ohio Administrative Code (OAC) rules governing Substitute Care that are being amended as a result of the Five Year Rule Review. The following is a brief explanation of the changes.

OAC rule 5101:2-42-04 entitled "Authority to assume and retain custody of a child" of the Administrative Code sets forth the requirements of placing a child in substitute care setting apart from parent(s). The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-64 entitled "Preplacement services" sets forth the requirements for the PCSAs and PCPAs to provide or arrange preplacement services to the child and parent(s). The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-65 entitled "Caseworker visits and contacts with children in substitute care" sets forth the requirements for the PCSAs and PCPAs through visits and contacts with the child and substitute caregiver to ensure the child's safety, well-being and to assess whether the placement and services continue to meet the child’s needs. The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-66.1 entitled "Comprehensive health care for children in placement" sets forth the requirements that PCSAs and PCPAs shall coordinate comprehensive health care for children in the agency's care or custody. The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-66.2 entitled "Documentation of comprehensive health care for children in placement" sets forth the requirements for PCSAs and PCPAs to document and maintain a record of physical health examinations, developmental and psychological assessments, and treatment for each child in agency care or custody. The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-70 entitled "Provision of services to unmarried minor parents" sets forth the requirements of the PCSAs and PCPAs to provide or arrange for the provision of services. The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-71 entitled "Approval of adult-supervised living arrangements" sets forth the requirements of the PCSAs and PCPAs to assume responsibility for the care of a pregnant minor, unmarried minor parent and the child of a minor parent and provide an adult-supervised living arrangement. The rule has been amended for clarity and to make minor grammatical changes.

OAC rule 5101:2-42-93 entitled "Change of placement or visitation plan prior to journalization of case plan" requires PCSAs and PCPAs, when a child's placement or visitation plan has been specified by a court order, to file a motion to modify such an order and receive court approval prior to effecting a change in the child's placement or visitation plan. The rule has been amended for clarity and to make minor grammatical changes.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rule 5101:2-47-26  

This letter transmits amendments to the Ohio Administrative Code (OAC) rule 5101:2-47-26 that governs Title IV-E Foster Care Maintenance (FCM). The rule outlines the compliance with Ohio Department of Job and Family Services (ODJFS) fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code for Title IV-E Agencies, Private Child Placing Agencies (PCPA), and Private Noncustodial Agencies (PNA).

The following is a brief explanation of the changes:

**OAC 5101:2-47-26** entitled "Title IV-E Agencies, Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA): Penalties for Failure to Comply with Fiscal Accountability Procedures" has been edited to correct minor grammatical errors.

In paragraphs (A)(2), (A)(3), (A)(3)(e), (A)(6), and (A)(6)(b) the Ohio Revised Code (ORC) section 5101.14.10 was edited to 5101.1410 to correct a grammatical error.

Paragraph (A)(7) was edited to change "or" to "of" to correct a grammatical error.

**INSTRUCTION:**

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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FCASMTL 337 (Amendments to Children Services Administrative Requirements OAC Rules in Chapter 5101:2-33)

Family, Children and Adult Services Manual Transmittal Letter No. 337

July 18, 2014

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director


This letter transmits one amended rule surrounding foster care updates as a result of the Five Year Review. This rule will be effective August 1, 2014. The following is a brief explanation of the rule:

OAC rule 5101:2-33-80, entitled "Retained applicant fingerprint database information exchange (Rapback)" provides guidance to agencies on the minimum requirements for the agency to process information received regarding the retained applicant database information exchange. No substantive changes were made.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Children Services Licensing Rules in Chapter 5101:2-5.

This letter transmits four amended rules surrounding foster care updates as a result of the five year review and legislative changes made to the Ohio Revised Code pursuant to Amended Substitute House Bill number fifty-nine of the 130th General Assembly. These rules will be effective July 7, 2014.

The following is a brief explanation of the changes:

OAC rule 5101:2-5-04, entitled "Recertification of an agency to perform specific functions" provides guidance to agencies for the requirements the agency needs to meet in order to be recertified. Paragraph (A)(3) was amended due to a legislative update that changes the required audit type for the first agency audit from "government auditing standards" to "American institute of certified public accountants" standards. Paragraph (A)(4) was amended to change the required audit type for subsequent agency audits from "government auditing standards" to "American institute of certified public accountants" standards. Paragraph (A)(5) was amended to define "American institute of certified public accountants" standards. New paragraphs (B), (C) and (D) were created to establish a fiscal watch period for agencies that cannot readily show they are fiscally accountable. Paragraph (E) was amended to ensure the agency submits the required documentation electronically to ODJFS.

OAC rule 5101:2-5-09.1, entitled "Criminal records check required for certain prospective employees and certified foster caregivers" provides guidance to agencies for the requirements the agency needs to conduct criminal record checks for prospective employees and foster caregivers. Paragraph (Q) about the criminal record check being valid for one year was removed. ODJFS feels that this is a parameter for BCII to establish, not ODJFS. Paragraph (U) was also removed due to the language being removed from statute. Several other paragraphs were re-arranged for clarification. No other substantive changes were made.

OAC rule 5101:2-5-11, entitled "Complaint handling" provides guidelines to agencies on how ODJFS investigates complaints made against the agency. Paragraph (A) was amended to give ODJFS discretion on when to begin to conduct an investigation.

OAC rule 5101:2-5-18, entitled "Waivers and variances" provides guidance to agencies on how and when they can request a waiver for foster home requirements. Paragraph (A)(1) was removed regarding a waiver for the fingerprint requirements for a criminal record check for persons that were physically unable to be fingerprinted. The removal was a result of a legislative change.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 335</td>
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This letter transmits one amended rule surrounding foster care updates as a result of the Five Year Review. This rule will be effective July 7, 2014. The following is a brief explanation of the changes:

OAC rule 5101:2-5-13, entitled "Required agency policies, plans and procedures", provides guidance to agencies regarding policies a foster care agency must have in order to operate. Paragraph (A)(2) was amended to remove the two year update timeframe for the completion of the Multiethnic Placement Act (MEPA) plan. The MEPA plan can remain as written until an update occurs. Paragraph (A)(10) was amended for clarity. No substantive changes were made. Paragraph (A)(16) was added to require an agency that operates a residential facility to have a policy for admissions. Paragraphs (A)(24) and (A)(25) were removed because they are duplicative and can be found in rule 5101:2-48-05 of the Administrative Code. A new paragraph (A)(28) was added to require an agency to have a policy for monitoring the appropriate use of psychotropic medications for children and youth in foster care. This was added due to a federal mandate in section 422(b) (15)(A) of 42 U.S.C. 622.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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This letter transmits twelve amended rules surrounding foster care updates as a result of the five year review. These rules will be effective July 1, 2014.

The following is a brief explanation of the changes:

OAC rule 5101:2-7-02, entitled "General requirements for foster caregivers and applicants" provides guidance to foster caregivers on the requirements needed to be a foster caregiver. Paragraph (V) was amended for clarity. No substantive changes were made.

OAC rule 5101:2-7-03, entitled "The care and treatment team" provides guidance to foster caregivers to participate in providing and discussing the care and services provided to a foster child. A new paragraph (D) was added to ensure the foster caregiver does not prohibit the foster child from participating in independent living services. No other substantive changes were made.

OAC rule 5101:2-7-04, entitled "Records and confidentiality" provides guidance to foster caregivers regarding the records the caregiver is required to keep. No substantive changes were made.

OAC rule 5101:2-7-05, entitled "Sleeping arrangements" provides guidance to foster caregivers about sleeping arrangements in the home of the care giver. No substantive changes were made.

OAC rule 5101:2-7-06, entitled "Meals" provides guidance to foster caregivers about meals to be provided to children in care. A new paragraph (A)(6) was added to ensure that if more than four hours elapse between any two meals or if fourteen hours elapse between the evening meal and breakfast, a nutritious snack must be available.

OAC rule 5101:2-7-07, entitled "Health services" provides guidance to foster caregivers regarding health care for children in foster care. Paragraph (B)(2) was amended to clarify that medication for children in care must be kept in the original container.

OAC rule 5101:2-7-09, entitled "Care, supervision and care" provides guidance to foster caregivers on the treatment and supervision required to be provided to a child in care. Paragraphs (D), (E) and (N) were amended to include gender, sexual identity and sexual orientation in the list of discriminatory descriptions. Paragraph (G) was amended to only allow physical restraint by a caregiver when there is an imminent risk of physical harm.

OAC rule 5101:2-7-10, entitled "Care of a foster child under age two" provides guidance to foster caregivers for the care of a foster child under age two. Paragraph (A) was amended to clarify that the only cribs that can be used in a foster home must be compliant with the U.S. Consumer Product Safety Commission.

OAC rule 5101:2-7-12, entitled "Site and safety requirements for a foster home" provides guidance to foster caregivers on the proper safety items and procedures in a foster home. Paragraph (I) was amended to clarify that storage areas where a child might be confined must be large enough to walk in. Paragraph (Q) was amended to state that all unvented heaters that burn kerosene or oil shall not be used. A new paragraph (W) was added to state that all prescription drugs in a foster home must be stored in a locked cabinet or storage area except that an inhaler or medication may be left unlocked if a person has a special health condition that requires the inhaler or medication to be immediately available.

OAC rule 5101:2-7-13, entitled "Foster home certificate" provides guidance to foster caregivers on the certificate for a foster home. No substantive changes were made.
OAC rule 5101:2-7-14, entitled "Required notification" provides guidance to foster caregivers on when to notify the agency in case of certain events. Some items were amended for clarity. No substantive changes were made.

OAC rule 5101:2-7-16, entitled "Additional requirements for a treatment foster caregiver and a treatment foster home" provides guidance to foster caregivers about what is needed to provide services to treatment level foster children. No substantive changes were made.

OAC rule 5101:2-7-17, entitled "Additional requirements for a medically fragile foster caregiver and a medically fragile foster home" provides guidance to foster caregivers what is needed to provide services to medically fragile children. Paragraph (D)(2) was amended to add additional types of professionals to the list to be able to house five medically fragile foster children. Other non-substantive changes were made throughout the rule.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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</table>
This letter transmits twenty-four amended rules surrounding foster care updates as a result of the five year review. These rules will be effective July 1, 2014.

The following is a brief explanation of the changes:

OAC rule 5101:2-9-02, entitled "Staffing requirements" provides guidance to agencies for the requirements the agency needs to ensure the proper amount of staff supervision ratios for children placed in a residential facility. A new paragraph (G) was added to require a criminal record check for anyone over eighteen years of age that resides with staff members in a residential facility. A new paragraph (H) was added to require a medical statement be completed for anyone over eighteen years of age that resides with staff members in a residential facility.

OAC rule 5101:2-9-03, entitled "Staff development and evaluation" provides guidance to residential facilities regarding training for staff of the facility. Paragraph (A) was amended to clarify information about transfer of learning components for staff members in training. Paragraphs (D) and (E) were broken up for clarity. No substantive changes were made.

OAC rule 5101:2-9-05, entitled "Requirements for residential parenting facility and crisis care facility furniture, materials and equipment; diaper changing" provides guidance regarding the various equipment and furniture for residential parenting and crisis care facilities. No substantive changes were made.

OAC rule 5101:2-9-06, entitled "General safety" provides guidance for residential facilities for safety in and around the facility. Paragraph (E) was amended to clarify information regarding smoking at a residential facility. No substantive changes were made.

OAC rule 5101:2-9-08, entitled "Fire safety" provides guidance for children placed in residential facilities for fire safety issues. Paragraph (A) was amended from ninety days to six months for a facility to obtain a fire inspection. Paragraph (B) was amended to require a fire inspection upon recertification of a facility. Paragraph (I) was amended to require the facility to maintain portable heaters in accordance with manufacturer's instructions.

OAC rule 5101:2-9-10, entitled "Storage of hazardous materials" provides guidance for residential facilities for the storage of hazardous materials. No substantive changes were made.

OAC rule 5101:2-9-11, entitled "Admissions and admissions log" provides guidance to residential facilities for the keeping of the admissions log of the facility. Paragraph (D) was amended to allow children under the age of six to be members of the facility for up to fourteen days. Former paragraphs (E) and (F) referring to teenage mothers, were removed.

OAC rule 5101:2-9-12, entitled "Service plans" provides guidance to residential facilities regarding the service plan for children placed in the facility. Paragraph (A) was amended to add that a civil service employee engaging in social work or professional counseling for a residential facility can be from a local public entity.

OAC rule 5101:2-9-14, entitled "Medications" provides guidance to residential facilities regarding the distribution of medications to the children in the facility. Paragraph (A) was broken up into several other paragraphs for clarity. No substantive changes were made.

OAC rule 5101:2-9-16, entitled "Visiting and communications" provides guidance to residential facilities regarding visitation and communication for the children in the facility. Paragraph (E) was amended to allow the child of a facility the opportunity to contact his or her attorney, caseworker, custodial agency worker, probation officer, court appointed special advocate (CASA) and guardian ad litem. Also, if a child has a
disability, the child must have the opportunity to contact the state protection and advocacy organization. The rule previously stated the child must be allowed to confer with these individuals which mandated an uncontrollable variable for the facility.

OAC rule 5101:2-9-17, entitled "Child's money" provides guidance to residential facilities regarding safe keeping of money belonging to children in the facility. A new paragraph (C) was added to provide guidelines on what the facility must do if a child's account is kept at the facility.

OAC rule 5101:2-9-19, entitled "Personal belongings, hygiene, socialization, and education" provides guidance to residential facilities regarding the items listed in the title of the rule. No substantive changes were made.

OAC rule 5101:2-9-20, entitled "Food and nutrition" provides guidance to residential facilities for the proper nutritional requirements of the menu provided to children in the facility. No substantive changes were made.

OAC rule 5101:2-9-21, entitled "Care, supervision and discipline" provides guidance to residential facilities regarding the care, supervision and discipline of the children in the facility. In paragraph (B)(5) gender identity, sexual orientation and disability were added to the list of item for non-discrimination.

OAC rule 5101:2-9-22, entitled "Isolation, seclusion and restraint" provides guidance to residential facilities regarding the isolation, seclusion and restraint of children in the facility. Paragraph (A) was amended to ensure that physical restraint only be used in accordance with written approval of a certified or licensed health care professional and a certified or licensed practitioner of behavioral science. Other non-substantive changes were made.

OAC rule 5101:2-9-23, entitled "Notification and documentation of critical incidents" provides guidance to residential facilities on documenting and reporting critical incidents of children in the facility. No substantive changes were made.

OAC rule 5101:2-9-24, entitled "Child and family complaint policy and procedure" provides guidance to residential facilities regarding the required policies and procedures for child and family complaints against the facility. No substantive changes were made.

OAC rule 5101:2-9-25, entitled "Residential parenting facility and crisis care facility location and programmatic requirements" provides guidance to residential facilities on the location and the programmatic requirements for the operation of the facility. Paragraph (C) was amended to allow a minor parent to either be employed or actively seeking employment.

OAC rule 5101:2-9-28, entitled "Bedrooms" provides guidance to residential facilities regarding bedroom dimensions, furniture and other requirements for children of the facility. Paragraph (S) was amended to no longer allow drop side cribs to be used in the facility.

OAC rule 5101:2-9-29, entitled "Bathrooms" provides guidance to residential facilities regarding bathroom requirements for the children of the facility. No substantive changes were made.

OAC rule 5101:2-9-30, entitled "Kitchens and kitchen supplies" provides guidance to residential facilities regarding kitchen requirements for the children of the facility. No substantive changes were made.

OAC rule 5101:2-9-32, entitled "Transportation" provides guidance to residential facilities regarding transportation requirements for the children of the facility. Paragraphs (B) and (C) were amended for clarity. No substantive changes were made.

OAC rule 5101:2-9-34, entitled "Building approval" provides guidance to residential facilities regarding building requirements for changing or adding to the building. No substantive changes were made.

OAC rule 5101:2-9-36, entitled "Additional requirements for children's crisis care facilities" provides guidance to residential facilities that provides crisis care for children. Paragraph (G) was amended for staff ratios in a crisis care facility. The ratios are now one staff for every five children present during awake hours. For children ages zero to twelve, including the children of child care staff, there must be at least one awake child care staff person on duty during sleeping hours for every eight children.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.
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Family, Children and Adult Services Manual Transmittal Letter No. 331
May 30, 2014

TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

This letter transmits seven amended rules and one rescinded rule surrounding foster care updates as a result of the Five Year Review. These rules will be effective July 1, 2014. The following is a brief explanation of the changes:

OAC rule 5101:2-5-13.1, entitled "Disaster preparedness plan requirements", provides guidance to agencies on the minimum process for the agency to continue to operate during a disaster. The rule was updated for clarity. No substantive changes were made.

OAC rule 5101:2-5-23, entitled "Form and duration of a foster home certificate", provides guidance to agencies regarding the foster home certificate. This rule is being rescinded. It was a directive for ODJFS, not foster care agencies.

OAC rule 5101:2-5-27, entitled "Termination of a foster home certificate", provides guidance to agencies on items regarding the termination of a foster home certificate. Paragraph (B) was amended to update the current procedure for terminating a foster home certificate if an agency has not yet implemented the statewide automated child welfare information system (SACWIS).

OAC rule 5101:2-5-28, entitled "Cause for denial of initial certification, denial of recertification or revocation of a foster home certificate", provides guidance to agencies regarding the reasons a foster home certificate might be denied or revoked. Paragraph (E)(1) was amended to add what an agency is required to do to begin an investigation of noncompliance.

OAC rule 5101:2-5-29, entitled "Foster home records", provides guidance to agencies regarding foster home records. Paragraph (C)(4) was amended regarding the log kept by the agency for foster homes and requires the agency to add the reason for the removal of a foster child from a foster home to the log when a child is removed or discharged.

OAC rule 5101:2-5-36, entitled "Additional requirements for an agency that acts as a representative of ODJFS in recommending treatment foster homes for certification", provides guidance to agencies regarding requirements for treatment foster homes. Paragraph (I) was amended for clarity.

OAC rule 5101:2-5-37, entitled "Additional requirements for an agency that acts as a representative of ODJFS in recommending medically fragile foster homes for certification", provides guidance to agencies regarding requirements for medically fragile foster homes. A new paragraph (E) was added to state that if the service plan developed by the treatment recommends any special needs for a child that would conflict with any rule in chapter 5101:2-7 of the Administrative Code, the service plan shall be followed. No other substantive changes were made.

OAC rule 5101:2-5-40, entitled "Preplacement and continuing training programs", provides guidance to agencies regarding the requirements for an agency wishing to implement and maintain a foster care training program. Paragraph (A) was amended to allow for an agency administrator or designee to approve the agency training plan and submit it to ODJFS. Paragraph (C) was amended to replace "agency director" with "agency administrator or designee". Paragraph (D) was amended for clarity. Paragraph (G) was amended for clarity. Paragraphs (H), (J) and (L) were amended to reference the required training topics described in rule 5101:2-5-33. Paragraph (O) was amended for clarity.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.
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Family, Children and Adult Services Manual Transmittal Letter No. 330

August 20, 2014

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Amendments to Adoption OAC Rule 5101:2-48-25.

This letter transmits one amended rule surrounding adoption updates as a result of the Five Year Review. This rule will be effective September 1, 2014. The following is a brief explanation of the changes:

OAC rule 5101:2-48-25, entitled "Inter-country adoption data collection" provides guidance regarding reporting disruptions and dissolutions of inter-country adoptions. Paragraphs (B) through (F) were revised to remove the reporting requirement for private noncustodial agencies, as the responsibility for reporting the information lies with the agency placing the child in foster care.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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This letter transmits the Ohio Administrative Code (OAC) rules governing Management and Administration that are being amended as a result of the Five Year Review, recent policy updates, and as the result of the Partners for Ohio Families (PFOF) initiative. The following is a brief explanation of the proposed changes:

OAC 5101:2-44-06, entitled "Eligibility for the state adoption maintenance subsidy program" outlines the eligibility requirements for the state adoption maintenance subsidy program. The title of this rule has been changed to "Eligibility for the state adoption maintenance subsidy program." The definition of "qualified professional" has been moved to a more appropriate location and "medical doctor" has been changed to "physician." The paragraphs of this rule have been put in a more logical order, the term "special needs child" has been changed to "child with special needs" throughout the rule, and the reference to "mental retardation" was removed. The one year timeframe that required a child to be in the home of his or her prospective adoptive parents as a foster child has been changed to six months to be consistent with the other foster to adopt rules.

OAC 5101:2-44-14 entitled "State adoption assistance loan fund" outlines the eligibility process and procedures for applying for a state adoption assistance loan for adoption-related expenses. There were no amendments made to this rule.

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendment to Substitute Care Rule 5101:2-42-68.

This letter transmits one amended rule surrounding substitute care updates as a result of the five year review. This rule will be effective September 1, 2014.

The following is a brief explanation of the changes:

OAC rule 5101:2-42-68, entitled "Necessity for continued substitute care placement: court reviews and hearing requirements" sets forth requirements for agencies regarding continued substitute care placements and the frequency of assessing the continuation of placement. Paragraph (A) was amended to correct the revision date referenced regarding the JFS 01413 form. Paragraph (F) was amended to clarify a rule reference. Paragraph (G) was removed to eliminate duplication from requirements in OAC rule 5101:2-38-05.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 327
May 27, 2014

TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director

In accordance with Ohio Revised Code (ORC) section 119.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. These rules have been amended to provide clarity. All of the rules have been revised through the Partnership for Ohio's Families (PFOF) Rule review initiative and are a product of the collaborative partnership between the Ohio Department of Job and Family Services (ODJFS), public children services agencies (PCPA), private child placing agencies (PCPA), adoptive parents and other stakeholders.

OAC 5101:2-49-09 "Title IV-E adoption assistance post-finalization application" outlines the criteria for determining Adoption Assistance (AA) eligibility and entering into an AA agreement after the adoption finalization. Organizational changes were made to the rule to provide clarity. Language was added to paragraph (D) to allow agencies to process the AA application if the agency determines the child is eligible for the post-finalization.

OAC 5101:2-49-09.1 "Retroactive adoption assistance payment process" outlines the process for retroactive adoption assistance payments. This rule replaces rule 5101:2-49-15 of the Ohio Administrative Code.

OAC 5101:2-49-10 "Ongoing verification for adoption assistance" explains the responsibilities of the PCSA and the adoptive parent(s) to provide assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage through the adoption assistance program. The JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, school attendance and eligibility for continued Medicaid coverage" has been updated and the revision date has been revised. The time frame for adoptive parent(s) to notify the PCSA of any changes has been increased to fifteen calendar days of the date of the change.

OAC 5101:2-49-12 "Amendment of an adoption assistance agreement" outlines criteria to amend an AA agreement. Language was added to clarify that any request for an amendment to the AA agreement must contain newly documented special needs or circumstances that were not previously subject to the original agreement.

OAC 5101:2-49-13 "Termination of adoption assistance" outlines the circumstances that result in the termination of an AA agreement. Language was added to say an adoptive parent(s) is supporting the child if they provide the child with shelter, food, clothing or child support. A timely state hearing request is defined as within fifteen calendar days of the mailing date of the notice. Minor grammatical changes were made to clearly explain the requirements.

OAC 5101:2-49-15 "Retroactive Adoption Assistance Payment Process" outlines the process for handling retroactive adoption assistance payments. This rule has been rescinded and filed as a new rule 5101:2-49-09.1 of the Administrative Code.
OAC 5101:2-49-17 "Case record requirements for adoption assistance" outlines the case record requirements for each adoption assistance case. New forms used for adoption assistance have been added to the rule.

OAC 5101:2-49-19 "Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA)" outlines the procedures to follow for provision of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. The timeframe has changed to fifteen calendar days for adoptive parents to inform the PCSA if they move to another county or state. Minor grammatical changes were made to clearly explain the requirements.

OAC 5101:2-49-21 "Reimbursement of nonrecurring adoption expenses for a child with special needs" outlines the requirements for eligibility for nonrecurring adoption expenses and the reimbursement of the nonrecurring adoption expenses. Language has been added in paragraph (E) and (I) to meet federal requirements to allow reimbursement of nonrecurring adoption expenses if the adoption disrupts before finalization. In this circumstance, the adoptive parent(s) must submit the request for payment or reimbursement and proof of expenditures within two years from the date of disruption prior to the adoption finalization. The JFS 01438 "Agreement for payment or reimbursement for nonrecurring expenses incurred in the adoption of a child with special needs" has been amended to incorporate the changes made to 5101:2-49-21 of the Administrative Code.

OAC 5101:2-49-23 "Adoption assistance intercounty and interstate case management responsibility" outlines the requirements for intercounty and interstate adoption assistance case management. Minor grammatical changes were made to clearly explain the requirements.

OAC 5101:2-49-25 "Qualified and disqualified alien eligibility for Title IV-E adoption assistance" outlines the requirements to adoption assistance for qualified aliens. A change was made to clearly identify the Immigration and Nationality Act.

JFS 01438 "Agreement for Payment of Reimbursement for Nonrecurring Expenses incurred in the Adoption of a child" (rev. 1/ 2014) has been revised in Sections II and Sections V to allow payment or reimbursement if the adoption disrupts in accordance with changes made to rule 5101:2-49-21 of the Administrative Code.

JFS 01451-B "Title IV-E adoption assistance annual assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage" has been revised. The title has been changed to reflect the purpose of the form.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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**TRANSMITTAL LETTERS** | FCASMTL No. 327
TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  

In accordance with Ohio Revised Code (ORC) section 119.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. These rules have been amended to provide clarity. All of the rules have been revised through the Partnership for Ohio's Families (PFOF) rule review initiative and are a product of the collaborative partnership between the Ohio Department of Job and Family Services (ODJFS), public children services agencies (PCSA), private child placing agencies (PCPA), adoptive parents and other stakeholders. These rules will be effective July 1, 2014.

Ohio Administrative Code (OAC) rule 5101:2-49-01 "Administration of the Adoption Assistance program" outlines the Adoption Assistance (AA) administrative requirements for public children services (PCSA) agencies. The title of the rule has been amended, paragraph (A) has been added to include the responsibilities of the Title IV-E agency in the administration of the AA program. The JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 1/2014) has been revised to add a separate section for the signature(s) of the adoptive parent and the revision date will be updated.

OAC 5101:2-49-02 "Adoption assistance eligibility criteria" sets forth the eligibility criteria for the adoption assistance program. The proposed rule contains the requirements for applicable and non-applicable children to be eligible for the adoption assistance program. The JFS 01448 "Title IV-E Adoption Assistance Non-AFDC Relatedness Eligibility Determination" (rev. 4/2010) has been eliminated. The Statewide Automated Child Welfare Information System (SACWIS) has been revised to include all eligibility requirements for an applicable and non-applicable child and shall be used to determine eligibility. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-02.1 "Title IV-E Adoption Assistance AFDC-Relatedness Eligibility Criteria" outlines the AFDC-relatedness requirements to determine a special needs child's eligibility for Title IV-E adoption assistance. This rule was rescinded as the AFDC-relatedness requirements have been added to rule 5101:2-49-02 of the Administrative Code.

OAC 5101:2-49-03 "Special needs criteria for Adoption Assistance" sets forth the criteria for a child with special needs to be eligible for the Adoption assistance program. In paragraph (A)(2)(e) the requirement that the child has been in the home of the prospective adoptive parent(s) was changed from twelve to six consecutive months. Paragraph (A)(2)(g) "licensed" has been added to marriage and family therapist, "licensed social worker who is under the direct supervision of a licensed professional clinical counselor" was added to the list of qualified professionals. "Mental retardation" was removed as it is considered a developmental disability. The documentation from the qualified professional must include a written statement, supported by an assessment or evaluation within the last twelve months of application. The rule has been rescinded and filed as new to clearly explain the special needs requirements for adoption assistance eligibility.

OAC 5101:2-49-04 "Requirement for Adoption Assistance past age eighteen" outlines the requirements for adoption assistance for children with an existing adoption assistance agreement that are past the age of
eighteen. To be eligible for adoption assistance past age eighteen, the child must have a documented mental or physical disability that is verified annually. The title to the rule has been revised; the rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-05 "Determination of the adoption assistance monthly payment amount" outlines how to determine the monthly payment amount for adoption assistance. ODJFS has set a statewide maximum for the adoption assistance program based on foster care expenditure data. If an agency chooses to exceed the statewide maximum the agency must request a waiver by completing the JFS 01471 "Waiver request to exceed the Title IV-E Monthly Adoption Assistance Statewide Maximum"(rev. 1/2014) and submitting it to the email address MAASM@jfs.ohio.gov. This rule also explains the option and procedure for adoptive parent(s) to request a state mediation conference if the agency and adoptive parent(s) cannot mutually agree on an adoption assistance monthly payment amount within thirty calendar days of negotiation by submitting the JFS 01470 "Adoption assistance state mediation conference request"(rev. 1/2014) to state hearings. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-49-06 "Adoption assistance agreement and duration: provision for financial support and services" outlines the criteria of the AA agreement and the duration of the agreement. Minor grammatical changes were made to provide clarity.

OAC 5101:2-49-07 "Adoption assistance agreement only with no payment" outlines the conditions and procedures for completing an AA agreement with no payment option. Language was added to clarify that a child with an AA agreement with no payment is eligible for Title XIX (Medicaid) coverage including a child with special need who is determined to only be at substantial risk as described in OAC 5101:2-49-03. A child with an existing AA agreement that was determined to be eligible for adoption assistance with no payment prior to the effective date of this rule will be eligible for Title XIX as of the effective date of the rule.

OAC 5101:2-49-08 "Adoption assistance monthly payments" outlines the procedures for determining when a monthly AA payment shall begin. Grammatical changes were made to this rule.

JFS 01448 "Title IV-E adoption assistance non-adc relatedness eligibility determination" has been removed as these requirements are incorporated in SACWIS adoption assistance eligibility determination.

JFS 01451 "Title IV-E adoption assistance application" has been revised to separate Section V: Health Insurance from the signature section of the form.

JFS 01451-A "Title IV-E Adoption Assistance Eligibility Determination" has being removed as these requirements are incorporated in SACWIS adoption assistance eligibility determination.

JFS 1453 "Adoption assistance agreement" is being revised. The word "modified" has been removed to be consistent with changes made to the rules in this package. Completion of the JFS 01451-B has been included in Article II: Obligations of Adoptive Parents in accordance with revisions made OAC 5101:2-49-10 and language was removed from Article V: Medical Care to allow children with the special need of "substantial risk" to be eligible for Medicaid as long as the adoption assistance agreement is in effect.

JFS 1470 "Adoption assistance state mediation conference request" has been developed as an option for the adoptive parent(s) to request a state mediation conference with the Office of state hearings when the adoptive parent(s) and the Title IV-E agency can't reach an agreement on the initial adoption assistance amount.

JFS 1471 "Waiver request to exceed the Title IV-E adoption assistance statewide maximum" has been developed for Title IV-E agencies to request a waiver to exceed the state wide adoption assistance amount in an adoption agreement.

INSTRUCTIONS:

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Amendments to Ohio Administrative Code (OAC) Rule 5101:2-33-07  

This letter transmits an amendment to Ohio Administrative Code (OAC) rule 5101:2-33-07. The following is a brief explanation of the changes to the rule:

OAC rule 5101:2-33-07 entitled Delegation of responsibility and contracting for the performance of specified agency duties has been amended as a result of the Five Year Review. Updates to agency names along with minor grammar and formatting changes were completed.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter transmits revisions to the following Ohio Administrative Code (OAC) rules: 5101:2-38-01; 5101:2-38-02; 5101:2-38-05; 5101:2-38-08; 5101:2-38-09; 5101:2-38-10; 5101:2-39-01; 5101:2-39-03; 5101:2-39-10; 5101:2-39-11; 5101:2-39-30; and 5101:2-40-02. In addition, it creates new OAC rules 5101:2-38-03; 5101:2-38-06 and 5101:2-38-07 for consistency and clarity in language. Forms JFS 01412, JFS 01412-I, JFS 01416 and JFS 01416-I are amended as well. These rules were revised as a result of the Partners for Ohio's Families (PFOF) Rule Review Initiative. These changes will be effective May 30, 2014.

The following is a brief explanation of the changes.

OAC 5101:2-38-01 entitled Requirements for PCSA case plan for in-home supportive services without court order sets forth the requirements that apply to the public children services agency (PCSA) for completing the case plan and case review. This rule is being amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools.

OAC 5101:2-38-02 entitled Protective supervision by PCSAs sets forth the requirements that apply to the PCSA protective supervision cases. This rule is being amended to provide consistency and clarity in language and correct the revision dates of CAPMIS tools.

OAC 5101:2-38-03 entitled Protective supervision by PCPAs sets forth the requirements that apply to the private child placing agency (PCPA) protective supervision cases. This new rule incorporates requirements previously outlined in rule 5101:2-39-30 of the Administrative Code which is being rescinded. Language is amended to provide consistency and clarity in language and correct the revision dates of CAPMIS tools.

OAC 5101:2-38-05 entitled PCSA case plan for children in custody or under protective supervision sets forth the requirements that apply to the PCSA case plans for children in custody or under protective supervision. References for a child of Indian heritage or tribal eligibility have been added. This rule is being amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools.

OAC 5101:2-38-06 entitled Required contents of a PCPA case plan document sets forth the content requirements for PCPA case plans. This new rule incorporates requirements previously outlined in rule 5101:2-39-11 of the Administrative Code which is being rescinded. Language is amended to provide consistency and clarity in language.

OAC 5101:2-38-07 entitled PCPA case plan for children in custody or under court-ordered protective supervision sets forth the requirements that apply to the PCPA case plans for children in custody or under protective supervision. This new rule incorporates requirements previously outlined in rule 5101:2-39-10 of the Administrative Code which is being rescinded. References for a child of Indian heritage or tribal eligibility have been added. Language is amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools.

OAC 5101:2-38-08 entitled Child's education and health information sets forth the requirements of the PCSA to complete, update, provide copies, and maintain the Child's Education and Health Information form. This rule is being amended to provide consistency and clarity in language.

OAC 5101:2-38-09 entitled PCSA requirements for completing the case review sets forth the requirements that apply to the PCSA for completing the case review. This rule is being amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools.

OAC 5101:2-38-10 entitled Requirements for completing the semiannual administrative review sets forth the requirements that apply to the PCSA and PCPA for completing the semiannual administrative review.
References for a child of Indian heritage or tribal eligibility have been added. This rule is being amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools.

**OAC 5101:2-38-20** entitled PCSA requirements for providing on-going services in alternative response sets forth the PCSA requirements for cases receiving on-going services within the alternative response pathway. This rule is being amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools.

**OAC 5101:2-39-01** entitled Removal of a child from his or her own home sets forth the PCSA and PCPA requirements if a determination is made that a child cannot be safely maintained in his or her own home. This rule is being amended to provide consistency and clarity in language, correct paragraph references within the rule, and correct the revision dates of CAPMIS tools. References for a child of Indian heritage or tribal eligibility have been added.

**OAC 5101:2-39-03** entitled Emergency removal of a child from substitute care placement sets forth the requirements that apply to the PCSAs for removing a child from substitute care placement. This rule is being amended to provide consistency and clarity in language and correct a rule reference.

**OAC 5101:2-39-10** entitled PCPA case plan for children in custody or under court-ordered protective supervision sets forth the requirements that apply to the PCPA case plans for children in custody or under protective supervision. This rule is being rescinded and the language is being incorporated into new rule 5101:2-38-07 of the Administrative Code.

**OAC 5101:2-39-11** entitled Required contents of a PCPA case plan document sets forth the content requirements for the PCPA case plans. This rule is being rescinded and the language is being incorporated into new rule 5101:2-38-06 of the Administrative Code.

**OAC 5101:2-39-30** entitled Protective supervision by PCPAs sets forth the requirements that apply to the PCPA protective supervision cases. This rule is being rescinded and the language is being incorporated into new rule 5101:2-38-03 of the Administrative Code.

**OAC 5101:2-40-02** entitled Supportive services for prevention of placement, reunification and life skills sets forth the requirements for provision of supportive services. This rule is being amended to provide consistency and clarity in language.

**FORMS:**

**JFS 01412** entitled Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review (SAR) (rev.1/2014) is being revised to provide consistency with JFS 01416.

**JFS 01412-I** entitled Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review Instructions (rev.1/2014) is being revised to include the revisions made to the JFS 01412.

**JFS 01416** entitled Semiannual administrative review for private child placing agencies (rev. 1/2014) is required to be completed by the PCPA pursuant to rule 5101:2-38-10 of the Administrative Code. New language is added for PCPAs due to the amendment of 5101:2-38-10 which requires youths, sixteen years and older, who are in substitute care to receive their credit reports annually.

**JFS 01416-I** entitled Semiannual administrative review for private child placing agencies instructions (rev.1/2014) is revised to incorporate and address the revisions made to the referenced form.

**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director

This letter transmits Ohio Administrative Code (OAC) rules governing Substitute Care that are being amended as a result of the Five Year Rule Review (FYR). The following is a brief explanation of the changes:

OAC 5101:2-42-67 entitled "Preparation of lifebook" sets forth the requirements for the PCSAs and PCPAs to begin preparation of a lifebook when a child remains in substitute care. The rule has been amended for clarity and minor grammatical changes.

OAC 5101:2-42-87 entitled "Termination of substitute care and custody of a child" sets forth the requirements for the PCSAs and PCPAs in terminating substitute care and custody. The rule has been amended for clarity and minor grammatical changes.

OAC 5101:2-42-88 entitled "Requirements for substitute care placement disruptions" sets forth the requirements for PCSAs and PCPAs to document when there is a disruption of a child in substitute care. The rule has been amended for clarity and minor grammatical changes.

OAC 5101:2-42-89 entitled "Public children services agency and private child placing agency procedures when a child is receiving services or is in agency custody dies" sets forth the requirements of PCSAs and PCPAs to have written policies and procedures when there is a child fatality. The rule has been amended to adhere to the FYR and a minor grammatical change was made.

OAC 5101:2-42-92 entitled "Visitation for child in temporary custody" sets forth the requirements of the PCSAs and PCPAs to arrange regular and frequent opportunities for visitation for children in temporary custody with their parents or guardians. The rule has been amended for clarity and minor grammatical changes.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits three amended rules and one new rule regarding interstate compact updates as a result of the Five Year Review (FYR) and changes to the Association of Administrators of the Interstate Compact on the Placement of Children (AAICPC) regulations. These rules will be effective May 16, 2014.

The following is a brief explanation of the changes:

OAC rule 5101:2-52-04 entitled "PCSA Responsibilities for Interstate Compact on the Placement of Children" has been amended to be entitled "PCSA responsibilities for the Interstate Compact on the Placement of Children." The rule outlines the procedures and responsibilities for public agencies receiving and sending children for placement across state lines. Changes were made to the rule as part of the Partnership for Ohio's Families (PFOF) Rule Review rule review process and to bring it into compliance with new regulations of the AAICPC. Language from the new regulations was added to outline all documentation needed for a PCSA to make an ICPC request, conditions for priority requests, and responsibilities when a PCSA receives an ICPC request.

OAC rule 5101:2-52-06 entitled "Responsibilities Applicable to Interstate Placement of Children when a PCPA, PNA, or Court is the Sending or Receiving Agency" has been amended to be entitled "Requirements applicable to interstate placement of children when the PCPA, PNA, or court is the receiving agency." The rule outlines the procedures and responsibilities for private agencies and courts receiving children for placement across state lines. Significant changes were made to the rule as part of the PFOF rule review process and to better reflect regulations of the AAICPC. Language regarding the requirements for sending an ICPC request has been removed from this rule and placed in 5101:2-52-08 and 5101:2-52-10. Language outlining the documentation required when approving a home through an ICPC request and detailing the requirements for submission of progress reports was added.

OAC rule 5101:2-52-08, entitled "Interstate Placement Requirements for Ohio Parents or Legal Guardians when Placing Their Child into Another State or Territory" has been amended to be entitled "Interstate placement requirements for Ohio parents, legal guardians, or private entities when placing a child into another state or territory for adoption." The rule outlines the procedures and responsibilities for parents, legal guardians and private entities placing children in adoptive homes across state lines. Significant changes were made to the rule as part of the PFOF rule review process and to better reflect regulations of the AAICPC. All language regarding placements other than adoptive placements was removed from the rule and placed in rule 5101:2-52-10. The definition of "visit", as defined in the Interstate Compact on the Placement of Children was added. Language from the new regulations in the Interstate Compact on the Placement of Children was added to outline the documentation required when requesting to make an adoptive placement across state lines.

OAC rule 5101:2-52-10, entitled "Interstate placement requirements for Ohio courts, parents, or legal guardians, when placing a child in a residential placement in another state or territory" has been created to outline the procedures and responsibilities for parents, legal guardians or courts when placing children in residential facilities across state lines. The requirements in this rule are not new, but were previously listed under other rules and have been separated out for better clarity.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.
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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendment to Social Services Rules in Ohio Administrative Code (OAC) Rules 5101:2-48-05 and 5101:2-48-16

This letter transmits Ohio Administrative Code rules governing Adoption that are being amended as a result of the Five Year Rule Review and the Partnership for Ohio's Families (PFOF) Rule Review initiative. The following is a brief explanation of the changes:

OAC rule 5101:2-48-05 entitled "Agency Adoption Policy and Recruitment Plan" sets forth the requirements that a public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall have current written adoption policy. The word "policy" was added to the title to read "Agency Adoption Policy and Recruitment Plan." The word "supersedes" replaced the word "supersedes." The word "adult" was added before the word "relative." Sentences were either added or deleted for clarification.

OAC rule 5101:2-48-16 entitled "Adoption Preplacement and Placement Procedures" sets forth the requirements that the public children services agency (PCSA) or private child placing agency (PCPA) shall begin services to prepare the child for adoptive placement no later than the date of permanent custody. The words "age appropriate" were added and sentences were removed from paragraph (D).

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendment to Ohio Administrative Code (OAC) Rules 5101:2-44-13, and 5101:2-44-13.1

This letter transmits Ohio Administrative Code rules governing Substitute Care that are being revised as a result of the Five Year Rule Review and the Partnership for Ohio's Families (PFOF) Rule Review initiative. The following is a brief explanation of the changes:

OAC rule 5101:2-44-13 entitled "Public Children Services Agency (PCSA) Administration of the Post Adoption Special Subsidy (PASSS) program" sets forth the requirements that the PCSA shall retain all approved and denied JFS 01050s, JFS 01051s and JFS 01052s. The JFS 01681 "Applicant Financial Statement" was added to section (A) of this rule to require it to be provided to the adoptive parent(s) upon request. The rule has been amended to align the policy with the new automated and administrative functions of the PASSS program.

OAC rule 5101:2-44-13.1 entitled "Eligibility and Application for the Post Adoption Special Services Subsidy (PASSS) program" sets forth the requirements for the county review committee and the PCSA executive director or designee to review and approve the JFS 01050, the JFS 01051 and the JFS 01052 if applicable. The rule has been amended to align the policy with the new automated and administrative functions of the PASSS program.

The title of the JFS 01052 "Credential of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" has been changed to "Credential of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding".

The JFS 01052-I "Credential of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" has been created and added to this rule to provide guidance on how to complete the JFS 01052.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits amended rule 5101:2-42-60 as a result of the five year rule review process. This rule will become effective May 10, 2014. The following is a brief explanation of the changes:

OAC 5101:2-42-60, "Placement services for infants of incarcerated mothers" sets forth requirements for public children services agencies (PCSAs) to provide services to infants of incarcerated mothers. This rule has been edited to correct minor grammatical errors and to provide clarification.

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

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Family, Children and Adult Services Manual Transmittal Letter No. 317

May 27, 2014

To: Family, Children and Adult Services Manual Holders

From: Cynthia C. Dungey, Director


This letter transmits the amendment and/or rescission of the Ohio Administrative Code (OAC) rules which address the public children services agencies (PCSA) administrative, monitoring, confidentiality and SACWIS requirements. All of the rules have been revised through the Partnership for Ohio's Families (PFOF) Rule Review initiative. The rules are a product of the collaborative partnership between ODJFS and PCSAs. The presenting rule amendments were developed through the Monitoring, Administration, SACWIS and Documentation Rule Review Team and approved by the PFOF Rule Review Coordination Board. The following OAC rules have been amended: 5101:2-33-20, 5101:2-33-21, 5101:2-33-23, 5101:2-33-26 and 5101:2-33-28. The following OAC rules have been rescinded: 5101:2-33-05, 5101:2-33-22 and 5101:2-33-24.

The following is a brief explanation of the changes to each rule.

OAC rule 5101:2-33-20 entitled PCSA complaint review and report disposition appeal policy outlines the PCSA requirement to develop and implement written policies for receiving, reviewing and resolving complaints concerning the provision of services and report disposition appeals by alleged perpetrators. Language has been added for clarity and to correct grammar. Paragraphs have been combined for clarity and to improve flow of the rule.

OAC rule 5101:2-33-21 entitled Confidentiality and dissemination of information relating to child abuse or neglect outlines the confidential nature of child abuse and neglect reports and specifies when release of such information is required or permissible. The rule has been streamlined to improve the flow of the information and remove redundancies within the rule and across the chapter 5101:2-33 rules. This rule has been amended to address the release of all confidential child welfare information within one rule. Rule 5101:2-33-22, which previously addressed some confidentiality issues, will be rescinded as a result of this modification. Rule 5101:2-33-24 will also be rescinded, as the requirements for the release of information for the purpose of a background check have been added to this rule.

Language has also been included to identify all report types contained in rule 5101:2-36-01 as confidential child welfare information; address the release of information pertaining to notification of the case decision to open or close a case within the alternative response pathway; include a recent federal interpretation regarding the requirements to release information to the public regarding the findings or information about a case of child abuse or neglect that resulted in a fatality or near fatality; and address the dissemination of child welfare information for the purposes of research.

OAC rule 5101:2-33-23 entitled Case records for children services sets forth the PCSA requirements for recording and maintaining child welfare case record information. The rule has been streamlined to improve the flow of the information and remove redundancies within the rule and across other program rules. Documentation requirements have been incorporated within the rules that outline the PCSA requirements and captured in this rule by referencing each chapter of rules. Requirements that are not specifically addressed within other rules have been maintained within the case record rule to avoid duplicating a requirement in multiple rules.

OAC rule 5101:2-33-26 entitled The county child abuse and neglect memorandum of understanding (MOU) requires that PCSAs develop a document that sets forth the normal operating procedures to be
employed by all concerned officials in the execution of their respective responsibilities in conducting child abuse and neglect investigations/assessments. The rule has been amended to include language to clarify that if an individual required to sign the MOU has changed, the MOU must be amended and new signatures obtained. Language has also been included to clarify alleged victims of human trafficking are alleged victims of child abuse and neglect and should be addressed within the standards and procedures outlining the PCSA and law enforcement activities for conducting joint assessment/investigations. Language was amended to reflect the change of the timeframe to conduct an assessment/investigation from 45 days to 60 days.

OAC rule 5101:2-33-28 entitled Joint planning and sharing of information among the PCSA and CDJFS sets forth the PCSA requirements regarding joint planning and sharing of information with the county departments of job and family services (CDJFS) to coordinate services to children and families. The rule was amended to include language previously captured within the case record rule to require PCSAs to request a copy of the Ohio works first (OWF) self-sufficiency contract from the CDJFS if joint planning or sharing of child welfare information occurs between the PCSA and CDJFS. Rule language was also amended to reflect the current legislative service commission standard.

OAC rule 5101:2-33-05 entitled Family and children services information system (FACSIS) reporting requirements outlines the PCSA, PCPA and PNA requirement to enter applicable children services information required by federal or state statute and/or Administrative Code into the family and children services information system. This rule is being rescinded as the FACSIS system is now obsolete.

OAC rule 5101:2-33-22 entitled Access/confidentiality of child abuse and neglect information contained in the uniform statewide automated child welfare information system outlines the confidentiality of information contained in SACWIS and access to such information by a children services agency, a person conducting research, and others authorized to request a search regarding a subject of a report of child abuse and neglect. This rule is being rescinded as the requirements were duplicative of information contained within rules 5101:2-33-21 and 5101:2-33-70 of the Administrative Code.

OAC rule 5101:2-33-24 entitled Access to child abuse and neglect reports for background checks outlines the PCSA requirements for utilizing child abuse and neglect report dispositions for the purposes of a background check for child care certification, foster care licensure and an adoption home study. This rule is being rescinded as the requirements are now contained within rule 5101:2-33-21 of the Administrative Code, which addresses the release of all confidential child welfare information.

INSTRUCTIONS:
The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 318

May 2, 2014

TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendments to Ohio Administrative Code Rules 5101:2-40-04 and 5101:2-42-18

This letter transmits amended rule 5101:2-40-04 Kinship Permanency Incentive (KPI) Program and rule 5101:2-42-18 PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers. Form JFS 01447 has been amended as well. These changes will be effective May 4, 2014.

OAC 5101:2-40-04, "Kinship Permanency Incentive Program" has been amended to clarify excluded income for the purpose of determining eligibility. Language was added to clarify that the eligible kinship caregiver may receive a maximum of six incentive payments over a period of up to 36 cumulative months. Language was added to clarify the Public Children Services Agency's (PCSA) activities when conducting eligibility redeterminations. Language was added to limit the amount of time that county public children services agencies have to submit KPI incentive payments to the Ohio Department of Job and Family Services for reimbursement.

OAC 5101:2-42-18, "PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers" has been amended to include the list of disqualifying offenses that would exclude an individual from being an approved caregiver for a child's placement. An appendix has been added to this rule to define the disqualifying offenses. Language was added to include a provision for interstate requests for home assessments on relative and nonrelative caregivers. Some minor edits were made for clarification.

Additionally, the JFS 01447 "Assessment of Relative or Nonrelative Caregiver's Ability to Care for Child(ren) and Recommendation for Placement" (rev. 2/2014) has been revised and updated to provide a more constructive tool for assessment of such placements. It has been renamed "Assessment of Relative or Nonrelative Substitute Caregiver."

INSTRUCTIONS:

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:

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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director

This letter transmits Ohio Administrative Code (OAC) rules governing Substitute Care that are being amended as a result of the Five Year Rule Review. The following is a brief explanation of the changes:

OAC rule 5101:2-42-05 entitled "Selection of a placement setting" sets forth the requirements in the selection of a placement setting when a child cannot remain in their own home. The rule has been amended to format the rule for clarity and minor grammatical changes.

OAC rule 5101:2-42-08 entitled "Acceptance of temporary custody by agreement and court-approved extensions" sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of a secondary extension. The rule has been amended for clarity.

OAC rule 5101:2-42-09 entitled "Acceptance of permanent custody by permanent surrender" sets forth the requirements of a permanent custody agreement between the PCSAs and PCPAs and a parent. The rule has been amended to adhere to the five year rule review and a minor change was made.

OAC rule 5101:2-42-18.1 entitled "Non-discrimination requirements for foster care placements" sets forth the requirements to prohibit denying or delaying prospective foster parents or the placement of children into foster care on the basis of race, color or national origin of that person. The rule has been amended for clarity and minor grammatical changes were made.

OAC rule 5101:2-42-19 entitled "Requirements for the provision of independent living services to youth in custody" sets forth the requirements for PCSAs and PCPAs to prepare youth for the transition from agency custody to self-sufficiency. This rule has been amended for clarity and minor grammatical changes were made.

OAC rule 5101:2-42-19.2 entitled "Requirements for provision of independent living services to young adults who have emancipated" sets forth the requirements for PCSAs to provide services and support to emancipated foster care recipients. This rule has been amended to change a rule reference.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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This letter transmits the Ohio Administrative Code (OAC) rules governing Management and Administration that are being amended as a result of the Five Year Review, recent policy updates, and as the result of the Partners for Ohio Families (PFOF) initiative. The following is a brief explanation of the proposed changes:

OAC 5101:2-44-03 entitled "Public children services agency (PCSA) administration of the state adoption maintenance subsidy program" outlines the PCSA's responsibilities for administering and determining eligibility for the state adoption subsidy. This rule was amended to add the word "maintenance" to the title, to update the revision date of the forms referenced, and to remove duplicate language captured in another rule.

OAC 5101:2-44-05.1 entitled "Covered families and children (CFC) medicaid eligibility: Children with special needs" outlines the medicaid eligibility for special needs children. This rule was amended to change "special needs children" to "children with special needs" in the title and to remove the words "mental retardation."

OAC 5101:2-44-05.2 entitled "Covered families and children (CFC) Medicaid eligibility for state adoption subsidy recipient moving from or to Ohio" outlines the Medicaid eligibility requirements for an adoptive child in receipt of a state adoption subsidy moving from or to Ohio. This rule was amended to change references from "working" days to "business" days. The revision dates of the forms referenced in this rule were updated and language was added requiring adoptive parents to notify the agency of their new address and phone number within ten days of relocating.

OAC 5101:2-44-08 entitled "Redetermination and amendment of a state adoption maintenance subsidy" outlines the procedures for the redetermination and amendment of a state adoption maintenance subsidy. This rule was reorganized and is being filed as new due to the number of changes. The language regarding redeterminations and amendments have been separated out and are addressed individually. The timeframes listed in this rule have been extended to give the agency and the adoptive parent additional time to complete necessary actions. The term "anniversary date" has been changed to "redetermination date" for clarity. The rule now includes a list of reasons why an adoptive parent may request an amendment.

OAC 5101:2-44-09 entitled "Requirements for the state adoption special services subsidy program approved before July 1, 2004" outlines the procedures and requirements for the state adoption special services subsidy program for those agencies that still provide this subsidy. The title of this rule was amended to include "approved before July 1, 2004". The word "calendar" has been removed when referring to days and the revision dates of the forms referenced in this rule have been updated.

OAC 5101:2-44-10 entitled "Suspension of a state adoption maintenance subsidy" outlines the requirements for suspending a state adoption maintenance subsidy. This rule was amended to remove the list of conditions that "may" cause suspension. All conditions now listed in the rule shall cause the subsidy to be suspended. The timeframe for notification of the suspension has been changed from fifteen to thirty days.

OAC 5101:2-44-11 entitled "Termination of a state adoption maintenance subsidy" outlines requirements for terminating a state adoption subsidy. This rule was amended to add the word "maintenance" to the title, to define what "financially supporting" a child means, and to change the term "physically handicapped" to "physically disabled".

OAC 5101:2-44-12 entitled "State adoption maintenance subsidy records" outlines what information must be contained in each state adoption maintenance subsidy record. This rule was amended to add the word
"maintenance" to the title and to add language stating that a copy of the Title IV-E adoption assistance denial must be included in the file. The revision dates of the forms referenced in this rule have also been updated.

FORMS: **JFS 01615** "Approval for State Adoption Maintenance Subsidy" removes the words "amended agreement" and "redetermination" from this form. **JFS 01615-I** "Instructions for Completing the Approval for State Adoption Maintenance Subsidy" is a new form that provides instructions on how to complete the JFS 01615.

**JFS 01614** "Redetermination or Amendment of a State Adoption Maintenance Subsidy" is a new form that will be used to complete a redetermination or amendment of a state adoption maintenance subsidy. **JFS 01614-I** "Instructions for Completing the Redetermination or Amendment of a State Adoption Maintenance Subsidy" gives instructions on how to complete the JFS 01614.

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 314  
April 2, 2014

To: Family, Children and Adult Services Manual Holders

From: Cynthia C. Dungey, Director


This letter transmits amended rules for Title IV-E foster care maintenance. These rules have been amended through a collaborative partnership between ODJFS, public children services agencies (PCSAs), private child placing agencies (PCPAs) and private noncustodial agencies (PNAs). All of the rules have been approved by the Partnership for Ohio's Families (PFOF) Rule Review initiative. Rules 5101:2-33-29, 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 was part of a five year review. The rules will be effective May 1, 2014.

OAC 5101:2-33-29 entitled Verification of United States citizenship and immigration status for all children in foster care. This rule explains what can be used to verify citizenship for all children in foster care. There were minor changes to the rule to add clarity.

OAC 5101:2-47-01 entitled Administration of the Title IV-E Foster Care Maintenance Program. This rule sets forth the objectives, goals and responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program. In paragraph (B) language was changed to better clarify the intent. The words, "initial and continued", were deleted from paragraph (C)(2) and language was added to paragraph (C)(3) to clarify a child that is in the legal responsibility of the Title IV-E agency. The words, "to ensure eligibility and assist the family in obtaining other needed assistance", was deleted from paragraph (C)(5). In paragraph (D) language was changed to add clarity. The reference to rule 5101:2-47-21 was removed as the rule no longer exists. A typo was deleted in paragraph (E).

OAC 5101:2-47-16 entitled Foster care maintenance program reimbursability: Reimbursable placement settings. This rule outlines the requirements for placement settings that are eligible for foster care maintenance reimbursement. In paragraph (A)(9), alternative care setting is explained as a family foster home at the same level of care as the current foster home for a child temporarily placed into for at least twenty-four hours, but for no more than fourteen days as long as the child returns to the original family foster home by the end of the fourteen days. Language was added to paragraph (B) to add clarity regarding reimbursement for payments made to hold a bed for a child on leave.

OAC 5101:2-47-17 entitled Foster care maintenance program reimbursability: Reimbursements for FCM and child care for public foster homes, relative homes, and pre-finalized adoptive homes.

OAC 5101:2-47-18 entitled Foster care maintenance program reimbursability: Reimbursements related to the difficulty of care needs of a child placed in a foster home, relative home, or pre-finalized adoptive home. This rule outlines the requirements for services authorized for children who have special, exceptional or intensive needs that required special parenting. In paragraph (A) language was added to require the Title IV-E agency enter the child's characteristics into the statewide child welfare information system (SACWIS).

OAC 5101:2-47-19 entitled Foster care maintenance program reimbursability: Reimbursements, Graduation Expenses and Personal Incidental. This rule outlines the requirements for reimbursements for graduation expenses and personal incidentals. Paragraph (A) was revised for clarity and is now broken out into two paragraphs, (A) and (B). The substantive change is the reference to a procedure letter outlining the ceiling rates for substitute care per diems which can be found on the website of the electronic Family, Adult and Children Manual.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).
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TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendment to Ohio Administrative Code Rule 5101:2-42-95

The Ohio Department of Job and Family Services (ODJFS) rule review process requires all rules to be reviewed at least every five years. The following rule is due for the five year review. The rules will be effective May 1, 2014. The following is a brief explanation of proposed changes:

Rule 5101:2-42-95 entitled "Obtaining permanent custody: termination of parental rights" of the Administrative Code sets forth the requirements to obtain permanent custody. The rule has been proposed for amendment to format the rule for clarity and correct reference to the Ohio Revised Code.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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Family, Children and Adult Services Manual Transmittal Letter No. 312
February 14, 2014
To: Family, Children and Adult Services Manual Holders
From: Cynthia C. Dungey, Director
Subject: Amendment to all of the Intake and Assessment / Investigation rules contained in Chapter 5101:2-36, amendment to all of the Assessment rules contained in Chapter 5101:2-37 of the Ohio Administrative Code

This letter transmits amendments to the Ohio Administrative Code (OAC) rules which address the PCSA requirements for intake and the assessment/investigation of accepted reports, the completion of assessments of safety and risk, and the removal of a child from his own home. These rules have been amended to provide clarity to public children services agencies (PCSA) charged with the child protective services function. All of the rules have been amendment through the Partnership for Ohio’s Families (PFOF) Rule Review initiative. The rules are a product of the collaborative partnership between ODJFS and PCSAs. The presenting rule amendments were developed through the Child Protective Services Rule Review Team and approved by the PFOF Rule Review Coordination Board. The following OAC rules have been amended: 5101:2-36-01, 5101:2-36-03, 5101:2-36-04, 5101:2-36-05, 5101:2-36-06, 5101:2-36-07, 5101:2-36-08, 5101:2-36-09, 5101:2-36-10, 5101:2-36-11, 5101:2-36-12, 5101:2-36-13, 5101:2-36-14, 5101:2-36-20, 5101:2-37-01, 5101:2-37-02, 5101:2-37-03, 5101:2-37-04. These rules will become effective March 1, 2014.

The following is a brief explanation of the proposed changes to each rule.

Chapter 5101:2-36

OAC rule 5101:2-36-01 entitled Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes outlines the PCSA response to gathering information from a referent. This rule includes the PCSA responsibilities in recording referral information, categorizing referral information, completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS), and assigning a report to a pathway. Screening requirements that were previously addressed in other rules have been collapsed into this rule for ease of use by PCSA staff and to provide clarity for the reader. The involvement of out-of-state Children Services Agency (CSA) has been addressed. The criteria for traditional pathway assignment have been amendment to synchronize with the Ohio Amendment Code.

OAC rule 5101:2-36-03 entitled PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Criteria in determining when to conduct an intra-familial assessment/investigation have been amended. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment/investigation, the assessment tools, and disposition have been extended to forty-five (45) days. Criteria establishing the lead agency have been amendment. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-04 entitled PCSA requirements for conducting a specialized assessment/investigation sets forth the PCSA requirements for conducting a specialized assessment/investigation of abuse and neglect have been clarified and incorporated into this rule. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment/investigation, the assessment tools, and disposition have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. The activities required completing a specialized assessment/investigation have been amended. Notification
requirements to out-of-home administrators and licensing authorities have been clarified. Rule references have been corrected within this rule. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-05 entitled PCSA requirements for conducting stranger danger investigations sets forth the PCSA requirements for conducting a stranger danger investigation. Qualifying criteria for a stranger danger investigation of abuse have been clarified and incorporated into this rule. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment/investigation, the assessment tools, and disposition have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-06 entitled PCSA requirements for a deserted child assessment/investigation sets forth the PCSA requirements for conducting a deserted child assessment/investigation. The sequencing of several paragraphs has been altered. Time frames for completion of the assessment/investigation have been extended to forty-five (45) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-07 entitled PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions sets forth the PCSA requirements for conducting an assessment/investigation regarding the medical neglect of a disabled infant with life-threatening conditions. Time frames for completion of the assessment/investigation and report disposition have been extended to forty-five (45) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-08 entitled PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. Criteria identifying conflicts of interest have been clarified and incorporated into this rule. Additional procedures have been clarified regarding who may serve as a third party, third party involvement, third party notifications, and leading assessment/investigations. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-09 entitled Requirements for dependent child assessments sets forth the PCSA requirements for conducting a dependent child assessment. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Time frames for completion of the assessment and the assessment tools have been extended to forty-five (45) days. Criteria establishing the lead agency have been amended. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-10 entitled PCSA requirements for responding to family in need of services reports sets forth the PCSA requirements for responding to family in need of services reports. Ohio Administrative Code chapter references have been updated.

OAC rule 5101:2-36-11 entitled Justification to extend time frames for completion or waive completion of assessment/investigation activities outlines the process to extend the timeframe to complete assessment/investigation activities and outlines which assessment/investigation activities may be waived. The title has been amended to clarify the purpose of the rule. This rule has been amended to incorporate allowable extensions of assessment/investigative activities specific to Alternative Response and Traditional Response pathways. Criteria have been established addressing waiving a signature on a safety plan. Criteria have been established regarding waiving certain assessment/investigative activities if the report has been previously assessed or investigated. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.
OAC 5101:2-36-12 entitled **PCSA requirement for cross-referring reports of child abuse and/or neglect outlines the requirements of the PCSA to refer reports of child abuse and/or neglect to entities with a need for such information to carry out their respective duties.** Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule. The notification requirements of the superintendent of public instruction have been removed.

OAC 5101:2-36-13 entitled **Intrastate and interstate referral procedures for children’s protective services** addresses when a PCSA shall make intrastate and interstate referrals and the procedures the PCSA is to follow. Intrastate referral requirements have been amendment to address information to be shared and recorded in SACWIS. Criteria have been established addressing intrastate referral post initiation as well as post determination that protective services are necessary for a family. The required assessment tools for an intrastate referral have been amendment to include Alternative Response Family Assessment. Requirements addressing interstate referrals from a PCSA to a CSA are clarified. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-14 entitled **Protective service alert** addresses when a PCSA shall issue a protective service alert (PSA). This rule has been amended to clarify criteria for a PCSA to issue a PSA. The expiration and extension of a PSA have been clarified. Language and requirements have been amendment to incorporate SACWIS information. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-20 entitled **Public children services agencies assessment requirements for child abuse and neglect reports in alternative response** outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect in the alternative response pathway. Amendments have been made regarding interviewing children absent parental consent and the criteria for notifying a parent have been clarified. Criteria establishing the lead agency have been amended. Requirements addressing the completion of the safety assessment have been condensed and streamlined. Notification requirements at the completion of the assessment have been amended. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

Chapter 5101:2-37

OAC rule 5101:2-37-01 entitled **PCSA requirements for completing the safety assessment** sets forth the PCSA requirements in assessing the safety of children when responding to abuse, neglect, and dependency reports. Alternative response terminology has been incorporated throughout the rule. Requirements addressing the completion of the safety assessment have been streamlined. Amendments have been made regarding assessing the safety of children absent parental consent and the criteria for notifying the parent have been included. Time frames to record the JFS 01401 in SACWIS have been developed. Requirements addressing the completion of the JFS 01401 for multiple reports have been included for clarity. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-37-02 entitled **PCSA requirements for completing the safety plan** sets forth the PCSA requirements in developing a safety plan for a child determined to be in immediate danger of serious harm. The requirements to implement a safety plan have been clarified. The requirements regarding obtaining signatures and monitoring a safety plan have been amended for clarity. Requirements addressing verbal authorizations, extension to obtain a signature, and waiving a signature have been included. Notification time frame requirement regarding the termination of a safety plan has been amendment. Monitoring requirements have been clarified. Grammatical changes, restructuring the order of paragraphs, and consistency addressing the requirements and expectations have occurred throughout.

OAC rule 5101:2-37-03 entitled **PCSA requirements for completing the family assessment** sets forth the PCSA requirements in assessing safety and risk of families when responding to intra-familial abuse, neglect, and dependency reports. Alternative response terminology and tools have been incorporated throughout the rule. Requirements addressing the completion of an assessment for families receiving ongoing protective services have been added. Requirements to complete assessments involving shared parenting have been
The time frame requirement to complete the assessment has been amendment to forty-five (45) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-37-04 entitled PCSA requirements for completing the reunification assessment sets forth the PCSA requirements in reassessing safety and risk of children who were determined to be in immediate danger of serious harm. Requirements were amendment to clarify when a reunification assessment is required to be completed. The criteria that require the completion of a reunification assessment have been amended and listed. The time frame for completion of a reunification prior to a court hearing has been extended to sixty (60) days. Grammatical changes, restructuring the order of paragraphs, and amendments to requirements for consistent understanding have occurred throughout the rule.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter transmits revisions to Administrative Code (OAC) rules 5101:2-20-01, Adult protective services definitions and 5101:9-14-02 Adult protective services automated reporting system. The following is a brief explanation of the proposed changes to each rule.

OAC rule 5101:2-20-01 entitled Adult protective services definitions and OAC rule 5101:9-14-02 entitled Adult protective services automated reporting system are being amended due to Revised Code (ORC) Section 5119.70 being repealed. Wording has been updated and a minor grammatical change was made.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Administrative Procedure Manual (APM), Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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FCASMTL 310 (FYE of OAC 5101-2-42, Substitute Care, Part 1)

Family, Children and Adult Services Manual Transmittal Letter No. 310
January 16, 2014

TO: All Family, Children and Adult Services Manual Users

FROM: Cynthia C. Dungey, Director


The Ohio Department of Job and Family Services (ODJFS) rule review process requires all rules to be reviewed at least every five years. The following rules are due for the five year review. As the department is in the process of reviewing and restructuring all child welfare rules, the following rules require no changes to be made at this time.

The rule 5101:2-42-06 entitled "Agreement for temporary custody of child" of the Administrative Code sets forth the requirements of a temporary custody agreement.

The rule 5101:2-42-07 entitled "Extension of agreement for temporary custody of child" sets forth the requirements of a thirty day extension of the temporary custody agreement.

The rule 5101:2-42-19.1 entitled "Requirements for independent living arrangements for independent living youth in custody" sets forth the requirements for the PCSAs and PCPAs when placing a youth in its custody in an independent living arrangement.

The rule 5101:2-42-66 entitled "Administrative procedures for comprehensive health care for children in placement" sets forth the requirements of comprehensive health care for children in placement between the CDJFS and the PCSAs and PCPAs.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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The following is a brief explanation of the changes to each rule.

**OAC 5101:2-53-01**, "Definitions related to the Indian Child Welfare Act" provides definitions of terms used in rules implementing the Indian Child Welfare Act. No changes were made to this rule.

**OAC 5101:2-53-02**, "Administrative responsibilities and record keeping for children affected by the Indian Child Welfare Act" identifies administrative responsibilities of public children services agencies (PCSA) and private child placing agencies (PCPA) that are specific to the Indian Child Welfare Act. This rule is being rescinded as some language formerly included in this rule is duplicative of other rules. Remaining content of this rule has been merged into rule 5101:2-53-08.

**OAC 5101:2-53-03**, "Determination of Indian status, tribal eligibility and membership" describes provisions for determining a child's Indian heritage and providing notice to the tribe or the Bureau of Indian Affairs. Language from rule 5101:2-53-04 has been merged into this rule. This rule has been reorganized to provide clarity. Corrections were made to the addresses for the Bureau of Indian Affairs and the regional office of the Bureau of Indian Affairs. Additionally, some language has been removed from this rule as it is duplicative of other rules.

**OAC 5101:2-53-04**, "Emergency removal of the Indian child" describes the responsibilities of the PCSAs when an Indian child is in immediate harm and an emergency removal is required. This rule is being rescinded as some language formerly included in this rule is duplicative of other rules. Remaining content of this rule has been merged into rule 5101:2-53-03 and 5101:2-53-06.

**OAC 5101:2-53-05**, "Voluntary placement for temporary custody of Indian child" describes the responsibilities of the PCSAs and PCPAs when a temporary agreement for temporary custody of an Indian child has been requested by a parent or custodian. This rule has been reorganized to provide clarity.

**OAC 5101:2-53-06**, "Emergency removal and involuntary custody of Indian children" describes the responsibilities of the PCSAs and PCPAs when an Indian child is in the agency's custody. Language from rule 5101:2-53-04 has been merged into this rule and the title of the rule has been changed to reflect the addition of this language. This rule has been reorganized to provide clarity. Additionally, some language has been removed as it is duplicative of other rules.

**OAC 5101:2-53-07**, "Permanent surrender or parental consent to adoptive placement of Indian children" describes the responsibilities of the PCSAs and PCPAs when an Indian child has been permanently surrendered for adoption by the parent or custodian. No changes were made to this rule.

**OAC 5101:2-53-08**, "Placement preference of Indian children" describes the requirements of the PCSAs and PCPAs when an Indian child is removed from home and the requirements to place the child in accordance with the ICWA placement preference. Language from rule 5101:2-52-02 has been merged into this rule. Additionally, language has been added to clarify placement priorities.

**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Child and Adult Services Manual (FCASM) and the material that should be added:
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FCASMTL 308 (FYR Children Services Licensing Rule Chapters 5101-2-5 & 5101-2-9)

Family, Children and Adult Services Manual Transmittal Letter No. 308

October 17, 2013

TO: Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director


This letter transmits ten amended rules surrounding foster care updates as a result of the five year review. These rules will be effective November 1, 2013.

The following is a brief explanation of the proposed changes:

OAC rule 5101:2-5-38, entitled "Payment of foster caregiver training stipends: reimbursement of training allowances to recommending agencies" provides guidance to agencies regarding stipend payments to foster caregivers and the reimbursement of the stipends to the agency. Paragraph (B) was amended to clarify when the stipend payment to the foster caregiver was required to be made. The paragraph was also amended to clarify the agency responsible for making the stipend payment to the caregiver. Paragraph (C) was amended to clarify the amount of the lump sum stipend payment to be made when a caregiver becomes certified. Paragraph (D) was amended to require the agency that records a training allowance is also the agency responsible for making the stipend payment to the caregiver. Paragraph (K) was added to clarify that if an agency fails to pay a stipend to a foster caregiver within the required timeframes of this rule it will result in the forfeiture of any stipend reimbursement or allowance payment owed to the agency. Other non-substantive changes were made for clarity.

OAC rule 5101:2-9-04, entitled "General maintenance of a residential facility" provides guidance to agencies on what a residential facility should do to keep the facility in running order. No substantive changes were made.

OAC rule 5101:2-9-07, entitled "Emergency planning and preparedness" provides guidance to residential facilities in regard to what is required when an emergency situation arises. Paragraph (C) was amended to add periodic fire and emergency evacuation drills must occur at varying times and shifts.

OAC rule 5101:2-9-09, entitled "Emergency medical plan and first aid supplies" provides guidance to residential facilities in regard to what is needed to be kept at the facility for first aid and the plan in case first aid is needed. No substantive changes were made.

OAC rule 5101:2-9-15, entitled "Residential facility handbook for residents and their families" provides guidance to residential facilities in regard to the contents and distribution of the handbook for residents. Paragraph (B) was amended to add a residential facility must document the handbook was provided and explained in the child's case record. A new paragraph (C) was added to require any revisions to the handbook must be provided to the custodial agency, custodial parent or guardian of a resident and to each resident in writing no later than fourteen days after the revision.

OAC rule 5101:2-9-18, entitled "Recreation and leisure activities and equipment" provides guidance residential facilities in regard to recreational activities and equipment. Paragraph (A) was amended to require a residential facility to have a recreational program. Paragraph (C) was amended to reinforce that all off-site activities are in compliance with rule 5101:2-9-02 of the Administrative Code.

OAC rule 5101:2-9-26, entitled "Living rooms and lounges" provides guidance to residential facilities in regard to room dimensions and furniture required for living rooms and lounges. Paragraph (D) was removed because it referenced variance requests which are no longer granted. New paragraphs (D), (E) and (F) were added from rule 5101:2-9-27 as the rule is being rescinded. No other changes were made other than the combining of the two rules.

OAC rule 5101:2-9-27, entitled "Dining areas" provides guidance to residential facilities in regard to dining room requirements. This rule is being rescinded and added to rule 5101:2-5-26. No substantive changes were made to the original language.
OAC rule 5101:2-9-31, entitled "Laundry facilities" provides guidance to residential facilities in regard to laundry requirements. No substantive changes were made.

OAC rule 5101:2-9-35, entitled "Additional programmatic requirements regarding behavior management" provides guidance to residential facilities in regard to additional requirements on behavior management. Paragraph (B) was amended to remove references to unusual incidents. The paragraph was also amended to add that the designee of the administrator can also be notified if a high number of restraints and isolation occur.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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This letter transmits rules 5101:2-1-01 Children Services Definitions of Terms and 5101:2-1-01.1 Definition of terms for the implementation of the "Comprehensive Assessment and Planning Model - Interim Solution" and statewide automated child welfare database.

The definitions contained in 5101:2-1-01.1 were incorporated into 5101:2-1-01. Rule 5101:2-1-01.1 is being rescinded. Both rules are being processed in compliance with the five year review requirement. This rule will be effective August 1, 2013.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Amendment to Children Services Substitute Care Rule in Chapter 5101:2-42.  

This letter transmits one new rule surrounding caseworker exit interviews. This rule will be effective June 1, 2013.

The following is a brief explanation of the proposed changes:

OAC rule 5101:2-42-65.1, entitled "Exit interview when a child in custody leaves an out of home placement" provides guidance to agencies on the completion of exit interviews after placement changes for children in substitute care. A new JFS form 01678 has been developed to assist in capturing this information.

INSTRUCTIONS:

The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

In accordance with Ohio Revised Code (ORC) section 119.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The following rules were recently reviewed and amended, with an effective date of June 1, 2013.

Ohio Administrative Code (OAC) rule 5101:2-47-05 "Title XIX Medicaid coverage for Title IV-E foster care maintenance (FCM) recipients in accordance with the Consolidated Omnibus Budget Reconciliation Act (COBRA)" outlines the foster care maintenance (FCM) eligibility requirements for COBRA. The rule has been rescinded and filed as new to clearly explain the requirements.

OAC 5101:2-47-09 "Case record requirements for foster care maintenance (FCM)" sets forth the case record responsibilities for FCM. Minor changes were made to provide clarity. Language was added to require initial court orders placing a child in detention to be in the FCM case record file. The FCM case record may be integrated into the child's case record once the child is no longer in the care and placement of the Title IV-E agency.

OAC 5101:2-47-12 "Foster care maintenance: Initial determination of program eligibility and reimbursability" outlines the requirements for determining FCM eligibility and reimbursement. Language was added to inform Title IV-E agencies that initial eligibility can be corrected, if it was done in error. Agencies can continue FCM to age nineteen if they have documentation from educational providers that FCM eligible children are reasonably expected to graduate by age nineteen. Language was also added to determine when a child is no longer reimbursable.

OAC 5101:2-47-13 "Foster care maintenance program eligibility: Legal responsibility requirements" sets forth the legal responsibility requirements for FCM. Changes were made to include the initial court order that removes a child and places the child in detention.

OAC 5101:2-47-14 "Foster care maintenance program eligibility: ADC-relatedness" outlines the aid to dependent children (ADC) program requirements for foster care maintenance. Language was added to clearly define the eligibility month based on the way a child enters care, references to specified relative instead of home of removal.

OAC 5101:2-47-14.1 "Title IV-E eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" outlines that the ADC relatedness requirements for FCM eligibility are based on the ADC relatedness eligibility requirements that were in effect on July 16, 1996. These rules are contained in appendix A of this rule. References to the JFS 01452 "Title IV-E Foster Care Maintenance Determination" were removed because all FCM eligibility determinations are made in the statewide automated child welfare information system (SACWIS).

OAC 5101:2-47-20 "Foster care maintenance program reimbursability: Supplemental reimbursement for the cost of care for the child of a Title IV-E recipient parent" outlines the process to receive reimbursement for a child of a minor parent that is not in the custody of a Title IV-E agency. Paragraphs (F) and (G) were removed to delete duplication of rules since these requirements are in the Family, Children and Adult Services Manual, Social Services section.
OAC 5101:2-47-22 "Reasonable efforts requirements for foster care maintenance" outlines the federal requirements regarding reasonable efforts for foster care maintenance eligibility. The rule has been rescinded and filed as new to clearly explain the requirements. It was reorganized to provide clarity and eliminate duplication.

OAC 5101:2-47-23 "Beginning date of reimbursability for foster care maintenance" outlines the requirements to begin reimbursement for FCM. The rule has been rescinded and filed as new to clearly explain the requirements. It was reorganized to provide clarity and eliminate duplication.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

This letter transmits Ohio Administrative Code (OAC) rules 5101:2-33-55 and 5101:2-33-56 as part of the five year rule review process. These rules will become effective May 1, 2013. The following is a brief explanation of the proposed changes:

**OAC 5101:2-33-55 entitled** "Education and in-service training requirements for PCSA caseworkers" sets forth the training requirements for public children services agency child welfare caseworkers. This rule is being reviewed as a result of the five year rule review process. The rule is also being updated to include training requirements for PCSA caseworkers on human trafficking training and to comply with the training requirements defined in the Ohio Revised Code regarding training for public agency child welfare caseworkers.

**OAC 5101:2-33-56 entitled** "Education and in-service training requirements for PCSA supervisors" sets forth the training requirements for public children services agency supervisors. This rule is being reviewed as a result of the five year rule review process. The rule is also being updated to comply with the training requirements defined in the Ohio Revised Code regarding training for public agency child welfare supervisors.

**INSTRUCTIONS:**

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Users  
FROM: Michael B. Colbert, Director  
SUBJECT: Amendments to Ohio Administrative Code Rules 5101:2-25-02 and 5101:2-25-03  

This letter transmits the revision of the Ohio Administrative Code rules 5101:2-25-02, 5101:2-25-03 and the Title XX County Profile JFS Form 01821. These rules will be effective April 15, 2013. The following is a brief explanation of proposed changes:

The amended rule 5101:2-25-02 entitled "Title XX administration" of the Administrative Code requires the Title XX program year to be October first through September thirtieth.

The amended rule 5101:2-25-03 entitled "Title XX county profile" of the Administrative Code requires all county department of job and family services agencies to develop biennially, two annual county profiles of the social service delivery plan and to submit the plan electronically to ODJFS groupwise mailbox: OFC_SSBG_Title_XX_County_Profile_Reports.

JFS form 01821 entitled "Title XX county profile" and the instructions for completing the JFS 01821 form are being revised to report the program year October first through September thirtieth, and to add the groupwise mailbox: OFC_SSBG_Title_XX_County_Profile_Reports.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

This letter transmits seven amended rules surrounding foster care updates as a result of the five year review. These rules will be effective April 15, 2013.

The following is a brief explanation of the proposed changes:

OAC rule 5101:2-5-04.1, entitled "Acceptance of accreditation in lieu of certification requirements" provides guidance to agencies on what needs to be submitted to have a certification accepted by ODJFS. Paragraph (C) was removed as it was a directive for ODJFS and not an agency.

OAC rule 5101:2-5-14, entitled "Treatment or diagnostic services" provides guidance to agencies in regard to medical care and treatment. Paragraph (A) was restructured for clarity. No substantive changes were made.

OAC rule 5101:2-5-15, entitled "Volunteers and college interns" provides guidance to agencies in regard to requirements for using college interns and volunteers. Paragraph (E) was moved to the location of paragraph (D) to allow the rule to flow better. No substantive changes were made.

OAC rule 5101:2-5-34, entitled "PCPA and PNA case plans and administrative case reviews for direct placements" provides guidance to agencies in regard to the requirements for direct placements in private agencies. Paragraph (A) was amended to show the agency does not have to complete a case plan if the child is placed for less than thirty days. Other non-substantive changes were made for clarity.

OAC rule 5101:2-7-08, entitled "Alternative care arrangements" provides guidance to agencies and foster caregivers for approving alternative care arrangements for children in care. Paragraph (E) was amended for clarity and paragraph (F) was updated with the correct reference number for a rule. No substantive changes were made.

OAC rule 5101:2-7-11, entitled "Socialization and education" provides guidance to foster caregivers on the educational and recreational activities to be provided for a child in foster care. Paragraph (B) was amended to require a copy of an approval for home schooling to be placed in the file of the child. Paragraph (C) was amended for clarity. Paragraph (D) was created from existing language in paragraph (C) and was broken out for clarity. No substantive changes were made in paragraphs (C) or (D).

OAC rule 5101:2-7-15, entitled "Transportation" provides guidance to foster caregivers for transportation requirements when transporting foster children. Paragraph (D) was amended to make reference to the required Revised Code section for child safety seats and seat belt requirements. Paragraph (I) was added to require foster caregivers to ensure the recall and safety information issued by the consumer product safety commission (CPSC) related to child safety seats or booster seats are reviewed.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  

This letter transmits changes to Ohio Administrative Code (OAC) rules 5101:2-38-08 and 5101:2-38-10 which are being amended as the result of the Child and Family Services Improvement and Innovation Act. These changes will be effective December 1, 2012.

The following is a brief explanation of the changes.

**OAC 5101:2-38-08 Child's education and health information** sets forth the requirements that apply to documentation of efforts to maintain a child in the same school the child was attending at the time of placement or reasons why remaining in the same school is not in the child's best interest. This rule is being amended to include language to clarify efforts are made at the time of each placement or placement change.

**OAC 5101:2-38-10 Requirements for completing the semiannual administrative review** sets forth the requirements that apply to a public children services agency (PCSA) and a private child placing agency (PCPA) for completing the semiannual administrative review. This rule is being proposed for amendment as a result of the Child and Family Services Improvement and Innovation Act. New language is added for PCSAs and PCPAs to provide each child who has attained the age of sixteen a copy of their credit report.

Forms:

**JFS 01412** entitled "Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review" (SAR) (rev. 9/2012) is being revised to include the amendments set forth in rule 5101:2-38-10 of the Administrative Code.

**JFS 01412-I** entitled "Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review Instructions" (rev. 9/2012) is being revised to include the revisions made to the JFS 01412.

**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Revisions to Ohio Administrative Code (OAC) rules 5101:2-33-11 and 5101:2-48-16, and form JFS 01689, 'Multiethnic Placement Act' (MEPA)

This letter transmits revisions to Ohio Administrative Code (OAC) rules 5101:2-33-11 and 5101:2-48-16, and form JFS 01689. These rules will be effective November 1, 2012.

The following is a brief explanation of the changes.

**OAC 5101:2-33-11** entitled "Multiethnic Placement Act (MEPA) agency administration requirements" sets forth the administrative requirements for PCSAs, PCPAs and PNAs regarding certain administrative requirements for compliance with MEPA. The rule has been amended to provide clarity that agencies may share MEPA monitors from other county agencies to fulfill MEPA monitoring functions.

**OAC 5101:2-48-16** entitled "Adoption Preplacement and Placement Procedures" outlines the pre-adoptive staffings and matching conferences. The rule has been amended to clarify the public children services agency (PCSA) and private child placing agency (PCPA) shall e-mail to ODJFS MEPA Coordinator at matchingconference@jfs.ohio.gov. The rule was also amended to clarify that agencies have the option to continue to hold matching conferences if the child meets the criteria as specified in Section 3107.02 of the Ohio Revised Code (ORC).

**JFS 01689** entitled "Documentation of the Placement Decision-Making Process" form has changed from the Agency Affiliation to the Adoptive Family Agency.

**INSTRUCTIONS:**

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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FCASMTL 299A (Withdrawal of OAC 5101-2-1-01-1)

Family, Children and Adult Services Manual Transmittal Letter No. 299

November 19, 2012

To: Family, Children and Adult Services Manual Holders

From: Michael B. Colbert, Director

Subject: Rule 5101:2-1-01.1 of the Ohio Administrative Code (OAC)

This letter formally transmits communication to the Public Children Services Agencies (PCSAs) that Ohio Department of Job and Family Services issued Family, Children and Adult Services Manual Transmittal Letter (FCASMTL) No. 299 earlier with OAC rule 5101:2-1-01.1 - Definition of terms for the implementation of the "Comprehensive Assessment and Planning Model - Interim Solution" and statewide automated child welfare database.

There were no changes to the rule, however, it has been discovered that a change is needed to the rule. Therefore, the rule has been withdrawn as a "no change" rule and will go through the typical rule filing process. Another FCASMTL will be issued later, after the rule is final filed.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual and the materials that should be added.

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This letter transmits rule 5101:2-1-01.1 Definition of terms for the implementation of the "Comprehensive Assessment and Planning Model - Interim Solution" and statewide automated child welfare database.

There were no changes to the rule. It is being processed in compliance with the five year review requirement. The rule is being reviewed by the Partners for Ohio's Families Rule Review teams and the recommended revisions as a result of their work will be completed in the future.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Amendments to the Adult Protective Services Rules as a result of the Five Year Rule Review.

This letter transmits amendments to the Ohio Administrative Code rules 5101:2-20-01 through 5101:2-20-04 governing the Adult Protective Services (APS) Program as a result of the five year rule review. The rules will become effective August 1, 2012.

The following is a brief explanation of the amended rules.

Rule 5101:2-20-01 Adult protective services definitions. Four definitions were added to the rule. The first definition "Peace Officer" was added in paragraph (P) to coincide with the definition in ORC 5101.60. The three remaining definitions are new and were added for clarification. Those definitions include: "Referral" in paragraph (T), "Report" in paragraph (U) and "Screening" in paragraph (V). Grammatical changes were also made to the rule.

Rule 5101:2-20-02 Provisions for adult protective services. No new language was required for this rule. The rule was amended for grammatical corrections and technical changes.

Rule 5101:2-20-03 Adult protective services designated agency provisions. Changes were made in paragraph (B) to amend the OAC citations. Rule 5101:2-20-05, APS Automated Reporting System was previously rescinded from the Family, Children, and Adult Services Manual and moved to the Administrative Procedure Manual.

Rule 5101:2-20-04 Adult protective services case records. Changes were made to paragraph (A) for grammatical and technical changes. Paragraph (B), sections one through ten were changed for language clarification.

Note: The Administrative Procedure Manual (APM) Transmittal Letter No. 356 transmits amendments to rule 5101:9-14-02 "Adult protective services automated reporting system" concurrent with the above mentioned rules, as a result of an internal rule review audit. Please refer to the APM to review the rule amendments.

INSTRUCTIONS:

The following chart depicts what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and what material should be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

In accordance with Ohio Revised Code (ORC) Section 119.03, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The following rules were recently reviewed and amended, with a proposed effective date of June 1, 2012.

Ohio Administrative Code (OAC) rule 5101:2-47-03.1 "Qualified and Disqualified Alien Eligibility for Foster Care Maintenance and Independent Living Services," this rule outlines the foster care maintenance (FCM) eligibility requirements for qualified aliens. Minor changes were made to provide clarity.

OAC 5101:2-47-04 "Intercounty and interstate case management responsibility for foster care maintenance" describes the case management responsibilities for FCM when a case is transferred to another county. Minor changes were made to provide clarity.

OAC 5101:2-47-07 "Notice of Right to a Hearing for Foster Care Maintenance" describes the hearing rights for Title IV-E agencies. There are no amendments to this rule as part of the five year rule review.

OAC 5101:2-47-08 "Required application/update for Title IV-D (child support) services and referrals to Title IV-A (public assistance); healthchek; third party insurance; and supplemental security income (SSI)", describes all the required referrals that a Title IV-E agency is responsible for. The rule has been rescinded and filed as new to clearly explain the requirements. The time frame for submitting the JFS 01435 has changed to within sixty business days from the date the Title IV-E agency obtains legal responsibility for the care and placement of the child. Language was also added to clarify that the assignment of child support to the Title IV-E agency begins the first day of the calendar month in which all Title IV-E eligibility are met and ends on the last day of the calendar month in which the agency's temporary custody of a child terminates.

OAC 5101:2-47-15 "Foster care maintenance program reimbursability: authorization for foster care maintenance and auxiliary payment reimbursements" outlines the process to receive reimbursement for FCM, difficulty of care auxiliary reimbursements. References to the FACSIS, the JFS 01659 and JFS 01925 have been removed because all reimbursement is authorized through the statewide automated child welfare information system (SACWIS).

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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Family, Children and Adult Services Manual Transmittal Letter No. 296  
May 3, 2012

TO: All Family, Children and Adult Services Manual Users
FROM: Michael B. Colbert, Director
SUBJECT: Amendment to Ohio Administrative Code Rules 5101:2-25-01; 5101:2-25-02; 5101:2-25-03; and, 5101:2-25-07

This letter transmits Ohio Administrative Code rules and JFS Form 01821, Title XX County Profile that are being revised as a result of the Five Year Rule Review. The following is a brief explanation of proposed changes. These rules will be effective May 31, 2012.

The amended rule 5101:2-25-01 entitled "Uniform definitions of Title XX services and other definitions of terms used in Chapter 5101:2-25" of the Administrative Code requires all county department of job and family services agencies to have written definitions specific to Title XX.

The amended rule 5101:2-25-02 entitled "Title XX administration" of the Administrative Code requires all county department of job and family services agencies to provide Title XX services in accordance with the requirements of the Social Security Act and follow child care requirements.

The amended rule 5101:2-25-03 entitled "Title XX county profile" of the Administrative Code requires all county department of job and family services agencies to develop a two year county profile of the social service delivery plan.

The amended rule 5101:2-25-07 entitled "Title XX reimbursement dependent upon correct determination of recipient eligibility" of the Administrative Code requires eligibility criteria established to determine delivery of services to eligible individuals.

JFS form 01821 entitled "Title XX county profile" is being revised. The form documents the Title XX services and categories of eligibility. The JFS 01821-I has been revised and is guidance to the JFS form 01821.

INSTRUCTIONS: The following chart identifies the material that needs to be removed from and inserted into the Family Children and Adult Service Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Amendments to Children Services Licensing Rules in Chapter 5101:2-5  

This letter transmits one amended rule surrounding foster care updates. This rule will be effective March 1, 2012.

The following is a brief explanation of the proposed changes:

OAC rule 5101:2-5-20, entitled "Initial application for child placement in foster care" provides guidance to agencies on what needs to be completed to initially certify a prospective foster caregiver. Paragraph (O) was amended to extend the fire inspection to one year prior to initial certification of the foster home.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 294

February 16, 2012

To: Family, Children and Adult Services Manual Holders

From: Michael B. Colbert, Director


This letter transmits the five year rule review of the Ohio Administrative Code (OAC) rules: 5101:2-36-03, 5101:2-36-04, 5101:2-36-09, 5101:2-36-10 and 5101:2-36-12. These rules will become effective March 1, 2012.

The following is a brief explanation of the changes to each rule.

OAC 5101:2-36-03, "PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations" outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Paragraph references within the rule have been corrected. Grammatical changes were completed in this rule.

OAC 5101:2-36-04, "PCSA requirements for conducting a specialized assessment/investigation" sets forth the PCSA requirements for conducting a specialized assessment/investigation. Paragraph references within the rule have been corrected. Grammatical changes were completed in this rule.

OAC 5101:2-36-09, "Requirements for dependent child assessments" sets forth the PCSA requirements for conducting a dependent child assessment. Paragraph references within the rule have been corrected. Grammatical and punctuation changes were completed in this rule.

OAC 5101:2-36-10, "PCSA requirements for responding to family in need of services reports," sets forth the PCSA requirements for responding to family in need of services reports. Additional Revised Code references within the rule regarding Courtesy Supervision reports and Unruly/Delinquent reports have been added. Grammatical and punctuation changes were completed in this rule.

OAC 5101:2-36-12, "PCSA requirement for cross-referring reports of child abuse and/or neglect," outlines the requirements of the PCSA to refer reports of child abuse and/or neglect to entities with a need for such information to carry out their respective duties. References to the Ohio Department of Developmental Disabilities (ODDD) within this rule have been updated.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 293

February 2, 2012

To: Family, Children and Adult Services Manual Holders
From: Michael B. Colbert, Director

This letter transmits the five year rule review of Ohio Administrative Code (OAC) rules: 5101:2-36-07 and 5101:2-36-13. There are no proposed changes to the rules.

OAC 5101:2-36-07, "PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions," there are no proposed changes.

OAC 5101:2-36-13, "Intrastate and interstate referral procedures for children's protective services," there are no proposed changes.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

Chapter 5101:2-49 of the Ohio Administrative Code was reviewed in compliance with the five-year review process. These rules will become effective December 15, 2011. The paragraphs that follow outline the changes that were made.

OAC 5101:2-49-01, entitled Adoption assistance application process, outlines the application process for the Title IV-E Adoption Assistance (AA) program. Paragraph (B) was changed to clarify that an adoptive parent shall have an approved homestudy and be matched with a special needs child before submitting an AA application to the public children services agency (PCSA). Grammatical changes were made to this rule. In addition, form JFS 01451A "Title IV-E Adoption Assistance Eligibility Determination" (rev. 4/2010) reflects updated dates.

OAC 5101:2-49-02, entitled Adoption assistance eligibility criteria, outlines the specific details for establishing eligibility for the AA program. In paragraph (A), the wording "final decree" was replaced with "after the finalization" to be consistent with other rules in chapter 5101:2-49. Grammatical changes were made to this rule. In addition, forms JFS 01448 "Title IV-E Adoption Assistance Non-AFDC Relatedness Determination" (4/2010) and JFS 01453 "Adoption Assistance Agreement" (rev. 4/2010) reflect updated dates.

OAC 5101:2-49-02.1, entitled Title IV-E adoption assistance AFDC-relatedness eligibility criteria, outlines the AFDC-relatedness requirements to determine a special needs child's eligibility for Title IV-E adoption assistance. Grammatical changes were made to this rule.

OAC 5101:2-49-03, entitled Special needs criteria for adoption assistance, outlines the criteria for the PCSA to determine if a child is special needs and eligible for AA. Paragraph (A)(3)(g) clarifies the responsibilities of a qualified professional. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-04, entitled Age requirement for adoption assistance, outlines the age requirement for a child to be considered eligible for AA. Grammatical changes were made to this rule. In addition, forms JFS 01453 and JFS 01958 "Referral for Medicaid Continuing Eligibility Review" (rev. 2010) reflect updated dates.

OAC 5101:2-49-06, entitled Adoption assistance agreement and duration: provision for financial support and services, outlines the criteria of the AA agreement and the duration of the agreement. Paragraph (N) included a corrected form number. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-07, entitled Adoption assistance agreement only with no payment, outlines the conditions and procedures for completing an AA agreement with a no payment option. Grammatical changes were made to this rule.

OAC 5101:2-49-08, entitled Adoption assistance payments, outlines the conditions and procedures for determining an AA payment. The rule was rescinded and filed new combining former OAC rules 5101:2-49-08 "Beginning date of an adoption assistance payment" and rule 5101:2-49-11 "Adoption assistance program reimbursability: adoption assistance payments." Grammatical changes were also made to this rule.

OAC 5101:2-49-09, entitled Title IV-E adoption assistance post-finalization application, outlines the criteria for determining AA eligibility and entering into an adoption assistance agreement after an adoption has been finalized. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.
OAC 5101:2-49-10, entitled Determination of continuing eligibility requirements for adoption assistance, outlines procedures for determining continued eligibility for adoption assistance. Grammatical changes were made to this rule. In addition, form 1451B "Title IV-E Adoption Assistance Eligibility Review" (rev. 4/2010) reflects an updated date.

OAC 5101:2-49-11, entitled Adoption assistance program reimbursability: adoption assistance payments, outlines procedures for authorizing Title IV-E adoption assistance payments and requesting auxiliary payments. This rule is being rescinded as noted above as its content was merged into OAC 5101:2-49-08.

OAC 5101:2-49-12, entitled Modification/amendment of an adoption assistance agreement, outlines criteria for modifying or amending an AA agreement. Grammatical changes were made to this rule. In addition, the form JFS 01453 reflects an updated date.

OAC 5101:2-49-13, entitled Termination of adoption assistance, outlines the circumstances that result in the termination of an AA agreement. Paragraphs (B) and (C) were reordered for clarity. Grammatical changes were made to this rule.

OAC 5101:2-49-15, entitled Retroactive adoption assistance payment process, outlines procedures for the provision of retroactive adoption assistance payments after the finalization of the adoption. Language was clarified in paragraph (A). Grammatical changes were made to this rule. In addition, forms JFS 01453 and JFS 01454 "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments" (rev. 7/2010) reflect updated dates.


OAC 5101:2-49-19, entitled Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA), contains the procedures to follow for provision of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. Grammatical changes were made to this rule. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-21, entitled Reimbursement of nonrecurring adoption expenses for a child with special needs, outlines procedures for public children services agencies to follow when adoptive families claim reimbursement for nonrecurring adoption expenses. Grammatical changes were made to this rule. The forms JFS 01421 "Application for Reimbursement of Nonrecurring Expenses" (rev. 10/2009), JFS 01438 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Special Needs Child" (rev. 8/2009), and JFS 01453 reflect updated dates.

OAC 5101:2-49-23, entitled Adoption assistance intercounty and interstate case management responsibility, contains procedures for intercounty and interstate case management for adoption assistance. Grammatical changes were made to this rule. In paragraph (A) (2) language was added to clarify the PCSA's responsibility when a child lives or moves out of state. In addition, form JFS 01453 reflects an updated date.

OAC 5101:2-49-25, entitled Qualified and disqualified alien eligibility for Title IV-E adoption assistance, specifies adoption assistance eligibility requirements for qualified aliens. Grammatical changes were made to this rule. In addition, forms JFS 01645 and JFS 1666 reflect updated dates.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASMTL No. 292
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Amendment of Rule 5101:2-39-01 of the Ohio Administrative Code

This letter transmits changes to Ohio Administrative Code (OAC) rule 5101:2-39-01 which is being amended as a result of the Child Abuse Prevention and Treatment Act (CAPTA); CAPTA Reauthorization Act of 2010. The following is a brief explanation of the changes.

**OAC 5101:2-39-01 "Removal of a child from his own home"** sets forth the requirements that apply to the PCSAs and PCPAs for removal and reunification of the child from their own home. This rule is being amended to include new language to ensure that reunification is not required of a child with a parent who has registered with a sex offender registry in accordance with section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006.

**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

This letter transmits the five year rule review of Ohio Administrative Code (OAC) rules: 5101:2-36-05, 5101:2-36-06, 5101:2-36-11, and 5101:2-36-14. There are no proposed changes to the rules.

OAC 5101:2-36-05, "PCSA requirements for conducting stranger danger investigations," there are no proposed changes.

OAC 5101:2-36-06, "PCSA requirements for a deserted child assessment/investigation," there are no proposed changes.

OAC 5101:2-36-11, "Justification to extend time frames for completion or waive completion of assessment/investigation activities," there are no proposed changes.

OAC 5101:2-36-14, "Protective service alert," there are no proposed changes.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-44-13 "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program," 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy (PASSS) program," and forms JFS 01050 "Application for Post Adoption Special Services Subsidy," JFS 01050-I "Instructions for Completing the JFS 01050," JFS 01050A "Approval for a Post Adoption Special Services Subsidy" and the JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances."

The following is a brief explanation of the changes with a proposed effective date of December, 1, 2011:

OAC 5101:2-44-13, "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program" outlines the procedures the PCSA must follow when issuing a post adoption special services subsidy. This rule has been amended to update the revised date of the forms referenced in the rule.

OAC 5101:2-44-13.1, "Eligibility and application process for the post adoption special services subsidy (PASSS) program" outlines the eligibility and application process for the post adoption special services subsidy program. The rule has been amended to update the revised date of the forms referenced in the rule.

JFS 01050 "Application for Post Adoption Special Services Subsidy" is the application used to apply for a post adoption special services subsidy. This form has been amended to remove all references to the child's social security number.

JFS 01050-I "Instructions for Completing the JFS 01050" outlines the procedures for completing the application for a post adoption special services subsidy. This form has been amended to remove all references to the child's social security number.

JFS 01050A "Approval for a Post Adoption Special Services Subsidy" is the form used by the public children services agency to indicate the approval or denial of the post adoption special services subsidy. This form has been amended to remove all references to the child's social security number and to remove the instructions and place them into a separate new form, the JFS 01050A-I "Instructions for Completing the JFS 01050A."

JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances" is the form used to request additional post adoption special services subsidy funds. This form has been amended to remove all references to the child's social security number and to remove the instructions and place them into a separate new form, the JFS 01051-I "Instructions for Completing the JFS 01051."

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>TRANSMITTALS</td>
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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Amendments to OAC 5101:2-40-04 (Kinship Permanency Incentive (KPI) Program)

This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-40-04 "Kinship Permanency Incentive Program". This rule is being amended as a result of Am. Sub. H.B. 153 of the 129th General Assembly. This rule is effective September 29, 2011. The following is a brief explanation of the changes:

OAC 5101:2-40-04 entitled Kinship permanency incentive program outlines the provisions that govern eligibility, the administration and application process for the KPI program. The rule allows the public children services agency (PCS A) to provide incentive payments to kinship caregivers to promote permanency. Changes to this rule were made to the dollar amount of the incentive payments in paragraph (D). Incentive payment amounts will be issued every state fiscal year via a procedure letter.

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| TRANSMITTALS |
| Transmittal Letters |
| FCASMTL No. 288 |
Family, Children and Adult Services Manual Transmittal Letter No. 287

October 5, 2011

To: Family, Children and Adult Services Manual Holders

From: Michael B. Colbert, Director

Subject: Revisions to Ohio Administrative Code Rules as a result of the Five Year Rule Review Process


The following is a brief explanation of the rule changes.

**OAC 5101:2-33-21, "Confidentiality and dissemination of information related to child abuse or neglect."** This rule outlines the confidential nature of child abuse and neglect reports and specifies when release of such information is required or permissible. The rule has been revised as part of the five year rule review process. Changes include addressing the release of child welfare information to the superintendent of public instruction when a report involves a person who holds a license issued by the state board of education where the public children services agency has determined that child abuse or neglect occurred, and that the abuse or neglect is related to the person's duties and responsibilities under the license. Additionally, revisions were made to format the paragraphs within the rule consistently.

**OAC 5101:2-33-23, "Case records for children services,"** outlines the requirements for PCSAs regarding preparation, maintenance, and retention of child welfare records on cases that come to the attention of the PCSA. Additionally, documentation requirements are addressed. The only change to the rule was the addition of clarifying language that, to the extent possible, case information shall be recorded in the statewide automated child welfare information system (SACWIS).

**OAC 5101:2-33-28, "Joint planning and sharing of information among the PCSA and CDJFS,"** sets forth the requirements that apply to county departments of job and family services and public children services agencies in joint planning and sharing of information to coordinate services to children and families. Minor grammatical changes were made to the rule.

**OAC 5101:2-35-16, "Submittal of central registry reports on child abuse or neglect."** This rule outlines the PCSA requirement to submit child abuse and neglect information and a report disposition to the central registry. This rule is being rescinded as part of a five year rule review process as child abuse and neglect information is contained within the SACWIS and entry of such information is addressed within the Chapter 5101:2-36 rules of the Administrative Code.

**OAC 5101:2-35-19, "Expunction of identifying information from the central registry."** This rule outlines the criteria for expunging alleged perpetrator case dispositions or case resolutions of child abuse and neglect reports from the central registry. The rule was rescinded.

**OAC 5101:2-33-24, "Access to child abuse and neglect reports for background checks."** This is a new rule that outlines the PCSA requirements for utilizing child abuse and neglect report dispositions for the purposes of a background check for child care certification, foster care licensure and an adoption homestudy.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Amendments to Children Services Licensing Rules in Chapters 5101:2-5 and 5101:2-7 as a result of the five year review.

This letter transmits fourteen amended rules and one rescinded rule surrounding foster care updates as a result of the five year review. These rules will be effective October 1, 2011.

The following is a brief explanation of the rule changes:

OAC rule 5101:2-5-06, entitled "Corrective action plans" provides guidance to agencies when an agency has been found to be out of compliance with rule. The rule was amended to correct punctuation. No substantive changes were made.

OAC rule 5101:2-5-08, entitled "PCPA and PNA governance and administration" provides guidance to agencies for the governing body and administrator. The rule was amended for clarity. No substantive changes were made.

OAC rule 5101:2-5-09.1, entitled "Criminal records check required for certain prospective employees and certified foster caregivers" provides guidance to agencies on the conducting of criminal record check for employees and foster caregivers. The rule was amended to add paragraph (U). This paragraph references a waiver of the fingerprint requirement in section 2151.86 of the Revised Code.

OAC rule 5101:2-5-17, entitled "Discharge summary" provides guidance to agencies on how to prepare a written discharge summary for a child who is to be discharged from a residential facility or specialized foster home. Paragraph (A) was amended to specify that the discharge summary must be provided within ten days after discharge to the person or agency who placed the child.

OAC rule 5101:2-5-18, entitled "Waivers" provides guidance for agencies requesting to waive a rule located in chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code. The title of the rule was changed to "Waivers and Variances." Paragraph (B) was amended to limit waiver requests to relative foster homes only. A new paragraph (E) was added to require agencies to request a foster home waiver through the statewide automated child welfare information system (SACWIS) if the agency has access to the system. If an agency does not have access to the system, the agency must request a waiver on the JFS 01317 form. A new paragraph (G) was added to allow waivers for the fingerprint requirement of a criminal records check for a foster home. Paragraph (H) eliminates variances. Paragraph (I) was added to allow previously approved variances to still be valid as long as the parameters surrounding the original approval have not changed.

OAC rule 5101:2-5-19, entitled "Variances" provides guidance for variance requests from foster care agencies. This rule is being rescinded.

OAC rule 5101:2-5-20, entitled "Initial application for child placement in foster care" provides guidance to agencies on what needs to be completed to initially certify a prospective foster caregiver. Paragraph (E) was amended to update the rule in accordance with the latest central registry procedure. Paragraph (H) was amended to extend the JFS 01653 Medical Statement to one year prior to initial recommendation of the foster home. Paragraph (P) was amended to extend the fire inspection to one year prior to initial certification of the foster home.

OAC rule 5101:2-5-24, entitled "Foster home recertification procedure" provides guidance to agencies on the process for recertifying a foster home. Paragraphs (J) and (K) were amended to update the rule in accordance with the latest central registry procedure.
OAC rule 5101:2-5-26, entitled "Revocation, denial of initial certification or denial of recertification of a foster home certificate" provides guidance to agencies about the process on revocation and denial of certification for foster homes. Paragraph (F) was added to allow agencies with access to the SACWIS system to recommend denials and revocations through the system rather than using the JFS 01317 form.

OAC rule 5101:2-5-31, entitled "Sharing or transfer of a foster home" provides guidance to agencies on the sharing of a foster home as well as the transfer process for a foster home. The rule was amended for clarity. Paragraph (B) was amended to allow a foster home to transfer to another agency within the first year of certification, if both agencies agree to the transfer. The paragraph was also amended to clarify that a foster caregiver can only transfer to another agency one time during their certification period.

OAC rule 5101:2-5-31, entitled "Occupancy limitations and accessibility" provides guidance to agencies on the capacity of children allowed in foster homes. A new paragraph (D) was added to clarify that a foster home may exceed the capacity limit of five foster children if one additional sibling group is added to a foster home.

OAC rule 5101:2-5-35, entitled "Children's rights" provides guidance to agencies on the rights of children in foster care. Paragraph (A) (1) was amended to add that a foster child has a right to abstain from the practice of religion.

OAC rule 5101:2-7-02, entitled "General requirements for foster caregivers and applicants" provides guidance on the requirements of being a foster caregiver to prospective and current foster caregivers. Paragraph (F) was amended to extend the JFS 01653 Medical Statement to one year prior to initial recommendation of the foster home. Paragraph (X) was amended to allow the caregiver up to twelve months prior to initial recommendation to obtain a fire inspection.

OAC rule 5101:2-7-02, entitled "Required notification" provides foster caregivers with guidance on what they are required to report to their agency. The rule was amended for clarity. No substantive changes were made.

OAC rule 5101:2-7-02, entitled "Additional requirements for a treatment foster caregiver and a treatment foster home" provides guidance on the requirements of becoming a treatment foster caregiver. The rule was amended for clarity. No substantive changes were made.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose. The following rules were recently reviewed and amended, with a proposed effective date of August 20, 2011.

Ohio Administrative Code (OAC) rule 5101:2-47-09 "Administrative Procedure: Case Record Requirements for Foster Care Maintenance," describes the case record requirements for Title IV-E foster care maintenance. The list of documents in paragraph (B)(2) and (B)(3) were revised to add clarity. Additional changes to the rule include deleting paragraph (B)(5) the citizenship documentation requirements which are referenced in rule 5101:2-33-29 of the Administrative Code. Language was also added to paragraph (C) regarding difficulty of care payments, repayment of ineligible reimbursements and documentation of reimbursements for clothing, graduation and personal incidentals.

OAC 5101:2-47-12 "Foster care maintenance: Initial determination of program eligibility and reimbursability," this rule outlines the requirements for initial eligibility determination for foster care maintenance. Effective April 1, 2010, a redetermination of ADC relatedness is not required. OAC 5101:2-47-21 will be rescinded and some of that language has been added to explain the age criteria when children are no longer program eligible.

OAC 5101:2-47-16 "Foster care maintenance program reimbursability: Reimbursable placement settings," this rule outlines the reimbursable placements for foster care maintenance. New language has been added to allow for reimbursement for alternative care providers that are licensed, certified or approved. Also, if the alternative care placement is 14 days or less and the child returns to the original placement this alternative care will not count as a placement change for the Adoption and Foster Care Analysis Reporting System (AFCARS). Language has been added to allow for reimbursement when a child is absent without leave (AWOL), in the hospital, on a trial home visit, camp or vacation, if the absence does not exceed 14 days and the child returns to the same placement. A child on leave for respite will not be reimbursed.

OAC 5101:2-47-21 "Foster Care Maintenance (FCM): Redetermination of Program Eligibility and Reimbursability," is being rescinded. Effective April 1, 2010 annual redetermination for Aid for Dependent Children (ADC) is no longer federally required.

OAC 5101:2-47-26.2 "Cost Report 'Agreed Upon Procedures' Engagement," describes the requirements for public and private agencies to complete a cost report annually. The rule revision date of the JFS 02911-I "Single Cost Report Instructions" was changed from July 2009 to July 2011. Paragraph (C) was revised to separate the requirements. Sentence two and three were moved to the new paragraph (D). Sentence four was moved to paragraph (E) and the last sentence and subparagraph were moved to paragraph (F).

INSTRUCTIONS:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).
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Family, Children and Adult Services Manual Transmittal Letter No. 284
July 8, 2011

TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Amendments to OAC 5101:2-40-04 (Kinship Permanency Incentive (KPI) Program)

This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-40-04 "Kinship Permanency Incentive Program." This rule is being amended as a result of Am. Sub. H.B. 153 of the 129th General Assembly and through the 'Request for Executive Order Authorizing the Ohio Department of Job and Family Services to Emergency File Rules [ORC 119.03 (F)].' This rule is effective July 1, 2011. The following is a brief explanation of the changes:

**OAC 5101:2-40-04** entitled "Kinship permanency incentive program" outlines the provisions that govern eligibility, the administration and application process for the KPI program. The rule allows the public children services agency (PCSA) to provide incentive payments to kinship caregivers to promote permanency. Changes to this rule were made to the dollar amount of the incentive payments in paragraph (D). Incentive payments will now be issued every state fiscal year via a procedure letter.

**JFS 01503** entitled "Notice of approval for kinship permanency incentive funds" is used by the PCSA when informing the kinship caregiver that he or she has been approved for KPI funds. This form was revised to take out the specified dollar amounts as these amounts may change every fiscal year.

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 283

June 28, 2011

To: Family, Children and Adult Services Manual Holders

From: Michael B. Colbert, Director

Subject: Review of Ohio Administrative Code Rules as a Result of the Five Year Rule Review Process

This letter transmits no changes to the Ohio Administrative Code (OAC) rules 5101:2-33-20 and 5101:2-33-26. This review was the result of the five year review process. The effective date is the last effective date (10/1/09). The following is a brief explanation of the review process.

**OAC 5101:2-33-20, "PCSA complaint review and report disposition appeal policy,"** outlines the requirement that public children services agencies develop and implement written policy for receiving, reviewing and resolving both complaints and report disposition appeals. There were no changes made to the rule. The rule was reviewed as a requirement of the five year rule review process. It was determined the rule should be continued without amendment.

**OAC 5101:2-33-26, "The county child abuse and neglect memorandum of understanding,"** requires that PCSAs develop a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities regarding conducting child abuse and neglect investigations/assessments. The rule was reviewed as a requirement of the five year rule review process. It was determined the rule should be continued without amendment.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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The following is a brief explanation of the changes.

**OAC 5101:2-36-01**, "Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes" outlines the PCSA requirements for referrals of suspected child abuse and neglect. This rule includes the PCSA responsibilities in recording referral information, categorizing referral information, and completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS). This rule is being amended to include language permitting a PCSA with approval from the Ohio Department of Job and Family Services to assign screened in child abuse and neglect reports to alternative response assessment. The rule also includes criteria for screened in child abuse and neglect reports that are required to be assigned to an assessment/investigation. Additionally, a family in need of services report category of alternative response required non-lead PCSA contacts was included.

**OAC 5101:2-36-20**, "Public children services agencies assessment requirements for child abuse and neglect reports in alternative response" sets forth the PCSA requirements for responding to accepted child abuse and neglect reports assigned to the alternative response pathway.

**OAC 5101:2-38-20**, "Public children services agencies requirements for child abuse and neglect reports receiving on-going services in alternative response" sets forth the PCSA requirements for cases receiving on-going services within the alternative response pathway.

**FORMS:**

The **JFS 01418**, "Alternative Response Family Service Plan" is utilized by the PCSA to document concerns, activities, and services when there is agreement between the PCSA and a family for service provision through the alternative response pathway. The form was revised to identify whether the family service plan was developed after the assessment of safety or after completion of the Family Assessment. Additionally, the language within the form was modified to enhance clarity for both caseworkers and the family regarding the services to be provided and the expected outcome of the service provision.

The **JFS 01418-I**, "Alternative Response Family Service Plan" is being revised to incorporate and address revisions made to the JFS 01418.

The **JFS 01417**, "Alternative Response Family Service Plan Review" is utilized by the PCSA to review services and activities within the Family Service Plan to determine if they are effective in addressing concerns and increasing family strengths and/or supports. The form was revised to identify each activity or service contained within the Family Service Plan and document the family's progress or any known barriers in completing the activity or services. A risk reassessment of child abuse and neglect was also added to examine changes the service provision may have had on the level of risk within the family. Additionally, a section was included for the worker to document the case decision to continue providing services or to close the case, and the rationale to support this decision.

The **JFS 01417-I**, "Alternative Response Family Service Plan Review" is being revised to incorporate and address revisions made to the JFS 01417.
The JFS 01422, "Alternative Response Case Closure" is being rescinded. The reassessment of risk is now included in the JFS 01417, "Family Service Plan Review" and case closure will be documented utilizing existing SACWIS functionality.

The JFS 01422-I, "Alternative Response Case Closure" is being rescinded along with the JFS 01422.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: State Adoption Assistance Loan Fund

This letter transmits new Ohio Administrative Code (OAC) rule 5101:2-44-14, "State Adoption Assistance Loan Fund." The state adoption assistance loan fund provides loans to prospective adoptive parents residing in Ohio to cover adoption expenses incurred by, or on behalf of, a prospective adoptive parent. Prospective adoptive parents may receive up to three thousand dollars if the child being adopted resides in Ohio or up to two thousand dollars if the child being adopted resides outside Ohio. This rule outlines the eligibility process and procedures for applying for a state adoption assistance loan for adoption-related expenses. This rule is being implemented as a result of H.B. 562 of the 127th General Assembly and will become effective July 1, 2011.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>FCASMTL No. 281</td>
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TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  

This letter transmits amended rules 5101:2-1-01 and 5101:2-42-18 of the Administrative Code. The effective date for these rules will be June 1, 2011.

The following is a brief explanation of the proposed changes.

**OAC 5101:2-1-01** entitled "Children services definitions of terms" sets forth the overall definitions used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-35, 5101:2-36, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-49, 5101:2-52 and 5101:2-57 of the Administrative Code. Changes were made to the following definitions:

- Child care staff - removed the 20% language.
- Indicated report - removed from definition rule. It is defined in the CAPMIS definition rule.
- Physical restraint - removed "valuable property".
- Practitioner of behavior science - added this term to the rule.
- Repeat offender - inserted a reference to Chapter 5101:2-7 rules.
- Substitute caregiver - changed to reflect that a substitute caregiver is someone who is caring for a child, in lieu of his or her parents. A substitute caregiver is not a parent.
- Temporary custody by commitment - inserted the correct OAC references for the Indian Child Welfare rules.
- Variance - deleted the OAC reference to rule 5101:2-5-19.

**OAC 5101:2-42-18** entitled "PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers" sets forth the overall requirements of the PCSA or PCPA having custody of a child to consider approving and placing a child with a relative or nonrelative if the placement is determined to be in the child's best interest. This rule was amended to include a reference to OAC 5101:2-7-02 which states four prohibitive criminal offenses for a substitute caregiver.

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In accordance with Ohio Revised Code (ORC) Section 119.032, each state agency is required to review its rules a minimum of once every five years. The intent of the law is to ensure that rules are clearly written and that program requirements are accurate, up-to-date and clearly expressed. To the extent possible, unnecessary paperwork will be eliminated, and local agencies will be given increased flexibility. The purpose of a rule review is to determine whether a rule should be continued without amendment, be amended or be rescinded, taking into consideration each rule's scope and purpose.

The following rules were recently reviewed and amended, with a proposed effective date of March 1, 2011.

**Ohio Administrative Code (OAC) Rule 5101:2-9-11, "Admissions and admissions log,"** provides guidance for agencies admitting children into foster care residential facilities. Paragraph (A) was amended to require residential facilities to have written admissions policies. Paragraph (B) was added to allow facilities to admit children who do not meet their age limitation. Facilities must admit children in conjunction with a court. Paragraph (C) was added to allow facilities to house residents who are older than 18 but who are expected to graduate prior to their 19th birthdays.

**OAC Rule 5101:2-9-14, "Medications,"** provides guidance for distributing medications to children living in residential facilities. Pursuant to Ohio Revised Code Section 4729.01, paragraph (B) was amended to allow a "licensed health professional authorized to prescribe medications" to consult with the facility and prescribe medications as necessary for the children in care.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 278

February 15, 2011

TO: Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Amendment of Ohio Administrative Code Rule 5101:2-36-08

This letter transmits the amendment of Ohio Administrative Code (OAC) rule 5101:2-36-08. These changes will become effective March 1, 2011. The following is a brief explanation of the proposed changes.

**OAC 5101:2-36-08**, "PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report," outlines the requirements for public children services agencies when they are assessing/investigating accepted reports of child abuse and neglect when conflicts of interest exist. This rule is being amended to include language permitting public children services agencies to use in-house assessment/investigation units in these circumstances if the report does not involve an agency employee or allege a criminal offense. The in-house unit must work independently of all other units within the agency. The agency must have written internal policies and procedures for the review and approval of the in-house unit's assessments/investigations.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 278</td>
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TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Revisions to OAC 5101:2-48-02, JFS 01694, JFS 01694-I and JFS 01695

This letter transmits revisions to Ohio Administrative Code (OAC) rule 5101:2-48-02 "Putative father registry" and forms JFS 01694 "Application for Search of Ohio Putative Father Registry," JFS 01694-I "Instructions for Registration Form for Fathers" and the JFS 01695 "Application for Search of Ohio Putative Father Registry." These changes will be effective March 1, 2011.

The following is a brief explanation of the changes:

OAC 5101:2-48-02, "Putative father registry" outlines the procedures for requesting a search of the Ohio putative father registry. The revised date on the forms referenced in this rule has been updated.

JFS 01694, "Application for Search of Ohio Putative Father Registry (Registration Form for Fathers)" is a registration form used by putative fathers who want to be notified in the event their child may be placed for adoption. Putative fathers will no longer be required to have this form notarized so the notarization section of this form has been removed.

JFS 01694-I, "Instructions for Registration Form for Fathers" outlines the procedures for completing the JFS 01694. Paragraph I has been revised to remove the notarization requirement.

JFS 01695, "Application for Search of Ohio Putative Father Registry" is the form used by the birth mother, Public Children Services Agency (PCSA), Private Child Placing Agency (PCPA) or attorney arranging a child's adoption to request a search of the putative father registry. Section IV of this form has been revised to include language that the public children services agency (PCSA), private child placing agency (PCPA) or attorney representing the PCSA or PCPA is requesting the search for the purpose of adoption only. A new Section V has been added which requires the PCSA to indicate the reason they are searching the registry (termination of parental rights hearing or permanent custody hearing).

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>Transmittal Letters</td>
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This letter transmits the amendment of rule 5101:2-33-22 of the Ohio Administrative Code (OAC). The following is a brief explanation of the proposed changes to the rule:

**OAC 5101:2-33-22, "Access/confidentiality of Child Abuse and Neglect Information Contained in the Uniform Statewide Automated Child Welfare Information System (SACWIS)."** This rule outlines the confidentiality of information contained in SACWIS and access to such information by a children services agency, a person conducting research, and others authorized to request a search regarding a subject of a report of child abuse and neglect. This amendment will be effective January 15, 2011.

This rule is being amended to include language permitting an individual to submit a request to inquire whether his or her name has been placed within SACWIS as the subject of a report of alleged child abuse or neglect. Language has been removed to permit the release of confidential identifying information for the purpose of research with the approval of the United States Department of Health and Human Services or the Ohio Department of Job and Family Services. Additionally, language has been clarified regarding the process for a private child placing agency, private non-custodial agency or a children services agency to submit a request for a search of SACWIS to assist in the completion of a prospective foster or adoptive parent seeking licensure, certification, or approval.

**INSTRUCTIONS:**

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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FCASMTL 275 (Revision of Substitute Care Rules 5101:2-42-19 and 5101:2-42-66.2)

Family, Children and Adult Services Manual Transmittal Letter No. 275
December 9, 2010

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Revision of Substitute Care Rules 5101:2-42-19 and 5101:2-42-66.2

This letter transmits the revision of rules 5101:2-42-19 and 5101:2-42-66.2 of the Ohio Administrative Code (OAC). The new rules will become effective December 15, 2010. The following is a brief explanation of the proposed changes.

**OAC 5101:2-42-19.** "Requirements for the provision of independent living services to youth in custody," is being revised to include federal requirements to instruct youth emancipating from child welfare on how to obtain a health care proxy, power of attorney and health insurance, which should be included in the final transition plan prior to emancipation. In addition, revisions were made in response to stakeholders' request that guidance to youth also include information regarding selective service and credit reports. This rule governs the provision of independent living services to youth in custody.

**OAC 5101:2-42-66.2.** "Documentation of comprehensive health care for children in placement," is being revised to reference federal requirements, as addressed in OAC 5101:2-42-19, to instruct youth emancipating from child welfare on how to obtain a health care proxy, power of attorney and health insurance. Other referenced rules have been revised within this rule, which governs the documentation of health care for children in placement.

**INSTRUCTIONS:** The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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<td>FCASMTL No. 275</td>
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</tbody>
</table>
To: All Family, Children and Adult Services Manual Holders

From: Douglas E. Lumpkin, Director


This letter transmits changes to Ohio Administrative Code (OAC) rules 5101:2-38-05, 5101:2-38-08, 5101:2-38-10, 5101:2-39-01 and 5101:2-39-10 and forms JFS 01443, JFS 01413 and JFS 01412 and instructions, all of which are being amended as a result of HB 197, Kinship Care, and PL 110-351, Fostering Connections to Success and Increasing Adoptions Act of 2008. These changes will be effective December 31, 2010.

The following is a brief explanation of the changes.

**OAC 5101:2-38-05**, "PCSA case plan for children in custody or under protective supervision" sets forth the requirements that apply to case plans developed by a public children services agency (PCSA) for children in agency custody or under an order of protective supervision. This rule is being amended to include new language requiring efforts to place siblings jointly; to require a written visitation plan for siblings removed from their home and not jointly placed; and to require an explanation of why visitation would be contrary to the safety or well-being of any child not included in the visitation plan. Additional language changes have been made for clarity and consistency, and the revision dates of forms have been updated.

**OAC 5101:2-38-08**, "Child's education and health information" sets forth the requirements that apply to documenting a child's education and health information. This rule is being amended to require documentation of efforts to maintain a child in the same school the child was attending at the time of placement or reasons why remaining in the same school is not in the child's best interest. New language was added to require documentation of efforts to ensure that the child is enrolled in an educational setting appropriate to the child's needs. Additional language changes have been made for clarity and consistency, and the revision dates of forms have been updated.

**OAC 5101:2-38-10**, "Requirements for completing the semiannual administrative review" sets forth the requirements that apply to a PCSA and a private child placing agency (PCPA) for completing the semiannual administrative review. This rule is being amended to require documentation of ongoing efforts to identify a potential relative or kin placement for children in substitute care and to update the revision dates of forms.

**OAC 5101:2-39-01**, "Removal of a child from his or her own home" sets forth the requirements that apply to the PCSA and PCPA for removing a child from his or her home. This rule is being amended to include new language requiring efforts to place siblings jointly, to require written visitation plans for siblings removed from their home and not jointly placed, and to ensure that reasonable efforts are made to maintain a child in the same school the child was attending at the time of placement.

**OAC 5101:2-39-10**, "PCPA case plan for children in custody or under court-ordered protective supervision" sets forth the requirements that apply to PCPA case plans for children in custody or under protective supervision. This rule is being amended to include new language requiring efforts to place siblings jointly and to require written visitation plans for siblings removed from their home and not jointly placed. Language has been changed to update the rule references for case plan reviews, to provide consistency in language, and to update revision dates of forms.

**Forms:**

**JFS 01443**, "Child's Education and Health Information" (rev. 8/2010), is required to be completed by PCSAs and PCPAs when a child is placed in a substitute care setting or when completing the case plan JFS 01410 (rev. 2/2006). This form has been revised to include the amendments set forth in rule 5101:2-38-08 of the OAC.
**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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**INSTRUCTIONS:**

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**INSTRUCTIONS:**

The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.
This letter transmits twenty-four amended rules surrounding foster care updates as a result of the five year review. These rules will be effective December 1, 2010.

The following is a brief explanation of the proposed changes:

OAC rule 5101:2-5-09, entitled "Personnel and prohibited convictions for employment" provides guidance for personnel and prohibited convictions for employees of agencies. Paragraph B was amended to require the written references to be provided prior to hire. There were two additional requirements for the employee's file listed in paragraph (O).

OAC rule 5101:2-9-02, entitled "Staffing requirements" describes staffing requirements for residential facilities. Language was added to paragraph (C) to require child care staff to provide supervision within sight or sound of a child pursuant to the level of supervision specified in the child's service plan. Language was added to paragraph (F) to prohibit the presence of daytime guests of staff members in the living unit where children reside. In paragraph (J), two additional requirements must be met prior to allowing newly hired child care staff to be left unsupervised with residents: The agency must have received and reviewed the results of the criminal records check of the employee and ensured that the employee has met the requirements in paragraph (H) of rule 5101:2-5-09 of the Administrative Code; and the employee must possess current certification in first aid and cardiopulmonary resuscitation (CPR).

OAC rule 5101:2-9-03, entitled "Staff development and evaluation" outlines training requirements and ongoing professional development and evaluation for staff in a residential facility. Paragraph (E) was inserted to allow for child care staff who separated from employment with an agency but returned within one year to be exempt from the new orientation training requirements. Paragraph (F) allows for employees who have not met training requirements due to specified reasons to continue to work in the facility. Paragraph (G) lists restrictions on the employee who has not met training requirements and agency requirements for documenting the situation and ensuring the employee's ultimate compliance with the training requirements. Requirements for the initial orientation of new child care staff were clarified in paragraph (H). Language was inserted into paragraph (I) to clarify that the type of cardiopulmonary resuscitation (CPR) training required is dependent upon the age and size of the children being served in the facility. Additionally, language was added to specify that child care staff of a residential parenting facility and a children's crisis care facility are required to be certified in infant, adult, and child CPR. Paragraph (I) also allows for exceptions to the requirement that first aid and CPR certifications be maintained current. Paragraph (J) was inserted to specify that a child care staff person who does not have current certifications in first aid and CPR is not permitted to work with children without another staff who does have current certifications in first aid and CPR. It also prohibits the child care staff person whose certifications have been expired for more than ninety days from working in the facility until the certifications have been updated. Paragraph (N) was added to require the facility to train child care staff on any revisions in policy pertaining to children or child care staff within thirty days of the revision. Language in paragraph (Q) clarifies that physical restraint may be used by child care staff to protect a child from imminent harm.

OAC rule 5101:2-9-05, entitled "Requirements for residential parenting facility furniture, materials and equipment; diaper changing" describes the requirements for a residential parenting and crisis care facility's furniture, materials and equipment, and diaper changing procedures. The term "crisis care facility" was added to the title of the rule and to paragraphs (A) and (M) to include this type of facility. Language was added to paragraph (C) to require that cleaning equipment, cleaning agents, aerosol cans, or other chemical substances be locked in a cabinet, drawer or room when not in use. Paragraph (J) was amended to require that potty chairs be washed after being emptied and prior to being rinsed and disinfected after each use.
Paragraph (L) was amended to require that all washable equipment and furniture be cleaned with soap and water at least once per month. Paragraph (M) requires that a person caring for a child who wears diapers wash his/her hands with soap and water before and after each diaper change. Also in paragraph (M) language was amended to clarify that when a central diaper changing station is used, a disposable separation material is required to be placed between the child and the changing surface, and this material must be discarded after each use. The remaining language in paragraph (M) was reworded to mirror language regarding diaper changing procedures that is located in child care regulations.

OAC rule 5101:2-9-06, entitled "General safety" provides guidance regarding general safety in a residential facility. Paragraph (D) was amended to clarify that all workshop or outdoor power-driven equipment used be operated in accordance with manufacturer's instructions. Paragraph (E) prohibits smoking in the presence of a child. Paragraph (F) clarifies that all stairways containing more than four steps within or on the grounds of a residential facility that are accessible to children be equipped with a railing. The term "crisis care facility" was also added in the second sentence of this paragraph to include that type of facility which requires safety gates on all stairways accessible to children. Paragraph (I) requires that pet vaccinations for any pets or animals on the premises of a residential facility be maintained current at all times. Paragraph (N) was added to require that stationary or portable outdoor recreational equipment designated for climbing, and swings and slides be anchored or stable and all recreational equipment is required to be appropriate to the age and functioning level of the residents. Paragraph (O) was added to require that all outdoor recreational equipment designated for climbing, and swings and slides be surrounded by a protective, resilient surface. This paragraph lists appropriate materials to be used for such a fall zone.

OAC rule 5101:2-9-08, entitled "Fire safety" provides requirements for fire safety. Language was added to paragraph (E) to require a residential facility that has a combined smoke detector and fire alarm system to have a fire alarm inspection conducted by a company approved to test such equipment at least twice annually, unless approved by a local or state fire inspector. The facility is also required to obtain annual alarm system testing and maintain documentation of the testing. Paragraph (F) requires a residential facility to have fire extinguishers in locations required by the fire inspector and that the fire extinguishers be inspected as required by the fire inspector. The facility is required to maintain documentation of the inspections. Paragraph (I) allows the use of portable heaters only if the heater has been approved by the underwriter's laboratory and if the heater has not been prohibited by any local or state ordinances or fire inspector.

OAC rule 5101:2-9-10, entitled "Storage of hazardous materials" describes storage requirements for hazardous materials. Language was added to paragraph (B) to allow for laundry supplies, except bleach, to be stored in an unlocked storage space separate and apart from food.

OAC rule 5101:2-9-12, entitled "Service plans" provides requirements for the development of service plans. Paragraph (A) was amended to allow for a service plan to be developed in writing and approved thirty days before a child's admission to the facility. Paragraph (A) also indicates who is required to be invited to be involved in the development and implementation of the service plan, which now will include the probation officer and any other service providers, if applicable. Language was also added in paragraph (A)(2)(e) as well as in paragraph (C) to allow a civil service employee engaging in social work or professional counseling for a residential facility operated by a public children services agency (PCSA) to provide written approval of the service plan. However, if the civil service employee is not a licensed social worker or licensed counselor, the employee is not permitted to approve service plans for any other facility except the residential facility operated by the PCSA they are employed with. Language was added in paragraph (B) to require the service plan to contain a description of religious activities that will be provided to the child and to require the specifications for supervision of the child.

OAC rule 5101:2-9-16, entitled "Visiting and communications" provides guidance regarding visiting and communications in a foster care residential facility. Paragraph (A) was amended to clarify that the residential facility shall develop procedures to ensure that visitation and communication arrangements between the child and family or friends are consistent with the case plan and they are documented in the service plan. Language was added to paragraph (B) to prohibit a residential facility from opening or reading a child's mail unless specified in the child's case plan or service plan and approved by the child's custodian. This paragraph allows for the facility to require a child to open mail in front of a staff person if contraband is suspected. Language was added to paragraph (E) to require the facility to allow a child to confer with his or her caseworker, custodial agency worker, or probation officer, in addition to his or her attorney and guardian ad
litem, no later than twenty-four hours after it is requested. Language was added to paragraph (G) that requires the facility to ensure that a child who has access to electronic media, including internet, cell phones, and email, within or outside of the facility while under the supervision of agency staff, adheres to the agency's policy regarding communications.

OAC rule 5101:2-9-17, entitled "Child's Money" paragraph (B) was amended to require a copy of the written report to be placed in the child's file.

OAC rule 5101:2-9-19, entitled "Personal belongings, hygiene, socialization, and education" provides guidance regarding a child's money and areas of a personal nature. The rule was updated for clarity.

OAC rule 5101:2-9-20, entitled "Food and nutrition" describes food and nutrition requirements. Paragraph (D) was amended to require the facility to make available a minimum of three servings of pasteurized milk, vitamin D fortified. The term "children's crisis care facility" was added to paragraph (I) to apply formula requirements to that type of facility.

OAC rule 5101:2-9-21, entitled "Care, supervision, and discipline" gives guidance for discipline to foster care residential facilities. Paragraph (B)(4) was amended to prohibit the agency from cancelling a group activity due to the behavior of one child. Paragraph (B)(6) was also amended to add a certified or licensed practitioner of behavioral science as an approved authorizer of denial of social activities for more than five days. Paragraph (B)(19) was added to prohibit prone restraint in residential facilities. Paragraph (D) was added to prohibit any agency employee, contract staff, student interns and volunteers from engaging in any act of omission or commission that results in the injury, illness, abuse, neglect, exploitation or death of any child.

OAC rule 5101:2-9-22, entitled "Isolation, seclusion and restraint" provides guidance for isolation, seclusion and restraint for foster care residential facilities. Paragraphs (B), (C), and (D) were added to provide more guidance for isolation and isolation rooms. Paragraph (E) was amended to reduce the time in an isolation room without supervisory approval from thirty minutes down to fifteen minutes. Paragraphs (O) and (P) were added to give further instruction to facilities on the use of restraint.

OAC rule 5101:2-9-23, entitled "Notification and documentation of critical incidents" provides guidance on the notification and documentation of critical incidents in a foster care residential facility. Paragraph (A) was amended to instruct the facility to include the agency holding custody on a notification of a critical incident. Paragraph (B) was amended to require the incident report to be provided to the custodial agency no later than the next business day after the occurrence.

OAC rule 5101:2-9-24, entitled "Child and family complaint policy and procedure" provides guidance concerning the complaint policies and procedures for a foster care residential facility. The rule was updated for clarity.

OAC rule 5101:2-9-25, entitled "Residential parenting facility and crisis care facility location and programmatic requirements" provides guidance for residential parenting and crisis care facilities. A new paragraph (D) was added to ensure the children in the facility are enrolled in school during the school year.

OAC rule 5101:2-9-27, entitled "Dining areas" provides guidance for dining room areas in foster care residential facilities. The rule was amended for clarity.

OAC rule 5101:2-9-28, entitled "Bedrooms" provides requirements for bedrooms in a residential facility. Language was added in paragraph (A) to require all facilities certified after the effective date of the rule to adhere to the square footage requirements in this rule. Residential facilities certified prior to the effective date of this rule who have an approved variance for the square footage requirements are permitted to remain in operation as long as the agency maintains a copy of the approved variance on file for review. Paragraph (H) was amended to clarify that bedrooms shall not have the entry located so as to require the child to pass through another bedroom or a bathroom to enter their room or to require another person to pass through the child's bedroom to enter another room. All facilities certified after the effective date of this rule are required to adhere to the pass through requirements. Residential facilities certified prior to the effective date of this rule who have an approved variance for the pass through requirement are permitted to remain in operation as long as the agency maintains a copy of the approved variance on file for review. Language was added in paragraph (J) to require all facilities certified after the effective date of the rule to adhere to the bed requirements in this paragraph. Residential facilities certified prior to the effective date of this rule who have
an approved variance for the bed requirements of this paragraph are permitted to remain in operation as long as the agency maintains a copy of the approved variance on file for review. A new paragraph (P) was added to allow the agency to make determinations about bedroom furniture items as related to the safety of the children. Language was added in paragraph (R) to require the facility to monitor for recall and safety information as issued by the Consumer Product Safety Commission and implement recommendations related to equipment used by the facility.

OAC rule 5101:2-9-29, entitled "Bathrooms" provides requirements for bathrooms. Paragraph (B) was reworded to clarify that a children's residential center shall have at least one bathroom with a sink and a toilet on the floor where sleeping rooms are located.

OAC rule 5101:2-9-30, entitled "Kitchens and kitchen supplies" includes requirements for kitchens and kitchen supplies. Paragraph (B) was amended to require each kitchen within a residential facility to contain permanent or disposable utensils. Paragraph (C) was amended to require each food serving location within a residential facility to be equipped with permanent or disposable dishes.

OAC rule 5101:2-9-32, entitled "Transportation" provides guidelines for transportation. Language was added in paragraph (C) to require all privately owned vehicles used to transport children of the facility to be annually inspected and approved by the Ohio State highway patrol and continually maintained in a safe operating condition. Paragraph (I) was added to require that the facility ensure the recall and safety information issued by the Consumer Product Safety Commission related to child safety seats or booster seats are reviewed and recommendations implemented.

OAC rule 5101:2-9-34, entitled "Building approval" provides guidelines for building approval. Paragraph (C) was added to require that a residential facility maintain compliance with all local and state building codes and ordinances.

OAC rule 5101:2-9-36, entitled "Additional requirements for children's crisis care facilities" describes additional requirements for children's crisis care facilities. Paragraph (C) was deleted due to its duplicative nature to Ohio Revised Code. Paragraph (I) was reworded to provide prescriptive guidelines for the management and prevision of communicable diseases. Paragraph (K) was reworded to provide prescriptive guidelines for handwashing procedures. Paragraph (S) and paragraphs (U) through (Z) were deleted due to their duplicative nature to language in rules 5101:2-9-05 and 5101:2-9-06.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendments to OAC 5101:2-44-08 and JFS 01454

This letter amends Ohio Administrative Code (OAC) rule 5101:2-44-08, "Redetermination and amendment of a state adoption maintenance subsidy," and the JFS 01454 "Approval and agreement for Title IV-E retroactive adoption assistance payments." OAC rule 5101:2-44-08 is being amended to remove language regarding the maximum payment amount for an approved State Adoption Maintenance Subsidy (SAMS). The maximum payment amount for SAMS for state fiscal year (SFY) 2011 is being increased. Effective July 1, 2010, the SAMS payment amount will be issued via procedure letter. The JFS 01454 is being amended to include a new paragraph that updates the changes to the Title IV-E Adoption Assistance payment amount. These changes will be effective July 1, 2010.

INSTRUCTIONS:
The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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FCASMTL 271 (Amendments to Children Services Licensing Rules in Chapters 5101:2-5 as result of the Five Year Review)

Family, Children and Adult Services Manual Transmittal Letter No. 271
June 22, 2010

TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendments to Children Services Licensing Rules in Chapters 5101:2-5 as a result of the five year review.

This letter transmits nine amended rules surrounding foster care updates as a result of the five year review. These rules will be effective August 1, 2010.

The following is a brief explanation of the proposed changes:

Ohio Administrative Code rule 5101:2-5-02 "Application for an agency to perform specific functions; amended applications" was amended and has been reformatted for clarity. The rule now requires the JFS 01290 form to be submitted electronically. The time-frame for completion of the application is being changed from 90 days to 120 days prior to the date the agency wishes to commence operation. All directives for ODJFS staff were removed.

Ohio Administrative Code rule 5101:2-5-03 "Certification of an agency to perform specific functions" was amended and has been reformatted for clarity. The appeal process/decision will be made at the supervisor level.

Ohio Administrative Code rule 5101:2-5-04 "Recertification of an agency to perform specific functions" was amended and has been reformatted for clarity. All directives for ODJFS staff were removed.

Ohio Administrative Code rule 5101:2-5-05 "Agency appeal of findings of noncompliance" was amended and has been reformatted for clarity.

Ohio Administrative Code rule 5101:2-5-07 "Denial or revocation of an agency's certificate or certification to perform specific functions; temporary certificates" was amended and has been reformatted for clarity.

Ohio Administrative Code rule 5101:2-5-10 "Child records" was amended and has been reformatted for clarity.

Ohio Administrative Code rule 5101:2-5-16 "Consideration to be given to child's religion" was amended and has been reformatted for clarity.

Ohio Administrative Code rule 5101:2-5-22 "Recommendations for initial foster home certification" was amended and has been reformatted for clarity.

Ohio Administrative Code rule 5101:2-5-25 "Changing the certification of a foster caregiver from one type of foster home to another" was amended and has been reformatted for clarity.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added:

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Family, Children and Adult Services Manual Transmittal Letter No. 270

May 13, 2010

TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendments to OAC rules 5101:2-44-06, 5101:2-49-21 and the JFS 01615

This letter amends Ohio Administrative Code (OAC) rules 5101:2-44-06, 5101:2-49-21 and the JFS 01615. These rules and form will be effective June 1, 2010.

The following is a brief explanation of the changes:

**OAC rule 5101:2-44-06 "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program"** outlines the eligibility requirements for the state adoption maintenance subsidy (SAMS) program. The rule was amended to add the requirement that at the beginning of each state fiscal year, the Ohio Department of Job and Family Services (ODJFS) shall issue a procedure letter that identifies the maximum monthly funding level for SAMS. The rule also adds the requirement that if a Public Children Services Agency (PCSA) negotiates a SAMS payment in excess of the maximum SAMS payment identified in the procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).

**OAC rule 5101:2-49-21 "Reimbursement of nonrecurring adoption expenses for a child with special needs"** outlines the procedures for reimbursement of adoption related expenses. The rule was amended to remove the reference to the homestudy for international adoptions. Children adopted internationally are not eligible for reimbursement of nonrecurring expenses as outlined in the Fostering Connections to Success and Increasing Adoptions Act of 2008.

**The JFS 01615 "Approval for state adoption maintenance subsidy"** is used by the PCSA to enter into a legal agreement between the PCSA and the adoptive parent(s) for SAMS payments. The form was revised to include language that the state may reduce the SAMS payment in the event of judicial, executive, or legislative action reducing the appropriation.

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added:

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TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendment to OAC rule 5101:2-52-08; Interstate Compact on the Placement of Children Decentralization

This letter transmits Administrative Code (OAC) rule 5101:2-52-08 which was amended as a result of rescinded OAC rule 5101:2-52-02 with the Interstate Compact on the Placement of Children (ICPC) decentralization. This rule will be effective May 14, 2010.

The following is a brief explanation of the changes.

**OAC 5101:2-52-08** entitled Interstate placement requirements for Ohio parents or legal guardians when placing their child into another state or territory sets forth the requirements when parents or legal guardians independently place their child into another state or territory. This rule was revised to remove the reference to OAC rule 5101:2-52-02 which was rescinded in June 2009 due to the ICPC decentralization. Language from the rescinded rule was added. Amendments were also made to the revision dates on various forms mentioned in the rule.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Amendments of Children Services Licensing Rules in Ohio Administrative Code Chapters 5101:2-5, 5101:2-7 and 5101:2-48

This letter amends three foster care rules and one adoption rule. These rules will be effective April 1, 2010.

The following is a brief explanation of the changes:

Ohio Administrative Code rule 5101:2-5-09.1, "Criminal records check required for certain prospective employees and certified foster caregivers," was amended in paragraph (L) to include all persons age eighteen years of age or older in a foster care applicant’s home in the required FBI background check.

Ohio Administrative Code rule 5101:2-5-13, "Agency Policies" was amended in paragraph (A) to require a foster care agency to include a written discipline policy that prohibits prone restraint. The recruitment plan requirement for agencies in paragraph (A) was also amended to be submitted every two years instead of annually. Paragraph (B) was amended to clarify when all policies, plans and procedures must be submitted to ODJFS.

Ohio Administrative Code rule 5101:2-7-02, "General requirements for foster caregivers and applicants," was amended in paragraph (D) to clarify the information surrounding the financial stability of a foster caregiver’s household. Paragraph (I) was amended to add a provision for rehabilitation for children in custody who have reached the age of eighteen. Paragraph (K) was added to include four prohibitive criminal offenses for a foster care applicant or foster caregiver. Paragraphs (M) and (N) were amended for clarity.

Ohio Administrative Code rule 5101:2-48-10, "Restrictions concerning provision of adoption services," was amended in paragraph (D) to include four prohibitive criminal offenses for an adoptive applicant or parent.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  


The following is a brief explanation of the changes:

**OAC 5101:2-33-18** entitled, Administration of the Title IV-E adoption assistance program, outlines components of the Title IV-E adoption assistance (AA) program and addresses the public children services agency's responsibilities for its administration. The rule is being proposed for rescission because the provisions of the rule are included in other rules within chapter 5101:2-49 of the Administrative Code.

**OAC 5101:2-49-01** entitled, Adoption assistance criteria and application process, outlines the application process for Title IV-E Adoption Assistance (AA). This rule removes duplicate language regarding reasonable efforts to place a child without adoption assistance; clarifies when the Public Children Services Agency (PCSA) shall require the adoptive parents to submit the JFS 06612 "Health Insurance Information Sheet;" and makes changes to punctuation and grammar. The reformatted and updated JFS 1451A "Title IV-E Adoption Assistance Application" provides more clarification of AA eligibility.

**OAC 5101:2-49-02** entitled, Adoption assistance eligibility requirements, outlines the process for establishing eligibility for the AA program. This rule is being rescinded and filed new. The rule removes certain language related to the JFS 01666 "Permanent Surrender;" and revises eligibility criteria related to AFDC relatedness to be in compliance with the Fostering Connections to Success and Increasing Adoptions Act of 2008 effective October 1, 2009. The rule also adds the requirement for a completed homestudy and makes changes to punctuation and grammar. A new form JFS 01448 "Title IV-E Adoption Assistance Non-AFDC-relatedness Eligibility Determination" is for use by the PCSA when determining the child eligible by delinking the child from AFDC relatedness.

**OAC 5101:2-49-02.1** entitled, Adoption assistance AFDC-relatedness eligibility criteria, is a new rule, that outlines the AFDC-relatedness requirements to determine whether a special needs child is eligible for Title IV-E adoption assistance. The rule includes language removed from rule 5101:2-49-02 to clarify the eligibility requirement for a child who is determined eligible for AA as it relates to AFDC-relatedness. It also clarifies the method used to determine a child eligible for AA when the child is voluntarily placed with a PCSA or voluntary relinquished to a PCSA or private non profit agency.

**OAC 5101:2-49-03** entitled, Special needs criteria for adoption assistance, outlines the criteria for the PCSA to use to determine that a child is special needs and eligible for AA. This rule is being rescinded and filed new. The rule adds language allowing a child who has a medical condition making him or her hard to place, to be determined eligible for AA. The rule removes the requirement to post a child on the Ohio Adoption Photo Listing (OAPL) as documentation for reasonable effort to place the child without adoption assistance. The rule clarifies the criteria for "reasonable efforts" to place the child without adoption assistance and clarifies the federal requirement that the contrary to welfare statement must be in the first court ruling, including the temporary ruling.
OAC 5101:2-49-04 entitled, Age requirement for adoption assistance, outlines the age requirement for a child to be considered eligible for AA. The rule has been amended to clarify the eligibility criteria for a child to continue receiving AA past the age of 18. The rule defines a qualified professional and includes a licensed counselor as outlined in section 4757.23 of the Revised Code. The rule replaces the term "medical doctor" with "physician." The rule also makes changes to punctuation and grammar.

OAC 5101:2-49-06 entitled, Adoption assistance agreement and duration: provision for financial support and services, outlines the criteria of the adoption assistance agreement and the duration of the agreement. This amended rule clarifies information that shall be contained in the AA agreement relating to provisions for financial support and services. The JFS 01453 "Adoption Assistance Agreement" to add language regarding the special needs criteria "substantial risk" was updated to remove language that required the AA agreement to be suspended if the adoptive parent did not return the JFS 01451-B in a timely manner. Changes were also made to punctuation and grammar.

OAC 5101:2-49-07 entitled, Adoption assistance agreement only with no payment, outlines the conditions and procedures for completing an AA agreement with a no payment option. The rule was reformatted for clarity. Changes were also made to punctuation and grammar.

OAC 5101:2-49-08 entitled, Beginning date of an adoption assistance payment, outlines the steps that must be completed before the AA payment can begin. The rule contains changes to format, punctuation, and grammar.

OAC 5101:2-49-09 entitled Title IV-E adoption assistance post-finalization application, outlines the criteria for determining AA eligibility and entering into an adoption assistance agreement after an adoption has been finalized. Changes include: JFS 01673 renamed, "Assessment for Child Placement (Homestudy);" Removed requirement related to the social security administration determination; and made changes to punctuation and grammar.

OAC 5101:2-49-10 entitled, Determination of continuing eligibility requirements for adoption assistance, outlines procedures for determining continued eligibility for adoption assistance. The rule deletes language instructing a PCSA to reduce the AA payment if an adoptive parent fails to submit the annual eligibility determination for continuing eligibility. Rule changes also included reorganization for clarification, as well as, modification to punctuation and grammar.

OAC 5101:2-49-12 entitled, Modification/amendment of an adoption assistance agreement, outlines criteria for modifying or amending an AA agreement. The amended rule clarifies that a PCSA shall not automatically modify, suspend, or redirect, the amount of the AA payment for the duration of an adopted child reentering foster care. Other changes include: reorganization for clarification, and revisions to punctuation and grammar.

OAC 5101:2-49-13 entitled, Termination of adoption assistance, outlines the circumstances that result in the termination of an AA agreement. The amended rule clarifies the process the PCSA shall use to terminate an AA agreement, and clarifies that federally funded AA may not be contingent upon the appropriation of state funds. Other changes include: reorganization for clarification, and revisions to punctuation and grammar.

OAC 5101:2-49-15 entitled Adoption assistance payment eligibility: payment for retroactive adoption assistance, outlines procedures for the provision of retroactive adoption assistance payments after the finalization of the adoption. The amended rule clarifies requirements for the adoptive parent to notify the social security administration when an adoptive child is in receipt of AA and Social Security Income. Other changes include: reorganization for clarification, and revisions to punctuation and grammar.

OAC 5101:2-49-19 entitled Administrative procedure: Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA), outlines the procedures to follow for provision of Title XIX medical coverage for children eligible for Title IV-E adoption assistance. This rule is reordered for clarity. The rule revises the reference to form JFS 01453. Other changes include revisions to punctuation and grammar.

The JFS 01448 "Title IV-E Adoption Assistance Non-ADC-Relatedness Eligibility," is being proposed as a new form. PCSAs will use this form to determine a child's eligibility due to special needs in accordance with the Fostering Connections to Success and Adoption Act of 2008. This federal law uses the child's age to gradually de-link the AFDC requirements for Title IV-E adoption assistance.
The **JFS 01451A** "Title IV-E Adoption Assistance Eligibility Determination" is used by the PCSA in determining eligibility of a special needs child for Title IV-E adoption assistance. The form was reformatted for clarify to the eligibility process.

The **JFS 01453** "Adoption Assistance Agreement" is used by the PCSA to enter into a legal agreement between the PCSA and the adoptive parent(s) for adoption assistance payments. The form adds language for children determined eligible for AA by the "substantial risk" criteria.

The **JFS 01454** "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payment" is used by the PCSA to enter into a legal agreement between the PCSA and the adoptive parent(s) for retroactive adoption assistance payments. The amended form reflects the decrease of the state / federal share of the payment to two hundred and forty dollars ($240.00).

**INSTRUCTIONS:**

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM), and the materials that should be added.

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This letter transmits Ohio Administrative Code (OAC) rules 5101:2-33-03, 5101:2-33-11, 5101:2-42-18.1, 5101:2-48-13, and 5101:2-48-16, which are a result of the five year rule review. These rules will be effective March 1, 2010.

**OAC 5101:2-33-03** Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin outlines the procedure for complaints against any PCSA, PCPA or PNA regarding discrimination in foster care or adoption services that involve race, color or national origin (RCNO). The rule has been amended to update the revised date of a form referenced in the rule.

**OAC 5101:2-33-11** entitled Multiethnic Placement Act (MEPA) agency administration requirements sets forth the administrative requirements for PCSAs, PCPAs, and PNAs regarding certain administrative requirements for compliance with MEPA. The rule has been amended for reformatting purposes in order to provide clarity regarding the role of the MEPA monitor and enforcement requirements whenever an agency employee or contractor engages in discriminatory acts, policies, or practices involving RCNO. The rule has been amended to update the revised dates of forms and paragraph references in the rule. Finally, the rule has been amended to clarify when agencies are to submit the JFS 1420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements."

**OAC 5101:2-42-18.1** entitled Non-discrimination requirements for foster care placements outlines the policy on non-discrimination in the foster care placement process. The rule has been amended to clarify that the agency provide a copy of rules 5101:2-42-18.1, 5101:2-48-13, and 5101:2-48-16, and other required documentation to the licensed professional before an assessment is to take place.

**OAC 5101:2-48-13** entitled Non-discrimination requirements for adoptive placements outlines the policy on non-discrimination in the adoptive placement process. The rule has been amended to clarify prohibited acts as it applies to the adoption process. The rule was also amended to clarify that the agency provide a copy of rules 5101:2-42-18.1, 5101:2-48-13, and 5101:2-48-16, as well as other required documentation to the licensed professional before an assessment is to take place. The rule was amended to clarify that the PCSA or PCPA submit a copy of the JFS 01608 "Licensed Professional Statement" and JFS 01688 "Individualized Child Assessment," if applicable, to ODJFS within ten days after receiving the signed copy of the JFS 01608 from the licensed professional. Finally, the rule was amended to clarify that the PCSA or PCPA submit the JFS 01689 "Documentation of the Placement-Making Decision" to ODJFS within ten days of the matching conference if the PCSA or PCPA determined that RCNO should be a factor considered in the child's placement.

**OAC 5101:2-48-16** entitled Adoption pre-placement and placement procedures outlines the pre-adoptive staffing and matching process. The rule has been amended to clarify that if the permanent custody order is under appeal, the agency may hold a pre-adoptive staffing prior to the issuance of the final decision. The rule was also amended to clarify that subsequent matching conferences are not required when signatures of the adoptive parent(s) and applicable agencies have been completed on the JFS 01654, "Adoptive Placement Agreement." The rule was amended to clarify that all PCSAs, PCPAs, and PNAs are to complete the JFS 1609 "Family Permanency Planning Data Summary," for all families presented at the matching conference, regardless if they "are" or "are not" on the SACWIS system.

**INSTRUCTIONS:**

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).
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This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-33-02. The substantive changes to the rule follow. This rule will be effective March 1, 2010.

5101:2-33-02 entitled Public children services agency requirement to participate in child protection oversight and evaluation addresses the continuous quality improvement process, focusing on specific service delivery processes and client outcomes within the county child welfare program. The rule has been rescinded and refiled as new. Formatting changes were made to the rule in order to provide clarity. All references to the processes to be conducted by the Ohio Department of Job and Family Services have been removed.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Adoption Rules Five Year Review  

This letter transmits Ohio Administrative Code (OAC) Chapter 5101:2-33-13 rule and 5101:2-48 rules which were amended as a result of the five year review. These rules will be effective March 1, 2010.

**OAC 5101:2-33-13** entitled Adoption administrative falsification procedures sets forth the requirements to follow when there is probable cause to believe that falsification of an adoptive application or homestudy has been committed. The rule has been amended for reformatting purposes in order to provide clarity regarding the requirements of an internal investigation.

**OAC 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 outlines the adoption process for a child who has resided with a caregiver for at least twelve consecutive months. The rule has been amended to remove the reference to a form that no longer applies and is obsolete.

**OAC 5101:2-48-12** entitled Completion of the homestudy report outlines the homestudy process for prospective adoptive applicants, the procedures for approving an applicant as an adoptive parent or denying the adoption application and who may conduct adoptive homestudies. The rule has been amended due to a grammatical error and for clarity.

**OAC 5101:2-48-22** entitled Adoptive family case record set forth the documents which must be maintained in the adoptive family case record. The rule has been amended to strike out language referencing the Ohio adoption photo listing.

**OAC 5101:2-48-23** entitled Preservation of adoptive child case record set forth the requirements of the documents that must be maintained in the child's adoption record. The rule has been amended to update the revised date of the forms referenced in the rule.

**OAC 5101:2-48-24** entitled Agency adoption review procedures sets forth the procedures an agency must follow to review complaints from persons involved with an adoption. The rule has been amended due to a grammatical error.

**INSTRUCTIONS:** The following chart identifies the material that needs to be removed from the Family Children and Adult Service Manual (FCASM) and the material that should be added.

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Family, Children and Adult Services Manual Transmittal Letter No. 263
February 12, 2010

TO: Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Amendment of Rule 5101:2-33-80 in the Ohio Administrative Code

This letter amends one administrative rule. This rule will be effective March 1, 2010.

The following is a brief explanation of the changes:

Ohio Administrative Code Rule 5101:2-33-80, "Retained applicant fingerprint database information exchange (Rapback)," was amended in paragraphs (C) and (D) to clarify the Rapback process for different types of agencies. Paragraph (E) was amended to clarify when actions related to the Rapback process are required to be completed by the agency.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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</table>
This letter amends two foster care rules. These rules will be effective March 1, 2010.

The following is a brief explanation of the changes:

Ohio Administrative Code Rule 5101:2-5-33, "Foster caregiver preplacement and continuing training," was amended in paragraph (G) to clarify the timeframe for completion of the written needs assessment and continuing training plan for foster caregivers.

Ohio Administrative Code Rule 5101:2-7-12, "Site and safety requirements for a foster home," was amended in paragraph (V) to include clearer language regarding smoking in a foster home.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Amendments to Foster Care Rules as a Result of House Bill 320 of the 127th General Assembly

This letter amends Ohio Administrative Code (OAC) rules 5101:2-7-15 and 5101:2-9-32. These changes will be effective February 1, 2010, and are a result of the passage of Sub. H.B. 320 of the 127th General Assembly.

The following is a brief explanation of the changes.

**OAC 5101:2-7-15, "Transportation."** New language was added requiring children of a certain age and height to be secured in a booster seat. Also, new language was added requiring that a person operating a vehicle must have a signed affidavit by a licensed professional if a child has a physical impairment that makes it impossible for that child to use a booster seat or restraint system.

**OAC 5101:2-9-32, "Transportation."** New language was added requiring children of a certain age and height to be secured in a booster seat. Also, new language was added requiring that a person operating a vehicle must have a signed affidavit by a licensed professional if a child has a physical impairment that makes it impossible for that child to use a booster seat or a restraint system.

**INSTRUCTIONS:** The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM), and the material that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Rescission of OAC 5101:2-48-07, JFS 01614, JFS 01686 and JFS 01687

This letter is to inform you that Ohio Administrative Code (OAC) Rule 5101:2-48-07 "Listing and withdrawing children and families with the Ohio adoption photo listing" and the associated forms are being rescinded as a result of Am. Sub. H.B. 1 of the 128th General Assembly. These changes will be effective December 28, 2009.

The following is a brief explanation of the changes:

5101:2-48-07 "Listing and withdrawing children and families with the Ohio adoption photo listing," outlines the procedures for listing and withdrawing children on the Ohio Adoption Photo Listing (OAPL) and listing and withdrawing families in the OAPL Families Waiting to Adopt Book.

JFS 01614 "Ohio Adoption Photo Listing Family Registration Waiver," was the form used by families who did not want to be listed in the OAPL Families Waiting to Adopt Book. This form is now obsolete.

JFS 01686 "Ohio Adoption Photo Listing (OAPL) Child Registration/Amendment," was the form used to register, modify and/or withdraw a child from OAPL. This form is now obsolete.

JFS 01687 "Ohio Adoption Photo Listing (OAPL) Family Registration/Amendment," was the form used to register, modify and/or withdraw a family from OAPL. This form is now obsolete.

INSTRUCTIONS:
The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter amends Ohio Administrative Code (OAC) rule 5101:2-40-04, "Kinship permanency incentive program." This rule is being amended as a result of Am. Sub. H.B. 1 of the 128th General Assembly. It will be effective November 18, 2009.

The following is a brief explanation of the changes:

OAC 5101:2-40-04, "Kinship permanency incentive program," outlines the eligibility, administration and application requirements for the Kinship Permanency Incentive program, which allows public children services agencies to provide incentive payments to kinship caregivers to promote permanency. Changes to this rule were made to the dollar amount of the incentive payments, in paragraph (D). Incentive payments are now $525 for the initial payment and $300 for subsequent payments.

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter amends Ohio Administrative Code (OAC) rule 5101:2-44-06, "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program"; OAC rule 5101:2-44-08, "Redetermination and Amendment of a State Adoption Maintenance Subsidy"; and OAC rule 5101:2-49-21, "Reimbursement of nonrecurring adoption expenses for a child with special needs." These rules were amended as a result of Am. Sub. H.B. 1 of the 128th General Assembly and the Fostering Connections to Success and Increasing Adoptions Act of 2008. They will be effective November 9, 2009.

The following is a brief explanation of the changes:

OAC 5101:2-44-06, "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program," outlines the eligibility requirements for the State Adoption Maintenance Subsidy (SAMS) program. The amended rule clarifies the criteria for determining eligibility and amends the maximum monthly amount a family may receive for an eligible child to $240.

OAC 5101:2-44-08, "Redetermination and amendment of a state adoption maintenance subsidy," outlines the procedures for completing the annual redetermination for SAMS. The amended rule adds language for procedures the public children services agencies must follow if funds are not available to support the program.

OAC 5101:2-49-21, "Reimbursement of nonrecurring adoption expenses for a child with special needs," outlines the procedures for reimbursement of adoption-related expenses for children with special needs. The amended rule changes the nonrecurring reimbursement payment to $1,000 per child. It also adds language to prohibit nonrecurring reimbursement for children adopted internationally, as required by the Fostering Connections to Success and Increasing Adoption Act of 2008.

INSTRUCTIONS:
The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM), and the materials that should be added.

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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendments to Children Services Licensing Rule in Chapter 5101:2-5 as a Result of Senate Bill 163 of the 127th General Assembly

This letter amends Ohio Administrative Code (OAC) Rule 5101:2-5-24, "Foster Home Recertification Procedure," effective December 1, 2009. Beginning on this date, criminal records checks will be required of the foster caregiver and each adult who resides with the foster caregiver every four years, upon recertification.

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 256</td>
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</tbody>
</table>
To: All Family, Children and Adult Services Manual Holders
From: Douglas E. Lumpkin, Director

This letter transmits the rescission of rule 5101:2-39-05 of the Ohio Administrative Code. It also transmits the amendment of rule 5101:2-39-01 of the Ohio Administrative Code. The rescission and amendment of these rules will be effective October 29, 2009.

OAC 5101:2-39-05 entitled Reasonable efforts sets forth the requirements of the PCSA and PCPA regarding reasonable efforts to provide support and services to children and families in their own homes to prevent removal or to children and families if children are removed from their own homes. This rule is being rescinded and the necessary language is being incorporated into the appropriate social services rules.

OAC 5101:2-39-01 entitled Removal of a child from his or her own home sets forth the requirements that apply to the public children services agency (PCSA) and the private child placing agency (PCPA) for removing a child from his or her own home. This rule is being amended to incorporate some requirements previously outlined in rule 5101:2-39-05 of the Administrative Code which is being rescinded.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>FCASMTL No. 255</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Substitute Care Rules Five Year Review

This letter transmits Ohio Administrative Code (OAC) Chapter 5101:2-42 rules which were amended as a result of the five year review. These rules will be effective November 9, 2009.

The following is a brief explanation of the proposed changes.

**OAC 5101:2-42-04** entitled Authority to assume and retain custody of a child sets forth the requirements of PCSAs and PCPAs to assume custody of children and place them in substitute care. This rule has been amended to accurately reference the appropriate forms and minor formatting changes.

**OAC 5101:2-42-19.1** entitled Requirements for independent living arrangements for independent living youth in custody sets forth guidelines for public children services agencies (PCSAs) and private child placing agencies (PCPA) when placing a youth into an independent living arrangement certified to provide independent living arrangements. This rule is being amended for clarity and to include new language that requires caseworkers to conduct a monthly face-to-face visit with the youth in the independent living arrangement setting.

**OAC 5101:2-42-64** entitled Preplacement services sets forth the guidelines for public children services agencies (PCSAs) and private child placing agencies (PCPAs) to provide preplacement services when substitute care of the child is to occur. This rule was amended to remove references to Ohio Administrative Code rules that no longer apply, as well as minor formatting changes.

**OAC 5101:2-42-66.1** entitled Comprehensive health care for children in placement sets forth guidelines for the public children services agencies (PCSAs) and private child placing agencies (PCPAs) on the coordination and provision of health care for each child in the agency's care or in the custody, placed into substitute care. This rule was amended to remove references to Ohio Administrative Code rules that no longer apply and are obsolete, as well as minor formatting changes.

**OAC 5101:2-42-70** entitled Provision of services to unmarried minor parents sets forth guidelines by which public children services agencies (PCSAs) must follow when providing or arranging services to any unmarried minor female. This rule has been amended to remove references to Ohio Administrative Code rules that no longer apply and are obsolete.

**OAC 5101:2-42-71** entitled Approval of adult-supervised living arrangements sets forth guidelines by which the public children services agencies (PCSAs), private child placing agencies (PCPA) and private noncustodial custody agencies (PNA) shall follow when placing a youth in an adult-supervised living arrangement that is approved, licensed, or certified and assumes responsibility for the care and control of a pregnant minor, unmarried minor parent, or a child of a minor parent. This rule is being amended to simplify the language in certain sections of the rule.

**OAC 5101:2-42-90** entitled Information to be provided to caregivers, school districts and juvenile courts sets forth requirements for public children services agencies (PCSAs) and private child placing agencies (PCPAs) what information can be shared and to whom and the procedures of completing the JFS 1701 "Individual Child Care Agreement Amendment". This rule was amended to remove references to Ohio Administrative Code rules that no longer apply, as well as minor formatting changes.

**OAC 5101:2-42-93** entitled Procedural requirements regarding change of placement or visitation plan prior to journalization of case plan sets forth requirements when the public children services agency (PCSA) or private child placing agency (PCPA) seeks a change of placement or visitation plan prior to the journalization of the case plan. This rule was amended to remove references to Ohio Administrative Code rules that no longer apply and are obsolete as well as minor formatting changes.
OAC 5101:2-42-95 entitled Obtaining permanent custody; termination of parental rights sets forth the requirements of a public children services agency (PCSA) or private child placing agency (PCPA) for pursuing permanent custody and terminating parental rights. This rule has been amended to remove references to Ohio Administrative Code rules that no longer apply and are obsolete.

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>TRANSMITTAL LETTERS</td>
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<td>FCASMTL No. 254</td>
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This letter amends Ohio Administrative Code (OAC) rule 5101:2-47-26.2. This rule, "Cost Report "Agreed Upon Procedures" Engagement is being amended to update the revision date of the cost report instructions. It will become effective on November 9, 2009.

OAC 5101:2-47-26.2 describes the requirements for public and private agencies to complete a cost report annually. The rule revision date of the JFS 02911-I "Single Cost Report Instructions" was changed from July 2008 to July 2009. The sentence, "each Title IV-E agency or PNA shall participate in any quality assurance review conducted by ODJFS" was added to paragraph (C). The information in paragraphs (C)(4) and (D) will be in a procedure letter.

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**TO:** All Family, Children and Adult Services Manual Holders  
**FROM:** Douglas E. Lumpkin, Director  
**SUBJECT:** Rescission and Adoption of Substitute Care Rule 5101:2-42-89

This letter transmits the rescission and adoption of rule 5101:2-42-89 of the Ohio Administrative Code (OAC). The new rule will become effective November 8, 2009. The following is a brief explanation of the proposed changes.

OAC 5101:2-42-89 entitled "Death of a child in custody" is being rescinded and "Public children services agency and private child placing agency procedures when a child is receiving services or is in agency custody dies" is being adopted. This rule governs the provision of services required upon the death of a child in either the custody or is receiving services of the Public Children Services Agency (PCSA) or the Private Child Placing Agency (PCPA).

The JFS 01987 entitled "Child Fatality Report Face Sheet" has been revised to document if a child is receiving services or is in the custody of the PCSA or PCPA dies. This documentation is to be maintained in the child's case record, the provider's record and entered into SACWIS, if applicable. The JFS 01987-I has been created as guidance to the JFS 01987. This will supersede previous guidance provided by Family, Children and Adult Service Procedure Letter No. 83, October 21, 2004.

**INSTRUCTIONS:** The following chart identifies the material that needs to be removed from and inserted in the Family, Children and Adult Services Manual (FCASM).

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 252</td>
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This letter transmits amendments to OAC rules governing the provisions of independent living services to youth in the custody of the Public Children Services Agency (PCSA) and to young adults who have emancipated from a PCSA. These rules will be effective October 1, 2009.

OAC 5101:2-42-19 entitled Requirements for the provisions of independent living services to youth in custody outlines the PCSA responsibility in assessing youth and providing independent living services for youth that enter into custody at age sixteen or older, with the likelihood that the youth will age out of care. This rule has been amended to include the new independent living services as outlined by the National Youth in Transition Database (NYTD), so that OAC is in compliance with the federal expected outcomes and services. This rule includes a reference to communication regarding the cohort study in which seventeen year olds in care will be a part.

OAC 5101:2-42-19.2 entitled Requirements for provisions of independent living services to young adults who have emancipated outlines the PCSA responsibility in assessing youth that have emancipated and have returned to the PCSA to request independent living services. This rule has been amended to include the responsibility of the PCSA to collect and update any contact information regarding the youth's connections. The amended rule includes the new independent living services as outlined by the National Youth in Transition Database (NYTD), so that OAC is in compliance with the federal expected outcomes and services. This rule includes a reference to communication regarding the cohort study in which seventeen, nineteen and twenty-one year olds will take part.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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<td>FCASMTL No. 251</td>
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</table>
September 4, 2009

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director


This letter transmits the rescission of rules 5101:2-39-08, 5101:2-39-08.1, 5101:2-39-08.2, 5101:2-42-43 of the Ohio Administrative Code. It also transmits the amendment of rule 5101:2-38-08 of the Ohio Administrative Code. The rescission and amendment of these rules will be effective October 1, 2009.

OAC 5101:2-39-08 entitled Requirements for PCSA Case Plan for In-Home Supportive Services (No Court Order). This rule outlines the requirements of the PCSA regarding case planning for families receiving voluntary in-home supportive services. This rule is being rescinded as it is no longer applicable to PCSAs as a result of the full implementation of CAPMIS.

OAC 5101:2-39-08.1 entitled PCSA Case Plan for Children in Custody or Under Court-Ordered Protective Supervision. This rule outlines the requirements of the PCSA regarding case planning for children in the custody of the PCSA or when an order of protective supervision exists. This rule is being rescinded as it is no longer applicable to PCSAs as a result of the full implementation of CAPMIS.

OAC 5101:2-39-08.2 entitled "Child's Education and Health Information" Form. This rule outlines the requirements of the PCSA to complete, update, maintain and provide copies of the child's education and health information. This rule is being rescinded as it is no longer applicable to PCSAs as a result of the full implementation of CAPMIS.

OAC 5101:2-42-43 entitled Requirement of Semiannual Administrative Review. This rule outlines the requirement of the PCSA to complete a semiannual administrative review of a case plan. This rule is being rescinded as it is no longer applicable to PCSAs as a result of the full implementation of CAPMIS.

Additionally, this letter transmits the amendment of rule 5101:2-38-08 of the Administrative Code as a five year rule review. The following is a brief explanation of the proposed changes to the rule:

OAC 5101:2-38-08 entitled Child's Education and Health Information. This rule outlines the requirements of the PCSA to complete, update, provide copies, and maintain the Child's Education and Health Information form. Amendments were made to remove all references of applicability of the rule with the implementation of CAPMIS as a result of the full implementation of CAPMIS with PCSAs. Additionally, additional spaces within the text were removed.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits revisions to the Ohio Administrative Code (OAC) rules which address the public children services agency's (PCSA) requirements for intake and the assessment/investigation of accepted reports. These rules have been amended to provide clarity. The content of the assessment/investigation rules have been reorganized in order to provide succinct and consistent instruction to the PCSAs regarding the assessment/investigation requirements. The amendment of these rules will be effective October 1, 2009.

OAC rule 5101:2-36-01 entitled Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes outlines the PCSA response to gathering information from a referrent. This rule includes the PCSA responsibilities in recording referral information, categorizing referral information, and completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS). Screening requirements that were previously addressed in other rules have been collapsed into this rule for ease of use by PCSA staff and to provide clarity for the reader. Additionally, terminology reflected within the SACWIS has been inserted in this rule to synchronize policy and SACWIS language. Lastly, punctuation and grammatical changes were made.

OAC rule 5101:2-36-03 entitled PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Qualifying criteria for an intra-familial assessment/investigation of abuse and neglect have been clarified and incorporated into this rule. Additional procedures have been clarified regarding: third party involvement, and leading assessment/investigations. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-04 entitled PCSA requirements for conducting a specialized assessment/investigation sets forth the PCSA requirements for conducting a specialized assessment/investigation. Qualifying criteria for a specialized assessment/investigation of abuse and neglect have been clarified and incorporated into this rule. Additional procedures have been clarified regarding: third party involvement and leading assessment/investigations. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-05 entitled PCSA requirements for conducting stranger danger investigations sets forth the PCSA requirements for conducting a stranger danger investigation. Qualifying criteria for a stranger danger investigation of abuse have been clarified and incorporated into this rule. Additional procedures have been clarified regarding: third party involvement and leading assessment/investigations. The required dispositional notifications have been incorporated. Lastly, sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-06 entitled PCSA requirements for a deserted child assessment/investigation sets forth the PCSA requirements for conducting a deserted child assessment/investigation. The rule has been amended to incorporate changes in policy resulting from the adoption of Senate Bill 304 which increased the time frame to desert an infant to less than thirty-one days old. Qualifying criteria for a deserted child have been redefined and incorporated into this rule. Additional procedures have been clarified. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.
OAC rule 5101:2-36-07 entitled PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions sets forth the PCSA requirements for conducting an assessment/investigation regarding the medical neglect of a disabled infant with life-threatening conditions. The title has been amended. Procedures and activities have been clarified regarding: assessment/investigation activities, third party involvement, and the gathering of medical documentation and information. The required disposition notifications have been incorporated. Lastly, sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-08 entitled PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. The title has been amended. Criteria identifying conflicts of interest have been clarified and incorporated into this rule. Additional procedures have been clarified regarding: who may serve as a third party, third party involvement, third party notifications, and leading assessment/investigations. The sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-09 entitled Requirements for dependent child assessments/investigations sets forth the PCSA requirements for conducting a dependent child assessment. Qualifying criteria for a dependent child assessment have been condensed and incorporated into this rule. Additional procedures have been specified and synchronized with other assessment/investigation rules for consistency. Screening requirements that were previously addressed within this rule have been removed. Lastly, sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-10 entitled PCSA requirements for responding to family in need of services reports and information sets forth the PCSA requirements for responding to family in need of services reports. The title has been amended. This rule has been amended to include Interstate Compact for Placement of Children (ICPC) as a family in need of services subcategory. Language has been amended for clarity. Screening requirements that were previously addressed within this rule have been removed. Information and referral intakes have been removed. The sequencing of several paragraphs has been altered and punctuation and grammatical changes have been made.

OAC rule 5101:2-36-11 entitled Justification to extend time frames for completion or waive completion of assessment/investigation activities outlines the process to extend the timeframe to complete assessment/investigation activities and outlines which assessment/investigation activities may be waived. This rule has been amended to condense and clarify requirements for the PCSA. Qualifying criteria for completing justifications to extend or waive assessment/investigation activities have been clarified and incorporated into this rule.

OAC rule 5101:2-36-12 entitled PCSA requirement for cross-referring reports of child abuse and/or neglect outlines the requirements of the PCSA to refer reports of child abuse and/or neglect to entities with a need for such information to carry out their respective duties. Language was clarified to provide guidance to PCSAs. A requirement to refer child abuse and neglect information to the superintendent of public instruction when a person who holds a license issued by the state board of education is alleged to have abused or neglected a child and the abuse or neglect is related to the person's duties and responsibilities under the license pursuant to section 5153.176 of the Revised Code has been included.

OAC rule 5101:2-36-13 entitled Intrastate and interstate referral procedures for children's protective services addresses when a PCSA shall make intrastate and interstate referrals and the procedures the PCSA is to follow. This rule has been amended to clarify requirements for the PCSA. Language and requirements have been revised to incorporate SACWIS information for intrastate referrals.

OAC rule 5101:2-36-14 entitled Protective service alert addresses when a PCSA shall issue a protective service alert (PSA). This rule has been amended to clarify criteria for a PCSA to issue a PSA. Language and requirements have been revised to incorporate SACWIS information.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
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TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Revisions to the Definition Rules and Administrative Rule Requirements Contained in Chapters 5101:2-1 and 5101:2-33 of the Ohio Administrative Code

This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-1-01, 5101:2-1-01.1, 5101:2-33-20, 5101:2-33-23, and 5101:2-33-26. The substantive changes to the rules are outlined below. The rules will be effective October 1, 2009.

OAC 5101:2-1-01 entitled Children services definitions of terms contains the definitions of terms used in Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-36, 5101:2-35, 5101:2-39, 5101:2-40, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-49, 5101:2-48, 5101:2-52 and 5101:2-57 of the Administrative Code. Terms associated with Family Decision Making Model were deleted as the Comprehensive Assessment and Planning Model - Interim Solution has been implemented statewide. In addition, the rule was reformatted for ease of use and reference. As a result of the substantial format changes that were made to the rule, the rule was rescinded and refilled under the same rule number.

OAC 5101:2-1-01.1 entitled Definition of terms for the implementation of the "Comprehensive Assessment and Planning Model - Interim Solution" and statewide automated child welfare database contains definitions of terms used in Chapters 5101:2-36, 5101:2-37, and 5101:2-38 of the Administrative Code and in rules 5101:2-33-20, 5101:2-33-21, 5101:2-33-23, 5101:2-33-28, 5101:2-33-99, 5101:2-39-01, 5101:2-39-02, and 5101:2-40-02 of the Administrative Code. Assessment language that was previously contained in rule 5101:2-1-01 was inserted in this rule.

OAC 5101:2-33-20 entitled PCSA grievance review hearing policies addresses the PCSA requirement to develop policies to address complaints concerning the provision of services and appeals by alleged perpetrators who disagree with the PCSA report disposition of a report of child abuse or neglect. Revisions were made including the addition of procedures for PCSAs to follow when there is an appeal of a report disposition by an alleged perpetrator. Also, punctuation and grammatical changes were made in this rule.

OAC 5101:2-33-23 entitled Case records for children services outlines the requirements for PCSAs regarding preparation, maintenance, and retention of records on cases that come to the attention of the PCSA. Documentation requirements that were addressed in other OAC rules were collapsed into this rule. Additionally, the requirement that the PCSA verify and document for all children in foster care their citizenship or immigration status in accordance with the Tax Relief and Health Care Act of 2006 was added.

OAC 5101:2-33-26 entitled The county child abuse and neglect memorandum of understanding requires that PCSAs develop a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities regarding conducting child abuse and neglect assessment/ investigations. Requirements related to responding to reports alleging the withholding of medically indicated treatment from a disabled infant were inserted into this rule and deleted from rule 5101:2-36-07 of the Administrative Code. Grammatical changes to the rule were also made.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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| Management and Administration | 5101:2-33-26 | 5101:2-33-26 |

| Transmittal Letter | FCASMTL No. 248 |

Family, Children and Adult Services Manual Transmittal Letter No. 247
September 4, 2009

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Rescission of rules governing public children service agencies prior to the implementation of the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS).


OAC 5101:2-33-04 entitled PCSA Grievance review policies.
OAC 5101:2-33-99 entitled Implementation of the "Comprehensive Assessment and Planning Model - Interim Solution".
OAC 5101:2-34-06 entitled Screening Child Abuse and Neglect Reports.
OAC 5101:2-34-32 entitled PCSA Requirements for Assessments and Investigations.
OAC 5101:2-34-32.1 entitled PCSA Requirements for a Deserted Child Investigation.
OAC 5101:2-34-33 entitled PCSA Requirements for Conducting Intra- Familial Child Abuse and Neglect Family Assessments.
OAC 5101:2-34-35 entitled PCSA requirements for cross-referring reports of child abuse and neglect.
OAC 5101:2-34-36 entitled PCSA requirements for cross-referring reports of child abuse and neglect.
OAC 5101:2-34-38 entitled Confidentiality and dissemination of information relating to child abuse or neglect.
OAC 5101:2-34-38.1 entitled Access/confidentiality of information contained in the child abuse and neglect central registry.
OAC 5101:2-35-67 entitled Protective Service Alerts.
OAC 5101:2-35-77 entitled Procedures for Intervening in Cases Involving Alleged Withholding of Appropriate Nutrition, Hydration, Medication, or Medically Indicated Treatment from Disabled Infants with Life-Threatening Conditions.
OAC 5101:2-39-02 entitled Case records for children services.
OAC 5101:2-39-12 entitled Removal of a Child from his Own Home.
OAC 5101:2-39-51 entitled Joint Planning and Sharing of Information Among the PCSA and CDJFS.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
To: All Family, Children and Adult Services Manual Holders

From: Douglas E. Lumpkin, Director

SUBJECT: Ohio Administrative Code Chapters 5101:2-37, 5101:2-38, 5101:2-39 and 5101:2-40 Five Year Review

This letter transmits Ohio Administrative Code (OAC) Chapter 5101:2-37, 5101:2-38, 5101:2-39 and 5101:2-40 rules which are being amended as a result of the five year review. The effective date of the rules will be October 1, 2009.

The following is a brief explanation of the changes.

**OAC 5101:2-37-01** entitled PCSA requirements for completing the safety assessment sets forth the requirements that apply to the public children services agency (PCSA) for completing the safety assessment. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended to clarify language and to correct the revision date of a Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS) tool. New language is added regarding when to complete a safety reassessment and/or safety plan for children.

**OAC 5101:2-37-02** entitled PCSA requirements for completing the safety planning sets forth the requirements that apply to the PCSAs for completing the safety plan. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and statewide automated child welfare information system (SACWIS) language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect, and the PCSA's process for safety planning.

**OAC 5101:2-37-03** entitled PCSA requirements for completing the family assessment sets forth the requirements that apply to the PCSAs for completing the family assessment. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial abuse or neglect, and to correct the revision date of a CAPMIS tool.

**OAC 5101:2-37-04** entitled PCSA requirements for completing the reunification assessment sets forth the requirements that apply to the PCSAs for completing the reunification assessment. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, and clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect. This rule is being proposed for amendment in order to provide consistency in language, synchronize policy and SACWIS language, and clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect.

**OAC 5101:2-38-01** entitled Requirements for PCSA case plan and case review sets forth the requirements that apply to the PCSAs for completing the case plan and case review. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect, and to correct the revision dates of CAPMIS tools.

**OAC 5101:2-38-02** entitled Protective supervision by PCSAs sets forth the requirements that apply to the PCSA protective supervision cases. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect, and to correct the revision date of CAPMIS tools.
OAC 5101:2-38-05 entitled PCSA case plan for children in custody or under protective supervision sets forth the requirements that apply to the PCSA case plans for children in custody or under protective supervision. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect, and to correct the revision dates of CAPMIS tools. New language has been added regarding federal guidelines when a child is affiliated with an Indian tribe.

OAC 5101:2-38-09 entitled PCSA requirements for completing the case review sets forth the requirements that apply to the PCSA for completing the case review. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect, and to correct the revision dates of CAPMIS tools.

OAC 5101:2-38-10 entitled Requirements for completing the semiannual administrative review sets forth the requirements that apply to the PCSA for completing the semiannual administrative review. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect. New language has been added regarding federal guidelines when a child is affiliated with an Indian tribe.

OAC 5101:2-39-03 entitled Removal of a child from substitute care placement sets forth the requirements that apply to the PCSA for removing a child from substitute care placement. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, and clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect. The rule title has been amended for clarity.

OAC 5101:2-39-10 entitled PCPA case plan for children in custody or under court-ordered protective supervision sets forth the requirements that apply to the private child placing agency (PCPA) case plans for children in custody or under protective supervision. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, and clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect. New language has been added regarding federal guidelines when a child is affiliated with an Indian tribe.

OAC 5101:2-39-11 entitled Required contents of a PCPA case plan document sets forth the content requirements for the PCPA case plans. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, and clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect.

OAC 5101:2-39-30 entitled Protective supervision by PCPAs sets forth the requirements that apply to the PCPA protective supervision cases. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect, and to correct the rule numbers in reference. Amendments include information for PCPAs only. All requirements for regarding PCSA protective supervision cases have been removed.

OAC 5101:2-40-02 entitled Supportive services for prevention of placement, reunification and life skills sets forth the requirements for provision of supportive services. This rule is being amended as a result of the five year review and to clarify child abuse and neglect policy. This rule is being amended in order to provide consistency in language, synchronize policy and SACWIS language, and clarify PCSA requirements for responding to accepted reports of intra-familial child abuse or neglect.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-40-04 "Kinship Permanency Incentive Program". This rule is being amended as a result of Sub. H.B. 1 of the 128th General Assembly. This rule is effective August 21, 2009.

The following is a brief explanation of the changes:

OAC 5101:2-40-04 entitled Kinship permanency incentive program outlines the provisions that govern eligibility, the administration and application process for the KPI program. The rule allows the public children services agency (PCSA) to provide incentive payments to kinship caregivers to promote permanency. Changes to this rule were made to the dollar amount of the incentive payments in paragraph (D). Incentive payments are now $525.00 for an initial payment and $300.00 for subsequent payments.

JFS 01503 entitled Notice of approval for kinship permanency incentive funds is used by the PCSA when informing the kinship caregiver that he or she has been approved for KPI funds. This form was revised to reflect the revised incentive payment amounts.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-44-06 "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program," 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy" and 5101:2-49-21 "Reimbursement of nonrecurring adoption expenses for a child with special needs" and the JFS 01438 "Agreement for payment or reimbursement for nonrecurring expenses incurred in the adoption of a special needs child." These rules and form are being amended as a result of Am. Sub. H.B. 1 of the 128th General Assembly. The effective date for 5101:2-49-21 is August 10, 2009. The effective date for 5101:2-44-06 and 5101:2-44-08 is August 13, 2009.

The following is a brief explanation of the changes:

**OAC 5101:2-44-06** "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program" outlines the eligibility requirements for the state adoption maintenance subsidy program. This rule is being amended to change the maximum monthly amount a family may receive for an eligible child to $240.

**OAC 5101:2-44-08** "Redetermination and Amendment of a State Adoption Maintenance Subsidy" outlines the procedures for completing a redetermination for the State Adoption Maintenance Subsidy. This rule is being amended to add language on the procedures an agency must follow if funds are not available to support the program.

The Ohio Department of Job and Family Services has determined that funds are not available to support the State Adoption Maintenance Subsidy (SAMS) program and has designated the use of the attached form entitled "Important Notice About Your State Adoption Maintenance Subsidy". Agencies must provide this notice no later than August 17, 2009 to any adoptive parent who is receiving a SAMS payment greater than $240. Agencies shall continue to follow Division 5101:6 of the Administrative Code for all state hearings. OAC 5101:6-3-02 "State hearing requests" states a hearing request "may be either oral or written," and that "Oral requests for a hearing shall immediately be converted to a written record by the person to whom the request is made. It is not appropriate to require the individual to submit a written request once the desire for a hearing has been expressed orally." Agencies are required to record and transmit to the Bureau of State Hearings any oral hearing requests.

**OAC 5101:2-49-21** "Reimbursement of nonrecurring adoption expenses for a child with special needs" outlines the procedures for reimbursement of adoption related expenses. This rule is being amended to change the amount of reimbursement to $1,000 per child.

**JFS 01438** "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Special Needs Child" is the agreement used by the PCSA and the adoptive parent for payment of nonrecurring expenses which will be reimbursed to the adoptive parent(s) incurred in the adoption of a special needs child. This form is being amended to change the amount of reimbursement to $1,000 per child.

Attachment: "Important Notice about your State Adoption Maintenance Subsidy".

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM:

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**SOCIAL SERVICES**

Title IV-E Adoption Assistance

| 5101:2-49-21 |

**FORMS**

JFS 01438

(Rev. 10/2006)

| JFS 01438 |

(Rev. 8/2009)

**TRANSMITTALS**

Transmittal Letters

| FCASMTL No. 244 |

**Attachment:** "Important Notice about your State Adoption Maintenance Subsidy".  
[Click here to view the attachment, "Important Notice about your State Adoption Maintenance Subsidy"].
This letter transmits amendments to Title IV-E Foster Care Maintenance Rules in Chapter 5101:2-47 of the Administrative Code as a result of the five year rule review. The effective date for these rules will be September 1, 2009.

The following is a brief explanation of the proposed rule changes.

OAC 5101:2-47-01 entitled Administration of the Title IV-E Foster Care Maintenance Program. This rule sets forth the objectives, goals and responsibilities for the administration of the Title IV-E Foster Care Maintenance (FCM) program. The old rule is being rescinded and filed as new. Language from rule 5101:2-47-02 has been incorporated in the rule. Public Law 110-351 Fostering Connections to Success and Increasing Adoptions Act establishes a new Title IV-E requirement to assure that each child receiving Title IV-E FCM reimbursement is a full-time student or is incapable of attending school due to a documented medical condition. The definition of Foster Care Maintenance was amended to include reasonable travel costs for the child to remain in the school where the child is enrolled at the time of placement in accordance with PL 110-351. All references to adoption assistance have been removed from this rule and are now contained in rule 5101:2-33-18 of the OAC.

OAC 5101:2-47-02 entitled Foster Care Maintenance Program. This rule is being rescinded as the requirements have been incorporated into rule 5101:2-47-01 of the OAC.

OAC 5101:2-47-11 entitled Reimbursement for Foster Care Maintenance Costs for Children’s Residential Centers, Group Homes, Maternity Homes, Residential Parenting Facilities, and Purchased Foster Care Homes. This rule outlines the reimbursement criteria for FCM children. The word "payment" has been changed to "reimbursement" throughout this rule to clarify that foster care maintenance is not a payment but rather a reimbursement to Title IV-E agencies for services they have provided on behalf of a FCM eligible child.

OAC 5101:2-47-19 entitled Foster Care Maintenance Program Reimbursability: Reimbursements, Graduation Expenses and Personal Incidentals. This rule outlines the requirements for reimbursements for graduation expenses and personal incidentals. Reimbursement ceilings for personal incidentals will be added to the Family, Children and Adult Services Procedure Letter that publishes the results of the JFS 01975 Annual foster care maintenance and adoption assistance survey. Funeral expenses have been removed from the list of allowable personal incidentals.

OAC 5101:2-47-23 entitled Beginning Date of Reimbursability for Foster Care Maintenance. This rule sets forth the criteria that must be met before reimbursement back to the first day in the month of placement can be sought. The rule, as amended, allows reimbursement retroactive to the first day in the month of the actual placement provided that all other FCM eligibility and reimbursability criteria are met.

OAC 5101:2-47-24 entitled ODJFS Title IV-E Reimbursement Ceiling Amount- Approval System. This rule is being rescinded as the requirements have been incorporated into a procedure letter.

OAC 5101:2-47-26 entitled Title IV-E Agencies, Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA): Penalties for Failure to Comply with Fiscal Accountability Procedures. This rule outlines the penalties for failure to comply with fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code. Only formatting changes were made to this rule.

OAC 5101:2-47-26.1 entitled Public Children Services Agencies (PCSA), Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA): Title IV-E Cost Report Filing Requirements, Record Retention Requirements and Related Party Disclosure Requirements. This rule clarifies the cost report
filing requirements, the deadlines for filing the cost report, and record retention requirements. Formatting changes were also made.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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This letter transmits Ohio Administrative Code (OAC) rules 5101:2-33-55, 5101:2-33-56 and 5101:2-48-20 which are being amended as a result of Sub. H.B. 7 of the 127th General Assembly. These rules will be effective August 17, 2009.

The following is a brief explanation of the changes:

OAC 5101:2-33-55 entitled "Education and in-service training requirements for PCSA caseworkers" sets forth the training requirements for public children services agency (PCSA) child welfare caseworkers. This rule was amended to update the training requirements defined in the Ohio Revised Code regarding training for public agency child welfare caseworkers.

OAC 5101:2-33-56 entitled "Education and in-service training requirements for PCSA supervisors" sets forth the training requirements for PCSA supervisors. This rule was amended to update the training requirements defined in the Ohio Revised Code regarding training for public agency child welfare supervisors.

OAC 5101:2-48-20 entitled "Release of Identifying and Nonidentifying Information" provides procedures for releasing identifying and nonidentifying information about a birth parent. This rule was amended to clarify that nonidentifying information shall be provided to the birth parent of an adopted person eighteen years of age or older and to expand the list of nonidentifying information that shall be provided.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
This letter transmits the rescission of forms that are no longer utilized by the Ohio Children's Trust Fund and are being made obsolete. These requirements will be incorporated into the biennial state plan. A number of Ohio Children's Trust Fund forms are also being made obsolete as they are no longer used. All of the changes will be effective July 13, 2009.

Rule 5101:5-1-01 of the Administrative Code entitled, Ohio children's trust fund is being rescinded.

Rule 5101:5-1-02 of the Administrative Code entitled, Ohio children's trust fund and advocacy centers is being rescinded.

The following forms are being made obsolete:

JFS 01475 "Child Advocacy Center Start-Up Funding Report"
JFS 01976 "Application for Funding"
JFS 01977 "Ohio Children's Trust Fund Application Budget Instructions"
JFS 01978 "Service Provider Application Scoring Tool"
JFS 01979 "Local Allocation Plan"
JFS 01980 "Service Provider Progress Report"
JFS 01981 "Service Provider Fiscal Report"
JFS 01982 "County Agent Annual Report"
JFS 01983 "OCTF County Agent Annual Fiscal Report"

**INSTRUCTIONS:**

The following chart depicts what materials should be removed from the Family, Children and Adult Services Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Amendment of Ohio Administrative Code Chapters 5101:2-5 and 5101:2-48 Rules as a Result of H.B. 7

This letter transmits Ohio Administrative Code (OAC) rules 5101:2-5-20, 5101:2-5-21, 5101:2-5-30, 5101:2-48-11, 5101:2-48-11.1, 5101:2-48-12, 5101:2-48-12.1, 5101:2-48-12.2, 5101:2-48-19 and the JFS 01334, JFS 01653 and JFS 01692 which were amended as a result of H.B. 7 of the 127th General Assembly. Several of these rules were also amended as a result of the five year review process. This letter also transmits a new rule, OAC 5101:2-48-12.2. These rules and forms will be effective July 1, 2009.

The following is a brief explanation of the proposed changes:

OAC 5101:2-5-20 entitled Initial application for child placement provides agency guidelines for an initial application for child placement. This rule was amended for clarity and to include language indicating that forms used for local or state fire inspections may be used in lieu of the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS." This rule was also amended as a result of the five year review process.

OAC 5101:2-5-21 entitled Agency assessment of an initial application for a foster home certificate outlines the assessment process for a prospective foster caregiver. This rule was amended for clarity and to include the new revision date for the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and all Household Members." This rule was also amended as a result of the five year review process.

OAC 5101:2-5-30 entitled Change in household occupancy; change in marital status; change of address outlines the procedures an agency must follow when a change in occupancy, marital status or address has occurred. This rule was amended for clarity and to include the new revision date for the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and all Household Members." This rule was also amended as a result of the five year review process.

OAC 5101:2-48-11 entitled Approval of a foster home for adoptive placement outlines the procedures for approving a foster home for adoptive placement. This rule was amended as a result of the five year review process and to include the new revision date for the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and all Household Members."

OAC 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 outlines the adoption process for a child who had resided with a caregiver for at least twelve consecutive months. This rule and the title of the rule were amended to change the time frame from "twelve consecutive months" to "six consecutive months" and to include the new revision dates for the JFS 01692 "Application for Adoption of a Foster Child," JFS 01691 "Application for Child Placement" and JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and all Household Members."

OAC 5101:2-48-12 entitled Completion of the homestudy report outlines the homestudy process for prospective adoptive applicants, the procedures for approving or denying an applicant as an adoptive parent and who may conduct adoptive homestudies. This rule was amended to include language that an assessor shall interview all members of the household over the age of four, to clarify the requirements of an adoption assessor who is conducting homestudies, remove language requiring five year proof of residency in Ohio and to clarify what documents are required for a homestudy. Other amendments to this rule include the removal of the six year expiration of a homestudy.

OAC 5101:2-48-12.1 entitled Completion of adoption homestudy updates outlines the requirements for completing an update to an adoptive homestudy. This rule was amended as a result of the five year review process and to change the title as all references to the homestudy amendment process have been placed in a separate rule. This rule was also amended to include clarification on when new criminal records checks are
required for adoptive parents and household members and to remove language regarding amendment of a homestudy as this language is now in a separate rule.

OAC 5101:2-48-12.2 entitled Completion of adoption homestudy amendment is a new rule which outlines the requirements for completing an amendment to an adoptive homestudy. This language was removed from rule 5101:2-48-12.1 and placed in this rule. This rule was also amended to change the timeframe for notification of circumstances involving the adoptive child in the home from "within twenty-four hours" to "within one hour." This rule is also being amended to specify that within twenty-four hours or the next working day the agency shall be notified of any "serious" illness or death of an approved adoptive parent of household member and to outline the agency's responsibilities upon notification of a change of address by an adoptive parent.

OAC 5101:2-48-19 entitled Sharing and transferring adoptive homestudies outlines the procedures for sharing and transferring an adoptive homestudy. The title of this rule has been changed and due to its restructuring, this rule is being filed as new. This rule was amended as a result of the five year review process and to clarify the procedures for sharing and transferring adoptive homestudies.

JFS 01334 "Recommendation for Transfer of a Foster or Adoptive Home" (rev. 6/2009) was amended to allow the form to also be used for adoptive homes.

JFS 01653 "Medical Statement for Foster Caregiver/Adoptive Applicant and all Household Members" (rev. 6/2009) was amended to remove the line regarding having a licensed physician complete the form and to add a box at the bottom of the second page for the person signing the form to specify their profession.

JFS 01692 "Application for Adoption of a Foster Child" (rev. 6/2009) was amended to change the timeframe that a child has to reside with the caregiver from twelve months to six months.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendment of Ohio Administrative Code rule 5101:2-42-18

This letter transmits the Ohio Administrative Code (OAC) rule governing the home assessment and approval process of substitute care placements with relative and nonrelative caregivers. A number of Public Children Services Agencies (PCSA) have requested clarification on the prohibited offenses and rehabilitation considerations for relative / non-relative caregivers due to the statutory references in the rule. In response, the Department has made revisions to the rule to clarify this information.

**OAC 5101:2-42-18** entitled PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers sets forth the overall requirements of the PCSA or PCPA having custody of a child to consider approving and placing a child with a relative or nonrelative if the placement is determined to be in the child's best interest. This rule was amended to clarify the criminal offenses precluding approval of a placement with a relative or nonrelative substitute caregiver.

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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendments to Substitute Care Rule 5101:2-42-65 "Caseworker visits and contacts with children in substitute care."

This letter transmits amendments to the OAC rule governing the visitation of children in the custody of the Public Children Services Agency (PCSA). The following is a brief explanation of the proposed changes.

OAC 5101:2-42-65 entitled Caseworker visits and contacts with children in substitute care outlines the provisions regarding agency visits and contacts with a child in its custody and placed in a substitute care setting. This rule is being amended as a result of feedback received from the video conference held on August 26 and 27, 2008 with all PCSAs. There were several changes made to the rule based on the feedback given from the PCSAs while meeting the federal and state requirements and the adoption and foster care reform efforts over the past several years. An open internal meeting was held among Office of Families and Children program areas, field offices, SACWIS, and data reporting staff regarding final revisions and the provision of technical assistance to agencies regarding implementation and data reporting. Revisions have been made to reflect who is responsible for making the visit with the child in the substitute care setting and to define the frequency of visits.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Amendments to Children Services Licensing Rules in Chapters 5101:2-5 and 2-7 as a result of the five year review.

This letter transmits seventeen amended rules surrounding foster care updates as a result of the five year review. These changes will be effective on August 1, 2009.

The following is a brief explanation of the proposed changes:

**OAC 5101:2-5-11** entitled Complaint handling was amended and has been reformatted for clarity.

**OAC 5101:2-5-23** entitled Form and duration of a foster home certificate was amended to bring the rule up to date regarding the statewide automated child welfare information system (SACWIS).

**OAC 5101:2-5-27** entitled Termination of a foster home certificate was amended to bring the rule up to date regarding the statewide automated child welfare information system (SACWIS).

**OAC 5101:2-5-28** entitled Cause for denial of initial certification, denial of recertification or revocation of a foster home certificate was amended and has been reformatted for clarity.

**OAC 5101:2-5-29** entitled Foster home records was amended to bring the rule up to date regarding the statewide automated child welfare information system (SACWIS).

**OAC 5101:2-5-36** entitled Additional requirements for an agency that acts as a representative of ODJFS in recommending treatment foster homes for certification was amended and has been reformatted for clarity.

**OAC 5101:2-5-37** entitled Additional requirements for an agency that acts as a representative of ODJFS in recommending medically fragile foster homes for certification was amended and has been reformatted for clarity.

**OAC 5101:2-7-03** entitled The care and treatment team was amended and has been reformatted for clarity.

**OAC 5101:2-7-04** entitled Records and confidentiality was amended and has been reformatted for clarity.

**OAC 5101:2-7-05** entitled Sleeping arrangements was amended and has been reformatted for clarity.

**OAC 5101:2-7-06** entitled Meals was amended and has been reformatted for clarity.

**OAC 5101:2-7-07** entitled Health services was amended and has been reformatted for clarity.

**OAC 5101:2-7-09** entitled Care, Supervision and Discipline was amended and has been reformatted for clarity.

**OAC 5101:2-7-10** entitled Care of a foster child under age two was amended and has been reformatted for clarity.

**OAC 5101:2-7-12** entitled Site and Safety Requirements for a Foster Home was amended and has been for clarity.

**OAC 5101:2-7-13** entitled Foster home certificate was amended and has been reformatted for clarity.

**OAC 5101:2-7-17** entitled Additional requirements for a medically fragile foster caregiver and a medically fragile foster home was amended and has been reformatted for clarity.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASAM) and what materials are to be inserted in the FCASAM.
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May 29, 2009

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director


This letter transmits the Ohio Administrative Code (OAC) rules governing the requirements for placements that must go through the Interstate Compact on the Placement of Children (ICPC). These rules have been amended and rescinded as a result of decentralizing the functions that the Ohio Office for ICPC performs at the state level on behalf of Ohio's public children services agencies (PCSAs). These rules do not affect the Department's retention of the functions it currently performs for private agencies, courts, and parents nor its role in policy oversight. The Department surveyed PCSAs about decentralization of the functions for PCSAs and received positive feedback from agency directors.

The following is a brief explanation of the proposed changes.

**OAC 5101:2-52-02** entitled General requirements applicable to interstate placements of children sets forth the overall requirements that apply to all ICPC requests. This rule is being rescinded as requirements have been incorporated into OAC 5101:2-52-04 and 5101:2-52-06 respectively.

**OAC 5101:2-52-04** entitled PCSA responsibilities for the interstate compact on the placement of children sets forth the requirements for PCSAs when placing or supervising children placed across state lines. The old rule is being rescinded and being replaced by this rule which outlines requirements for PCSAs. PCSAs will no longer send or receive ICPC cases through ODJFS. PCSAs will interact directly with Compact or Deputy Compact Administrators in other states. Each PCSA Director (or his or her designee) would serve as the Assistant Deputy Compact Administrator for his or her respective county and have the authority to receive and send requests directly with other state ICPC Offices, or if the other state is decentralized, with the local entity in that state.

**OAC 5101:2-52-06** entitled PCPA, PNA and court requirements for the interstate compact on the placement of children sets forth the requirements for private agencies and courts when placing or supervising children placed across state lines. OAC 5101:2-52-06 is being rescinded and being replaced by this rule which outlines all sending and receiving requirements that must be done through the Ohio ICPC office.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Ohio Administrative Code Rule 5101:2-48-17

This letter transmits Ohio Administrative Code (OAC) rule 5101:2-48-17 which was reviewed as a result of the five year review. This rule was rescinded and filed as a new rule due to the number of changes made. The effective date for this rule is June 15, 2009.

The following is a brief explanation of the changes:

5101:2-48-17 "Prefinalization services" outlines the procedures that must occur upon the placement of a child into an adoptive home. This rule was amended to indicate that after the first thirty days, a minimum of one face-to-face visit with the child and adoptive parent(s) shall be made monthly in the adoptive home.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Ohio Administrative Code Chapter 5101:2-48 Five Year Review

This letter transmits Ohio Administrative Code Chapter (OAC) 5101:2-48 rules which were rescinded and amended as a result of the five year review. OAC 5101:2-48-14 and 5101:2-48-16 were previously issued in MTL 234 with an effective date of May 15, 2009, however, prior to this effective date the rules were withdrawn and refilled to make corrections. The effective date for these rules will be June 15, 2009.

The following is a brief explanation of the changes.

5101:2-48-14 "Preparation of child for adoptive placement" outlines the procedures an agency must take in preparing a child for adoptive placement. This rule was rescinded and the information was merged with 5101:2-48-16 now titled "Adoption preplacement and placement procedures."

5101:2-48-16 "Pre-adoptive staffing, matching and placement procedures," now titled "Adoption preplacement and placement procedures," outlines the pre-adoptive staffing, matching and placement procedures for agencies. This rule was amended to clarify that the initial matching conference may be conducted in conjunction with the pre-adoptive staffing when the permanent surrender or the file stamp date of the permanent custody order is not under appeal. This rule was also amended to require the agency to demonstrate and document diligent and child specific recruitment efforts for a child when the agency elects to not search the statewide automated child welfare information system (SACWIS). Paragraph (BB) was added.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits Ohio Administrative Code Chapter (OAC) 5101:2-48 rules which were amended as a result of the five year review. OAC 5101:2-48-15 and 5101:2-48-17 will be effective June 15, 2009, all other rules will be effective May 15, 2009.

The following is a brief explanation of the changes.

5101:2-48-02 "Putative father registry" outlines the procedures for requesting a search of the Ohio putative father registry. The definition of "putative father" was added to this rule and will be removed from OAC 5101:2-1-01 "Children services definition of terms." This rule was amended to indicate that a requesting party may only request one final search of the registry per child and that the Ohio department of job and family services (ODJFS) will only conduct one final search of the registry per child.

5101:2-48-03 "Requirement of social and medical history" outlines the importance of, and procedures for, obtaining social and medical history information from biological parents. This rule was amended to comply with the Department's required format for rules.

5101:2-48-06 "Assessor roles and responsibilities" outlines the responsibilities and training required for assessors and the timeframes for submitting documentation of these trainings. This rule was amended to change the timeframe for notifying ODJFS of completion of all assessor training and termination of employment of contract with an agency or court from three business days to ten business days. This rule was also amended to update the revision dates on forms that are referenced in this rule and to remove the reference to the JFS 01349 "Foster Home Homestudy" which is no longer used.

5101:2-48-08 "Adoption inquiry" outlines the procedures an agency must take when contacted by a prospective adoptive applicant. This rule was amended to clarify the follow-up that must occur and what documents that must be provided to an inquirer.

5101:2-48-14 "Preparation of child for adoptive placement" outlines the procedures an agency must take in preparing a child for adoptive placement. This rule was rescinded and the information was merged with 5101:2-48-16 now titled "Adoption preplacement and placement procedures."

5101:2-48-15 "Provision of information to a prospective adoptive family matched with a specific child" outlines what documentation must be provided to the prospective adoptive parent prior to placing a child in that home. The title of the rule was changed to "Provision of information to a prospective adoptive parent(s) matched with a specific child." This rule was also amended to update the revision dates on forms that are referenced in this rule and to comply with the Department's required format for rules.

5101:2-48-16 "Pre-adoptive staffing, matching and placement procedures," now titled "Adoption preplacement and placement procedures," outlines the pre-adoptive staffing, matching and placement procedures for agencies. This rule was amended to clarify that the initial matching conference may be conducted in conjunction with the pre-adoptive staffing when the permanent surrender or the file stamp date of the permanent custody order is not under appeal. This rule was also amended to require the agency to demonstrate and document diligent and child specific recruitment efforts for a child when the agency elects to not search the statewide automated child welfare information system (SACWIS).

5101:2-48-17 "Prefinalization services," now titled "Assessor visits and contacts with children in adoptive homes prior to finalization," outlines the procedures that must occur upon the placement of a child into an adoptive home. This rule was rescinded and filed as a new rule due to the number of changes made. This rule was amended to require that a visit shall be made during the first thirty days, not including the visit during the first seven days of placement. This rule also requires that a face-to-face visit with any household member whose permanent residence is the adoptive home shall be made every sixty days and prior to finalization and
two face-to-face visits, conducted no less than sixty days between visits must be made with any household member whose permanent residence is the adoptive home but who may temporarily reside elsewhere. **5101:2-48-21** "Child study inventory" outlines the procedures for developing, completing and updating a child study inventory. This rule was amended to comply with the Department's required format for rules.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>TRANSMITTALS Transmittal Letters</td>
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<td>FCASMTL No. 234</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Ohio Administrative Code Chapter 5101:2-44 Five Year Review

This letter transmits Ohio Administrative Code (OAC) Chapter 5101:2-44 rules which were amended as a result of the five year review and the JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" which was also amended. These rules and form will be effective May 1, 2009.

The following is a brief explanation of the changes.

OAC 5101:2-44-03 "Public children services agency (PCSA) administration of the state adoption subsidy program" outlines the PCSA's responsibilities for administering and determining eligibility for the state adoption subsidy. This rule was amended to add language requiring the PCSA to indicate whether they will continue to provide the state adoption special services subsidy for approvals in effect prior to July 1, 2004. This rule was also amended to comply with the Department's required format for rules.

OAC 5101:2-44-05.1 "Covered families and children (CFC) Medicaid eligibility: special needs children" outlines the Medicaid eligibility for special needs children. This rule was amended to remove language regarding eligibility requirements for children who were approved prior to April 7, 1986, as these children no longer meet the age requirement for the program. This rule was also amended to comply with the Department's required format for rules.

OAC 5101:2-44-05.2 "Covered families and children (CFC) Medicaid eligibility for state adoption subsidy recipient moving from or to Ohio" outlines the Medicaid eligibility requirements for an adoptive child in receipt of a state adoption subsidy moving from or to Ohio. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-06 "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program" outlines the eligibility requirements for the state adoption maintenance subsidy program. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy" outlines the procedures for the redetermination and amendment of a state adoption maintenance subsidy. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-09 "Requirements for the state adoption special services subsidy program" outlines the procedures and requirements for the state adoption special services subsidy program. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-10 "Suspension of a state adoption maintenance subsidy" outlines the requirements for suspending a state adoption maintenance subsidy. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-11 "Termination of a state adoption subsidy" outlines requirements for terminating a state adoption subsidy. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-12 "State adoption subsidy records" outlines what information must be contained in each state adoption subsidy record. This rule was amended to comply with the Department's required format for rules.

OAC 5101:2-44-13 "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program" outlines the procedures the PCSA must follow when issuing a post adoption special services subsidy. This rule was amended to remove the language regarding the "qualified professional" and replace it with a reference to rule 5101:2-44-13.1 and to remove the requirement that a copy of the child's treatment plan be submitted by the PCSA to the Ohio department of job and family
services (ODJFS) within ten days of its receipt. This rule was also amended to remove ODJFS procedures, as this rule outlines PCSA procedures only, update the revision date of the JFS 04059 "Explanation of State hearing procedures" and to comply with the department's required format for rules.

**OAC 5101:2-44-13.1** "Eligibility and application process for the post adoption special services subsidy (PASSS) program" outlines the eligibility and application process for the post adoption special services subsidy program. This rule was amended to expand the definition of "qualified professional" to include an occupational, physical or speech therapist and a licensed social worker (LSW) under the direct supervision of any of the other professional listed in this rule. This rule was also amended to clarify the interventions involving planned physical restraint or coercion that shall not be provided utilizing PASSS dollars, update the revision date of the JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" and to comply with the department's required format for rules.

**JFS 01052** "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" is a form that requires providers to identify their credentials, licensing board, professional experience, type of therapy they will be providing and indicate their compliance with all treatment aspects contained in OAC Chapter 5122. This form was amended to include a section for the child's name and date of birth. In addition, the questions completed by the provided were reworded for clarity and consistency.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>JFS <strong>01052</strong> (Rev. 4/2009)</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director

This letter transmits the Ohio Administrative Code (OAC) rule governing termination of parental rights which has been amended. The following is a brief explanation of the proposed change. This rule will be effective March 15, 2009.

OAC 5101:2-42-95 entitled Obtaining permanent custody: termination of parental rights sets forth the requirements of a public children service agency (PCSA) or private child placing agency (PCPA) for pursuing permanent custody and terminating parental rights. This rule has been amended to comply with the Supreme Court's decision that this rule states a temporal requirement that is not in ORC 2151.413(E). The phrase "At the time a motion is filed with the court to obtain permanent custody of the child" was removed from paragraph (D).

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TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Amendment to Ohio Administrative Code (OAC) Rules in Chapter 5101:2-48 Related to the Multi-Ethnic Placement Act, As Amended (MEPA)

This letter transmits three amended Ohio Administrative Code rules governing adoption services and two Ohio Department of Job and Family Services forms. The amendments are being made to provide clarity and to outline a non-discriminatory procedure for narrowing the number of families who must be presented at the matching conference. The following is a brief explanation of the proposed changes. These rules will be effective on May 15, 2009.

OAC 5101:2-42-18.1 entitled Non-discriminatory requirements for foster care placements was amended for re-formatting purposes and to provide clarity regarding the timeframe and circumstances for completing an additional JFS 01688 "Individualized Child Assessment." The rule was amended to include the geographical location of the prospective family whenever geography is being used as a proxy for the race or ethnic composition of the neighborhood. Additional language was added to the rule to clarify the demography of the neighborhood, and presence or lack of significant number of persons of a particular RCNO in the neighborhood.

The rule was also amended to clarify that a licensed professional shall not complete an assessment until the PCSA, PCPA, or PNA has provided the licensed professional with a copy of the JFS "MEPA Educational Materials," a copy of the JFS "Non-discriminatory Requirements for Foster Care and Adoptive Placement," a copy of the OAC rule 5101:2-48-13 and a copy of the OAC rule 5102-48-16 of the Administrative Code.

The rule was amended also to clarify when it has been determined that RCNO should be a factor considered in the child's placement, an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.

OAC 5101:2-48-05 entitled Agency adoption policy and recruitment plan was amended. The rule was reformatted to re-organize and categorize information that shall be contained within the agency's adoption policy and adoption recruitment plan. The rule outlines non-discriminatory procedures for identifying how approved adoptive families accepting of the child's characteristics will be considered for possible presentation at a matching conference. This rule also provides examples of non-discriminatory methods for narrowing the number of families who will be selected and presented at the matching conference.

The rule has been amended to provide the minimum recruitment that all agencies must do to provide for a search of families if the agency elects not to search SACWIS. The rule has been amended to assure that the preferences for relatives and foster parents are clearly stated. Also, the rule has been amended to indicate if a relative of foster parents has expressed interest in a child, the agency does not have to hold a matching conference or include other families in the matching conference. Also, the rule was amended to indicate that when two or more families are presented the preferential order is for the relative or foster family.

OAC 5101: 2-48-13 entitled Non-discriminatory requirements for adoptive placements was amended for re-formatting purposes and to provide clarity regarding the timeframe and circumstances for completing an additional JFS 01688.

JFS 01607 entitled MEPA Educational Materials was amended to update the Non-discriminatory Requirements for Foster Care and Adoptive Placements and to include the revised OAC rules 5101:2-42-18.1, 5101:2-48-13 and 5101:2-48-16.

JFS 01611 entitled Non-discriminatory Requirements for Foster Care and Adoptive Placements was amended to update the permissible and prohibited acts as referenced in OAC rules 5101:2-42-18.1 and 5101:2-48-13.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are inserted in the FCASM.

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<td>Transmittal Letters</td>
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<td>FCASMTL No. 231</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Jan Allen, Interim Director
SUBJECT: Rapback rule added to Chapter 5101:2-33 as a result of Senate Bill 163 of the 127th General Assembly.

This letter transmits one new rule and one new form regarding foster care and adoption. The following is a brief explanation of the proposed rule. This new rule will be effective December 31, 2008. Family, Children and Adult Procedure Letter (FCASPL) 157 has been issued which provides information on the Rapback process.

OAC 5101:2-33-80 entitled **Retained applicant fingerprint database information exchange (Rapback)** was created to regulate the information exchanged between the Bureau of Criminal Identification and Investigation (BCII), the Ohio Department of Job and Family Services (ODJFS), and agencies who recommend or approve foster or adoptive homes.

The JFS 01301 entitled "**Retained Applicant Fingerprint Database Post-Notification Report**" was created to capture information concerning tasks completed by the agency in regard to receiving a notification from Rapback.

**Instructions:**

The following chart depicts what materials are to be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>FCASMTL No. 230</td>
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</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Inter-Country Adoption Data Collection

This letter transmits the proposed new rule 5101:2-48-25 of the Administrative Code in response to the data collection requirements involving the Title IV-B State Plan as required by federal law. This letter also transmits revisions to the JFS 01670, "Inter-Country Adoption Data Collection" form. **This rule will be effective January 11, 2009.**

Rule 5101:2-48-25 has been created to require Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs) and Private Non-custodial Agencies (PNAs) engaged in inter-country adoptions to complete a JFS 01670 form for each child who was adopted via inter-country and who entered foster care due to an adoptive placement disruption or an adoption dissolution.

The JFS 01670 has been revised to clarify that a PCSA, PCPA or PNA shall complete the JFS 01670 and submit it to ODJFS within 10 days after a disruption of a child’s adoption or 10 days after the dissolution of an adoption.

**INSTRUCTIONS:**

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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CFASMTL 228 (FPR of 5101:2-42 rules)

Family, Children and Adult Services Manual Transmittal Letter No. 228

November 20, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Amendments to Substitute Care Administrative Code Rules in Chapter 5101:2-42.

This letter transmits Ohio Administrative Code (OAC) rules governing Substitute Care that were amended as a result of the five year rule review. The following is a brief explanation of the changes. These rules will be effective December 19, 2008.

OAC 5101:2-42-05 entitled Selection of a placement setting sets forth the requirements of a public children services agency (PCSA) or private child placing agency (PCPA) placing a child in the least restrictive substitute care setting. The only changes to the rule were formatting changes.

OAC 5101:2-42-09 entitled Acceptance of permanent custody by permanent surrender sets forth the requirements and responsibility of the PCSA, PCPA, parents, guardians or other persons having custody of a child in entering into an agreement with a PCSA or PCPA to voluntarily surrender a child into the permanent custody of an agency. The only changes to the rule were formatting changes.

OAC 5101:2-42-18 entitled PCSA and PCPA approval of placements with relative and nonrelative substitute caregivers sets forth the requirements of the PCSA or PCPA having custody of a child to consider approving and placing a child with a relative or nonrelative if the placement is determined to be in the child's best interest. This rule was amended to include language regarding the requirements of the BCII checks for prospective relative or nonrelative placements and to include language regarding child and neglect checks in SACWIS on prospective caregivers and others in the home. Formatting changes were also made.

OAC 5101:2-42-67 entitled Preparation of lifebook sets forth the requirements of a PCSA or PCPA in preparing a lifebook for a child that has remained in substitute care for longer than twelve months. This rule was amended to include language that may be incorporated in a child's lifebook, gender appropriate language and to define PCSA and PCPA.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Amendment to Ohio Administrative Code Rule 5101:2-48-18 as a Result of the Five Year Rule Review

This letter transmits Ohio Administrative Code Rule 5101:2-48-18 which was amended as a result of the five year review process. The rule outlines the procedures for providing postfinalization services to adoptive families. The rule was amended to remove the reference to 5101:2-48-19 "Soliciting and releasing adoptive homestudies and related material for consideration of placement" and to clarify the agency’s process when providing postfinalization services to an adoptive parent, adoptee or birth parent. This rule will be effective November 3, 2008.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASMTL 226 (Resc. 5101:2-33-98, eff. 10/1/2008)

Family, Children and Adult Services Manual Transmittal Letter No. 226

September 5, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Rescission of the Rule Authorizing the Implementation of the CAPMIS Pilot Program

This letter transmits the rescission of Rule 5101:2-33-98 of the Ohio Administrative Code, entitled "Implementation of pilot protocols for public children services agencies participating in the Comprehensive Assessment and Planning Model- Interim Solution pilot program." This rule is being rescinded as a result of the end of the CAPMIS pilot program. **The rescission of this rule will be effective October 1, 2008.**

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Amendment of Title IV-E Foster Care Maintenance Rules 5101:2-47-23.1 and 5101:2-47-26.2

This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-47-23.1 and 5101:2-47-26.2. These rules will be effective October 1, 2008.

OAC 5101:2-47-23.1 entitled Title IV-E Agency Contracting and Contract Monitoring Requirements. A reference to the Code of Federal Regulations was added to paragraphs (B)(10)(e) and (B)(10)(f). In paragraph (C), the e-mail address was updated.

OAC 5101:2-47-26.2 entitled Cost Report "Agreed Upon Procedures" Engagement. The revision date of the JFS 02911-I "Single Cost Report Instructions" was changed to July 2008. The word "must" was replaced with the word "shall" throughout the rule. Grammatical changes were made in paragraph (C).

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Amendments to Children Services Licensing Rules in Chapters 5101:2-5 and 2-7 as a Result of Senate Bill 163 of the 127th General Assembly

This letter transmits seven amended rules surrounding foster care updates as a result of the passage of Senate Bill 163 of the 127th General Assembly. The following is a brief explanation of the changes. **All of the rules will be effective August 14, 2008 with the exception of 5101:2-7-16. It will be effective on August 21, 2008**

OAC 5101:2-5-09 entitled Personnel and prohibited convictions for employment was amended to require an administrator of an agency to have a bachelor's degree from a nationally recognized accreditation organization. The rule was also amended to require an agency to compile a summary report of child abuse and neglect for any prospective employee who will be performing the duties of child care staff. This rule also contains an appendix of prohibited offenses. The appendix was updated to include new prohibitive crimes required by legislation.

OAC 5101:2-5-09.1 entitled Criminal records check required for certain prospective employees and certified foster caregivers was amended to require a Federal Bureau of Investigation criminal background check for all prospective foster caregivers. The rule was also amended to allow the sharing of a criminal record check with a county department of job and family services. The rule was also amended to require an agency to assess the foster home for safety concerns if a household member pleads guilty or is convicted of a disqualifying offense.

OAC 5101:2-5-20 entitled Initial application for child placement was amended for reformatting and to require a foster care applicant to provide the name of any other agency with which the applicant was previously certified. The rule was also amended to require the completion of JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" and a JFS 01681 "Applicant Financial Statement" for foster homes prior to certification.

OAC 5101:2-5-32 entitled Occupancy limitations and accessibility was amended to require an agency to include the number of Type B child care children in the total number of children allowed in a foster home.

OAC 5101:2-7-02 entitled General requirements for foster caregivers and applicants was amended to require a foster care applicant to complete a JFS 01681. The rule was also amended to include additional prohibitive crimes required by SB 163. Another additional requirement to the rule is a criminal background check every four years upon recertification of a foster home. The rule was also amended to require the foster care applicant to notify the recommending agency if he or she has had a foster care certificate denied or revoked in Ohio or any other state within the last five years. The rule was also amended to prohibit any foster caregiver from being certified as a Type A child care provider. The rule also prohibits a specialized foster home from being certified as a Type B child care provider. This rule also contains an appendix of prohibited offenses. The appendix was updated to include new prohibitive crimes required by legislation.

OAC 5101:2-7-14 entitled Required Notification was amended to require a foster caregiver to notify the recommending agency if the foster caregiver is certified to operate a Type B child care home. This rule also contains an appendix of prohibited offenses. The appendix was updated to include new prohibitive crimes required by legislation.

OAC 5101:2-7-16 entitled Additional requirements for a treatment foster caregiver and a treatment foster home was amended to specify the equivalent experience for a foster caregiver who wishes to be certified as a specialized caregiver.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASMTL 223 (Adoption SB 163 rules, eff. 8/14 and 8/21/2008)

Family, Children and Adult Services Manual Transmittal Letter No. 223
August 14, 2008

TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Amendments to Ohio Administrative Code Chapter 5101:2-48 Rules Governing Adoption Services

This letter transmits Ohio Administrative Code (OAC) rules governing Adoption Services that are being revised as a result of passage of Sub. SB 163 of the 127th General Assembly and the five year rule review. OAC 5101:2-48-07, 5101:2-48-10, 5101:2-48-11 and 5101:2-48-12.1 will be effective August 14, 2008. OAC 5101:2-48-09 and 5101:2-48-12 will be effective August 21, 2008. OAC 5101:2-48-11.1 will be effective September 9, 2008.

The following is a brief explanation of the changes.

5101:2-48-07 entitled Listing and withdrawing children and families with the Ohio adoption photo listing, OAPL web page and the OAPL families waiting to adopt book outlines the procedures for listing and withdrawing children on the Ohio Adoption Photo Listing (OAPL). This rule was amended to require that a child must be placed on the OAPL unless the child is matched with an approved adoptive family or the agency is in the process of conducting an adoptive homestudy with an identified family and that family has submitted a JFS 01691 "Application for Child Placement" or JFS 01692 "Application for Adoption of a Foster Child." The language regarding placing siblings together has been revised for clarity, references to the "OAPL Web page" and the "special status" category have been removed and the procedure that children can be removed from OAPL if preadoptive placement visits are in effect has been removed and replaced with language indicating that a child may be withdrawn if an agency has received a JFS 01691 or JFS 01692.

5101:2-48-09 entitled Application process and preservice training outlines the application process and the preservice training required for prospective adoptive applicants. This rule was amended to clarify the language which outlines the responsibilities an agency has when they have been authorized to place children for adoption or recommend homes for foster care certification and to clarify the language regarding applications submitted with knowingly false statements. The reference to the JFS 01530 "Multiple Children/Large Family Assessment" has been removed and new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks have been included. Language regarding the required search of the statewide automated child welfare information system (SACWIS) has been placed in this rule, "Permanency Issues for Children" and "Permanency Issues for Families" has been added to the list of components for preservice training and language has been added to indicate that the three hour requirement for "Cultural Issues" shall not be waived.

5101:2-48-10 and Appendix A entitled Restrictions concerning provision of adoption services outlines the bureau of criminal identification and investigation (BCII) requirements for prospective adoptive parents. This rule was amended to include the new requirements for BCII criminal background checks, to add additional offenses to the list of prohibited criminal offenses and to mirror the criminal records check language that is in the foster care rules. In addition, the county department of job and family services has been added to the list of entities that may receive a copy of the criminal records check report. Appendix A was amended to include additional offenses that will prohibit the approval of an adoptive placement if a prospective adoptive parent or adult household member has been convicted of or pleaded guilty to.

5101:2-48-11 entitled Approval of a foster home for adoptive placement outlines the procedures for approving a foster home for adoptive placement. This rule was amended to remove the language regarding the required search of the SACWIS system, remove the language regarding notification of initiation of a homestudy and include new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks. New language has been added to this rule to indicate that agencies must search SACWIS in accordance with the procedures outlined in rule 5101:2-48-09 and must notify the PCSA of initiation of a homestudy in accordance with the procedures outlined in rule 5101:2-48-12. Language regarding applications submitted with knowingly false statements has been revised for clarity and the language regarding notification...
of impending placement has been removed and replaced with language requiring agencies notify the PCSA of impending placement in accordance with the procedures outlined in rule 5101:2-48-12.

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 outlines the adoption process for a child who had resided with a caregiver for at least twelve consecutive months. This rule was amended to remove the language regarding the required search of the SACWIS system, remove the language regarding notification of initiation of a homestudy, clarify the language regarding applications submitted with knowingly false statements and include new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks. New language has been added to this rule to indicate that agencies must notify the PCSA of initiation of a homestudy in accordance with the procedures outlined in rule 5101:2-48-12, search SACWIS in accordance with the procedures outlined in rule 5101:2-48-09 and notify the PCSA of impending placement in accordance with the procedures outlined in rule 5101:2-48-12.

5101:2-48-12 entitled Completion of the homestudy report outlines the homestudy process for prospective adoptive applicants, the procedures for approving an applicant as an adoptive parent or denying the adoption application and who may conduct adoptive homestudies. This rule was amended to include the definition for "commencement of a homestudy," remove the requirement and procedures for conducting a search of SACWIS, new language that indicates agencies must search SACWIS in accordance with the procedures outlined in rule 5101:2-48-09 and new requirements for the bureau of criminal identification and investigation (BCII) criminal background checks. Additional amendments include clarification of the language regarding notice of initiation of an adoptive homestudy and notice of impending placement and clarification of what information must be contained in the notification letter. Final amendments to this rule include clarification on what documents must be attached to the JFS 01673 "Assessment for Child Placement (Homestudy)" and what professionals must sign off on the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members."

5101:2-48-12.1 entitled Completion of adoption homestudy updates and amendments outlines the requirements for completing an update or amendment to an adoptive homestudy. This rule was amended to clarify when homestudy updates are due, exempt international-only adoptions from using the JFS 01385 "Ohio Department of Job and Family Services Assessment for Child Placement Update," clarify what documents must be completed and attached to the JFS 01385, and mandate use of the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" for a fire inspection of a prospective adoptive parent's home. This rule was also amended to include the new requirements for BCII criminal background checks, the process for criminal background checks at the time of update and a timeframe for completion of criminal background checks for new adult household members. Final revisions to this rule include a timeframe for completion of the JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" for new household members, including children, and the requirement that when any member of the household reaches the age of eighteen a BCII check must be completed within ten days of that person's eighteenth birthday.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 222

August 6, 2008

TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: OAC rules 5101:2-9-03, 5101:2-47-08 and 5101:2-48-20

This letter transmits the proposed changes to 5101:2-9-03, 5101:2-47-08, and 5101:2-48-20 of the Administrative Code. These rules will be effective September 15, 2008.

OAC 5101:2-9-03, entitled Staff development and evaluation. This rule speaks to the orientation and training requirements for a residential child care facility. Paragraphs (J) and (K) were added to clarify which residential facilities are required to complete annual restraint training for child care staff.

OAC 5101:2-47-08, entitled Required Application/Update for Title IV-D Services and Referrals for Title IV-A; HealthChek; Third Party Insurance; and Supplemental Security Income (SSI). This rule speaks to the requirement for the Title IV-E agency to make referrals to the Title IV-A, IV-D agencies for children under the Title IV-E agency's legal responsibility. Changes to the rule include the timeframe for the IV-D referral to be made from ten days to thirty days. This change is extended after the timeframe for determining IV-E eligibility was extended from thirty to sixty days. Language was added paragraph (A) to allow the Title IV-E agency to determine which cases are appropriate for referring to the Title IV-D agency.

OAC 5101:2-48-20, entitled Release of identifying and nonidentifying information. This rule provides procedures for which non identifying information and identifying information can be released. This rule is being amended to expand who can request non-identifying information.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 221

July 24, 2008

TO: Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director


This letter transmits one new rule and one amended rule requiring public children services agencies (PCSAs) to develop a county specific disaster preparedness plan in cooperation with key community stakeholders and service providers (e.g., caregivers, families, shelters, courts, law enforcement and other agencies). OAC rule 5101:2-5-13.1 has been created and rule 5101:2-33-26 has been amended to address the issue of disaster preparedness. These rules will be effective August 25, 2008.

Because Ohio is a state supervised, county administered system, plans to ensure continuity of critical direct services (e.g., assessment/investigation, substitute care and in-home supportive services to children and families, etc.) interrupted by natural or man made disasters, will have to be developed by county PCSAs in collaboration with their local stakeholders and service providers. In addition, licensed private child placing agencies (PCPAs) holding custody of children placed in substitute care and private non-custodial agencies (PNAs) supervising licensed substitute care providers, will also be required to develop disaster preparedness plans to ensure continuity of critical services for children and families. The National Child Welfare Information Gateway's website (http://www.childwelfare.gov/highlights/disaster) provides a direct link to the guide, Coping with Disasters and Strengthening Systems: A Framework for Child Welfare Agencies, published by the National Child Welfare Resource Center for Organizational Improvement, as well as other helpful guidance to assist in plan development.

5101:2-5-13.1 Disaster Preparedness Plan Requirements. This new rule was created to ensure agencies develop and implement a disaster preparedness plan.

5101:2-33-26 The county child abuse and neglect memorandum of understanding. This rule was revised to provide clarity as to the delineation of the respective duties and requirements of all involved in the assessment/investigation of child abuse and/or neglect as specified in the memorandum of understanding (MOU). Additionally, the types of cases where a joint investigation may be undertaken was expanded. Also, the requirement to add a statement to the MOU regarding the types of situations where the assistance of law enforcement is routinely requested by the PCSA has been included in the rule. The rule amendments include addressing the issues related to disaster preparedness as outlined in 5101:2-5-13.1 within the county MOU. Lastly, grammatical changes were made for the sake of clarity.

INSTRUCTIONS: The following chart identifies the material that you need to remove from and insert into the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Service Manual Holders

FROM: Helen E. Jones-Kelley, Director


This letter transmits the changes to Ohio Administrative Code rules 5101:2-47-12; 5101:2-47-13; 5101:2-47-14; 5101:2-47-16; 5101:2-47-17; 5101:2-47-18; 5101:2-47-20 and 5101:2-47-21 as part of the five year rule review process. These rules will be effective August 25, 2008.

OAC 5101:2-47-12 entitled Foster care maintenance: Initial determination of program eligibility and reimbursability. The rule has been amended to identify foster care maintenance (FCM) eligibility determinations will be completed in the statewide automated child welfare information system (SACWIS) instead of the JFS 01452 once SACWIS is implemented in each agency.

OAC 5101:2-47-13 entitled Foster care maintenance program eligibility: Legal responsibility requirements. The timeframe for obtaining a judicial determination to the effect that continuation in the home is contrary to the best interest of the child or that the placement is in the best interest of the child was changed from one hundred and eight one days to one hundred and eighty. New language has been added to this rule to clarify that affidavits, amendments and nunc pro tunc orders will not be accepted as verification documentation to meet the judicial determinations of contrary to the welfare and reasonable efforts.

OAC 5101:2-47-14 entitled Foster care maintenance program eligibility: ADC-relatedness. This rule has been amended to clarify that each ADC eligibility criteria, including deprivation, need and resources criteria must be met in the month of, but prior to, the child’s removal from the home.

OAC 5101:2-47-16 entitled Foster care maintenance program reimbursability: Reimbursable placement facilities. Minor changes were made to this rule including the word "payment" was changed to "reimbursement", acronyms were defined and the correct reference to Chapter 52 was added.

OAC 5101:2-47-17 entitled Foster care maintenance (FCM) program reimbursability: Reimbursements for FCM and child care for public foster homes, relative homes, and pre-finalized adoptive homes. The word "payment" has been changed to "reimbursement" throughout this rule to clarify that foster care maintenance is not a payment but rather a reimbursement to Title IV-E agencies for services they have provided on behalf of a FCM eligible child.

OAC 5101:2-47-18 entitled Foster care maintenance program reimbursability: Reimbursements related to difficulty of care needs of a child placed in a foster home, relative home, or pre-finalized adoptive home. The word "payment" has been changed to "reimbursement" throughout this rule to clarify that foster care maintenance is not a payment but rather a reimbursement to Title IV-E agencies for services they have provided on behalf of a FCM eligible child.

OAC 5101:2-47-20 entitled Foster care maintenance program reimbursability: Supplemental reimbursements for the cost of care for the child of a title IV-E recipient parent. The word "payment" has been changed to "reimbursement" throughout this rule.

OAC 5101:2-47-21 entitled Foster care maintenance (FCM): Redetermination of program eligibility and reimbursability. Minor changes were made to this rule to identify that foster care maintenance (FCM) eligibility redeterminations will be completed in the statewide automated child welfare information system (SACWIS) instead of the JFS 01452A once SACWIS is implemented in each agency.

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This letter transmits an amendment of rule 5101:2-33-05 of the Ohio Administrative Code (OAC) rules governing the Family and Children Services Information System (FACSIS) reporting requirements that are proposed as a result of the five year rule review. The following is a brief explanation of the proposed changes. This rule will be effective July 14, 2008.

**Rule 5101:2-33-05** is being amended to clarify that the rule applies only to those public children services agencies (PCSAs), private child placing agencies (PCPAs), and private noncustodial agencies (PNAs) in which the statewide automated child welfare database system (SACWIS) has not been implemented.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: STATE ADOPTION MAINTENANCE SUBSIDY (SAMS) AND POST ADOPTION SPECIAL SERVICES SUBSIDY (PASSS) PROGRAMS

This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-44-06 "Eligibility of adoptive family and adoptive child for the state adoption maintenance subsidy program," 5101:2-44-13 "Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program," 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy (PASSS) program," revised form JFS 01050 "Application for a post adoption special services subsidy" and new form JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding." These rules and forms will be effective July 1, 2008.

A brief explanation of the rule changes appears below:

OAC 5101:2-44-06 outlines the eligibility requirements for the state adoption maintenance subsidy program. This rule was amended to include the change in the revised maximum payment amount from two hundred and fifty dollars to three hundred dollars per month per child for an approved state adoption maintenance subsidy.

OAC 5101:2-44-13 outlines the procedures the PCSA must follow when issuing a post adoption special services subsidy. This rule was amended to introduce the new JFS 01052 "Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" form. As part of the approval process, the adoptive parent is responsible for having this form completed by the therapist who will be providing the approved PASSS services. Other amendments to this rule include clarification on payment amounts to a provider when a service is or is not covered under Medicaid.

OAC 5101:2-44-13.1 outlines the eligibility and application process for adoptive parents. This rule was amended to clarify the language regarding when an agency is required to enter into a PASSS agreement with a family, and require treatment plans within 30 days of the child's initial visit for therapeutic intervention(s) that will be provided and require families to include a copy of the JFS 01052 when submitting a JFS 01050 "Application for a Post Adoption Special Services Subsidy." New language has been added to this rule to indicate that all surgical, psychiatric, psychological and counseling services must be determined to be medically necessary by a qualified professional and that providers of residential treatment and therapeutic foster care must be licensed by the Ohio Department of Job and Family Services (ODJFS) or the Department of Mental Health. Other amendments include a definition for "respite care services," an increase in the amount of respite that can be approved per child per state fiscal year, language that the providers of therapeutic services must comply with OAC Chapter 5122 and clarification and revisions to the list of services that shall not be approved for PASSS funds.

A brief explanation of each form change appears below:

JFS 01050 has been revised to include a section for the additional respite that an agency may approve and sections for the name of the residential treatment, therapeutic foster care or in-patient hospitalization facility, whom the facilities are licensed by and the name of the non-traditional therapeutic techniques being requested. Also, Section VI of the JFS 01050 has been revised to indicate that as a condition of continued eligibility for PASSS, a treatment plan must be submitted to the agency within 30 days of a child's initial visit to the provider. The instructions page (JFS 01050-I) has been created.

JFS 01052 is a new form that requires providers of services approved with PASSS funds to identify their credentials, licensing board, professional experience and type of therapy they will be providing. This form also requires the provider to indicate that the therapeutic interventions they will be providing comply with all treatment aspects contained in OAC Chapter 5122.
Please note these forms will be available online at http://www.odjfs.state.oh.us/forms/inter.asp (internet) or at http://www.odjfs.state.oh.us/forms/inner.asp (ODJFS innerweb).

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>Transmittal Letters</td>
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This letter transmits three amended Ohio Administrative Code (OAC) rules governing the foster caregiver preplacement and ongoing training programs. The amendments have been made to comply with the provisions set forth in House Bill 214 of the 127th General Assembly. The following is a brief explanation of the proposed changes. These rules will be effective May 22, 2008.

OAC 5101:2-5-33 entitled **Foster caregiver preplacement and continuing training** was amended to increase the number of required preplacement training hours. The rule was also amended to outline the process for how a foster caregiver may receive up to twenty percent of the required amount of continuing training hours.

OAC 5101:2-5-38 entitled **Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies** was amended to outline how a foster caregiver shall be reimbursed for preplacement training. The rule was also amended to clarify how the Ohio Department of Job and Family Services would reimburse the recommending agency for preplacement training completed by the foster caregiver.

OAC 5101:2-5-40 entitled **Preplacement and continuing training programs** was amended to add language to address the approval process when a training proposal is submitted by a consortium. The rule was also amended to include an additional training course which may be offered as appropriate to the needs of the foster caregiver.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
TO: Family, Children, and Adult Services Manual Holders  
Adminstrative Procedure Manual Holders  

FROM: Helen E. Jones- Kelley, Director  

SUBJECT: Rescission of the APS Automated Reporting System Rule 5101:2-20-05 from the Family,  
Children and Adult Services Manual (FCASM) and move to Administrative Procedure Manual  
(APM) as New Rule 5101:9-14-02.  

This letter transmits the rescission of APS Automated Reporting System rule 5101:2-20-05 from the Family,  
Children and Adult Services Manual (FCASM) and the adoption of the new rule 5101:9-14-02 which parallels  
the rescinded rule with no new requirements in the Administrative Procedure Manual (APM). This rule will be  
effective June 16, 2008.  

OAC rule 5101:9-14-02 entitled Adult Protective Services Automated Reporting outlines the provisions for  
County Departments of Job and Family Services and their designated agencies to collect and submit data to  
the Ohio Department of Job and Family Services on information concerning the implementation of sections  
5101.60 to 5101.72 of the Revised Code.  

Instructions:  
The following chart depicts what materials should be removed from Family, Children and Adult Services  

<table>
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FCASMTL 215 (FYR of 5101:2-42 and creation of 5101:2-53)

Family, Children and Adult Services Manual Transmittal Letter No. 215

March 17, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director


This letter transmits Ohio Administrative Code (OAC) rules governing Substitute Care that are being revised as a result of the five year rule review. The Indian Child Welfare Act (ICWA) rules have been moved out of the OAC Chapter 5101:2-42 to a new OAC Chapter, 5101:2-53. The following is a brief explanation of proposed change. These rules will be effective April 20, 2008.

OAC 5101:2-42-06 entitled Agreement for temporary custody of child sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent. This rule has been amended to correct revisions referenced regarding the JFS 01645 form.

OAC 5101:2-42-07 entitled Extension of agreement for temporary custody of child sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of an extension. This rule has been amended to correct revisions referencing the JFS 01645 and other grammatical changes were made.

OAC 5101:2-42-08 entitled Acceptance of temporary custody by agreement and court-approved extensions sets forth the requirements of a temporary custody agreement between the PCSAs and PCPAs and a parent upon the request of a secondary extension. This rule has been amended to correct revisions referencing the JFS 01645 and correct formatting. A section of the rule has been reworded for clarity and minor grammatical changes were made.

OAC 5101:2-42-60 entitled Placement services for infants of incarcerated mothers sets forth the requirements for PCSAs responsibilities related to conducting home assessments and arranging for services for infants born to women incarcerated in correctional facilities. This rule replaces OAC 5101:2-42-60 and 5101:2-42-61.

OAC 5101:2-42-66.2 entitled Documentation of comprehensive health care for children in placement sets forth requirements for the PCSAs and PCPAs to maintain in the case record a record of physical health examinations and other assessments and treatments. This rule has been amended to correct revisions referenced regarding the JFS 01443, to correct formatting and to incorporate by reference the protection rules referencing CAPMIS.

OAC 5101:2-42-66 entitled Administrative Procedures for comprehensive health care for children in placement sets forth the requirements for PCSAs and PCPAs regarding the development of policies for comprehensive health care for children in placement. This rule has been amended to correct formatting.

OAC 5101:2-42-68 entitled Necessity for continued substitute care placement: court reviews and hearing requirements sets forth requirements for the PCSAs and PCPAs regarding continued substitute care placements and the frequency of assessing the continuation of placement. This rule has been amended to revise the frequency of assessment and correct formatting.

OAC 5101:2-42-87 entitled Termination of substitute care and custody sets forth the requirements for the PCSAs and PCPAs in terminating substitute care and custody. This rule replaces OAC 5101:2-42-87 and 5101:2-42-94.

OAC 5101:2-42-88 entitled Requirements for substitute care placement disruptions sets forth the requirements that PCSAs and PCPAs shall document when there is a disruption of a child in substitute care. This rule has been amended to incorporate by reference protection rules referencing CAPMIS.

OAC 5101:2-42-92 entitled Visitation for child in temporary custody sets forth the requirements of the PCSAs and PCPAs to arrange regular and frequent opportunities for children in temporary custody visitation with their parents or guardians. This rule has been amended to incorporate by reference the protection rules and the JFS forms referencing CAPMIS.
OAC 5101:2-53-01 entitled Definitions related to the Indian Child Welfare Act has been created to define terms used in the administration of ICWA. This rule replaces OAC 5101:2-42-49.

OAC 5101:2-53-02 entitled Administration responsibilities and record keeping for children affected by the Indian Child Welfare Act sets forth the requirements and the responsibilities of the PCSAs and PCPAs in maintaining records of Indian children in care. The title of the rule has been changed to better reflect the content of the rule. This rule replaces OAC 5101:2-42-48 and 5101:2-42-58.

OAC 5101:2-53-03 entitled Determination of Indian status, tribal eligibility and membership sets forth the responsibilities of the PCSAs and PCPAs in determining a child's Indian status. The title of the rule has been changed to better reflect the content of the rule. This rule replaces OAC 5101:2-42-52.

OAC 5101:2-53-04 entitled Emergency removal of the Indian child sets forth the responsibilities of the PCSAs when an Indian child is in immediate harm and an emergency removal is required. This rule replaces OAC 5101:2-42-57.

OAC 5101:2-53-05 entitled Voluntary placement for temporary custody of Indian child sets forth the responsibilities of the PCSAs and PCPAs when a temporary agreement for temporary custody of an Indian child has been requested by a parent or custodian. The title of the rule has been changed to better reflect the content of the rule. This rule replaces OAC 5101:2-42-55.

OAC 5101:2-53-06 entitled Involuntary custody of Indian children sets forth the responsibilities of the PCSAs and PCPAs when an Indian child is in the agency's custody. The title of the rule has been changed to better reflect the content of the rule. This rule replaces OAC 5101:2-42-53.

OAC 5101:2-53-07 entitled Permanent surrender or parental consent to adoptive placement of Indian children sets forth the responsibilities of the PCSAs and PCPAs when an Indian child has been permanently surrendered for adoption by the parent or custodian. The title of the rule has been changed to better reflect the content of the rule. This rule replaces OAC 5101:2-42-54.

OAC 5101:2-53-08 entitled Placement preference of Indian children sets forth the requirements of the PCSAs and PCPAs when an Indian child is removed from home and the requirements to place the child in accordance with the ICWA placement preference. The title of the rule has been changed to better reflect the content of the rule. This rule replaces OAC 5101:2-42-56.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM:

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<tr>
<td>Indian Child Welfare</td>
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This letter transmits two amended Ohio Administrative Code (OAC) rules from governing children services licensing that is being made as a result of the five year rule review. Following is a brief explanation of the changes. These rules will be effective on May 1, 2008.

5101:2-9-12 Service Plans. There are no substantive changes to this rule. Paragraph (A) clarifies existing language by putting the information into an easier format. Grammatical changes have been made in paragraphs (B)(7)(d) and (B)(7)(e).

5101:2-9-29 Bathrooms. Paragraph (D) contains new language to allow the use of air dryers.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>TRANSMITTALS</td>
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<td>FCASMTL No. 214</td>
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TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: VERIFICATION OF UNITED STATES CITIZENSHIP AND IMMIGRATION STATUS FOR ALL CHILDREN IN FOSTER CARE

This letter transmits the proposed new rule 5101:2-33-39 of the Administrative Code in response to the federal requirements under the Health Care and Tax Relief Act of 2006. The Program Instructions from the Department of Health and Human Services on February 21, 2007 requires the social services agency to verify United States citizenship or immigration status for all children in foster care whether a Title IV-E foster care maintenance payment is made or not. This rule will be effective March 15, 2008.

OAC 5101:2-33-29 entitled Verification of United States citizenship and immigration status for all children in foster care. This rule sets forth the acceptable documentation to verify a child’s citizenship or immigration status when the child is in foster care. This is a new rule which will replace language in OAC 5101:2-47-09 that speaks to citizenship verification and immigration status requirements for all children in foster care and are being determined whether the child is Title IV-E eligible.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>Verification of United States citizenship and immigration status for all children in foster care.</td>
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<td>FCASMTL</td>
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Family, Children and Adult Services Manual Transmittal Letter No. 212

January 15, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Amendments to Substitute Care Rule 5101:2-42-65 "Caseworker Visits and Contacts with Children in Substitute Care."

This letter transmits amendments to the OAC rule governing the visitation of children in the custody of the Public Children Services Agency (PCSA). The following is a brief explanation of the proposed change. This rule will be effective February 17, 2008.

OAC 5101:2-42-65 entitled Caseworker visits and contacts with children in substitute care outlines the provisions regarding agency visits and contacts with a child in its custody and placed in a substitute care setting. This rule was amended to ensure Ohio's visitation policies promote child safety and well-being while the child is in substitute care and that they meet the requirements of the federal legislation. The Child and Family Services Improvement Act of 2006 added new performance standards related to visitation of children in substitute care by the caseworker. States are required to set targets for improvement, and meet the goal of visiting at least 90 percent of the children in substitute care on at least a monthly basis, with the majority of the visits occurring within the child's residence by 2011.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: REVISIONS TO TITLE IV-E FOSTER CARE MAINTENANCE RULES 5101:2-47-23.1 and 5101:2-47-26.2  

This letter transmits amendments to Ohio Administrative Code (OAC) rules 5101:2-47-23.1 and 5101:2-47-26.2. These rules will be effective February 10, 2008.  

OAC 5101:2-47-23.1 entitled Title IV-E Agency Contracting and Contract Monitoring Requirements. The reference to the JFS 02911-I "Single Cost Report Instructions" has been deleted from this rule in paragraph (B) (10) (e).  


INSTRUCTIONS:  
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.  

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<tr>
<th>LOCATION</th>
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<td>FCASMTL</td>
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TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: AMENDMENTS TO CHILDREN SERVICES LICENSING RULES IN CHAPTER 5101:2-9 AS A RESULT OF THE FIVE YEAR RULE REVIEW.

This letter transmits twenty amended Ohio Administrative Code (OAC) rules and ten no change rules governing children services licensing that are proposed as a result of the five year rule review. Following is a brief explanation of each of the proposed changes.

5101:2-9-02 Staffing requirements. New language has been added not to allow staff members of a residential facility to have overnight guests in the facility except for their own children under the age of eighteen.

5101:2-9-05 Requirements for residential parenting facility furniture, materials and equipment; diaper changing. There was a small change made in paragraph (J) to ensure consistency.

5101:2-9-06 General Safety. New language has been added to paragraph (E) to comply with the new smoking legislation by not allowing smoking within the facility. New language was added in paragraph (K) to clarify that only one door to any room must have a lock that is able to be unlocked without a key from inside the room.

5101:2-9-08 Fire Safety. New language has been added in paragraph (A) to bring the agency name up to date and clarify that any work area in the facility would be inaccessible to children.

5101:2-9-10 Storage of hazardous materials. There was a grammatical change made in paragraph (A).

5101:2-9-11 Admissions and Admissions Log. New language has been added in paragraph (B)(3) to allow children under the age of six years old to be admitted to a crisis care facility.

5101:2-9-14 Medications. New language has been added to paragraph (A) to upon admission to a residential facility the staff of the facility shall document any currently prescribed medications for the child being admitted in accordance with rule 5101:2-42-66.2 of the Administrative Code.

5101:2-9-16 Visiting and Communications. New language has been added in paragraph (G) to ensure that a child who has access to electronic media, which may include internet and e-mail service, adheres to the agency's policy regarding communications.

5101:2-9-17 Child's Money. New language has been added in paragraph (A) to ensure the money a child has brought in or earned is not consider to be either the staff's or the agency's funds. A new paragraph (E) has been added to ensure that a residential facility is not charging residents for items that are required to be provided in chapter 5101:2-9 of the Administrative Code. Residents learning life skills as part of an independent living program are exempted from the requirement in paragraph (E).

5101:2-9-19 Personal belongings, hygiene, socialization, and education. There was a typographical error corrected in paragraph (J).

5101:2-9-20 Food and nutrition. New language has been added to paragraph (L) that allows infant formula to be stored for longer than twenty four hours if the directions to the formula or a physician authorizes the timeframe. Appendix 1 of this rule was not changed.

5101:2-9-21 Disciplinary policy and procedures. New language has been added in paragraph (D) to make reference to the children's rights rule.

5101:2-9-22 Isolation. New language has been added in paragraph (I) to ensure that any approved restraint techniques used by the agency are written in the agency's policies prior to being used.

5101:2-9-23 Notification and documentation of critical incidents. New language has been added in paragraph (A) to ensure critical incidents are reported within twenty four hours of the incident to notify the
individual or agency which placed a child or teenage mother. New language has been added in paragraph (B) to ensure the incident report is completed within twenty four hours and is given to the individual or agency which placed a child or teenage mother.

**5101:2-9-24 Child and family complaint policy and procedure.** New language has been added in paragraph (A) to ensure documentation that the child and family received the complaint policy and procedure is placed in the child's file.

**5101:2-9-25 Group home and residential parenting facility location and programmatic requirements for residential parenting facilities.** Typographical changes have been made throughout the rule to use the appropriate names for differing agency abbreviations.

**5101:2-9-27 Dining Areas.** There was a typographical error corrected in paragraph (C).

**5101:2-9-28 Bedrooms.** New language has been added in paragraph (M) to ensure that a child under the age of six shall not sleep on the upper bunk of a bunk bed. This makes the rule consistent with rule 5101:2-7-05 (F) of the Administrative Code. New language has been added in paragraph (R)(4) to ensure the gap between the mattress and the sides of the crib is no more than one and one-half inches.

**5101:2-9-30 Kitchens and kitchen supplies.** New language has been added in paragraph (A) to update the references to the revised code.

**5101:2-9-32 Transportation.** A new paragraph (C) has been added to ensure the residential facility keeps documentation of automobile insurance for all privately owned vehicles used to transport children of the facility. The documentation of automobile insurance shall be updated annually to ensure the insurance coverage is current. First aid supplies shall be located in each privately owned vehicle used to transport children of the facility. New language is added in paragraph (E) to allow the use of the new LATCH system as an acceptable form of safety restraint in vehicles.

**5101:2-9-34 Building approval.** A new paragraph (A)(3) has been added to ensure a CRC secures a building approval and occupancy permit at the time of any modification or alteration of any existing structure as required by the Ohio department of commerce or from a county or municipal building department certified by the department of commerce to inspect and approve the building code use group applicable to the CRC.

**5101:2-9-36 Additional requirements for children's crisis care facilities.** Typographical changes have been made throughout the rule to use the appropriate abbreviations for differing agency types.

The following rules are being proposed with no changes.

**5101:2-9-04 General maintenance of a residential facility.**

**5101:2-9-07 Emergency planning and preparedness.**

**5101:2-9-09 Emergency medical plan and first aid supplies.**

**5101:2-9-15 Residential facility handbook for residents and their families.**

**5101:2-9-18 Recreation and leisure activities and equipment.**

**5101:2-9-26 Living rooms and lounges.**

**5101:2-9-31 Laundry facilities.**

**5101:2-9-35 Additional programmatic requirements regarding behavior management.**

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits an amendment of Rule 5101:2-33-07 of the Ohio Administrative Code, entitled "Delegation of responsibilities and contracting for the performance of specified agency duties". This rule allows the public children services agencies (PCSA) to delegate specified duties through a contract. This rule will be effective on December 21, 2007.

Rule 5101:2-33-07 is being amended to include the requirement for the agreement or contract address the service provider assistance to the PCSA in the completion of the Comprehensive Assessment and Planning Model - Interim (CAPMIS) Case Review and Reunification Assessment.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: AMENDMENTS TO OHIO ADMINISTRATIVE CODE RULES OUTLINING THE COMPLETION OF THE CHILD'S EDUCATION AND HEALTH INFORMATION

This letter transmits amendments to the Ohio Administrative Code rules 5101:2-38-08 and 5101:2-39-08.2 as a result of P.L. 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006. **These rules will be effective December 1, 2007.**

An explanation of the rule revisions appear below:

Rule 5101:2-38-08 of the Ohio Administrative Code, Child's education and health information, outlines the requirements for completing the JFS 01443 "Child's Education and Health Information." This rule governs those public children services agencies (PCSAs) in which comprehensive assessment planning model-interim solution (CAPMIS) has been implemented. This rule is being amended to include language which provides foster children aging out of the system with a copy of the JFS 01443 free of charge. Language has also been added to ensure the most recent information available is included on the JFS 01443.

Rule 5101:2-39-08.2 of the Ohio Administrative Code, Child's education and health information, also outlines the requirements for completing the JFS 01443 "Child's Education and Health Information." This rule governs PCSAs not currently implementing CAPMIS. This rule is being amended to include language which provides foster children aging out of the system with a copy of the JFS 01443 free of charge. Language has also been added to ensure the most recent information available is included on the JFS 01443.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Amendments to the Adult Protective Services Rules as a result of the Five Year Rule Review.

This letter transmits amendments to the Ohio Administrative Code rules 5101:2-20-01 through 5101:2-20-04 that govern the Adult Protective Services Program as a result of the five year rule review. These rules will be effective December 1, 2007.

An explanation of the rules appears below:

Rule 5101:2-20-01 Adult protective services definitions. A new definition was added in paragraph (C) to define "Adult Protective Services". Language reference cites include the proposed federal Elder Justice Act and other states adult protective services definitions. An amendment was made to the "Sexual Abuse" definition to allow perpetrators to be ageless as it relates to nonconsensual sexual contact.

Rule 5101:2-20-02 Provisions for adult protective services. No new language was required for this rule. The rule was reformatted for clarity.

Rule 5101:2-20-03 Adult protective services designated agency provisions. Technical changes were made in paragraph (B) to change cross reference cites in rule 5101:2-20-02 and paragraph (C) for language consistency.

Rule 5101:2-20-04 Adult protective services case records. Only technical changes were made to this rule.

INSTRUCTIONS:

The following chart depicts what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and what material should be inserted in the FCASM.

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This letter transmits amendments to the OAC rule governing the Kinship Permanency Incentive (KPI) program. The rule will be effective September 30, 2007. The rule changes are being made to address the following statutory changes that resulted from the budget bill:

- Removal of the requirement that the child must be adjudicated by the juvenile court as being abused, neglected, dependent, or unruly.
- Removal of the best interest language as part of the requirement for the court order awarding legal custody or guardianship to the kinship caregiver.
- Removal of the requirement that the child must be determined as "special needs".
- Amending the guidelines governing the gross income of the caregiver's family, including the child, 200% of the federal poverty guidelines to 300%.

The following is a brief explanation of the proposed changes.

**OAC 5101:2-40-04** entitled *Kinship permanency incentive program* outlines the provisions that govern eligibility, the administration and application process for the KPI program. The rule allows the public children services agency (PCSA) to provide incentive payments to kinship caregivers to promote permanency. In this rule, a few changes were made regarding the kinship caregiver's income. Gross income was defined in the definition section of the rule and language was added to the eligibility requirements. The new language addresses limited exclusions of reported income that are to be deducted from the gross income such as up to one-hundred dollars of child support in response to allowances under the Deficit Reduction Act. It also clarifies individuals whose income must be considered for this program. Language was added to clarify that the rule does not prohibit a PCSA or PCPA from completing a home assessment on behalf of caregivers with whom a child was already directly placed by a court or relative.

**JFS 01501** "Application for Kinship Permanency Incentive" is the form used by the kinship caregiver(s) when applying for the KPI program. This form is also used by the PCSA when entering data into the KPI web tool. Revisions to the form include deleting all questions and information regarding the child's adjudication, special needs, and best interest statement. Other revisions to the form include minor grammatical and formatting issues, adding the "relationship to caregiver" to the Child Information section, and changing the language in the Affirmation section to mirror the rule.

**JFS 01502** "Notice of Incomplete Kinship Permanency Incentive Application" is the form used by the PCSA to inform applicants the reason(s) that the application can not be processed and what the applicant must do to complete the application process. The form was updated to reflect the amended eligibility requirements and rule. The request for the child's adjudication, special needs and best interest statement were deleted from the checklist of items needed to complete the application.

**JFS 01504** "Notice of Denial for Kinship Permanency Incentive Funds" is used by the PCSA to deny KPI applicants and indicate the reason for denial. This form was updated to reflect the amended eligibility requirements and rule. The child's adjudication, special needs and best interest statement were deleted from the denial checklist. The income criteria was changed to 300% of the poverty level from 200%.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
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TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: REVISIONS TO TITLE IV-E FOSTER CARE MAINTENANCE RULES 5101:2-47-05; 5101:2-47-09; 5101:2-47-14.1 and 5101:2-47-22.

The above mentioned rules are being processed as part of the five year rule review. These rules are effective October 8, 2007.

OAC 5101:2-47-05 entitled Title XIX Medicaid coverage for Title IV-E foster care maintenance recipients in accordance with the "Consolidated Omnibus Budget Reconciliation Act" (COBRA). This rule requires the county agency that has the legal responsibility for the care and placement of a child to transfer Title XIX Medicaid coverage for a IV-E eligible child who is placed in another state. The rule details the information necessary for an Ohio agency to authorize Title XIX Medicaid coverage for a child from another state placed in Ohio. The rule explains the requirement to explore other Title XIX Medicaid coverage for a child placed out of state who may have lost their IV-E eligibility. The rule is being rescinded and a new rule will replace it with changes that include combining information within paragraphs (A) and (B) for clarity. The information within the paragraphs has not changed. The acronym PCSA has been changed to Title IV-E agency. The statewide automated child welfare information system (SACWIS) has been used in place of FACSIS/SIS.

OAC 5101:2-47-09 entitled Administrative procedure: Case record requirements for foster care maintenance. This rule sets forth case record requirements for Title IV-E Foster Care Maintenance program. Each Title IV-E agency is required to maintain a separate record for eligibility documentation. The specific requirements for determining eligibility which is detailed in division 2 in chapter 47 of the Administrative Code, is to be contained in a file outside of the child's case record. Included in the file is the eligibility determination documentation, court orders, placement log, foster care license(s), ADC related documentation and citizenship verification. The citizenship verification requirement and immigration status for all children in foster care has been added. Revision dates of forms has been included. The wording "giving the Title IV-E agency legal responsibility" has been added to paragraph (B).

OAC 5101:2-47-14.1 entitled Title IV-E eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The rule defines "public agency" and the time frame for determining Title IV-E Foster Care Maintenance IV-E eligibility. The rule is authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 which defines the Aid to Dependent Child relatedness in order to the federal requirement under the Social Security Act to be eligible for Title IV-E Foster Care Maintenance. The timeframe for completing the eligibility determination was changed from thirty to sixty days in paragraph (C).

OAC 5101:2-47-22 entitled Foster care maintenance: reasonable efforts requirements. This rule sets forth the requirement under the Social Security Act. Section 471(a)(15) of the Act requires the State agency to make reasonable efforts to prevent the child's removal from his/her home, to reunify the child and family, and to make and finalize an alternate permanent placement when the child and family cannot be reunited. The requirements for judicial determinations regarding reasonable efforts are title IV-E eligibility criteria. If the eligibility criteria are not satisfied, the child is not eligible for title IV-E funding. The rule dictates the timeframes for when the reasonable efforts requirement is to be met in order to meet eligibility and to continue eligibility for Title IV-E Foster Care Maintenance. The word "placement" was changed to "removal" in paragraphs (A), (B) and (C). Paragraph (F) was reorganized with wording changes and the addition of the wording "which has legal responsibility for a child."

INSTRUCTIONS:
The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).
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TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: AMENDMENTS TO CHILDREN SERVICES LICENSING RULES IN CHAPTERS 5101:2-5 AND 5101:2-7 AS A RESULT OF THE FIVE YEAR RULE REVIEW

This letter transmits seven amended Ohio Administrative Code (OAC) rules governing children services licensing in OAC Chapter 5101:2-5 and 5101:2-7 that are being made as a result of the five year review process. These revisions will be presented in upcoming regional training sessions. The changes are effective October 8, 2007.

5101:2-5-04.1 Acceptance of accreditation in lieu of certification requirements. New language is added to allow the agency to request the licensing specialist to review their accreditation at initial certification and not only at recertification.

5101:2-5-14 Treatment or diagnostic services. Minor grammatical change.

5101:2-5-15 Volunteers and college interns. Minor grammatical change.

5101:2-5-34 PCPA and PNA case plans and administrative case reviews for direct placements. New language is added to require case plans on direct placements to be completed within thirty days from the date of placement.

5101:2-7-08 Alternative care arrangements. New language is added to require any request of respite care for a specialized child, to be in accordance with rule 5101:2-5-13 (A)(16) of the Administrative Code.

5101:2-7-11 Socialization and education. Minor grammatical change.

5101:2-7-15 Transportation. New language is added to include the Lower Anchors and Tethers for Children (LATCH) system as a means of restraint for children in an automobile.

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To: All Family, Children and Adult Service Manual Holders
From: Helen E. Jones-Kelly, Director
Subject: OAC 5101:5-1-01 Ohio children's trust fund. OAC 5101:5-1-02 Ohio children's trust fund and advocacy centers.

The above referenced rules are being proposed for revision and adoption respectively to comply with changes to the Ohio Children's Trust Fund (OCTF) as a result of the enactment of S.B. 66 of the 125th General Assembly. These rules are effective August 1, 2007.

Rule 5101:5-1-01 of the Administrative Code entitled, Ohio children's trust fund is being amended at paragraph (H)(1)(j) to clarify that local allocation plans must be postmarked on or before the first day of April preceding the state fiscal year for which the plan is developed. Paragraph (J) is being amended to clarify the approval and disapproval process after the plan is submitted to OCTF. Paragraph (K) is being amended to clarify that the appeal process applies if the amount of the county's allocation is denied instead of reduced.

Rule 5101:5-1-02 of the Administrative Code entitled, Ohio children's trust fund and advocacy centers is being adopted to provide guidance to advocacy centers who may request start-up funding from the Ohio Children's Trust Fund for primary prevention strategies as defined in Section 3109.13 of the Revised Code.

JFS 01474 entitled, "Application for Child Advocacy Center Start-Up Funding" is being created to allow advocacy centers to apply for funding.

JFS 01475 entitled, "Child Advocacy Center Start-Up Funding Report" is being created to allow advocacy centers to report how the start-up funding was expended.

JFS 01976 entitled, "Application for Funding" is being revised to comply with ODJFS Forms standards and to allow service providers to apply for OCTF funding.

JFS 01977 entitled, "Ohio Children's Trust Fund Application Budget Instructions" is being revised to comply with ODJFS Forms standards and is used as an addendum to the JFS 01976 Application for Funding to provide a budget summary.

JFS 01978 entitled, "Service Provider Application Scoring Tool" is being revised to comply with ODJFS Forms standards and to allow end users to score the service providers applications for funding.

JFS 01979 entitled, "Local Allocation Plan" is being revised to comply with ODJFS Forms standards and to allow end users to submit their plans detailing the use of OCTF funding.

JFS 01980 entitled, "Service Provider Progress Report" is being revised to comply with ODJFS Forms standards and to allow service providers to report their progress in achieving deliverables and outcomes to OCTF county agents.

JFS 01981 entitled, "Service Provider Fiscal Report" is being created to allow service providers to report year to date expenditure of funds to OCTF county agents.

JFS 01982 entitled, "County Agent Annual Report" is being revised to comply with ODJFS Forms standards and is used by OCTF county agents to report to OCTF the annual use of funding.

JFS 01983 entitled, "OCTF County Agent Annual Fiscal Report" is being revised to comply with ODJFS Forms standards and to allow OCTF county agents to report to OCTF the annual expenditure of funds.

INSTRUCTIONS:

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASMTL).
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This letter transmits Ohio Administrative Code (OAC) rules governing the Title IV-E Foster Care Maintenance (FCM) Program that are being amended as a result of the five year rule review process and to retract references to Adoption Assistance (AA) as a result of the AA rules moving from OAC Chapter 5101:2-47 to OAC Chapter 5101:2-49. These rules will be effective April 23, 2007.

An explanation of the rule revisions appears below:

OAC rule 5101:2-47-03.1 entitled Qualified and disqualified alien eligibility for Title IV-E foster care maintenance (FCM) and independent living services. This rule outlines the criteria used to determine if a qualified and disqualified alien is eligible for FCM and independent living services. This rule has been amended to retract the references to adoption assistance.

OAC rule 5101:2-47-04 entitled Intercounty and interstate case management responsibility for foster care maintenance. This rule contains procedures for intercounty and interstate case management for foster care maintenance. This rule has been revised to retract the references to adoption assistance.

OAC rule 5101:2-47-07 entitled Notice of right to a hearing for foster care maintenance. This rule outlines the guidelines to a state hearing. This rule has been amended to retract the references to adoption assistance.

OAC rule 5101:2-47-15 entitled Foster care maintenance program reimbursability: authorization for foster care maintenance, and auxiliary payments. This rule contains procedures for authorizing Title IV-E FCM reimbursements and requesting auxiliary payments. This rule has been amended to retract the references to adoption assistance and to make minor wording changes to provide clarity.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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5101:2-47-04  
5101:2-47-07  
5101:2-47-15 |
| TRANSMITTALS | Transmittal Letters | FCASMTL No. 201 |
This letter transmits the adoption of the new rule 5101:2-33-70 of the Administrative Code that addresses the implementation and utilization of Ohio's new Statewide Automated Child Welfare Information System (SACWIS). This rule will be effective January 29, 2007.

Summary of the new rule

This rule was developed as a result of Am. Sub. Senate Bill 238, of the 126th General Assembly. The bill requires ODJFS to establish and maintain a uniform statewide automated child welfare information system. SACWIS shall be established and maintained in accordance with federal law. ODJFS shall plan implementation of SACWIS on a county-by-county basis and must finalize statewide implementation not later than January 1, 2008.

The information contained in SACWIS is confidential and provides specific guidelines for access to the information as well as a prohibition against disclosure of such information. Whoever violates the provisions regarding proper access and use or disclosure of the information contained in SACWIS is guilty of a fourth-degree misdemeanor. ODJFS is permitted to adopt internal management rules, that are necessary to carry out the statutory provisions concerning SACWIS.

All public children services agencies (PCSAs) shall enter children services information contained in this rule directly into SACWIS.
TO:        Family, Children and Adult Services Manual Holders
FROM:     Barbara E. Riley, Director
SUBJECT: Changes to Ohio Administrative Code Rules 5101:2-34-32 and 5101:2-34-32.1 that Guide the Provision of Child Protective Services as a Result of the Five Year Rule Review Process

This letter transmits revisions to Ohio Administrative Code rules 5101:2-34-32 and 5101:2-34-32.1 as a result of the five year rule review process. These rules will be effective January 15, 2007.

An explanation of the rule revisions appear below:

Rule 5101:2-34-32, PCSA requirements for assessments and investigations, outlines public children services agency (PCSA) requirements when conducting a child abuse and/or neglect assessment/investigation. This rule is amended to include additional guidance regarding interviewing children absent parental consent and contacting law enforcement to ensure consideration of parental rights in relation to PCSA intervention into the lives of families.

Rule 5101:2-34-32.1, PCSA requirements for a deserted child assessment/investigation, outlines PCSA requirements when responding to a deserted child report. The rule revisions are non substantive and were made to provide clarity.

If you have questions regarding this change, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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This letter transmits OAC rules governing Title XX services administration that are being amended as a result of the five year rule review process. Following is a brief explanation of each proposed change.

**OAC 5101:2-25-01** entitled Uniform definitions of Title XX services and other definitions of used terms in Chapter 5101:2-25 of the Administrative Code sets forth the definitions of terms that apply to the administration of Title XX services. The term individual service plan, which is used periodically throughout Chapter 5101:2-25, has been added to this rule along with the definition.

**OAC 5101:2-25-02** entitled Title XX administration sets forth the requirements for managing Title XX services for local county department of job and family services (CDJFS) that purchases services and those parties the CDJFS has under contract. In this rule, a change to the language regarding the application process has been changed to adequately explain the CDJFS' role in the process as well as the consumer's role.

**OAC 5101:2-25-03** entitled Title XX county profile sets forth the suggested format for the Title XX needs report that local county department of job and family services (CDJFS) use in their county profile. Minor grammatical and sentence structure changes were made to this rule.

**OAC 5101:2-25-07** entitled Title XX reimbursement dependent upon correct determination of recipient eligibility sets forth the requirements for local county department of job and family services (CDJFS) to be reimbursed for Title XX services. Minor grammatical and sentence structure changes were made to this rule.

**JFS 01821** "Title XX County Profile" is the form used by local county department of job and family services (CDJFS) to report services and service activities for Title XX. Two of the child care services have been removed from the JFS 01821 County Profile. Child Care Employment and Training is the only child care service that remains. The JFS 01821 only represents services that are county Title XX reimbursable. The form has been updated to include a section for the county income level guidelines which CDJFS' have to report.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM:

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TO: Family, Children and Adult services Manual Holders

FROM: Barbara E. Riley, Director


This letter transmits revisions to Ohio Administrative Code rules 5101:2-33-21, 5101:2-34-38, 5101:2-33-22, and 5101:2-34-38.1 as a result of Amended Substituted SB 238 of the 126th General Assembly. These rules remain under JCARR jurisdiction. The department will provide additional information if changes are made in any of the affected rules. These rules will be effective January 1, 2007.

An explanation of the rule revisions appear below:

OAC rule 5101:2-33-21 Confidentiality and Dissemination of Information Relating to Child Abuse or Neglect determines what is considered confidential in child abuse and neglect reports and investigations as well as to whom and what information may be shared or disseminated. This rule is amended to include language added that agencies which receive confidential information must also maintain the confidentiality of that information.

OAC rule 5101:2-33-22 Access/Confidentiality of Child Abuse and Neglect Information Contained in the Statewide Automated Child Welfare Database sets forth the confidentiality requirements for the state automated child welfare database. This rule is amended to change the title of the rule to Access/Confidentiality of Child Abuse and Neglect Information Contained in the Statewide Automated Child Welfare Database and to make the changes to the name throughout the rule. Additional language was also added to include what confidential information a private non-custodial agency, private child placing agency, and out-of-state children services agency may request from ODJFS via the uniform statewide automated child welfare information system when they are evaluating an applicant for licensure as a foster or adoptive parent.

OAC rule 5101:2-34-38 Confidentiality and Dissemination of Information Relating to Child Abuse or Neglect also determines what is considered confidential in child abuse and neglect reports and investigations as well as to whom and what information may be shared or disseminated. This rule is amended to include language added that agencies which receive confidential information must also maintain the confidentiality of that information.

OAC rule 5101:2-34-38.1 Access/Confidentiality of Information Contained in the Child Abuse and Neglect Central Registry sets forth the confidentiality requirements for the child abuse and neglect central registry. Additional language was also added to include what confidential information a private non-custodial agency, private child placing agency, and out-of-state children services agency may request from ODJFS via the child abuse and neglect central registry when they are evaluating an applicant for licensure as a foster or adoptive parent.

If you have questions regarding this change, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Revision of Title IV-E Adoption Assistance Rules

This letter transmits Ohio Administrative Code (OAC) rules regarding Title IV-E adoption assistance (AA). These rules will become effective on January 1, 2007.

A brief explanation of the changes appears below:

**OAC 5101:2-33-18** entitled, Administration of the Title IV-E adoption assistance program, is replacing rule 5101:2-47-03 Administrative overview: adoption assistance. This rule defines components of the AA program and addresses the administrative responsibilities of the agency for the AA program.

**OAC 5101:2-49-01** entitled, Adoption assistance criteria and application process, is replacing rule 5101:2-47-28 Adoption assistance eligibility procedure: application process for adoption assistance. This rule outlines the application process for AA. It has been revised to clarify to which PCSA the AA application is submitted, the responsibilities of the PCSA when determining eligibility, and the requirements for the eligibility of children placed from another state into Ohio. The JFS 01451A has been created for the purpose of determination of AA eligibility. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-02** entitled, Adoption assistance eligibility requirements, is replacing rule 5101:2-47-29 Adoption assistance program eligibility: eligibility requirements. This rule specifies the details for establishing eligibility for the AA program. Paragraph (B) has been added to clarify the AA determination requirements. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-03** entitled, Special needs criteria for adoption assistance, is replacing rule 5101:2-47-30 Adoption assistance program eligibility: special needs. This rule contains the criteria which must be met in order for the PCSA to make a determination that a child is special needs and eligible for AA. The rule has been revised to clarify the special needs requirements based on the recommendations of a workgroup comprised of state, public and private agency staff. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-04** entitled, Age requirement for adoption assistance, is replacing rule 5101:2-47-33 Adoption assistance program eligibility: age requirement. This rule stipulates the age limits placed on eligibility for AA. The requirement of the qualified professional has been defined. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-05** entitled, Determination of the adoption assistance payment amount, is replacing rules 5101:2-47-42 Adoption assistance payment rate: determination of the payment amount and 5101:2-47-43 Adoption assistance payment rate: payment rate for adoption assistance. This rule outlines the factors that must be considered in determining the amount of the adoption assistance payment and payment modifications. Revisions have been made to the circumstances taken into consideration when determining the AA payment amount. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-06** entitled, Adoption assistance agreement and duration: provision for financial support and services, is replacing rule 5101:2-47-36 Adoption assistance payment eligibility: adoption assistance agreement and duration; provision for financial support and services. This rule outlines procedures to follow when entering into an AA agreement. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-07** entitled, Adoption assistance agreement only with no payment, is replacing rule 5101:2-47-37 Adoption assistance payment eligibility: agreement only with no payment. The rule outlines the conditions and procedures for completing an AA agreement with no payment option. The title of the rule was
changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-08 entitled, Beginning date of an adoption assistance payment, is replacing rule 5101:2-47-40 Adoption assistance payment eligibility: beginning date of payment. This rule contains information when adoption assistance payments can begin. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-09 entitled, Title IV-E Adoption assistance post-finalization application, is replacing rule 5101:2-47-35 Adoption assistance eligibility procedure: Title IV-E adoption assistance post-finalization application. This rule defines the circumstances used to determine eligibility and the criteria which must be used to enter into an AA agreement after an adoption has been finalized. Revisions have been made to clarify the conditions under which an application can be considered post-finalization. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-10 entitled, Determination of continuing eligibility requirements for adoption assistance, is replacing rule 5101:2-47-34 Adoption assistance program eligibility: determination of continuing eligibility requirements. This rule outlines procedures for determining continued eligibility for adoption assistance. This rule was previously in clearance and has been revised to include comments received from ODJFS Executive Leadership Committee adoption subsidy group. The form JFS 01451B has been added for the renewal of AA. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-11 entitled, Adoption assistance program payment authorization, is being filed new. It contains procedures for authorizing Title IV-E adoption assistance payments and requesting auxiliary payments. This rule was previously filed and contains changes based on clearance comments and recommendations by the ODJFS ELC adoption subsidy workgroup.

OAC 5101:2-49-12 entitled, Modification/amendment of an adoption assistance agreement, is replacing rule 5101:2-47-38 Adoption assistance payment eligibility: modification/amendment of adoption assistance agreement. This rule contains procedures to follow when modifying or amending an AA agreement. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-13 entitled, Termination of adoption assistance, is replacing rule 5101:2-47-41 Adoption assistance payment eligibility: termination of adoption assistance. This rule outlines the circumstances that result in the termination of an AA agreement. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-15 entitled, Retroactive adoption assistance payment process, is replacing rule 5101:2-47-39 Adoption assistance payment eligibility: payment for retroactive adoption assistance. This rule outlines procedures for the provision of retroactive adoption assistance payments after the adoption finalization. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-17 entitled, Case record requirements for adoption assistance, is replacing rule 5101:2-47-10 Adoption assistance program eligibility: eligibility requirements. The rule provides information on case record requirements for an AA case. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

OAC 5101:2-49-19 entitled, Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA), is replacing rule 5101:2-47-06 Administrative procedure: Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA). This rule contains the procedures to follow for provision of Title XIX medical coverage for children eligible for AA. The sentence structure and punctuation corrections were made.

5101:2-49-21 entitled, Reimbursement of nonrecurring adoption expenses for a child with special needs, is replacing rule 5101:2-47-44 Adoption assistance payment eligibility: reimbursement of nonrecurring adoption expenses for a child with special needs. This rule outlines procedures for public children services agencies to follow when adoptive families claim reimbursement for nonrecurring adoption expenses. Paragraph (F) has
been revised to clarify the provision of forms required for the PCSA to determine eligibility. The title of the rule was changed to better reflect the contents of the rule. The sentence structure and punctuation corrections were made.

**OAC 5101:2-49-23** entitled, Adoption assistance and intercounty and interstate case management responsibility, is being filed new. This rule contains procedures for intercounty and interstate case management for AA. A new form JFS 01451B has been added for the continuing determination for AA.

**OAC 5101:2-49-25** entitled, Qualified and disqualified alien eligibility for Title IV-E adoption assistance, is being filed new. This rule specifies adoption assistance eligibility requirements for qualified aliens. The sentence structure and punctuation corrections were made.

The following rules are being rescinded because they are being replaced by new rules in Chapter 5101:2-49:

- Rule 5101:2-47-03 entitled, Administrative overview: adoption assistance.
- Rule 5101:2-47-06 entitled, Administrative procedure: Title XIX medicaid coverage for Title IV-E adoption assistance eligible children (COBRA).
- Rule 5101:2-47-10 entitled, Adoption assistance program eligibility: eligibility requirements.
- Rule 5101:2-47-28 entitled, Adoption assistance eligibility procedure: application process for adoption assistance.
- Rule 5101:2-47-29 entitled, Adoption assistance program eligibility: eligibility requirements.
- Rule 5101:2-47-30 entitled, Adoption assistance program eligibility: special needs.
- Rule 5101:2-47-33 entitled, Adoption assistance program eligibility: age requirement.
- Rule 5101:2-47-34 entitled, Adoption assistance program eligibility: determination of continuing eligibility requirements.
- Rule 5101:2-47-35 entitled, Adoption assistance eligibility procedure: Title IV-E adoption assistance post-finalization application.
- Rule 5101:2-47-36 entitled, Adoption assistance payment eligibility: adoption assistance agreement and duration; provision for financial support and services.
- Rule 5101:2-47-37 entitled, Adoption assistance payment eligibility: agreement only with no payment.
- Rule 5101:2-47-38 entitled, Adoption assistance payment eligibility: modification/ amendment of adoption assistance agreement.
- Rule 5101:2-47-39 entitled, Adoption assistance payment eligibility: payment for retroactive adoption assistance.
- Rule 5101:2-47-40 entitled, Adoption assistance payment eligibility: beginning date of payment.
- Rule 5101:2-47-41 entitled, Adoption assistance payment eligibility: termination of adoption assistance.
- Rule 5101:2-47-42 entitled, Adoption assistance payment rate: determination of the payment amount.
- Rule 5101:2-47-43 entitled, Adoption assistance payment rate: payment rate for adoption assistance.
- Rule 5101:2-47-44 entitled, Adoption assistance payment eligibility: reimbursement of nonrecurring adoption expenses for a child with special needs.

This letter also transmits the following forms:

The JFS 01421 "Application for Reimbursement of Nonrecurring Adoption Expenses" is the application used by the adoptive parent when applying for non-recurring adoption expenses incurred in the adoption of a special needs child.

The JFS 01421I "Instructions for Completing the JFS 01421 Application for Reimbursement of Nonrecurring Adoption Expenses" is the instructions for completing the JFS 01421.

The JFS 01438 "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Special Needs Child" is the agreement used by the PCSA and the adoptive parent for payment
of non-recurring expense which will be reimbursed to the adoptive parent(s) incurred in the adoption on a special needs child.

The JFS 01451 "Title IV-E Adoption Assistance Application" is sent to the adoptive parent for application for Title IV-E Adoption Assistance.

The JFS 01451A "Title IV-E Adoption Assistance Eligibility Determination" is used by the PCSA in determining eligibility of a special needs child for Title IV-E adoption assistance.

The JFS 01451B "Title IV-E Adoption Assistance Eligibility Renewal" is used by the PCSA in the annual renewal determination of AA.

The JFS 01453 "Adoption Assistance Agreement" is used by the PCSA to enter into a legal agreement between the PCSA and the adoptive parent(s) for adoption assistance payments.

The JFS 01454 "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments" is used by the PCSA to initiate Title IV-E retroactive adoption assistance payments.

The forms will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp. They will not be available in hardcopy from the ODJFS warehouse. Although the forms have the effective date of 10/2006 these forms cannot be utilized until the effective date of the new Chapter 5101:2-49 rules which will be January 1, 2007.

**INSTRUCTIONS:** The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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December 6, 2006

TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Revisions to Title IV-E Rules

This letter transmits revisions to Ohio Administrative Code (OAC) rules 5101:2-33-19, 5101:2-47-19, and 5101:2-47-23.1, the Sample Contract, Sample Invoice and Sample Individual Child Care Agreement (ICCA) as well as the creation of a Sample ICCA Amendment. These changes are effective January 1, 2007.

An explanation of the rule revisions appears below:

OAC rule 5101:2-47-19 Foster care maintenance program reimbursability: Clothing payments and graduation expenses sets forth the manner in which payments for reimbursable clothing and graduation expenses shall be claimed. The rule title has been amended to include clothing payments, graduation expenses, and personal incidentals. The rule has been revised to include clarifying language regarding supplemental payments for cost categories, clothing and graduation expenses, as well as to provide a federally approved list of allowable personal incidental expenses. The rule provides guidance on processing auxiliary payments and reimbursements dependent upon the type of expense, placement setting, and whether the cost is directly incurred by the Title IV-E agency or a payment to the foster care provider.

OAC rule 5101:2-47-23.1 Title IV-E Agency Contracting and Contract Monitoring requirements sets forth the minimum requirements for the establishment of contracts and the monitoring of those contracts for Title IV-E agencies purchasing foster care services from private providers. This rule is amended to retract all references to rescinded rules, to clarify invoicing procedures and contract monitoring language, and to specifically identify what shall be included in contract notifications.

OAC rule 5101:2-47-26 Title IV-E agencies, private child placing agencies (PCPA), private noncustodial agencies (PNA): penalties for failure to comply with fiscal accountability procedures sets forth the penalties ODJFS may enforce against PCPAs, PNAs, and PCSAs for failure to comply with the fiscal accountability procedures outlined in OAC Chapter 5101:2-47. This rule is being rescinded from Chapter 5101:2-33, revised, and enacted as OAC rule 5101:2-47-26. The rule has been amended to retract and replace the term PCSA with Title IV-E agency, change the time frame for corrective action plan to be completed, change the presentation order of fiscal accountability penalties and other sanctions within the rule, and to add language specifying how the untimely or inaccurate filing of the single cost report shall impact the reimbursement ceiling effective period.

The JFS 01700 "Individual Child Care Agreement" (ICCA) sets forth a template for counties to relay information required in OAC rule 5101:2-42-90 entitled Information to be provided to caregivers, school districts and juvenile courts; information to be included in the individual child care agreement. Changes to the sample ICCA include a complete transformation of the manner in which information is presented with the addition of addendums for child behavior and juvenile court information. The sample has also been automated.

The JFS 01701 "Individual Child Care Agreement Amendment" sets forth a template for counties to use to amend information contained in the ICCA. This form was created to alleviate the need for a new ICCA when there are changes to the original ICCA.

The JFS 01702 "Invoice" sets forth an invoicing template for counties to use for placement services. Changes to the sample invoice include updating invoicing procedures to mirror those set forth in OAC rule 5101:2-47-23.1 and automating the document.

The JFS 01703 "Contract for Title IV-E Agencies and Providers for the Provision of Child Placement and Related Services" sets forth a template for counties to use for the provision of child placement and related services. Changes to the sample include the removal of references to rescinded rules, the clarification of
provider and agency responsibilities, and revisions to invoicing requirements. Language was clarified throughout.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from or inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  
SUBJECT: Revisions to Training Rules for PCSA Caseworkers and Supervisors  

This letter transmits revisions to Ohio Administrative Code rules 5101:2-33-55 and 5101:2-33-56 and forms which govern training requirements for PCSA caseworkers and supervisors. The rules have been amended as a result of Substitute Senate Bill 238. They will be effective on January 1, 2007.

A brief explanation of the changes appears below:

OAC 5101:2-33-55 Education and in-service training requirements for PCSA caseworkers sets forth the training requirements for public children services agency child welfare caseworkers. It has been amended to increase training to one hundred and two hours during the first year of continuous employment for public children services agency caseworkers. The rule will also include first year training requirements for students who successfully completed the University Partnership Program and go to work for a public children services agency upon graduation.

OAC 5101:2-33-56 Education and in-service training requirements for PCSA supervisors sets forth training requirements for public children services agency supervisors. The rule has been amended to require a minimum of twelve hours of domestic violence training within twenty-four months of the effective date of this rule or the effective date of hire, whichever is later. It has also been amended to clarify the in-service training requirements.

Minor changes were made to the JFS 01825 "Public Children Services Agency Training Record for Caseworkers" and the JFS 01826 "Public Children Services Agency Training Record for Supervisors" to reflect the new training requirements.

The JFS 01825 "Public Children Services Agency Training Record for Caseworkers" is to be completed annually by the PCSA caseworkers and a copy of the form maintained in their personnel files.

The JFS 01826 "Public Children Services Agency Training Record for Supervisors" is to be completed annually by the PCSA caseworker supervisors and a copy of the form maintained in their personnel files.

The JFS 01825 and JFS 01826 will not be available in hardcopy from the ODJFS warehouse. They will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp.

INSTRUCTIONS

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits revisions to Ohio Administrative Code rule 5101:2-1-01 Children Services Definition of Terms. These changes will become effective on January 1, 2007.


This new rule is substantially the same as the rule it is replacing. This rule was reviewed pursuant to the requirements for the Five Year Review and it was determined that the structure of the rule needed to be changed before other content amendments are made. Although the majority of the changes at this time are for structural purposes, changes were made to the definitions of the following: "Adoption Assistance"; "Assessor"; "Professional treatment staff"; and "Treatment team leader".

The following terms were added: "Commencement/Initiation of a Homestudy"; "Dissolution"; "Initiation/Commencement of a Homestudy"; "Matching Conference"; "Multiple Child Assessment"; "Pre-Adoptive Staffing"; and "Relevant Information". These terms were all added as a result of Substitute Senate Bill 238 of the 126th General Assembly.

The definition of "Adoption Assistance" was amended because the rules for that program have been revised and transferred from Chapter 5101:2-47 to Chapter 5101:2-49 which is referenced in the current definition.

The definition of the "Assessor" was amended to replace "education programs" with "training". This change is a result of Substitute Senate Bill 238 of the 126th General Assembly.

The definitions of "Professional treatment staff" and "Treatment team leader" are amended to include "contractors" as employees.

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This letter transmits revisions to Ohio Administrative Code (OAC) rules governing children services licensing in OAC Chapters 5101:2-5, 5101:2-7 and 5101:2-9 that are being made as a result of the five year rule review process and to clarify existing rule content.

These changes are effective December 11, 2006.

**OAC 5101:2-5-03 Certification of an agency to perform specific functions.** A new licensing function has been added to paragraphs (B), (C) and (D) as a result of the enactment of Amended Substitute Senate Bill 238 to require licensing of children’s crisis care facilities. Clarifying amendments to paragraphs (D) and (G) add mention of two rules to paragraph (G) that were not previously mentioned.

**OAC 5101:2-5-05 Agency appeal of findings of noncompliance.** Non-substantive technical changes only.

**OAC 5101:2-5-06 Corrective action plans.** Mostly non-substantive technical changes; new language in paragraph (D) states that ODJFS action on a corrective action plan has no bearing on other decisions.

**OAC 5101:2-5-10 Child records.** Clarifying amendments throughout the rule.

**OAC 5101:2-5-17 Discharge summary.** Technical changes only.

**OAC 5101:2-5-18 Waivers.** Changes in paragraphs (A), (C), (D), and (E) added cross reference to Chapter 5101:2-1 and removed cross-reference to Chapter 5101:2-47.

**OAC 5101:2-5-19 Variances.** Changes in paragraphs (A), (B), (C), and (D) added cross reference to Chapter 5101:2-1.

**OAC 5101:2-5-22 Recommendations for initial foster home certification.** Several technical changes; a new paragraph (F) discontinues the JFS 01349 effective 1/1/07.

**OAC 5101:2-5-24 Foster home recertification procedure.** Clarifying amendments to paragraphs (A), (D), (E), (F), (K) and (L). New language in paragraph (G) clarifies that deficiencies found through the safety audit require a corrective action plan.

**OAC 5101:2-5-26 Revocation, denial of initial certification or denial of recertification of a foster home certificate.** Non-substantive technical changes in paragraphs (C) and (D). A change in paragraph (I) would increase the ban on holding a certificate after a denial or revocation from two years to five years.

**OAC 5101:2-5-30 Change in household occupancy; change in marital status; change of address.** Changes in paragraph (A) regarding when a medical statement must be completed for new occupants of a foster home and how to handle the certification of a new spouse or co-parent residing in the home when the new spouse or co-parent has not completed preplacement training; clarifications in paragraph (B) regarding evaluation of a new foster home after a change of address; change in (C) when to submit a JFS 01317 when a new spouse or co-parent moves into a foster home.

**OAC 5101:2-5-35 Children's rights.** New paragraphs (C) and (D) would require that any foster care or independent living program include children's rights in any children's handbook explaining agency programs and document any restrictions placed on a child's rights for more than two hours.

**OAC 5101:2-7-02 General requirements for foster caregivers and applicants.** Clarifying amendments throughout the rule, changes in paragraph (F) allow additional medical staff to complete the JFS 01653.
OAC 5101:2-7-05 Sleeping arrangements. New language in paragraph (F) prohibits a child under age six sleeping on an upper bunk. A new paragraph (H) clarifies that children over age two or 35 inches in height must be provided with a toddler bed or standard bed.

OAC 5101:2-7-09 Care, supervision and discipline. Changes in paragraphs (B), (D) and (L) due to MEPA; technical changes in paragraph (C); language removed in paragraph (G) to narrow the reasons for the use of physical restraint; new language in paragraph (H) prevents the use of any device to prevent or restrict a child's movement as punishment.

OAC 5101:2-7-12 Site and safety requirements for a foster home. Technical change in paragraph (T).

OAC 5101:2-7-14 Required notification. Moved language from paragraph (G) to paragraph (H); technical change in paragraph (I).

OAC 5101:2-9-03 Staff development and evaluation. Clarifying amendments to paragraphs (F) and (G). Language removed in paragraph (J) to narrow the reasons for the use of physical restraint.

OAC 5101:2-9-12 Service plans. Clarifying amendment to paragraphs (B)(7)(c) and (C).

INSTRUCTIONS: The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Revisions to Children Services Licensing Rules in OAC Chapters 5101:2-5, 5101:2-7 and 5101:2-9 to Clarify Policy

This letter transmits amended Ohio Administrative Code (OAC) rules governing children services licensing in OAC Chapters 5101:2-5, 5101:2-7 and 5101:2-9 that are being made as a result of a policy clarification process in order to clarify existing rule content. These changes are effective December 11, 2006.

OAC 5101:2-5-02 Application for an agency to perform specific functions; amended applications. Adds a new paragraph (B) to clarify how ODJFS will treat a local public entity that is not a PCSA for the purposes of compliance with ODJFS certification. This new language codifies a long standing practice of ODJFS to treat such entities in the same manner as a private noncustodial agency with a few exceptions. Generally, a local public entity that is not a PCSA would be a court-operated facility or program. Clarifying amendments are made to paragraphs (C), (D), (E), (K), (L), (M) and (O). A new paragraph (P) specifies when an amended application is required. A new paragraph (Q) prohibits an agency to operate any function that requires certification by ODJFS without proper certification including an office or residential facility that is not listed on the most current JFS 01290 "Application for Certification of Agency Functions" on file. A new paragraph (R) requires an agency to post their certificate to operate in a prominent place for viewing by visitors. A new paragraph (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 and expands regulations concerning amending the application.

OAC 5101:2-5-04 Recertification of an agency to perform specific functions. Changes in the second and third paragraphs of paragraph (B) clarify when an independent audit is to be completed according to government auditing standards and 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.

OAC 5101:2-5-07 Denial or revocation of an agency's certificate or certification to perform specific functions. Clarifying amendment to paragraph (A)(4). A change in paragraph (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 paragraph (F) has been added regarding issues surrounding the issuance of a temporary certificate to an agency by ODJFS. A temporary certificate will not be issued for an initial certification and the certificate will be effective for less than one year. The rule also specifies that the word "Temporary" will appear on the certificate in contrasting color.

OAC 5101:2-5-08 PCPA and PNA governance and administration. Changes in (A) to clarify how a local public entity that is not a PCSA is to satisfy the requirements of this rule.

OAC 5101:2-5-13 Required agency policies, plans and procedures. Changes to title; changes in (A)(3) to conform with MEPA requirements; clarifying amendments to paragraphs (A)(38), (39) and (40).

OAC 5101:2-5-16 Consideration to be given to child's religion. Changes to title, and (A) to conform with MEPA; clarifying language is added to paragraph (B) regarding the practice of religion.

OAC 5101:2-5-20 Initial Application for child placement. Language added to paragraph (B) clarifies that an applicant wishing to become a foster caregiver must be a legal resident of the United States. A change in paragraph (F) sets an 18 month maximum time frame for preplacement training prior to recommending a foster home for certification. Other minor clarifying changes are made throughout the rule. A change in paragraph (H) eliminates the use of the JFS 01349 "Family Home Study" to initiate homestudies effective January 1, 2007.
OAC 5101:2-5-21 Agency assessment of an initial application for a foster home certificate. A change is made in paragraph (A) to conform with MEPA requirements; changes throughout the rule would eliminate the use of the JFS 01349. All homestudies will now be required to be completed using the JFS 01673 "Assessment for Child Placement". A change in paragraph (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) and (N), are added to clarify and avoid conflicts of interest when a person seeking to become a foster caregiver is an employee or board member of an agency.

OAC 5101:2-5-25 Phase-in period for specialized foster homes: Changing the certification of a foster caregiver from one type of foster home to another. Rule title changed to reflect end of phase-in period for specialized foster homes; a change in paragraph (A) clarifies that children placed on or prior to March 31, 2005 may remain in current placements; (B) eliminated to reflect end of phase-in period for specialized foster homes; outdated language is removed from paragraph (E)(8).

OAC 5101:2-5-31 Sharing or transfer of a foster home. Due to the enactment of HB 332 in 2000, ODJFS now reimburses agencies providing foster care and the Ohio Child Welfare Training Program for the cost of providing foster caregiver training and paying stipends to foster caregivers for obtaining the training required by ODJFS rules. This new funding stream merits reconsideration of the policy that has allowed local agencies to determine whether foster caregivers should be allowed to transfer their certificate from one agency to another. The new policy proposed here 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 transfer.

OAC 5101:2-5-40 Preplacement and continuing training programs. The rule sets forth changes to make the rule applicable to prospective foster caregivers.

OAC 5101:2-7-10 Care of a foster child under age two. Language was added to this rule to allow an agency to approve a foster caregiver to allow a child under the age of two to sleep in a toddler bed or standard bed if the child is posing a danger to himself by climbing out of the crib.

OAC 5101:2-7-13 Foster home certificate. Language was added to include the department of alcohol and drug addiction as an entity with which a foster caregiver can not be licensed/certified and still be a foster caregiver. Added paragraph (G) to require transfers of a foster home certificate to be in compliance with rule 5101:2-5-31 of the OAC.

OAC 5101:2-9-28 Bedrooms. Corrected a typographical error in paragraph (H). No other changes.

OAC 5101:2-9-36 Additional requirements for children's crisis care facilities. The rule sets forth licensing requirements for children's crisis care facilities. This is a new rule.

JFS 01290 "Application for Certification of Agency Functions". Signature page moved to page one. Added Crisis Care facility as a type of facility to the form as a result of SB 238. Clarifications to section VII. There is a new section VIII.

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This letter transmits changes to Ohio Administrative Code rules in Chapter 5101:2-48 and to rules 5101:2-33-11 and 5101:2-33-13. All revised, rescinded and filed new rules contain language that has been added or changed to provide clarity to the rules and includes the date forms referenced in the rules were created or revised. The changes are a result of Sub. Senate Bill 238 of the 126th General Assembly and the Multiethnic Placement Act as amended by Section 1808 of the Small Business Job Protection Act of 1996, requirements. These rules will be effective on December 11, 2006.

A brief explanation of the changes appears below:

**OAC rule 5101:2-33-11 entitled Multiethnic Placement Act (MEPA) agency administrative requirements.** This rule sets forth the requirements of the PCSAs and PCPAs to designate a MEPA monitor, and the 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 has been amended to include the revision dates of the ODJFS forms referenced.

This rule has been 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 is being filed as new and it outlines the procedures the agency shall follow when an applicant(s) knowingly makes a false statement during the application or homestudy processes.

**OAC rule 5101:2-48-03 entitled Requirement of social and medical history.** This rule has been amended to ensure that the most current version of forms referenced in the rule are being used, if applicable.

**OAC rule 5101:2-48-05 entitled Agency adoption policy and recruitment plan.** This rule requires public children services agencies (PCSAs), private child placing agencies (PCPAs), and the private non-custodial agencies (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 also requires agencies to submit annual recruitment plans May first of each year and to establish a complaint process pursuant to Ohio Administrative Code (OAC) rule 5101:2-33-03 and standards of conduct pursuant to OAC rule 5101:2-33-11.
This rule has been 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 falsifies information;
- 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 requirements of an assessor and for completion of Tier 1 and Tier 2 training. This rule has been amended to revise the requirements for a new assessor to complete Tier 1 within one year of the date the individual started Tier 1 training sessions instead of completing Tier 1 from the date of hire, to add ongoing training requirements for assessors after the completion of Tier 2, and to indicate that as of July 1, 2009, an individual supervising a student must be an assessor, to indicate that a copy of the JFS 01680 "Verification of Assessor Qualifications" will be provided to the assessor, and to indicate that the employing agency shall notify ODJFS when an assessor who is in their employ or under contract ends their employment/contract with the agency.

OAC rule 5101:2-48-09 entitled Application process and preservice training. This rule sets forth the requirements for the application process and the topics that must be covered in preservice training. This rule has been 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 has been 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. The amendments also incorporate the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information during the homestudy process and the process to conduct a search of the Central Registry and the statewide automated child welfare information system.

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. The amendments also incorporate the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information during the homestudy process and the process to conduct a search of the Central Registry and the statewide automated child welfare information system.

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 PNs. 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 has been 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. The amendments also incorporate the course of actions that shall be taken by an assessor when an applicant knowingly falsifies information during the homestudy process and the process to conduct a search of the Central Registry and the statewide automated child welfare information system.

OAC rule 5101:2-48-12.1 entitled Completion of homestudy updates and amendments. This new rule is being proposed to outline 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 has been 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 has been 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 new to state the visitation requirements regarding time frames for face to face contact with adoptive parent(s), child, 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 has been 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 documentation that must be filed in the adoptive family case record. This rule has been 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 states the type of documentation that must be filed in the adoptive child case record. This rule has been amended to ensure that the most current version of forms referenced in the rule is being used, if applicable.

**OAC rule 5101:2-48-24 entitled Agency adoption review procedures.** This rule clarifies procedures to be used for the PCSA, PCPA and PNA adoption agency 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.

**A brief explanation of each form change appears below:**

Please note these forms will be available online at http://www.odjfs.state.oh.us/forms/inter.asp (ODJFS internet) or at http://www.odjfs.state.oh.us/forms/inner.asp (ODJFS innerweb). These are agency reproduced forms.

**JFS 01331** "Notice of Expiration and Reappplication for a Foster Home Certificate or Adoption Homestudy Update/Amendment". This form has been revised to include the notification for adoptive applicants.

**JFS 01385** "Ohio Department of Job and Family Services Assessment for Child Placement Update". This form has been revised only to meet the ODJFS standards for formatting of forms.

**JFS 01530** "Multiple Children/Large Family Assessment" This is a new form which is completed when an applicant(s) applies to adopt and will have five or more children reside in the home when the child is placed for adoption.

**JFS 01673-A."Ohio Department of Job and Family Services Child Characteristics Checklist for Foster Care and/or Adoption". This form has been revised to add the statement which indicates a person seeking to provide foster care or to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to Section 3107.02 or Section 5103.03 of the Revised Code is guilty of the offense of falsification under Section 2921.13 of the Revised Code. A home study with a knowingly false statement shall not be filed with the court and if filed may be struck from the court's records.

**JFS 01680** "Verification of Assessor Qualifications". This form has been revised to capture the revised requirements for documenting when Tier 1 is completed, to document the completing of the additional six hours of training required every two years after Tier 2 is completed and to allow for an assessor to indicate when he/she is no longer qualified to be an assessor.

**JFS 01688** "Individualized Child Assessment Form". This form is completed when documentation in the file indicates that there may be compelling reasons to consider needs a child may have regarding RCNO as a factor in a foster or adoptive placement. This form has been revised to require the child's custodial agency to include a description of the compelling reasons documented in the case file that led the agency to request an Individualized Child Assessment.

**JFS 01689** "Documentation of the Placement Decision-Making Process". This form is completed for each child or sibling group who are being considered to be matched for placement in the same adoptive family. The section regarding "pre-adoptive staffing" has been removed from this form and made into a separate form.

**JFS 01690** "Documentation of the Pre-adoptive Staffing and Updates." This is a new form that must be completed at the pre-adoptive staffing and 30 days prior to each of the required 90 day matching
conferences. This form was previously part of the JFS 01689 and was removed in order that it may be updated separately.

**JFS 01691** "Application for Child Placement". This form has been revised to add the statement which indicates a person seeking to provide foster care or to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to Section 3107.02 or Section 5103.03 of the Revised Code is guilty of the offense of falsification under Section 2921.13 of the Revised Code. A home study with a knowingly false statement shall not be filed with the court and if filed may be struck from the court's records.

**JFS 01692** "Application for Adoption of a Foster Child". This form has been revised to add the statement which indicates a person seeking to provide foster care or to adopt a minor who knowingly makes a false statement that is included in the written report of a home study conducted pursuant to Section 3107.02 or Section 5103.03 of the Revised Code is guilty of the offense of falsification under Section 2921.13 of the Revised Code. A home study with a knowingly false statement shall not be filed with the court and if filed may be struck from the court's records.

**JFS 01699** "Prefinalization Adoption Assessment Report." This form is used to provide an assessment to the court on how an adoption placement is progressing. Currently, the "Marital Status" section of this form asks whether or not the adoptive parents are legal residents and U.S. citizens and this question is answered for the adoptive parents as a whole. This form has been revised to allow that this question be answered for "Parent #1" and "Parent #2" individually in the event that one of the parents is a legal resident and the other is not. Additional revisions include adding space to list out contacts with the adoptive parents and the child during the placement period.

**INSTRUCTIONS:** The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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<td>Transmittal Letter Index pages Starting with No. 175 and 188 FCASMTL No. 190</td>
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This letter transmits the adoption of one new Ohio Administrative Code (OAC) rule that governs the adult protective services program.

The new rule was developed as a result of an amendment to section 5101.72 (B) of the Ohio Revised Code. The rule will require that each county department of job and family services or their designee collect and submit data to the Ohio department of job and family services on information pertaining to adult protective services.

Instructions:

The following chart depicts what materials should be inserted in the Family, Children and Adult Services Manual (FCASM).

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TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  

This letter transmits revisions to the Agreed Upon Procedures contained in Ohio Administrative Code rule 5101:2-47-26.2. These revisions will be presented to CPAs in upcoming regional training sessions. The changes are effective August 4, 2006.

An explanation of the rule and appendix revisions appears below:

OAC 5101:2-47-26.2 Cost Report Agreed Upon Procedure engagement rule sets forth the requirement for an annual audit of cost reports completed by public children service agencies, Title IV-E agencies, private child placing agencies (PCPA), and private non-custodial agencies (PNA). The only change to the rule was to update the revision date of the JFS02911I Single Cost Report Instructions to be used in completing the cost report. Changes to the JFS02911 Single Cost Report will be presented in a separate clearance.

Appendix A of rule 5101:2-47-26.2 sets forth the procedures to be performed by CPAs to verify the accuracy of costs reported by private agencies. Changes to the Agreed Upon Procedures include the addition and clarification of steps to be performed during the engagement.

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This letter transmits OAC rules and forms governing the Interstate Compact on the Placement of Children (ICPC) process that are being amended as a result of the five year rule review process. Following is a brief explanation of each proposed change.

**OAC 5101:2-52-02** entitled *General requirements applicable to interstate placements of children* sets forth the overall requirements that apply to all ICPC requests. With the rescission of OAC rule 5101:2-42-23, a paragraph on the requirements for foreign-born children proposed for adoptive placement into Ohio by a U.S. adoption agency, has been put into this rule. The title of this rule was changed to better reflect the contents of the rule. This rule will replace OAC rule 5101:2-42-20.

**OAC 5101:2-52-04** entitled *Requirements applicable to interstate placement of children when an Ohio PCSA, PCPA or court is the sending agency* sets forth the requirements that are required when a PCSA, PCPA or court is placing a child into another state or territory. This rule specifically outlines all requirements of the PCSA, PCPA or court sending procedures. Priority Placements, which are Regulation 7’s with the Compact, were added to this rule. The title of this rule was also changed to better reflect the contents of the rule. This rule will replace parts of OAC rule 5101:2-42-20 and OAC rule 5101:2-42-21.

**OAC 5101:2-52-06** entitled *Requirements applicable to interstate placement of children when the PCSA, PCPA, or PNA is the receiving agency* sets forth the requirements that are required when another state or territory places a child into Ohio. This rule specifically outlines all requirements of the PCSA, PCPA or PNA receiving procedures. In addition, Priority Placements, which are Regulation 7’s with the Compact, were added to this rule. The title of this rule was also changed to better reflect the contents of the rule. This rule will replace parts of OAC rule 5101:2-42-20 and of OAC rule 5101:2-42-21.

**OAC 5101:2-52-08** entitled *Interstate placement requirements for parents or legal guardians in Ohio when placing their child into another state or territory* sets forth the requirements when parents or legal guardians independently place their child into another state or territory. This new title of this rule accurately describes the purpose of the rule. This rule will replace OAC rule 5101:2-42-22.

**OAC 5101:2-42-64** entitled *Preplacement services* sets forth the requirements that the PCSA or PCPA shall provide or arrange preplacement services to the child and his parent, guardian, or custodian when substitute care placement of the child is to occur. This rule is being proposed for amendment to change the reference to the ICPC rule from the old chapter to the new chapter.

**JFS 01660** "Guaranty Regarding Placing a Child into the State of Ohio" is the written notification of Ohio's intention to make an interstate placement and request for a homestudy with a state or territory that is not part of the Interstate Compact. This form has been updated to a JFS form instead of a DHS form and also has formatting changes made.

**JFS 01661** "Interstate Compact Placement Request (ICPC 100A)" is the formal written notice to the receiving state of Ohio's intention to make an interstate placement and a request for a homestudy. This form has been updated by changing the ODJFS address, adding a financial status section, and adding monthly as a choice under the supervisory reports section.

**JFS 01661I** "Instructions for Completing JFS 01661 Interstate Compact Placement Request" provides a narrative on how to fill out the JFS 01661. This form has been updated to a JFS form instead of a DHS form.

**JFS 01662** "Interstate Compact Report on Child's Placement Status (ICPC 100B)" is used to inform a state or territory that a placement has been made or a placement has discontinued. This form has been updated to a JFS form instead of a DHS form and also has formatting changes made.
**JFS 01663** "Sending State's Priority Home Study Request (ICPC 101)" is a newly developed form that is used when a court has ordered priority placement of a child with a parent or relative.

**JFS 01674** "Statement of Assurance" is used by the courts, PCPA or parent/legal guardian to show who has financial responsibility of a child for whom a placement request has been made. This form has been updated by changing all of the Ohio Department of Human Services statements to Ohio Department of Job and Family Services statements.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits Ohio Administrative Code (OAC) rules governing placement services that are being amended as a result of the five year rule review process. Following is a brief explanation of each proposed change.

**Rule 5101:2-42-04** Authority to assume and retain custody of a child sets forth the requirements of PCSAs and PCPAs to assume custody of children and place them in substitute care. This rule is being proposed for amendment to define the acronym PCSA and change the form names from ODHS to ODJFS. Punctuation corrections were made.

**Rule 5101:2-42-19** Requirements for the provision of independent living services to youth in custody sets forth the requirements of the independent living services to be provided to youth in custody of a PCSA or PCPA. This rule is being proposed for amendment to define the acronyms PCSA, PCPA and CDJFS. Punctuation corrections were made.

**Rule 5101:2-42-19.1** Requirements for independent living arrangements for independent living youth in custody sets forth the requirements of the PCSAs in placing a youth in an independent living arrangement. This rule is being proposed for amendment to define the acronym PCSA.

**Rule 5101:2-42-19.2** Requirements for provision of independent living services to young adults who have emancipated sets forth the requirements of the PCSAs in providing services and supports to former foster care youth that have emancipated from the agency’s custody. This rule is being proposed for amendment to define the acronym PCSA. Punctuation corrections were made.

**Rule 5101:2-42-65** Agency visits and contacts with children in substitute care sets forth the requirements of the PCSAs and PCPAs regarding visitations and contact with children in substitute care. This rule is being revised to require that PCSAs and PCPAs meet with all substitute caregivers, face-to-face, no less frequently than every other month. It also removes language which specifies location for some of the visits to enable PCSAs and PCPAs to have the flexibility of meeting in locations which might be convenient for the substitute caregivers and reorganizes the rule throughout for clarity and consistency.

**Rule 5101:2-42-66.1** Comprehensive health care for children in placement this rule sets forth the requirements of PCSAs, PCPAs and PNAs regarding the health care requirements of children in substitute care. This rule is being revised to add language that was removed from Rule 5101:2-42-90 regarding the requirements of a psychological assessment on children. Information about the expectations of the PCSA, PCPA or PNA if the child is Medicaid and not Medicaid eligible was clarified. The rule has been reorganized throughout for consistency and clarity.

**Rule 5101:2-42-70** Provision of services to unmarried minor parents sets forth the requirements of the services to be provided to unmarried minor parents. This rule is being proposed for amendment to define the acronym CDJFS. Punctuation corrections were made.

**Rule 5101:2-42-71** Approval of adult-supervised living arrangements sets forth the requirements of the approval of adult-supervised living arrangements. This rule is being proposed for amendment for punctuation corrections.

**Rule 5101:2-42-90** Information to be provided to caregivers, school districts and juvenile courts; information to be included in individual child care agreement sets forth the requirements for the PCSAs and PCPAs in the sharing of information to substitute caregivers. This rule is being proposed for amendment to update the date of the JFS 01443 "Child’s Education and Health Information".

**Rule 5101:2-42-93** Procedural requirements regarding change of placement or visitation plan prior to journalization of case plan sets forth the procedural requirements for PCSAs and PCPAs seeking to change
the placement or visitation plan prior to the journalization of the case plan. This rule is being proposed for amendment to define the acronyms PCSA and PCPA. Punctuation corrections were made.

**Rule 5101:2-42-95 Obtaining permanent custody: termination of parental rights** sets forth the requirements of PCSAs and PCPAs in obtaining permanent custody of a child and terminating parental rights. This rule is being proposed for amendment to define the acronyms PCSA and PCPA. Punctuation corrections were made.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Title IV-E Agency Referral Requirements

This letter transmits changes to the Title IV-E agency referral process for child support services. Ohio Administrative Code rule 5101:2-47-08 Required application/update for Title IV-D services and referrals for Title IV-A; Healthchek; third party insurance; and supplemental security income (SSI) and the JFS 01435 "Title IV-E Agency Application/Update for Child Support Services" and its instructions have been updated to reflect the changes. These changes are effective on June 1, 2006.

OAC rule 5101:2-47-08 entitled Required application/update for Title IV-D services and referrals for Title IV-A; Healthchek; third party insurance; and supplemental security income (SSI) has been amended to require that all child support referrals be made on the JFS 01435 form. The application for child support services must be made for all foster care maintenance (FCM) eligible children and may be made for FCM non-eligible children.

The JFS 01435 and its instructions will not be available in hardcopy from the ODJFS warehouse. It will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp.

INSTRUCTIONS

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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**FCASMTL 180 (JFS 01645 and JFS 01666)**

**Family, Children and Adult Services Manual Transmittal Letter No.180**

May 16, 2006

TO: All Family, Children and Adult Service Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Revisions to the JFS 01645 "Agreement for Temporary Custody of Child" and the JFS 01666 "Permanent Surrender of Child"

This letter transmits English and Spanish versions of the revised JFS 01645 "Agreement for Temporary Custody of Child" and JFS 01666 "Permanent Surrender of Child". The revised forms have been reformatted to meet current department standards. **These forms should be used beginning June 1, 2006.**

The JFS 01645, JFS 01645-S, JFS 01666 and JFS 01666-S will be available on-line at . The English versions of the JFS 01645 and JFS 01666 will also be available from the ODJFS Warehouse. For questions about this letter, please contact the OCF Helpdesk: by phone at: 1-866-886-3537, Option 4, or by email at: HELP-DESK-OCF@odjfs.state.oh.us

**INSTRUCTIONS:**

The following chart depicts what materials are to be inserted in the Family, Children and Adult Services Manual (FCASM).

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FCASMTL 179 (CPS Rules, eff. 4/17/06)

Family, Children and Adult Services Manual Transmittal Letter No. 179
April 6, 2006

TO: Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director


This letter transmits Ohio Administrative Code (OAC) rules regarding Children's Protective Services which have been changed as a result of the five year rule review process. These rules will become effective on April 17, 2006.

A brief explanation of the changes appears below:

Rule 5101:2-33-04, entitled PCSA grievance review policy, requires that the public children services agency (PCSA) establish a practice to receive and process grievances from the population served and sets forth the procedures for PCSAs to conduct the grievance review hearings. Changes to the rule include: requirements for notifying the alleged perpetrator of his/her right to appeal, time frame for the PCSA grievance review, and who can conduct the review hearings. Some punctuation changes were made and the acronym, PCSA, was defined.

Rule 5101:2-33-26 entitled, The county child abuse and neglect memorandum of understanding, is replacing rule 5101:2-34-71 The child abuse and neglect memorandum of understanding. This rule requires that PCSAs have a county child abuse and neglect memorandum of understanding pursuant to section 2151.421 of the Revised Code. The new rule is substantially the same as the rule that it is replacing. Changes include the addition of two entities that must sign the memorandum, the county humane society and in accordance with Senate Bill 66 of the 125th General Assembly, Children's Advocacy Centers, if appropriate. There is also a new requirement that the PCSAs submit copies of the memorandums to the Ohio Department of Job and Family Services. Each PCSA must submit a copy of it's current memorandum of understanding to it's respective ODJFS field office by July 14, 2006.

Rule 5101:2-34-06 entitled, Screening child abuse and neglect reports, sets forth the requirements for PCSAs for intake and screening child abuse and neglect referrals. Changes to the rule include defining the acronym, PCSA. Punctuation corrections were made.

Rule 5101:2-34-33 entitled, PCSA requirements for conducting intra-familial child abuse and neglect family assessments, sets forth the requirements for the PCSA to complete a risk assessment in response to allegations of child abuse or neglect. The rule outlines the risk elements to be assessed. This rule did not undergo substantive changes. The acronym, PCSA, was defined and language was added to reference the current form and revision date. Punctuation corrections were made.

Rule 5101:2-34-34 entitled, PCSA requirements for conducting out of home care and third party investigations, sets forth the procedures for the PCSA to follow when conducting an out-of-home care or a third party investigation in response to a child abuse and/or neglect report. The rule was reviewed but no substantive changes were made. The acronyms, ODJFS and PCSA, were defined and punctuation corrections were made.

Rule 5101:2-34-35 entitled, PCSA requirements for cross-referring reports of child abuse and neglect, outlines the requirements for the PCSA to cross-refer reports of child abuse and neglect. New language was added in paragraph (C) to comply with the requirements of section 2151.426 of the Revised Code authorizing counties to establish advocacy centers to perform functions, activities, and provide services regarding certain types of abuse of a child.

Rule 5101:2-34-36 entitled, PCSA requirements for conducting out of home perpetrator investigations and alleged child victims assessments sets forth the requirements for PCSAs to conduct an investigation when an alleged criminal act of assault or sexual activity against a child has occurred when the perpetrator is a stranger. Changes to the rule include defining the acronym, PCSA. Punctuation corrections were made.
Rule 5101:2-34-37 entitled, PCSA requirements for completing the "Family Risk Assessment Model: Safety Plan for Children," outlines the procedures for implementing a safety plan (JFS 01510). It provides guidance to the PCSA regarding when a safety plan should be completed, what should be assessed to determine the degree of intervention, and who should sign the safety plan. It also includes involvement of families in safety planning, development of the least restrictive and disruptive safety strategies, and methods for monitoring the safety plan. Formatting changes were made to this rule.

Rule 5101:2-34-38 entitled, Confidentiality and dissemination of information relating to child abuse or neglect establishes that each report and investigation of alleged child abuse or neglect is confidential and may be shared only when dissemination is authorized by this rule. New language was added to comply with Senate Bill 66. The addition of child advocacy centers was added under the entities to which the PCSA can release confidential information. Additionally, the requirement that a PCSA release information to a county department of job and family services (CDJFS) regarding applicants seeking licensure or renewal as a type A family day-care home or certification or recertification as a type B family day care home. Lastly, the rule outlines what information cannot be released to the CDJFS.

Rule 5101:2-34-38.1, entitled Access/confidentiality of information contained in child abuse and neglect central registry addresses the release of central registry information. The rule provides guidance to PCSAs as to when the release of confidential information is appropriate and allowable per the requirements outlined in the body of the rule. Acronyms were defined and punctuation corrections were made. There were no substantive changes made to this rule.

Rule 5101:2-35-16 entitled, Submittal of central registry reports on child abuse or neglect, outlines what information a PCSA shall submit to the central registry within twenty-four hours or the next working day from the date the report was received. There were no substantive changes to this rule. The acronyms, ODJFS and PCSA, were defined and corrections to punctuation were made.

Rule 5101:2-35-19, entitled Expunction of identifying information, outlines the process and timeframes for expunging reports meeting the criteria listed in the rule. There were no substantive changes to this rule. Acronyms were defined and punctuation corrections were made.

Rule 5101:2-35-62, entitled Interstate referral procedures for children's protective services, sets forth the requirements for the public children services agency to notify and receive notification that a child residing in another state, or from another state, and residing in Ohio is in need of protective or supportive services. Rule revisions include minor grammar changes.

Rule 5101:2-35-67, entitled Protective service alerts, sets forth the requirements for the PCSA to notify other county public children services agencies, and states, of the suspicion that a family has moved outside of the county or state and their whereabouts are unknown. Rule revisions include minor grammar and form number changes. The JFS 01440 "Children's Protective Service Alert" has been updated.

Rule 5101:2-35-77, entitled Procedures for intervening in cases involving alleged withholding of appropriate nutrition, hydration, medication, or medically indicated treatment from disabled infants with life-threatening conditions, sets forth the requirements of the PCSAs to intervene in cases of withholding medically indicated treatment from disabled infants with life-threatening conditions. Paragraph (D)(3) has been added to allow PCSAs to pursue any legal remedies necessary to prevent the withholding of medically indicated treatment from the disabled infant with life-threatening conditions.

Rule 5101:2-39-07 entitled, Supportive services, sets forth the requirements for PCSAs to make services available to families that allow a child to remain safely in their home or to transition from substitute care to independent living. The words, "color and national origin," in paragraph (T)(1) were added. The term, "day care," was changed to "child care," throughout the rule. Punctuation corrections were made.

Rule 5101:2-39-08.1, entitled PCSA case plan for children in custody or under court-ordered protective supervision, sets forth the requirements for case plans for children who are in the custody of the PCSA or under court-ordered protective supervision and receiving services from a PCSA. This rule is being amended to include the requirement that, when applicable, the Indian tribe and extended relatives must be included when initiating the case planning process. Requirements were also added to specify that the PCSA develop one case plan per case and to assure that at least one PCSA contact every two months be made in the home
of the prefinalized adoptive parent. Language was clarified and grammatical corrections were made throughout the rule.

Rule 5101:2-39-08.2, entitled Child's Education and Health Information, sets forth the procedures and requirements for PCSAs to complete the JFS 01443 "Child's Education and Health Information". Changes to the rule include dropping the word, "form", from the title, adding "prefinalized adoptive parent" as a participant, adding optical exams to the list of exams that are documented, requiring the PCSA to provide a copy of subsequent updates to the JFS 01443, or the PCSA's form being used in lieu of the JFS 01443, no later than seven calendar days after the PCSA has received the information and completed the JFS 01443. Revisions also included defining the acronym, PCSA, and punctuation corrections.

Rule 5101:2-39-10, entitled PCPA case plan for children in custody or under court-ordered protective supervision, sets forth the requirements for a private child placing agency (PCPA) to prepare a case plan when services are provided to a child in his own home or in a substitute care setting through court involvement. It is being amended to add the requirement to conduct face-to-face contact with the parties involved with the case plan and to continue to make face-to-face attempts when the contacts have been unsuccessful. Requirements to provide notices have been clarified, including the time frame for such notices. Some paragraphs have been reordered and reorganized. Language was clarified throughout.

Rule 5101:2-39-12, entitled Removal of a child from his own home, sets forth the requirements when the PCSAs remove a child from the home. Changes to the rule include defining the acronyms CDJFS and PCSA and correcting punctuation mistakes.

Rule 5101:2-39-12.1, entitled Emergency removal of a child from an out-of-home care setting, sets forth the requirements for the public children services agency to follow when it becomes necessary to conduct an emergency removal of a child from an out-of-home care setting. Rule revisions include minor grammar changes.

Rule 5101:2-39-30, entitled Protective Supervision by PCSAs and PCPAs sets forth the procedures for PCSAs and PCPAs for cases in which the court orders protective supervision. Changes to the rule include defining the acronym, PCSA. Punctuation corrections were made and wording clarified.

Rule 5101:2-39-51, entitled Joint planning and sharing of information among the PCSA and CDJFS, sets forth the procedures for PCSAs to share information and plan services with the CDJFS. Some punctuation changes were made.

Rule 5101:2-42-43, entitled Requirements of semiannual administrative review, establishes the requirements for PCSAs and Private Child Placing Agencies (PCPAs) to complete the semiannual administrative review (SAR). A requirement was added to paragraph (E)(2) to specify that the third SAR panel member has to be a supervisor or designee. Paragraph (I) was added to require that copies of SAR summaries be provided to all parties of in-home supportive services cases. Other changes include defining the acronyms PCSA and PCPA and changing punctuation and wording for clarity. The JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" and it's instructions have been updated.

The JFS 01416 and JFS 01440 will not be available in hardcopy from the ODJFS warehouse. They will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp.

INSTRUCTIONS: The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  
SUBJECT: Implementation of the Comprehensive Assessment and Planning Model - Interim Solution and SACWIS

This letter transmits the Ohio Administrative Code (OAC) rules and forms which have been developed for implementation of the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS) and the Statewide Automated Child Welfare Information System (SACWIS). These rules will be effective on March 1, 2006, but in accordance with OAC 5101:2-33-99, the rules will not become effective for individual public children services agencies (PCSAs) until the time that the PCSA implements SACWIS unless the agency decides to implement CAPMIS after receiving training, prior to SACWIS implementation.

CAPMIS is a structured process to support and document critical decisions involving children and their families. The development of a safety assessment protocol was to assist Ohio in complying with the safety requirements of the Adoption and Safe Families Act of 1997 (ASFA) and to provide PCSA staff with a system to assist them in the determination of child safety. The family assessment, which contains an actuarial risk assessment, assists workers in determining the scope and types of services and interventions needed to resolve safety threats and reduce risk within a family. The case review is a review process which assists workers to re-evaluate safety, risk, and a family's strengths and needs and review the degree to which services have led to desired case outcomes so that decisions regarding the status of the case can be made. The reunification assessment helps workers make decisions of whether, when, and how to reunite children with their families.

CAPMIS is the assessment system which has been built into SACWIS. Each PCSA will have the opportunity to be trained on CAPMIS prior to roll out of SACWIS in their agency. Once an agency has been trained in CAPMIS, the agency may implement CAPMIS policies, procedures, and hard-copy tools prior to that agency's roll-out of SACWIS. Otherwise, an agency will begin utilization of CAPMIS at the time SACWIS is implemented in the agency.

As part of these rule revisions, chapters of the OAC and the rules associated with each chapter were reorganized. Rules have been placed into chapters associated with the topic of the rule. For example, all rules associated with assessment/investigations are in Chapter 5101:2-36 and all procedures and protocols associated with assessment tools (e.g., Safety Assessment or Family Assessment) are in Chapter 5101:2-37.

These rules outline the policies and procedures for screening in intakes, for completing CAPMIS tools, and for implementing SACWIS. The following list summarizes the content and revisions for each OAC rule:


Rule 5101:2-33-20, entitled PCSA grievance review hearing policies, requires that the PCSAs establish a practice to receive and process grievances from the population served and sets forth the procedures for PCSAs to conduct the grievance review hearings. This rule will be replacing 5101:2-33-04 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. A new paragraph (E) requires the PCSAs to update the statewide automated child welfare database.

Rule 5101:2-33-21, entitled Confidentiality and dissemination of information relating to child abuse or neglect, sets forth the criteria and procedures for the PCSAs to release and provide information regarding substantiated cases of abuse and neglect to identified persons. This rule will be replacing rule 5101:2-34-38 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. Additional
persons and entities have been identified for the purpose of instructing the PCSA to whom the PCSA may release information. More specificity has also been added to clarify the type of information a PCSA may not release.

Rule 5101:2-33-22, entitled Access/confidentiality of information contained in the statewide automated child welfare database, sets forth the criteria and procedures for PCSAs and children services agencies (CSAs) to request and receive information regarding a report of child abuse or neglect housed within the statewide automated child welfare database. This rule will be replacing rule 5101:2-34-38.1 for PCSAs that are implementing CAPMIS. Changes include replacing the central registry with the statewide automated child welfare database, allowing PCSAs to now access the statewide automated child welfare database, and making them responsible for providing children services agencies with the information prescribed in this rule. Also, all employees of the PCSAs are now required to sign a confidentiality form in order to access and release information from the statewide automated child welfare database. Procedures and guidelines are established regarding research projects and data analysis utilizing information housed within the statewide automated child welfare database. Instruction for individuals to request information from the central registry when they are the subject of a report of alleged child abuse and/or neglect has been removed.

Rule 5101:2-33-23, entitled Case records for children services, sets forth the requirements for PCSAs to prepare and maintain permanent case records and identifies the required information to be documented in the case record. This rule will be replacing 5101:2-39-02 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing.

Rule 5101:2-33-28, entitled Joint planning and sharing information among the PCSA and CDJFS, sets forth the procedures for PCSAs to share information and plan services with county departments of job and family services (CDJFS). This rule will be replacing rule 5101:2-39-51 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. Language incorporating the use of the CAPMIS tools has been included in this rule.

Rule 5101:2-33-99, entitled Implementation of the Comprehensive Assessment and Planning Model - Interim Solution, sets forth requirements for the implementation of CAPMIS by PCSAs. CAPMIS is a new model for risk assessment and case planning for PCSAs.

Rule 5101:2-36-01, entitled Intake and screening procedures for child abuse, neglect, dependency and family in need of services; and information and/or referral intakes, sets forth the requirements for PCSAs for intake and screening child abuse, neglect, dependency, and family in need of services reports and information and/or referral intakes. It contains the requirements for categorizing information received, screening information criteria, and requirements of recording screened out information. This rule will be replacing rule 5101:2-34-06 for PCSAs that are implementing CAPMIS.

Rule 5101:2-36-03, entitled PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations, sets forth the procedures for conducting an intra-familial child abuse and/or neglect assessment/investigation. This rule will be replacing rule 5101:2-34-32 for PCSAs that are implementing CAPMIS. In addition to the requirements contained in the rule being replaced, this rule contains new requirements related to the interview of the alleged child victim without parental consent. Also, this rule specifies when the agency may request the assistance of law enforcement. Language incorporating the use of the CAPMIS tools has been incorporated throughout this rule.

Rule 5101:2-36-05, entitled PCSA requirements for conducting stranger danger investigations, sets forth the requirements for PCSAs to conduct an investigation when an alleged criminal act of assault or sexual activity against a child has occurred when the perpetrator is a stranger. This rule will be replacing rule 5101:2-34-36
for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing; however, it includes changes to the assessment tool.

Rule 5101:2-36-06, entitled PCSA requirements for a deserted child investigation, sets forth the procedures for PCSAs for conducting an investigation on a deserted child. This rule will be replacing rule 5101:2-34-32.1 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. Changes to this rule include revisions to rule references and new assessment tools.

Rule 5101:2-36-07, entitled Procedures for intervening in cases involving alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions, sets forth the procedures for PCSAs to be in compliance with the Child Abuse Prevention and Treatment Act. This rule will be replacing rule 5101:2-35-77 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. The significant change is the title of the rule and the authority of the public children services agencies to pursue any legal remedies necessary to prevent withholding of medically indicated treatment to disabled infants with life threatening conditions as identified in paragraph (D)(3)of this rule.

Rule 5101:2-36-08, entitled PCSA requirements for conducting a third party assessment/investigation, sets forth the procedures for children services agencies conducting investigations when there is a conflict of interest for the PCSA. This rule will be replacing a part of rule 5101:2-34-34 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing.

Rule 5101:2-36-09, entitled Requirements for dependent child assessment/investigations, establishes the procedures for conducting assessment/investigations on dependent children.

Rule 5101:2-36-10, entitled PCSA requirements for responding to family in need of services reports and information and/or referral intakes, sets forth the requirements and procedures for responding to family in need of services reports and information and/or referral intakes.

Rule 5101:2-36-11, entitled Justification to extend time frames for completion or waive completion of assessment/investigative activities, establishes the criteria for extending time frames or waiving certain activities for PCSAs when they are conducting assessment/investigations. This rule will be replacing part of rule 5101:2-34-32 for PCSAs that are implementing CAPMIS. The new rule gives more specificity regarding the assessment and investigative activities that can be waived and the timeframes that can be extended.

Rule 5101:2-36-12, entitled PCSA requirements for cross-referring reports of child abuse and neglect, sets forth the requirements for PCSAs to refer child abuse and neglect reports to law enforcement, licensing and supervisory authorities and children's advocacy centers. This rule will be replacing rule 5101:2-34-35 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. A requirement that referrals of reports of child abuse to children's advocacy centers be made by PCSAs that have a memorandum of understanding with a children's advocacy center has been added.

Rule 5101:2-36-13, entitled Intrastate and interstate referral procedures for children's protective services, sets forth the requirements for PCSAs to notify and receive notification if a child who is residing in another state or is from another state, and residing in Ohio, is in need of protective or support services. This rule will be replacing rule 5101:2-35-62 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. Requirements for submittal of reports to ODJFS and tracking by ODJFS staff have been eliminated.

Rule 5101:2-36-14, entitled Protective services alerts, sets forth the requirements for PCSAs to notify other counties and states of their suspicion that a family has moved outside of the county or state and their whereabouts are unknown. This rule will be replacing rule 5101:2-35-67 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. Changes in practice and procedure necessary to implement CAPMIS and statewide automated child welfare database are reflected in this rule.

Rule 5101:2-37-01, entitled PCSA requirements for completing the safety assessment, establishes the requirement that the PCSA complete a safety assessment for all reports of child abuse, neglect, and/or dependency screened in for assessment/investigation and Stranger Danger Investigations.

Rule 5101:2-37-02, entitled PCSA requirements for safety planning, establishes the requirements for PCSAs to complete a safety plan for families whose children are in danger of serious harm. This rule will be replacing rule 5101:2-34-37 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is
replacing. Language incorporating the use of the CAPMIS tools has been incorporated throughout this rule. Other new requirements include parental authorization of the safety plan and monitoring the safety plan.

Rule 5101:2-37-03, entitled PCSA requirements for completing the family assessment, establishes the requirements that PCSAs complete a family assessment for a family when a report of child abuse, neglect, or dependency is screened in for assessment/investigation or when a family will receive ongoing agency services. This rule will be replacing 5101:2-34-33 for PCSAs that are implementing CAPMIS. Language incorporating the use of the CAPMIS tool has been incorporated throughout this rule.

Rule 5101:2-37-04, entitled PCSA requirements for completing the reunification assessment, establishes the requirements for the PCSA to complete a reunification assessment for families and children where reunification is being considered.

Rule 5101:2-38-01, entitled Requirements for PCSA case plan for in-home supportive services without court order, establishes the requirements for the PCSA to complete a case plan for a family when providing supportive services for voluntary cases. This rule will be replacing rule 5101:2-39-08 for PCSAs that are implementing CAPMIS. Language incorporating the use of the CAPMIS tools has been incorporated throughout this rule. Paragraph (B) is new and incorporates utilizing the CAPMIS Family Assessment to develop a case plan for families in cases that meet the criteria established. Paragraph (F) is new and provides limitation that only one case plan can be developed per case unless directed otherwise by an order of the court. Paragraph (N) requires that a case review be completed for the case plan once every ninety days.

Rule 5101:2-38-02, entitled Protective services by PCSAs, sets forth the procedures for PCSAs for cases in which the court orders protective supervision. This rule will be replacing rule 5101:2-39-30 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing for the requirements for PCSAs. Language incorporating the use of the CAPMIS tools has been incorporated throughout this rule. The significant change is that private children placing agencies (PCPA) have been removed from this rule and will be addressed separately.

Rule 5101:2-38-05, entitled PCSA case plan for children in custody or under protective supervision, establishes the requirements for PCSAs to complete a case plan for a family in which the agency holds custody of a child or when the case plan is court ordered. This rule will be replacing rule 5101:2-39-081 for PCSAs that are implementing CAPMIS. It contains the requirements of the rule that it is replacing and adds a requirement that the PCSA notify the Indian tribe and extended relatives if a child qualifies under the Indian Child Welfare Act. A limitation that only one case plan can be developed per case unless directed otherwise by an order of the court has been established. Utilizing the CAPMIS Family Assessment in order to develop a case plan for a family for cases that meet the criteria established is required. Time frames for the public children services agencies to notify all parties and the court of a change to the case plan in emergency situations have been revised. Criteria regarding when PCSAs may close a case that is court involved are identified. Procedures to be completed by the PCSAs in order to close a case are established. The case plan amendment is required to be filed by the PCSAs with the court. Language incorporating the use of the CAPMIS tools has been incorporated throughout this rule.

Rule 5101:2-38-08, entitled Child's education and health information, sets forth the procedures for PCSAs for cases in which the court orders protective supervision. This rule will be replacing rule 5101:2-39-08.2 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing, however, the ability for PCSAs to use a form other than the JFS 01443 has been removed.

Rule 5101:2-38-09, entitled PCSA requirements for completing the case review, establishes the requirement for PCSAs to complete a case review for each family who has a case plan and is receiving agency services.

Rule 5101:2-38-10, entitled Requirements for a semiannual administrative review, establishes the requirements for the PCSA to complete a semiannual administrative review (SAR) of a child or family's case plan every six months. This rule will be replacing rule 5101:2-42-43 for PCSAs that are implementing CAPMIS. Language stating the use of the CAPMIS tools is incorporated throughout this rule. A new requirement of this rule is the discussion regarding permanency for families who are receiving in-home supportive services from the PCSA. Also, for families receiving in-home supportive services, the time frame for providing the family with a copy of the written SAR summary has been added.
Rule 5101:2-39-01, entitled Removal of a child from his own home, sets forth the requirements for PCSAs when it is necessary to remove a child from his home. The rule includes requirements for involving juvenile court and law enforcement. This rule will be replacing rule 5101:2-39-12 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. The rule has been changed to update references to CAPMIS.

Rule 5101:2-39-03, entitled Emergency removal of a child from an out-of-home care setting, sets forth the requirements for PCSAs to follow when it becomes necessary to conduct an emergency removal of a child from an out-of-home care setting. This rule will be replacing rule 5101:2-39-12.1 for PCSAs that are implementing CAPMIS. It is substantially the same as the rule it is replacing. The rule has been changed to update references to CAPMIS.

Rule 5101:2-40-02, entitled Supportive services for prevention of placement, reunification, and life skills, sets forth the requirements for PCSAs to make services available to families that allow a child to remain safely in their home, return safely to their home or to transition from substitute care to independent living. The rule requires emergency services when necessary and services are based on an assessment of safety and risk to the child. This rule will be replacing rules 5101:2-39-06 and 5101:2-39-07 for PCSAs that are implementing CAPMIS. It is substantially the same as the rules it is replacing. Form titles and cross references were updated.

The following forms and their instructions have been developed or revised as part of the implementation of CAPMIS:

- JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (Rev. 2/2006).
- JFS 01401 "Comprehensive Assessment and Planning Model - I.S., Safety Assessment" (Rev. 2/2006).
- JFS 01402 "Comprehensive Assessment and Planning Model - I.S., Ongoing Case Assessment/Investigation" (Rev. 2/2006).
- JFS 01403 "Specialized Assessment/Investigation" (Rev. 2/2006).
- JFS 01404 "Comprehensive Assessment and Planning Model - I.S., Reunification Assessment" (Rev. 2/2006).
- JFS 01410 "Comprehensive Assessment and Planning Model - I.S., Case Plan" (Rev. 2/2006).
- JFS 01411 "Comprehensive Assessment and Planning Model - I.S., Case Plan Amendment Sheet" (Rev. 2/2006).
- JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (Rev. 2/2006).
- JFS 01443 "Child's Education and Health Information" (Rev. 2/2006)
- JFS 01647 "Face Sheet" (Rev. 2/2006).

The JFS 01410 "Comprehensive Assessment and Planning Model - I.S., Case Plan" and the JFS 01412 "Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review" which were previously released, are being reissued at this time to synchronize the form revision dates with the revision dates referenced in the OAC rules included with this letter.

The forms and their instructions will not be available in hardcopy from the ODJFS warehouse. They can be viewed online at: http://www.odjfs.state.oh.us/forms/inter.asp.
If you have questions regarding this change, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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**TRANSMITTALS**

Manual Transmittal Letters

Transmittal Letter Index Starting with FCASMTL No. 175

Transmittal Letter Index Starting with FCASMTL No. 175

FCASMTL No. 178
This letter transmits information regarding revisions to the JFS 01452 "Title IV-E Foster Care Maintenance Application for Initial Eligibility" and JFS 01452A "Title IV-E Foster Care Maintenance Redetermination Form", and their instructions, which are used pursuant to OAC Chapter 5101:2-47 to determine eligibility for federal Title IV-E funds.

The JFS 01452 "Title IV-E Foster Care Maintenance Application for Initial Eligibility" is used to determine a child's initial program eligibility for foster care maintenance. The JFS 01452A "Title IV-E Foster Care Maintenance Redetermination Form" is used to determine a child's continued eligibility for foster care maintenance. These forms have been converted to Microsoft Excel. There have been no content changes to either form. There have been revisions to some of the cell formulas to make the automated forms easier to use. Since the forms are automated, they are not being included with this letter, but can be accessed at:

http://www.odjfs.state.oh.us/forms/inter.asp

The revised instructions to both forms are included with this letter.

All agencies that have been converted to Windows XP should use the Microsoft Excel format. Previous Quattro Pro versions of the forms should only be used by agencies that cannot use the Microsoft Excel format.

For questions regarding this transmittal, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

INSTRUCTIONS

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Revisions to the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report"

This letter transmits a revised JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report". Federal laws and guidance pursuant to the Multiethnic Placement Act of 1994 (MEPA) and the Inter-Ethnic Adoption Provision of the Small Business Job Protection Act of 1996 (Section 1808) (IEP) have been reviewed and the form has been revised and expanded to match the "Internal Evaluation Instrument" jointly disseminated on July 10, 2003 by the Office of Civil Rights and the Administration on Children, Youth and Families. These revisions will better assist agencies to maintain compliance with MEPA-IEP.

The revised form must be used for the report that is required to be submitted to the department by March 1, 2006, as specified in the Ohio Administrative Code rule 5101:2-33-11 Multiethnic Placement Act (MEPA) agency administrative requirements.

An explanation of the revisions to the JFS 01668 appears below:

The format has been changed to capture more information on the child and prospective adoptive parents pertinent to MEPA and Title VI requirements. This form is divided into seven different sections: Recruitment of Foster Caregivers and Adoptive Parents; Screening, Orientation, Preparation and Assessment of Prospective Foster Caregivers and Adoptive Parents; Foster Caregiver/Adoptive Parent and Staff Training; Licensing/approval of Foster caregivers and Adoptive Parents; Assessment of Foster and Adoptive Children; Selection Process and Placement of Foster and Adoptive Children; and Quality Assurance and Compliance Monitoring. It also references OAC rule 5101:2-33-11 and has been changed to include a signature page for staff responsible for completing and submitting the completed JFS 01668 to ODJFS. In addition, it now includes a federal website address which can be used as a reference when completing this form. The JFS 01668 contains more detailed questions and the form also now includes the date identifying when the completed JFS 01668 must be submitted to ODJFS.

The JFS 01668 will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp

It will not be available in hardcopy from the ODJFS warehouse.

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The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 172

December 13, 2005

TO: Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: OAC 5101:2-33-98 Implementation OF Pilot Protocols FOR Public Children Services Agencies Participating IN THE "Comprehensive Assessment AND Planning Model - Interim Solution"

The Office for Children and Families is conducting a pilot of the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS). CAPMIS is a comprehensive assessment model used to guide and support child protective services workers to make accurate and effective decisions to promote child safety, permanence and well-being. Four (4) public children services agencies (PCSAs) are participating in this pilot. These PCSAs are Greene County Children Services Board, Hancock County Department of Job and Family Services, Lorain County Children Services Board, and Muskingum County Children Services Board.

OAC Rule 5101:2-33-98, entitled Implementation of pilot protocols for public children services agencies participating in the "Comprehensive Assessment and Planning Model - Interim Solution" pilot program outlines the specific requirements deemed necessary for the effective administration of the CAPMIS pilot. This rule becomes effective on November 24, 2005.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family, Children and Adult Service Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Amendment of OAC Rule 5101:2-47-23 Beginning Date of Reimbursability for Foster Care Maintenance

Ohio Administrative Code (OAC) rule 5101:2-47-23 Beginning date of reimbursability for foster care maintenance has been amended as a result of the five year rule review. The rule has been amended to identify rule cross-references and to clarify the reimbursability process. One reference to OAC rule 5101:2-47-21 has been changed to OAC rule 5101:2-47-22 to reflect the reasonable efforts requirement. This rule will be effective October 3, 2005.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Ohio Administrative Code (OAC) rules 5101:2-39-08, Requirements for PCSA case plan for in-home supportive services (no court order), and 5101:2-39-08.1, PCSA case plan for children in custody or under court-ordered protective supervision have been amended. These rules were amended in response to the Child and Family Services Review findings and have been addressed in the Program Improvement Plan. The amendments provide procedural requirements for agency worker contact with family members involved in case plan services. They have been amended as a five year review. The JFS 01443 "Child's Education and Health Information" has been updated to meet department format specifications and instructions were developed. These changes are effective September 19, 2005.

Ohio Administrative Code rule 5101:2-39-08 details the requirements for PCSA case plan for in-home supportive services (no court order). The amendment adds the requirement for monthly face-to-face contact with each parent, guardian, or custodian, and child listed on the JFS 01444. Additionally, at least one contact every two months must be made in the child's home. The amendment requires that if the attempt to make face-to-face contact with each parent, guardian, or custodian, or, if applicable, pre-finalized adoptive parent listed on the JFS 01444 is unsuccessful, the PCSA shall make a minimum of two additional attempts of face-to-face contact within the calendar month. This amendment also clarifies the procedures for case closing. This rule replaces references to the ODJFS 01444 with JFS 01444 and clarifies language throughout.

Ohio Administrative Code rule 5101:2-39-08.1 outlines requirements for the PCSA case plan for children in custody or under court-ordered protective supervision. The amendment requires that if the attempt to make face-to-face contact with each parent, guardian, or custodian, or, if applicable, pre-finalized adoptive parent listed on the JFS 01444 is unsuccessful, the PCSA shall make a minimum of two additional attempts of face-to-face contact within the calendar month. This amendment outlines procedures regarding suspension of agency home visits with the parent, guardian, or custodian of a child when conducting the visits presents a threat to the safety of the caseworker. It includes the criteria which must be addressed in the written justification, and requires the PCSA to complete monthly face-to-face visits in a location which assists in ensuring the safety of the caseworker. This amendment also clarifies the procedures for case closing. This rule replaces references to the ODJFS 01444 with JFS 01444 and clarifies language throughout.

INSTRUCTIONS:

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TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Revisions to JFS 01673 "Assessment for Child Placement (Homestudy)"

This letter transmits a revised JFS 01673 "Assessment for Child Placement (Homestudy)" and a revised JFS 01673I "JFS 01673 Instructions for Assessment Narrative". This letter also transmits a new JFS 01673-A "Child Characteristic Checklist for Foster Care and/or Adoption," which replaces the section of the home study that has been removed from the JFS 01673. Agencies should begin using these forms for all new applications received on or after September 6, 2005.

The "Child Characteristics Checklist" was separated from the JFS 01673 because it is completed by applicants, not the adoption assessor. Applicants must now specifically indicate whether they will or will not consider a child who has certain characteristics that are identified on the JFS 01673-A. The terms in the revised JFS 01673-A mirror the checklist data that will be contained in the upcoming Statewide Automated Child Welfare Information System (SACWIS) and will assist in accurate matching of children with families.

The JFS 01673I "JFS 01673 Instructions for Assessment Summary Narrative" was revised to require agencies to specifically address any home education situations.

Instructions:
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Family, Children and Adult Services Manual Transmittal Letter No. 164

July 19, 2005

TO: Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Revisions to Children Services Licensing Rules Due to the Enactment of HB 117 of the 125th General Assembly

This letter transmits eight amended Ohio Administrative Code (OAC) rules governing children services licensing that are being made as a result of the enactment of HB 117 of the 125th General Assembly. OAC 5101:2-5-38 will become effective August 1, 2005. The effective date for all other rules contained in this letter is August 22, 2005.

A brief explanation of the changes appears below:

OAC 5101:2-5-09: Personnel and prohibited convictions for employment. Paragraph (D) was deleted and a new paragraph (R) added to make it clear that this rule does not apply to foster caregivers. Non-substantive technical changes were made in several paragraphs. Changes in (J)(1) and the appendix add arson and aggravated arson to the list of prohibited crimes for employees of all agencies.

OAC 5101:2-5-11: Complaint handling. Clarifying language has been added to paragraph (A). New paragraphs (G) and (H) add language to notify agencies of the situations in which ODJFS may seek injunctive relief for operating without a certificate when one is required or to prevent an agency from receiving additional children into care or removing children from the agency's care when the life, health, or safety of one or more children in the care of the agency is at imminent risk but only if ODJFS has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the agency's certificate.

OAC 5101:2-5-32: Occupancy limitations and accessibility. Changes were made in paragraph (B) and new paragraphs (C) and (D) were added to clarify when the number of foster children may exceed the statutory limit of five.

OAC 5101:2-5-33: Foster caregiver preplacement and continuing training. Continuing training topics are now suggested, not mandated; CPR and first aid training removed from preplacement training for pre-adoptive infant and family foster homes, but required during the first certification period or as soon as possible after a placement, if agency determines need; restraint training changes for preplacement and continuing training for specialized homes; surrogate parent training deleted and replaced by education advocacy; video trainings and training waivers clarified.

OAC 5101:2-5-38: Payment of foster caregiver training stipends; reimbursement of training allowances to recommending agencies. This rule has been revised to make it clear that a recommending agency is solely responsible for any foster caregiver stipend payment due if it exceeds the amount reimbursable to the recommending agency under section 5103.0314 of the Revised Code. Another change requires a recommending agency to defer the payment of stipend payments for preplacement training until the foster caregiver is certified. Additionally, continuing training is now conducted over the duration of the foster caregiver's two year certification period, rather than on an annual basis.

OAC 5101:2-5-40: Preplacement and continuing training programs. Continuing training topics are now suggested, not mandated; CPR and first aid training removed from preplacement training for pre-adoptive infant and family foster homes; restraint training changes for preplacement and continuing training for specialized homes; surrogate parent training deleted and replaced by a course in education advocacy; a PCPA, PNA or the Ohio child welfare training program may condition the enrollment of a foster caregiver in a training program based on availability of space in the training program or payment of an instruction or registration fee for the foster caregiver.

OAC 5101:2-7-16: Additional requirements for a treatment foster caregiver and a treatment foster home. Continuing training now on a certification period basis rather than annually. A reference to training waivers was added.
OAC 5101:2-7-17: Additional requirements for a medically fragile foster caregiver and a medically fragile foster home. Continuing training is now on a certification period basis rather than annually. A reference to training waivers was added.

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This letter transmits changes to agency licensing, supportive services, substitute care, and adoption rules and forms. These changes reflect federal requirements to comply with a federal corrective action plan involving the Multiethnic Placement Act of 1994, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (hereinafter "MEPA") and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq as it applies to the foster care and adoption process (hereinafter "Title VI"). These rules will become effective on February 1, 2005.

An explanation of each rule revision appears below:

OAC 5101:2-5-13 Required agency policies sets forth the required agency policies for public children services agencies (PCSAs), private child placing agencies (PCPAs) and private non-custodial agencies (PNAs). This rule is amended to add language requiring PCSAs, PCPAs and PNAs operating a foster care program to include in its foster care policy a copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements." No additional language regarding non-discrimination in the foster care process based upon race, color, or national origin is permitted in the policy unless additional language is required pursuant to a federal court order and is approved by the Ohio Department of Job and Family Services (ODJFS). Agencies are also now required to include in the policy, information about the complaint process for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin (RCNO). The rule requires the agency to have written standards of conduct regarding non-discrimination in the foster care process. Agencies must now complete and submit to ODJFS an annual recruitment plan by May first of each year. The recruitment plan for the state fiscal year (SFY) 2006 is due by May 1, 2005. Whenever the recruitment plan is amended, agencies are required to submit the revised version to ODJFS within ten days following the recruitment plan change.

OAC 5101:2-5-21 Agency assessment of an initial application for a foster home certificate is amended to add language prohibiting discrimination against foster caregivers on the basis of national origin or disability. Language is also added regarding non-discriminatory practices pertaining to the RCNO of applicants who wish to become foster caregivers or the RCNO of a child for whom a prospective or certified foster caregiver has expressed an interest. The rule requires a timeframe by which the homestudy shall be commenced and completed and requires written documentation when the agency fails to meet the required timeframe. Prior to recommending initial certification of a foster home an agency must adhere to requirements outlined in this rule.

OAC 5101:2-33-03 Procedure for complaints of alleged discriminatory acts, policies or practices in the foster care or adoption process that involve race, color or national origin is a new rule which outlines the procedure for complaints against any PCSA, PCPA or PNA regarding discrimination in foster care or adoption services that involve RCNO. Any individual filing a complaint with a PCSA, PCPA, PNA or ODJFS must use the JFS 02333 "Discrimination Complaint Form." This form can be accessed at: http://www.odjfs.state.oh.us/forms/findform.asp?formnum=02333. Complaints can also be filed with the United States Department of Health and Human Services, Office for Civil Rights. Agencies must provide written notice of the complaint process to all individuals inquiring about or applying to become a foster caregiver or adoptive parent. The rule also requires that such notice be provided within thirty days of the effective date of the rule to all foster caregivers certified or in the process of certification and to all individuals who have approved adoptive homestudies or who are participating in the homestudy process.

OAC 5101:2-33-11 Multiethnic Placement Act (MEPA) agency administrative requirements is a new rule which sets forth the administrative requirements for PCSAs, PCPAs, and PNAs regarding certain administrative requirements for compliance with the Multiethnic Placement Act (MEPA). Most of the
requirements of this rule are not new and are being consolidated into this rule from other rules to facilitate their implementation. Each PCSA and PCPA is required to designate a MEPA monitor to review and monitor foster care and adoptive placement decisions when the agency indicates RCNO may be a factor in a child's placement needs. The new requirements include: completion of the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" for those agencies that provide adoption and/or foster care-related services; the requirement for agencies to have written standards of conduct regarding non-discrimination in the foster care and adoption process and enforcement procedures if an agency employee or contractor engages in discriminatory acts, policies, or practices involving RCNO; agencies are prohibited from requiring an ongoing foster care or adoption worker to justify a proposed transracial placement due to the reason that the child's RCNO is different from that of the family whom the worker is proposing as the child's foster caregiver or adoptive parent.

OAC 5101:2-39-02 Case records for children services is amended to set forth the requirements for case records which are maintained by public children services agencies. This rule requires agencies to maintain case records in a consistent and organized manner.

OAC 5101:2-42-18.1 Non-discrimination requirements for foster care placements outlines the policy on non-discrimination in the foster care placement process. New requirements have been added for handling certain negative comments made by a prospective foster caregiver 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 fostering or adopting. Licensed professionals completing the JFS 01688 "Individualized Child Assessment" must now receive the JFS 01607 "MEPA Educational Materials" about federal legislation and the opportunity to receive technical assistance regarding those materials prior to conducting such assessments. The JFS 01688 remains in effect for one year from the date it was signed by the agency. Language has been added prohibiting 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.

OAC 5101:2-48-05 Agency adoption policy and recruitment plan is amended to add language requiring PCSAs, PCPAs and PNAs operating an adoption program to include in its adoption policy a copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements." No additional language regarding non-discrimination in the foster care process based upon race, color, or national origin is permitted in the agency's foster care policy unless additional language is required pursuant to a federal court order and is approved by ODJFS. Agencies are also required to include in the adoption policy 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 (found at http://www.acf.hhs.gov/programs/cb/laws/#federal), the Indian Child Welfare Act of 1978 (found at http://www.nicwa.org/policy/law/index.asp, the Multiethnic Placement Act as amended by Section 1808 of the Small Business Job Protection Act of 1996 (found at: http://www.acf.hhs.gov/programs/cb/laws/#federal), and Title VI of the Civil Rights Act of 1964(found at: http://www.acf.hhs.gov/programs/cb/laws/#federal). The annual recruitment plan for the state fiscal year (SFY) 2006 is due by May 1, 2005 and subsequent plans are due May first of each year and must address the upcoming SFY. The adoption policy must also include the complaint process pursuant to OAC rule 5101:2-33-03 and standards of conduct pursuant to OAC rule 5101:2-33-11.

OAC 5101:2-48-11.1 Foster caregiver adoption of a foster child who has resided with the caregiver for at least twelve consecutive months is amended to set 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. Language pertaining to preferential order when placing a child in an adoptive home has been removed and new requirements for the approval or disapproval of a foster family for adoptive placement have been added. The rule clarifies that the JFS 01692 "Application for Adoption of a Foster Child" can only be used for the child(ren) for whom the homestudy was conducted.

OAC 5101:2-48-12 Completion of the homestudy is amended to set forth the requirements for the completion of homestudies for special needs and non-special needs children by PCSAs, PCPAs, and PNAs. Agencies are prohibited from using 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 introduces a new form, JFS 01609 "Family Permanency Planning Data Summary." Agencies are now required to provide a detailed explanation of the reason for the denial of a homestudy by explaining all of the reasons upon which the denial was based.

OAC 5101:2-48-13 Non-discrimination requirements for adoptive placements outlines the policy on non-discrimination in the adoptive placement process. The rule includes new 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 now receive the JFS 01607 "MEPA Educational Materials" about 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. Language has been added prohibiting 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.

OAC 5101:2-48-16 Pre-adoptive staffing, matching and placement procedures outlines the matching process. This rule 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. Custodial agencies are required to invite certain individuals to the pre-adoptive staffings and to matching conferences. Matching conferences must occur every ninety days for all children in permanent custody who have not been matched with a family. An assessor must be assigned to the case within forty-five days from execution of the permanent surrender or of the file stamp date of the permanent custody order. Agencies must 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. The 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."

OAC 5101:2-48-19 Soliciting and releasing adoptive homestudies and related material for consideration of placement outlines the process for releasing a homestudy and related information by a PCPA, PCSA or PNA to another agency and to adoptive applicants, specifically as it meets the requirements of a federal corrective action plan. New requirements include that agencies cannot solicit homestudies to locate a same race placement, and agencies must file and maintain homestudies obtained from other agencies and procedures for notifying an agency when an incomplete homestudy is received.

OAC 5101:2-48-22 Adoptive family case record is amended to set forth the documents which must be maintained in the adoptive family case record. This rule adds language requiring agencies to maintain case records in a consistent and organized manner. This rule also requires the agency to maintain in the adoptive family case record additional information, if applicable, including a copy of the JFS 01688 "Individualized Child Assessment," documentation constituting or referring to a complaint or grievance by a family and documentation when verbal comments or indications are made by family members living in the household or any other person living in the household reflecting a negative perspective toward the child's RCNO. A copy of the JFS 01609 "Family Permanency Planning Data Summary" must also be maintained in the adoptive family's case record.

OAC 5101:2-48-23 Preservation of adoptive child case record is amended to set forth the requirements of the documents that must be maintained in the child's adoption record. This rule adds language requiring agencies to maintain case records in a consistent and organized manner. This rule also requires the adoptive child case record contain documentation including all medical or psychological evaluations, school records or other documented material and a copy of the JFS 01609 "Child's Permanency Planning Data Summary."

OAC 5101:2-48-24 Agency adoption review procedures sets forth the procedures an agency must follow to review complaints from persons involved with an adoption. Language has been added requiring that all complaints involving alleged discriminatory acts, policies, or practices pertaining to the foster care and
adoption process that involve RCNO to be governed by procedures contained in OAC rule 5101:2-33-03. All other agency complaints require an agency review.

A brief explanation of each form change appears below:

Please note that these forms will be available online at http://www.odjfs.state.oh.us/forms/inter.asp (internet) or at http://www.odjfs.state.oh.us/forms/inner.asp (ODJFS innerweb). These are agency reproduced forms.

JFS 01607 "MEPA Educational Materials." This is a new form developed to provide MEPA and Title VI educational material to the licensed professional before the professional completes a JFS 01688 "Individualized Child Assessment."

JFS 01608 "Licensed Professional's Statement." This is a new form developed to acknowledge receipt of the JFS 01607. Prior to completing the JFS 01688, the licensed professional must sign this form indicating that the JFS 01607 "MEPA Educational Materials" were received from the PCSA or PCPA and that the licensed professional was provided the opportunity to obtain technical assistance on MEPA and Title VI.

JFS 01609 "Family Permanency Planning Data Summary" and JFS 01609I. This new form with instructions is required as a result of a federal corrective action plan. The purpose of this form is to provide an easily accessible summary of information relative to a family's placement processes and considerations.

JFS 01610 "Child's Permanency Planning Data Summary" and JFS 01610I. This new form with instructions is required as a result of a federal corrective action plan. The purpose of this form is to provide an easily accessible summary of information relative to a child's placement processes and considerations.

JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements." This is a new form developed to identify permissible and prohibited actions under MEPA and Title VI. This form must be included in the agency's foster care and adoption policies.

JFS 01688 "Individualized Child Assessment Form." This form was revised and specifies that completion is required when documentation in the case file indicates there may be compelling reasons to consider needs the child may have regarding race, color or national origin in a foster care or adoptive placement.

JFS 01689 "Documentation of the Placement Decision-Making Process." This form was revised for use during the pre-adoptive transfer conference. The form also includes the criteria outlined in the homestudy for the consideration of an adoptive placement.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Revisions to the Ohio Administrative Code (OAC) Rule Governing Child Protection Oversight and Evaluation (CPOE)

This letter transmits a new rule that will govern the Child Protection Oversight and Evaluation (CPOE) process and rescinds OAC 5101:2-57-02 Child protection oversight and evaluation. The new OAC rule 5101:2-33-02, which is also entitled Child protection oversight and evaluation, is substantially the same as OAC 5101:2-57-02 which it is replacing. This rule will become effective on January 1, 2005.

A brief explanation of the changes appears below:

OAC 5101:2-33-02: Child Protection Oversight and Evaluation. This rule has been moved to a different OAC chapter and has been revised to allow the CPOE process to be in alignment with the federal Child and Family Service Reviews which are conducted every two years. Increasing CPOE timeframes from eighteen to twenty-four months will allow Public Children Services Agencies (PCSAs) to have more time to implement their Quality Improvement Plans (QIP) and for both the PCSAs and the Ohio Department of Job and Family services to see improvements based upon QIP strategies used. Paragraph (D) changes the eighteen month requirement for reviews to twenty-four months unless a court order requires an earlier review of the agency program and measures. Paragraph (D)(3) changes the timeframe for issuance of the report from 120 days to 150 days.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: All Family Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Revisions to Case Plan, Supportive Services and Substitute Care Rules

This letter transmits changes to several supportive services and substitute care rules that were reviewed due to the Five Year Rule Review. One rule was reviewed but resulted in no changes.

These changes are effective October 4, 2004.

Brief explanations of the rule revisions appear below.

OAC 5101:2-39-11 Required contents of a private child placing agency (PCPA) case plan document has been amended. Changes to the rule include the addition of "in close proximity to the school in which the child was enrolled prior to placement; and designed to enhance the likelihood of reunification, when appropriate," in paragraph (B). "Case management" and "casework services" were added to paragraph (C)(6). "Setting" was deleted throughout the rule when preceded by "out of home care." In some instances the term "setting" was replaced by the word "placement".

OAC 5101:2-39-05 Reasonable efforts was amended for clarity and updated to correspond with current statute. Paragraph (D) was reorganized to remove reference to OAC Rule 5101:2-39-12. Language was added indicating when reasonable efforts are not possible or required.

OAC 5101:2-39-06 Preplacement preventive services, reunification services and life skill services was amended. Language in the rule has been updated to replace "Ohio Early Start" with "Help Me Grow" in paragraphs (A)(4), (D)(3) and (D)(4). Family preservation services was removed from paragraphs (C), (G) and (H) of this rule. ODHS 1444 was changed to JFS 01444 and CDHS was changed to CDJFS.

OAC 5101:2-42-05 Selection of a placement setting was revised as a result of the five year rule review and a new rule replaces the former rule of the same number. It was reorganized for clarity and redundant rule references have been removed. Paragraph (K) has been clarified to limit the exceptions to this rule to children who are under six months of age who are being placed for adoption. Paragraph (D) adds the requirement that an attempt be made to place siblings in the same home. Paragraph (G) specifies that an adoptive placement be considered the least restrictive placement for a child in permanent custody. Paragraph (L) requires that all placement activities be in compliance with the Multiethnic Placement Act.

OAC 5101:2-42-68 Necessity for substitute care placement: court reviews and hearing requirements was refiled with no changes as a result of the five year rule review.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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This letter transmits changes to the Foster Care Maintenance Cost Report rules. All references to JFS 02909 "Residential Child Care Facility Cost Report" and JFS 02910 "Purchased Family Foster Care Cost Report" have been changed to reflect the new cost report, the JFS 02911 "Single Cost Report". These changes will be effective July 1, 2004. If any revisions are made that change the content or effective date of the rules, notification will be communicated via a follow-up Manual Transmittal Letter.

Rule 5101:2-47-01 Administrative overview: Administration of the Title IV-E program is amended to identify a goal for the maximum number of children receiving FCM as mandated by the state plan and wording to include the cost of training foster care.

Rule 5101:2-47-02 Administrative overview: Foster care maintenance program has been amended to add the word program to the title and to define administrative cost.

Rule 5101:2-47-11 Administrative procedure: Reimbursement for foster care maintenance costs for children's residential centers, group homes, maternity homes, residential parenting facilities, and purchased foster care homes has been amended to outline the reimbursement procedures. References to "out-of-state" facilities were deleted because reimbursement to all facilities is contingent upon completion of the JFS 02911 "Single Cost Report". All references to FACSIS have been changed to reflect the name ODJFS statewide automated child welfare information system.

Rule 5101:2-47-24 ODJFS Title IV-E reimbursement ceiling amount approval system has been amended to: outline the Title IV-E reimbursement ceiling amount approval system; list in paragraph (D) the ODJFS responsibilities; specify in paragraph (E) the desk review procedures; specify in paragraph (F) the ODJFS procedure for the desk review; specify in paragraph (G) how reimbursement ceiling amounts are converted; specify in paragraph (I) the Title IV-E reimbursement ceiling effective date; paragraph (J) references where the annual Title IV-E rate roster can be located.

Rule 5101:2-47-25 Foster care maintenance reimbursement ceiling amount: Allowable costs for use in completing the JFS 2909 "Residential Child Care Facility Cost Report" and the JFS 2910 "Purchased Foster Care Cost Report" has been rescinded. These requirements are being integrated into rule 5101:2-47-26.1.

Rule 5101:2-47-26 Foster care maintenance reimbursement ceiling amounts: Unallowable costs for use in completing the JFS 02909 "Residential Child Care Facility Cost Report" and the JFS 02910 "Purchased Foster Care Cost Report" has been rescinded. These requirements are being integrated into rule 5101:2-47-26.1.

Rule 5101:2-47-26.1 Public children services agencies (P富SA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements has been amended to clarify the cost report filing requirements; the deadlines for filing the cost report.

Rule 5101:2-47-27 Foster care maintenance reimbursement ceiling amounts: Out-of-state residential care facilities has been rescinded because reimbursement to all facilities will be contingent upon completion of the JFS 02911 "Single Cost Report".

The following forms will become obsolete on June 30, 2004.

- JFS 02909 "Residential Child Care Facility Cost Report"
- JFS 02910 "Purchased Family Foster Care Report"

The JFS 02911 "Single Cost Report" and instructions will be issued in a separate Manual Transmittal Letter.
INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Post Adoption Special Services Subsidy (PASSS)

The Office for Children and Families has rescinded the current Ohio Administrative Code rule 5101:2-44-071 Post adoption special services subsidy and replaced it with two new rules, 5101:2-44-13 Public children services agency (PCSA) administration of the post adoption special services subsidy (PASSS) program and 5101:2-44-13.1 Eligibility and application process for the post adoption special services subsidy (PASSS) program. The JFS 01050 "Application/agreement for a Post Adoption Special Services Subsidy" has also been rescinded and replaced with three new forms: JFS 01050 "Application for a post adoption special services subsidy", JFS 01050A "Approval for post adoption special services subsidy" and JFS 01051 "Extraordinary circumstances application for additional post adoption special services subsidy (PASSS) funding".

OAC 5101:2-44-13 outlines the procedures the PCSA must follow when issuing a post adoption special services subsidy.

OAC 5101:2-44-13.1 outlines the eligibility and application process for adoptive parents and identifies allowable services.

The JFS 01050 is the application used by the family when applying for PASSS.

The JFS 01050A is used by the PCSA to approve or deny PASSS applications, indicate the amount approved and the actual amount used. This form will also be used to release funds the family will not utilize.

The JFS 01051 is the application used by the family to request additional PASSS funding due to extraordinary circumstances.

**These changes will be effective July 1, 2004.** If any revisions are made that change the content or effective date of the rules, notification will be communicated via a follow-up Manual Transmittal Letter.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits changes to several Ohio Administrative Code rules in Chapter 5101:2-44 which govern the state adoption subsidy program. The rules were changed to comply with federal regulations for Medicaid program eligibility for children in receipt of a state adoption subsidy; to clarify the amount of the state's monetary contribution to the state adoption maintenance subsidy program, and to comply with House Bill 95 which repeals the state adoption special services subsidy program. **These changes will be effective July 1, 2004.** If any revisions are made that change the content or effective date of the rules, notification will be communicated via a follow-up Manual Transmittal Letter.

A brief explanation of each rule revision appears below: Several of the rules appear as new but they are rewritten versions of previous rules. The changes are noted.

**OAC 5101:2-44-03 Public children services agency (PCSA) administration of the state adoption subsidy program was rescinded and adopted as new.** The rule requires the PCSA to consult with the adoptive parent regarding the state adoption subsidy program prior to approving or denying the state adoption subsidy application. The PCSA must determine the child's special needs for a state adoption maintenance subsidy (SAMS), and the child's special needs for medical, mental health, or rehabilitative care based only upon medical necessity.

**OAC 5101:2-44-05.1 Covered families and children (CFC) medicaid eligibility: special needs children was rescinded and adopted as new.** The title has been changed from "Covered families and children medicaid eligibility for special needs children who are receiving a state adoption subsidy." The rule was amended to comply with federal statute by including new procedures for determining Medicaid eligibility when in receipt of a state adoption subsidy.

**OAC 5101:2-44-05.2 Covered families and children (CFC) medicaid eligibility for state adoption subsidy recipient moving from or to Ohio was amended to replace "COBRA option" with "state option" because the term "state option" is more commonly used with the Interstate Compact on Adoption and Medical Assistance (ICAMA). In addition, this rule updates the title of the JFS 01615 to JFS 01615 "Approval for State Adoption Subsidy."**

**OAC 5101:2-44-06 Eligibility of adoptive family and child for the state adoption maintenance program.** The rule has been rescinded and adopted as new with the same rule number. The title has been amended to add the word "maintenance." The rules sets forth eligibility requirements which must be met in order to be approved for a state adoption maintenance subsidy. The rule incorporates the definition of "a child with special needs" as defined in rule 5101:2-1-01 of the Administrative Code. For the purposes of this rule, "qualified professional" was clarified and defined. House Bill 95 repealed the state adoption special services subsidy program and as a result, references to state special services subsidy have been removed from this rule. The rule also clarifies that the state's monetary contribution to the state adoption maintenance subsidy shall not exceed $250 per child.

**OAC 5101:2-44-07 Public children services agency (PCSA) eligibility determinations for state adoption subsidy.** This rule has been rescinded because the requirements of this rule have been incorporated into rule 5101:2-44-03.

**OAC 5101:2-44-08 Redetermination, amendment and modifications of a state adoption maintenance subsidy** has been amended to remove all references to the state adoption special services subsidy due to HB 95 repealing the special services subsidy. The title has been changed to add the word "maintenance."

**OAC 5101:2-44-09 Requirements for a state adoption special services subsidy was adopted as new to incorporate the requirements of House Bill 95 which repealed the state adoption special services subsidy**
program. Although the special services subsidy program has been repealed, the public children services
agency (PCSA) has the option of continuing the program for existing state adoption special services subsidies
entered into prior to July 1, 2004. The rule provides clarification and procedures for PCSAs electing to
continue or discontinue the state adoption special services subsidy program. The rule requires the completion
of a new JFS 01618 "Redetermination/Amendment of State Adoption Special Services Subsidy."

OAC 5101:2-44-10 Suspension of a state adoption maintenance subsidy has been amended to clarify and
update program requirements. The title has been changed to add the word "maintenance." The rule removes
references to the state adoption special services subsidy and specifies and clarifies the terms under which a
state adoption maintenance subsidy shall be and may be suspended.

OAC 5101:2-44-11 Termination of a state adoption subsidy has been amended to clarify and update program
requirements. The rule specifies and clarifies the terms under which a state adoption subsidy shall be and
may be terminated.

OAC 5101:2-44-12 State adoption subsidy records was amended to emphasize the requirement for
documenting the child's special needs for SAMS and the child's special needs for CFC medicaid eligibility.
The JFS 01449 form number has been updated.

The following forms have been revised:

- JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care"
- JFS 01613 "Application for State Adoption Subsidy"
- JFS 01615 "Approval for State Adoption Subsidy"

The following form is new:

- JFS 01618 "Redetermination/Amendment of State Adoption Special Services Subsidy"

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services
Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASMTL 154 (JFS 01985)

Family, Children and Adult Services Manual Transmittal Letter No. 154
May 18, 2004

TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Adoption Subsidies Guide (JFS 01985)

This letter transmits the JFS 01985 "Adoption Subsidies Guide" which has been created for prospective adoptive parents. This guide provides an overview of the different types of adoption subsidies available to assist in the adoption of Ohio's special needs children, the eligibility criteria for each program and information regarding the application process.

Agencies should begin utilizing the "Adoption Subsidies Guide" as a tool to assist in providing uniform subsidy information to all prospective adoptive parents. Please note that the guide will be revised after July 1st to incorporate pending changes to the subsidy programs.

For questions about this letter, please contact the OCF Helpdesk by phone at: 1-866-886-3537, Option 4, or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

INSTRUCTIONS:
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Family, Children and Adult Services Manual Transmittal Letter No. 146  
October 9, 2003

To: Family, Children and Adult Services Manual Holders
From: Thomas J. Hayes, Director
Subject: OAC 5101:2-42-18 PCSA and PCPA Placements with Relative or Nonrelative Substitute Caregivers

This letter transmits rule 5101:2-42-18 of the Ohio Administrative Code (OAC). The rule, originally entitled Approval of Substitute Care Placement Settings is being rescinded and replaced with PCSA and PCPA Approval of Placements with Relative or Nonrelative Substitute Caregivers.

This rule allows PCSAs and PCPAs to make placements of children with relatives and nonrelatives who do not choose to become licensed as foster homes. This rule sets forth the requirements for minimum assessments which must be conducted to assure that the placement is safe and appropriate, and that the relative or nonrelative has the ability and willingness to properly care for the child. OAC 5101:2-42-18 requires PCSAs and PCPAs to complete the JFS 01447 "Approval of Relative or Nonrelative Caregiver's Ability to Care for Child(ren) and Recommendation for Placement," which serves as the official approval of the relative or nonrelative home.

**This rule will be effective on November 3, 2003.**

For questions about this letter, please contact the Office for Children and Families by phone at: 1-866-886-3537, Option 4; or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

**INSTRUCTIONS:**

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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Adoption Program Rule Changes

The Ohio Department of Job and Family Services has reviewed the Adoption Program rules and forms in Ohio Administrative Code Chapter 5101:2-48. The review resulted in recommendations for changes to and rescissions of the rules and/or forms. This letter transmits those changes. All references to ODHS have been changed to reflect the name of the department due to the merger between ODHS and OBES and all form numbers have been changed to reflect the department's number system. These rules will be effective September 1, 2003.

The department will be offering training on these rules. The training schedule can be accessed at: http://www.state.oh.us/odjfs/ocf/calendar.stm.

A brief explanation of each rule revision appears below:

5101:2-48-02 Putative father registry is amended to outline the process for putative father registry searches and to clarify that in a voluntary surrender situation, a putative father does not have rights unless he is registered with the Putative Father Registry.

5101:2-48-03 Requirements of JFS 01616 Social and Medical History is amended to clarify who must obtain the social and medical history information and the parameters for when the social and medical history must be obtained.

5101:2-48-05 Agency adoption policy and agency recruitment plan is amended to specify the criteria for matching adoptive parents to available children; clarify fee structures and procedures for policy submittal and to specify requirements for recruitment plans. This rule also introduces the JFS 01668 "MEPA Bi-Annual Comprehensive Self-Assessment Report" which agencies are now required to submit.

5101:2-48-06 Agency adoption staffing is amended to permit a one year extension to complete assessor training if Tier 2 was not taken within three years of the completion of Tier 1. The exemption waiving a supervised student working on a post-secondary degree from taking Assessor training has been removed.

5101:2-48-07 Listing and withdrawing children and families with the "Ohio Adoption Photo Listing" (OAPL) and the AdoptOhio Photo Listing web page is amended to include new procedures for registering children under a "special status" OAPL category. This rule allows agencies to remove a child from the OAPL web page when the child's case plan is no longer adoption, or whose permanent custody is under appeal. This rule also requires agencies to maintain a record of OAPL registration activity in either the child or family file(s). It also ends agencies receipt of hard copies of the OAPL book.

5101:2-48-08 Adoption inquiry is rescinded and adopted as a new rule with the same rule number. This rule requires agencies to document all prospective adoptive parent inquiries and clarifies language regarding the criminal records check. Requirements pertaining to the AdoptOhio program were removed and replaced with requirements for assisting families inquiring about adoption.

5101:2-48-09 Application process and preservice training is amended to include an "Overview of the Multiethnic Placement Act as Amended" in the preservice training requirements.

5101:2-48-10 Restrictions concerning provisions of adoption services is amended to clarify language regarding BCII checks. This rule includes a new appendix which outlines the offenses and violations listed in Paragraph C.

5101:2-48-11 Approval of a foster home for adoptive placement is amended to clarify adoption procedures for foster caregivers not approved through the joint homestudy process.

5101:2-48-11.1 Foster caregiver adoption of a foster child who has resided with the caregiver for at least twelve months is amended to specify that a foster child being adopted by a foster care giver must reside with
the caregiver for at least twelve "consecutive" months. This rule outlines the forms and documentation required, the preferential order to be given when considering a child for adoptive placement and the information that must be reviewed in order to determine the appropriateness of the foster caregiver for an adoptive placement. Also, agencies are now required to document that the foster caregiver has completed adoption training.

5101:2-48-12 Completion of the homestudy report is amended to: clarify the procedures for transferring homestudies; revise language relative to use of the JFS 01673 when completing homestudies for grandparents; modify references to foster care rules and clarify procedures for updating home studies. This rule requires the completion of the JFS 01348, "Safety Audit of a Foster Home, Also used for adoptive homes".

5101:2-48-13 Adoption requirements pursuant to the multiethnic placement act is amended to require the use of the JFS 01689 "Documentation of the Placement Decision-Making Process" form and the JFS 01668 "MEPA Bi-Annual Comprehensive Self-Assessment Report". This rule outlines who may be an agency's MEPA monitor and places time restrictions on the processing of the JFS 01689.

5101:2-48-14 Preparation of child for adoptive placement is amended to remove the reference to "transracial adoptive placement".

5101:2-48-15 Provision of information to adoptive family is rescinded and adopted as a new rule with the same rule number. This rule specifies the types of information that must be provided to adoptive families regarding the child they are adopting.

5101:2-48-16 Adoptive placement procedures is amended to require the use of the JFS 01689 "Documentation of the Placement Decision-Making Process" form and the JFS 01667 "Adoption Information Disclosure" form. This rule also clarifies the preferential order to be given when considering a child for adoptive placement, requires the agency to provide the prospective adoptive parent with the child study inventory prior to the date of adoptive placement and excludes references to the AdoptOhio program.

5101:2-48-17 Prefinalization services is amended to add new language to include SB 27 information disclosure requirements, including the child's psychological background, if known, and the child's history of abuse and prior history of behavioral problems of the child. This rule also requires the Assessor to provide a copy of the JFS 01699 "ODJFS Prefinalization Adoption Assessment Report," to the prospective adoptive parent no later than twenty days prior to the date scheduled for the final hearing with all identifying information removed.

5101:2-48-20 Release of identifying and nonidentifying information is amended to incorporate required changes in form number only.

5101:2-48-21 Child study inventory is rescinded and adopted as a new rule with the same rule number. This rule is amended to require specific information to be included in the Child Study Inventory (CSI), to require specific disclosure information based on SB 27 mandates, to require completion of the new form, JFS 01667 "Adoption Information Disclosure," and exclude references to the AdoptOhio program.

5101:2-48-22 Adoptive family case record is amended to include the JFS 01689 "Documentation of the Placement Decision-Making Process" form in the list of documents to be contained in the adoptive family case record.

5101:2-48-23 Preservation of adoptive child case record is amended to include in the list of documents that must be contained in the child's adoptive case record a copy of the child's Lifebook, the JFS 01689 "Documentation of the Placement Decision-Making Process" form and the JFS 01688, "Individualized Child Assessment" form.

5101:2-48-24 Agency adoption review procedures is amended to clarify the procedures for processing complaints from adoptive families.

JFS 01667 "Adoption Information Disclosure Form" is adopted as a new form to document the provision of information to the adoptive family per requirements in SB 27.

JFS 01668 "MEPA Bi-Annual Comprehensive Self Assessment Report" is adopted as a new form to assist agencies in maintaining compliance with MEPA.
JFS 01680 "Verification of Adoption Assessor Qualifications" is amended to allow the director of an agency to document a one year extension to complete Tier 2 Training.

JFS 01685 "Child Study Inventory Facesheet" is amended to add the requirements of Senate Bill (SB) 27.

JFS 01694 "Application for Search of Ohio Putative Father Registry 'Registration Form for Fathers'" is amended to provide clarification regarding the use of this form by fathers.

JFS 01695 "Application for Search of Ohio Putative Father Registry" is amended to provide clarification regarding the search process.

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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Changes to OAC Rules in Chapter 5101:2-42 and Issuance of the "JFS 02424 ICPC Placement Financial Information" Form

This letter transmits changes to several Ohio Administrative Code rules in chapter 5101:2-42 and a newly required form for use when initiating a placement through the Interstate Compact on the Placement of Children (ICPC). **These changes are effective August 18, 2003.**

The following rules were amended to update form numbers and to clarify wording:

- OAC 5101:2-42-09 Permanent Surrender
- OAC 5101:2-42-67 Documentation of Lifebook Activities
- OAC 5101:2-42-71 Approval of Adult Supervised Living Arrangements

OAC 5101:2-42-21 Agency and Court Interstate Requirements was amended to clarify wording in the rule and to require the submission of a new form, "JFS 02424 ICPC Placement and Financial Information" as part of the documentation needed to initiate placement requests. The new form is included with this letter.

OAC 5101:2-42-96 Phase-In for Obtaining Permanent Custody/Termination of Parental Rights was rescinded because it contained the provision for phasing in the requirements for termination of parental rights of children. The phase in period is over and this rule was obsolete.

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State funding is no longer available to support the AdoptOhio program as it has been operating. Due to these budgetary constraints, four Ohio Administrative Code (OAC) rules in Chapter 5101:2-48 governing or referencing AdoptOhio have been changed. One rule was rescinded, one rule rescinded and rewritten and two rules were amended. These rule changes will be effective July 1, 2003.

Rule 5101:2-48-01 "AdoptOhio agency responsibilities" is rescinded.

Rule 5101:2-48-04 "AdoptOhio agency agreements" is rescinded and adopted as a new rule "AdoptOhio grant agreement" with the same rule number. This rule contains language clarifying specific payment amounts under AdoptOhio. AdoptOhio payments shall be made according to the AdoptOhio agreement.

OAC 5101:2-48-18 "Postfinalization services" was amended to inform prospective adoptive parents of post finalization services as defined in agency adoption policy.

OAC 5101:2-48-19 "Release of adoptive homestudy and related information" was amended to specify that PCSAs and PCPAs may only consider home studies that have been forwarded by another agency.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Revisions and Rescissions to Ohio Administrative Code Chapters 5101:2-33, 5101:2-44 and 5101:2-47  

The Ohio Department of Job and Family Services has reviewed fourteen rules in Ohio Administrative Code (OAC) Chapter 5101:2-44 regarding the state adoption subsidy program and two rules in OAC 5101:2-33 regarding the administration of public children services agencies as result of the five year rule review process. The review resulted in recommendations for changes to and rescissions of the rules. This letter transmits those changes as well as a change to OAC 5101:2-47-35 Adoption assistance eligibility procedure: Title IV-E adoption assistance post-finalization application.

These rules are effective May 1, 2003. A brief explanation of each of the affected rules appears in the following chart.

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<th>OAC Rule Number</th>
<th>Brief Explanation of Proposed Changes</th>
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<td>5101:2-33-07</td>
<td>This rule is amended to delete references to private child placing agency (PCPA) since OAC Chapter 5101:2-33 is entitled &quot;Rules Governing the Operation of Public Children Services Agencies.&quot;</td>
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<td>This rule is rescinded because the provisions of this rule are inherent functions of PCSAs.</td>
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<td>5101:2-44-02</td>
<td>This rule is rescinded. The provisions of this rule are incorporated into the new 5101:2-44-03.</td>
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<td>5101:2-44-03</td>
<td>This rule is rescinded and replaced by a new rule with the same number. The former provisions of rule 5101:2-44-02, 5101:2-44-03 and 5101:2-44-04 are found in the new rule.</td>
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<td>5101:2-44-04</td>
<td>This rule is rescinded. The provisions of this rule are incorporated into the new 5101:2-44-03.</td>
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<td>5101:2-44-05</td>
<td>This rule is rescinded. The provisions of this rule are incorporated into the new 5101:2-44-06.</td>
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<td>5101:2-44-05.2</td>
<td>This rule is amended. Changes were made in the rule title and paragraph (A) to reflect a change in the name of the ADC-related medicaid program (now the covered families and children medicaid program); changes throughout the rule reflect the department's new name; a new (B)(3) clarifies that new residence states must have elected in their state medicaid plan to cover state adoption subsidy children; (C)(D)(E) and (F) and a new (G) have been written to clarify duties of PCSAs when a child receiving state adoption subsidy moves into or out of Ohio. Paragraph (I) requires families to provide their residence state with any information regarding medical assistance or insurance.</td>
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<td>5101:2-44-06</td>
<td>This rule is rescinded and replaced by new rule 5101:2-44-06.</td>
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Parts of the former 5101:2-44-05 are found in the new rule.

5101:2-44-07 This rule is amended to change the title to more accurately reflect the rule's meaning; a change in (A) clarifies when the application must be acted upon; a new (A)(6) requires consultation with the adoptive parent on the duration of services to be provided; a change in (C) requires notification to adoptive parents of approval for state adoption subsidy to use the JFS 01615 form.

5101:2-44-08 This rule is rescinded and replaced by a new rule with the same number.

5101:2-44-09 This rule is rescinded

5101:2-44-10 (Revised) This rule is amended. Paragraph (A) is deleted, minor, non-substantive changes in (B)(3), (B)(6) and (D).

5101:2-44-11 (Revised) This rule is amended. Paragraph (A) is deleted, minor, non-substantive changes in (A)(4).

5101:2-44-12 (Revised) This rule is amended for non-substantive changes in (B)(1), (2), (3), (7) and (9). New (B)(13) and (14) require additional documentation to be included in a state adoption subsidy record; paragraph (C) is deleted.

5101:2-47-35 This rule is amended to revise ambiguous language regarding eligibility requirements for adoption assistance post-finalization.

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<tr>
<td></td>
<td>5101:2-44-07</td>
<td>5101:2-44-07</td>
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<tr>
<td>Title IV-E</td>
<td>5101:2-47-35</td>
<td>5101:2-47-35</td>
</tr>
<tr>
<td>Community Coordination</td>
<td>5101:2-33-07</td>
<td>5101:2-33-07</td>
</tr>
<tr>
<td>Personnel</td>
<td>5101:2-33-50</td>
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</tr>
</tbody>
</table>

**TRANSMITTALS**

<table>
<thead>
<tr>
<th>Transmittal</th>
<th>Transmittal Letter Index Starting with No. 115</th>
<th>Transmittal Letter Index Starting with No. 126</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>FCASMTL No. 138</strong></td>
</tr>
</tbody>
</table>
Ohio Revised Code section 119.032 requires that the Ohio Department of Job and Family Services review each of its rules every five years. This letter transmits 23 Ohio Administrative Code (OAC) rules governing placement and substitute care services that were recently reviewed and amended.

The Office for Children and Families has reviewed the rules regarding services to unaccompanied refugee minors, infants of incarcerated mothers, Indian children, and miscellaneous substitute care rules. The changes in these rules are minimal and mostly address the change in the name of the Ohio Department of Human Services (ODHS) to the Ohio Department of Job and Family Services (ODJFS). Other changes were made for clarification purposes. One rule, OAC 5101:2-42-82 Legal responsibilities under the unaccompanied refugee minor program (URMP) was reviewed but resulted in no changes. Eight rules are being rescinded because they are obsolete or the requirements are covered in other rules or laws.

The following rules were amended:

OAC rule 5101:2-42-06 entitled Agreement for temporary custody of child (JFS 01645) This rule introduces the use of the form JFS 01645 as the mandated form. The changes are non-substantive changes of department's name and forms citation.

OAC rule 5101:2-42-07 entitled Extension of agreement for temporary custody of child (JFS 01645). This rule establishes an extension period for the temporary custody by agreement. The changes are non-substantive changes of department's name and forms citation.

OAC rule 5101:2-42-08 entitled Acceptance of temporary custody by agreement and court-approved extensions. The changes are non-substantive changes of department's name and forms citation.


OAC rule 5101:2-42-49 entitled Definitions related to the Indian Child Welfare Act. This rule sets forth the definitions of words used in Indian Child Welfare in Ohio. The definition of Indian child was changed to be more in line with the federal definition.

OAC rule 5101:2-42-52 entitled Verification of tribal membership. This rule sets forth the different ways to verify tribal membership and the offices and locations of regional Bureau of Indians Affairs. It was changed to add current information for the U.S. Bureau of Indian Affairs.

OAC rule 5101:2-42-53 entitled Involuntary custody requirements. This rule sets forth notice of requirements in the event an Indian child becomes involved with an agency. Wording was changed in this rule to add to the list of required notice the Area Director, Bureau of Indian Affairs when custody of an Indian child is involved.

OAC rule 5101:2-42-54 entitled Permanent surrender or parental consent to adoptive placement of Indian children. This rule sets forth the procedures an agency must follow when accepting a permanent surrender of an Indian child. Changes were made to the wording for clarity and non-substantive changes to the department's name and forms citations.

OAC rule 5101:2-42-55 entitled Acceptance of agreement for temporary custody of Indian child. This rule sets forth the use of agreement for temporary custody by use of the JFS 01645. Non-substantive changes were made to the department's name and forms citations.
OAC rule 5101:2-42-57 entitled Emergency removal and placement of Indian child. This rule sets forth the requirement that PCSAs must provide emergency services for the Indian child. Non-substantive changes were made to the department's name.

OAC rule 5101:2-42-58 entitled Recordkeeping and reporting requirements regarding Indian children. This rule sets forth the requirement that an agency must maintain case records on activities on behalf of the Indian child. Non-substantive changes were made to the department's name.

OAC 5101:2-42-60 entitled Postnatal services to infants of incarcerated mothers. This rule sets forth PCSA requirements to coordinate services on behalf of incarcerated women and their infants with correctional facilities, departments of job and family services and hospitals. Non-substantive changes were made to the department's name.

OAC 5101:2-42-61 entitled Urgent placement services to infants of incarcerated mothers. This rule sets forth emergency placement procedures for PCSAs in the county in which the infant is hospitalized when conditions prevent the responsible agency from acting on the infant's. Non-substantive changes were made to the department's name.

OAC rule 5101:2-42-64 entitled Preplacement services. This rule sets forth preplacement services provided by a PCSA or PCPA. Makes the change of the ICPC rule citation.

OAC rule 5101:2-42-66 entitled Administrative procedures for comprehensive health care for children in placement. Changes were made to the names of the category of county agencies from human services to job and family services.

OAC rule 5101:2-42-66.1 entitled Comprehensive health care for children in placement. Non-substantive changes were made to the department's name and forms citation.

OAC rule 5101:2-42-66.2 entitled Documentation of comprehensive health care for children in placement. This rule sets forth the documentation requirements of comprehensive health care for children in placement. Non-substantive changes were made to the department's name and forms citation.

OAC rule 5101:2-42-87 entitled Termination of substitute care. This rule sets forth the procedure for the termination of substitute care. Non-substantive changes were made to the department's name and forms citation.

OAC rule 5101:2-42-88 entitled Requirements for substitute care placement disruptions. This rule sets forth the requirement for documentation of the disruption in the case file. Non-substantive changes were made to acronyms.

OAC rule 5101:2-42-89 entitled Death of a child in custody. This rule sets forth the requirement that each PCSA or PCPA have a written policy and procedures to follow when a child dies in the agency's custody. Non-substantive changes were made to the department's name and acronyms were clarified.

OAC rule 5101:2-42-92 entitled Visitation for child in temporary custody. This rule sets forth the requirement of visitation of a child in temporary custody with the parent, guardian, or custodian. Non-substantive changes were made to the department's name and forms citation.

OAC rule 5101:2-42-94 entitled Termination of custody of a child. This rule sets forth the requirement which must be met in order to terminate the custody of a child. Non-substantive changes were made to the department's name and forms citation.

The following rules are being rescinded:

OAC 5101:2-33-09 entitled Protective services incentive funding.

OAC rule 5101:2-39-50 entitled Cooperation with other organizations to coordinate service delivery to children and families.

OAC rule 5101:2-42-80 entitled Purpose of unaccompanied refugee minor program.

OAC rule 5101:2-42-81 entitled Financial coverage of the unaccompanied refugee minor program.

OAC rule 5101:2-42-83 entitled Eligibility requirements for the unaccompanied refugee minor program.

OAC rule 5101:2-42-84 entitled Placement procedures for the unaccompanied refugee minor program.
Rule 5101:2-42-85 entitled Services and case management responsibility for unaccompanied refugee minors.
OAC 5101:2-42-86 entitled Unaccompanied refugee minor contracting.

INSTRUCTIONS
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANAGEMENT AND ADMINISTRATION</td>
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<tr>
<td>Fiscal Management and Administration</td>
<td>5101:2-33-09</td>
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<tr>
<td>Community Coordination</td>
<td>5101:2-39-50</td>
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<tr>
<td>SOCIAL SERVICES</td>
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<tr>
<td>Substitute Care</td>
<td>5101:2-42-06</td>
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<td>5101:2-42-07</td>
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**Refugee Services**

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**TRANSMITTALS**

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<table>
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<tbody>
<tr>
<td>Transmittal Letter Index Starting with No. 115</td>
<td>Transmittal Letter Index starting with No. 115</td>
</tr>
<tr>
<td></td>
<td>FCASMTL No. 132</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Relocation of Two Ohio Administrative Code (OAC) Rules Included in FCASMTL No. 130 Within the Family, Children and Adult Services Manual

The FCASMTL No. 130 incorrectly advised FCASM holders to place two rules, OAC rules 5101:2-42-56 Placement Preference related to Indian Children and 5101:2-42-71 Approval of Adult Supervised Living Arrangements in the Substitute Care section of the manual. The correct instructions for these rules are listed below.

<table>
<thead>
<tr>
<th>CURRENT LOCATION AS INSTRUCTED BY FCASMTL 130</th>
<th>CORRECT MANUAL LOCATION SHOULD BE</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOCIAL SERVICES</td>
<td>SOCIAL SERVICES</td>
</tr>
<tr>
<td>Substitute Care</td>
<td>Indian Child Welfare</td>
</tr>
<tr>
<td>5101:2-42-56</td>
<td>5101:2-42-56</td>
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<td>SOCIAL SERVICES</td>
<td>SOCIAL SERVICES</td>
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<tr>
<td>Substitute Care</td>
<td>Unmarried Parent Services</td>
</tr>
<tr>
<td>5101:2-42-71</td>
<td>5101:2-42-71</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: New and Revised Ohio Administrative Code Rules as a Result of the Enactment of House Bills 332 and 448  

This letter transmits amendments and additions to Ohio Administrative Code (OAC) rules and forms governing substitute care and children services licensing.

The majority of changes resulted from the enactment of Sub. HB. 448 and Sub. HB. 332 by the 123rd General Assembly. These two major pieces of child welfare legislation were signed into law by Governor Taft in July 2000. Sub. HB. 448 became effective October 5, 2000. The effective date of Sub. HB. 332 is January 1, 2001. As a result of some overlap in the rules affected by these two new acts, and to avoid confusion in the issuance process, the department decided to file the rules as one package. Additionally some changes were made to training requirements for foster caregivers and child care staff as a result of the federal Chafee Foster Care Independence Act of 1999. The rules have an effective date of January 1, 2003, except for rule 5101:2-5-38 which will be effective April 1, 2003.

Many of the changes to the rules are a result of definition changes contained in Sub. HB. 332 and the recent change in the department's name. One of the major definition changes is the change in the terminology surrounding foster homes. Since 1986, the department has used the term "family foster home" as a generic term used in referring to all foster homes. Sub. HB. 332 changed the definition of a family foster home to just one of four types of foster homes (treatment foster home, medically fragile foster home, family foster home, and pre-adoptive infant foster home). Because of this, the department has changed most rule references from "family foster home" to "foster home." Other major definition changes, are the result of the creation of new rules governing treatment and medically fragile foster care. Many of those definitions were created in law by the enactment of Sub. HB 332. The revised definitions rule was previously transmitted to FCAS manual holders with FCASMTL 116 dated September 25, 2001.

The new requirements for treatment foster homes and medically fragile foster homes were created by Sub. HB. 332. However, the new rules are generally the result of two work groups convened in 1998 to address issues surrounding these types of foster homes, although some changes to the work groups' recommendations were necessitated by the new state law. Among the material used in developing these rules was a draft of treatment foster care rules previously developed by the Ohio Association of Child Caring Agencies (OACCA) in January 1995, a draft of therapeutic foster care rules developed under an ODHS contract in March, 1995 and the Foster Family-based Treatment Association's Program Standards for Treatment Foster Care published in 1995. In addition, the work group, which included representatives of both public and private children services agencies, treatment foster caregivers, the Ohio Association of Child Caring Agencies and the Public Children Services Association of Ohio, had considerable input.

A major change from the clearance process rule package is the provisions that would have required public children services agencies (PCSA) to be certified to perform all foster care functions have been withdrawn. In addition, several other changes were made as a result of comments received in the public hearing and as a result of a dispute resolution process between ODJFS and several stakeholder organizations earlier this year.

Due to the enactment of the federal Chafee Foster Care Independence Act of 1999, some language regarding training of foster caregivers and employees of a residential facility who provide care for youth in substitute care who are expected to remain in care until their eighteenth birthday was also added to two rules. Changes were made to OAC rules 5101:2-5-33 regarding foster caregiver training and 5101:2-9-03 regarding residential child care staff training. Additional rules to implement this federal act and a new state independent living law were released in FCASMTL 129 dated October 21, 2002.

A brief explanation of each of the affected rules and forms appears below:
<table>
<thead>
<tr>
<th>Topic</th>
<th>OAC Rule/Form Number</th>
<th>Brief Explanation of Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>MANAGEMENT AND ADMINISTRATION</td>
<td>5101:2-47-18 (Revised)</td>
<td>Amendments to (C), (D), (E), (F), (G), (H), (I) and (K) restrict, for purpose of difficulty of care payments for children placed in a foster home, placement of exceptional needs child to placement in a medically fragile foster home and restricts placement of a special or exceptional needs child to placement in a treatment foster home. Other amendments throughout the rule change “family foster home” to “foster home.” In paragraph (H)(1), respite care has been deleted as this has been identified by the federal government as an unallowable cost in the Title IV-E program. Existing paragraph (J) is deleted, and subsequent paragraphs are renumbered. A new paragraph (O) has been added that will keep the maximum ODJFS-approved rate for difficulty of care payments for exceptional and intensive needs children at the higher of the two rates for a two year period beginning 9/30/2001.</td>
</tr>
<tr>
<td>SOCIAL SERVICES</td>
<td>5101:2-42-05 (Revised)</td>
<td>Change in (D) related to use of relative homes; changes in (E) updating information required to be shared with substitute caregivers; clarifying changes to (F); Other amendments change designation of “family foster home” to “foster home.”</td>
</tr>
<tr>
<td></td>
<td>5101:2-42-56 (Revised)</td>
<td>Changes ODHS to ODJFS; Other amendments change designation of “family foster home” to “foster home.”</td>
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<tr>
<td></td>
<td>5101:2-42-71 (Revised)</td>
<td>Changes ODHS to ODJFS; Other amendments change designation of “family foster home” to “foster home.”</td>
</tr>
<tr>
<td></td>
<td>5101:2-42-90 (Revised)</td>
<td>Changes ODHS to ODJFS; Other amendments change designation of “family foster home” to “foster home.”</td>
</tr>
<tr>
<td>Licensing Agency</td>
<td>5101:2-5-02 (Revised)</td>
<td>Changes are made throughout the rule to reflect the name change of the department, and to reflect a new form numbering system. In (D) and (M), new rule references are added.</td>
</tr>
<tr>
<td></td>
<td>5101:2-5-03 (Revised)</td>
<td>Add recommendation of pre-adoptive infant homes, treatment foster homes and medically fragile foster homes to functions of private agencies that require ODHS certification in</td>
</tr>
</tbody>
</table>
(C) and (D). Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule. In (G) update two rule titles and add a new rule reference.

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>5101:2-5-04 (Revised)</td>
<td>Clarifying amendments to paragraph (A); new audit requirements for PCPAs and PNAs in paragraph (B) as a result of HB 448; changes related to the name change of the department are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-08 (Revised)</td>
<td>In (A)(5) a reference is made to the new audit requirements inserted into OAC rule 5101:2-5-04 and previous language on audit requirements is deleted; clarifying amendments in (A); changed the name of the department from ODHS to ODJFS throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-09.1 (Revised)</td>
<td>In paragraph (A), changes were made to clarify those persons subject to a criminal records check and to assure that the appointing or hiring officer or administrative director of an agency is required to request a criminal records check; in paragraphs (B), (C) and (D) changes were made to assure that responsibility for informing persons subject to a criminal records check of the need to obtain the required criminal records check and provide them with the form rests with the appointing or hiring officer or the administrative director of an agency; in (C)(3) new language requires a criminal records check to be conducted for other adult members of a foster caregiver's household; in (E), (H), (I) and (L) change the reference to refer to any person subject to a criminal records check rather than those referenced in (A); in (F) add the requirement for a prospective foster caregiver to be responsible for providing the fingerprint impressions of other adult household members; in (O), remove an outdated reference to 5101:2-7-02(P); a new paragraph (P) is created by moving the contents of 5101:2-7-02(P) to this rule (the effect is to put the required evaluation contents near the requirement of paragraph (O) for an evaluation to be conducted whenever a certified foster caregiver or an adult resident of a foster home is convicted of one of the prohibited crimes listed in paragraph (J) of 5101:2-7-02); changes related to the department's name change are made throughout the rule.</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
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<tr>
<td>5101:2-5-10 (Revised)</td>
<td>Changes family foster home to foster home.</td>
</tr>
<tr>
<td>5101:2-5-11 (Revised)</td>
<td>Changes are made throughout the rule to reflect the name change of the department and to change family foster home to foster home.</td>
</tr>
<tr>
<td>5101:2-5-13 (Revised)</td>
<td>In (A) changes are made to clarify that all agencies are required to have policies applicable to the function(s) being performed; in (A)(3), changes are made to more closely reflect the intent of federal MEPA law; a new (A)(6) requires agencies to have a policy on the notification by a foster caregiver if any 12 to 18 year old resident of a foster home has committed one of the prohibited offenses listed in Appendix A of rule 5101:2-7-14; succeeding paragraphs are re-numbered accordingly; in (A)(7) require agencies to have a policy detailing all payments to foster caregivers; (A)(8) is clarified in relationship to foster caregiver training requirements; in (A)(12) remove language related to federal MEPA/IEPA law and reference rules 5101:2-48-11 and 2-48-16; add a new (A)(14) to require agencies to establish a good cause policy on agency-issued waivers related to failure of a foster caregiver to complete continuing training programs; add new (A)(15), (16), (17), (18) and (19) to require new policies for specialized foster care programs; existing sections (A)(13) to (A)(31) have been renumbered to (A)(20) to (38); changes in (A)(23) require treatment foster care and medically fragile foster care programs to develop and implement a behavior intervention policy; change in (A)(31) requires agency confidentiality policy to include disseminating information to a child fatality review board; changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-17 (Revised)</td>
<td>Changes in (A), extend the current requirement for a written discharge summary to include treatment foster care and medically fragile foster care programs as well as residential facilities and specify that the summary should be prepared prior to discharge, but not later than 30 days after discharge; change in (B)(6) requires the summary to identify ongoing service providers whenever possible. A new (C) is added to</td>
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</tbody>
</table>
clarify that when a child is placed from a foster home into a respite care setting, a discharge summary is not required.

<table>
<thead>
<tr>
<th>Rule Section</th>
<th>Changes</th>
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<tbody>
<tr>
<td>5101:2-5-18 (Revised)</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-20 (Revised)</td>
<td>Clarifying changes to (A); changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule. A change in (B) adds language related to the federal MEPA law. A change in (C)(1) clarifies that incomplete applications do not afford an applicant the right to a hearing; (C)(4) is deleted. Changes in (C)(6), (D), (E), and (G) allow an agency to clarify when an applicant may attend preplacement training. (I) is changed to extend the time period for a fire inspection to be completed from 90 days to 6 months.</td>
</tr>
<tr>
<td>5101:2-5-21 (Revised)</td>
<td>A MEPA change in (A), changes related to the name change of the department are made throughout the rule; in paragraphs (B), (C), (D), (E) and (F) new language permits the use of either the ODJFS 01673 or the ODJFS 01349 to be used in doing a foster homestudy; new requirement for an assessor to complete the homestudy is added in several areas of the rule.</td>
</tr>
<tr>
<td>5101:2-5-22 (Revised)</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule. A change in (B) requires a homestudy assessor to complete all foster caregiver home studies.</td>
</tr>
<tr>
<td>5101:2-5-23 (Revised)</td>
<td>Add new (D), (E) (F) and (G) to require a FACSIS resource ID number to be assigned to all foster homes.</td>
</tr>
<tr>
<td>5101:2-5-24 (Revised)</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule. A change in (G) increases to ten days the time allowed to complete a safety audit after the relocation of a foster home.</td>
</tr>
<tr>
<td>5101:2-5-25 (New)</td>
<td>This is a new rule regarding the phase in period for implementation of the new rules for specialized foster homes and changing...</td>
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<tr>
<td>Section</td>
<td>Description</td>
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<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>5101:2-5-26</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-27</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-28</td>
<td>In paragraphs (A) and (F), changes related to the name change of the department are made; in (A)(9) new language specifies that conviction of one of the prohibited offenses by an adult resident of a family foster home or a 12 to 18 year old residing in the home may be considered valid cause to deny or revoke a foster home certificate; the existing language of (B) is deleted and replaced with new language requiring an agency to review the foster home certificate and any placements and, if necessary, notify custody holders and recommend revocation if any of the circumstances of paragraph (A) exist in a foster home; a new paragraph (C) requires an agency to notify ODJFS (upon notification by a foster caregiver) when a 12 to 18 year old foster home resident has been convicted of one of the prohibited offenses and ODJFS is required to revoke the foster home certificate in these circumstances.</td>
</tr>
<tr>
<td>5101:2-5-29</td>
<td>Amendments change designation of &quot;family foster home&quot; to &quot;foster home.&quot; A new (C)(6) requires documentation of respite care on the foster home log.</td>
</tr>
<tr>
<td>5101:2-5-30</td>
<td>Changes related to the name change of the department; clarify procedures on changes in occupancy, marital status or relocation of a foster caregiver or foster home.</td>
</tr>
<tr>
<td>5101:2-5-31</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made throughout the rule. A change in (B) allows a foster home to transfer from one agency to another provided that the new agency has authority to accept foster homes of the type requesting the transfer. A new (D)(8) requires the current and proposed FACSIS ID numbers to be on the ODJFS 01334. A new (H) requires release of</td>
</tr>
<tr>
<td>Section</td>
<td>Text</td>
</tr>
<tr>
<td>---------</td>
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</tr>
<tr>
<td>5101:2-5-32 (Revised)</td>
<td>Changes related to the change from family foster home to foster home are made throughout the rule. A new (A)(4) clarifies that the placement limitations for specialized foster homes found in rules 5101:2-5-36 and 5101:2-5-37 apply.</td>
</tr>
<tr>
<td>5101:2-5-33 (Revised)</td>
<td>Extensive revisions are made to this rule related to assuring that foster caregivers and prospective foster caregivers complete the required training programs; outlines the new preplacement and continuing training requirements for foster caregivers; local agency waivers, under certain circumstances, of up to four hours of annual continuing foster caregiver training requirements; and foster caregiver written training needs assessments. An amendment to paragraph (D) clarifies language related to the use of video presentations to meet training requirements. (Also see 5101:2-5-40)</td>
</tr>
<tr>
<td>5101:2-5-36 (New)</td>
<td>This is the new primary rule for additional requirements for agencies acting as a representative of ODHS in recommending treatment foster homes for certification. (Also see 5101:2-7-16.)</td>
</tr>
<tr>
<td>5101:2-5-37 (New)</td>
<td>This is the new primary rule for additional requirements for agencies acting as a representative of ODHS in recommending medically fragile foster homes for certification. (Also see 5101:2-7-17.)</td>
</tr>
<tr>
<td>5101:2-5-38 (New)</td>
<td>This new rule contains provisions for reimbursement of foster caregiver training stipends and reimbursement of training allowances to recommending agencies.</td>
</tr>
<tr>
<td>5101:2-5-40 (New)</td>
<td>This new rule contains requirements for the operation of preplacement and continuing training programs for foster caregivers. (Also see 5101:2-5-33)</td>
</tr>
<tr>
<td>Licensing Family Foster Homes 5101:2-7-02 (Revised)</td>
<td>Changes related to the name change of the department are made; in (J)(1) and the Appendix, two new arson related crimes are added to the list of prohibited offenses; in (P) existing language has been moved to a new paragraph (P) in rule 5101:2-5-09.1 and new language is added regarding denial of a foster home certificate upon notification of the foster home study when the caregiver is being considered for adoption.</td>
</tr>
<tr>
<td>Rule Number</td>
<td>Text</td>
</tr>
<tr>
<td>-------------</td>
<td>------</td>
</tr>
<tr>
<td>5101:2-7-03 (Revised)</td>
<td>A change related to the change from family foster home to foster home is made in (B).</td>
</tr>
<tr>
<td>5101:2-7-04 (Revised)</td>
<td>A change related to the change from family foster home to foster home is made in (B).</td>
</tr>
<tr>
<td>5101:2-7-05 (Revised)</td>
<td>Changes related to the change from family foster home to foster home are made throughout the rule. A clarifying amendment is made to (B)(4) to prohibit a foster child's bedroom from being a &quot;tandem&quot; bedroom.</td>
</tr>
<tr>
<td>5101:2-7-06 (Revised)</td>
<td>A change related to the change from family foster home to foster home is made in (B).</td>
</tr>
<tr>
<td>5101:2-7-07</td>
<td>A spelling error is corrected in (B)(1).</td>
</tr>
<tr>
<td>5101:2-7-09 (Revised)</td>
<td>Changes related to the change from family foster home to foster home and the department's name change are made throughout the rule. A spelling error is corrected in (C)(4).</td>
</tr>
<tr>
<td>5101:2-7-12 (Revised)</td>
<td>Changes related to the change from family foster home to foster home are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-7-13 (Revised)</td>
<td>Changes related to the change from family foster home to foster home are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-7-14 (Revised)</td>
<td>Changes related to the change from family foster home to foster home and the department's name change are made throughout the rule. In (G) new language is added to require a foster caregiver to notify the recommending agency of any conviction of a 12 to 18 year old resident of a family foster home of any of the prohibited offenses; add an Appendix A to list the prohibited offenses.</td>
</tr>
<tr>
<td>5101:2-7-16 (New)</td>
<td>This is the new primary rule for additional requirements for a treatment foster caregiver and a treatment foster home. (See also 5101:2-5-36)</td>
</tr>
<tr>
<td>5101:2-7-17 (New)</td>
<td>This is the new primary rule for additional requirements for a foster caregiver for medically fragile children and a medically fragile foster home. (See also 5101:2-5-37)</td>
</tr>
<tr>
<td>LICENSING: Children's Residential Centers</td>
<td>5101:2-9-03</td>
</tr>
<tr>
<td>------------------------------------------</td>
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</tr>
<tr>
<td>5101:2-9-12</td>
<td>The term &quot;licensed professional counselor&quot; was inadvertently omitted from the list of professionals able to approve a service plan. This correction is made in paragraphs (A) and (C).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FORMS</th>
<th>JFS 01290</th>
<th>Changes related to the name change of the department from ODHS to ODJFS and the change from family foster home to foster home are made. Additional policies added.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>JFS 01315</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made.</td>
</tr>
<tr>
<td></td>
<td>JFS 01317</td>
<td>Changes related to the name change of the department, the change from family foster home to foster home, and adding treatment, medically fragile and pre-adoptive infant foster homes to the form.</td>
</tr>
<tr>
<td></td>
<td>JFS 01331</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made. Other minor clarifying modifications.</td>
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<tr>
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<td>JFS 01334</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made. Other minor clarifying modifications.</td>
</tr>
<tr>
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<td>JFS 01348</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made. Other changes are made to reflect rule modifications.</td>
</tr>
<tr>
<td></td>
<td>JFS 01349</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made.</td>
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<tr>
<td></td>
<td>JFS 01691</td>
<td>Changes related to the name change of the department and the change from family foster home to foster home are made.</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
<table>
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<tr>
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<th>REMOVE AND FILE AS OBSOLETE</th>
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<td>5101:2-7-16</td>
<td>5101:2-7-17</td>
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<tr>
<td>Children's Residential Centers</td>
<td>Overview and Rule Index</td>
<td>Overview and Rule Index</td>
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<td>5101:2-9-03</td>
<td>5101:2-9-03</td>
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<td>5101:2-9-12</td>
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<td>ODHS 1334</td>
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<td>ODHS 1349</td>
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<td>ODHS 1691</td>
<td>JFS 01691</td>
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<td>TRANSMITTALS</td>
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<tr>
<td>Manual Transmittal Letters</td>
<td>Transmittal Letter Index Starting at 115</td>
<td>Transmittal Letter Index Starting at 115</td>
</tr>
<tr>
<td></td>
<td>FCASMTL No. 130</td>
<td></td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Changes to the Independent Living Program for Children in Substitute Care

This letter transmits changes to the Ohio Administrative Code to implement Substitute House Bill 38 (Sub. HB 38) which was signed into law by Governor Bob Taft on August 1, 2002. Sub. HB 38 was enacted to implement the federal John H. Chafee Program under The Foster Care Independence Act of 1999. This program provides for the enhancement and expansion of independent living (IL) services to youth currently in substitute care or recently emancipated to help them achieve self-sufficiency. This new law specifically requires that a portion of the IL funding be used to serve eligible young adults ages 18-21 who leave substitute care because they reach age 18.

The following chart summarizes what rules have been rescinded, amended or adopted to incorporate the above mentioned changes. These rules take effect on November 12, 2002.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>Brief Explanation of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-42-19 (Rescinded)</td>
<td>This rule is rescinded.</td>
</tr>
<tr>
<td>5101:2-42-19 (New)</td>
<td>This rule is to replace the former independent living rule. It adds the requirement of an individual independent living plan and time frames for completion. This new rule provides for the specialized training of caregivers who care for youth expected to remain in substitute care until emancipation.</td>
</tr>
<tr>
<td>5101:2-42-19.1 (New)</td>
<td>This new rule sets forth the minimum requirements of independent living environments.</td>
</tr>
<tr>
<td>5101:2-42-19.2 (New)</td>
<td>This new rule provides for the provision of services to young adults who have emancipated from substitute care care at age 18 until they reach their 21st birthday. It also allows for up to 30% of a PCSA's independent living allocation to be used for room and board for emancipated young adults 18 to 21 years of age.</td>
</tr>
<tr>
<td>5101:2-33-05 (Revised)</td>
<td>This rule was revised to add the requirement of FACSIS reporting of independent living services to emancipated young adults between the ages of 18 years and their 21st birthday.</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tr>
<td>SOCIAL SERVICES</td>
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<tr>
<td>Substitute Care</td>
<td>5101:2-42-19</td>
<td>5101:2-42-19</td>
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<tr>
<td><strong>MANAGEMENT AND ADMINISTRATION</strong></td>
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<tr>
<td>Monitoring</td>
<td>5101:2-33-05</td>
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**TRANSMITTALS**

<table>
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<tr>
<th>Manual Transmittal Letters</th>
<th>Transmittal Letter Index Starting with No. 115</th>
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<tr>
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<td>FCASMTL No. 129</td>
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</tbody>
</table>
FCASMTL 127A (JFS 01925 Correction)

Family, Children and Adult Services Manual Transmittal Letter No. 127A

October 21, 2002

TO: Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Corrections to FCASM Transmittal Letter No. 127 Regarding JFS 01925 Instructions

This letter transmits corrections to the rule references in the instructions to complete the JFS 01925 that were transmitted in FACSMTL No. 127. There are no changes in the form itself.

<table>
<thead>
<tr>
<th>Location</th>
<th>Correction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Page 1</td>
<td>Reference to rule 5101:2-47-20 of the Ohio Administrative Code was corrected to read 5101:2-47-24 of the Ohio Administrative Code.</td>
</tr>
<tr>
<td>Page 4</td>
<td>References to OAC 5101:2-47-22 were corrected to 5101:2-47-19.</td>
</tr>
</tbody>
</table>

The purpose of the JFS 01925 form is to capture all active Title IV-E cases registered on the Family and Children Services Information System (FACSIS) and invoice the costs associated with these children. The Title IV-E agency provides placement and payment information on each child listed on the invoice. The amended form will breakout the maintenance and administration costs and allow for direct billing of these costs.

This revised JFS 01925 form is effective for child placement dates beginning September 1, 2002.

INSTRUCTIONS:

File the cover letter of this transmittal in the FCASMTL Section of the Family, Children and Adult Services Manual (FCASM). Remove the instructions in the Forms Section of the FCASM behind form JFS 01828 and replace. (JFS 01925 Instructions)
This letter transmits the updated JFS 01925 Monthly FCM Facility Invoice form and instructions for the completion of the form. The amendment of the form will allow for direct billing of maintenance and administration claims. The instructions explain how to complete the amended JFS 01925 form.

The purpose of the JFS 01925 is to capture all active Title IV-E cases registered on the Family and Children Services Information System (FACSIS) and invoice the costs associated with these children. The Title IV-E agency provides placement and payment information on each child listed on the invoice. The amended form will breakout the maintenance and administration costs and allow for direct billing of these costs.

This revised JFS 01925 form is effective for child placement dates beginning September 1, 2002.

INSTRUCTIONS:

File the cover letter of this transmittal in the FCASMTL Section of the Family, Children and Adult Services Manual (FCASM). Remove the old ODJFS 1925 form and insert the amended JFS 01925 form and instructions in the Forms Section of the FCASM behind form JFS 01828.
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Revisions to Children Services Licensing Rules as a Result of the Five Year Rule Review

This letter transmits 36 amended Ohio Administrative Code (OAC) rules governing children services licensing that have been reviewed consistent with the requirements of the state's five year rule review policy. Many of the changes reflect the change in the department's name or other minor cosmetic changes. Three of the rules apply to agencies, three to foster homes and the other 30 rules are applicable only to residential facilities. These changes will become effective September 1, 2002.

**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tbody>
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**TRANSMITTAL**

Transmittal Letter Index Starting with No.115

**FCASMTL No. 126**
This letter transmits the release of revised and updated Private Child Placing Agency (PCPA) and Private Noncustodial Agency (PNA) Data Entry Forms for Micro-FACSIS and new Form Instructions. The forms have been revised to enable the department to collect data from PCPAs and PNAs to satisfy the requirements of the federal Adoption and Foster Care Analysis Reporting System (AFCARS) and additional data collection required by the federal Adoption and Safe Families Act (ASFA). The revised forms include all previous events collected on the older versions of the forms and new Resource Events and Client Events. However, please note that some previous event information on the JFS 01639 is now optional.

Due to the critical importance of the data to be collected, these revised forms will immediately replace the PCPA and PNA Data Entry Forms for Micro-FACSIS (Rev 9/1993). Please note that these forms will be printed on NCR paper; agencies should send the original white copy to ODJFS and retain the pink copy for your agency's files. Enclosed with this letter is a blank Form Requisition (JFS 09510) for your agency to use to order the appropriate forms in the desired quantity for your agency's use.

Also enclosed with this letter is a Micro-FACSIS Code Sheet which is a compilation of all Values to be used in entering the appropriate Events onto these new forms. This Code Sheet replaces the Values being printed on the back of each of the data entry forms. Please note that additional Values have been added for use in these forms. For a more complete description and definitions of these Values, please refer to the Micro-FACSIS Usage Document and the Micro-FACSIS Glossary, both of which have been updated recently. These two documents can be assessed and printed from the ODJFS website at [http://www.state.oh.us/odjfs/ocf/FACSIS/usage](http://www.state.oh.us/odjfs/ocf/FACSIS/usage) and [http://www.state.oh.us/odjfs/ocf/FACSIS/glossary/](http://www.state.oh.us/odjfs/ocf/FACSIS/glossary/)

On-line Tutorial Presentations are currently being created to assist users in completing these revised forms. When the on-line Tutorial Presentations are published in the near future, a letter will be sent to your agency with instructions on how to access the Tutorials.

**Instructions:**

The following chart identifies what materials (forms) are to be obsoleted and what materials (forms) will now become a part of the Family, Children and Adult Services Manual (FCASM). Please note that the old forms may not be part of your FCASM, but have been in general use by PCPAs and PNAs since about 1991.

<table>
<thead>
<tr>
<th>Location</th>
<th>File as Obsolete</th>
<th>Insert/Replacement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index of Forms</td>
<td>Index of Forms</td>
<td>Index of Forms (4/8/2002)</td>
</tr>
<tr>
<td>Forms</td>
<td>ODHS 1622 (Rev 1/1995)</td>
<td>JFS 01622 (Rev. 04/2002) (Client Registration)</td>
</tr>
<tr>
<td></td>
<td>ODHS 1627 (Rev 9/1993)</td>
<td>JFS 01627 (Rev. 04/2002) (Custody and Substitute Care)</td>
</tr>
<tr>
<td></td>
<td>ODHS 1628 (Rev 9/1993)</td>
<td>JFS 01628 (Rev. 04/2002) (Reviews and Court Activities)</td>
</tr>
<tr>
<td>ODHS 1629 (Rev. 9/1993)</td>
<td>JFS 01629 (Rev. 04/2002)</td>
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<tr>
<td>(OAPL-Child Listing Activities/Sibling Group Activities)</td>
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<td>(OAPL - Family Listing Activities)</td>
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<td>JFS 01638 (Rev. 04/2002)</td>
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<tr>
<td>(Sibling Group Resource Data and Events)</td>
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<td>ODHS 1639 (Rev 9/1993)</td>
<td>JFS 01639 (Rev. 04/2002)</td>
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<td>(Own Agency Foster Home-Resource 01)</td>
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<td>ODHS 1648 (Rev 1/1995)</td>
<td>JFS 01648 (Rev. 04/2002)</td>
<td></td>
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<td>(Own Agency Adoptive Home-Resource 40)</td>
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<tr>
<td>(Resource Data Form - General)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRANSMITTAL</td>
<td>Transmittal Letter Index Starting with No.116</td>
<td></td>
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<td>Transmittal Letter Index Starting with No.116</td>
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</tr>
<tr>
<td>Transmittal</td>
<td>FCASMTL No. 124</td>
<td></td>
</tr>
</tbody>
</table>

Attachments

[Click here to view the Micro-FACSIS Code Sheet](#)
[Click here to view the Form Requisition (JFS 09510)](#)
TO: Family, Children and Adult Services Manual Holders
FROM: Jo Ann Davidson, Director
SUBJECT: Hiring Requirements for PCSA Caseworkers and Completion of Individual Training Needs Assessments


Educational Requirements
H.B. 448 stipulates that Public Children Services Agencies (PCSA) may only hire a caseworker if the applicant has the following educational credentials: (a) bachelor’s degree in human services related studies; (b) bachelor’s degree in any field and has been employed for at least two years in a human services related occupation; associate degree in human services related studies; or (d) employed for at least five years in a human services occupation. The bill also indicates caseworkers whose educational credentials include those outlined in (b) to (d) must obtain a job-related bachelor’s degree no later than five years after the date employment with the agency commences. To assist caseworkers in complying with educational requirements contained in the bill the agency should consider enrolling the worker in the TOPS program. Agencies are required to use the definition of “caseworker” found in OAC rule 5101:2-1-01 to comply with the educational provisions contained in H.B. 448.

Individual Training Needs Assessment
Over the past few years the Ohio Child Welfare Training Program has worked with agencies in completing the Individual Training Needs Assessment form for caseworkers and supervisors. H.B. 448 requires all PCSAs complete Individual Training Needs Assessments for Caseworkers and Supervisors once every two years.

These rules and forms will take effect on April 1, 2001.

INSTRUCTIONS:
The following chart depicts what information is to be removed from the Family, Children and Adult Services Manual (FCASM) and what material is to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tbody>
<tr>
<td>INDEX</td>
<td>Chapter 5101:2-33</td>
<td>Chapter 5101:2-33</td>
</tr>
<tr>
<td>Rule Index</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MANAGEMENT and ADMINISTRATI N</td>
<td>5101:2-33-55</td>
<td>5101:2-33-55</td>
</tr>
<tr>
<td>Staff Development and Training</td>
<td>5101:2-33-56</td>
<td>5101:2-33-56</td>
</tr>
<tr>
<td>FORMS</td>
<td></td>
<td>JFS 01827 (file behind ODHS 1826)</td>
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<td></td>
<td>JFS 01828</td>
</tr>
<tr>
<td>TRANSMITTALS</td>
<td>FCASMTL NO. 111</td>
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<tr>
<td>Manual</td>
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<tr>
<td>Transmittal Letters</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Manual Transmittal Letter No. 110

November 29, 2001

TO: Family, Children and Adult Services Manual Holders
FROM: Thomas Hayes, Director
SUBJECT: New TITLE IV-E Rules Establishing Fiscal Accountability Procedures

This letter transmits the new Title IV-E Fiscal Accountability rules that were promulgated in order to comply with the fiscal accountability provisions of House Bill 448 that was signed into law by Governor Bob Taft on July 6, 2000. The law became effective on October 6, 2000 and mandated, among other requirements, the establishment of rules governing procedures for fiscal accountability for Public Children Service Agencies (PCSA), Private Child Placing Agencies (PCPA), and Private Noncustodial Agencies (PNA).

The new rules also reflect the recommendations issued in June 2000 by the Child Welfare Reform Shareholders Group, and address the systematic weaknesses in the fiscal system that were identified in the Auditor of State's Child Protective Services audits.

Also included in this transmittal is Appendix A which contains a sample contract that ODJFS has developed for counties to use or adapt for use when purchasing foster care from private agencies. A Title IV-E agency may use the sample contract or develop its own contract. The sample contract may be downloaded from the ODJFS internet website http://www.state.oh.us/ODJFS/ocf/ive.stm.

The expected effective date of the enclosed rules is December 1, 2001. A brief explanation of each of the new rules appears in the following table.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>A Brief Explanation of Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-33-19 (New)</td>
<td>This rule sets forth the penalties ODJFS may enforce against PCSAs, PCPAs and PNAs for their failure to comply with procedures involving fiscal accountability. There are two classes of penalties: The first class imposes a penalty for initial failures and requires the provider to develop a corrective action plan. The second class is for subsequent failures or failure to comply with the corrective action plan. This provision authorizes ODJFS to take the following action: (1) for PCSAs, ODJFS may take any action permissible under 5101.24 of the Ohio Revised Code; (2) for PCPAs and PNAs, ODJFS may cancel the provider's Title IV-E rate or revoke the provider's license. Cancellation of the Title IV-E rate precludes IV-E reimbursement. ODJFS will resume the Title IV-E rate effective on the first day of the month following the date of compliance. However, there will be no retroactive adjustment to the period of time the provider was out of compliance.</td>
</tr>
<tr>
<td>5101:2-47-23.1 (New)</td>
<td>This rule sets forth the requirements that a PCSA must establish a system of contracts and contract monitoring when purchasing foster care from private providers. Each contract shall include the following minimum requirements: scope of services to be provided, annual independent audit of its Title IV-E Cost Report,</td>
</tr>
</tbody>
</table>
definition of allowable costs,  
record retention requirements,  
invoicing procedures specifying the per diem cost and reimbursement associated with delivery of services,  
procedures and time frames for submitting progress reports for each child,  
requirements specifying the providers responsibility to participate in the child’s treatment plan,  
requirement of the adherence to specific accounting procedures,  
requirement regarding the use of funds,  
beginning and ending date of the contract, and  
appropriate remedies for breach of contract.

ODJFS has developed a Model Contract for counties to use or adapt for use when purchasing foster care from private providers.

| 5101:2-47-26.1 (New) | This rule sets forth the following cost report monitoring requirements:  
cost report filing requirements,  
desk review process,  
record retention requirements,  
related party disclosure requirements, and  
development of a single cost report form to report costs reimbursable under Medicaid. |
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| 5101:2-47-26.2 (New) | This rule sets forth the Title IV-E cost reports annual audit requirements.  
The audits must be conducted in accordance with Government Auditing Standards and shall be filed with the cost report.  
For PCPAs and PNAs, the audits shall be performed by an independent public accountant. The qualifications for the independent public accountant and the audit procedures to be applied will be published in an ODJFS Title IV-E Audit Manual and Title IV-E Work Program.  
ODJFS will also conduct quality control reviews of the independent audit report that it receives. |
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**INSTRUCTIONS**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tbody>
<tr>
<td>MANAGEMENT AND ADMINISTRATION</td>
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<td>5101:2-33-19 (AFTER 2-33-18)</td>
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<td>FCASMTL No. 110</td>
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Appendix A

Click here to view the Sample Contract for PCSAs and Providers of Child Placement and Related Services.
The Ohio Department of Job and Family Services has worked closely with the Statewide Risk Assessment Committee to revise the "Family Risk Assessment Model". A primary recommendation of the committee was to change the name of the model to the "Family Decision Making Model". This was done to focus attention on the fact that the Risk Assessment Matrix is only one part of the model which also includes the Case Plan, the Semiannual Review and the Safety Plan. As a result, the name of the model listed on the forms had to be changed. There were no recommendations for changes in how the forms were to be completed or the information to be collected and documented on the forms.

The forms (JFS 01500, JFS 01444, JFS 01445, JFS 01510 and JFS 01520) became effective on January 1, 2001 (the previously stated date of January 1, 2000 was incorrect). The form, JFS 01414, will be effective on February 1, 2001. A brief explanation of the revisions appears on the following page.

For those PCSAs using the Family Assessment and Planning Tool (FAPT), modifications are underway to version the application for these forms with an effective date of April 2, 2001. Forms completed prior to April 2, 2001, will follow the prior format in FAPT. Therefore, until that time, PCSAs may use either the forms currently available in FAPT or the revised forms found as an attachment to this transmittal letter. All old forms will be obsolete as of April 2, 2001.

The following table consists of a brief explanation of the form revisions mentioned above.

<table>
<thead>
<tr>
<th>ODJFS Form Number</th>
<th>Form Title and Brief Explanation of Proposed Changes</th>
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<tr>
<td>JFS 01500</td>
<td><strong>Family Risk Assessment Matrix</strong> - multiple use version</td>
</tr>
<tr>
<td></td>
<td>Name of model was changed to Family Decision Making Model</td>
</tr>
<tr>
<td></td>
<td>Name and number of form was changed from ODHS 1500 to JFS 01500</td>
</tr>
<tr>
<td></td>
<td>Element a - Extent of Physical Injury was changed to Extent of Inflicted Physical Injury</td>
</tr>
<tr>
<td></td>
<td>Element b - Extent of Emotional Harm was changed to Extent of Emotional Maltreatment</td>
</tr>
<tr>
<td></td>
<td>Element I - Behavioral Problems of Children was changed to Emotional/Behavioral Problems of Child(ren)</td>
</tr>
<tr>
<td></td>
<td>Factor IV - Characteristics of all adults in the household was changed to Characteristics of all involved adults</td>
</tr>
<tr>
<td></td>
<td>Element u - Coping with Problems in Family Functioning was changed to Recognition of Problems in Family Functioning</td>
</tr>
<tr>
<td></td>
<td>Element w - Adult's response to Stress was changed to Family Stressors and Response</td>
</tr>
<tr>
<td></td>
<td>Element y - Attachment/Bonding-Nurturance was changed to Attachment/Bonding</td>
</tr>
</tbody>
</table>
### Case Plan
Name of model was changed to Family Decision Making Model
Name and number of form was changed from ODHS 1444 to JFS 01444
Certified Family Foster home was changed to Certified Foster Home
Long Term Foster Care (LTFC) was removed from the Child's Legal Status Codes

### Amended Case Plan Cover Sheet
Name of model was changed to Family Decision Making Model
Name and number of form was changed from ODHS 1445 to JFS 01445

### Semiannual Administrative Review (SAR)
Name of model was changed to Family Decision Making Model
Name and number of form was changed from ODHS 1414 to JFS 01414
Family Foster Home was been changed to Certified Foster Home
Long Term Foster Care (LTFC) was removed from the Child's Legal Status Codes

### Safety Plan for Children
Name of the model was changed to Family Decision Making Model
Name and number of form was changed from ODHS 1510 to JFS 01510

### Family Risk Assessment Matrix - single use version
Name of model was changed to Family Decision Making Model
Name and number of form was changed from ODHS 1520 to JFS 01520

### INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
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<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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</tr>
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<td>ODHS 1414 Instructions</td>
<td>JFS 01414 Instructions</td>
</tr>
<tr>
<td></td>
<td>ODHS 1444</td>
<td>JFS 01444</td>
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<td>ODHS 1444 Instructions</td>
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<td>JFS 01445</td>
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<td>ODHS 1445 Instructions</td>
<td>JFS 01445 Instructions</td>
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<td>ODHS 1500</td>
<td>JFS 01500</td>
</tr>
<tr>
<td>ODHS 1510</td>
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<tr>
<td>ODHS 1510 Instructions</td>
<td>JFS 01510 Instructions</td>
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<td>ODHS 1520</td>
<td>JFS 01520</td>
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<tr>
<td>ODHS 1506</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Revisions to Ohio Administrative Code Rules as a Result of Amendments to the Federal Regulations for Titles IV-B and IV-E of the Social Security Act

The Department of Health and Human Services, Administration for Children and Families issued Federal Register Volume 65, Number 16 on January 25, 2000. This issuance transmits the final rule which amends existing regulations by adding new requirements governing the review of a State’s conformity with its State plan under titles IV-B and IV-E of the Social Security Act, and implements the provisions of the Social Security Act amendments, the Multiethnic Placement Act amendments and certain provisions of the Adoption and Safe Families Act which is implemented in Ohio through Sub. H.B. 484 and Am. Sub. H.B. 176.

As a result of these amendments, the department is revising several existing Ohio Administrative Code (OAC) rules governing Title IV-E foster care maintenance and substitute care. While the department is promulgating permanent rules to implement the provisions of the federal regulations this issuance transmits the rules under the emergency provisions established in Chapter119 of the Ohio Revised Code.
Family, Children and Adult Services Manual Transmittal Letter No. 101-A

December 16, 1999

TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Adoption and Foster Care Analysis and Reporting System (AFCARS) Requirements

Federal Regulation at 45 CFR 1355.40, implements section 479 of the Social Security Act and sets forth the AFCARS requirements. The purpose of AFCARS is to collect uniform, reliable information on children who are under the placement and care responsibility of the State Title IV-B/IV-E agency, and children adopted under the auspices of the State public child welfare agency. States are required to collect and submit AFCARS data semi-annually to the Administration for Children and Families (ACF).

The Ohio Administrative Code (OAC) rule proposed for amendment and transmitted in FCASMTL No.101 in order to comply with federal regulations for AFCARS reporting was refiled with minor changes. This letter transmit the changes to OAC rule 5101:2-33-05 entitled "Family and Children Services Information System (FACSIS) Reporting Requirements" which were made in the refiled rule.

Changes were made to clarify language; to separate out the reporting requirements of public (PCSA) from private (PCPA and PNA) agencies; to add the statutory authority for enforcement of the PCSA sanction provisions; and to delete the reference distinguishing private agencies by their means of reporting.
TO: Family, Children and Adult Services Manual Holders  
FROM: Jacqueline Romer-Sensky, Director  
SUBJECT: Ohio Administrative Code Rule Changes as a Result of the Adoption and Safe Families Act of 1997 and Substitute House Bill 484

This letter transmits changes to Ohio Administrative Code (OAC) rules which were made as a result of the comments received at the public hearing. The following chart depicts OAC rules which have been amended. These rules and forms will take effect on **June 17, 1999 (See table below)**.

<table>
<thead>
<tr>
<th>RULE NUMBER</th>
<th>RULE CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-1-01</td>
<td>Added/Amended following definitions: Family Support Services, Kin, Preadoptive Family, Relative, Substitute Caregiver, Supplemental Plan</td>
</tr>
<tr>
<td>5101:2-39-02</td>
<td>Paragraphs (E)(13) was amended to include OWF and Prevention, Retention and Contingency Services Applications. Paragraph (E)(22) was amended to add clarifying language regarding the OWF Self-Sufficiency Contract.</td>
</tr>
<tr>
<td>5101:2-39-05</td>
<td>Paragraphs (A), (D), (F) and (G) were amended to clarify the reasonable efforts requirements.</td>
</tr>
<tr>
<td>5101:2-39-06</td>
<td>The title of the rule was changed. Paragraph (E) was amended to include a reference to other services provided by the CDHS.</td>
</tr>
<tr>
<td>5101:2-39-081</td>
<td>Paragraph (A) was amended to include information on how parties to the case plan can resolve disputes regarding the contents of the case plan. Paragraph (G) was amended to comply with Section 2151.412 of the Revised Code.</td>
</tr>
<tr>
<td>5101:2-39-10</td>
<td>Paragraph (A) was amended to include information on how parties to the case plan can resolve disputes regarding the contents of the case plan.</td>
</tr>
</tbody>
</table>
Paragraph (G) was added to clarify that the case plan serves as the permanency plan for the child.

New Paragraph (H) was amended to comply with Section 2151.412 of the Revised Code.

Paragraph (F) was amended to include consistent terminology.

Paragraph (K) was added to cite the exception to the procedures contained in this rule.

Paragraph (D)(4), (D)(5), (D)(6), (E),(F), and (G) were amended to indicate the PCPA may use the ODHS 1416 and additional SAR requirements were added regarding long term foster care/planned permanent living arrangements.

Paragraph (B) was amended to include dependent children.

Paragraph (G) was added to cite an exception to the procedures contained in this rule.

Paragraphs (A)(1)(a)(v) and (A)(1)(b) were amended to correct rule references and include a statute reference.

Paragraphs (A) and (B) were amended to be consistent with federal phase-in requirements.

Paragraph (E) was added to provide an alternative to reviewing children with a case dispositional status of long term foster care.

Paragraph (A)(4) was amended to reference nonrecurring adoption expenses.

<table>
<thead>
<tr>
<th>FORMS NUMBER</th>
<th>FORM CHANGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Index of Forms</td>
<td>Index of Forms</td>
</tr>
<tr>
<td>ODHS 1414 (Rev. 5/99)</td>
<td></td>
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<tr>
<td>ODHS 1414 Instructions</td>
<td></td>
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<tr>
<td>ODHS 1416 (Rev. 5/99)</td>
<td></td>
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<tr>
<td>ODHS 1416 Instructions</td>
<td></td>
</tr>
<tr>
<td>ODHS 1435 (Replaced by ODHS 2132)</td>
<td></td>
</tr>
</tbody>
</table>
Please note: The FCASM is now available on CD Rom. To order a CD please contact Beth Hart or Lisa Bynum at (614) 728-7300. The CD is updated on a quarterly basis. As a result, the CD you will receive only contains rules which were issued up to FCASMTL No. 99.
FCASMTL 92 (Adoption Forms)
Family, Children and Adult Services Manual Transmittal Letter No. 92
May 26, 1998

TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Revision of Ohio Department of Human Services Adoption Forms

This letter transmits revisions to Ohio Department of Human Services adoption forms. Minor technical changes have been made to the forms in order to make them more accurate or easier to use. The forms included in this transmittal are:

ODHS 1679 "Request for Notification"
ODHS 1681 "Applicant Financial Statement"
ODHS 1693 "Ohio Law and Adoption Materials"
TO: Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Ohio Administrative Code Rule Governing Adult-Supervised Living Arrangements

Section 5107.24 of the Ohio Revised Code (see attached) gives public children services agencies (PCSA), private child placing agencies (PCPA), and private non-custodial agencies (PNA) the authority to approve adult-supervised living arrangements which are not approved, licensed, or certified by the Ohio Department of Human Services, the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, or the Ohio Department of Youth Services. This letter transmits Ohio Administrative Code (OAC) rule 5101:2-42-71 entitled "Approval of Adult-Supervised Living Arrangements.

This rule outlines what settings constitute an adult-supervised living arrangement and contains procedures for the PCSA, PCPA, and the PNA to follow when a county department of human services requests assistance in approving an applicant to operate an adult-supervised living arrangement.

Additionally, this letter transmits model forms which can be used when approving the applicant. The PCSA, PCPA, or PNA has the option of designing their own forms in order to implement the provision of paragraph (C) of OAC rule 5101:2-42-71.
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Title IV-E Eligibility Determinations

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) amended Title IV-E eligibility requirements for the foster care and adoption assistance programs and linked eligibility to the ADC program as it was in effect in the state on June 1, 1995. P.L. 104-193 had linked Medicaid eligibility to the ADC program as it was in effect in the state on July 16, 1996.

In order to minimize the states' administrative burden the Balanced Budget Act of 1997 (P.L. 105-33), enacted on August 5, 1997, linked Title IV-E eligibility to the ADC program as it was in effect in the state on July 16, 1996. As a result, the Title IV-E eligibility ADC link and the Medicaid eligibility ADC link are now the same.

Due to the change in time frames, Title IV-E agencies are required to determine and redetermine Title IV-E eligibility based on ADC Ohio Administrative Code (OAC) rules which were in effect on July 16, 1996. This transmittal issues amended OAC rule 5101:7-1-02 "Title IV-E eligibility under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996" which contains all ADC eligibility rules which were in effect on July 16, 1996. The following chart provides you with an overview of what rules remained the same, were replaced, inserted or deleted from the Appendix of OAC rule 5101:7-1-02.

<table>
<thead>
<tr>
<th>RULE TITLE</th>
<th>APPENDIX</th>
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<tbody>
<tr>
<td>5101:1-1-54</td>
<td>Objective of the Systematic Alien Verification for Entitlements (SAVE) program</td>
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<td>5101:1-1-55</td>
<td>Required alien immigration status documentation</td>
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<tr>
<td>5101:1-1-56</td>
<td>Methods of verifying alien registration status</td>
</tr>
<tr>
<td>5101:1-1-57*</td>
<td>Required written declaration of citizenship/alien status</td>
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<tr>
<td>5101:1-3-011</td>
<td>Eligibility for ADC as a result of the deprivation of parental support</td>
</tr>
<tr>
<td>5101:1-3-012</td>
<td>ADC: continued absence</td>
</tr>
<tr>
<td>5101:1-3-013</td>
<td>ADC: assignment of child support</td>
</tr>
<tr>
<td>5101:1-3-02</td>
<td>ADC: age requirements</td>
</tr>
<tr>
<td>5101:1-3-021</td>
<td>ADC: school attendance</td>
</tr>
<tr>
<td>5101:1-3-03</td>
<td>ADC: residence requirement</td>
</tr>
<tr>
<td>5101:1-3-04</td>
<td>Living with a specified relative</td>
</tr>
<tr>
<td>5101:1-3-041+</td>
<td>ADC: shared parenting (joint custody)</td>
</tr>
<tr>
<td>5101:1-3-05</td>
<td>ADC: general principles regarding resources</td>
</tr>
<tr>
<td>5101:1-3-052*</td>
<td>ADC resources: limitation</td>
</tr>
<tr>
<td>5101:1-3-053*</td>
<td>ADC resources: liquid assets</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
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<tr>
<td>---------</td>
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<tr>
<td>5101:1-3-054</td>
<td>ADC resources: real and personal property</td>
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<td>5101:1-3-055</td>
<td>ADC resources: personal property</td>
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<tr>
<td>5101:1-3-056</td>
<td>ADC resources: exempt/nonexempt exchange and replacement</td>
</tr>
<tr>
<td>5101:1-3-057</td>
<td>ADC: checking and savings accounts</td>
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<tr>
<td>5101:1-3-058</td>
<td>ADC: life insurance as a resource</td>
</tr>
<tr>
<td>5101:1-3-059</td>
<td>ADC: trust as a resource</td>
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<tr>
<td>5101:1-3-06</td>
<td>ADC: real property not used as the home</td>
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<tr>
<td>5101:1-3-07</td>
<td>ADC: evidence of age, citizenship and identity</td>
</tr>
<tr>
<td>5101:1-3-09</td>
<td>ADC: enumeration requirement</td>
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<tr>
<td>5101:1-3-091</td>
<td>ADC: enumeration verification</td>
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<td>5101:1-3-14</td>
<td>Deprivation due to incapacity</td>
</tr>
<tr>
<td>5101:1-3-15</td>
<td>ADC-U: deprivation due to unemployment</td>
</tr>
<tr>
<td>5101:1-3-151</td>
<td>ADC-U: principal earner</td>
</tr>
<tr>
<td>5101:1-3-155</td>
<td>ADC-U: refusals of offers of employment or training</td>
</tr>
<tr>
<td>5101:1-3-18</td>
<td>Eligibility of sponsored aliens</td>
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<tr>
<td>5101:1-3-19</td>
<td>Strikers</td>
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<tr>
<td>5101:1-3-20</td>
<td>Need</td>
</tr>
<tr>
<td>5101:1-3-21</td>
<td>ADC: concurrent receipt of assistance</td>
</tr>
<tr>
<td>5101:1-3-22</td>
<td>ADC and DA: Citizenship requirements</td>
</tr>
<tr>
<td>5101:1-21-01</td>
<td>ADC/GA/DA: financial need based upon size of assistance group</td>
</tr>
<tr>
<td>5101:1-21-011</td>
<td>ADC: standard filing unit</td>
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<tr>
<td>5101:1-21-013</td>
<td>ADC: establishing the assistance group</td>
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<tr>
<td>5101:1-21-014</td>
<td>ADC: children residing with minor parent</td>
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<tr>
<td>5101:1-21-015+</td>
<td>ADC: cases with SSI income and situations in which a child receiving federal state, or local foster care maintenance payments or federal, state, or local adoption assistance payments is placed with a specified relative</td>
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<tr>
<td>5101:1-21-016*</td>
<td>ADC: persons excluded from the assistance group</td>
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<td>5101:1-21-017*</td>
<td>ADC: assistance group composition</td>
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<tr>
<td>5101:1-21-02*</td>
<td>ADC/GA/DA: individuals included in the assistance group</td>
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<td>Code</td>
<td>Description</td>
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<tr>
<td>5101:1-21-04*</td>
<td>ADC: computation of the budget</td>
</tr>
<tr>
<td>5101:1-23-01+</td>
<td>ADC: availability of income</td>
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<tr>
<td>5101:1-23-011+</td>
<td>ADC: exploration of potential income</td>
</tr>
<tr>
<td>5101:1-23-02</td>
<td>Exempt income</td>
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<tr>
<td>5101:1-23-021</td>
<td>ADC: child support payments</td>
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<tr>
<td>5101:1-23-03*</td>
<td>ADC: nonexempt income</td>
</tr>
<tr>
<td>5101:1-23-031</td>
<td>ADC: unearned income</td>
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<tr>
<td>5101:1-23-032</td>
<td>ADC: earned income</td>
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<tr>
<td>5101:1-23-033</td>
<td>ADC: disregards of earned income</td>
</tr>
<tr>
<td>5101:1-23-034</td>
<td>ADC: income from room and board</td>
</tr>
<tr>
<td>5101:1-23-035</td>
<td>ADC: program eligibility for applicants</td>
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<td>5101:1-23-038</td>
<td>ADC: treatment of income received from participation in programs established under the National and Community Service Trust Act of 1993</td>
</tr>
<tr>
<td>5101:1-23-04</td>
<td>ADC: earned income calculation</td>
</tr>
<tr>
<td>5101:1-23-041</td>
<td>ADC: treatment of earned income of a dependent child</td>
</tr>
<tr>
<td>5101:1-23-042*</td>
<td>ADC: minor caretaker budgeting</td>
</tr>
<tr>
<td>5101:1-23-043</td>
<td>ADC: income of a stepparent</td>
</tr>
<tr>
<td>5101:1-23-044</td>
<td>ADC: budgeting methodology applicable when a parent does not meet the citizenship requirement</td>
</tr>
<tr>
<td>5101:1-23-06*</td>
<td>ADC and DA: relocation assistance</td>
</tr>
<tr>
<td>5101:1-23-07+</td>
<td>ADC, DA and ADC-related Medicaid: nonrecurring lump-sum payment</td>
</tr>
<tr>
<td>5101:1-23-071+</td>
<td>ADC: nonrecurring lump-sum period of ineligibility</td>
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<tr>
<td>5101:1-23-073+</td>
<td>ADC: shortening the period of ineligibility</td>
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<tr>
<td>5101:1-23-074+</td>
<td>ADC: budgeting procedures to be used to determine period of ineligibility resulting from the receipt of a lump-sum payment</td>
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<tr>
<td>5101:1-23-08+</td>
<td>ADC: bona fide loans</td>
</tr>
<tr>
<td>5101:1-23-09+</td>
<td>ADC: educational grants and scholarships for college expenses</td>
</tr>
<tr>
<td>5101:1-23-12+</td>
<td>ADC: contributions for shared living expenses</td>
</tr>
<tr>
<td>5101:1-23-13</td>
<td>ADC: casual income</td>
</tr>
<tr>
<td>5101:1-23-14*</td>
<td>ADC and DA: income in kind</td>
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<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>--------------</td>
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</tr>
<tr>
<td>5101:1-23-17</td>
<td>ADC: income paid by public or private agencies, or community groups</td>
</tr>
<tr>
<td>5101:1-23-20+</td>
<td>ADC: earned income tax credit</td>
</tr>
<tr>
<td>5101:1-23-21</td>
<td>ADC: definition of self-employment and gross earnings</td>
</tr>
<tr>
<td>5101:1-23-211</td>
<td>ADC: self-employment operating expenses</td>
</tr>
<tr>
<td>5101:1-23-212</td>
<td>ADC: establishing annual gross earned income from self-employment</td>
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<tr>
<td>5101:1-23-213*</td>
<td>ADC: distributing monthly income from self-employment earnings</td>
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<td>5101:1-23-22</td>
<td>Child support income</td>
</tr>
<tr>
<td>5101:1-23-221+</td>
<td>Child support disregard and payment</td>
</tr>
</tbody>
</table>

* Rule has been amended since 6/95
+ Rule to be added
TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold Tompkins, Director

SUBJECT: H.B. 408 - Administrative Code Rules Governing the Interface Between Ohio Works First and Children Services

House Bill 408 (H.B. 408) authorized county departments of human services (CDHS) to continue providing Ohio Works First cash assistance to an assistance group whose child was removed from the home due to abuse, neglect or dependency if the public children services agency (PCSA):

- notifies the CDHS at the time of the child's removal that the agency believes the child will be able to be returned to the assistance group within three months; and
- informs the CDHS at the end of both of the first two months after the agency removes the child that the parent, legal guardian or specified relative of the child is cooperating with the case plan prepared for the child under section 2151.412 of the Revised Code and the agency is making reasonable efforts to return the child to the assistance group.

Cash assistance and participation by the assistance group in Ohio Works First may continue for no longer than three payment months when a child is removed from the home.

As a result, Ohio Administrative Code rule 5101:2-39-12 "Emergency removal of a child from his own home" has been amended to include this new provision. It is critical that PCSAs work in cooperation with CDHSs when a child can be reunified with his/her family within a three month time frame. In order to facilitate reunification within three months the PCSA should develop an expedited case plan and provide the family with immediate services needed in order for the family to be reunited.

H.B. 408 also indicates that each Ohio Works First self-sufficiency contract entered into between the CDHS and family may include information on the assistance and services the PCSA will provide the family. If the PCSA assistance and services are contained in the self-sufficiency contract Ohio Works First families who fail to comply with the PCSA's case plan will be sanctioned by the ODHS.

The procedures for sharing information between the CDHS and PCSA regarding assistance and services to be provided to families by both systems will be specified in the written plan of cooperation entered into by the CDHS and PCSA. When working with families who are receiving services from both the CDHS and PCSA, the PCSA needs to coordinate with the CDHS to develop joint service planning with families and notification between agencies when the PCSA removes a child from the home of a Ohio Works First assistance group or when a child is returned home to a Ohio Works First assistance group.

OAC rules 5101:2-39-02 "Case records for children services", 5101:2-39-51 "Joint planning and sharing of information among the PCSA and CDHS" and 5101:2-42-70 "Provision of services to unmarried minor females" were amended to reflect the new H.B. 408 requirements.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Child Protection Oversight and Evaluation (CPOE) Definitions and Rules

This letter transmits rules 5101:2-57-01 and 5101:2-57-02 of the Ohio Administrative Code (OAC). OAC rule 5101:2-57-01 contains the definitions for terms used in OAC Chapter 5101:2-57. OAC rule 5101:2-57-02 outlines the ongoing evaluation and periodic performance reviews of the department's Child Protection Oversight and Evaluation (CPOE) quality assurance system.

The CPOE quality assurance system for public children service agencies is critical to the process of continual improvement in the delivery of children services at both the state and local levels. CPOE is based on continuous quality improvement, outcome measures, and the incorporation of an automated child welfare system. Activities focusing on specific service delivery processes and client outcomes will provide ODHS with information on areas of technical assistance needs of PCSAs. Critical operative components of the system include regular data collection, analysis and verification of data, and continuous feedback to PCSAs. Information obtained from CPOE activities can be used to inform the public about the population served, the services rendered, and the overall performance of an agency.
FCASM Procedure Letters
Family, Children and Adult Services Procedure Letter No. 344

July 26, 2019

TO: Family, Children and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Changes to Title IV-E Single Cost Report Form (JFS 02911) and Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 Single Cost Report form and JFS 02911-I Single Cost Report Instructions which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2018, through June 30, 2019 (SFY 2019).

An explanation of the revisions to the cost report form and instructions appears below:

Form

- All worksheet footers updated to reflect "JFS 02911 (Rev. 8/2019)."
- Annual calculated inflation factor (2.9%) added to the Title IV-E Reimbursement Ceilings and Cost Per Diems worksheet.

Instructions

- Date references were revised to reflect proper reporting and effective periods.

An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2020, through March 31, 2021, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2019.

<table>
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<tr>
<th>LOCATION</th>
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<tr>
<td>FORMS</td>
<td>JFS 02911 (Rev. 8/2018)</td>
<td>JFS 02911 (Rev. 8/2019)</td>
</tr>
<tr>
<td></td>
<td>JFS 02911-I (Rev. 8/2018)</td>
<td>JFS 02911-I (Rev. 8/2019)</td>
</tr>
</tbody>
</table>
The purpose of this procedure letter is to provide clarification regarding the responsibilities of a public children services agency (PCSA) or private child placing agency (PCPA) when the agency is considering the ability of a non-custodial parent to care for a child.

Paragraph (A) of rule 5101:2-42-05 of the Administrative Code requires the PCSA or PCPA to explore a non-custodial parent and then other maternal and paternal relatives willing and able to take custody of the child. According to the rule, if a relative is not able or willing to take custody of the child, then the agency shall explore placement of the child with a substitute caregiver. A parent, however, is not a “substitute caregiver”, which is defined in rule 5101:2-1-01 of the Administrative Code as “an individual providing care for a child who is in the custody of the PCSA or PCPA, including a relative other than the child’s parents…” Therefore, if the non-custodial parent is available and appropriate, as determined by the PCSA or PCPA, the agency should work with the court to give that parent temporary or legal custody of the child. If the child is already in the custody of the PCSA or PCPA, the agency should put the child on leave as a trial home visit with the parent until custody can be transferred to that parent.

Effective the date of this procedure letter, a child may be on leave from his or her current placement for a trial home visit with his or her parent, guardian or custodian up to ninety consecutive days.

Guidance regarding SACWIS Entry

If an agency receives custody of a child from the court although the agency found the non-custodial parent to be appropriate, the agency can record the trial home visit as follows:

- Enter the initial removal record
- Change the youth’s address to indicate the location of the child
- Document the circumstances in an activity log

If an agency has already assumed custody of a child and then determines the non-custodial parent is able to care for the child, the agency shall enter in the SACWIS placement record that the child is on leave as a trial home visit.

These changes will result in amendments to rules 5101:2-42-05 and 5101:2-42-87.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 343</td>
</tr>
</tbody>
</table>
FCASPL 342 (State Fiscal Year (SFY) 2020 SAMS Maximum Monthly Funding Level)

Family, Children and Adult Services Procedure Letter No. 342

March 29, 2019

TO: All Family, Children and Adult Services Manual Holders

FROM: Kimberly Hall, Director

SUBJECT: State Fiscal Year (SFY) 2020 SAMS Maximum Monthly Funding Level

The Ohio Department of Job and Family Services (ODJFS) is issuing this procedure letter to identify the maximum monthly funding level for the State Adoption Maintenance Subsidy (SAMS) program.

The maximum funding level for SFY 2020 for the State Adoption Maintenance Subsidy (SAMS) program remains unchanged at $250 per month per adoptive child. Pursuant to Ohio Administrative Code rules 5101:2-44-06 "Eligibility for the state adoption maintenance subsidy program" and 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy," if a public children services agency (PCSA) negotiates a payment in excess of the maximum SAMS payment as identified in this procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 328</td>
<td>FCASPL No. 342</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders  
FROM: Kimberly Hall, Director  
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines  

Pursuant to division (C) of Ohio Revised Code section 5153.163 and paragraph (M) of Ohio Administrative Code rule 5101:2-44-13.1 the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2019. The schedule represents 200% of the 2019 Federal Poverty Guidelines (published in the Federal Register, Vol. 84, No. 22, February 1, 2019, pp. 1167-1168) rounded to the nearest dollar and adjusted for family size.

<table>
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<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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<tr>
<td>3</td>
<td>42,660</td>
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<tr>
<td>8</td>
<td>86,860</td>
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<tr>
<td>For each additional person add</td>
<td>8,840</td>
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</tbody>
</table>

**INSTRUCTIONS:**

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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 329</td>
<td>FCASPL No. 341</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Kimberly Hall, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04, the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2019 Federal Poverty Guidelines (published in the Federal Register, Vol. 84, No. 22, February 1, 2019, pp. 1167-1168) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>300% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$50,730</td>
</tr>
<tr>
<td>3</td>
<td>$63,990</td>
</tr>
<tr>
<td>4</td>
<td>$77,250</td>
</tr>
<tr>
<td>5</td>
<td>$90,510</td>
</tr>
<tr>
<td>6</td>
<td>$103,770</td>
</tr>
<tr>
<td>7</td>
<td>$117,030</td>
</tr>
<tr>
<td>8</td>
<td>$130,290</td>
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</table>

For each additional person add $13,260

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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 326</td>
<td>FCASPL No. 340</td>
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</table>
The purpose of this procedure letter is to inform county department of job and family services (CDJFS) that the Title XX County Profile process has changed, including the due date of the profile. The county profile will now be entered into the SSBG Federal Reporting Website. Agencies no longer need to submit signed copies of their county profile to the Ohio Department of Job and Family Services (ODJFS), but must continue to maintain the signed original on file at the CDJFS. CDJFS staff who already have access to the portal will keep the same username and password. CDJFS staff who need access to this portal must contact CFIS_HELP_DESK@jfs.ohio.gov.

The Title XX County Profile is now due by June 15th of each year.

The public notice and hearing process for the Title XX program has not changed. Agencies should begin preparing for the public notice in March and hold the public hearing in April. Both the public notice and a summary of the comments made at the hearing are to be submitted by the end of May to the mailbox: OFC_SSBG_Title_XX_County_Profile_Reports@jfs.ohio.gov.

These changes will result in amendments to the following rules and forms:

- 5101:2-25-02 Title XX Administration
- 5101:2-25-03 Title XX County Profile
- 5101:2-25-07 Title XX Reimbursement Dependent upon correct determination of recipient eligibility
- JFS 01821 “Title XX County Profile.” This form will be obsoleted.

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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 339</td>
</tr>
</tbody>
</table>
TO: Family, Children, and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Title IV-E Foster Care Maintenance Payments for Children Placed with a Parent in a Licensed Residential Family-Based Treatment Facility for Substance Abuse

This letter details the Title IV-E foster care maintenance payments for children placed with a parent in a licensed residential family-based treatment facility for substance abuse.

Public Law 115-123, known as the Family First Prevention Services Act (FFPSA) was signed into law on February 9, 2018. ACFY-CB-PI-18-07, issued July 9, 2018, instructs states that beginning October 1, 2018 Title IV-E agencies may claim Title IV-E Foster Care Maintenance (FCM) payments for a child in the agency’s custody placed with a parent in a licensed residential family-based treatment facility for substance abuse for up to twelve (12) months.

Title IV-E agencies may claim administrative costs during the 12-month period for the administration of the Title IV-E program, which includes case management. A licensed residential family-based treatment facility for substance abuse is not a children’s residential center (CRC); therefore, the Title IV-E agency may not include the costs of administration and operation of the facility in the child’s Title IV-E FCM payments, nor must the facility adhere to meet the Title IV-E licensing and background check requirements of a CRC.

The child must meet all the Title IV-E foster care eligibility requirements except the aid to family and dependent children (AFDC) eligibility requirements.

The OAC rules and corresponding Manual Transmittal letter are forthcoming regarding Title IV-E FCM payments for a foster child placed with a parent in a licensed residential family-based treatment facility for substance abuse.

With this new Federal legislation, Ohio does not currently have a Title IV-E reimbursement ceiling established for these types of facilities or placements. It will be necessary for a licensed residential family-based treatment facility for substance abuse to complete and submit the JFS 02911 “Title IV-E Single Cost Report” to have a Title IV-E reimbursement ceiling established.

INSTRUCTIONS:

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<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 338</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedure Letter No. 337  
August 23, 2018

TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Ceilings Revisions
ATTACHMENT: 2018 REPORTED FOSTER CARE MAINTENANCE RATES

With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2018.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings**

(0-18 years)

Minimum - $10.00

Maximum - $200.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings**

Special Needs - $200.00

Exceptional Needs - $200.00

Intensive Needs - $200.00

Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**

Clothing - $3,000.00 (annual)

Personal Incidentals - $3,000.00 (annual)

Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2018, due to the provisions of the Budget Control Act of 2011, any increase is not reimbursable through the State Automated Child Welfare Information System (SACWIS) until October 1, 2018.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2019 (October 1, 2018, through September 30, 2019) is 63.09%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentage noted above.

**INSTRUCTIONS:**

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ATTACHMENT: 2018 REPORTED FOSTER CARE MAINTENANCE RATES
Family, Children and Adult Services Procedure Letter No. 336
August 23, 2018

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Definitions impacting IV-B, subpart 2 funds

The Family First Prevention Services Act (FFPSA), enacted on February 9, 2018, modified the definitions of “Family Support Services” and “Family Reunification Services (formerly time-limited Family Reunification Services)” when applied to utilization of Title IV-B, subpart 2 funds.

As a result of these changes, public children services agencies and other entities using IV-B, Subpart 2 funds shall be able to claim allowable expenditures for the following services and activities:

“Family support services” for the purposes of utilizing Title IV-B, “subpart 2” means community-based services to promote the safety and well-being of children and families, which are designed to increase the strength and stability of families (including adoptive, foster, and kinship families), to support and retain foster families so they can provide quality family based settings for children in foster care, to increase parents' confidence and competence in their parenting abilities, to afford children a safe, stable and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development, including through mentoring.

“Family Reunification Services” for the purposes of utilizing Title IV-B, "subpart 2" means the services and activities listed in this definition that are provided to a child who is removed from his home and placed in a foster home or a residential facility or a child who has been returned home and to the parent, guardian or custodian of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the fifteen month period that begins on the date the child returns home. Services and activities allowable are the following: individual, group, and family counseling; inpatient, residential, or outpatient substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families, including crisis care facilities; peer-to-peer mentoring and support groups for parents and primary caregivers; services and activities designed to facilitate access to and visitation of children by parents and siblings, and transportation to or from any of the services or activities described in this definition.

This guidance will result in amendments to the following rules:

- 5101:2-1-01 Children Services Definitions of Terms
- 5101:2-40-02 Supportive Services for Prevention of Placement, Reunification and Life Skills

INSTRUCTIONS:

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</table>
| PROCEDURE LETTERS | FCASPL No. 336 | }
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: CHANGES TO ELIGIBILITY REQUIREMENTS FOR TITLE IV-E ADOPTION ASSISTANCE FOR CHILDREN UNDER AGE TWO (2).

This letter details the changes to the eligibility determination for Title IV-E adoption assistance (AA) for children under age two (2).

Public Law 115-123, known as the Family First Prevention Services Act (FFPSA) was signed into law on February 9, 2018. ACFY-CB-PI-18-07 on July 9, 2018 instructed states to revise rules regarding the Title IV-E adoption assistance eligibility requirements for children under age 2. Before P.L. 115-123, all children were considered an “applicable child” for determining eligibility for the Title IV-E adoption assistance. FFPSA revised the program eligibility rules to delay phasing in the “applicable child” requirements based on the age of the child that was implemented in the Administrative Code rule 5101:2-49-02 “Adoption Assistance Eligibility Criteria” effective on July 1, 2014. Effective January 1, 2018 until June 30, 2024, the “applicable child” requirements apply only to children who will be age two or older by the end of the fiscal year their adoption assistance agreement was entered into.

We will issue a transmittal letter and a new rule by September 2018 regarding the delayed phasing in of the “applicable child” requirements for children under age two (2). In the interim, please follow the “non-applicable child” requirements in paragraph (D) of rule 5101:2-49-02 of the Administrative Code.

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<td>FCASPL No. 335</td>
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</table>
This letter transmits revisions to the JFS 02911 Single Cost Report form and JFS 02911-I Single Cost Report Instructions which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2017, through June 30, 2018 (SFY 2018).

An explanation of the revisions to the cost report form and instructions appears below:

Form

- All worksheet footers updated to reflect "JFS 02911 (Rev. 8/2018)."
- Annual calculated inflation factor (5.1%) added to the Title IV-E Reimbursement Ceilings and Cost Per Diems worksheet.

Instructions

- Date references were revised to reflect proper reporting and effective periods.

An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2019, through March 31, 2020, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2018.

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<td>JFS 02911 (Rev. 8/2018)</td>
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<td></td>
<td>JFS 02911-I (Rev. 8/2017)</td>
<td>JFS 02911-I (Rev. 8/2018)</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines


<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
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</thead>
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<tr>
<td>2</td>
<td>66,464</td>
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<tr>
<td>3</td>
<td>82,103</td>
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<td>4</td>
<td>97,741</td>
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<tr>
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<td>113,380</td>
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<td>11</td>
<td>143,680</td>
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<td>14</td>
<td>152,476</td>
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<tr>
<td>15</td>
<td>155,409</td>
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<td>FCASPL No. 333</td>
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</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: State Fiscal Year 2019 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2019, eligible kinship caregivers will receive an initial payment amount of $525 per child and subsequent payments at six-month intervals of $300.

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<td>FCASPL No. 319</td>
<td>FCASPL No. 332</td>
</tr>
</tbody>
</table>
TO:       All Family, Children, and Adult Services Manual Holders
FROM:    Cynthia C. Dungey, Director
SUBJECT: Kinship Child Care Program Random Moment Sample (RMS) Time Study

Effective May 1, 2018, Public Children Services Agencies (PCSA) staff that administer the Kinship Child Care Program (KCCP) as defined in rule 5101:2-40-06 of the Ohio Administrative Code (OAC) may be able to claim administrative costs through the RMS process. PCSA staff who currently participate in the RMS time study may use RMS activity code 777 when working on KCCP.

KCCP is funded solely by Temporary Assistance for Needy Families (TANF) funds. Stand-alone PCSAs are encouraged to enter into a Memorandum of Understanding (MOU) with their local county department of job and family services (CDJFS) to benefit from reimbursement of eligible RMS costs carried out in the administration of this TANF program.

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<td>FCASPL No. 331</td>
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</tbody>
</table>
FCASPL 330 (Guidance for Public Children Services Agencies and Private Child Placing Agencies Regarding Credit Reports for Youth in Foster Care)

Family, Children and Adult Services Procedure Letter No. 330

September 17, 2018

TO: All Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Guidance for Public Children Services Agencies and Private Child Placing Agencies Regarding Credit Reports for Youth in Foster Care

The purpose of this procedure letter is to provide guidance to public children services agencies (PCSA) and private child placing agencies (PCPA) on obtaining annual credit reports and resolving inaccuracies for youth who have attained the age of fourteen and are in foster care per rule 5101:2-42-19 of the Administrative Code. In accordance with the Preventing Sex Trafficking and Strengthening Families Act and rule 5101:2-42-19 of the Administrative Code, the custodial agency is required to request a credit report for youth age fourteen or older annually from each of the three credit reporting agencies (CRA). This may be completed simultaneously or separately throughout the year in order to monitor any activity. Each CRA has a different procedure for requesting a minor’s credit report and the instructions for each CRA are outlined in this Procedure Letter.

Obtaining a Youth's Credit Report

The following information must be sent to each CRA to request the credit report:

- A copy of the youth’s birth certificate or other legal documentation of the youth’s full name and age.
- Verification that the agency has the legal authority to request the credit report information.
- Documentation that the youth is in foster care (e.g. a court order or other document).
- Verification of the identity of the requester and that he/she has the right to request a credit report on behalf of a minor youth. This method shall be developed by the agency (e.g., a copy of the agency ID badge).
- Address of the agency where the credit report is to be sent.
- Other information to assist the CRA in their search of a credit report for the youth may include, but is not limited to: the youth’s current address and any other addresses from the past two years, nicknames, and social security number.

Instructions for Contacting Each CRA

EQUIFAX CRA

Equifax CRA provides access to credit report histories through the Equifax e-Port system. Each agency is required to have a password protected profile with a primary contact person to obtain youth credit reports through e-Port.

To establish a profile, the agency director must send the name and e-mail address for the primary contact person (i.e., staff person who will be requesting youth credit reports) to Sonia Tillman, Differential Response and Special Projects Manager at Sonia.Tillman@jfs.ohio.gov.

EXPERIAN CRA

We have now established a new electronic process with Experian CRA. You now have the option of sending the requests via mail or electronically, as described below.

Send the required information manually by mail to:
Experian National Consumer Assistance Center
PO Box 9701
Allen, Texas 75013

Experian recommends using USPS Priority, UPS or FedEx for tracking. Sensitive information may be redacted from the court order as long as the identification of the minor remains intact. The CRA's response will be "No Record" or the credit report will be sent to the requestor (agency) through regular mail. For security purposes, the envelope will not indicate that it is from Experian. There is no charge for this process.

To sign up for Experian's electronic data base send your inquiry to experianfosteryouth@experian.com and include the following information: agency name, county, contact name, address (e-mail and regular mail), phone number, and state. Experian will have the agency complete a membership application and sign an “Agreement for Credit Reports for Foster Youth.” Following the approval, Experian’s Membership department will set up an online account and contact the county’s designated contact for final installation and setup. There is no charge for this sign up or for this service.

TransUnion CRA

Agencies are able to obtain credit report histories from TransUnion CRA through the TransUnion Direct database. The agency is responsible for executing a no-cost agreement with TransUnion for access to the system.

Requests may be completed electronically individually or by multiples (batch) of no more than 50. Contact the individual listed below for more information on executing an agreement with TransUnion CRA:

Megan Moyer at fostercare@transunion.com or (714) 680-7268

RESOLVING CREDIT REPORT INCONSISTENCIES

A minor cannot enter into an agreement with a business, agency, or entity, and therefore should have no record with any credit bureau unless there is an error or the child is a victim of identity theft. If the credit report shows any irregularities or inconsistencies, the agency should contact the Ohio Attorney General's (AGO) office to request assistance in resolving the issue.

To make a referral to the AGO, the agency must send copies of all information related to the credit report including correspondence with the CRAs, a cover letter on agency letterhead, and the completed AGO ID Theft Affidavit (see attachment) including the youth’s signature attesting that to the best of his or her knowledge the accounts were not opened by him or her to:

Ohio Attorney General
Identity Theft Unit
30 E. Broad Street, 14th Floor
Columbus, OH 43215
https://www.ohioattorneygeneral.gov/

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<td>FCSAPL No. 330</td>
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</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Indian Child Welfare Act (ICWA) Midwest Regional Bureau of Indian Affairs (BIA) address change

The Midwest Regional office of the Bureau of Indian Affairs has relocated. The address cited in rule 5101:2-53-04 “Indian Child Welfare Act (ICWA) notice requirements” is no longer accurate. The correct address for this office is:

Midwest Region Regional Office
Indian Affairs
5600 American Blvd. W. Ste. 500
Bloomington, MN 55437

Please address any inquiries and notices as applicable to the above address until further notice. The statewide automated child welfare system (SACWIS) will be updated with this information as soon as possible and rule 5101:2-53-04 will be updated at a future date to reflect updated information.

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FCASPL 325 (Obsoletion of the MEPA Data Collection Requirements and Biennial Self-Assessment Report and Revision of the Foster Care and Adoption Recruitment Plans)

Family, Children and Adult Services Procedure Letter No. 325

January 24, 2018

TO: All Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Obsoletion of the Multiethnic Placement Act (MEPA) Data Collection Requirements and Biennial Self-Assessment Report and revision of the Foster Care and Adoption Recruitment Plans

To streamline the documentation that agencies are required to provide to this office, this letter transmits the obsoletion of the JFS 01420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" and the JFS 01668 "Multiethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report." These changes are effective immediately.

Rather than complete the JFS 01420 and JFS 01668 every two years as well as updating the foster care and adoption plan as needed, agencies will no longer be required to submit the forms to the Ohio Department of Job and Family Services. Instead, agencies will annually review and update their foster and/or adoptive recruitment plan(s). A few minor adjustments will be made to those plan requirements to ensure that MEPA compliance is sufficiently addressed. The review and update shall be completed in the statewide automated child welfare information system (SACWIS) by June 30 each year.

If your agency has access to SACWIS and the most recently approved plan(s) is in the system, the plan review/update must be completed in SACWIS by completing the following:

1. Copy the current recruitment plan(s) in SACWIS by clicking the "copy" link next to the plan
2. Review the Recruitment Plan Information and make any needed updates
3. Add a new Effective Date of 07/01/2018 and then click on the Apply button
4. Review the Recruitment Plan Details Topics and make any needed updates
5. When the review and update is completed, click the Process Approval button and route to your ODJFS licensing specialist or technical assistance specialist for approval
6. If no changes were made to the contents of the plan, please indicate this in the Comments field on the Process Approval screen

Private Agencies: If your agency foster and/or adoptive recruitment plan(s) is not currently in the SACWIS system you will need to enter the recruitment plan(s) into the system with an effective date of 07/01/2018, then follow steps 5 and 6 above.

This guidance will result in amendments to the following rules:

- 5101:2-33-11 Multiethnic Placement Act (MEPA) Agency Administrative Requirements;
- 5101:2-5-13 Required Agency Policies, Plans and Procedures;
- 5101:2-48-05 Agency Adoption Policy and Recruitment Plan;
- 5101:2-48-13 Non-Discrimination Requirements for Adoptive Placements.

INSTRUCTIONS:

The following chart identifies what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and inserted into the (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Form</td>
<td>JFS 01668 (Rev. 8/2017)</td>
<td></td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: State Fiscal Year (SFY) 2018 SAMS Maximum Monthly Funding Level  

The Ohio Department of Job and Family Services (ODJFS) is issuing this procedure letter to identify the maximum monthly funding level for the State Adoption Maintenance Subsidy (SAMS) program. 

The maximum funding level for SFY 2018 for the State Adoption Maintenance Subsidy (SAMS) remains unchanged at $250 per month per adoptive child. Pursuant to Ohio Administrative Code rules 5101:2-44-06 "Eligibility for the state adoption maintenance subsidy program" and 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy", if a public children services agency (PCSA) negotiates a payment in excess of the maximum SAMS payment as identified in this procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS). 

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 286</td>
<td>FCASPL No. 324</td>
</tr>
</tbody>
</table>
The purpose of this procedure letter is to provide guidance for county departments of job and family services (CDJFS) and their designated agencies on the implementation of the Ohio Database for Adult Protective Services (ODAPS) information system.

In accordance with the requirements of rule 5101:9-14-02 of the Administrative Code, each CDJFS or its designated agency is required to collect and submit data into the APS Case Incident Reporting System (CIRS). This Administrative Code rule is being rescinded and will be replaced by rule 5101:2-20-02.

Effective October 1, 2017, ODAPS, which has been developed pursuant to section 5101.631 of the Revised Code, will replace CIRS as the APS information reporting system. All referrals received on or after October 1, 2017 are to be recorded in ODAPS.

CIRS will continue to be available until December 6, 2017 to allow agencies time to complete all investigation activities and enter the case information for reports received on or before September 30, 2017. After December 6, 2017, information in the CIRS will be accessible in a “Read Only” format. Ongoing protective services cases that were opened prior to October 1, 2017 will be maintained outside of ODAPS.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASMPPL No. 323</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to division (B) of section 5153.163 of the Revised Code and paragraph (C) (1) of rule 5101:2-44-06 of the Administrative Code, the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2017. The schedule represents 120% of Ohio's estimated median income (published on the Administration for Children and Families' website at: https://www.acf.hhs.gov/ocs/resource/liheap-im2017-03) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$64,914</td>
</tr>
<tr>
<td>3</td>
<td>$80,188</td>
</tr>
<tr>
<td>4</td>
<td>$95,462</td>
</tr>
<tr>
<td>5</td>
<td>$110,736</td>
</tr>
<tr>
<td>6</td>
<td>$126,010</td>
</tr>
<tr>
<td>7</td>
<td>$128,874</td>
</tr>
<tr>
<td>8</td>
<td>$131,738</td>
</tr>
<tr>
<td>9</td>
<td>$134,602</td>
</tr>
<tr>
<td>10</td>
<td>$137,466</td>
</tr>
<tr>
<td>11</td>
<td>$140,330</td>
</tr>
<tr>
<td>12</td>
<td>$143,193</td>
</tr>
<tr>
<td>13</td>
<td>$146,057</td>
</tr>
<tr>
<td>14</td>
<td>$148,921</td>
</tr>
<tr>
<td>15</td>
<td>$151,785</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTER</td>
<td>FCASPL NO. 311</td>
<td>FCASPL NO. 322</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Changes to Title IV-E Single Cost Report Form (JFS 02911) and Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 Single Cost Report form and JFS 02911-I Single Cost Report Instructions which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2016, through June 30, 2017 (SFY 2017).

An explanation of the revisions to the cost report form and instructions appears below:

Form
- All worksheet footers updated to reflect "JFS 02911 (Rev. 8/2017)."
- Annual calculated inflation factor (2.9%) added to the Title IV-E Reimbursement Ceilings and Cost Per Diems worksheet.

Instructions
- Date references were revised to reflect proper reporting and effective periods.

An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2018, through March 31, 2019, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2017.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FORMS</td>
<td>JFS 02911 (Rev. 8/2016)</td>
<td>JFS 02911 (Rev. 8/2017)</td>
</tr>
<tr>
<td></td>
<td>JFS 02911-I (Rev. 8/2016)</td>
<td>JFS 02911-I (Rev. 8/2017)</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedure Letter No. 317

May 24, 2017

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to division (C) of Ohio Revised Code section 5153.163 and paragraph (M) of Ohio Administrative Code rule 5101:2-44-13.1 the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2017. The schedule represents 200% of the 2017 Federal Poverty Guidelines (published in the Federal Register, Vol. 82, No. 19, January 31, 2017, pp. 8831-8832) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$32,480</td>
</tr>
<tr>
<td>3</td>
<td>$40,840</td>
</tr>
<tr>
<td>4</td>
<td>$49,200</td>
</tr>
<tr>
<td>5</td>
<td>$57,560</td>
</tr>
<tr>
<td>6</td>
<td>$65,920</td>
</tr>
<tr>
<td>7</td>
<td>$74,280</td>
</tr>
<tr>
<td>8</td>
<td>$82,640</td>
</tr>
</tbody>
</table>

For each additional person add $8,360

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 304</td>
<td>FCASPL No. 317</td>
</tr>
</tbody>
</table>
FCASPL 316 (Reimbursement of Nonrecurring Adoption Expenses for Children With Only a Special Need of "Substantial Risk")

Family, Children and Adult Services Procedure Letter No. 316

March 17, 2017

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Reimbursement of nonrecurring adoption expenses for children with only a special need of "substantial risk"

This Procedure Letter (PL) identifies a change to the Public Children Services Agency (PCS) reimbursement of Nonrecurring Adoption Expenses identified in Ohio Administrative Code (OAC) rule 5101:2-49-21 "Reimbursement of nonrecurring adoption expenses for a child with special needs." Children with only the special need of substantial risk are eligible for nonrecurring adoption expenses. The enhancement was made to the statewide automated child welfare information system (SACWIS) on July 1, 2016.

Until this rule is revised, this PL serves as notice that if all other non-recurring adoption expenses eligibility criteria identified in OAC rule 5101:2-49-21 are met, and the only special needs factor is the child has been determined to be at substantial risk, the child is eligible for nonrecurring adoption assistance. This procedure letter will be effective March 16, 2017.

INSTRUCTIONS:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedure Letter</td>
<td>FCASPL 316</td>
<td></td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04, the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2017 Federal Poverty Guidelines (published in the Federal Register, Vol. 82, No. 19, January 31, 2017, pp. 8831-8832) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>300% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$48,720</td>
</tr>
<tr>
<td>3</td>
<td>$61,260</td>
</tr>
<tr>
<td>4</td>
<td>$73,800</td>
</tr>
<tr>
<td>5</td>
<td>$86,340</td>
</tr>
<tr>
<td>6</td>
<td>$98,880</td>
</tr>
<tr>
<td>7</td>
<td>$111,420</td>
</tr>
<tr>
<td>8</td>
<td>$123,960</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$12,540</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 300</td>
<td>FCASPL No. 315</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: CRIMINAL RECORDS CHECK PROCEDURES FOR CHILD CARE STAFF, FOSTER AND/OR ADOPTIVE CAREGIVERS AND APPLICANTS

PURPOSE:
The purpose of this procedure letter is to identify a new process to receive and review all Bureau of Criminal Identification & Investigations (BCI) and Federal Bureau of Investigations (FBI) information on public and private agency child care staff (as defined in paragraph (B)(56) of rule 5101:2-1-01 of the Ohio Administrative Code) in facilities certified by the State of Ohio Department of Job and Family Services (ODJFS) and foster and/or adoptive caregivers and applicants as required in rules 5101:2-5-09.1 and 5101:2-48-09 of the Ohio Administrative Code (OAC).

BACKGROUND:
Federal requirements under 45 CFR § 1356.30(f) require ODJFS to document that agencies it certifies have conducted criminal records checks for public and private agency child care staff, and foster and/or adoptive parents and applicants.

Since 1993, section 2151.86 of the Ohio Revised Code (ORC) has required any entity that employs persons to be responsible for a child's care in out-of-home care to conduct criminal records checks for public and private agency child care staff prior to hire. It also requires the administrative director of any entity that designates a person as a prospective foster and/or adoptive caregiver or applicant, to request criminal records checks of these persons prior to certification, and every four years thereafter. Rules 5101:2-5-09, 5101:2-5-09.1 and 5101:2-48-09 of the OAC identify the frequency and manner by which criminal records checks are to be conducted. All criminal records checks must be conducted using section 2151.86 of the ORC as the reason fingerprinted.

INSTRUCTIONS:
ODJFS foster care licensing specialists will be reviewing criminal records checks for all current child care staff, foster and/or adoptive caregivers and applicants to ensure agencies have completed these using section 2151.86 of the ORC as the reason fingerprinted. Agencies must send the actual criminal records checks along with the new JFS 01291 in accordance with the following instructions:

Instructions for Submitting Background Check Information

KOFAX

Agencies MUST use the attached new form JFS 01291 “FCL Criminal Records Check Document Cover Sheet” to fax background checks and supporting documents FOR EACH PROVIDER OR CHILD CARE STAFF (one cover sheet per foster/adoptive parent, applicant or direct care staff) to 614-387-8711. Please do not use any other fax cover sheet and please do not send the requested information via email due to federal and state confidentiality requirements. If you have questions, please contact your Licensing Specialist or Licensing Supervisor.

For the initial phase in of 100% review of criminal background checks, all agencies will be required to submit a list which includes the following information for each child care staff:

- Name (First, Middle Initial, Last)
- Date of hire (MM/DD/YYYY)
- Date staff works independently with children (MM/DD/YYYY)
For the initial phase in of 100% review of criminal background checks, all agencies will be required to submit a list which includes the following information for each foster care and/or adoption applicant:

- Name (First, Middle Initial, Last)
- Date recommended for certification (MM/DD/YYYY)
- Date BCII check conducted (MM/DD/YYYY)
- Date BCII results received (MM/DD/YYYY)
- Date FBI check conducted (MM/DD/YYYY)
- Date FBI results received (MM/DD/YYYY)
- Date statement of non-conviction was signed (MM/DD/YYYY)

Any agency certified for any of the following functions will be required to submit this information by February 6, 2017:

- To operate children's residential center(s).
- To operate group home(s).
- To operate or provide independent living arrangements.
- To operate residential parenting facilities.
- To operate children's crisis care facilities.
- To operate private, nonprofit therapeutic wilderness camp(s).

Any agency certified for any of the following functions will be required to submit this information by March 6, 2017:

- To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.
- To act as a representative of ODJFS in recommending family foster homes for certification.
- To act as a representative of ODJFS in recommending treatment foster homes for certification.
- To act as a representative of ODJFS in recommending medically fragile foster homes for certification.
- To accept temporary, permanent or legal custody of children.
- To place children for foster care or adoption.
To participate in the placement of children for foster care or adoption.

Agencies that are certified for multiple functions may submit the required information in separate batches according to the deadlines identified above. After the initial lists and background check information are received, agencies will be required to submit updated information (new child care staff, newly licensed or approved foster/adoptive caregivers, and any foster/adoptive caregivers who have been recertified) by the last business day of the calendar quarter. (June, September, December, March). After the initial phase, agencies will be permitted to submit the required documentation at any time as long as it is prior to the identified deadlines.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 314</td>
</tr>
<tr>
<td>Forms</td>
<td></td>
<td><strong>JFS 01291</strong></td>
</tr>
</tbody>
</table>
This Procedure Letter (PL) transmits a new form developed as a result of Public Law 114-95 Every Student Succeeds Act (ESSA) that became effective on December 10, 2016.

The JFS 01441 provides prompt and accurate communication among the student’s custodial agency, the district, and the child’s school. County workers are to use this form to notify the district point of contact and the child’s school within one (1) school day of any change in the student’s living arrangement. This form is to be completed even if the student remains in his or her school of origin in order to maintain accuracy of educational records and contact information. Should the child be transferring schools, this form is to be presented to both the previous and enrolling schools and districts to initiate timely enrollment and records transfer. When applicable, this form should be completed during the Best Interest Determination process.

The requirements outlined in this procedure letter will be added to the Administrative Code in the near future.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 313</td>
</tr>
<tr>
<td>FORMS</td>
<td></td>
<td>JFS 01441 (1/2017)</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Changes to Title IV-E Single Cost Report Form (JFS 02911) and Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 Single Cost Report form and JFS 02911-I Single Cost Report Instructions which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2015, through June 30, 2016 (SFY 2016).

An explanation of the revisions to the cost report form and instructions appears below:

Form
- All worksheet footers updated to reflect "JFS 02911 (Rev. 8/2016)."
- Annual calculated inflation factor (1.8%) added to the Title IV-E Reimbursement Ceilings and Cost Per Diems worksheet.

Instructions
- Per the Code of Federal Regulations, use allowance as a form of depreciation for buildings and improvements is deemed an unallowable expense; the straight line computation of depreciation is the only allowable methodology. Accordingly, allowable use allowance language has been removed from the instructions.
- Date references were revised to reflect proper reporting and effective periods.

An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2017, through March 31, 2018, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2016.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
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<td>FCASPL 310</td>
</tr>
<tr>
<td>FORMS</td>
<td>JFS 02911 (Rev. 8/2015)</td>
<td>JFS 02911 (Rev. 8/2016)</td>
</tr>
<tr>
<td></td>
<td>JFS 02911-I (Rev. 8/2015)</td>
<td>JFS 02911-I (Rev. 8/2016)</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Form changes for Children Services Licensing form JFS 01290.

This procedure letter (PL) transmits revisions to one form that is used to apply for specific agency functions for foster care licensing. Pursuant to the passage of Amended Substitute House Bill Number 64 of the 131st General Assembly requiring ODJFS to draft rules for the operation and licensure of private, nonprofit therapeutic wilderness camps, necessary changes were needed to the application form. The following is a brief explanation of the revisions to the form:

The JFS 01290 "Application for Certification of Agency Functions," has been revised to insert nonprofit therapeutic wilderness camps as an agency function.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forms</td>
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<td>JFS 01290 (rev. 7/2016)</td>
</tr>
<tr>
<td>Transmittal Letters</td>
<td></td>
<td>FACSPL No. 307</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Changes to the Juvenile Court and the ODYS Social Services Random Moment Cost Allocation Quarterly Billing Form JFS 01797, Juvenile Court and the ODYS Random Moment Sample (RMS) Time Studies Form JFS 01794, Instructions for completing JFS 01794, Juvenile Court and The ODYS Random Moment Sample (RMS) Time Studies Form JFS01794-I and adding a new Form, Instructions for completing JFS 01791, Juvenile Court and the ODYS Social Services Random Moment Cost Allocations Quarterly Billing Form JFS 01791-I.

This letter transmits revisions to the forms JFS 01797, JFS 01794, JFS 01794-I and new form JFS 01797-I which provides instructions (including use of the 4281 report in SACWIS for Eligibility Ratio determination) for completion of the JFS 01797 pursuant to rule 5101:9-7-08 of the Administrative Code. These forms are effective for use beginning with Quarter 1 (July 1, 2016 through September 30, 2016) of SFY 2017. An explanation of the revisions appears below:

**Form JFS 01797 - Revision**

- The ODYS has been added as an agency using this form for their quarterly administrative and training claims. The name of the agency was added to the title of the form.
- Line 6 was added to reflect the 100% Title IV-E Administrative Staff and Purchased Costs (Administrative and Training).
- Line 7 was added to show the total RMS Cost Pool. This line reflects the Allowable Cost Pool total in line 5 less the amount of the 100% Title IV-E Administrative Staff and Purchased Costs (Administrative and Training) in line 6.
- As a result of adding new lines, the Line numbers under the column titled Line, changed from 37 lines to 40. Example, Line 5 changed to Line 8, Line 6 changed to Line 9 and so forth.
- Code 114 Child Welfare Training combines the previous codes 114 Child Welfare Training Conducting, 116 Child Welfare Training Attending and 118 Training for GALs/CASAs (Conducting and Attending) into one combined code. Both activities are reimbursable at 75% of Federal Financial Participation. In prior years the code 116 Child Welfare Training Attending was reimbursed at 50% and the code 114 Child Welfare Training Conducting was reimbursed at 75%. All child welfare training, with the exception of Contracted (Purchased) Child Welfare Training Costs, are now reflected in Line 14.
- Line 21 Eligibility Rate (ER) to be obtained from the 4281 report for the prior quarter in SACWIS (For example, the data from the July 1, 2016 through September 30, 2016 quarter will be used when determining the ER for reimbursement of costs for the following quarter of October 1, 2016 through December 31, 2016).
- Former Line 21 changed to Line 23 and the item to read: **Discounted by the ER:** 100% Title IV-E Administrative staff. A column was added (column 1) for inputting the dollar amount of the cost.
- Line 22 changed to Line 24 and reads, Contracted (Purchased) Case Management Costs. A column was added (column 1) for inputting the dollar amount of the cost.
- Line 23 changed to Line 25 and reads, 114 Child Welfare Training (Line 14). Also, a column was added (column 1) and the dollar amount of Line 14 will automatically populate here.
- Line 26 was added and reflects Contracted (Purchased) Child Welfare Training Costs. A column was added (column 1) for inputting the dollar amount of the cost. Column 2 was changed to be the total column of all Child Welfare Training discounted by the eligibility rate.
- Line 27 was added to read **Not Discounted by the ER:** 104 Title IV-E Determination (Line 8). Also, a column was added (column 1) and the dollar amount of Line 8 will automatically populate here.
- Line 28 was added for Contracted (Purchased) Eligibility Determination Costs. A column was added (column 1) for inputting the dollar amount of the cost. Both rows (Line 27 and 28) in column 1 add up all Eligibility Determination Costs into one total in column 2 of row 28.
- Line 29 was added for Contracted (Purchased) Claims Processing Costs.
- Line 30 was added to reflect the newly added code 210 Sex Trafficking Administration from Line 15.
- Former Line 26, now Line 31 was changed to read from Total Reimbursable Dollars to Total Administration Reimbursable Dollars. The formula was changed to reflect this as well.

Juvenile Courts and ODYS having subgrant agreements with the Ohio Department of Job and Family Services (ODJFS) will use the Juvenile Courts and the Ohio Department of Youth Services (ODYS), Social Services Random Moment Cost Allocation, Quarterly Billing form. ODJFS will use this form as a basis for reimbursement to the courts and ODYS.

**Form JFS 01794-Revision**
- The ODYS has been added as an agency using this form for their quarterly administrative and training claims. The name of the agency was added to the title of the form.
- Code 114 Child Welfare Training combines the previous codes 114 Child Welfare Training Conducting, 116 Child Welfare Training Attending and 118 Training for GALs/CASAs (Conducting and Attending) into one combined code. Both activities are reimbursable at 75% of Federal Financial Participation. In prior years the code 116 Child Welfare Training Attending was reimbursed at 50% and the code 114 Child Welfare Training Conducting was reimbursed at 75%.
- Code 210 Sex Trafficking Administration has been added.

**Form JFS 01794-I-Revision**
- The ODYS has been added as an agency using this form for their quarterly administrative and training claims. The name of the agency was added to the title of the form.
- Code 114 Child Welfare Training combines the previous codes 114 Child Welfare Training Conducting, 116 Child Welfare Training Attending and 118 Training for GALs/CASAs (Conducting and Attending) into one combined code. Both activities are reimbursable at 75% of Federal Financial Participation. In prior years the code 116 Child Welfare Training Attending was reimbursed at 50% and the code 114 Child Welfare Training Conducting was reimbursed at 75%. The definition was changed to reflect this as well.
- Code 210 Sex Trafficking Administration has been added along with a definition of its activities.

**Form JFS 01797-I-New**
Form JFS 01797-I was created as an aid to help the Juvenile Courts and ODYS on how to complete form JFS 01797. The JFS 01797-I provides instructions to explain what needs to be added to each line and field within the JFS 01797, along with the formulas that are hidden in the background of the fields and how each activity/amount is reimbursable to include the percentage of the Federal Financial Participation (FFP).

**INSTRUCTIONS:**
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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This procedure letter (PL) transmits revisions to sixteen forms that are used for the purposes of adoption and adoption assistance. Pursuant to the United States Supreme Court's decision in Obergefell v. Hodges, Ohio must now license and recognize same-sex marriages. Consistent with this decision, the forms were updated to reflect the opportunity for all married couples to participate in the adoption process. The most common change in the forms was to change the terms 'adoptive mother' and 'adoptive father' to 'adoptive parent.' The following is a brief explanation of the revisions to the forms:

The JFS 01050 "Application for Post Adoption Special Services Subsidy" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.' All other changes were minor and in relation to formatting.

The JFS 01050-I "Instructions for Completing JFS 01050, Application for Post Adoption Special Services Subsidy" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.'

The JFS 01051 "Application for Additional Post Adoption Special Services Subsidy Funding for Extraordinary Circumstances" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.'

The JFS 01051-I "Instructions for Completing JFS 01051, Application for Additional Post Adoption Special Services Subsidy Funding for Extraordinary Circumstances" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.'

The JFS 01449 "Determination for Special Needs- Medical, Mental Health or Rehabilitation Care" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.'

The JFS 01615 "Approval for State Adoption Maintenance Subsidy" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.' The form was updated to agree with current rules and procedures.

The JFS 01615-I "Instructions for Completing JFS 01615 State Adoption Maintenance Subsidy Agreement" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.'

The JFS 01661 "Interstate Compact Placement Request (ICPC 100-A)" was revised to change the terms 'Mother' and 'Father' to 'Parent 1' and 'Parent 2.'

The JFS 01661-I "Instructions for Completing JFS 01661 Interstate Compact Placement Request (ICPC 100-A)" was revised to change the terms 'Mother' and 'Father' to 'Parent 1' and 'Parent 2.'

The JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100B)" was revised to change the terms 'Mother' and 'Father' to 'Parent 1' and 'Parent 2.'

The JFS 01663 "Sending State's Priority Home Study Request" was revised to change the terms 'Mother' and 'Father' to 'Parent 1' and 'Parent 2.'

The JFS 01679 "Request for Notification" was revised to change the terms "Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent.'
The JFS 01699 "Prefinalization Adoption Assessment Report" was revised to change the terms 'Adoptive Father' and 'Adoptive Mother' to 'Adoptive Parent' and the terms 'Birth Mother' and 'Birth Father' were changed to 'Birth/Legal parent.' The form was updated to agree with current rules and procedures, including a note to remind the reader that the assessor who completes the monthly post placement visits is the assessor required to complete the form, per Ohio Revised Code 3107.101.

The JFS 01987 "Child Fatality Report Face Sheet" was revised to change the terms 'Mother' and 'Father' to 'Parent 1' and 'Parent 2.' Formatting and language changes were made for the ease of the worker.

The JFS 01987-I "Instructions for Completing the JFS 01987 Child Fatality Report Face Sheet" was revised to change the terms 'Mother' and 'Father' to 'Parent 1' and 'Parent 2.'

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FCASPL 303 (Adoption Assistance form revisions as a Result of the United States Supreme Court's Decision in Obergefell v. Hodges)

Family, Children and Adult Services Procedure Letter No. 303

April 25, 2016

TO: Family, Children and Adult Services Manual Holders

FROM: The Office of Legal and Acquisition Services

SUBJECT: Adoption Assistance form revisions as a result of the United States Supreme Court's decision in Obergefell v. Hodges

This Procedure Letter (PL) identifies changes to seven forms following the United States Supreme Court's decision in Obergefell v. Hodges. The following forms have been revised to reflect changes as a result of the Court's decision in Obergefell v. Hodges:

- The JFS 01421, "Application for reimbursement of Nonrecurring adoption expenses".
- The JFS 01421-I, "Instructions for completing the JFS 01421, Application for reimbursement of nonrecurring adoption expenses".
- The JFS 01438, "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs".
- The JFS 01451, "Title IV-E Adoption Assistance Application".
- The JFS 01451-B, "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, school attendance and eligibility for continued Medicaid Coverage".
- The JFS 01453, "Adoption Assistance Agreement".
- The JFS 01454, "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments".

References to Adoptive Mother and Adoptive Father have been changed to Adoptive Parent. References to forms developed by the Ohio Department of Medicaid have been revised, and other minor grammatical changes were made.

INSTRUCTIONS:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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FCASPL 302 (Reimbursement of Nonrecurring Adoption Expenses Procedure Changes)

Family, Children and Adult Services Procedure Letter No. 302

April 25, 2016

TO: Family, Children and Adult Services Manual Holders
FROM: The Office of Legal and Acquisition Services
SUBJECT: Reimbursement of Nonrecurring Adoption Expenses procedure changes

This Procedure Letter (PL) identifies changes to the Public Children Service Agency (PCSA) reimbursement of Nonrecurring Adoption Expenses identified in Ohio Administrative Code 5101:2-49-21. Enhancements have been made to the statewide automated child welfare information system (SACWIS). The PCSA will have the capability to determine eligibility for nonrecurring adoption expenses, capture the expenses identified on the JFS 01438, "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs", and generate reimbursement to the PCSA for the nonrecurring adoption expenses once the agency has disbursed the costs in SACWIS. This change will eliminate the need for the PCSA to report the Nonrecurring Adoption Expenses on the JFS 02820 to seek reimbursement. This procedure letter will be effective July 1, 2016.

INSTRUCTIONS:

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>FCASPL 302</td>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: The Office of Legal and Acquisition Services
SUBJECT: Monthly Adoption Assistance Statewide Maximum procedure change

This Procedure Letter (PL) identifies changes to the monthly adoption assistance statewide maximum (MAASM) waiver request. The JFS 01471 "Waiver request to exceed the Title IV-E Monthly Adoption Assistance Statewide Maximum" (rev. 1/2014) is no longer necessary, the form has been automated in the statewide automated child welfare information system (SACWIS). The MAASM waiver request will be submitted through SACWIS. Notification of approval or denial of the waiver request will be made within ten business days as outlined in Ohio Administrative Code 5101:2-49-05.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>Forms</td>
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</table>
FCASPL 299 (Reasonable and Prudent Parent Standard Training)

Family, Children and Adult Services Procedure Letter No. 299  
December 24, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Reasonable and prudent parent standard training

This procedure letter provides information to public children services agencies (PCSAs), private child placing agencies (PCPAs) and private non-custodial agencies (PNAs) regarding required training on the topic of the reasonable and prudent parent standard.

With the passage of Public Law 113-183, effective September 29, 2015 there are new Federal training requirements regarding the reasonable and prudent parent standard. All foster caregivers and a minimum of one staff member of a residential facility are required to receive training on the reasonable and prudent parent standard.

Ohio law has also changed. Division (C)(1) of section 5103.162 of the Revised Code states "a foster caregiver shall use a reasonable and prudent parent standard when considering whether to authorize a foster child who resides in the foster home to participate in extracurricular, enrichment, and social activities."

ODJFS has implemented a rule change for pre-placement training for foster caregivers in rule 5101:2-5-33 of the Administrative Code requiring the standard to be included in the pre-placement training. This change was effective August 1, 2015. Also, changes were made to rule 5101:2-9-03 of the Administrative Code regarding the training for residential staff as referenced above. This rule was effective December 1, 2015.

Even though there was no rule change regarding existing foster caregivers, they still must be trained in the standard. If the caregiver has already been trained in the standard, they have met compliance with the Federal requirements. If they have not been trained in the standard, they must be trained in order to be compliant with Public Law 113-183. Also, in accordance with division (C)(1) of section 5103.162 of the Revised Code, foster caregivers must use the standard when making decisions concerning extracurricular, enrichment, and social activities of the foster child. This is best accomplished in consultation with the custodial agency to ensure compliance with county policy.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>Procedure Letters</td>
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<td>FCASPL No. 299</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Guidance for Public Children Services Agencies and Private Child Placing Agencies Regarding Credit Reports for Youth in Foster Care

The purpose of this procedure letter is to provide guidance to public children services agencies (PCSA) and private child placing agencies (PCPA) on obtaining annual credit reports and resolving inaccuracies for youth who have attained the age of fourteen and are in foster care until rule 5101:2-38-10 of the Administrative Code has been revised. In accordance with the Preventing Sex Trafficking and Strengthening Families Act and rule 5101:2-38-10 of the Administrative Code, the custodial agency is required to request a credit report for youth age fourteen or older annually from each of the three credit reporting agencies (CRA). This may be completed simultaneously or separately throughout the year in order to monitor any activity. Each CRA has a different procedure for requesting a minor’s credit report and the instructions for each CRA are outlined in this Procedure Letter.

Obtaining a Youth's Credit Report

The following information must be sent to each CRA to request the credit report:

- A copy of the youth’s birth certificate or other legal documentation of the youth’s full name and age.
- Verification that the agency has the legal authority to request the credit report information.
- Documentation that the youth is in foster care (e.g. a court order or other document).
- Verification of the identity of the requester and that he/she has the right to request a credit report on behalf of a minor youth. This method shall be developed by the agency (e.g., a copy of the agency ID badge).
- Address of the agency where the credit report is to be sent.
- Other information to assist the CRA in their search of a credit report for the youth may include, but is not limited to: the youth’s current address and any other addresses from the past two years, nicknames, and social security number.

Instructions for Contacting Each CRA

EQUIFAX CRA

Equifax CRA provides access to credit report histories through the Equifax e-Port system. Each agency is required to have a password protected profile with a primary contact person to obtain youth credit reports through e-Port.

To establish a profile, the agency director must send the name and e-mail address for the primary contact person (i.e., staff person who will be requesting youth credit reports) to Sonia Tillman, Differential Response and Special Projects Manager at Sonia.Tillman@jfs.ohio.gov.

EXPERIAN CRA

We have now established a new electronic process with Experian CRA. You now have the option of sending the requests via mail or electronically, as described below.

Send the required information manually by mail to:

Experian National Consumer Assistance Center
PO Box 9701
Allen, Texas 75013
Experian recommends using USPS Priority, UPS or FedEx for tracking. Sensitive information may be redacted from the court order as long as the identification of the minor remains intact. The CRA’s response will be "No Record" or the credit report will be sent to the requestor (agency) through regular mail. For security purposes, the envelope will not indicate that it is from Experian. There is no charge for this process.

To sign up for Experian’s electronic data base send your inquiry to experianfosteryouth@experian.com and include the following information: agency name, county, contact name, address (e-mail and regular mail), phone number, and state. Experian will have the agency complete a membership application and sign an “Agreement for Credit Reports for Foster Youth”. Following the approval, Experian’s Membership department will set up an online account and contact the county’s designated contact for final installation and setup. There is no charge for this sign up or for this service.

TransUnion CRA

Agencies are able to obtain credit report histories from TransUnion CRA through the TransUnion Direct database. The agency is responsible for executing a no-cost agreement with TransUnion for access to the system.

Requests may be completed electronically individually or by multiples (batch) of no more than 50. Contact one of the individuals listed below for more information on executing an agreement with TransUnion CRA:

   Angela Pescatore at fostercare@transunion.com or (714) 680-7268
   Eric Rosenberg at erosenb@transunion.com or (312) 466-6323

RESOLVING CREDIT REPORT INCONSISTENCIES

A minor cannot enter into an agreement with a business, agency, or entity, and therefore should have no record with any credit bureau unless there is an error or the child is a victim of identity theft. If the credit report shows any irregularities or inconsistencies, the agency should contact the Ohio Attorney General's (AGO) office to request assistance in resolving the issue.

To make a referral to the AGO, the agency must send copies of all information related to the credit report including correspondence with the CRAs, a cover letter on agency letterhead, and the completed AGO ID Theft Affidavit (see attachment) including the youth’s signature attesting that to the best of his or her knowledge the accounts were not opened by him or her to:

   Ohio Attorney General
   Identity Theft Unit
   30 E. Broad Street, 14th Floor
   Columbus, OH 43215

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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<td>FCSAPL No. 298</td>
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Attachment: AGO ID Theft Affidavit
This procedure letter (PL) transmits clarification and technical assistance following the United States Supreme Court’s decision in Obergefell v. Hodges. Before the United States Supreme Court’s June 26, 2015 decision in Obergefell v. Hodges, Ohio’s constitution and statutory law which provided that marriage only consisted of a union between one man and one woman, was in effect. Pursuant to the United States Supreme Court’s decision in Obergefell v. Hodges, Ohio now must license and recognize same-sex marriages.

Consistent with the decision in Obergefell v. Hodges, all requirements, functions, benefits, services, and activities pertaining to married couples related to family, children and adult protective services are now applicable to same-sex married couples. Accordingly, same-sex married couples must be recognized as married for the purpose of adoption and the adoption approval process. Several ODJFS forms will also require changes to reflect the Court’s decision in Obergefell v. Hodges. Until form revisions are made, all references to husband, wife, father, mother, parent, spouse, and other terms that express familial relationships pertaining to married couples must be construed consistent with the Court’s decision.

**Implementation**

Effective immediately, the guidance in this letter shall supersede any existing policy, form, or technical assistance previously provided by ODJFS regarding this subject.

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FCASPL 296 (Revisions to the Multiethnic Placement Act [MEPA] Biennial Comprehensive Self-Assessment Report JFS 01668)

Family, Children and Adult Services Procedure Letter No. 296
November 20, 2015

TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Revisions to the Multiethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report JFS 01668

This letter transmits changes made to the Multiethnic Placement Act (MEPA) Self-Assessment tool used in compliance with Ohio Administrative Code (OAC) rule 5101:2-33-11 "Multiethnic Placement Act (MEPA) agency administrative requirements."

The JFS 01668 "Multiethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report" has been revised for clarity and coherency. Sentences were re-structured and words were either added or deleted.

INSTRUCTIONS:
The following chart identifies what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and inserted into the (FCASM).

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FCASPL 295 (Obsolete Forms JFS 01647 and JFS 01683)

Family, Children and Adult Services Procedure Letter No. 295

November 6, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Obsolete Forms JFS 01647 and JFS 01683

This Procedure Letter (PL) identifies two forms that are no longer necessary. The JFS 01647 “Face Sheet” (rev. 2/2006) is no longer necessary due to the collection of the information through the statewide automated child welfare information system (SACWIS). The JFS 01683 “Birth Parent Name Redaction” (rev. 3/2014) is no longer valid. Per ORC 3107.391 the form was required to be submitted by March 20, 2015. The forms will both be obsolete as of October 1, 2015.

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To: Family, Children and Adult Services Manual Holders  
From: Cynthia C. Dungey, Director  
Subject: Federal Requirements for the Transfer of Indian Children to a Tribal Title IV-E Agency or an Indian Tribe with a Title IV-E Agreement

This letter transmits policies and procedures and identifies the minimum federal requirements set forth in 45 CFR Section 1356.67 for the transfer of jurisdiction and/or responsibility for the placement and care of an Indian child from an Ohio Title IV-E agency to a Tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement. These federal regulations do not affect the specified right of a tribe to seek the transfer of an Indian child’s case from county or court jurisdiction to tribal jurisdiction required under the Indian Child Welfare Act (ICWA). Regardless of whether or not a tribe is a Title IV-E tribe, the tribe continues to have the right to seek and, absent good cause to the contrary, obtain the transfer of jurisdiction of an Indian child’s case to the tribe. The requirements outlined in this procedure letter will be added to Chapter 5101:2-53 of the Administrative Code in the near future.

Federal Regulations 45 CFR Section 1356.67

The regulations require, at a minimum, the following:

1. Each state shall establish and maintain procedures for the transfer of responsibility for the placement and care of a child under a state Title IV-E plan to a Tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement in a way that does not affect a child’s eligibility for, or payment of, Title IV-E and the child’s eligibility for Medicaid or other federal benefits.

2. The procedures require that the state shall:

   a. Determine, if not already completed, the child’s Title IV-E foster care maintenance (FCM) eligibility under section 472 or 473 of the Social Security Act at the time of the transfer of placement and care responsibility of a child to a Tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement.

   b. Provide essential documents and information necessary to continue a child’s eligibility under Title IV-E and Medicaid programs under Title XIX to the Tribal Title IV-E agency or tribe with a Title IV-E agreement, including, but not limited to, providing:

      i. All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child and that reasonable efforts described in section 471(a)(15) of the Social Security Act have been made;

      ii. Other documentation the state has that relates to the child’s Title IV-E eligibility under sections 472 and 473 of the Social Security Act;

      iii. Information and documentation available to the agency regarding the child’s eligibility or potential eligibility for other federal benefits;

      iv. The case plan developed pursuant to section 475(1) of the Social Security Act, including health and education records of the child pursuant to section 475(1)(C) of the Social Security Act; and

      v. Information and documentation of the child’s placement settings, including a copy of the most recent provider’s license or approval.

BACKGROUND
In accordance with ICWA [25 USC, section 1911(C)], "in any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe shall have a right to intervene at any point in the proceeding."

A tribe may request transfer of jurisdiction from a state court to a tribal court at any point throughout the life of the case. In order to ensure a Title IV-E eligible child remains eligible when transferring jurisdiction to a Tribal court, the tribe must be a Tribal Title IV-E Agency or enter into a Title IV-E agreement with the state. The tribe may request:

1. Transfer of jurisdiction to a tribal court

   If the jurisdiction is transferred to the tribal court, the tribe assumes transfer of placement and care responsibility.

2. Transfer of placement and care responsibility to a tribe

   The tribe may assume placement and care responsibility of an Indian child, while the jurisdiction remains with the State court.

**INSTRUCTIONS**

Upon a tribe's request for the transfer of jurisdiction or the transfer of placement and care responsibility to the tribe, the Ohio Title IV-E agency will consult, collaborate, and coordinate with the tribe to establish a Title IV-E agreement and procedures to ensure the transfer of jurisdiction is in compliance with federal regulations as outlined in 45 CFR Section 1356.67.

Ohio's Title IV-E agencies are required to take the following steps when transferring an Indian child to a Tribal Title IV-E agency or an Indian tribe with a Title IV-E agreement, in accordance with the aforementioned federal requirements.

1. Title IV-E FCM Eligibility Determination

   The Ohio Title IV-E agency that has placement and care responsibilities for the child shall do the following:

   Determine FCM eligibility at the time of transfer, if an eligibility determination is not already completed.

   Provide a copy of the Title IV-E determination and supporting documentation to the tribe to support the Title IV-E eligibility determination. This documentation includes all judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child, reasonable efforts to prevent the removal have been made in accordance with rule 5101:2-47-13 of the Administrative Code, and documentation of how the child met the relatedness to the aid to dependent children (ADC) program authorized under Title IV-A of the Social Security Act as of July 16, 1996 in accordance with rule 5101:2-47-14 of the Administrative Code.

   Ohio’s Title IV-E agency’s legal responsibility and FCM reimbursement will be stopped upon acceptance from the receiving Title IV-E tribal agency or court in order for the tribe and state to claim the Title IV-E expenditures according to federal regulations. If the Ohio Title IV-E agency is holding any funding on behalf of the child such as Social Security Income, Child Support, trust, etc., these funds shall be transferred.

   The transfer does not affect a child's eligibility, receipt of services, or payment under Title IV-E or the medical assistance program operated under Title XIX.

2. Documentation Requirements

   In order to comply with the requirements of 45 CFR section 1356.67, a copy of the entire case file for the current foster care episode is to be provided to the Tribal Title IV-E agency or the Indian tribe with a Title IV-E agreement upon the transfer of the child. This includes the FCM eligibility, case services and licensing information for the child’s most recent placement, in the agency’s possession. The documents in the court file should also be provided to the tribal
agency. This is equivalent to the procedures currently utilized when transferring a child from county to county.

Confidentiality is not violated because the provision of documentation is required by the federal regulations [45 CFR section 1356.67 (b)(2)]. The tribe or tribal agency in entering a Title IV-E agreement has agreed to comply with the same federal requirements on confidentiality to which the state is required to adhere. Moreover, providing the entire file recognizes the need for the receiving agency to have essential documentation and information to maintain the seamless care and provision of services for the well-being of the child.

In order to facilitate consistency in the structure of the file transfer and for purposes of the continuity of eligibility and services to the child, counties shall ensure the records are organized and include the following:

a. Placement and Care Responsibility
   A file stamped copy of all judicial orders and court reports for the foster care episode, especially those that include judicial determinations supporting continued Title IV-E eligibility.

b. Placement History
   A copy of the child’s placement history for the foster care episode shall include:
   - A copy of the caregiver’s license or approval for the child’s most recent placement, including background check documentation verifying clearances for all adults in the caregiver’s household and complaint information.
   - If a child is currently placed out-of-state by the Title IV-E agency pursuant to the Interstate Compact on Placement of Children (ICPC), the approved ICPC 100A Form and ICPC 100B Form, including copies of reports by the supervising agency, shall also be provided to the tribe.

c. Case Plans and Services
   Journalized copies of all case plans including case plan goals for the foster care episode and documentation of services provided to the child and family.
   A current copy of the child’s health and education forms.

d. Other Federal Benefit Documentation
   The child is to be transferred in a manner that does not affect his/her eligibility for, or payment of other federal benefits including Medicaid programs under Title XIX. Therefore, the Title IV-E agency shall provide the tribal agency any essential information and documentation necessary for the seamless continuation of any federal benefits, which the Title IV-E agency has in its possession.
   This includes, but is not limited to, information about the child’s eligibility for Child Support, Social Security, Supplemental Security Income (SSI), or other benefits, which are known to the Title IV-E agency and/or in pending status.

Children Placed under the Interstate Compact on the Placement of Children (ICPC)

Determining when the ICPC applies:

1. The Title IV-E agency must inquire whether the receiving tribe has a contract with the receiving state for ICPC application. For example, some tribes contract with their state for child welfare services, home studies, and other similar services. If the receiving tribe has a contract with the receiving state, then the ICPC most likely applies to a placement with that tribe.

2. If the tribe has a Title IV-E agreement with the receiving state, the ICPC will most likely apply.

3. If the tribe assumes jurisdiction, there is no authority for a court to act, so the ICPC does not apply.
Transferring a child currently in an out-of-state placement to a tribal agency could jeopardize the continued flow of federal benefits if the placement becomes ineligible due to the termination of the ICPC placement.

The Ohio Title IV-E agency should therefore, upon receipt of the petition to transfer, notify the receiving state that the jurisdiction over the child may be transferred to a Title IV-E tribe or tribal agency. Title IV-E agencies are encouraged to initiate and foster communication between the tribe or tribal agency and the receiving state in order to avoid disruption of the placement and/or federal eligibility for FCM payments to the child’s caregivers.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Ceilings Revisions  

With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2015.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings**  
(0-18 years)  
Minimum - $10.00  
Maximum - $200.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings**  
- Special Needs - $200.00  
- Exceptional Needs - $200.00  
- Intensive Needs - $200.00  
- Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentsals (annual), and Graduation Expenses**  
- Clothing - $3,000.00 (annual)  
- Personal Incidentals - $3,000.00 (annual)  
- Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2015, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the SACWIS system until October 1, 2015.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2016 (October 1, 2015, through September 30, 2016) is 62.47%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

**INSTRUCTIONS:**  
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits revisions to the JFS 02911 Single Cost Report form and JFS 02911-I Single Cost Report Instructions which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2014, through June 30, 2015 (SFY 2015).

An explanation of the revisions to the cost report form and instructions appears below:

Form

- Transportation/Travel line in the Non-Personnel section of the Purchased Foster Care (PFC) and Residential (RES) service worksheets has been unbundled into separate line items entitled Transportation-Maintenance and Transportation-Administration; also, Transportation/Travel line on the Allocation of Administration Overhead worksheet has been retitled as Transportation-Administration. These changes will ensure calculated ceiling amounts incorporate proper federal reimbursable items.
- All worksheet footers updated to reflect "JFS 02911 (Rev. 8/2015)."
- Annual calculated inflation factor (.2%) added to the Title IV-E Reimbursement Ceilings and Cost Per Diems worksheet.

Instructions

- Identification of reportable cost items for the newly unbundled Transportation-Maintenance and Transportation-Administration line items (formerly Transportation/Travel) on the PFC and RES service worksheets. Note: For SFY 2015, if an agency’s accounting system does not capture Transportation-Maintenance and Transportation-Administration costs separately, the agency must report such costs as Transportation-Administration. However, for SFY 2016, all agencies must ensure their accounting system is properly coded to distinguish between Transportation-Maintenance and Transportation-Administration cost items.
- Diagrams were added to provide an illustration of the cost composition of the PFC and RES services on the Title IV-E Reimbursement Ceilings and Cost Per Diems worksheet.
- Date references were revised to reflect proper reporting and effective periods.

An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2016, through March 31, 2017, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2015.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Implementation Extension to the Effective Date of the Ohio Administrative Code rule 5101:2-42-19 "Requirements for the Provision of Independent Living Service to Youth in Custody"

The Ohio Administrative Code (OAC) 5101:2-42-19 has been amended to comply with the Preventing Sex Trafficking and Strengthening Families Act, Public Law (P.L) 113-183. The rule became effective July 15, 2015. The rule now includes independent living (IL) services and credit reports be provided to each youth in the custody of a public or private agency who has reached his or her fourteenth birthday or comes into custody after this age. To allow sufficient processing, ODJFS is extending the implementation date for this rule. Attached is a summary of the changes to the rule and policy guidance addressing areas of impact. This has been included for you and your staff to review.

Counties are responsible for assessing the fourteen and fifteen year olds in custody by using assessment tools such as the Daniel Memorial or Casey Independent Living Assessment tool. The rule requires that the independent living assessment be completed within sixty days from the youth's fourteenth birthday or entrance into agency custody if older than fourteen. The independent living plan must then be completed within thirty days of the completion of the assessment. The case plan amendment is due within seven days upon the completion of the independent living plan.

For children age fourteen and fifteen currently in the custody of the agency you may choose to delay the initiation of these new requirements until October 29, 2015.

The Office of Families and Children is working to update SACWIS functionality with regards to the Semiannual Administrative Review (SAR)/Case Review for children who are fourteen and fifteen. Currently, the Independent Living Services hyperlink on the SAR/Case Review only appears when the system recognizes a child in custody who is at least sixteen years old. Until this functionality is updated, ODJFS is offering the following guidance to agencies when SARs and Case Reviews are being completed on children who are fourteen and fifteen:

1) Click on the Case Analysis topic on the SAR/Case Review Topics screen.

2) In the narrative box "Describe the reasons for the case status selected above. Discuss how the risk reassessment, safety review, family perception, case progress review, including strengths and needs summary and services review informs change readiness of the family, permanency planning and service provision. If the case is being closed, provide a summary justifying case closure." Address the following along with any other narrative you would add:

   a) The status of the Independent Living Assessment including the completion date, if completed.
   b) The status of the Independent Living Plan
   c) The date of the most recent Readiness Review
   d) Credit Report Review information (reference rules 5101:2-38-10 for credit report requirements).
      i) Date the credit report was requested, if applicable.
      ii) Date the credit report was provided to the child, if applicable.
      iii) Date inconsistencies were reported to the Ohio Attorney General or a statement that inconsistencies were not found on the report, if applicable.
If there are questions or concerns please contact the SACWIS Help Desk or your Technical Assistance Specialist.

**INSTRUCTIONS:**
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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The Ohio Department of Job and Family Services (ODJFS) distributes the TANF Independent Living Allocation to Public Children Services Agencies (PCSAs) to enable youth who have or who will emancipate from foster care to have the skills and support necessary to help them achieve self-sufficiency and lead productive lives.

The activities funded under the allocations are to support the provision of independent living (IL) services and assistance to youth ages 14 and older who are in the agency’s custody and young adults ages 18 to 21 who have emancipated from the agency’s care in accordance with Ohio Administrative Code (OAC) rules 5101:2-42-19 Requirements for the Provision of Independent Living Services to Youth in Custody and 5101:2-42-19.2. Requirements for Provision of Independent Living Services to Young Adults Who Have Emancipated. In accordance with OAC rule 5101:9-6-08.6 Temporary Assistance to Needy Families (TANF) Independent Living (IL) Allocation, PCSAs may also use the funds to support the provision of independent living services to youth in their custody under the age of 14 when the youth is likely to remain in agency care until the youth’s eighteenth birthday.

In addition to supporting activities directly related to IL services, ODJFS has identified the following activities that are also allowable services under this allocation:

**Allowable Expenditures for Youth in the PCSA’s Custody**

- For youth in a PCSA’s custody, the agency may purchase services, make contractor payments, and make incentive payments consistent with the youth’s life skills assessment and written independent living plan developed in accordance with rule 5101:2-42-19. With the exception of medical services, PCSA’s may use the funding to purchase services using the service categories outlined in rule 5101:2-42-19.

- A PCSA may also offer incentives to eligible youth to promote successful behavioral outcomes. Such outcomes may include: academic achievement such as honor roll or election to student council; acts or recognition of good citizenship in the community; or the achievement of milestones that further the youth’s accomplishment of goals/expectations outlines in the youth’s independent living plan. Incentives may be provided to youth in the form of a cash payment. The value of incentive should not be disproportionately large.

- Payments to contractors for room and board are not allowable for youth in the PCSA’s custody unless they are eighteen or older and voluntarily remain in foster care. In addition, services and payments may not fall within the definition of “assistance” under TANF nor otherwise prohibited by TANF regulations.

**Allowable Expenditures for Young Adults Who Have Emancipated from Agency Care**

- Allocation funding may be used to purchase services, make contractor payments, and provide incentive awards for young adults who have emancipated from foster care. Such persons must enter into a written plan developed in accordance with rule 5101:2-42-19.2. Purchased services, contractor payments, or incentive awards must be consistent with the aforementioned plan. In developing the plan, the PCSA must place a special emphasis on defining goals and outcomes which assist the young adult in achieving and maintaining self-sufficiency.

- Except for medical services, PCSAs may purchase services using the service categories outlined in rule 5101:2-42-19.2. PCSAs may also purchase other services, make payments to contractors, or provide incentives to the young adult to assist in furthering the young adult’s achievement of self-sufficiency as outlined in the written plan. Services and payments may not
fall within the TANF definition of “assistance” or be designed to continuously meet a youth’s ongoing basic needs.

- Some allowable expenditures which a PCSA may consider on a case-by-case basis for a young adult who has emancipated or a young adult who is eighteen and older and voluntarily remain in foster care include:
  - Security deposits, utility deposits, and rent and utility payments for up to four months when there is a clear plan that the young adult will be able to maintain ongoing payments beyond those for which he or she has received assistance from the PCSA.
  - Up to $1000 to assist with furniture.
  - Driver’s education classes and driver’s license fees.
  - A one-time payment to a contractor to purchase or help to purchase a used car to support the young adult’s employment when there is a clear plan that the young adult will be able to maintain the costs and responsibilities associated with a car.
  - A one-time payment to a contractor up to $2000 to cover the cost of repairs to a car that is used to support the young adult’s employment, provided that such repairs are necessary to the functioning of the car and are not considered ongoing car maintenance (e.g. an oil change).
  - Work clothes, tools, supplies, examinations/testing, and/or permit fees needed to obtain or maintain employment.
  - Payment of a membership to join a YMCA or other activity which would help a young adult to maintain a responsible lifestyle. The membership should be limited in time.
  - Employment mentoring.
  - Nominal incentive awards in the form of cash payment for the achievement of specific behavioral outcomes outlined in the written plan between the youth and the PCSA.

Case-by-Case Considerations for Emancipated Youth

These funds are intended to allow PCSAs flexibility in designing a service plan which meets the individual needs of each youth on a case-by-case basis while also weighing the young adult’s level of maturity, ability to accept responsibility and the various options that are available to that young adult in the county.

For example, one county may have an excellent public transportation system where another county has minimal public transit services available. One young adult may have demonstrated responsibility through having been employed while under agency custody and responsibility driving the car of his foster family while in their care. Perhaps he or she would only need some assistance from the PCSA to make a one-time purchase or repair a car to be used in employment or to assist with initial housing costs. When considering the purchase of a car that can support the young adult’s employment, the PCSA should take due care to consider that young adult’s ability to pay for car insurance, fuel, and ongoing maintenance costs. Agencies are encouraged to dialogue with their legal counsel to discuss any additional parameters the county wishes to be factored into the written plan developed with the emancipated youth in regard to the services and supports the PCSA will provide.

General Prohibition Relevant to the TANF IL Allocation

- Funds may not be used for the purchase of child care.
- Funds may not be used to provide transportation for unemployed youth or young adults.
- Funds may not be used for the following activities:
  1) To support staff salaries or to pay contractors for room and board for youth in the PCSA’s custody;
  2) Services and payments that are assistance as defined in 45 C.F.R 260.31 (a);
  3) Medical services;
  4) Juvenile Justice services;
  5) Title IV-D child support;
  6) Title IV-E services;
7) Foster care maintenance
8) Construction or purchases of buildings or facilities;
9) Purchase of real property;
10) Public education; or
11) To provide cost sharing or matching requirements of another federal program.

- The TANF IL funds are made available to enhance current funding. Funds available through the Chafee IL program, the education and training voucher (ETV) program, the Workforce Investment Act (WIA), the Workforce Innovation and Opportunity Act (WIOA), and other community resources must be utilized first for services allowable under these programs.

Availability and Claiming
All PCSAs received a SFY15 notice from the Bureau of County Finance and Technical Assistance that provides the allocation amount for each county and applicable time periods. Please refer to the Fiscal Administrative Procedure Manual rule 5101:9-6-08.6 Temporary Assistance to Needy Families (TANF) Independent Living (IL) Allocation for instructions on claiming allowable costs against the allocation.

INSTRUCTIONS:

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<td>Procedure Letters</td>
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FCASPL 288 (ABC Nursery Program for Infants and Incarcerated Mothers)  

Family, Children and Adult Services Procedure Letter No. 288  

August 27, 2015  

To: Family, Children and Adult Services Manual Holders  

From: Cynthia C. Dungey, Director  

Subject: ABC Nursery Program for Infants and Incarcerated Mothers  

This Procedure Letter provides information to public children services agencies (PCSAs) regarding the Achieving Baby Care Success (ABC'S) Program operated out of the Ohio Reformatory for Women in Marysville. Additionally, this letter provides guidance and clarification regarding PCSA responsibilities to provide placement services for infants of incarcerated mothers, specifically as the requirements relate to the ABC Nursery Program. This guidance will result in amendments to rule 5101:2-42-60 of the Administrative Code in the near future.  

The ABC'S Program allows incarcerated pregnant inmates to maintain custody of their infants after they are born. As part of the eligibility requirements for this program, the inmate must have an alleged perpetrator check completed and must also have an alternative plan for the child if the child or inmate are unable to complete the program or do not qualify for the program. An alternative plan includes the identification and completion of an approved home assessment of a relative or non-relative caregiver, or an agreement by the PCSA that the child will be taken into custody and placed into another substitute care setting.  

Rule 5101:2-42-60 of the Administrative Code requires PCSAs to coordinate with correctional facilities to ensure appropriate placement services are provided to infants of incarcerated mothers. Paragraph (B)(1) of rule 5101:2-42-60 requires that PCSAs conduct a home assessment of a proposed relative or non-relative caregiver recommended by the incarcerated woman. "Relative" as defined in rule 5101:2-1-01 of the Administrative Code includes individuals related by blood or adoption. When the incarcerated woman recommends her spouse or the child's father as a possible placement resource for the child, the PCSA is required to complete a home assessment in accordance with rule 5101:2-42-18 of the Administrative Code for that individual.  

To facilitate the operation of this program, the Ohio Department of Job and Family Services will coordinate with the Ohio Reformatory for Women to conduct alleged perpetrator checks at the request of the inmate who is being considered for eligibility. PCSAs will not be required to complete these requests. However, PCSAs are required to complete home assessments for the relative or non-relative caregiver that has been identified as an alternative placement option in the event that the inmate and child are not able to complete the program. This requirement is applicable even when the request is made prior to the child's birth. Additionally, PCSAs are asked to provide a statement, on letterhead, when requested by the Ohio Reformatory for Women that if there is no identified or approved relative or non-relative caregiver for the inmate, that the PCSA, at a later date, will take custody of the child and locate another substitute care placement if needed.
TO: All Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: State Fiscal Year (SFY) 2016 SAMS Maximum Monthly Funding Level  

The Ohio Department of Job and Family Services (ODJFS) is issuing this procedure letter to identify the maximum monthly funding level for the State Adoption Maintenance Subsidy (SAMS) program.  
The maximum funding level for SFY 2016 for the State Adoption Maintenance Subsidy (SAMS) remains unchanged at $250 per month per adoptive child. Pursuant to Ohio Administrative Code rules 5101:2-44-06 "Eligibility for the state adoption maintenance subsidy program" and 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy", if a public children services agency (PCSA) negotiates a payment in excess of the maximum SAMS payment as identified in this procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).  

INSTRUCTIONS:  
The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.  

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This procedure letter transmits the revision of the JFS 08025 "A Guide to Protecting the Elderly" and the introduction of the JFS 08027 "Adult Protective Services Rack Card." The JFS 08025 "A Guide to Protecting the Elderly" and the JFS 08027 "Adult Protective Services Rack Card" are informational tools developed for APS staff to raise community awareness on elder abuse. The Guide is a comprehensive booklet that includes information on the various types of maltreatment, signs and symptoms of abuse, reporting elder abuse and knowing who to call for help. The Rack Card is a modified version of the Guide designed to be used as a quick reference.

The JFS 08025 "A Guide to Protecting the Elderly" and JFS 08027 "Adult Protective Services Rack Card" can be ordered through the Ohio Department of Job and Family Services' Forms Central web site at http://www.odjfs.state.oh.us/forms/inter.asp.

INSTRUCTIONS:
The following chart depicts what materials should be removed and inserted in the Family, Children and Adult Services Manual (FCASM).

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This Procedure Letter (PL) transmits changes to the JFS 01677 Foster Youth Rights Handbook as a result of Public Law 113-183 Preventing Sex Trafficking and Strengthening Families Act that became effective September 29, 2014. The law requires each youth to receive notification of his or her rights upon entering foster care and to have the rights reviewed with him or her in an age-appropriate manner.

The following is a brief explanation of the changes:

- Agencies must provide each youth who has attained age 14 (and above) and is in foster care, enters foster care, or turns 14 years of age while in foster care a copy of the Foster Youth Rights Handbook. If a youth in foster care has already received a handbook, a new handbook is not necessary.
- The bottom portion of the signature page is to be signed by the youth which documents receipt of the handbook and that the handbook has been reviewed with the youth. The signature page is then to be detached from the handbook and attached to the case plan (initial or amended) which is to be submitted to court.
- If a youth refuses or is unable to sign the form, the caseworker should have the substitute caregiver sign the signature page and leave the handbook with the substitute caregiver for the youth. The handbook should follow the youth throughout his or her placement(s).
- The handbooks can be ordered through Forms Central at http://innerapp.odjfs.state.oh.us/forms/inner.asp

INSTRUCTIONS:

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FCASPL 282-A (Revisions to Existing Foster Care and Adoption Forms)

Family, Children and Adult Services Procedure Letter No. 282-A

November 10, 2015

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Revisions to existing foster care and adoption forms

This letter transmits a revision to the original FCASPL 282 posted October 7, 2015 due to the change in revision date of the JFS 01680. Please refer to the revised chart at the end of this letter for the change.

This letter transmits revisions to thirteen forms that are used during the foster care and adoption homestudy process. The homestudy rules are being rescinded and issued as new in an effort to align the foster care and adoption homestudy processes. The following forms are being revised to assist in this process, and will be effective when the corresponding rules are effective. The following is a brief explanation of revisions to each of the forms:

- The JFS 01318, "SACWIS Private Agency Provider Request" was revised to add a third applicant in those situations where there are more than two foster caregivers on a license, and to include a request for the authentication/transaction control number (TCN) from the bureau of criminal identification and investigation (BCII) for rapback purposes. Formatting changes were also made for clarity.
- The JFS 01318I, "Instructions for Completing the JFS 01318, SACWIS Private Agency Provider Request" was revised to reflect the changes to the JFS 01318 and the requirements throughout Chapters 5101:2-5 and 5101:2-48. The instructions were also reformatted for clarity and ease of the reader.
- The JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" was revised to emphasize the importance of the caregiver submitting the form timely so that the recertification or update is done prior to the expiration of the current span. Form was also revised to align with rule that states agencies may send the form to the caregivers from 90-150 days prior to expiration to begin the recertification process.
- The JFS 01334, "Recommendation for Transfer of a Foster or Adoptive Home" was revised to add a third caregiver, in those situations where there are more than two foster parents on a license, and to include a request for the authentication/TCN from BCII for rapback purposes. A checkbox was added to the verifications section to ensure that references were received from adult children of the caregivers. There was also a statement of understanding added below the signature area notifying caregivers their signature indicates permission is granted for the receiving agency to access the provider's information in SACWIS.
- The JFS 01348, "Safety Audit of a Family Foster Home, Also used for Adoption" was renamed "Safety Audit." It was revised to update rule language and rule citations, and to add safety requirements that are currently in rule, such as medications stored in locked containers and foster caregivers providing smoke free environments. A 'will obtain' option was added for cribs and carseats for younger children who may be placed in the home. Reasons for completing the form were also expanded, to include 'renovation', 'update', and 'other.'
- The JFS 01385, "Assessment for Child Placement Update" was revised and reformatted to resemble more closely the JFS 01673. Section II regarding household members and sleeping arrangements was added, as well as Section X, regarding the usage of the home. This was done to more accurately capture the most current, basic information about a home. Narrative questions were revised and updated. Language regarding waivers and variances was revised to reflect current rule.
- The JFS 01530, "Multiple Children/Large Family Assessment" was renamed "Large Family Assessment." Several questions were revised to be less 'child specific' as the adopted child will more than likely not be known at the time the large family assessment is completed. Direction is provided on the form that if the specific child to be adopted is unknown when the large family
assessment is completed, to base answers on the characteristics the family is approved to adopt at the time of the homestudy.

- The JFS 01673, "Assessment for Child Placement" was revised to flow more in the order of the JFS 1691 application. The requirement for social security numbers was removed. The section asking about criminal and DUl history was changed to document additional data. Options were added for families who ‘will obtain’ a crib when a younger child is placed with them. A narrative section was added to document references received from adult children of the caregivers. Narrative questions were revised and updated. The language in the supports section was revised to state that alternate caregivers can be listed there, if known and approved at the time of the homestudy. Language regarding waivers and variances was revised to reflect current rule. Assessment checklist was revised to include all requirements and reformatted for clarity.

- The JFS 01673I, "Instructions for Completing JFS 01673, Assessment of Child Placement" was reformatted to align with the order of the newly revised JFS 01673 homestudy. Several questions were revised to offer more in-depth responses in the narrative sections. A section was added to provide instructions for obtaining references from adult children of the applicants.

- The JFS 01680, "Verification of Assessor Qualifications" was revised for clarity and to reflect current rule. Additional spaces were added for ongoing training, as well as instruction to add additional copies of page 3 as necessary. Removed requirement to send in documentation with form verifying details about the assessor training that was taken.

- The JFS 01691, "Application for Child Placement" was revised to reflect current rule changes, such as requesting information for any agency the applicant or adult household member has ever applied to for foster care or adoption, and contact information for adult children of the applicant. There was a prompt added to the first page asking if all members of the home have been Ohio residents the last five years. The section asking about criminal and DUl history was changed to request additional data. The section about experience was revised to request additional information. The statement of understanding at the end of the form was also revised to reflect current rule and practice.

- The JFS 01692, "Application for Adoption of a Foster Child" was renamed "Application for Adoption of a Foster Child or Sibling Group" and was revised to allow only one form to be completed if foster parents are adopting a sibling group who have all been placed in the home for at least six months. The form was reformatted and questions updated to align with specific sections of the JFS 01691 and JFS 01673. The statement of understanding at the end of the form was also revised to reflect current rule and practice.

- The JFS 01698, "Step-Parent Adoption Homestudy" was updated and reformatted in some sections for clarity and ease of the reader. Grammar and spelling errors were fixed, and some questions that were not related to the assessment were removed or revised.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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**PROCEDURE LETTERS**

| FCASPL No. 282 | FCASPL No. 282-A |
This letter transmits changes made to the JFS 01200 "Fire Inspection Report for Homes or Residential Facilities Certified/Approved by ODJFS," and introduces the revised JFS 01200.

Effective April 15, 2015, the JFS 01200 "Fire Inspection Report for Homes or Residential Facilities Certified/Approved by ODJFS" has been revised. The following is a brief explanation of the changes to the JFS 01200 form:

- Several changes were made throughout the form as a result of the input from local fire inspectors.

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TO: All Family, Children, and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Revisions to the JFS 01503 "Notice of Approval for Kinship Permanency Incentive Funds" and the JFS 01504 "Notice of Denial for Kinship Permanency Incentive Funds"

This letter transmits revisions to the JFS 01503 "Notice of Approval for Kinship Permanency Incentive Funds" and the JFS 01504 "Notice of Denial for Kinship Permanency Incentive Funds". These forms have been updated to reflect the extension of the maximum KPI eligibility period from thirty-six to forty-eight months and the maximum number of incentive payments from six to eight.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  

This Procedure Letter (PL) transmits clarification to the rules regarding who has the authority to complete caseworker visitation requirements, as a response to recent guidance from the federal government located in the CFSR Round 3 Onsite Review Instrument (pg. 66) located at https://training.cfsrportal.org/resources/3044. This guidance will result in amendments to rules 5101:2-42-65 and 5101:2-48-17 of the Administrative Code. Until those rules can be amended, ODJFS is issuing the following guidance:

The caseworker visits mandated by Ohio Administrative Code (OAC) rules 5101:2-42-65 and 5101:2-48-17 must be completed by a caseworker with the agency that has full responsibility for case planning and case management of the child's case. A few examples are listed below:

- Another caseworker employed by the agency that has full case management responsibilities of the case, such as another caseworker in the same unit as the worker assigned to the case, would be able to conduct these caseworker visits. In these circumstances, the worker completing the visit shall document in the activity log the reason a worker other than the assigned caseworker visited the child. While this practice is permitted, it is recommended that the assigned caseworker complete the majority of the required monthly visits.
- An agency that is given full case management responsibilities by the local public agency, such as managed care agencies, would be able to conduct these caseworker visits.
- Visits by caseworkers from agencies that are contracted to provide specific services while the public agency maintains decision making and case management responsibilities regarding the case or the child would not be counted toward this monthly visitation requirement.
- For those cases that require more than one monthly visit from a caseworker based on the treatment needs of the child or the current family situation, the agency with full case management responsibilities may contract with another agency for those additional visits, as long as the agency with full case management responsibilities completes the minimum monthly visitation.
- The only exception to this requirement is children who are placed in another state through the Interstate Compact for the Placement of Children (ICPC). Those visits must be completed by the supervising agency in the state where the child is placed, pursuant to the compact.

This visitation criteria will be included as part of the Child Protection Oversight and Evaluation (CPOE) 10 review requirements.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Ohio Administrative Code rule 5101:2-48-06 Ongoing Assessor Training Requirement of Six Hours Every Two Years  

This Procedure Letter (PL) transmits clarification to the six hours of ongoing training requirements for adoption assessors in the area of foster care and/or adoption.

The rule revision that became effective 10/1/2014 states that "Completion of an additional six accredited training hours is required within each subsequent two year period from the completion date of the previous six hours of ongoing training."

Prior to the rule revision, an individual could complete their six hours of ongoing training any time in each two year span following completion of the tier two training. For example, an assessor's two year span is from 6/5/2011 to 6/4/2013. The assessor completes six hours of training on 4/3/2012. The assessor was in compliance with the way the rule was previously written as they would have until 6/4/2015 to complete an additional six hours of training. As of the 10/1/2014 rule change, the assessor would be out of compliance because it has been more than two years since the assessor completed 6 hours of ongoing training on 4/3/2012.

Therefore, ODJFS offers the following guidance:

- If the previous six hours of training occurred prior to May 1, 2013, then the assessor has until May 1, 2015 to complete the six hours of ongoing foster or adoptive training. The next 6 hours of training related to foster care and adoption will then be due two years from the date of completion of that six hours of training.
- If the previous six hours of training occurred on or after May 1, 2013, then the assessor has until two years from that completion date to complete the next six hours of ongoing training.

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This Procedure Letter (PL) transmits notification regarding House Bill 213 that became effective September 17, 2014. The law requires the Ohio Department of Job and Family Services (ODJFS) to develop a model notice for custodial agencies. The custodial agencies are required to provide the notice to caregivers of children who are placed in a PPLA status in a family like setting. The requirements outlined in this procedure letter will be added to rule 5101:2-42-90 of the Administrative Code in the near future.

The agency may modify the model notice to better fit the needs of the agency; however the notice must at a minimum include the following statements:

1. The caregiver understands the planned permanent living arrangement is intended to be permanent in nature and the caregiver will provide a stable placement for the child through the child’s emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

2. The caregiver is expected to actively participate in the youth’s independent living case plan/independent living plan, attend agency team meetings and court hearings as appropriate.

3. The caregiver is to complete training related to providing the child independent living services.

4. The caregiver is to assist in the child’s transition into adulthood.

In collaboration with the OHIO Youth Advisory Board, a checklist has been created to assist caregivers and teenagers in preparing for adulthood. The custodial agency may use the checklist in its entirety or as an example to create tools for both children in care and foster caregivers.

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<td>JFS 08102 &quot;Foster Parent Checklist for Preparation and Support of Teenagers&quot;</td>
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TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Updates to ODJFS Forms and Instructions

This letter transmits revisions to several ODJFS forms and instructions to reflect a correction to the address on each form. The following forms have been updated:

**JFS 01608** Licensed Professional's Statement
**JFS 01680** Verification of Assessor Qualifications
**JFS 09010** Envelope #10 (Central Registry), PO Box 182709

In addition, this letter also identifies forms that have been deemed no longer necessary, because they are outdated and/or have been integrated within an automated system. The following forms have been made obsolete and should be removed from the Family, Children and Adult Services Manual:

JFS 1330 Review/Compliance Summary Child Care Worker
JFS 1350 Foster Caregiver Training Stipend and Recommending Agency Training Allowance Invoice
JFS 1350-I Instructions for Completing JFS 01350, Foster Caregiver Training Stipend and Recommending Agency Training Allowance Invoice
JFS 1414 Family Decision Making Model Part III: Semi Annual Administrative Review Summary
JFS 1414-I Instructions for JFS 01414
JFS 01441 Child Abuse/Neglect Intake Report Worksheet Form
JFS 01444 Family Decision Making Model, Part II: Case
JFS 01444-I Instructions for Completing JFS 01444, Family Decision Making Model, Part II: Case Plan
JFS 01445 Family Risk Assessment Model Amended Case plan Cover
JFS 01445-I Instructions for Completing JFS 01445, Family Risk Assessment Model Amended Case plan
JFS 01473 Application for Child Advocacy Center Ongoing Funding
JFS 01474 Application for Child Advocacy Center Start-Up
JFS 01500 Family Risk Assessment Model, Part I: Family Matrix
JFS 01520 Family Decision Making Model: Part 1 Family
JFS 01525 Family Risk Assessment Worker Manual
JFS 01605 MEPA Monitoring-Cycle II
JFS 01617 Important Notice about Your State Adoption Maintenance Subsidy
JFS 01618 Redetermination/Amendment of State Adoption Special Services Subsidy
JFS 01827 Individualized Training Needs Assessment for Caseworkers
JFS 01828 Individualized Training Needs Assessment for Supervisors
JFS 07101 Change of Status
JFS 09001 Envelope 9 X 12 (Foster Care Licensing), PO Box 182709

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.
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TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Private Child Placing Agencies (PCPAs) and Private Non-Custodial Agencies (PNAs) psychotropic medication agency policy.

This Procedure Letter (PL) transmits clarification for Private Non-Custodial Agencies (PNA) and Private Child Placing Agencies (PCPA) in regard to the psychotropic medication agency policy requirement specified in OAC 5101:2-5-13 (A)(29).

The following is a brief clarification:

- This rule requires all agencies to develop an agency policy monitoring the appropriate use of psychotropic medications for children in foster care to include:
  1. Comprehensive and coordinated screening, assessment, and treatment planning mechanisms to identify the child's mental health and trauma-treatment needs including a psychiatric or medical evaluation, as necessary, to identify needs for psychotropic medication.
  2. Informed and shared decision-making and methods for ongoing communication between the prescriber, the child, the child's parents or caregivers, other healthcare providers, and the agency case worker.
  3. Effective medication monitoring for the children placed in care.

- After reviewing the information, ODJFS has determined the only item that would be applicable to PCPAs and PNAs is the effective medication monitoring for the children placed in care. When addressing the first two items in their agency policy, the PNAs and PCPAs need only refer to the fact that these two items are a function of a public agency and the items are not applicable.

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Family, Children and Adult Services Procedure Letter No. 273

December 3, 2014

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: JFS 08022 Kinship Permanency Incentive Program (poster) and JFS 08023 Kinship Permanency Incentive Program (brochure)

The **JFS 08022** Kinship Permanency Incentive Program (poster) and the **JFS 08023** Kinship Permanency Incentive Program (brochure) have been revised and updated to reflect current information about this program. These publications may be used and disseminated to promote the Kinship Permanency Incentive Program and encourage potentially eligible individuals to apply for these funds.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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This letter transmits revisions to the JFS 02911 Single Cost Report form and JFS 02911-I Single Cost Report Instructions which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2013, through June 30, 2014 (SFY 2014).

An explanation of the revisions to the cost report form and instructions appears below:

Due to the rescission of Ohio Department of Mental Health and Addiction Services' (ODMHAS) cost report requirements (see Family, Children, and Adult Services Manual Procedure Letter No. 263), Forms A-1, A-2, A-3, and A-4 and their related instructions were removed from the JFS 02911 Single Cost Report. However, to ensure 100% reporting of an agency’s total costs, a single line on the JFS 02911’s Total Agency Cost Summary worksheet is designated to report ODMHAS aggregate Medicaid and non-Medicaid program costs.

There are no additional modifications to the SFY 2014 form except to update the revision date in the footer of the worksheets to reflect "JFS 02911 (Rev. 8/2014)." Furthermore, the calculated annual inflation factor of 3.7% was added to the reimbursement ceilings worksheet.

There are no substantive changes to the SFY 2014 instructions except for removal of instructions related to the previously mentioned ODMHAS' worksheets. Additionally, date references were revised to reflect proper reporting and effective periods.

Note: An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2015, through March 31, 2016, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2014.

The JFS 02911 is intended to be used in an automated format.

When downloading the Microsoft Excel version of the JFS 02911 Single Cost Report form, the macro security level must be lowered in order for the macro buttons to work properly. To lower the macro security level, open Microsoft Excel, click Tools, Options, and then the Security tab. Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click Enable Macros. If the macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.
This letter transmits changes made to the JFS 01290 "Application for Certification of Agency Functions," introduces the new JFS 01290.

Effective October 1, 2014, the JFS 01290 "Application for Certification of Agency Functions," has been revised. The following is a brief explanation of the changes to the JFS 01290 form.

- Several changes were made to outdated rule references throughout the form.

<table>
<thead>
<tr>
<th>LOCATION</th>
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<tr>
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<td>JFS 01290 (Rev. 9/2014)</td>
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<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL NO. 270</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Amendment to Ohio Revised Code (ORC) 2151.421, Reporting child abuse or neglect

This procedure letter is to inform public children services agencies (PCSAs) that House Bill (HB) 483 and HB 213 of the 130th General Assembly amended Ohio Revised Code (ORC) 2151.421, Reporting child abuse or neglect. The amendments added court appointed special advocate; or guardian ad litem as well as a superintendent or regional administrator employed by the department of youth services as mandated reporters of child abuse or neglect (CA/N).

The Office of Families and Children is sharing this information as it is pertinent to PCSAs when training and informing mandated reporters of their respective duties to report suspected child abuse or neglect; screening CA/N reports; and responding to and sharing information with mandated reporters.

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 268</td>
</tr>
</tbody>
</table>
TO:  All Family, Children and Adult Services Manual Users
FROM:  Cynthia C. Dungey, Director
SUBJECT:  JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy" Form and Instructions

This letter transmits changes to the JFS 01614 and JFS 1614-I "Redetermination or Amendment of a State Adoption Maintenance Subsidy" form and instructions. The following is a brief explanation of the changes:

In Section IX of the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy" form, the date field and the signature field of the adoptive mother and of the adoptive father were removed from the form. The adoptive mother and/or the adoptive father do not need to sign or return this form to the Public Children Services Agency (PCSA) when the results of the redetermination are forwarded to the adoptive parent(s).

In Section IX of the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy", and the JFS 01614-I "Instructions for Completing the JFS 1614", the title was changed to read "Signature of an Authorized Agency Representative".

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
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</tr>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 267</td>
<td></td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: REVISIONS TO CHILDREN SERVICES LICENSING FORM JFS 01290

This letter transmits changes made to the JFS 01290 "Application for Certification of Agency Functions," introduces the new JFS 01290.

Effective July 1, 2014, the JFS 01290 "Application for Certification of Agency Functions," has been revised. The following is a brief explanation of the changes to the JFS 01290 form.

- Several changes were made to out dated rule references throughout the form.

<table>
<thead>
<tr>
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<th>INSERT/REPLACE</th>
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<td>JFS 01290 (Rev. 9/2006)</td>
<td>JFS 01290 (Rev. 7/2014)</td>
</tr>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL NO. 264</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Rescission of Ohio Department of Mental Health and Addiction Services Cost Report Requirement Rules  

The Ohio Department of Mental Health and Addiction Services’ (ODMHAS) cost report requirements as set forth in Ohio Administrative Code (OAC) rules 5122-26-19, 5122-26-19.1, 3793:2-1-09, and 3793:2-1-10 will be rescinded effective June 19, 2014, and will apply to the state fiscal year reporting period of July 1, 2013, through June 30, 2014 (SFY 2014).

For those agencies which report program costs to both Title IV-E and Medicaid (i.e., ODMHAS), the Title IV-E Single Cost Report Form JFS 02911 will continue to capture costs incurred under both programs in order to satisfy the requirements of Ohio Revised Code 5101.145. Form JFS 02911 will be modified to remove the Medicaid-related worksheets (e.g., Forms A-1 (047), A-2, A-3, and A-4). However, to ensure 100% reporting of an agency’s total costs, a single line on the Total Agency Summary worksheet will be utilized to report an agency’s ODMHAS aggregate Medicaid and non-Medicaid program costs. A subsequent procedure letter will be issued in late July 2014 regarding the specific modifications to Form JFS 02911.

Note: An agency which seeks to establish Title IV-E reimbursement ceilings for the effective period April 1, 2015, through March 31, 2016, must complete the filing requirements as outlined in OAC 5101:2-47-26.1 (cost report) and OAC 5101:2-47-26.2 (agreed-upon procedures) for SFY 2014.

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<tr>
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<td></td>
<td>FCASPL No. 263</td>
</tr>
</tbody>
</table>
FCASPL 262 (Monthly Adoption Assistance Statewide Maximum)

Family, Children and Adult Services Procedure Letter No. 262

June 26, 2014

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Title IV-E Monthly Adoption Assistance Statewide Maximum and the Waiver request to exceed the Title IV-E Monthly Adoption Assistance Statewide Maximum

Pursuant to Ohio Administrative Code rule 5101:2-49-05 this procedure letter transmits the Title IV-E Monthly Adoption Assistance Statewide Maximum (MAASM) for all new Adoption Assistance agreements that are entered into after the effective date of July 1, 2014. The first adoption assistance statewide maximum was calculated using the state fiscal year 2013 data from the statewide automated child welfare information system (SACWIS). To calculate the MAASM, ODJFS used the total cost of all placements for children in a public and private agency foster home, including any ancillary costs (clothing, graduation expenses, child care, etc.) divided by the total number of paid placement days for children placed in these settings to arrive at a per diem. The per diem was multiplied by 365 days to arrive at an annual cost, and then divided by 12 months to arrive at the statewide maximum monthly MAASM. If the ceiling varies from state fiscal year (SFY) to SFY by more than ten per cent, the MAASM will be amended and communicated in a Family, Children and Adult Services procedure letter.

Effective July 1, 2014, the Title IV-E Adoption Assistance Statewide Maximum is $1,045.00.

Any existing monthly AA payment amount in excess of the statewide maximum, prior to July 1, 2014, shall remain in effect and shall continue to receive federal financial participation (FFP) up to the current FCM payment for a child in the same level of care.

If the Title IV-E agency that enters into the adoption assistance agreement and the adoptive parent(s) agree to an amount that exceeds the Title IV-E Adoption Assistance Statewide Maximum, the Title IV-E agency can request a waiver of the Title IV-E statewide maximum by sending the JFS 01471 "Waiver to exceed the Title IV-E Adoption Assistance Statewide Maximum" (rev.1/2014) to the email address MAASM@jfs.ohio.gov. Notification of approval or denial of the waiver request will be made within ten business days of receipt of the JFS 01471.

For any initial monthly AA agreements effective July 1, 2014, that has an approved JFS 01471, the subsidy begin date will be effective pursuant to 5101:2-49-08 of the Ohio Administrative Code. For any amended monthly AA agreements effective July 1, 2014, that has an approved JFS 01471, the effective date will be the month following the waiver approval date.

Although the MAASM is set at $1,045, no adoption assistance (AA) subsidy should exceed the foster care maintenance (FCM) amount the child would currently be receiving if he/she were in a public or private agency foster home. If the FCM amount is less than the MAASM, the monthly AA subsidy shall not exceed the FCM amount. If the FCM amount is in excess of the MAASM, and both parties agree to an AA subsidy amount higher than the MAASM and a waiver of the MAASM is submitted and approved, Federal funding is available up to the FCM amount the child would receive if he/she were currently in foster care. Any amount paid for an AA subsidy that exceeds the FCM amount the child would receive if he/she were currently in a public or private agency foster home or the MAASM where a waiver was not submitted and/or approved, shall be paid by the county using local funds.

INSTRUCTIONS:
The following chart identifies what materials should be inserted in the Family, Children and Adult Services Manual (FCASM).

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<tr>
<th>LOCATION</th>
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL NO. 262</td>
</tr>
</tbody>
</table>
This Procedure Letter (PL) transmits one new form, the **JFS 01677 Foster Youth Rights Handbook**. The following is a brief explanation of the proposed form:

- The handbook contains helpful information for foster youth including their rights as contained in 5101:2-5-35 *Children's Rights*.
- Agencies are recommended to give each child age 12 and above who comes into foster care a copy of the handbook.
- The handbooks can be ordered through the Forms Management system on Forms Central.

**INSTRUCTIONS:**

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<tr>
<th>LOCATION</th>
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<td><strong>JFS 01677</strong> rev. 05/2014</td>
</tr>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 261</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Users
FROM: Cynthia C. Dungey, Director
SUBJECT: REVISION TO JFS 01688 INDIVIDUALIZED CHILD ASSESSMENT FORM

This letter transmits an address change to the JFS 01688 "Individualized Child Assessment Form" and the JFS 01688-I "Individualized Child Assessment Purpose and Instructions" forms.

Once the Individualized Child Assessment JFS 01688 form is completed, the agency is to retain the original in the child's case record and must forward a copy of the completed form to:

Ohio Department of Job and Family Services
Bureau of Child and Adult Technical Assistance (BCATA)
P.O. Box 183204
Columbus, Ohio 43218-3204

<table>
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<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBsolete</th>
<th>INSERT/REPLACE</th>
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<tbody>
<tr>
<td>FORM</td>
<td>JFS 01688 (Rev. 5/2007)</td>
<td>JFS 01688 (Rev. 4/2014)</td>
</tr>
<tr>
<td>FORM</td>
<td>JFS 01688-I (Rev. 5/2007)</td>
<td>JFS 01688-I (Rev. 4/2014)</td>
</tr>
<tr>
<td>PROCEDURE LETTER</td>
<td></td>
<td>FCASPL No. 260</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: IN-STATE AND OUT-OF-STATE HOMESTUDIES REFERENCING THE RACIAL COMPOSITION OF A NEIGHBORHOOD

This letter outlines steps which shall be taken in instances where an agency discovers information contained within a homestudy, either from its own agency or one that has been received from another agency, that references the racial or ethnic composition of the neighborhood, the demographics of the neighborhood, and/or the presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood.

Ohio Administrative Code (OAC) rules 5101:2-48-13 “Non-discrimination requirements for adoptive placements” and 5101:2-42-18.1 “Non-discrimination requirements for foster care placements,” prohibit delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster caregiver or adoptive family whenever geography is being used as a proxy for the racial or ethnic composition of the neighborhood. OAC rules 5101:2-48-13 and 5101:2-42-18.1 also prohibit delaying or denying placement of a child based on the demographics of the neighborhood and the presence, or lack of presence, of a significant number of persons of a particular race, color, or national origin in the neighborhood.

When an agency discovers a homestudy which contains an assessment prohibited by OAC rules 5101:2-48-13 and 5101:2-42-18.1, such as a description of the racial composition of the neighborhood, the agency shall:

1. Consult with its legal counsel with respect to all homestudies that contain language referencing the racial composition of the neighborhood;

2. Place a Multi-ethnic Placement Act (MEPA) alert on the section of the homestudy which references the racial composition of the neighborhood, indicating the language contained in the homestudy is prohibited by MEPA and that the section will not be considered in the placement decision-making process;

3. Return a copy of the homestudy containing the MEPA alert to the agency which originally completed and/or submitted the homestudy, indicating that the section referencing the racial composition of the neighborhood will not be considered in the placement decision-making process; and,

4. Forward to the Ohio Department of Job and Family Services' Bureau of Child and Adult Technical Assistance (BCATA), a copy of the homestudy and notice that was sent to the offending agency. The documents shall be forwarded to the following address: P.O. Box 183204, Columbus, Ohio 43218-3204.

INSTRUCTIONS:

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

<table>
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<tr>
<th>LOCATION</th>
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<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 126</td>
<td>FCASPL No. 259</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Psychotropic Medication Toolkit for Public Children Services Agencies (PCSAs).

This Procedure Letter (PL) transmits one new form, the JFS 01682, Psychotropic Medication Toolkit for Public Children Services Agencies form.

The following is a brief explanation of the form:

- Due to requirements put forth by the Fostering Connections to Success and Increasing Adoptions Act of 2008, PCSAs are required to develop a plan for oversight and coordination of health care services for children in foster care, including prescription medications.
- The toolkit was developed to guide the oversight of psychotropic medication use by children and youth in custody of a PCSA.
- The form is comprised of six sections which outline basic recommendations to serve as a foundation for PCSAs developing their own agency policy.
- The sections of the form include policy development, practice guidelines and definitions, procedures, orientation and training, ongoing monitoring and evaluation, and information sharing.

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<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tbody>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 257</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Implementation of new forms JFS 01683 and JFS 01684

This letter transmits two new forms created as a result of Senate Bill 23, which allows adopted children and their lineal descendant access to the adoption records. The forms will be available March 2014 and will be utilized by the Department of Health. The following is a brief explanation of each of the forms:

- The **JFS 01683**, “Birth Parent Name Redaction” enables a birth parent to choose to have their name redacted from the copy of documents in the adoption file that an adopted person or their lineal descendant receives if they decide to request a copy of the record. The form stays in the adoption record on file with the Department of Health. In order to be in effect, the form must be submitted to the Department of Health by 3/19/2015. Pursuant to SB 23, this form will no longer be available beginning March 20, 2015.

- The **JFS 01684**, “Contact Preference for the Birth Parent(s) of Adopted Children” enables a birth parent of an adopted child to state their preference regarding any type of contact they would like to have with the adopted person or their lineal descendant. The form allows three options; to be contacted by the adopted person directly, to be contacted through an intermediary, or not to be contacted at all. Once completed this form stays in the adoption record on file with the department of health. If the adopted person or their lineal descendant decides to receive a copy of their file, this information will be provided to them.

**INSTRUCTIONS:** The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
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<td><strong>JFS 01684</strong> (Rev. 3/2014)</td>
</tr>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 256</td>
</tr>
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</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04, the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2014 Federal Poverty Guidelines (published in the Federal Register, Vol. 79, No. 14, January 22, 2014, pp. 3593-3594) rounded to the nearest dollar and adjusted for family size.

<table>
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<tr>
<th>FAMILY SIZE</th>
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<tr>
<td>2</td>
<td>$47,190</td>
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<tr>
<td>3</td>
<td>$59,370</td>
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<td>4</td>
<td>$71,550</td>
</tr>
<tr>
<td>5</td>
<td>$83,730</td>
</tr>
<tr>
<td>6</td>
<td>$95,910</td>
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<tr>
<td>7</td>
<td>$108,090</td>
</tr>
<tr>
<td>8</td>
<td>$120,270</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$12,180</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
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<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSELETE</th>
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<td>FCASPL No. 242</td>
<td>FCASPL No. 255</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Revisions to the JFS 01668 (Multiethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report)

This letter transmits revisions to the Multiethnic Placement Act (MEPA) Self-Assessment tool used in compliance with Ohio Administrative Code (OAC) rule 5101:2-33-11, entitled Multiethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report which sets forth administrative requirements relative to MEPA.

The Multiethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report JFS 01668 has been revised for clarity and coherency. Sentences were re-structured, charts re-moved and words were either added or deleted.

**INSTRUCTIONS:**

The following chart identifies what materials should be removed from the Family, Children and Adult Services Manual (FCASM) and inserted into the (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<td>PROCEDURE LETTERS</td>
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</table>
FCASPL 253 (Revisions to JFS 01678-Foster Care Exit Form)

Family, Children and Adult Services Procedure Letter No. 253

November 26, 2013

TO: Family, Children and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Public Children Services Agencies (PCSA) and Private Child Placing Agency (PCPA) Conducting Exit Interviews When a Child in Custody Leave an Out of Home Placement.

This Procedure Letter (PL) transmits revisions to the JFS 01678, Foster Care Exit Interview form. The following is a brief explanation of the changes:

- Due to the upcoming inclusion of the form in the State Automated Child Welfare Information System (SACWIS), specific case identification numbers and person identification numbers were added.
- The additional field of "Not Applicable" was added as a response to the yes or no questions.
- Additional questions were added to capture more information regarding the child's experience in the specific foster home.

INSTRUCTIONS:

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<th>LOCATION</th>
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<td>PROCEDURES Procedure Letters</td>
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</table>
FCASPL 250 (SFY 2013 Title IV-E Cost Report)
August 9, 2013

Family, Children and Adult Services Procedure Letter No. 250

TO: Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Changes to Foster Care Maintenance Single Cost Report Form (JFS 02911) and Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" form and JFS 02911-I "Single Cost Report Instructions" which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2012, through June 30, 2013 (SFY 2013).

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. There are no modifications to the SFY 2013 form except to update the revision date in the footer of the worksheets to reflect "JFS 02911 (Rev. 7/2013)." Additionally, the calculated annual inflation factor of 3.1% was added to the reimbursement ceilings worksheet.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. There are no substantive changes to the SFY 2013 instructions; only date references were revised to reflect proper periods in addition to a change of mailing address for submitted material.

The JFS 02911 is intended to be used in an automated format. When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

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<td>JFS 02911-I (Rev. 7/2012)</td>
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<td>Procedure Letters</td>
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This letter transmits revisions to the JFS 01675 "Ohio Adoption Guide: A Handbook for Prospective Adoptive Parents." The following is a brief explanation of the changes to the JFS 01675:

The "Financial Support That May Be Available" section, which includes Title IV-E adoption assistance and nonrecurring adoption expense subsidy, has been revised and information on the State Adoption Assistance Loan Fund program has been added. In addition, the Federal Adoption Tax Credit information has been updated to reflect the amount of tax credit families may be eligible for under the federal tax credit program for tax years 2012 and 2013.

The "Common Adoption Terms" section has been updated, where applicable.

The addresses, telephone numbers and e-mail addresses have been updated for the public adoption and foster care agencies and private adoption agencies, where applicable.

The JFS 01675 "Ohio Adoption Guide: A Handbook for Prospective Adoptive Families" can be ordered through Publications Central on the Ohio Department of Job and Family Services (ODJFS) web site at http://www.odjfs.state.oh.us/forms/ordercom.asp.

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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</tr>
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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 249</td>
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</table>
FCASPL 248 (Revisions to JFS 01676 - "For Birth Parents: Are You Thinking About Making An Adoption Plan?")

July 8, 2013

Family, Children and Adult Services Procedure Letter No. 248

TO: Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Revisions to the JFS 01676 "For Birth Parents: Are You Thinking About Making An Adoption Plan?"

This letter transmits revisions to the JFS 01676 "For Birth Parents: Are You Thinking About Making An Adoption Plan?"

The JFS 01676 was revised to update the names of the Governor and Director and to include information on the putative father registry. In addition, any outdated telephone numbers and links to website addresses have been updated and minor grammatical changes have been made throughout the brochure.

The JFS 01676 "For Birth Parents: Are You Thinking About Making An Adoption Plan?" can be ordered through Publications Central on the Ohio Department of Job and Family Services (ODJFS) Web site at [http://www.odjfs.state.oh.us/forms/ordercom.asp](http://www.odjfs.state.oh.us/forms/ordercom.asp).

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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</tr>
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<td>Procedure Letters</td>
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<td>FCASPL No. 248</td>
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</tbody>
</table>
This letter transmits revisions to the JFS 01985 "Adoption Subsidies Guide." The following is a brief explanation of the changes:

- The Title IV-E adoption subsidy program section has been reworded and revised to reflect current policy.
- The Federal Adoption Tax Credit information has been updated to reflect the amount of tax credit families may be eligible for under the federal tax credit program for tax years 2012 and 2013.

The JFS 01985 "Adoption Subsidies Guide" can be ordered through Publications Central on the Ohio Department of Job and Family Services (ODJFS) Web site at http://www.odjfs.state.oh.us/forms/ordercom.asp.

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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FCASPL 246 (SACWIS Implementation of PASSS and Revisions to JFS 01051)

June 27, 2013

Family, Children and Adult Services Procedure Letter No. 246

TO: Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Implementation of Post Adoption Special Services Subsidy (PASSS) Functionality in SACWIS and revisions to JFS 01051

This procedure letter is to inform Public Children Services Agencies (PCSAs) that effective July 1, 2013, all applications and approvals for the PASSS program shall be entered and processed through the Statewide Automated Child Welfare Information System (SACWIS). PCSAs will no longer submit hard or electronic copies of applications and supporting documentation to the Ohio Department of Job and Family Services (ODJFS).

In addition, the PCSA Director or designee will approve and sign the JFS 01051 “Application for Additional Post Adoption Special Services Subsidy” and enter the information into SACWIS. The approval section of the JFS 01051 has been revised to reflect this and the rule will be revised accordingly.

Beginning with applications approved on or after July 1, 2013, PASSS reimbursement will no longer be processed using the JFS 02820, “Children Services Quarterly Financial Statement.” PASSS expenditures will be reimbursed via the SACWIS monthly reimbursement process so counties will not have to wait until the end of a quarter to receive reimbursement. Enter the total expenditure amount regardless of the adoptive parent(s) co-pay percentage. SACWIS will automatically calculate the reimbursement amount due to the county based on the expenditure amount entered and the adoptive parents’ co-pay amount as indicated on the associated PASSS application. All expenditures for approved PASSS applications for the July 1, 2012, through June 30, 2013, period will still be reimbursed through the JFS 02820.

SACWIS Knowledgebase articles on this new functionality will be posted to the SACWIS Knowledgebase.

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<td>JFS 01051-I Rev. 7/2011</td>
<td><strong>JFS 01051-I</strong> Rev. 7/2013</td>
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</table>
This procedure letter introduces the **JFS 07131** (Adult Protective Services Protocol) which is an information tool that outlines adult protective services (APS) operations in Ohio. The protocol was written to assist APS workers in performing their job responsibilities more efficiently.

This document outlines the various activities and task in the delivery of APS, from identifying signs and symptoms of abuse, neglect and exploitation, to case termination. A sample assessment tool, reporting forms and court filing forms have been included in the protocol as a guide.

**INSTRUCTIONS:**

The following chart depicts what materials should be inserted in the Family, Children and Adult Services Manual (FCASM).

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</table>
This procedure letter is to inform Public Children Service Agencies (PCSA) that the JFS 04281 (Children Services Quarterly Statistical Report) shall be processed through the Statewide Automated Child Welfare Information System (SACWIS) for the data period April through June 2012 as used for the July through September 2012 Cost Quarter. Data must be entered in SACWIS for every child in custody regardless of the child's eligibility/reimbursability status in order to ensure accurate reporting. Instructions for generating the JFS 04281 "Children Services Quarterly Statistical Report" are in the SACWIS Knowledge Base.

Limited data entry is required on the 04281 "Children Services Quarterly Statistical Report" within SACWIS which shall be entered prior to the first day of the third calendar month following the data quarter (i.e.; Before, September 1, December 1, March 1 and June 1). Areas needing manual data entry are as follows:

**Part Three: Title IV-E Foster Care Summary**

Non-Title IV-E Children in Living Arrangements with Incomes less than 200% of Poverty Level:

1. Children in substitute care not eligible for Title IV-E FCM, but eligible for Title XX; and,
2. Children with subsidized adoption maintenance agreements who are not eligible for Title IV-E AA, but eligible for Title XX.

**Part Four: Staff Count**

1. Staff Count for Stand Alone Agencies
   a. Identify the total number of staff employed by the agency.
   b. Identify the total number of child welfare caseworker staff and their immediate supervisors employed by the agency.

2. Staff Count for Combined Agencies
   a. Identify the total number of staff in the Social Services (SS) cost pool, and;
   b. Identify the total number of child welfare caseworker staff and their immediate supervisors employed by the agency.

The JFS 04281 will no longer be accessible through the ODJFS Forms Central.

SACWIS will transfer data to CFIS WEB on a weekly basis until the close of the cost quarter. Although changes in data due to agency corrections will be identified the following day in SACWIS, all changes in data during a given week will be reflected in CFIS WEB the following week.

The JFS 04281 "Children Services Quarterly Statistical Report" for the April through June 2012 quarter may have minor errors that cannot be corrected by the PCSA. If, after review of your data, errors are identified which cannot be changed by the PCSA and the errors significantly impact your county's combined eligibility ratio, the PCSA shall submit a problem report via e-mail to SACWISHELPDESK. The problem report must include the data corrections requested along with supporting documentation and must be submitted by close of business October 5th, 2012 to ensure correction by the close of the cost quarter. The SACWIS project will be completing a data fix to correct the reported data discrepancies.
TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective August 1, 2012. The schedule represents 200% of the 2012 Federal Poverty Guidelines (published in the Federal Register, Vol. 77, No. 17, January 26, 2012, pp. 4034-4035) rounded to the nearest dollar and adjusted for family size.

<table>
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<tr>
<th>FAMILY SIZE</th>
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<td>$30,260</td>
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<tr>
<td>3</td>
<td>$38,180</td>
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<td>$61,940</td>
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<tr>
<td>7</td>
<td>$69,860</td>
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<td>8</td>
<td>$77,780</td>
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For each additional person add $7,920

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>FCASPL No. 226</td>
<td>FCASPL No. 237</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Instruction for Public Children Services Agencies regarding Case Service Review in SACWIS (i.e., End Dating Services in SACWIS)

New case service review functionality for the Statewide Automated Child Welfare Information System (SACWIS) was deployed via Build 1.116 on January 5, 2012. This functionality provides public children services agencies (PCSAs) the ability to conduct a comprehensive review of all services provided by, paid for, or arranged by the PCSA at any time during the period under review, regardless of whether or not the service was ever linked to the case plan or family service plan.

Effective October 1, 2012, the PCSA will be required to review:

1. Every service currently linked to the case plan or family service plan.
2. Every un-linked service that has not been end-dated.
3. Every service that was end-dated during the period under review including those services that were never linked to a case plan or family service plan.

PCSAs are encouraged to use the time between the effective date of this Procedure Letter and October 1, 2012 to end-date all inactive services, and consolidate any services being provided to multiple case members that are listed individually in SACWIS. For example, case management services listed separately for mother, father and children should be end-dated and recreated as a single service with all family members listed as participants.

Service reviews must be conducted pursuant to rules 5101:2-38-9, 5101:2-38-10, and 5101:2-38-20 of the Administrative Code.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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<td>Procedure Letters</td>
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<td>FCASPL No. 235</td>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Changes To Foster Care Maintenance Single Cost Report Form (JFS 02911) And Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" form and JFS 02911-I "Single Cost Report Instructions" which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2011, through June 30, 2012 (SFY 2012).

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. There are no modifications to the SFY 2012 form except to update the revision date in the footer of the worksheets to reflect "JFS 02911 (Rev. 7/2012)." Additionally, the calculated annual inflation factor of 2.9% was added to the reimbursement ceilings worksheet.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. There are no substantive changes to the SFY 2012 instructions; only date references were revised to reflect proper periods.

The JFS 02911 is intended to be used in an automated format.

When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

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<td>Procedure Letters</td>
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<td>FCASPL No. 234</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Title IV-E Foster Care Expenditure Report - JFS 04281

This procedure letter is to inform Public Children Service Agencies (PCSA) that the JFS 04281 (Children Services Quarterly Statistical Report) processed through the Statewide Automated Child Welfare Information System (SACWIS) for the data period January through March 2012 should not be used for the April through June 2012 Cost Quarter due to additional needed fixes that were discovered.

This letter is also to inform PCSA that there is no longer a requirement to complete the "Independent Living Services for Children in Custody" in Part one and the "Independent Living Services for Emancipated Youth" in Part two beginning with the April through June Cost Quarter. This change will also be captured in SACWIS for future reporting.

The JFS 04281 "Children Services Quarterly Statistical Report" (rev. 2/2010) and the JFS 04281-I "Instructions for completing JFS 04281 Children Services Quarterly Statistical Report" (rev. 2/2010) have been reinstated on the Ohio Department of Job and Family Services, Forms Central web site for use until further notice. The JFS 04281 has not been revised to remove Part One and Part Two as the form was reinstated prior to the change in the completion requirements.

INSTRUCTIONS:

The following chart identifies what materials should be inserted in the Family, Children and Adult Services Manual (FCASM).

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This procedure letter is to inform PCSAs that the JFS 04281 (Children Services Quarterly Statistical Report) processed through the Statewide Automated Child Welfare Information System (SACWIS) should not be used for the January- March 2012 Cost Quarter because of technical issues that were discovered.

The JFS 04281 "Children Services Quarterly Statistical Report" (rev. 2/2010) and the JFS 04281-I "Instructions for completing JFS 04281 Children Services Quarterly Statistical Reports" (rev. 2/2010) have been reinstated on the Ohio Department of Job and Family Services, Forms Central web site for use until further notice.

INSTRUCTIONS:

The following chart identifies what materials should be inserted in the Family, Children, and Adult Services Manual (FCASM).

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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 231</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director

This procedure letter (PL) transmits proposed revisions to the reimbursement process for the JFS 01350, "Foster Caregiver Training Stipend, Recommending Agency Training Allowance Invoice and requirements for provider information entry into SACWIS."

The following is a brief explanation of the proposed changes:

- Beginning with the training session date of March 1, 2012, all PCPAs and PNAs must process the stipend and allowance reimbursement through the State Automated Child Welfare Information System (SACWIS). Any invoices for training session dates prior to March 1, 2012 must be submitted via the JFS 01350 for reimbursement.
- All data entry into the Fostercare Resource Education Database (FRED) ended on February 29, 2012. After this date, FRED will be "read-only" and the training sessions must be entered into SACWIS by the recommending PCPAs and PNAs.
- Beginning March 1, 2012, all PCPAs and PNAs must also enter acceptance characteristics and placement criteria into SACWIS.

INSTRUCTIONS: The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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This letter is to provide guidance to any public children services agency (PCSAs), private child placing agency (PCPAs), private non-custodial agency (PNAs) on how to obtain a reimbursement ceiling for an Independent Living setting. The following criteria must be met:

1) The IL setting where these children are placed is physically located at the address of licensure;
2) The agency is certified to provide Independent Living services;
3) The agency has 24 hour on-site supervision in the facility; and,
4) If the above conditions are met, the agency can establish Title IV-E reimbursement ceilings for the independent living program by reporting it as a separate service on the attached Title IV-E Cost Report (Form JFS 02911).

Agencies should contact Ryan Meanor at Ryan.Meanor@jfs.ohio.gov for specific filing requirements.
January 5, 2012

To: All Family, Children and Adult Services Manual Holders

From: Michael B. Colbert, Director

Subject: Forms Referencing the Race, Color or National Origin (RCNO) of Prospective Parents

The Multiethnic Placement Act of 1994, 42 U.S.C. 622(b) (9), 671(a) (18), 674(d) and 1996(b) (hereinafter "MEPA") and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq as it applies to the foster care and adoption process (hereinafter "Title VI"), prohibits any adoption and/or foster placement agency or entity that accepts federal assistance from:

• Delaying or denying a child's foster care or adoptive placement on the basis of the child's or the prospective parent's race, color or national origin (RCNO); or from
• Denying to any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or the child's RCNO.

Under Title VI of the Act, federal funding for programs could be denied if any evidence of discrimination based on RCNO was present.

This Procedure Letter serves as a notice that public children services agencies (PCSAs), private non-custodial agencies (PNAs), and private child placing agencies (PCPAs) must cease using any non-JFS forms that contain RCNO of certified and licensed foster and/or adoptive parents when requesting information for a child's placement. All agencies shall also stop verbally requesting the RCNO of prospective, certified and licensed foster and/or adoptive parents when seeking placement of a child. The PCSA/PCPA MEPA Monitors or the PNA Director shall review all forms in which the agency created when soliciting placement information to ensure MEPA compliance. Agencies shall conduct an initial review of all forms by January 31, 2012 and submit the attached document confirming completion.

When an agency discovers information contained within a form, either from its own agency or one that has been received from another agency, the following steps shall occur:

1) Return a copy of the form with a MEPA alert to the agency and/or area which originally completed the form. Highlight the section requesting RCNO and indicate that it may be considered a MEPA violation and will not be completed.

2) Forward a copy of the form with a MEPA alert to the Ohio Department of Job and Family Services, Office of Families and Children, Deputy Director, P.O. Box 182709, Columbus, Ohio 43218-2709.

In order to maintain compliance with MEPA and Title VI as it pertains to the adoption and foster care process, there will be a discussion about forms created by agencies during MEPA onsite visits. Also, the JFS 01668, Multi Ethnic Placement Act (MEPA) Biennial Comprehensive Self-Assessment Report will be modified to include information pertaining to any additional documents the agency has created other than the required JFS forms.

Please contact Joan Van Hull if you should have any questions at (614) 752-0657 or Joan.VanHull@jfs.ohio.gov

Attachment: Forms Referencing the Race, Color or National Origin (RCNO) of Prospective, Certified and Licensed Foster and/or Adoptive Parents
TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Discontinuation of Processing of Forms JFS 01925 and JFS 01659

Title IV-E agencies seeking reimbursement of Title IV-E foster care maintenance costs should no longer utilize forms JFS 01925 Monthly FCM Facility Invoice and JFS 01659 Title IV-E Auxiliary Payment Authorization forms contained throughout Chapter 5101:2-47 of the OAC. Reimbursement of Title IV-E foster care maintenance costs must now be sought through SACWIS (Statewide Automated Child Welfare Information System) and carried out in accordance with rule 5101:2-47-11 of the OAC.

If you have any questions regarding this Procedure Letter, please contact Lisa Howard at Lisa.Howard@jfs.ohio.gov or (614) 752-0266.

INSTRUCTIONS:
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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (D)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective September 1, 2011. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 76, Number 74, April 18, 2011, pp. 21750-21752) rounded to the nearest dollar and adjusted for family size.

<table>
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<tr>
<th>Family Size</th>
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INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 177</td>
<td>FCASPL No. 225</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions  

With consideration of the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2011.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**  
(0-18 years)  
Minimum - $10.00  
Maximum - $170.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**  
Special Needs - $100.00  
Exceptional Needs - $200.00  
Intensive Needs - $200.00  
Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**  
Clothing - $3,000.00 (annual)  
Personal Incidentals - $3,000.00 (annual)  
Graduation Expenses - $1,500.00

Although the rates are effective September 30, 2011, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the SACWIS system until October 1, 2011.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2012 (October 1, 2011, through September 30, 2012) is 64.15%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

**INSTRUCTIONS:**  
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASPL 223 (Revisions to Title IV-E Foster Care Expenditure Reports JFS 04280 and JFS 04281)

Family, Children and Adult Services Procedure Letter No. 223

October 14, 2011

TO: All Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Revisions to Title IV-E Foster Care Expenditure Reports JFS 04280 and JFS 04281

This letter is to inform you that effective with the October to December 2011 data, the JFS 04280 and JFS 04281 will be processed through Ohio Statewide Automated Child Welfare System (SACWIS) as 04280 Title IV-E Foster Care Statistical and Expenditure Report and 04281 Children Services Quarterly Statistical Report. ODJFS Forms JFS 04281 and JFS 04280 will no longer be accessible through the ODJFS Forms Central.

04280 Instructions for generating the "Title IV-E Foster Care Expenditure Report" and 04281 generating the "Children Services Quarterly Statistical Report" will be in the SACWIS Knowledge Base.

Limited data entry is required on the 04281 "Children Services Quarterly Statistical Report" within SACWIS. Areas needing manual data entry are as follows:

Part Three: Title IV-E Foster Care Summary

Non-Title IV-E Children in Living Arrangements with Incomes less than 200% of Poverty Level:

1. Children in substitute care not eligible for Title IV-E FCM, but eligible for Title XX; and,

2. Children with subsidized adoption maintenance agreements who are not eligible for Title IV-E AA, but eligible for Title XX.

Part Four: Staff Count

1. Staff Count for Stand Alone Agencies
   a. Identify the total number of staff employed by the agency.
   b. Identify the total number of child welfare caseworker staff and their immediate supervisors employed by the agency.

2. Staff Count for Combined Agencies
   a. Identify the total number of staff in the Social Services (SS) cost pool and
   b. Identify the total number of child welfare caseworker staff and their immediate supervisors employed by the agency.

INSTRUCTIONS:

The following chart identifies what materials should be removed from the, Children and Adult Services Manual (FCASM).

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<td></td>
<td>JFS 04281-I (Rev. 2/2010)</td>
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</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Changes To Foster Care Maintenance Single Cost Report Form (JFS 02911) And Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" form and JFS 02911-I "Single Cost Report Instructions" which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2010, through June 30, 2011 (i.e., SFY 2011).

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. ODADAS worksheets were modified to include a new service taxonomy entitled Medication Assisted Treatment on Form A-1 (i.e., UCR/047) as well as unallowable columns on Forms A-2, A-3, and A-4. Additionally, minor enhancements were added to various worksheets within the JFS 02911 form as well as an update to the annual inflation factor.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for its completion. The ODADAS Services section was modified to include language for a new service taxonomy entitled Medication Assisted Treatment. Additionally, language was added to explain how to properly report unallowable costs on Forms A-1 (i.e., UCR/047), A-2, A-3, and A-4. Furthermore, minor clarification language was added where needed in order to facilitate understanding.

The JFS 02911 is intended to be used in an automated format.

When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

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<td>PROCEDURES</td>
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Family, Children and Adult Services Procedure Letter No. 221  

August 22, 2011

TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Disqualifying Criminal Offenses for Foster Care and Adoption

This procedure letter provides updates to public children services agencies (PCSAs), private child placing agencies (PCPAs) and private noncustodial agencies (PNAs) on the disqualifying criminal offenses for a foster caregiver.

Through the Adam Walsh Act, Congress enacted legislation tying federal funds to a requirement that states screen foster and adoptive applicants for felony convictions for spousal abuse, rape, sexual assault, or homicide and disapprove any applicant with such a conviction. On April 1, 2010, ODJFS amended two rules to specifically address the requirements of the federal law. The language of the foster caregiver rule, Ohio Administrative Code (OAC) 5101:2-7-02(K), now reads as follows:

*If any of the following have a felony conviction for spousal abuse, rape, sexual assault, or homicide, the foster home shall not be certified and no rehabilitation standards exist for:*

1. An adult resident in the household of a foster caregiver or applicant.
2. A foster caregiver.
3. A foster care applicant.

Regarding adoptive parents, OAC 5101:2-48-10(D)(2), now states "...If a person has a felony conviction for spousal abuse, rape, sexual assault, or homicide, the home shall not be approved."

First, it needs to be acknowledged that not all of the offenses listed in both OAC 5101:2-7-02(K) and 5101:2-48-10(D) are found verbatim in Ohio's criminal code. For example, Ohio doesn't have a specific "spousal abuse" offense and there is no specific "homicide" offense, but rather all homicide offenses are grouped together and are identified by a specific term based on the nature of the crime. The language in the rule mirrors the federal language. There is no way to indicate a corresponding ORC code violation as the federal language is vague. Each agency will need to apply the language accordingly.

The plain language of the rules, 5101:2-7-02(K) and 5101:2-48-10(D) (2), leads to the conclusion that a felony conviction of what amounts to spousal abuse, rape, sexual assault or homicide by a currently certified foster caregiver, a foster care applicant, a prospective adoption parent, or a currently approved adoptive parent (or adult resident in the home of any of the above) prohibits that individual or home from further certification or approval.

The foster caregiver rule, OAC 5101:2-7-02, explicitly states that neither applicants nor foster caregivers shall be certified. For adoptive parents, OAC 5101:2-48-10 states that for persons with such felony convictions, the home shall not be approved. This language indicates that revocation is appropriate whenever the agency discovers a foster caregiver has one of these felony convictions. Approved adoptive parents must be denied whenever the agency discovers the adoptive parent has one of these felony convictions.

A review of the statutes relating to foster caregivers with criminal offenses shows that the General Assembly meant for these prohibitions to apply to both applicants and currently certified foster caregivers. Ohio Revised Code (ORC) 5103.0328 states that if a recommending agency receives notice from ODJFS or learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense (as defined in ORC 2151.86(C)), that agency must assess the overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster certification to ODJFS for review for possible revocation. ORC 2151.86 indicates that the disqualifying offenses are the same as those found in ORC 109.572(A) (8), and authorizes ODJFS to promulgate rules creating rehabilitative standards for those individuals with prohibitive offenses. However, ODJFS has established, through the two rules at issue here, that there are no rehabilitation standards for those individuals with offenses listed in 5101:2-7-02(K) and 5101:2-48-10(D) (2) and therefore they can never be foster caregivers or adoptive parents.
When an agency discovers a foster caregiver has a felony conviction for one of the specified offenses, the agency must forward a recommendation to ODJFS for revocation based upon OAC 5101:2-7-02(K). For adoptive parents, who have an approved homestudy, with such a conviction of one of the adoptive parents, the agency must complete an addendum to the homestudy and disapprove the adoptive parent. This is true regardless of when the conviction occurred.

When ODJFS receives a recommendation from an agency under 5101:2-7-02(K), the ODJFS enforcement coordinator will review the recommendation, with the assistance of the Office of Legal and Acquisition Services, to determine whether revocation is required under the rule and will take the appropriate steps to revoke the certification, if necessary.

Anyone with questions regarding this procedure letter may contact the OCF Help Desk at 1-866-886-3537, option 4.

INSTRUCTIONS:
The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 221</td>
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</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Revisions to JFS 01350, Foster Caregiver Training Stipend and Recommending Agency Training Allowance Invoice.

This Procedure Letter (PL) transmits proposed revisions to the reimbursement process for the JFS 01350, Foster Caregiver Training Stipend and Recommending Agency Training Allowance Invoice. Effective July 1, 2011, the invoicing process is automated through SACWIS for all public children services agencies (PCSAs).

The following is a brief explanation of the proposed changes:

- Beginning with the training date of July 1, 2011, all PCSAs shall process the JFS 1350 invoice for reimbursement through the State Automated Child Welfare Information System (SACWIS). Any PCSA invoices for training dates prior to July 1, 2011 should be sent via the current manual process for reimbursement.
- All private child placing agencies (PCPAs) and private noncustodial agencies (PNAs) are anticipated to be able to process their JFS 01350 invoices electronically through SACWIS. **Until such notification from ODJFS, PCPAs and PNAs shall process their JFS 01350 invoices via the current manual process.**

If you have any questions regarding this PL, please contact Lisa Howard at Lisa.Howard@jfs.ohio.gov or (614)752-0266.

**INSTRUCTIONS:** The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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<td>FCASPL No. 220</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Instruction for Public Children Services Agencies regarding referral and service planning with Help Me Grow lead county agencies.

The Ohio Department of Job and Family Services (ODJFS) has partnered with the Ohio Department of Health (ODH) to establish procedures for county public children services agencies (PCSAs) and lead county Help Me Grow (HMG) agencies in order to produce efficient referrals and service planning for families. The ODH Bureau of Early Intervention Services administers the HMG programs and services through the lead county agencies. HMG provides services to children and families through two programs, Part C and Home Visitation. Each program has specific eligibility criteria and unique services as outlined below:

**HMG Part C**

To be eligible for Part C services, children must be age 0-3 with a physical or mental condition diagnosed by a physician, or a developmental delay in at least one of the following areas: cognitive, physical (includes vision and hearing), communication, social/emotional, or adaptive. The services provided through this program include but are not limited to: child find, evaluation and assessment, service coordination, individual family service plans, and transition.

**HMG Home Visitation**

The HMG Home Visiting program is designed for first time parents who are expecting or who have an infant under six months of age at the time of referral; and for those very young children who are at highest risk for poor childhood outcomes, i.e., children under three years of age who are victims of substantiated cases of child abuse or neglect as determined by a PCSA, and children under three years of age who have a parent engaged in active military duty. The services provided through this program include but are not limited to: parenting education, information and referral of the availability of advocacy services, and facilitation of needs-based linkages to the community. Because the Home Visiting Program is a parenting education program, caregivers who are not biological parents are not eligible to provide consent to participate.

Effective August 8, 2011, the following children referred to HMG from a PCSA will be automatically eligible for Home Visitation services as a result of the Ohio’s implementation of the Child Abuse Prevention and Treatment Act (CAPTA) requirements for children who are victims of substantiated abuse or neglect:

1. A child under age three who is a victim of a substantiated abuse and/or neglect report.
2. A child born affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure.
3. A child who is in a family with an active JFS 01418, "Family Service Plan" (rev. 3/2011) who is being served through the Alternative Response pathway and for whom Help Me Grow services are identified as a **required** service within the Family Service Plan.

PCSAs submitting a referral to HMG under the third criteria must identify the services as **required** on the JFS 01418 and link the services to the caseworker’s assessment of safety or risk. This is accomplished by identifying HMG services on the JFS 01418 in the section titled, "What are the concerns/needs for the family?" The HMG service provider must be identified on the JFS 01418 in the section titled, "What steps will be taken to get this done and who will do it?" The referral will result in automatic eligibility for Home Visitation services with parental consent and a screening and assessment for Part C eligibility.

If the HMG service is not identified as **required** on the JFS 01418, the HMG referral will be considered a **recommended** service. A child with an active JFS 01418 in which HMG services are **recommended** will not be eligible for services under the CAPTA provision for a victim of substantiated abuse or neglect. In these circumstances, the local HMG agency will assign a home visitor and obtain parental consent to participate in HMG. If parental consent is not granted, HMG services will not be provided to the family.
ODH has provided a memorandum to local HMG agencies in conjunction with the issuance of this Procedure Letter. The memorandum provides instruction to local HMG agencies regarding the receipt and processing of referrals completed by a PCSA. This memorandum can be accessed under the link to 2011 memos at:

http://www.ohiohelpmegrow.org/professional/ProfessionalAnnouncements.aspx.

Effective August 8, 2011, local HMG agencies will require all referrals to be submitted on the attached referral form developed by ODH. Referrals submitted absent the completed referral form will not be accepted. Each PCSA is instructed to contact the local HMG agency in order to confirm the referral process. ODJFS encourages each PCSA to develop an Interagency Agreement with the local HMG agency in order to clarify roles, responsibilities, and expectations regarding the referral process and the provision of services to families.

The following responses have been developed by the ODH and ODJFS in response to frequently asked questions:

1. **How do I get a signed consent form from a biological parent who does not live within our county?**
   
The obtainment of parental consent for services must be completed by HMG staff. Personnel obtaining parental consent must be trained in HMG policies, have the ability to inform parents of the HMG program and services, and advise parents of their rights. HMG may contact the PCSA requesting assistance in meeting with the parents in order to obtain the parental consent.

2. **What information should be provided to HMG by a PCSA upon referring a child/family to the HMG agency?**
   
   All of the information requested on the referral form is required to be completed when a PCSA refers a family to HMG for services. HMG will not accept any referrals submitted without a completed referral form (see attached referral form).

3. **What collaboration should occur when a parent is incarcerated and cannot sign a consent form for HMG Home Visitation services?**
   
   HMG is responsible for obtaining parental consent. When the goal is to reunify the child with the incarcerated parent diligent efforts should be exhausted to obtain the parent's consent. The parent's assigned case manager at the institution of incarceration should be contacted to assist in obtaining the parent's consent. HMG will provide services to families in which the parent is willing to receive HMG services. If the PCSA is providing services to the family, the PCSA case plan goal and HMG service needs should be identified and shared with the HMG agency. If the parent's consent cannot be obtained HMG will not provide Home Visitation services to the family.

4. **What should occur if the biological parent refuses to sign the consent for HMG services?**
   
   HMG will provide the PCSA with a referral follow-up form within 45 days from receipt of the PCSA referral. The document will identify if parental consent was obtained and the activities exhausted in obtaining the parental consent. Parental consent must be obtained for HMG to provide services. The PCSA will maintain the follow-up form in the case record. The PCSA caseworker should identify if the HMG service is listed in the family's case plan and if the service will assist in the reduction and mitigation of risk to the child for abuse or neglect and inform HMG of any contacts the PCSA caseworker plans to have with the parent regarding the refusal to consent. If the HMG services have been identified to reduce or mitigate the risk of abuse or neglect the PCSA caseworker should address the refusal to consent for services and assist in explaining to the parent why the service is needed and identify the benefits of participating in the HMG service.

5. **What should occur when the biological parent cannot be located to sign the consent for HMG services?**
   
   The child's PCSA caseworker makes every effort to locate the child's parent(s). If the child is eligible for HMG Part C services a surrogate parent is assigned to consent to services. Home Visitation services can **not** be provided when the child is not eligible for Part C services or has **recommended** HMG services through an Alternative Response Family Service Plan. A surrogate parent cannot be
assigned in this circumstance. The HMG referral will be closed. Regardless of the custody status of the child, a PCSA employee cannot sign the consent for HMG services in place of the biological parent.

The ODH Bureau of Early Intervention Services is providing online training to PCSA caseworkers. The training provides a program overview of Help Me Grow, as well as instructions for making a referral to the program. This training can be accessed at: https://oh.train.org. The course title is "Ohio Help Me Grow: System Overview for Ohio's Public Children Service Agencies" and the course ID is 1028668. Continuing Education Units (CEUs) are available. An attendance certificate will be issued upon the completion of the training. To access the training, go to Ohio Train (at the URL above) and search for courses. Enter "Ohio Help Me Grow" and select "Ohio Help Me Grow: System Overview for Ohio's Public Children Service Agencies".

If you have any questions regarding this Procedure Letter, please contact Denielle Ell-Rittinger (Denielle.Ell-Rittinger@jfs.ohio.gov) at (614)752-1143.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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Attachment: Referral to Help Me Grow from PCSA Form
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Revisions to Assessment for Child Placement Form (JFS 01673), and Instructions (JFS 01673I)

The JFS 01673 "Assessment for Child Placement," form has been revised to remove language regarding neighborhood descriptions. The revised form only requires identification of available community resources which meet the child’s needs (e.g. medical facilities, churches, shopping, and recreational opportunities).

The JFS 01673-I "Instructions for Assessment Narrative," provides instructions pertaining to the type of information that must be included in the homestudy.

INSTRUCTIONS:

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TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Revisions to JFS 08146 (Ohio Resource Guide for Relatives Caring for Children)

This booklet has been revised to reflect updates and changes to various kinship support programs. Some programs have changed eligibility requirements or are no longer offered since the last issuance of this booklet. The county directory section has also been updated to reflect current county information.

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This letter updates information for Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) to assure protections under the Indian Child Welfare Act (ICWA) are provided to American Indian and Native Alaskan children and their families who are members of, or eligible for membership in federally recognized tribes. The information presented in this letter should serve as a supplement to Ohio Administrative Code rules 5101:2-53-01 through 5101:2-53-08 which provides direction to agencies in implementing requirements of the Act.

While all caseworkers should be familiar with the rules and procedure letter to assure protections are provided to the children and families with whom the agency is involved, all agencies should have a designated person who can serve as a central point of contact for periodic updates and information sharing related to ICWA.

The first part of this guidance letter has been organized into a question and response format to help provide a context for Ohio's child welfare caseworkers to better understand why ICWA is relevant to their work with families. The second part outlines court procedural requirements to help agencies prepare for different types of hearings. And, finally the last section provides caseworkers with resources for additional information.

I. ICWA Information for Ohio's Child Welfare Caseworkers

Why are there specific protections for American Indian or Native Alaskan children and families who are members of or eligible for membership in federally recognized tribes?

Federally recognized tribes are dependent sovereign nations that have certain rights to self-governance. In the colonization of America, numerous treaties and agreements were developed between the United States (U.S.) government and Native American Tribal governments. The Indian Child Welfare Act (ICWA), passed in 1978, is only one of several pieces of legislation enacted over the course of many years to honor these treaties and agreements. The "trust responsibility" or obligation of the U.S. government to protect the interests, safety, and well-being of the tribes and individual Indians, is based on the doctrine of Indian sovereign nationality. The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) is the federal agency overseeing this trust responsibility.

Why are these same protections not afforded to individuals from other cultures or ethnic groups?

The considerations required by ICWA and other pieces of legislation to protect American Indians or native Alaskans are based on tribal sovereignty and the jurisdiction that tribes have as governments interfacing with the U.S. government.

Are all individuals having American Indian or Native Alaskan heritage afforded protections under ICWA?

No. ICWA protections only apply to children born to a parent who is a member of, or eligible for membership in a federally recognized tribe, and their biological parents whether or not both parents have Indian ancestry.

Is there a certain percentage of American Indian ancestry that a child and his or her parents must have in order to be considered eligible for membership in a federally recognized tribe?

The criterion for tribal membership differs from one tribe to another. Many tribes have adopted the current BIA standard of one-quarter blood quantum; however, some tribes are considering adopting more liberal blood quantum requirements. Some tribes include a person as a member if he or she descended from a tribal member who was listed on the tribal rolls as of a specific date. A tribe can also change a prior determination of ineligibility and accept an individual for enrollment. In order to determine a particular tribe's criteria, and the family's eligibility for membership in that tribe, it is necessary to contact that tribe directly.
Why should Ohio agencies be concerned about compliance with ICWA when there are no federally recognized tribes having reservations in Ohio?

The majority of Indians in the U.S. reside off reservation. Although Ohio wasn't a designated area for the U.S. government relocation efforts, as of the last census (Census 2000) Ohio had 24,486 individuals who self-identified as American Indian. Tribal enrollment numbers are tied to the tribe, not the current location of its members.

What types of cases are subject to ICWA?

ICWA applies to all child custody proceedings including foster care placements, termination of parental rights, pre-adoptive placements, and adoptive placements. A placement that meets the definition of foster care placement and results from an act that would not be deemed a crime if committed by an adult such as a status offense, is a child custody proceeding under ICWA. A child custody placement pursuant to a divorce where someone other than one of the parents will obtain custody of the child is also a child custody proceeding under ICWA. Voluntary surrenders initiated by the parents are also considered child custody proceedings under ICWA.

Are voluntary surrenders for the purposes of adoption subject to ICWA?

Yes. There are a number of considerations related to voluntary surrenders involving Indian children protected under ICWA. ICWA requires consideration of the state's adoption laws, as well as ICWA. The law affording the most protection to the Indian child and his or her parents would be followed. Under ICWA, a birth parent entering into a voluntary surrender agreement has the right to withdraw that consent within two years, when fraud has been involved or the surrender was entered into under duress. Furthermore, it could be argued that a birth parent did not have the ability to enter into a voluntary consent agreement if the Indian tribe has exclusive jurisdiction over the child.

A court may be ruled as being without jurisdiction to enter into an adoption decree. If a child's adoption disrupts, ICWA also provides for notice to the birth parent for reconsideration.

ICWA provides preferences for the adoption of Indian children. Those preferences include: extended family, other members of the tribe, other Indian families including single parents, and the tribe's order of preference. Unless a consenting parent expresses a desire for anonymity, the court or agency is required to notify the child's extended family and tribe that they will be given preference in the adoption decision. Diligent search to apply preferences includes at a minimum: contact with the tribe's social services program, a search of available Indian homes and contact with nationally known Indian programs with available placement resources. If the parent desires their identity to be protected, the agency is required to seek assistance from the Bureau of Indian Affairs in assuring that the child is able to establish his or her rights to membership in a federally recognized tribe while protecting the identity of the parent.

If ICWA primarily provides protections related to child custody proceedings, why should staff other than those involved with making placements be knowledgeable regarding ICWA requirements?

PCSAs must document their "active efforts" to prevent the breakup of the family. Active efforts include but are not limited to actions taken when PCSAs first become involved with the family. Active efforts can only be employed if the PCSA is aware of the family's membership or eligibility for membership in a federally recognized tribe upon the agency's initial involvement with the family. Therefore, it is critical that agency staff involved in the intake process, as well as, staff involved in providing ongoing in-home services are knowledgeable of ICWA requirements.

What are active efforts?

While active efforts might be viewed as similar in some respect to reasonable efforts to prevent placement and reunify the family, active efforts are more specific to tribal governance. Active efforts begin with the diligence agencies use in determining eligibility for tribal membership and assuring that all potential parties to the case are notified to permit their active involvement. Active efforts continue throughout the life of the case, including the agency's efforts to work with the family and tribe to prevent the child's removal from the home, and provide services to remediate conditions that could result in the child's removal. Active efforts also apply to reunification efforts, as well as adherence to placement preferences required under ICWA.
What information is important to obtain from a family in order to verify eligibility for membership in a federally recognized tribe?

When the PCSA becomes involved with a family who is the subject of a report of abuse, neglect or dependency, it is critical that the agency as part of the family's assessment, inquire whether the child or family members have American Indian or Native Alaskan ancestry. If the family does, the agency should attempt to obtain additional information regarding the specific tribe or band, and/or the region from which the family's tribe or band originated or was relocated. This may assist the agency in determining the right office to contact, since contact information of tribes is organized by the Bureau of Indian Affairs, first according to the region, and then by tribe name. As an example, the Chippewa have several bands originating in different states/regions. The Minnesota Chippewa Tribe includes the following Bands of Chippewa Indians: White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), Grand Portage and the Millie Lac Band. Michigan is home to L'Anse and Ontonagon Bands of Chippewa Indians, among a number of others. The Bad River Band of Lake Superior Chippewa Indians, as well as other bands, are based in Wisconsin.

Using a genogram or other tool to identify the names and relationships of extended family members is also helpful since some tribes automatically include a person as a member if he or she descended from a tribal member who was listed on the tribal rolls as of a specific date.

If the family is able to identify a tribal affiliation, how can I determine whether the tribe is federally recognized?

The Secretary of the Interior periodically publishes a list of federally recognized tribes. There are currently 564 federally recognized American Indian tribes and Alaska Natives in the U.S as listed by the most recent federal register dated Fall of 2010. This list, which is alphabetized according to the federally recognized name of the tribe, can be accessed online at the following website (Bad River Band of Lake Superior Chippewa Indians for example would be alphabetized under Bad River rather than Chippewa.)


The Office of Federal Acknowledgement, Bureau of Indian Affairs in Washington, D.C., keeps a list of other non-federally acknowledged tribes which have filed a petition or letter of intent to become federally recognized. This list can be accessed online at the following website: http://www.bia.gov/WhoWeAre/AS-IA/OFA/index.htm

In addition, the Assistant Secretary's Office of the Bureau of Indian Affairs in Washington, D.C. also keeps information on Congressional action that may reaffirm or restore the government to government relationship between a tribe and the U.S. government whose relationship was previously terminated. The address is at the back of this guidance letter.

How do I know where to send the notice or inquiry regarding the family's eligibility for membership in a federally recognized tribe?

The Bureau of Indian Affairs publishes a directory of tribal leaders and BIA area representatives that can be accessed online at the website below. The directory organizes the contact information first based on BIA region, and then alphabetically according to the federally recognized name of the tribe. The latter part of the directory references the tribal entities by state. When a tribe is known, the notice or inquiry should be sent to the tribal leader of the specific tribe. The directory can be accessed online at the following website:


What if the family member or other resource shares that the family has American Indian ancestry but is unable to identify a specific tribal affiliation?

In accordance with the requirements of ICWA, the agency is required to proceed as if the family has protections afforded to it by ICWA until it is officially notified by the Bureau of Indian Affairs or the tribe in question that the child and family are not eligible for membership. The agency would send the inquiry to the BIA regional office in Minnesota via registered mail, return receipt requested. In addition, another response center specific to child welfare issues is being established in Albuquerque, New Mexico. Contact information for both have been included on the back of this guidance letter.

II. Court Procedural Requirements for ICWA Compliance
ICWA requires the court to assure the rights of Indian children, adults and tribes are protected. At each hearing, from the initial Protective Hearing to, if applicable, the Adoption Hearing, the court is required by ICWA to make specific inquiries and decisions, and issue written findings. These considerations are largely based on the efforts of the PCSA and the documentation it submits to court. Therefore, it is critical that the agency understand the issues the court must consider at each hearing so it can assure it has met all of its responsibilities in accordance with ICWA. The Indian Child Welfare Act Checklists for Juvenile and Family Court Judges published by the National Council of Juvenile and Family Court Judges, June 2003 identifies court hearing requirements. Information on the hearing requirements is provided in the next several pages to assist the PCSA in its efforts in preparing for court at each stage.

A. Protective Hearing

The PCSA must file a sworn petition or complaint with the court at or prior to the time of the preliminary protective hearing which describes all circumstances of the child's removal, any allegations of abuse or neglect, and all efforts made to try to ensure safety and prevent the need for removal.

In accordance with OAC 5101:2-53-03, "Determination of Indian Status, Tribal Eligibility and Membership," the agency must bring to the court verification of the child's heritage or documentation of all efforts to secure verification of the child's heritage. If eligibility for membership in a federally recognized tribe has been established, in accordance with OAC 5101:2-53-06, "Involuntary Custody of Indian Children," the agency must provide the court with documentation of its efforts to notify the required parties of their rights, or if eligibility has not been established, verification that the agency has notified the Bureau of Indian Affairs and the U.S. Secretary of the Interior. All parties must be notified via registered mail, return receipt requested. The agency must also document its efforts to enable the court to consider issues and make written findings identified below.

Key issues the court must consider during the protective hearing include:

1. Whether the child is an Indian child as defined by ICWA;
2. Whether the child was in the custody of an Indian custodian prior to the hearing;
3. Whether the child resides on or is domiciled on a reservation, or whether the child is already a ward of a tribal court, depriving the court of jurisdiction (If the child resides on or is domiciled on a reservation, but is temporarily off the reservation, the court may order an emergency removal from the parent or Indian custodian to prevent imminent physical harm to the child.);
4. Whether the agency mailed proper notice to the child's putative father, including a father who has acknowledged paternity, even if not legally established;
5. Whether the agency provided proper notice and inquiry to all tribes the child may be eligible for membership, including a family chart or genogram to facilitate the tribe's membership determination; or whether the agency provided written notice to the U.S. Secretary of the Interior if the child's tribe is not known at this time;
6. What efforts the agency has made to identify extended family or other tribal members or Indian families for placement of the child (including whether the agency attempted to create a family chart or genogram, and solicited assistance from neighbors, family or members of the Indian community who may be able to offer information); and
7. Whether the parent is able to read and/or understand English and if not, what efforts have been made to ensure that the parent understands the proceedings and any action the court will order.

Key decisions the court must make:

1. Whether the agency made active efforts to identify responsible extended family or other tribal members or Indian families to serve as a placement for the child, if necessary;
2. Whether the agency in assessing the appropriateness of a placement with an individual who meets the placement preferences of ICWA or the tribe, relied upon the social and cultural standards of the Indian community in which the parent or extended family resides, or with which the parent or extended family maintains social and cultural ties;
3. What additional efforts need to be made to ensure the child is placed with extended family or within his/her tribal community;
4. What culturally relevant services will allow the child to remain at home;
5. Whether parties will voluntarily agree to participate in services;
6. Whether restraining orders or orders expelling an allegedly abusive parent from the home are appropriate or necessary;
7. Whether orders are needed for examinations, evaluations, or other immediate services; and
8. What are the terms and conditions of visitation by parents or Indian custodian.

Required notice and advice of rights:
As part of its requirements under ICWA, the court must ensure that the agency sends (via registered mail, return receipt) notice of the next scheduled hearing and a copy of the petition and advice of rights under ICWA, to the following parties if not at the hearing:
1. The child's parent;
2. The Indian custodian; and
3. The child's tribe.

Key written findings the court must make at the protective hearing include:
1. Whether, at the time of removal, the child was already a ward of a tribal court (if known) thereby depriving the state court of jurisdiction;
2. Whether, at the time of removal, the child was in the custody of an Indian custodian;
3. Whether active efforts were made prior to removal, to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and whether the efforts were successful;
4. Whether there was clear and convincing evidence, including testimony of a qualified expert witness that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; and
5. Whether the parent, Indian custodian, or child's tribe requested an additional 20 days to prepare for the hearing.

If the child is placed in substitute care, the court also needs to do the following:
1. Specify why continuation of the child in the home would be contrary to the child's welfare;
2. Specify whether the child is to be placed in a home that meets the priority requirements of ICWA, or if the child is not to be placed according to the priority requirements, to specify whether:
   a. The child's tribe issued a resolution establishing a different order of preference and the placement is the least restrictive setting appropriate to the particular needs of the child; or
   b. There is good cause not to follow the placement preferences;
3. Order the agency to make ongoing, diligent searches to locate placement meeting the preferences established within ICWA;
4. Specify the terms of visitation with the parent(s), Indian custodian, and extended family; and
5. Order the agency to arrange for the child to visit with other tribal members if no extended family is available and to coordinate with the child's tribe to arrange for the child to attend significant cultural and familial events.

B. Adjudication Hearing
In addition to items considered at the protective hearing, the court must make additional decisions and issue written findings of fact and conclusions of law. Those requiring additional information from the PCSA include the following:
Key decisions the court must make:

1. Which allegations of the petition have been proved or admitted;
2. Whether there is a legal basis for continued court and agency intervention; and
3. Whether the agency made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the family (and if so, whether these efforts were successful).

Additional temporary decisions the court may make if the disposition hearing will not occur within a short time after the adjudication hearing:

1. Where the child is to be placed prior to the disposition hearing;
2. Whether to order further testing or evaluation of child, parent(s), or Indian custodian in preparation for the disposition hearing and ensuring that all assessments or evaluations are culturally appropriate;
3. Assure that the agency is, in preparation for disposition, making prompt and diligent efforts to identify and evaluate caretaker, extended family, or if no family member is available, other tribal members or other Indian families;
4. Order the alleged perpetrator to stay out of the family home and have no contact with the child;
5. Direct the agency to continue its efforts to notify non-custodial parents, including unwed fathers whose paternity has been acknowledged or established; and/or
6. Set terms for visitation, support, and other intra-family communication including parent-child and sibling visits when the child is in foster care prior to disposition.

Written findings of fact and conclusions of law must specify:

1. Whether the child is an Indian child under ICWA (or if not known, whether the child's tribe has been provided adequate notice, sufficient information, and an opportunity to determine the child's eligibility for membership);
2. What efforts, if any, have been made to identify the child's tribe;
3. Whether the agency has mailed notice and necessary information to all tribes in which the child may be eligible for membership to enable each tribe to ascertain whether the child is a member or eligible for membership;
4. Whether written notice was sent to the U.S. Secretary of the Interior if the child's tribe is not yet known;
5. Whether the child either resides on or is domiciled on a reservation, or is already a ward of a tribal court, thereby depriving the state court jurisdiction;
6. Whether the child was in the custody of an Indian custodian at the time of removal;
7. Whether the agency mailed notice of the hearing and a copy of the petition and advice of rights to the Indian custodian by registered mail, return receipt;
8. Whether the agency mailed notice of the hearing and a copy of the petition and advice of rights to the child's Indian tribe, if known, by registered mail, return receipt;
9. Whether the child's tribe seeks to intervene in the proceedings, and if so, grant that request. (If the child is eligible for membership in more than one tribe, the court must ascertain which tribe is the child's tribe for purposes of ICWA);
10. Whether the child's Indian custodian, if there is one, seeks to intervene in the proceedings and, if so, grant that request;
11. Whether the child's tribe, parent, or Indian custodian requested an additional 20 days in which to prepare for the hearing, and if so, grant that request and reschedule the hearing;
12. Whether a parent, Indian custodian, or the child's tribe has filed a motion or petition to transfer the case to tribal court;
13. If the court declines to transfer the case, whether either parent vetoed the transfer, the tribal court declined to accept jurisdiction, or the reasons, if any, why there is good cause not to transfer the case to the tribal court;

14. Whether the court advised the parent(s) or Indian custodian that they have a right to a court-appointed attorney if they are indigent;

15. Sufficiently detailed information to justify why the court found by clear and convincing evidence, including testimony from an expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child;

16. Sufficiently detailed information to justify agency and court choices for treatment and services;

17. How the court's findings relate to subsequent case planning (written in easily understandable language);

18. Whether the parent can read English and, if not, what steps will be taken to ensure that the parent understands the court's written order; and

19. The date and time of the next hearing.

C. Disposition Hearing

In preparation for this hearing, the agency is responsible for submitting a predisposition report to the court. Key items the agency needs to include for the court's consideration are:

1. A statement of family changes needed to correct the problems necessitating agency intervention, with timetables for accomplishing them;

2. A description of services to be provided to assist the family, including those that the tribe or an Indian organization may offer and make available;

3. A description of services to be provided to ensure the child's ongoing connection to his/her culture, including attendance at significant cultural events, while placed outside of his/her family; and

4. A description of actions to be taken by parents(s) or Indian custodian to correct the identified problems and any steps the parent or Indian custodian has taken thus far.

Foster Placement Affidavit

When the agency recommends foster placement, an affidavit documenting active efforts must be submitted. Key elements of the affidavit include:

1. A description of the active efforts made by the agency to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and an explanation why these efforts were unsuccessful;

2. A description of the efforts made to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation if the services were unsuccessful;

3. An explanation of why the child cannot be protected from the identified problems in the home even if services are provided to the child and family;

4. An explanation of the active efforts made to contact the child's tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families about providing an appropriate placement for the child;

5. A description of arrangements made by the agency to ensure visitation with extended family, or if there is not family in the area, with other tribal members, to support the child's cultural connections; and

6. A description of the agency's plan to coordinate with the child's tribe and family to identify significant cultural and important familial events and arrange for the child's attendance.

Key decisions the court must make:
1. Whether the agency's proposed case plan addresses the needs of the child and the parent(s) or Indian custodian;
2. Whether the parent is able to read the proposed case plan and, if not, the effort that will be made to ensure that the parent fully understands the requirements of the plan;
3. Whether it is necessary to remove the child from his or her home to prevent serious emotional or physical damage; and
4. Where the child should be placed.

Written findings of fact and conclusions of law must:
1. Determine the legal disposition of the case, including the custody of the child, based upon the statutory options provided under federal law unless state law provides a higher degree of protection, or unless there is a governing state-tribal agreement;
2. State the long-term plan for the child;
3. Identify the active efforts that have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian child's family;
4. Specify that there is clear and convincing evidence that continued custody of the child by the parent (or Indian custodian) would likely result in serious emotional or physical damage to the child;
5. Specify whether the child was placed within the placement preferences under ICWA, and if not, whether the child's tribe issued a resolution establishing a different order of preference, as long as the placement is the least restrictive setting appropriate to the particular needs of the child;
6. Specify whether the agency relied upon the social and cultural standards of the Indian community in which the parent or extended family reside or with which the parent or extended family maintain social and cultural ties when the agency determined whether an individual is an appropriate placement for the child;
7. If the child's tribe did not issue a resolution indicating a different order of preference for the placement of the child, specify the reasons why there is good cause to deviate from the placement preferences;
8. If there is not good cause to deviate from the placement preferences, and there is no tribal resolution re-ordering the placement preferences, order the agency to move the child to a home that complies with the placement preferences;
9. If placement or services are ordered that were not agreed upon by the parties, specify the evidence or legal basis upon which the order is made;
10. If applicable, specify why continuation of the child in the home would be contrary to the child's welfare; and
11. If the state's case plan conflicts with or does not meet the requirements of ICWA, disapprove or modify the agency's proposed case plan.

D. Review Hearing
At the Review Hearing, the agency is required to submit a report that contains the following information:
1. A statement of family changes needed to correct the problems necessitating intervention, with timetables for accomplishing them;
2. A description of services to be provided to assist the family, specifically identifying those made available with assistance from the tribe or an Indian organization;
3. A description of services to be provided to ensure the child's ongoing connection to his/her culture while placed outside of his/her family, including attendance at significant cultural events; and
4. A description of actions to be taken by the parents to correct the identified problems, and of the parents' compliance with the case plan thus far.

Affidavit Documenting Active Efforts
When the agency recommends continued foster placement, the agency must submit an affidavit to the court which contains the following information:

1. A description of active efforts to reunify the family since the last disposition or review hearing and if those efforts were not successful, an explanation regarding why;
2. A description of active efforts to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation why these services were unsuccessful;
3. An explanation of why the child cannot be protected from serious emotional or physical harm if the child remains in the home even if services are provided to the child and family;
4. An explanation of the diligent efforts made to contact the child's extended family about providing a placement for the child or, if family members are not known, diligent efforts made to contact the child's tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement;
5. Efforts made by the agency to ensure the child's visitation with extended family, or, if none is available, with other tribal members, to ensure the child's ongoing participation in his/her culture; and
6. Efforts made by the agency to coordinate with the child's tribe and family to make arrangements for the child to attend significant cultural and important familial events.

Key decisions the court must make:

1. Whether there is a need for continued placement of the child;
2. Whether active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and, if so, whether the services were successful;
3. Whether efforts were made to ensure that the parent understands the case plan if the parent does not read English;
4. Whether the court-approved, long-term permanent plan for the child remains the best plan for the child;
5. Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;
6. Whether the child is placed according to the placement preferences in the ICWA and, if not, whether the child should be moved into a preference placement;
7. Whether the terms of visitation need to be modified;
8. Whether any additional court orders need to be made to move the case toward successful completion; and
9. What time frame should be established for goals to achieve reunification or other permanent plan for each child.

Written findings of fact and conclusions of law:

1. Whether the agency has identified the child's tribe;
2. Whether the agency sent proper notice of the hearing and a copy of the petition and advice of rights to the parent(s), Indian custodian (if any), and child's tribe by registered mail, return receipt;
3. Whether the tribe has been afforded a full opportunity to participate in the proceedings and, if so, whether the agency provided the child's tribe with copies of the petition, reports, and information concerning the child;
4. Why the child is in need of either continued placement outside the parent's home or continued supervision, articulating the clear and convincing evidence that continued custody of the child by the parent or Indian custodian would likely result in serious emotional or physical damage to the child;
5. Whether family reunification and an end to court supervision continues to be the long-term case goal, and why;
6. Whether the agency has made active efforts to provide remedial services and rehabilitative programs designed to eliminate the need for placement of the child outside the home of the parent or Indian custodian and whether the efforts were successful;

7. Whether the agency has made ongoing, diligent search to locate extended family, a tribal member, or other Indian family for placement if the child is not already within a preference placement;

8. Issue orders for the agency to make additional efforts necessary to meet the needs of the family and move the case toward completion, including culturally relevant services that may be available with assistance from the tribe or local Indian/native organization;

9. Assure that findings are written in easily understandable language that allows the parent(s) or Indian custodian to fully understand what action they must take to have the child returned to their care (interpreter should be provided for parent or Indian custodian whose first language is not English);

10. Approve proposed changes in the case plan and set forth any court-ordered modifications needed as a result of information presented at the review;

11. Identify an expected date for final reunification or other permanent plan for the child;

12. Where the case plan conflicts with or does not meet the requirements of the ICWA, disapprove or modify the agency's proposed case plan to conform to the requirements of the ICWA;

13. Make any necessary orders to resolve the problems that are preventing reunification or the completion of another permanent plan for the child; and

14. Set date and time for next hearing, if needed.

E. Permanency Planning Hearing

The agency is required to submit a report to the court in preparation for the Permanency Planning Hearing. This report must include:

1. The relief being sought and address the issues that the judge needs to determine;

2. The plan to carry out the placement decision;

3. When the petition or report requests that a child be returned home on a certain date, the following items must be included:
   a. How the conditions or circumstances leading to the removal of the child have been corrected;
   b. A description of actions taken by the parent(s) or Indian custodian to correct the identified problems;
   c. A description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, including efforts made by the tribe, an Indian organization, or any other agency or organization;
   d. The frequency of recent visitation and its impact on the child; and
   e. A plan for the child's safe return home and follow-up supervision after family reunification.

4. When the petition or report requests termination of parental rights, the following items should be included:
   a. Facts and circumstances supporting the grounds for termination;
   b. A description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and an explanation why these efforts were unsuccessful;
   c. A description of the active efforts made to coordinate with the child's tribe or an Indian organization in assisting the Indian parent or custodian with services needed to avoid termination of parental rights and an explanation why these efforts were unsuccessful;
   d. An explanation of why the child cannot be protected from the identified problems in the home;
e. A summary of the agency’s understanding of the tribe’s position regarding the permanency plan, including an attachment of any correspondence or supporting documentation sent by the tribe to the agency;

f. An explanation of the active efforts made to contact the child’s tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families about providing an appropriate placement for the child;

g. If the child is not placed with an extended family member, another tribal member, or another Indian family, an explanation of why the child cannot be moved to a placement that meets the preferences established within the ICWA;

h. A description of arrangements made by the agency to ensure visitation with extended family, and of all efforts made to support the child’s cultural connections; and

i. A permanency plan for the child.

5. When another planned permanent living arrangement is proposed, the report should include the following items:

   a. Facts and circumstances refuting the grounds for termination of parental rights and showing that although the child cannot be placed with parents, termination is not in the best interests of the child;

   b. A description of why the planned permanent living arrangement is in the best interests of the child;

   c. An explanation of the active efforts made to contact the child’s tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families to identify a culturally appropriate placement for the child;

   d. If the child is not placed with an extended family member, another tribal member, or another Indian family, an explanation of why the child cannot be moved to a placement that meets the preferences established within ICWA;

   e. A description of arrangements made by the agency to ensure visitation with extended family, or, if there is no extended family, with other tribal members, to support the child’s cultural connections;

   f. A summary of the agency’s understanding of the tribe’s position regarding the permanency plan, including an attachment of any correspondence or supporting documentation sent by the tribe to the agency; and

   g. A plan to ensure the stability of the planned permanent living arrangement.

Affidavit Documenting Active Efforts:

When the agency recommends a permanency plan, an affidavit documenting the following must be submitted:

1. Active efforts made to reunify the family since the last disposition or review hearing and, if those efforts were not successful, an explanation why;

2. Efforts to coordinate with the child’s tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation why these services were unsuccessful;

3. Why the child cannot be protected from serious emotional or physical damage if the child remains in the home even if services are provided to the child and family;

4. Diligent efforts made to contact the child’s extended family about providing a placement for the child, or, if family members are not known, diligent efforts made to contact the child’s tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement;

5. Efforts made by the agency to ensure child’s visitation with extended family, or, if none is available, with other tribal members, to ensure the child’s ongoing participation in his/her culture; and
6. Efforts made by the agency to coordinate with the child's tribe and family to attend significant cultural and important familial events.

Written Findings of Fact That the Court Must Make at the Permanency Hearing:

1. Whether the agency has identified the child's tribe;
2. Whether the agency sent proper notice of the hearing and a copy of the petition and advice of rights to the parent(s), Indian custodian (if any), and child's tribe by registered mail, return receipt;
3. Whether the tribe has been afforded a full opportunity to participate in the proceedings and, if so, whether the agency provided the child's tribe with copies of the petition, reports, and information concerning the child;
4. Why the child is in need of either continued placement outside the parent's home or continued supervision, articulating the clear and convincing evidence that continued custody of the child by the parent or Indian custodian would likely result in serious emotional or physical damage to the child;
5. Whether active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and eliminate the need for placement of the child outside the home of the parent or Indian custodian and whether the efforts were successful;
6. Whether the agency has made an ongoing, diligent search to locate extended family, a tribal member, or other Indian family for placement if the child is not already within a preference placement;
7. Assure that the findings are written in easily understandable language that allows the parent(s), or Indian custodian to fully understand what action they must take to have the child returned to their care (interpreter should be provided for parent or Indian custodian whose first language is not English); and
8. The court's determination of permanency and plan to return home, proceed to the termination of parental rights, or a planned permanent living arrangement.

F. Termination of Parental Rights Hearing

Key Decisions the Court Must Make:

1. Whether written notice was provided to the child's tribe by registered mail, return receipt requested;
2. Whether written notice was provided to the parents or Indian custodian by registered mail, return receipt requested;
3. Whether active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family;
4. Whether efforts were made to ensure that the parent understood the case plan if the parent does not read English;
5. Whether the active efforts were unsuccessful; and
6. Whether there is evidence beyond a reasonable doubt, including testimony of an expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

Written findings of fact and conclusions of law must:

1. Specify whether active and reasonable efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family;
2. Specify what evidence, including testimony of a qualified expert witness, supports the finding beyond a reasonable doubt that continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child;
3. Specify any other state statutory grounds supporting termination of parental rights if state law requires satisfaction of dual burden of proof;
4. For uncontested termination of parental rights, the findings of fact and conclusions of law must also include:
a. Thorough description of the conditions and circumstances under which parental consent to termination of parental rights was obtained. Parental consent must be executed in writing in the presence of the judge and must be accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood these terms;

b. Certify that either the parent or Indian custodian fully understood the explanation of the terms and consequences of the consent to termination of parental rights in English, or that it was interpreted into a language that the parent or Indian custodian understood;

c. Certify that the consent to termination of parental rights was not given prior to or within ten days after the birth of the child, as the consent would not be valid under these circumstances;

d. Determine whether the consent was voluntary and informed, that it was not obtained through fraud or duress, and that all alternatives to termination of parent rights were explained; and

e. If termination of parental rights was uncontested because the parent failed to appear, or appeared but neither contested nor consented to termination, the above items will apply.

G. Adoption Hearing

At the Adoption Hearing, the court must determine whether written notice was provided to the child's tribe by registered mail, return receipt requested, even if the child's tribe has not been a party to any prior proceedings related to the welfare of the child.

The court must also make the following written findings of fact and conclusions of law:

1. Whether the child is within the exclusive jurisdiction of a tribe because the child either resided or was domiciled on a reservation or was already a ward of a tribal court at the time that the child custody proceedings began, thereby depriving the state court of jurisdiction;

2. Whether all the necessary consents to adoption have been provided, including the consent of the agency with the custody of the child, the consent of the child (if the child is old enough that consent is required under state law), and the consent of parent or Indian custodian whose rights have not been terminated;

3. Thoroughly describe the conditions and circumstances under which parental consent to adoption was obtained. When there has been no prior termination of parental rights, parental consent must be executed in writing in the presence of the judge and must be accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood these terms;

4. Certify that either the parent or Indian custodian fully understood the explanation of the terms and consequences of the consent to adoption in English, or that it was interpreted into a language that the parent or Indian custodian understood;

5. Certify that the consent to adoption was not given prior to or within 10 days after the birth of the child, as the consent would not be valid under these circumstances;

6. Whether the consent was voluntary and informed, that it was not obtained through fraud or duress, and that all alternatives to adoption were explained;

7. Whether the child is placed in an adoptive home where the adopting individual is a member of:
   a. The child's extended family;
   b. The child's tribe; or
   c. Another Indian family;

8. If the child is not placed in one of the placement preferences established by federal law, a determination whether:
   a. The agency made a diligent search to locate a placement that meets the preferences established within the ICWA;
b. There is good cause not to place the child according to the placement preferences;

c. The child's tribe established a different order of preference by resolution;

d. If the child's tribe established a different order of preference for placement, ascertain whether
the placement is the least restrictive setting which most approximates a family and in which the
child's special needs, if any, may be met;

e. The child's consenting parent evidenced a desire for anonymity, in which case the court shall
give weight to that desire in applying the preferences;

9. Other determinations required for all adoptions;

10. At contested adoption hearings, determine whether the adoption should be granted. A contested
adoption hearing must be conducted with procedural fairness, and should include notice to the parties
and the child's tribe even if the tribe has not yet become a part in previous stages of the child custody
proceedings;

11. Conclude the proceedings without undue delay, applying principles of case flow management;

12. The court which enters the final decree of adoption must, upon application, inform the Indian child who
has reached the age of 18 of the tribal affiliation, if any of the individual's biological parents and provide
such other information as may be necessary to protect the rights flowing from the individuals' tribal
relationship.

III. Resource - Contact Information

State ICWA Liaison for Ohio:
Carrie Anthony, Chief
Child Welfare Policy and Placement Section
Ohio Department of Job and Family Services
50 West Town Street, 6th Floor
Columbus, Ohio 43215
Phone (614) 752-0660

U.S. Department of Interior Offices
Bureau of Indian Affairs
ICWA Response Center
Assistant Secretary
1001 Indian School Road
NW Albuquerque, NM 87104

Bureau of Indian Affairs            Bureau of Indian Affairs
Central Office                   Midwest Regional Office
Assistant Secretary             Regional Director
1849 C. Street, N.W.            One Federal Drive, Room 550
Washington, D.C. 20240            Ft. Snelling, Minnesota 55111
Phone (202) 208-7163            Phone (612) 713-4400

National Resource Centers
National Indian Child Welfare Association
Terry Cross, Executive Director  
5100 Southwest Macadam Avenue, Suite 300  
Portland, Oregon 97239  
Phone (503) 222-4044  

www.nicwa.org  
(The NICWA website has reader friendly versions of ICWA, flow charts and other excellent resources for caseworkers as well as staff development professionals)

Native American Rights Fund  
http://narf.org/icwa/federal/index.htm

Ohio Resource Centers  
North American Indian Cultural Center - Main Office  
V. Lana Samaniago, Executive Director  
111 West Ave  
Tallmadge, OH 44278  
Phone (330) 724-1280  
Fax (330) 724-9298

INSTRUCTIONS

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Alignment of Adoption and Foster Care Homestudies

H.B. 7 of the 127th General Assembly required the alignment of adoption and foster care homestudy contents, time periods and processes. We have been made aware that agencies are having difficulty with the process of aligning the adoption homestudy and foster care recertification approval dates. This procedure letter is being issued to provide guidance on the alignment process.

In order to align the approval spans of the adoption homestudy and foster care recertification, the adoption homestudy may need to be updated prior to its expiration or shortly after an update. Adoption homestudy approval dates will always be aligned to the foster care recertification dates. An adoption homestudy shall not lapse in order to align it with the foster care recertification date. This may require two approvals to the adoption homestudy/update in a relatively short period of time. In the event an adoption homestudy has lapsed, a new homestudy shall be completed.

If an adoption homestudy is being updated in order to align it with the foster care recertification date and the last update occurred within the past year, the agency may use the same documentation previously submitted. This documentation shall include the most current JFS 01385 "Ohio Department of Job and Family Services Assessment for Child Placement Update" (the agency will need to update the signatures and approval/recommendation date) and the previous documents that were used to approve the most current homestudy or update:

1. The JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members."
2. Reference from the professional.
3. A report of a physical, psychiatric, or psychological examination, if applicable.
4. Fire inspection, if applicable.
5. The JFS 01348 "Safety Audit of a Family Foster Home," if applicable.
7. A completed water test, if applicable.

Should an incident occur causing the approval spans to no longer be in alignment, the adoption homestudy shall be updated to coincide with the new foster care recertification span.

The foster care recertification approval span dates will be used as the approval span for the adoption homestudy. Written notification for each adoption homestudy approval span shall occur as required by OAC rule 5101:2-48-12.1(S).

If an adoption homestudy is being updated in order to align it with the foster care recertification approval date and the last update occurred more than one year ago, a new JFS 01385 shall be completed. In addition, new or updated documents as outlined in OAC rule 5101:2-48-12.1(K) shall be obtained and attached.

We realize that these can be time consuming processes for agencies to complete, however, the alignment of the approval spans will be beneficial and timesaving to both agencies and families in the future.

If you have additional questions please contact the OCF Help-desk at 866-886-3537 or via email at help-desk-ocf@jfs.ohio.gov.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
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TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Extension of Agency Adoption Recruitment Plans to Every Two Years

Ohio Administrative Code (OAC) rule 5101:2-48-05 "Agency Adoption and Recruitment Plan," requires agencies to submit a recruitment plan to ODJFS annually by May 1st. To better align adoption and foster care rules, ODJFS will be amending the rule to require bi-annual submission of adoption recruitment plans by Public Children Services Agencies, Private Child Placing Agencies, and Private Non-Custodial Agencies. The revised policy will require that these plans be submitted by May 1st of every even numbered year. The next adoption recruitment plan is now due May 1, 2012.

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The purpose of this procedure letter is to inform Title IV-E agencies of the federal tax refund disregard for Title IV-E FCM initial eligibility determinations.

The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (P.L. 111-312) was signed into law on December 17, 2010. The law includes a provision that disregards federal tax refunds received after December 31, 2009 as income and as resources for FCM eligibility determinations. The total amount of a federal tax refund received after December 31, 2009, whether the refund is the result of a refundable credit, over-withholding, or both, is disregarded as income in the month received and as a resource for the following 12 months when determining initial Title IV-E eligibility.

To meet compliance with the provision, it is important for Title IV-E agencies to ensure that their eligibility determination process and interview protocols are designed to obtain information about a federal tax refund for all standard filing unit (SFU) members. The amount of any federal tax refund(s) identified should be noted in the comment section of the eligibility determination and documentation should be maintained in the child's FCM file.

Any reported federal tax refund amounts received in the last 12 months by the SFU member after December 31, 2009 shall be manually subtracted from the SFU members income and or resources prior to entering the amount into SACWIS. This disregard only applies to federal income tax and ends on December 31, 2012.

INSTRUCTIONS

The following chart shows what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Elimination of AFDC Relatedness at Re-determination of Title IV-E FCM Eligibility

This letter details the procedure changes to Title IV-E Foster Care Maintenance (FCM) Re-determination of eligibility.

The passage of Public Law 110-351 known as the Fostering Connections to Success and Increasing Adoptions Act of 2008, authorized a number of changes to child welfare programs to benefit children and families. Subsequently, the child welfare policy manual issued changes that eliminated the Federal requirement that Title IV-E agencies re-determine a child's Aid to Families with Dependent Children (AFDC) eligibility after the child was determined to be eligible at removal.

Effective April 1, 2010, Title IV-E agencies are no longer required to conduct annual AFDC re-determinations of Title IV-E FCM pursuant to OAC 5101:2-47-21 to verify that the child continued to meet the AFDC standards for deprivation of parental care and financial need.

Judicial determinations of annual reasonable efforts to finalize the permanency plan continue to be required pursuant to OAC 5101:2-47-22. Recording of a child's income and resources will continue to be documented in SACWIS for fiscal accountability purposes.

Please review all Title IV-E FCM re-determinations that were completed on or after April 1, 2010. If your agency had determined the child as non-reimbursable because the child did not meet continued deprivation of parental care or financial need, these children can be reinstated as program reimbursable effective April 1, 2010.

INSTRUCTIONS:

The following chart indicates the materials that should be inserted into the Family, Children, and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Kinship Permanency Incentive Revised Form JFS 01503  

This form has been revised to reflect the changes in how Kinship Permanency Incentive (KPI) payments should be treated for the Food Assistance Program. KPI will not be considered countable income and will be excluded for the purpose of food assistance budgeting.

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TO: All Family, Children and Adult Services Manual Holders

FROM: Michael B. Colbert, Director

SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2011 Federal Poverty Guidelines (published in the Federal Register, Vol. 76, No. 13, January 20, 2011, pp. 3637-3638) rounded to the nearest dollar and adjusted for family size.

<table>
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<th>FAMILY SIZE</th>
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<tr>
<td>2</td>
<td>$44,130</td>
</tr>
<tr>
<td>3</td>
<td>$55,590</td>
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<td>4</td>
<td>$67,050</td>
</tr>
<tr>
<td>5</td>
<td>$78,510</td>
</tr>
<tr>
<td>6</td>
<td>$89,970</td>
</tr>
<tr>
<td>7</td>
<td>$101,430</td>
</tr>
<tr>
<td>8</td>
<td>$112,890</td>
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<tr>
<td>For each additional person add</td>
<td>$11,460</td>
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This procedure letter provides updates to public children services agencies (PCSAs), private child placing agencies (PCPAs) and private noncustodial agencies (PNAs) on the process of conducting child abuse and neglect searches, as described in the Family, Children and Adult Services Procedure letter (FCASPL) No. 180.

Pursuant to section 5103.18 of the Revised Code (ORC), searches of the Alleged Perpetrator Database within the Statewide Automated Child Welfare Information System (SACWIS) must be conducted prior to certification or recertification of all foster homes. Sections 3107.033 and 3107.034 of the ORC also require these searches prior to approval of all adoptive home studies and home study updates.

Updates Affecting PCPAs and PNAs

The following is the procedure for private agencies to request the searches:

- ODJFS will conduct searches of the Alleged Perpetrator Database for each individual search request from private agencies.
- The agency must provide the following information for each individual for whom a search is being requested:
  - Full name, including maiden or other names used.
  - Date of birth.
  - Social Security Number.
  - Home address.
- For each search request, the agency must confirm that verifications of the date of birth and Social Security Number are on file with the agency.
- The agency must identify the specific reason for each search (for example, specify if the search is for a prospective adoptive or foster parent).
- The agency must provide the name(s) of the agency contact persons who are designated/approved to request search results, including their contact information (address, phone number and e-mail, if applicable). The agency must inform ODJFS of any changes/additions to that information as necessary.
- Agencies should submit “batches” of requests on a regular, self-determined time frame - for example, every Monday. Agencies are discouraged from sending multiple individual search requests each week. Agencies must allow a minimum of 45 days for search results.
- Search requests cannot be submitted via telephone.
- ODJFS will return result letters for each search electronically to the contact person designated by the requesting agency. Results will be mailed to those agencies that do not have electronic capabilities.
- Result letters will advise agencies either that there is "NO MATCH" found for the individual's name in the SACWIS system as an alleged perpetrator of a substantiated or indicated report of child abuse and/or neglect, or that a "MATCH" is found for the individual as an alleged perpetrator for a substantiated or indicated report of child abuse and/or neglect. Result letters shall be maintained in the family resource case file.
- Search results will not be provided via telephone or fax.

Updates Affecting PCSAs
As of the effective date of this procedure letter, PCSAs will no longer be required to submit a request for a check of the child abuse and neglect database from ODJFS. Each PCSA will continue to be responsible for conducting searches of the Alleged Perpetrator Database contained within SACWIS for individuals who require searches, e.g., prospective foster and/or adoptive applicants. At the time a search is conducted, each PCSA must print the perpetrator letter generated by SACWIS and maintain the letter in the family resource case file.

PCSAs have the option of rescinding any requests submitted on or after December 1, 2010 by contacting Barbara Parker via e-mail at barbara.parker@jfs.ohio.gov. Any requests not rescinded will be processed in order of date received, and a response provided to the PCSA. Search requests submitted by PCSAs after the effective date of this procedure letter will not be processed. ODJFS is working to amend the Administrative Code rules affected by this updated procedure.

**Updates Affecting All Agencies**

ORC sections 5103.18 and 3107.34 also require agencies to request a check of the central registry of other states in which a prospective foster care or adoptive applicant - or other adult living in the applicant's household - has resided in the five years immediately prior to the application. If the applicant or other adult has resided in another state during that time period, we suggest that the recommending agency determine whether that state has a child abuse and neglect registry. If so, contact that state to request a check. Currently, there is no standardized way to make these requests. States with registries vary in their definitions, standards and placement of names. The following Web site contains a list of the central registries of many other states: [http://ccld.ca.gov/res/word/AWStateContacts.doc](http://ccld.ca.gov/res/word/AWStateContacts.doc). It is maintained by the state of California and is updated regularly.

Child abuse and neglect search requests must be sent electronically as an e-mail attachment to Barbara Parker at barbara.parker@jfs.ohio.gov. Agencies without electronic capabilities can mail search requests to Barbara Parker at Central Registry, ODJFS/OFC/BCAP, P.O. Box 182709, Columbus, OH 43218-2709.

Anyone with questions regarding this procedure letter may contact the OCF Help Desk at 1-866-886-3537, option 4.

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Interim Director  
SUBJECT: Instruction for Public Children Services Agencies Regarding Alternative Response Experiential Learning (AREL)

This procedure letter outlines the process for requesting reimbursement of expenditures for Alternative Response Experiential Learning (AREL) activities as authorized by Ohio Administrative Code rule 5101:9-6-33.

Public children services agencies (PCSAs) that have implemented the Alternative Response approach may receive reimbursement for costs associated with hosting an AREL event as defined in the above-mentioned rule. PCSAs interested in implementing Alternative Response may, with prior approval from the ODJFS Alternative Response Program Manager, receive reimbursement for participating in AREL activities hosted by a PCSA currently approved to implement the practice approach. Agencies may receive reimbursement for eligible activities that have occurred on or after July 1, 2010.

To receive reimbursement, host agencies will be required to provide detailed information including, but not limited to:

1. Host County Event Lead: name, title and contact information.
2. Participant(s) by County: name and title.
3. Event Agenda (including date and time of event).
4. Any lesson learned regarding effective AREL events.
5. Event Abstract.
6. Event Keyword(s).

Participant agencies will be required to provide the following documentation to receive reimbursement for participating staff:

1. Host County Event Lead: name, title and contact information.
2. Participant County Lead: name, title and contact information.
3. Participant(s): name, title and contact information.
4. Event Agenda (including date and time of event).
5. Identify the following:
   a. Type of event (e.g., shadowing experience, mentoring experience, immersion event, coaching activity).
   b. Purpose of your participation (i.e. What did you hope to achieve).
   c. Any specific lessons related to the planning or hosting for counties considering an AREL event.
   d. Any recommended improvements for the event or county readiness for the event.
   e. Whether you would recommend this event to another county.
   f. Rate the experience on a scale of 1 - 5 (five being the highest).
Host agencies are also eligible to request reimbursement for activities related to planning and preparing for the event, as long as the following documentation is provided:

1. Host County Event Lead: name, title and contact information.
2. Participating County(ies) by Lead Contact: name, title and contact information.
3. Date of planned event.
4. Type of event (e.g. shadowing experience, mentoring experience, immersion event, coaching activity).

A sample invoice outlining associated costs is attached as an addendum to this Procedure Letter. The invoice could be used, all or in part, as the cover page for the packet of information to be submitted with the request for reimbursement. Activities lasting fewer than four (4) hours are considered a half-day activity; those lasting more than four (4) hours are considered a full-day activity.

All invoices for AREL activities must be submitted to the ODJFS Alternative Response Program Manager by December 17 of each year to ensure funds are available for payment. Each invoice amount must be recorded on the JFS 02820 using project code 854 and account code 518001. Agencies will not receive reimbursement for invoice amounts not properly coded on the JFS 02820.

For questions regarding this Procedure Letter, please contact the ODJFS Alternative Response Program Manager at 614-466-1213.

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FCASPL 206 (2011 Monthly Cut-Off Dates for the Title IV-E Foster Care Maintenance Facility Invoice and Title IV-E FACSIS Benefit Issuance)

Family, Children, and Adult Services Procedure Letter No. 206

January 4, 2011

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Monthly Cut-off Dates for the Title IV-E Foster Care Maintenance Facility Invoice (JFS 01925) and Title IV-E FACSIS Benefit Issuance

The table below lists the cut-off dates for calendar year 2011 for county agencies to submit the JFS 01925 Title IV-E Foster Care Maintenance Facility Invoice so that they can receive reimbursements and payments through Family and Children’s Service Information System (FACSIS) Benefit Issuance. All data entry must be completed on these dates, including data entry in both the FACSIS and Statewide Automated Child Welfare Information System (SACWIS) Interim System (SIS),

<table>
<thead>
<tr>
<th>MONTH</th>
<th>JFS 01925</th>
<th>SIS</th>
<th>FACSIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY (February issuance)</td>
<td>01-14-11</td>
<td>01-19-11</td>
<td>01-20-11</td>
</tr>
<tr>
<td>FEBRUARY (March issuance)</td>
<td>02-14-11</td>
<td>02-15-11</td>
<td>02-16-11</td>
</tr>
<tr>
<td>MARCH (April issuance)</td>
<td>03-14-11</td>
<td>03-21-11</td>
<td>03-22-11</td>
</tr>
<tr>
<td>APRIL (May issuance)</td>
<td>04-14-11</td>
<td>04-19-11</td>
<td>04-20-11</td>
</tr>
<tr>
<td>MAY (June issuance)</td>
<td>05-13-11</td>
<td>05-18-11</td>
<td>05-19-11</td>
</tr>
<tr>
<td>JUNE (July issuance)</td>
<td>06-14-11</td>
<td>06-20-11</td>
<td>06-21-11</td>
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<tr>
<td>JULY (August issuance)</td>
<td>07-15-11</td>
<td>07-19-11</td>
<td>07-20-11</td>
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<tr>
<td>AUGUST (September issuance)</td>
<td>08-12-11</td>
<td>08-19-11</td>
<td>08-22-11</td>
</tr>
<tr>
<td>SEPTEMBER (October issuance)</td>
<td>09-15-11</td>
<td>09-20-11</td>
<td>09-21-11</td>
</tr>
<tr>
<td>OCTOBER (November issuance)</td>
<td>10-17-11</td>
<td>10-19-11</td>
<td>10-20-11</td>
</tr>
<tr>
<td>NOVEMBER (December issuance)</td>
<td>11-15-11</td>
<td>11-17-11</td>
<td>11-18-11</td>
</tr>
<tr>
<td>DECEMBER (January issuance)</td>
<td>12-14-11</td>
<td>12-16-11</td>
<td>12-19-11</td>
</tr>
</tbody>
</table>

The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2 p.m. on the cut-off date to be processed for the following month’s warrant. Please be advised that faxed copies of the JFS 01925 Title IV-E FCM Facility Invoice will not be accepted for processing.

The JFS 01925 Title IV-E FCM Facility Invoice should be mailed to the following address:

Ohio Department of Job and Family Services
Office of Families and Children
Bureau of Administration & Fiscal Accountability
P.O. Box 182709
Columbus, OH 43218-2709
Attn: JFS 01925 Coordinator
As indicated in the chart, SIS users are reminded that data must be entered in SIS one business day prior to the FACSIS cut-off date.

**INSTRUCTIONS**

The following chart identifies the materials that should be removed from the Family, Children, and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBsolete</th>
<th>INSERT/REPLACEMENT</th>
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</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 206</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Revisions to the JFS 08013 "Thinking about Becoming a Foster Parent or Adopting a Waiting Child"

This letter revises JFS 08013, "Thinking About Becoming a Foster Parent or Adopting a Waiting Child," by replacing all references to the State of Ohio Adoption Photo Listing with references to the new Ohio Adoption Photo Listing website:

(http://www.adoptionphotolistingohio.org/);

and the AdoptUSKids website,

(http://www.adoptuskids.org/).

These resources provide public and private agencies additional opportunities to recruit permanent families for Ohio children who are available for adoption.

INSTRUCTIONS:

The following chart depicts what materials are to be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBsolete</th>
<th>INSERT/REPLACEMENT</th>
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</thead>
<tbody>
<tr>
<td>FORMS</td>
<td>JFS 08013 (Rev. 8/2010)</td>
<td>JFS 08013 (Rev. 3/2011)</td>
</tr>
<tr>
<td>TRANSMITTALS</td>
<td>Procedure Letters</td>
<td>FCASPL No.205</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Individuals required to attend matching conference and examples of diligent recruitment efforts  

This procedure letter serves as a reminder regarding participants who are required to attend the adoption matching conference and must be included in the placement decision-making process. According to Ohio Administrative Code (OAC) 5101:2-48-16 (O), the attendees shall include:

- The adoption caseworker for the child;
- The caseworker for the adoptive family; and
- A member of the administrative or supervisory staff of the public children services agency (PCSA) or private child placing agency (PCPA) adoption program.

The agency is not permitted to conduct a matching conference and match an adoptive family with a child without the participation of the caseworker for the adoptive family during the matching conference.

Special Circumstances

If the adoption caseworker and family caseworker are the same individual, other adoption program staff members shall participate in the matching conference to assure that at least three individuals participate in the matching decision.

If the agency does not have at least three adoption program staff employees to participate in the matching conference, other professionals or para-professionals who are employed or contracted by the agency shall participate in the matching conference in order to meet the required minimum of three participants. These people shall have, at a minimum, basic knowledge related to special needs adoption and permanency planning.

When more than one agency is involved in an adoptive matching decision, a representative from each agency is required to participate in the matching conference. Participation by teleconference is acceptable.

The PCSA or PCPA is expected to submit notices of upcoming matching conferences to the matching conference mailbox weekly at MatchingConference@jfs.ohio.gov and to immediately update listings regarding cancellations or rescheduling to the matching conference mailbox.

If there are no available families identified for a specific child, the PCSA or PCPA may conduct a search for approved adoptive families in the State Automated Child Welfare Information System (SACWIS). If the agency elects not to use SACWIS to search for approved adoptive families, the agency is required to document continuous recruitment efforts to find suitable approved families. Minimum child specific recruitment shall include:

- Distribution of written information regarding the child to two or more adoption agencies;
- Review of the case file for relatives or individuals in the child's past who may be able and willing to provide a permanent home for the child; and
- Exploration with the child about individuals with whom the child is familiar who may be able and willing to adopt the child.

Examples of diligent recruitment efforts may include:

- Engaging in activities that demonstrate a good faith effort to recruit approved adoptive families for a specific child.
- Contracting for recruitment activities to be conducted on behalf of the specified child.
Transferring a child's case to a specialized unit within the agency to complete child-specific recruitment services. In such cases, the agency shall actively recruit approved adoptive families who can meet the child's individual needs.

The agency is required to document all specific recruitment efforts made for the child on the JFS 01690, "Documentation of the Pre-Adoptive Staffing and Updates."

In addition, agencies are to document inquiries received from families who want to be presented for a child, but for whom the agency does not consider on the JFS 01689.

For questions regarding this Procedure Letter, please contact your technical assistance specialist or your licensing specialist, or review OAC rules 5101:2-48-05 and 5101:2-48-16.

**INSTRUCTIONS:** The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials should be inserted in the FCASM.

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<tr>
<th>LOCATION</th>
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<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 204</td>
<td></td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

With consideration of the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2010.

Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates
(0-18 years)
- Minimum - $10.00
- Maximum - $170.00

Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates
- Special Needs - $100.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $300.00

Auxiliary Payments for Clothing (annual), Personal Incidents (annual), and Graduation Expenses
- Clothing - $3,000.00 (annual)
- Personal Incidents - $3,000.00 (annual)
- Graduation Expenses - $1,500.00

Although the rates are effective September 30, 2010, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the FACSIS Benefits Issuance system and SACWIS system until October 1, 2010.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2011 (October 1, 2010, through September 30, 2011) is as follows and includes an additional percentage for portions of the federal fiscal year as part of the American Reinvestment and Recover Act (ARRA):
- October 1, 2010, through December 31, 2010 69.89% (includes ARRA)
- January 1, 2011, through March 31, 2011 66.89% (includes ARRA)
- April 1, 2011, through June 30, 2011 64.89% (includes ARRA)
- July 1, 2011, through September 30, 2011 63.69% (ARRA ceases 6/30/2011)

The FACSIS Benefits Issuance system and SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<p>| LOCATION | REMOVE AND FILE AS OBSOLETE | INSERT/REPLACEMENT |</p>
<table>
<thead>
<tr>
<th>PROCEDURES</th>
<th>FCASPL No. 178</th>
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<tr>
<td>Procedure Letters</td>
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</tbody>
</table>

TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Revisions to Forms JFS 01421 and JFS 01421-I

The purpose of this letter is to enact changes to the forms JFS 1421 and JFS 1421-I, which went into effect in October 2009.

The Office of Families and Children proposes the following changes:

**JFS 01421.** "Application of Reimbursement of Nonrecurrent Adoption Expenses," was amended to remove language stating that the child cannot and should not be returned to the home of the adoptive parent.

**JFS 01421-I.** "Instructions for completing the Application of Reimbursement of Nonrecurrent Adoption Expenses," was amended to change the amount of reimbursement to $1,000.00.

**INSTRUCTIONS:**

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<td>FORMS</td>
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<tr>
<td></td>
<td>JFS 01421-I</td>
<td>JFS 01421-I</td>
</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 201</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Revisions to JFS 01675

This letter transmits revisions to the JFS 01675 "Ohio Adoption Guide: A Handbook for Prospective Adoptive Families."

The following is a brief explanation of the changes to the JFS 01675:

The statistics on "Who are the children available for adoption" have been updated.

All references to the Ohio Adoption Photo Listing (OAPL) have been removed.

The adoption subsidy information on the post adoption special services subsidy (PASSS), Title IV-E, state adoption maintenance subsidy (SAMS) and non-recurring adoption expense subsidy programs have been reworded.

Information on the State Adoption Tax Credit program has been added and the Federal Adoption Tax Credit information has been updated to reflect the increased amount of tax credit families may be eligible for under the federal tax credit program.

The "Common Adoption Terms" section has been updated, where applicable including the removal of terms that are not referenced in the Ohio Adoption Guide.

The addresses, telephone numbers and e-mail addresses have been updated in the directories for the public adoption and foster care agencies and private adoption agencies, where applicable.


INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tbody>
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<td>FORMS</td>
<td>JFS 01675 (Rev. 2/2009)</td>
<td>JFS 01675 (Rev. 8/2010)</td>
</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 200</td>
</tr>
</tbody>
</table>
This letter transmits revisions to the JFS 01985, "Adoption Subsidies Guide."

The following is a brief explanation of the changes.

- The federal adoption subsidy programs section has been reworded.
- The eligibility requirements for the nonrecurring adoption expenses subsidy have been reworded to reflect current policy and to include language that families who adopt internationally are no longer eligible for nonrecurring adoption assistance.
- The state adoption tax credit information has been reworded, and the federal adoption tax credit information has been updated to specify the per-child tax credit amounts.
- The fax number for the Bureau of State Hearings has been added.
- The JFS 01985 "Adoption Subsidies Guide" can be ordered through Publications Central on the Ohio Department of Job and Family Services (ODJFS) Web site at http://www.odjfs.state.oh.us/forms/ordercom.asp.

INSTRUCTIONS: The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tr>
<td>Procedure Letters</td>
<td></td>
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</tr>
</tbody>
</table>
This letter transmits revisions to the JFS 02911 "Single Cost Report" form and JFS 02911-I "Single Cost Report Instructions" which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSAs), private child placing agencies (PCPAs), private non-custodial agencies (PNAs): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2009 through June 30, 2010.

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. The only modifications to the SFY 2010 form are the additions of an allocation methodology checklist at the bottom of the Allocation of Administrative Overhead Costs worksheet and an update to the annual inflation factor.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. Clarification language was added to the definitions for Personnel Costs Direct, Personnel Costs Support, Non-Personnel Costs, Other Costs, and Unallowable Costs. Additionally, minor clarification language was added where needed in order to facilitate understanding.

The JFS 02911 is intended to be used in an automated format.

When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tbody>
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<td>FORMS</td>
<td>JFS 02911 (Rev. 7/2009)</td>
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</tr>
<tr>
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<td>JFS 02911-I (Rev. 7/2009)</td>
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<td>PROCEDURES</td>
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</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 198</td>
</tr>
</tbody>
</table>
FCASPL 197 (SACWIS Sensitive Data Corrections)

Family, Children, and Adult Services Procedure Letter No. 197
June 22, 2010

TO: All Family, Children and Adult Services Manual Users
FROM: Douglas E. Lumpkin, Director
SUBJECT: SACWIS Data Corrections

This Procedure Letter is an update to FCASmpl No. 145, issued June 9, 2008, regarding requests for edits to data contained in the Statewide Automated Child Welfare Information System (SACWIS). The Ohio Department of Job and Family Services (ODJFS) will continue to accept and process requests from public children services agencies to modify records that, due to conversion or clerical error, are inaccurate. All requests must be submitted through the SACWIS Help Desk in accordance with this Procedure Letter, and will become part of an audit trail maintained by ODJFS for edits made to SACWIS data.

The procedure for requesting edits to SACWIS data has not changed, and is outlined below. Agency directors may authorize designees to submit SACWIS edit requests. The number of designees is based on county size in relation to CPOE designations. Large metropolitan counties may designate up to six persons within the agency to submit data edit requests, and small to medium counties may designate one or two persons.

It is the responsibility of the agency director or designee to ensure that all requests for edits comply with the Ohio Revised Code and Administrative Code rules. ODJFS reserves the right to conduct a policy review on any edit request.

**Process for Submitting SACWIS Data Edit Requests**

1. The agency executive director may designate other agency staff members to authorize SACWIS data edits by completing the JFS 01669, "Delegation of Authority for Sensitive SACWIS Data Corrections," and submitting the form to the SACWIS Help Desk. **NOTE:** This procedure letter does not require submission of a new JFS 01669 if one is already on file with the SACWIS Help Desk.

2. For each SACWIS data edit request, the agency executive director or delegate must complete a JFS 01671, "Sensitive SACWIS Data Correction Request."

3. The completed JFS 01671 must be scanned and e-mailed to the SACWIS Help Desk at sacwis_help_desk@jfs.ohio.gov, or faxed to the SACWIS Help Desk at 614-728-9678.

**INSTRUCTIONS:**
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASmpl No. 145</td>
<td>FCAMSpl No. 197</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: State Fiscal Year 2011 State Participation Rates for Title IV-E Adoption Assistance

Requirements for the Title IV-E Adoption Assistance (AA) program may be referenced in Chapter 5101:2-49 of the Ohio Administrative Code. The state participation rate for the non-federal match for AA payments for state fiscal year 2011 is $250. Public children services agencies will be responsible for providing the non-federal match amount for any payments above $250.

The state's participation will automatically be decreased for any subsidy greater than $250 in the Family and Children's Service Information System (FACSIS) or the Statewide Automated Child Welfare Information System (SACWIS).

As a reminder, per rule 5101:2-49-12 of the Ohio Administrative Code, the adoptive parent(s) and the PCSA may agree to modify/amend the payment amount or provision for services. As required by federal law, any modification/amendment of the Title IV-E AA payment amount must be made with the concurrence of the adopting parent(s) based on changes in circumstances of the adopting parent(s) and the needs of the child. When the parties agree to a change in the AA payment amount, a modified/amended agreement shall be completed and signed by the adoptive parent(s) and the public children services agency (PCSA). A copy shall be given to the adoptive parent(s), and a copy shall be retained by the PCSA.

ODJFS encourages each PCSA to notify adoptive parents of the adjustments in the warrant or the electronic funds transfer (EFT) being paid by the state and the county.

INSTRUCTIONS:

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 195</td>
<td></td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: State Reimbursement to Offset a Portion of Local Expenditures for Adoption Assistance

A decrease in state fiscal year (SFY) 2010 Adoption Assistance cases and expenditures has resulted in available funds in the Adoption Assistance line item in the state’s General Revenue Fund (GRF). Therefore, ODJFS will be distributing a reimbursement via check or electronic funds transfer to each county public children services agency to offset a portion of SFY 2010 local expenditures for Adoption Assistance.

The reimbursement amount distributed to each county will be determined by the total local share each county paid for Title IV-E Adoption Assistance from September 2009 through March 2010, divided by the statewide total local share paid for Title IV-E Adoption Assistance for the same time period. Each county’s percentage will be multiplied by the identified available SFY 2010 GRF amount, to arrive at the amount to be paid to each county. If your county did not experience a local expenditure for Title IV-E Adoption Assistance during this time period, you will not receive a reimbursement.

All reimbursements will be distributed no later than mid-June 2010. Once you receive these funds, code them as 965 "Other State Reimbursements - Other allowable state reimbursements not otherwise listed."

INSTRUCTIONS:
The following chart identifies the materials that should be added to the Family, Children, and Adult Services Manual (FCASM)

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<thead>
<tr>
<th>LOCATION</th>
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<tr>
<td>Procedure Letters</td>
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<td>FCASPL No. 194</td>
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</table>
This letter introduces the Adult Protective Services (APS) Screening Tool and Guidelines developed as a collaborative effort among the Ohio Department of Job and Family Services, county departments of job and family services, and agencies and professionals serving adult protective services throughout the state.

The tool and guidelines were developed in an effort to standardize the intake and screening processes as well as to assist APS staff in gathering sufficient and significant information to make screening decisions.

Intake screening is the entry point into the system, at which time a decision has to be made about an elder's safety. The information obtained from the referent is used to determine the necessity for APS staff to intervene, as well as the timeframe and nature of the response. These tools will be used to help develop consistency in screening practices across counties.

Although the tool and guidelines are not mandated, both are highly recommended to assist APS staff in making critical decisions about safety and services for vulnerable adults. Also included are key terms and definitions that are relevant to the screening tool and guidelines.

INSTRUCTIONS:
The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tr>
<td>SOCIAL SERVICES</td>
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<tr>
<td>Adult Services</td>
<td></td>
<td>Insert <a href="#">Adult Protective Services Tool and Guidelines</a></td>
</tr>
<tr>
<td>Transmittal</td>
<td></td>
<td>FCASMPM No. 193</td>
</tr>
</tbody>
</table>
This letter is to inform you that changes are being made to four JFS expenditure reports: JFS 04280, JFS 04280-I, JFS 04281 and JFS 04281-I. In addition, two of these reports, JFS 04280 and JFS 04280-I are being moved from the Office of Fiscal Administrative Procedures Manual (FAPM) to the Family, Children and Adult Services Manual (FCASM), effective March 31, 2010.

The following changes are proposed by the Office of Families and Children:

**JFS 04280** "Title IV-E Foster Care Expenditure Report" is being moved from the Office of Fiscal Administrative Procedures Manual (FAPM) to the Family, Children and Adult Services Manual (FCASM).

**JFS 04280-I** "Instructions for completing the Title IV-E Foster Care Expenditure Report" are being moved from the Office of Fiscal Administrative Procedures Manual (FAPM) to the Family, Children and Adult Services Manual (FCASM).

**JFS 04281** "Children Services Quarterly Statistical Report" now includes Part Five: In-Home Cases and the submittal process have been changed to QuIC+ system.

**JFS 04281-I** "Instructions for completing the Children Services Quarterly Statistical Report" has been reformatted to include an explanation for how to complete "Part Five: In-Home Cases," and the submittal process for submitting the forms.

**INSTRUCTIONS:**

The following chart identifies what materials should be removed from the Fiscal Administrative Procedures Manual (FAPM) and inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>Procedure Letters</td>
<td>FCASPL No. 192</td>
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</tbody>
</table>
Family, Children, and Adult Services Procedure Letter No. 191

January 29, 2010

TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Revisions to the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report"

This letter revises the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" to remove all references to the Ohio Adoption Photo Listing. The form now includes an N/A box in Section I for when the question is not applicable to private agencies. Since the form references information from the past two years, it was rewritten in the past tense.

Ohio Administrative Code rule 5101:2-33-11, "Multiethnic Placement Act (MEPA) agency administrative requirements," requires all Public Children Service Agencies and Private Child Placing Agencies to submit the JFS 01668 to the Department by March 1 of every even-numbered year. The next form is due on March 1st, 2010.

The JFS 01668 may be submitted via mail or electronically to the Ohio Department of Job and Family Services, Bureau of Child Welfare Monitoring, P.O. Box 182709, Columbus, OH 43218-2709. If you need assistance completing the form or have questions, please contact Douglas Oxenford at (614) 752-0298 or Douglas.Oxenford@jfs.ohio.gov.

INSTRUCTIONS:
The following chart identifies the material that needs to be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>Procedure Letters</td>
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</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Monthly Cut-off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and Title IV-E FACSIS Benefit Issuance (FBI)

The table below lists the cut-off dates for calendar year 2010 for submission of the JFS 01925 Title IV-E Foster Care Maintenance (FCM) Facility Invoice and for data entry within the SACWIS Interim System (SIS) and within the Family and Children Services Information System (FACSIS) for reimbursements and payment distributions issued through FACSIS Benefit Issuance (FBI):

<table>
<thead>
<tr>
<th>MONTH</th>
<th>JFS 01925</th>
<th>SIS</th>
<th>FACSIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY (February issuance)</td>
<td>01-15-10</td>
<td>01-19-10</td>
<td>01-20-10</td>
</tr>
<tr>
<td>FEBRUARY (March issuance)</td>
<td>02-12-10</td>
<td>02-16-10</td>
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<td>APRIL (May issuance)</td>
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<tr>
<td>MAY (June issuance)</td>
<td>05-14-10</td>
<td>05-18-10</td>
<td>05-19-10</td>
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<tr>
<td>JUNE (July issuance)</td>
<td>06-14-10</td>
<td>06-18-10</td>
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<tr>
<td>JULY (August issuance)</td>
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<tr>
<td>OCTOBER (November issuance)</td>
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<tr>
<td>NOVEMBER (December issuance)</td>
<td>11-15-10</td>
<td>11-17-10</td>
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<tr>
<td>DECEMBER (January issuance)</td>
<td>12-14-10</td>
<td>12-16-10</td>
<td>12-17-10</td>
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</tbody>
</table>

The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2:00 p.m. on the cut-off date to be processed for the following month's warrant. Please be advised that faxed copies of the JFS 01925 Title IV-E FCM Facility Invoice will not be accepted for processing.

The JFS 01925 Title IV-E FCM Facility Invoice should be mailed to the following address:

Ohio Department of Job and Family Services  
Office of Families and Children  
Bureau of Administration & Fiscal Accountability  
P.O. Box 182709  
Columbus, OH 43218-2709  
Attn: JFS 01925 Coordinator

As indicated in the chart, SIS users are reminded that data must be entered in SIS one business day prior to the FACSIS cut-off date.
INSTRUCTIONS:
The following chart identifies the materials that should be removed from the Family, Children, and Adult Services Manual (FCASM) and the materials that should be added.

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<tbody>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 190</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Kinship Permanency Incentive Revised Form JFS 01504

This form has been revised to remove the denial reason of "$3,500 maximum incentive payments has been met," as it no longer meets the requirement of the Ohio Administrative Code (OAC). OAC Rule 5101:2-40-04 was revised to state that the maximum incentive amount may not exceed six payments per child per placement or per kinship caregiver.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>FORMS</td>
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<td>TRANSMITTALS</td>
<td>Procedure Letters</td>
<td>FCASPL No. 189</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Obsolete FACSIS Forms.

This letter identifies forms that have been deemed no longer necessary, due to the statewide migration from the Family and Children's Service Information System (FACSIS) to the Statewide Automated Child Welfare Information System (SACWIS). The following forms have been made obsolete and should be removed from the Family, Children and Adult Services Manual:

- JFS 01622 "Client Registration"
- JFS 01622-I "Instructions for JFS 01622, Micro-FACSIS Private Agency Form (PCPA only) Client Registration"
- JFS 01627 "Custody & Substitute Care"
- JFS 01627-I "Instructions for JFS 01627, Micro-FACSIS Private Agency Form Custody and Substitute Care"
- JFS 01628 "Court Activities"
- JFS 01628-I "Instructions for JFS 01628, Court Activities"
- JFS 01629 "OAPL - Child Listing Activities"
- JFS 01629-I "Instructions for JFS 01629, Child Listing Activities"
- JFS 01638 "OARE - Sibling Group Activities"
- JFS 01657 "Resource Data General"
- JFS 01657-I "Instructions for JFS 01657, MicroFACSIS Private Agency Form General Resource"
- JFS 01660 "Guaranty Regarding Placing a Child Into the State of Ohio"

INSTRUCTIONS:

The following chart identifies the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM), and the materials that should be added.

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<tr>
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<td>Procedure Letters</td>
<td>FCASPL No. 188</td>
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</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Changes to the Juvenile Forms

This letter transmits revisions to Juvenile Court forms transferred from the Office of Fiscal and Monitoring Services to Families and Children Services. Additionally, JFS 01794, JFS 01794I and JFS 01795 are being moved from Fiscal Administrative Procedure Manual (FAPM) to the Families and Children Adult Services manual.

Rule 5101:9-7-21 of the Administrative Code has been rescinded and the information within this rule will be incorporated in the sub-grant agreement between courts, the counties and the Ohio Department of Job and Family Services. As of July 1, 2009, activities previously captured in the juvenile court random moment sample (JCRMS) time studies will be captured through provisions outlined in the sub-grant agreement.

The following changes are proposed by the Office of Families and Children:

**JFS 01794** "Juvenile Court Random Moment sample (JCRMS) Time Studies Results," has been reformatted, an expanded list of activities related to Title IV-E Juvenile Courts has been added.  
**JFS 01794I** "Instructions for Completing JFS01794," has been reformatted, an expanded list of activities related to Title IV-E Juvenile Courts has been added.  
**JFS 01797** "Social Services Random Moment Cost Allocation Quarterly Billing" has been reformatted, an expanded list of activities related to Title IV-E Juvenile Courts has been added, and the e-mail address to submit claims has been updated.

INSTRUCTIONS  
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).  

<table>
<thead>
<tr>
<th>LOCATION</th>
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<td>FCASPL No. 187</td>
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</table>
Family, Children, and Adult Services Procedure Letter No. 186

October 26, 2009

TO: Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Extension of agency adoption policy to February 1, 2010

Ohio Administrative Code (OAC) rule 5101:2-48-05 "Agency Adoption and Recruitment Plan," requires agencies to update their written policy to reflect new requirements contained in Chapter 5101:2-48 of the OAC and submit it to the Ohio Department of Job and Family Services (ODJFS) within 30 days following the policy change. Due to the amendments of various OAC rules, ODJFS is extending the due date for agencies to submit their adoption policies until February 1, 2010 to ensure amendments made to adoption policies are effective.

Please use this time to ensure your agency written policy is in compliance with the amended rules and resubmit your policies by February 1, 2010.

For questions regarding this Procedure Letter, please contact your Technical Assistance Specialist or your Licensing Specialist.

INSTRUCTIONS:

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

<table>
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<th>LOCATION</th>
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<td>Procedure Letters</td>
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<td>FCASPL No. 186</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Revision of the JFS 01691 "Application for Child Placement"

This letter transmits the revised JFS 01691 "Application for Child Placement." This form is completed by an applicant who is interested in fostering and/or adopting a child(ren).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBsolete</th>
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<tr>
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<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 185</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Modification of the JFS 01453 "Adoption Assistance Agreement"

ODJFS has been made aware that one or more public children services agencies (PCSAs) may be modifying the JFS 01453 by adding a provision that the adoption assistance payments are "subject to the availability of federal and state funds. Any reduction in federal or state financial participation will automatically reduce the adoption assistance payment in an equal amount." In addition, PCSAs may be modifying the JFS 01453 "Adoption Assistance Agreement" (rev. 10/2006) to require that the adoptive parent check-off that the parent agrees "that any reduction in federal or state funds will automatically reduce this amount in an equal manner." While we do not know whether any agency has attempted to use a county-modified form, we are sending this communication to ensure that all agencies discontinue any attempts at modifying the ODJFS-prescribed form.

A modification to the JFS 01453 would be a violation of Ohio Administrative Code (OAC) 5101:2-49-01 and 5101:2-4906, which require PCSAs to use the JFS 01453, which does not include these statements. The U.S. Department of Health and Human Services has indicated in its Child Welfare Policy Manual that any such statements in an adoption assistance agreement violate sections 473(a)(1)(B)(ii) and 473(a)(3) of the Social Security Act. For more information, see the following:


Ohio Revised Code Section 5101.141(B) specifies that ODJFS adopt rules to implement its authority as the single state agency to administer federal payments for Title IV-E adoption assistance. "A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules."

OAC Chapter 5101:2-49, the rule chapter that ODJFS adopted to implement the Title IV-E adoption assistance program, requires the specific use of the http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01453, which can be found at http://www.odjfs.state.oh.us/forms/inter.asp. Pursuant to 5101:2-49-06 paragraph (A), the JFS 01453 must be signed by both the adoptive parent(s) and the PCSA for each child receiving Title IV-E adoption assistance (AA) payments. The JFS 01453 is the prescribed form for receiving adoption assistance payments.

As required by federal law, any modification/amendment of the Title IV-E AA payment amount must be made with the concurrence of the adopting parents(s) based on changes in circumstances of the adopting parents and needs of the child. When the parties agree to a change in the AA payment amount, a modified/amended agreement shall be completed and signed by both the adoptive parent(s) and the PCSA. A copy shall be given to the adoptive parent(s), and a copy shall be retained by the PCSA.

The Office for Families and Children, Bureau of Child Welfare Monitoring, Child Protection Oversight and Evaluation (CPOE) section will be monitoring a sample of signed agreements to ensure that the prescribed JFS 01453 is being used and has not been modified. Please contact Darlene Dalton, Acting Section Chief, at 614-752-0656 if you have any questions.

INSTRUCTIONS:
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</tbody>
</table>
Family, Children, and Adult Services Procedure Letter No. 183

October 5, 2009

To: All Family, Children and Adult Services Manual Holders

From: Douglas E. Lumpkin, Director

Subject: Transition Plan for Children Aging Out of Foster Care

As you are aware, the passage of Public Law 110-351 known as the Fostering Connections to Success and Increasing Adoptions Act of 2008, authorized a number of changes to child welfare programs to benefit children and families. One of the requirements directed at helping youth plan for emancipation from foster care, requires the agency to develop a transition plan 90 days prior to the youth's emancipation. This letter provides guidance to Public Children Services Agencies (PCSAs) to assure compliance with federal law.

Recently, ODJFS revised Ohio Administrative Code (OAC) rules for independent living (5101:2-42-19, 5101:2-42-19.1 and 5101:2-42-19.2) to assure compliance with service reporting categories required by the National Youth Transition Data Base authorized by Public Law 106-109, the John H. Chafee Foster Care Independence Act. These rules become effective October 1, 2009 simultaneous with the SACWIS enhancements that will allow this data to be captured.

OAC 5101:2-42-19 provides guidance that a written independent living plan to help the youth achieve self-sufficiency shall be reviewed every 90 days until the agency's custody is terminated. In order to comply with the Fostering Connections Act, agencies should assure that the youth's final review occurs at least 90 days prior to his or her emancipation from the agency's custody to develop the self-sufficiency / emancipation plan. The plan must:

- Be youth driven and as detailed as the youth chooses.
- Address options for post emancipation services under the John Chafee Independent Living Program.
- Address key living areas such as options related to housing, health insurance, education, local mentorship, continuing support services, work force supports and employment services.
- Include a completed Medicaid application.

This self-sufficiency plan may be used to fulfill the requirements of OAC 5101:2-42-19.2; however, due to the change in federal law, a self-sufficiency / emancipation plan must be developed for each child 90 days prior to emancipation; and therefore it is no longer only developed in response to a youth initiated request.

INSTRUCTIONS:

The following chart depicts what materials should be inserted in the FCASM.

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<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 183</td>
</tr>
</tbody>
</table>
Family, Children, and Adult Services Procedure Letter No. 182

October 5, 2009

TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Ohio Adoption Photo Listing

As a result of Amended Substitute House Bill 1 of the 128th General Assembly, section 5103.154 of the Ohio Revised Code the Ohio Adoption Photo Listing (OAPL) has been eliminated. Public Children Services Agencies (PCSAs) are no longer required to submit OAPL information as outlined in OAC 5101:2-49-03 entitled Special Needs Criteria for Adoption Assistance. The language in the rule which requires children who are in the permanent custody of your agency to be listed on OAPL is in the process of being amended to remove this requirement.

Although the website will no longer post waiting children for you, the adoption page on the ODJFS website will refer anyone wanting to find a waiting child to your local agency in order to assist you in recruiting. The website will be revised to incorporate a link to all 88 county agency's specific adoption information. Please provide ODJFS with your agency's adoption contact information that you would like to appear on the website. At minimum, please provide your agency website address, a contact person, telephone number and an e-mail address. Please fax the contact information to 614-466-4359 attn: Deanna Robb or e-mail to Deanna.Robb@jfs.ohio.gov by October 15, 2009.

ODJFS is committed to assist all agencies in recruiting for a permanent home for Ohio's waiting children. As an alternative to OAPL PCSAs are strongly encouraged to utilize www.AdoptUsKids.org. AdoptUsKids provides free services to United States territories and tribes. It is a website on which children in foster care who are waiting for adoption can be photolisted, child welfare professionals and prospective foster and adoptive families can view them, and homestudied families can register and search for children to foster and/or adopt. Each county can be granted access to place a child on the photolisting by contacting Madonna Gray at Madonna.Gray@jfs.ohio.gov.

INSTRUCTIONS:
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASPL).

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<tbody>
<tr>
<td>TRANSMITTALS</td>
<td></td>
<td>FCASPL No. 182</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Extension of due date for agency adoption policy  

Ohio Administrative Code (OAC) rule 5101:2-48-05 "Agency Adoption and Recruitment Plan", requires agencies to update their written policy to reflect new requirements contained in Chapter 5101:2-48 of the Administrative Code and submit it to Ohio Department of Job and Family Services (ODJFS) within 30 days following the policy change. Due to the amendments of various OAC rules, ODJFS is extending the due date for agencies to submit their adoption policies until November 1, 2009.

Please use this time to ensure your agency written policy is in compliance with the amended rules and resubmit your policies by November 1, 2009.

For questions regarding this Procedure Letter, please contact your Technical Assistance Specialist or your Licensing Specialist.

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<tr>
<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 181</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director


This procedure letter provides guidance to Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs), and Private Noncustodial Agencies (PNAs) on the process of abuse and neglect searches described in the Family, Children, and Adult Services Procedure Letter (FCASPL) No. 103.

As a result of the passage of Substitute Senate Bill 163 of the 127th General Assembly, child abuse and neglect searches of the uniform statewide automated child welfare information system must be conducted prior to recertification of a foster home. This search is also required prior to an adoptive home update due to the alignment of the foster care and adoption rules pursuant to Substitute House Bill 7 of the 127th General Assembly. The following is the procedure for agencies to request the searches:

- The agency must provide the following information for each individual for whom a search is being requested:
  - Full name, including maiden or other names used.
  - Date of birth.
  - Social Security number.
  - Home address.

- The agency must confirm that verification of the date of birth and Social Security number is on file with the agency for each individual search request.

- The agency must identify the specific reason for each search (for example, prospective adoptive or foster parent.)

- The agency must provide the name(s) of the agency contact persons who are designated/approved to request Central Registry search results, including their contact information (address, phone number and e-mail, if applicable.) The agency must inform ODJFS of any changes/additions to that information as necessary.

- Agencies should submit 'batches' of requests on a regular, self-determined timeframe; e.g., every Monday. Agencies are discouraged from sending multiple individual search requests each week. Agencies must allow 45 days for search results. Searches cannot be processed on an emergency basis.

- Search requests cannot be submitted via telephone.

- ODJFS will conduct searches of the Host FACSIS database for each individual Central Registry search request from public and private agencies.

- ODJFS will conduct searches of the SACWIS database for each individual Central Registry search request from private agencies.

- The PCSA will be responsible for conducting searches of the SACWIS database for the individuals that require searches; e.g., prospective foster and/or adoptive applicants.

- ODJFS will return results letters for each search electronically to the contact person designated by the requesting agency. Results will be mailed to those agencies that do not have electronic capabilities.

- Results letters will advise agencies either that there is NO MATCH found for the individual's name in the Central Registry or SACWIS systems as an alleged perpetrator of a Substantiated or Indicated report of child abuse and/or neglect; or that a MATCH is found for the individual as an Alleged Perpetrator for a Substantiated or Indicated report of child abuse and/or neglect. Result letters shall be maintained in the family resource case file.

- Search Results will not be provided via telephone or fax.
Substitute Senate Bill 163 of the 127th General Assembly also requires the agencies to request a check of the child abuse and neglect registry of any other state in which a foster care or adoptive applicant or other adult living in the applicant's household has resided in the five years immediately prior to the application. If the applicant or other adult has resided in another state during that time period, we suggest that the recommending agency determine whether that state has a child abuse and neglect registry and, if so, contact that state to check its registry concerning that individual. Currently, there is no standardized way to make these requests. Those states that have a child abuse and neglect registry vary in their definitions, standards, and placement of names in their registry. The following website is a list of the Central Registries in various states. [http://ccld.ca.gov/res/word/AWStateContacts.doc](http://ccld.ca.gov/res/word/AWStateContacts.doc). The website is maintained by the state of California and is updated regularly.

Central Registry/SACWIS search requests must be sent electronically as an e-mail attachment to Barbara Parker at barbara.parker@jfs.ohio.gov. Agencies without electronic capabilities can mail search requests to Barbara Parker at Central Registry, ODJFS/OFC/BFS, PO Box 182709, Columbus, OH, 43218-2759.

If there are any questions regarding this Procedure Letter, you may contact the OCF Help Desk at 1-866-886-3537 option 4.

INSTRUCTIONS:

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 180</td>
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</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Continuation of the Kinship Permanency Incentive (KPI) program

Effective upon the emergency rule file date of Ohio Administrative Code rule 5101:2-40-04, Public Children Services Agencies shall issue payments to eligible kinship caregivers as follows:

   Kinship caregivers will be eligible for the incentive payments under the previous OAC rule 5101:2-40-04 requirements of $1,000 for an initial payment and $500 for subsequent payments for applications received prior to the emergency rule file date regardless of when the application was approved.

   Kinship caregivers will be eligible for the incentive payments under the emergency rule OAC 5101:2-40-04 requirements of $525 for an initial payment and $300 for subsequent payments for applications received and approved on or after the emergency rule file date.

The continuation of the KPI program is based on the availability of funds. In order to confine KPI expenditures to appropriated state funds, the Director of the Department of Job and Family Services, or designee, may issue an order at any time suspending the intake of any applications for KPI.

INSTRUCTIONS:

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>FCASPL No. 179</td>
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FCASPL 175 (JFS 02911 and I)

Family, Children, and Adult Services Procedure Letter No. 175
July 29, 2009

TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Changes To Foster Care Maintenance Single Cost Report Form (JFS 02911) And Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" and instructions JFS 02911-I which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2008 through June 30, 2009.

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. There are no modifications to the SFY 2009 form except to update the annual inflation factor.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. There are no conceptual modifications to the instructions; only minor clarification language was added where needed in order to facilitate understanding.

The JFS 02911 is intended to be used in an automated format.

When downloading the Microsoft Excel version of the JFS 02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

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LOCATION REMOVE AND FILE AS OBSOLETE

PROCEDURE LETTERS

FCASPL No. 175
TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Revision of JFS 01608 "Licensed Professional's Statement"

This letter transmits the revised JFS 01608 "Licensed Professional's Statement." This form should be completed and signed by the licensed professional prior to completing the JFS 01688 "Individualized Child Assessment".

**INSTRUCTIONS:**

The following chart depicts what materials are to be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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<td>(Rev. 1/2009)</td>
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<td>Procedure Letters</td>
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<td>FCASPL No. 174</td>
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</tbody>
</table>
FCASPL 173 (Adoption Assistance Decrease)

Family, Children, and Adult Services Procedure Letter No. 173

August 18, 2009

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Decrease in the State Participation of the Title IV-E Adoption Assistance Payment

In accordance with Amended Substitute House Bill 1 of the 128th General Assembly, the state is decreasing its participation in the Title IV-E Adoption Assistance (AA). The state will provide the non-federal match for AA payments at or below $240 per month per child, beginning with the September subsidy payments. County agencies will be responsible for providing the non-federal match amount for payments above $240.

The state's participation will automatically be decreased for any subsidy greater than $240 in Host-Family and Children Services Information System (FACSIS) or the Statewide Automated Child Welfare Information System (SACWIS). Public children services agencies (PCSA) will be required to provide the non-federal match for the amount greater than $240 and should refer to JFS 01453 "Adoption Assistance Agreement" to re-calculate their share if applicable.

As a reminder, per rule 5101:2-49-12 of the Ohio Administrative Code, the adoptive parent(s) and the PCSA may agree to modify/amend the payment amount or provision for services. As required by federal law, any modification/amendment of the Title IV-E AA payment amount must be made with the concurrence of the adopting parents(s) based on changes in circumstances of the adopting parents and needs of the child. When the parties agree to a change in the AA payment amount, a modified/amended agreement shall be completed and signed by both the adoptive parent(s) and the PCSA. A copy shall be given to the adoptive parent(s) and a copy shall be retained by the PCSA.

ODJFS encourages each PCSA to notify adoptive parents of the adjustments in the warrant or the electronic funds transfer (EFT) being paid by the state and the county.

INSTRUCTIONS:

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>FCASPL No. 173</td>
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This letter transmits information regarding the JFS 01693 "Ohio Law and Adoptions Materials." This form has been updated in the Family, Children and Adult Services Manual (FCASM).

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
FCASPL 170 (JFS 01392 is Obsolete)

Family, Children, and Adult Services Procedure Letter No. 170

July 15, 2009

TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: JFS 01392 Form

This letter transmits information making the JFS 01392 "Verification of First Aid Training" obsolete. The form should no longer be used and will not be stocked in the warehouse.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from and inserted into the Family, Children and Adult Services Manual (FCASM):

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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 170</td>
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This letter details the procedures previously outlined in rules 5101:2-47-24 and 5101:2-47-26.2 of the Administrative Code.

The Ohio Department of Job and Family Services (ODJFS) approved reimbursement ceiling amounts are based upon the participation of the provider in the ODJFS Title IV-E reimbursement ceiling amount approval system. ODJFS shall issue the cost report forms or appropriate software to the PCSAs, PCPAs and PNAs no later than thirty days following the end of the cost reporting period. If ODJFS delays the release of the cost report form then the deadline for the PCSA, PCPA, and PNA to file the cost report shall be extended accordingly and ODJFS shall notify the providers, in writing, of the new filing deadline.

The ODJFS Title IV-E reimbursement ceiling amount approval system consists of the following:

1. Annual submission of the JFS 02911 “Single Cost Report”.
2. The agreed upon procedures and supplements as outlined in rule 5101:2-47-26.2 of the Administrative Code substantiating the actual cost of care provided.

The JFS 02911 will only be accepted from and Title IV-E reimbursement ceiling amounts established for the following:

1. Purchased foster homes.
2. Private facilities.
3. Publicly-operated facilities with a licensed capacity of twenty-five or fewer.

ODJFS will review each JFS 02911 along with the agreed upon procedures reports and supplements and will make any necessary adjustments to the JFS 02911 prior to the establishment of the Title IV-E reimbursement ceiling amount.

ODJFS will complete a desk review in lieu of the agreed upon procedures outlined above for the following:

1. A PCSA, PCPA, or PNA new to the Title IV-E program.
2. An existing PCSA, PCPA, or PNA that has established a new Title IV-E service.

The desk review will provide reasonable assurance that reported costs are allowable, reasonable, related to foster care and presented fairly in accordance with Administrative Code rules. ODJFS will:

1. Notify the PCSA, PCPA, or PNA of any information on the cost report that requires further clarification and or documentation. Within fifteen days from receipt of notice the PCSA, PCPA, or PNA shall submit the supporting documentation requested by ODJFS and may submit any additional information that it believes supports the reported costs;
2. Notify each PCSA, PCPA, and PNA of whether any of its reported costs are unallowable and the rate that results from that determination;
3. Establish a Title IV-E rate for each PCSA, PCPA, or PNA that passes the desk review process. No Title IV-E rate will be established for any PCSA, PCPA, or PNA that does not pass the desk review process;
4. Issue a Title IV-E approval rate letter to each PCSA, PCPA, and PNA that has passed the desk review process. The rate letter will reflect the allowable Title IV-E maintenance rate, the allowable Title IV-E administration rate and the effective date of the rates.
The costs reported on the JFS 02911 that are eligible for Title IV-E reimbursement are identified and converted to Title IV-E reimbursement ceiling amounts. The Title IV-E reimbursement ceiling amounts yielded by the cost report are the maximum ODJFS will recognize for reimbursement.

An inflation adjustment factor based on the United States Department of Labor, Bureau of Labor Statistics, "Consumer Price Index-Urban Category-All Items," will be calculated each year and ODJFS will publish the inflation indices. The inflation factor adjusts the costs reported to take into account the rate of inflation.

Title IV-E reimbursement ceiling amounts established by the cost report shall become effective April first following the reporting period.

ODJFS will publish on its website an annual Title IV-E rate roster of each approved PCSA's, PCPA's, and PNA's Title IV-E reimbursement ceiling amount.

ODJFS will conduct an annual "Agreed Upon Procedures" engagement for each Title IV-E agency that submits a cost report by September thirtieth of each year. ODJFS shall consider the results of the annual "Agreed Upon Procedures" performed and supplemental schedules when determining the Title IV-E reimbursement ceiling amount.

ODJFS will conduct quality assurance reviews of the "Agreed Upon Procedures" submitted by a PCPA or PNA to assure compliance with rule 5101:2-47-26.2 of the Administrative Code and its appendix. The reviews of the "Agreed Upon Procedures" engagements will be selected at the discretion of ODJFS. "Agreed Upon Procedures" engagements will be rejected if they fail the review process or if certified public accountants fail to make provisions for the working paper review. ODJFS will notify the agencies of any non-compliance found during the quality assurance reviews. ODJFS is not limited in its determination to perform additional audit work in an agency from information arising out of such quality assurance reviews.

**INSTRUCTIONS:**

The following chart depicts what materials should be inserted into the Family, Children, and Adult Services Manual (FCASM).

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FCASPL 168 (Removal of the JFS 01685)

Family, Children, and Adult Services Procedure Letter No. 168

June 19, 2009

TO: All Family, Children, and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Removal of the JFS 01685 "Child Study Inventory (CSI) Facesheet"

This letter transmits the removal of the JFS 01685 "Child Study Inventory (CSI) Facesheet." The form is a duplication of the JFS 01667 "Adoption Information Disclosure" form, therefore it is being made obsolete.

INSTRUCTIONS:

The following chart depicts what materials should be removed from the Family, Children and Adult Services Manual (FCASM).

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<td>Procedure Letters</td>
<td>FCASPL No. 168</td>
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</tbody>
</table>
Family, Children, and Adult Services Procedure Letter No. 167

June 10, 2009

To: All Family, Children and Adult Services Manual Users

From: Douglas E. Lumpkin, Director

Subject: Interstate Compact on the Placement of Children (ICPC) Forms

This letter transmits information regarding the following forms:

- **JFS 01661** "Interstate Compact Placement Request (ICPC 100-A)"
- **JFS 01661-I** "Instructions for Completing Form JFS 01661 Interstate Compact Request"
- **JFS 01662** "Interstate Compact Report on Child's Placement Status (ICPC 100B)"
- **JFS 01640** "Interstate Compact on the Placement of Children (ICPC) Transmittal"
- **JFS 02424** "ICPC Placement Financial Information"

These forms have been updated to reflect current responsibilities required by rule changes to 5101:2-52-04 and 5101:2-52-06 of the Administrative Code, as they pertain to the ICPC decentralization process.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the FCASM and what materials are to be inserted in the FCASM.

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<td>Procedure Letters</td>
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</tbody>
</table>
FCASPL 166 (Adoption Recruitment Plan Deadline)

Family, Children, and Adult Services Procedure Letter No. 166

April 29, 2009

TO: Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Extension of due date for foster care and adoption recruitment plan

Due to the amendments made to OAC 5101:2-48-05 entitled Agency adoption policy and recruitment plan, the Ohio Department of Job and Family Services is extending the due date for this fiscal year's adoption recruitment plan from May 1, 2009 to June 1, 2009. This will allow PCSAs, PCPAs, and PNAs time to incorporate the required information as specified in the amended rule which is effective on May 15, 2009.

If you have already submitted your agency's foster care and adoption recruitment plan, please use this time to ensure the plan's compliance with the amended rule and resubmit your plan if necessary.

For questions regarding this Procedure Letter, please contact your technical assistance specialist or your licensing specialist.

INSTRUCTIONS:

The following chart depicts what materials should be inserted in the Family, Children and Adult Services Manual.

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Family, Children, and Adult Services Procedure Letter No. 165

April 16, 2009

TO: Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: Statewide Automated Child Welfare Information System (SACWIS) Private Agency Provider Data Form

This letter transmits revisions to the SACWIS Agency Provider Data form as well as several forms which will now be made obsolete.

The JFS 01318 "SACWIS Private Agency Provider Data" and the corresponding instructions (JFS 01318-I) have been revised. All old copies of this form should no longer be used. The JFS 01318 has been amended to include the RAPBACK Transaction Code, BCII & FBI record check fields. In addition, the following transaction codes have been removed:

04-Recertification of Foster Home Provider;
05-Initial Approval of Adoption Provider;
06- Transfer Foster Home Provider;
07-Change in Circumstance;
08-Close;
09-Change from one type of Foster Care to another;
10-Denial of Certification;
11-Revocation of Certification

The following transaction codes have been added to the form:

01-Create New Foster Home Provider
02-Create New Adoptive Home Provider
03-Create New Foster & Adoptive Home Provider
04-Update of Adoption Provider
05-RAPBACK - Required Information (R)

The JFS 01318 instructions have been updated to reflect these changes to the form and provide more specific instructions on RAPBACK requirements.

The following forms will be made obsolete:

1) JFS 01633 (and instructions)- Micro-FACSIS Private Agency Form (PCPA and PNA)
   OAPL Family Listing Activities
2) JFS 01639 (and instructions)- Micro-FACSIS Private Agency Form (PCPA and PNA)
   Own Home Foster Home - Resource 01
3) JFS 01648 (and instructions)- Micro-FACSIS Private Agency Form (PCPA and PNA)
   Own Agency Adoptive Home - Resource 40

INSTRUCTIONS:

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The American Recovery and Reinvestment Act of 2009 will increase federal reimbursement to Ohio's custodial agencies for children determined to be Title IV-E foster care maintenance eligible and reimbursable. The increased federal funds will provide a cost savings of local county funds which can be used for other child welfare purposes. Additionally, the Act will increase the federal reimbursement to Ohio's custodial agencies and to the Ohio Department of Job and Family Services for children determined to be Title IV-E adoption assistance eligible. The increased federal share will provide a cost savings of local county funds and State GRF used to support the adoption assistance program.

For both Title IV-E foster care maintenance and Title IV-E adoption assistance, the American Recovery and Reinvestment Act of 2009 increased federal funding by increasing the percentage of reimbursement by 6.2% for Title IV-E eligible youth in foster care and adoption. This increase raises the federal reimbursement percentage for these populations from 62.14% to 68.34% for the period of October 1, 2008 through December 31, 2010.

The Office for Children and Families (OCF) has already updated the FACSIS and SACWIS systems in order to accommodate the increased federal reimbursement percentage for warrants issued for foster care maintenance and adoption assistance service periods beginning May 1, 2009 and thereafter. County local share payments to adoptive providers should be calculated using the 68.34% FMAP beginning May 1, 2009 and thereafter. SACWIS generated local share payments for May 2009 and forward will be calculated using the 68.34% FMAP. No action is required by county users.

However, to accommodate the increased federal reimbursement due for foster care maintenance and adoption assistance for service periods October 1, 2008 through April 30, 2009, OCF is preparing the following with regard to foster care maintenance and adoption assistance:

**Foster Care Maintenance**

- **FACSIS:** OCF staff will pull all payments/reimbursements for service periods October 1, 2008 through April 30, 2009, and calculate the correct federal reimbursement which should have been issued at 68.34%, then subtract the federal reimbursement that was issued at 62.14%, and send out a warrant for the calculated difference.
- **SACWIS:** OCF staff will pull all payments/reimbursements for service periods October 1, 2008 through April 30, 2009, and calculate the correct federal reimbursement which should have been issued at 68.34%, then subtract the federal reimbursement that was issued at 62.14%, and send out a warrant for the calculated difference. OCF SACWIS staff and MIS staff will create a defect and complete data fixes for current reimbursement data issued at 62.14% for service periods October 1, 2008 through April 30, 2009, so the system shows reimbursement at the increased percentage of 68.34%.
- **ProtectOhio Waiver Counties:** As ProtectOhio waiver counties cannot obtain the increased federal reimbursement percentage through normal billing processes, OCF has submitted a letter to DHHS/ACF seeking approval to increase the calculated FFY 2009 capitation payments by the 6.2% increase in the federal reimbursement percentage. If approved, OCF will submit a check equal to the increase for the seven month period October 1, 2008 through April 30, 2009 to all counties. For May 2009 through September 2009, each monthly payment will be increased to reflect one fifth of the remaining increase balance.
Adoption Assistance

- **FACSIS:** OCF staff will pull all payments/reimbursements for service periods October 1, 2008 through April 30, 2009, and recalculate the correct state and local shares based on the increased percentage of 68.34%. We will send out warrants to reimburse the counties (local share) based on the increased federal share.

- **SACWIS:** There will be no data fix. SACWIS staff and MIS staff will pull all payments/reimbursements for service periods October 1, 2008 through April 30, 2009, and recalculate the correct state and local shares based on the increased percentage of 68.34%. We will send out warrants to reimburse the counties (local share) based on the increased federal share.

For all non-ProtectOhio Waiver counties, the calculations above will be totaled and one warrant will be generated. For ProtectOhio Waiver counties, one warrant will be generated for the retroactive period for the increased capitation payment and an additional warrant will be issued for the federal increase in adoption assistance. OCF is currently working to finalize the additional federal reimbursement due to the counties. Once the calculations are completed, a subsequent procedure letter will be issued with the date the warrants will be disbursed.

**INSTRUCTIONS:**

The following chart depicts what materials should be inserted into the Family, Children, and Adult Services Manual (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 164</td>
<td></td>
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</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2009 Federal Poverty Guidelines (published in the Federal Register, Vol. 74, No. 14, January 23, 2009, pp. 4199-4201) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
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<tr>
<td>3</td>
<td>$54,930</td>
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<td>7</td>
<td>$99,810</td>
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<tr>
<td>8</td>
<td>$111,030</td>
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<tr>
<td>For each additional person add</td>
<td>$11,220</td>
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INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 139</td>
<td>FCASPL No. 163</td>
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</table>
FCASPL 162 (ICWA)

Family, Children, and Adult Services Procedure Letter No. 162

March 16, 2009

To: All Family, Children and Adult Services Manual Holders

From: Douglas E. Lumpkin, Director

Subject: Background Information and Contacts for Implementing Provisions of the Indian Child Welfare Act

This letter provides guidance to Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) to assure that protections under the Indian Child Welfare Act (ICWA) are provided to American Indian and Native Alaskan children and their families who are members of, or eligible for membership in federally recognized tribes. The information in this procedure letter should serve as a supplement to Ohio Administrative Code rules 5101:2-53-01 through 5101:2-53-08 which provide direction to agencies in implementing requirements of the Act.

While all caseworkers should be familiar with the rules and procedure letter to assure protections are provided to the children and families with whom the agency is involved, all agencies should have a designated person who can serve as a central point of contact for periodic updates and information sharing related to ICWA.

The first part of this guidance letter has been organized into a question and response format to help provide a context for Ohio's child welfare caseworkers to better understand why ICWA is relevant to their work with families. The second part outlines court procedural requirements to help agencies prepare for different types of hearings. And, finally the last section provides caseworkers with resources for additional information.

I. ICWA Information for Ohio’s Child Welfare Caseworkers

Why are there specific protections for American Indian or Native Alaskan children and families who are members of or eligible for membership in federally recognized tribes?

Federally recognized tribes are dependent sovereign nations that have certain rights to self-governance. In the colonization of America, numerous treaties and agreements were developed between the United States (U.S.) government and Native American Tribal governments. The Indian Child Welfare Act (ICWA), passed in 1978, is only one of several pieces of legislation enacted over the course of many years to honor these treaties and agreements. The "trust responsibility" or obligation of the U.S. government to protect the interests, safety, and well-being of the tribes and individual Indians, is based on the doctrine of Indian sovereign nationality. The U.S. Department of the Interior, Bureau of Indian Affairs (BIA) is the federal agency for overseeing this trust responsibility.

Why are these same protections not afforded to individuals from other cultures or ethnic groups?

The considerations required by ICWA and other pieces of legislation to protect American Indians or native Alaskans are based on tribal sovereignty and the jurisdiction that tribes have as governments interfacing with the U.S. government.

Are all individuals having American Indian or Native Alaskan heritage afforded protections under ICWA?

No. ICWA protections only apply to children born to a parent who is a member of, or eligible for membership in a federally recognized tribe, and their biological parents whether or not both parents have Indian ancestry.

Is there a certain percentage of American Indian ancestry that a child and his or her parents must have in order to be considered eligible for membership in a federally recognized tribe?

The criterion for tribal membership differs from one tribe to another. Many tribes have adopted the current BIA standard of one-quarter blood quantum; however, some tribes are considering adopting more liberal blood quantum requirements. Some tribes include a person as a member if he or she descended from a tribal member who was listed on the tribal rolls as of a specific date. A tribe can also change a prior determination of ineligibility and accept an individual for enrollment. In order to determine a particular tribe's criteria, and the family's eligibility for membership in that tribe, it is necessary to contact that tribe directly.
Why should Ohio agencies be concerned about compliance with ICWA when there are no federally recognized tribes having reservations in Ohio?

The majority of Indians in the U.S. reside off reservation. Although Ohio wasn't a designated area for the U.S. government relocation efforts, as of the last census (Census 2000) Ohio had 24,486 individuals who self-identified as American Indian. Tribal enrollment numbers are tied to the tribe, not the current location of its members.

What types of cases are subject to ICWA?

ICWA applies to all child custody proceedings including foster care placements, termination of parental rights, pre-adoptive placements, and adoptive placements. A placement that meets the definition of foster care placement and results from an act that would not be deemed a crime if committed by an adult such as a status offense, is a child custody proceeding under ICWA. A child custody placement pursuant to a divorce where someone other than one of the parents will obtain custody of the child is also a child custody proceeding under ICWA. Voluntary surrenders initiated by the parents are also considered child custody proceedings.

Are voluntary surrenders for the purposes of adoption subject to ICWA?

Yes. There are a number of considerations related to voluntary surrenders involving Indian children protected under ICWA. ICWA requires consideration of the state's adoption laws, as well as ICWA. The law affording the most protection to the Indian child and his or her parents would be followed. Under ICWA, a birth parent entering into a voluntary surrender agreement has the right to withdraw that consent within two years, when fraud has been involved or the surrender was entered into under duress. Furthermore, it could be argued that a birth parent did not have the ability to enter into a voluntary consent agreement if the Indian tribe has exclusive jurisdiction over the child.

A court may be ruled as being without jurisdiction to enter into an adoption decree. If a child's adoption disrupts, ICWA also provides for notice to the birth parent for reconsideration. ICWA provides preferences for the adoption of Indian children. Those preferences include: extended family, other members of the tribe, other Indian families including single parents, and the tribe's order of preference. Unless a consenting parent expresses a desire for anonymity, the court or agency is required to notify the child's extended family and tribe that they will be given preference in the adoption decision. Diligent search to apply preferences includes at a minimum: contact with the tribe's social services program, a search of available Indian homes and contact with nationally known Indian programs with available placement resources. If the parent desires their identity to be protected, the agency is required to seek assistance from the Bureau of Indian Affair in assuring that the child is able to establish his or her rights to membership in a federally recognized tribe while protecting the identity of the parent.

If ICWA primarily provides protections related to child custody proceedings, why should staff other than those involved with making placements be knowledgeable regarding ICWA requirements?

PCSAs must document their "active efforts" to prevent the breakup of the family. Active efforts include but are not limited to actions taken when PCSAs first become involved with the family. Active efforts can only be employed if the PCSA is aware of the family's membership or eligibility for membership in a federally recognized tribe upon the agency's initial involvement with the family. Therefore, it is critical that agency staff involved in the intake process, as well as, staff involved in providing ongoing in-home services is knowledgeable of ICWA requirements.

What are active efforts?

While active efforts might be viewed as similar in some respect to reasonable efforts to prevent placement and reunify the family, active efforts are more specific to tribal governance. Active efforts begin with the diligence agencies use in determining eligibility for tribal membership and assuring all potential parties to the case are notified to permit their active involvement. Active efforts continue throughout the life of the case, including the agency's efforts to work with the family and tribe to prevent the child's removal from the home, and provide services to remediate conditions that could result in the child's removal. Active efforts also apply to reunification efforts, as well as, adherence to placement preferences required under ICWA.
What information is important to obtain from a family in order to verify eligibility for membership in a federally recognized tribe?

When the PCSA becomes involved with a family who is the subject of a report of abuse, neglect or dependency, it is critical that the agency as part of the family's assessment, inquire whether the child or family members have American Indian or Native Alaskan ancestry. If the family does, the agency should attempt to obtain additional information regarding the specific tribe or band, and / or the region from which the family's tribe or band originated or was relocated. This may assist the agency in determining the right office to contact, since contact information or tribes is organized by the Bureau of Indian Affairs, first according to the region, and then by tribe name. As an example, the Chippewa have several bands originating in different states / regions. The Minnesota Chippewa Tribe includes the following Bands of Chippewa Indians: White Earth, Leech Lake, Fond du Lac, Bois Forte (Nett Lake), Grand Portage and the Millie Lac Band. Michigan is home to L'Anse and Ontonagon Bands of Chippewa Indians, among a number of others. The Bad River Band of Lake Superior Chippewa Indians, as well as other bands are based in Wisconsin.

Using a genogram or other tool to identify the names and relationships of extended family members is also helpful since some tribes automatically include a person as a member if he or she descended from a tribal member who was listed on the tribal rolls as of a specific date.

If the family is able to identify a tribal affiliation, how can I determine whether the tribe is federally recognized?

The Secretary of the Interior periodically publishes a list of federally recognized tribes. There are currently 562 federally recognized American Indian tribes and Alaska Natives in the U.S as listed by the most recent federal register dated April 4, 2008. This list which is alphabetized according to the federally recognized name of the tribe can be accessed online at the following website. (Bad River Band of Lake Superior Chippewa Indians for example would be alphabetized under Bad River rather than Chippewa.)


The Office of Federal Acknowledgement, Bureau of Indian Affairs in Washington, D.C., keeps a list of other non-federally acknowledged tribes which have filed a petition or letter of intent to become federally recognized. This list can be accessed online at the following website:

http://www.doi.gov/bia/ofa.html

In addition, the Assistant Secretary's Office of the Bureau of Indian Affairs in Washington, D.C. also keeps information on Congressional action that may reaffirm or restore the government to government relationship between a tribe and the U.S. government whose relationship was previously terminated. The address is at the back of this guidance letter.

How do I know where to send the notice or inquiry regarding the family’s eligibility for membership in a federally recognized tribe?

The Bureau of Indian Affairs publishes a directory of tribal leaders and BIA area representatives that can be accessed online at the website below. The directory organizes the contact information first based on BIA region, and then alphabetically according to the federally recognized name of the tribe. The latter part of the directory references the tribal entities by state. When a tribe is known, the notice or inquiry should be sent to the tribal leader of the specific tribe. The directory can be accessed online at the following website:


What if the family member or other resource shares that the family has American Indian ancestry but is unable to identify a specific tribal affiliation?

In accordance with the requirements of ICWA, the agency is required to proceed as if the family has protections afforded to it by ICWA until it is officially notified by the Bureau of Indian Affairs or the tribe in question that the child and family are not eligible for membership. The agency would send the inquiry to the BIA regional office in Minnesota via registered mail, return receipt requested. In addition, another response center specific to child welfare issues is being established in Albuquerque, New Mexico. Contact information for both have been included on the back of this guidance letter.

II. Court Procedural Requirements for ICWA Compliance
ICWA requires the court to assure that the rights of Indian children, adults and tribes are protected. At each hearing, from the initial Protective Hearing to, if applicable, the Adoption Hearing, the court is required by ICWA to make specific inquiries and decisions, and issue written findings. These considerations are largely based on the efforts of the PCSA and the documentation it submits to court. Therefore, it is critical that the agency understand the issues the court must consider at each hearing so it can assure that it has met all of its responsibilities in accordance with ICWA. The Indian Child Welfare Act Checklists for Juvenile and Family Court Judges published by the National Council of Juvenile and Family Court Judges, June 2003 identifies court hearing requirements. Information on the hearing requirements is provided below to assist the PCSA in its efforts in preparing for court at each stage.

A. Protective Hearing

The PCSA must file a sworn petition or complaint with the court at or prior to the time of the preliminary protective hearing which describes all circumstances of the child's removal, any allegations of abuse or neglect, and all efforts made to try to ensure safety and prevent the need for removal.

In accordance with OAC 5101:2-53-03, "Determination of Indian Status, Tribal Eligibility and Membership," the agency must bring to the court verification of the child's heritage or documentation of all efforts to secure verification of the child's heritage. If eligibility for membership in a federally recognized tribe has been established, in accordance with OAC 5101:2-53-06, "Involuntary Custody of Indian Children," the agency must provide the court with documentation of its efforts to notify the required parties of their rights, or if eligibility has not been established, verification that the agency has notified the Bureau of Indian Affairs and the U.S. Secretary of the Interior. All parties must be notified via registered mail, return receipt requested. The agency must also document its efforts to enable the court to consider issues and make written findings identified below.

Key issues the court must consider during the protective hearing include:

1. Whether the child is an Indian child as defined by ICWA;
2. Whether the child was in the custody of an Indian custodian prior to the hearing;
3. Whether the child resides on or is domiciled on a reservation, or whether the child is already a ward of a tribal court, depriving the court of jurisdiction (If the child resides on or is domiciled on a reservation, but is temporarily off the reservation, the court may order an emergency removal from the parent or Indian custodian to prevent imminent physical harm to the child.);
4. Whether the agency mailed proper notice to the child's putative father, including a father who has acknowledged paternity, even if not legally established;
5. Whether the agency provided proper notice and inquiry to all tribes in which the child may be eligible for membership, including a family chart or genogram to facilitate the tribe's membership determination; or whether the agency provided written notice to the U.S. Secretary of the Interior if the child's tribe is not known at this time;
6. What efforts the agency has made to identify extended family or other tribal members or Indian families for placement of the child (including whether the agency attempted to create a family chart or genogram, and solicited assistance from neighbors, family or members of the Indian community who may be able to offer information); and
7. Whether the parent is able to read and/or understand English and if not, what efforts have been made to ensure that the parent understands the proceedings and any action the court will order.

Key decisions the court must make:

1. Whether the agency made active efforts to identify responsible extended family or other tribal members or Indian families to serve as a placement for the child, if necessary;
2. Whether the agency in assessing the appropriateness of a placement with an individual who meets the placement preferences of ICWA or the tribe, relied upon the social and cultural standards of the Indian community in which the parent or extended family reside, or with which the parent or extended family maintain social and cultural ties;
3. What additional efforts need to be made to ensure the child is placed with extended family or within his/her tribal community;
4. What culturally relevant services will allow the child to remain at home;
5. Whether parties will voluntarily agree to participate in services;
6. Whether restraining orders or orders expelling an allegedly abusive parent from the home are appropriate or necessary;
7. Whether orders are needed for examinations, evaluations, or other immediate services; and
8. What are the terms and conditions of visitation by parents or Indian custodian.

Required notice and advice of rights:
As part of its requirements under ICWA, the court must ensure that the agency sends (via registered mail, return receipt) notice of the next scheduled hearing and a copy of the petition and advice of rights under ICWA, to the following parties if not at the hearing:
1. The child's parent;
2. The Indian custodian; and
3. The child's tribe.

Key written findings the court must make at the protective hearing include:
1. Whether, at the time of removal, the child was already a ward of a tribal court (if known) thereby depriving the state court of jurisdiction;
2. Whether, at the time of removal, the child was in the custody of an Indian custodian;
3. Whether active efforts were made prior to removal, to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and whether the efforts were successful;
4. Whether there was clear and convincing evidence, including testimony of a qualified expert witness that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; and
5. Whether the parent, Indian custodian, or child's tribe requested an additional 20 days to prepare for the hearing.

If the child is placed in substitute care, the court also needs to do the following:
1. Specify why continuation of the child in the home would be contrary to the child's welfare;
2. Specify whether the child is to be placed in a home that meets the priority requirements of ICWA, or if the child is not to be placed according to the priority requirements, to specify whether:
   a. The child's tribe issued a resolution establishing a different order of preference and the placement is the least restrictive setting appropriate to the particular needs of the child; or
   b. There is good cause not to follow the placement preferences;
3. Order the agency to make ongoing, diligent searches to locate placement that meet the preferences established within ICWA;
4. Specify the terms of visitation with the parent(s), Indian custodian, and extended family; and
5. Order the agency to arrange for the child to visit with other tribal members if no extended family is available and to coordinate with the child's tribe to arrange for the child to attend significant cultural and familial events.

B. Adjudication Hearing
In addition to items considered at the protective hearing, the court must make additional decisions and issue written findings of fact and conclusions of law. Those requiring additional information from the PCSA are included below:
Key decisions the court must make:

1. Which allegations of the petition have been proved or admitted;
2. Whether there is a legal basis for continued court and agency intervention; and
3. Whether the agency made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the family (and if so, whether these efforts were successful).

Additional temporary decisions which the court may make if the disposition hearing will not occur within a short time after the adjudication hearing:

1. Where the child is to be placed prior to the disposition hearing;
2. Whether to order further testing or evaluation of the child, parent(s), or Indian custodian in preparation for the disposition hearing and ensure that all assessments or evaluations are culturally appropriate;
3. Assure that the agency is, in preparation for disposition, making prompt and diligent efforts to identify and evaluate the caretaker, extended family, or if no family member is available, other tribal members or other Indian families;
4. Order the alleged perpetrator to stay out of the family home and have no contact with the child;
5. Direct the agency to continue its efforts to notify non-custodial parents, including unwed fathers whose paternity has been acknowledged or established; and/or
6. Set terms for visitation, support, and other intra-family communication including parent-child and sibling visits when the child is in foster care prior to disposition.

Written findings of fact and conclusions of law must specify:

1. Whether the child is an Indian child under ICWA (or if not known, whether the child's tribe has been provided adequate notice, sufficient information, and an opportunity to determine the child's eligibility for membership);
2. What efforts, if any, have been made to identify the child's tribe;
3. Whether the agency has mailed notice and necessary information to all tribes in which the child may be eligible for membership to enable each tribe to ascertain whether the child is a member or eligible for membership;
4. Whether written notice was sent to the U.S. Secretary of the Interior if the child's tribe is not yet known;
5. Whether the child either resides on or is domiciled on a reservation, or is already a ward of a tribal court, thereby depriving the state court jurisdiction;
6. Whether the child was in the custody of an Indian custodian at the time of removal;
7. Whether the agency mailed notice of the hearing and a copy of the petition and advice of rights to the Indian custodian, registered mail, return receipt;
8. Whether the agency mailed notice of the hearing and a copy of the petition and advice of rights to the child's Indian tribe, if known, by registered mail, return receipt;
9. Whether the child's tribe seeks to intervene in the proceedings, and if so grant that request. (If the child is eligible for membership in more than one tribe, the court must ascertain which tribe is the child's tribe for purposes of ICWA);
10. Whether the child's Indian custodian, if there is one, seeks to intervene in the proceedings and, if so grant that request;
11. Whether the child's tribe, parent, or Indian custodian requested an additional 20 days in which to prepare for the hearing, grant that request and reschedule the hearing;
12. Whether a parent, Indian custodian, or the child's tribe has filed a motion or petition to transfer the case to tribal court;
13. If the court declines to transfer the case, whether either parent vetoed the transfer, the tribal court declined to accept jurisdiction, or the reasons, if any, why there is good cause not to transfer the case to the tribal court;

14. Whether the court advised the parent(s) or Indian custodian that they have a right to a court-appointed attorney if they are indigent;

15. Sufficiently detailed information to justify why the court found by clear and convincing evidence including testimony from an expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child;

16. Sufficiently detailed information to justify agency and court choices for treatment and services;

17. How the court's findings relate to subsequent case planning (written in easily understandable language);

18. Whether the parent can read English and, if not, what steps will be taken to ensure that the parent understands the court's written order; and

19. The date and time of the next hearing.

C. Disposition Hearing

In preparation for this hearing, the agency is responsible for submitting a predisposition report to the court. Key items the agency needs to include for the court's consideration are:

1. A statement of family changes needed to correct the problems necessitating agency intervention, with timetables for accomplishing them;

2. A description of services to be provided to assist the family, including those that the tribe or an Indian organization may offer and make available;

3. A description of services to be provided to ensure the child's ongoing connection to his/her culture, including attendance at significant cultural events, while placed outside of his/her family; and

4. A description of actions to be taken by parents(s) or Indian custodian to correct the identified problems and any steps the parent or Indian custodian has taken thus far.

Foster Placement Affidavit

When the agency recommends foster placement, an affidavit documenting active efforts must be submitted. Key elements of the affidavit include:

1. A description of the active efforts made by the agency to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and an explanation why these efforts were unsuccessful;

2. A description of the efforts made to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation if the services were unsuccessful;

3. An explanation of why the child cannot be protected from the identified problems in the home even if services are provided to the child and family;

4. An explanation of the active efforts made to contact the child's tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families about providing an appropriate placement for the child;

5. A description of arrangements made by the agency to ensure visitation with extended family, or if there is not family in the area, with other tribal members, to support the child's cultural connections; and

6. A description of the agency's plan to coordinate with the child's tribe and family to identify significant cultural and important familial events and arrange for the child's attendance.

Key decisions the court must make:
1. Whether the agency's proposed case plan addresses the needs of the child and the parent(s) or Indian custodian;
2. Whether the parent is able to read the proposed case plan and, if not, the effort that will be made to ensure that the parent fully understands the requirements of the plan;
3. Whether it is necessary to remove the child from his or her home to prevent serious emotional or physical damage; and
4. Where the child should be placed.

Written findings of fact and conclusions of law must:
1. Determine the legal disposition of the case, including the custody of the child, based upon the statutory options provided under federal law unless state law provides a higher degree of protection, or unless there is a governing state-tribal agreement;
2. State the long-term plan for the child;
3. Identify the active efforts that have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian child's family;
4. Specify that there is clear and convincing evidence that continued custody of the child by the parent (or Indian custodian) would likely result in serious emotional or physical damage to the child;
5. Specify whether the child was placed within the placement preferences under ICWA, and if not, whether the child's tribe issued a resolution establishing a different order of preference, as long as the placement is the least restrictive setting appropriate to the particular needs of the child;
6. Specify whether the agency relied upon the social and cultural standards of the Indian community in which the parent or extended family reside or with which the parent or extended family maintain social and cultural ties when the agency determined whether an individual is an appropriate placement for the child;
7. If the child's tribe did not issue a resolution indicating a different order of preference for the placement of the child, specify the reasons why there is good cause to deviate from the placement preferences;
8. If there is not good cause to deviate from the placement preferences, and there is no tribal resolution re-ordering the placement preferences, order the agency to move the child to a home that complies with the placement preferences;
9. If placement or services are ordered that were not agreed upon by the parties, specify the evidence or legal basis upon which the order is made;
10. If applicable, specify why continuation of the child in the home would be contrary to the child's welfare; and
11. If the state's case plan conflicts with or does not meet the requirements of ICWA, disapprove or modify the agency's proposed case plan.

D. Review Hearing
At the Review Hearing, the agency is required to submit a report that contains the following information:
1. A statement of family changes needed to correct the problems necessitating intervention, with timetables for accomplishing them;
2. A description of services to be provided to assist the family, specifically identifying those made available with assistance from the tribe or an Indian organization;
3. A description of services to be provided to ensure the child's ongoing connection to his/her culture while placed outside of his/her family, including attendance at significant cultural events; and
4. A description of actions to be taken by the parents to correct the identified problems, and of the parents' compliance with the case plan thus far.

Affidavit Documenting Active Efforts
When the agency recommends continued foster placement, the agency must submit an affidavit to the court which contains the following information:

1. A description of active efforts to reunify the family since the last disposition or review hearing and if those efforts were not successful, an explanation regarding why;
2. A description of active efforts to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation why these services were unsuccessful;
3. An explanation of why the child cannot be protected from serious emotional or physical harm if the child remains in the home even if services are provided to the child and family;
4. An explanation of the diligent efforts made to contact the child's extended family about providing a placement for the child or, if family members are not known, diligent efforts made to contact the child's tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement;
5. Efforts made by the agency to ensure the child's visitation with extended family, or, if none is available, with other tribal members, to ensure the child's ongoing participation in his/her culture; and
6. Efforts made by the agency to coordinate with the child's tribe and family to make arrangements for the child to attend significant cultural and important familial events.

Key decisions the court must make:

1. Whether there is a need for continued placement of the child;
2. Whether active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and, if so, whether the services were successful;
3. Whether efforts were made to ensure that the parent understands the case plan if the parent does not read English;
4. Whether the court-approved, long-term permanent plan for the child remains the best plan for the child;
5. Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;
6. Whether the child is placed according to the placement preferences in the ICWA and, if not, whether the child should be moved into a preference placement;
7. Whether the terms of visitation need to be modified;
8. Whether any additional court orders need to be made to move the case toward successful completion; and
9. What time frame should be established for goals to achieve reunification or other permanent plan for each child.

Written findings of fact and conclusions of law:

1. Whether the agency has identified the child's tribe;
2. Whether the agency sent proper notice of the hearing and a copy of the petition and advice of rights to the parent(s), Indian custodian (if any), and child's tribe by registered mail, return receipt;
3. Whether the tribe has been afforded a full opportunity to participate in the proceedings and, if so, whether the agency provided the child's tribe with copies of the petition, reports, and information concerning the child;
4. Why the child is in need of either continued placement outside the parent's home or continued supervision, articulating the clear and convincing evidence that continued custody of the child by the parent or Indian custodian would likely result in serious emotional or physical damage to the child;
5. Whether family reunification and an end to court supervision continues to be the long-term case goal, and why;
Whether the agency has made active efforts to provide remedial services and rehabilitative programs designed to eliminate the need for placement of the child outside the home of the parent or Indian custodian and whether the efforts were successful;

Whether the agency has made an ongoing, diligent search to locate extended family, a tribal member, or other Indian family for placement if the child is not already within a preference placement;

Issue orders for the agency to make additional efforts necessary to meet the needs of the family and move the case toward completion, including culturally relevant services that may be available with assistance from the tribe or local Indian/native organization;

Assure that findings are written in easily understandable language that allows the parent(s) or Indian custodian to fully understand what action they must take to have the child returned to their care (interpreter should be provided for parent or Indian custodian whose first language is not English);

Approve proposed changes in the case plan and set forth any court-ordered modifications needed as a result of information presented at the review;

Identify an expected date for final reunification or other permanent plan for the child;

Where the case plan conflicts with or does not meet the requirements of the ICWA, disapprove or modify the agency's proposed case plan to conform to the requirements of the ICWA;

Make any necessary orders to resolve the problems that are preventing reunification or the completion of another permanent plan for the child; and

Set the date and time for next hearing, if needed.

E. Permanency Planning Hearing

The agency is required to submit a report to the court in preparation for the Permanency Planning Hearing. This report must include:

1. The relief being sought and address the issues that the judge needs to determine;

2. The plan to carry out the placement decision;

3. When the petition or report requests that a child be returned home on a certain date, the following items must be included:
   a. How the conditions or circumstances leading to the removal of the child have been corrected;
   b. A description of actions taken by the parent(s) or Indian custodian to correct the identified problems;
   c. A description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, including efforts made by the tribe, an Indian organization, or any other agency or organization;
   d. The frequency of recent visitation and its impact on the child; and
   e. A plan for the child's safe return home and follow-up supervision after family reunification.

4. When the petition or report requests termination of parental rights, the following items should be included:
   a. Facts and circumstances supporting the grounds for termination;
   b. A description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and an explanation why these efforts were unsuccessful;
   c. A description of the active efforts made to coordinate with the child's tribe or an Indian organization in assisting the Indian parent or custodian with services needed to avoid termination of parental rights and an explanation why these efforts were unsuccessful;
   d. An explanation of why the child cannot be protected from the identified problems in the home;
e. A summary of the agency's understanding of the tribe's position regarding the permanency plan, including an attachment of any correspondence or supporting documentation sent by the tribe to the agency;

f. An explanation of the active efforts made to contact the child's tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families about providing an appropriate placement for the child;

g. If the child is not placed with an extended family member, another tribal member, or another Indian family, an explanation of why the child cannot be moved to a placement that meets the preferences established within the ICWA;

h. A description of arrangements made by the agency to ensure visitation with extended family, and of all efforts made to support the child's cultural connections; and

i. A permanency plan for the child.

5. When another planned permanent living arrangement is proposed, the report should include the following items:

a. Facts and circumstances refuting the grounds for termination of parental rights and showing that although the child cannot be placed with parents termination is not in the best interests of the child;

b. A description of why the planned permanent living arrangement is in the best interests of the child;

c. An explanation of the active efforts made to contact the child's tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families to identify a culturally appropriate placement for the child;

d. If the child is not placed with an extended family member, another tribal member, or another Indian family, an explanation of why the child cannot be moved to a placement that meets the preferences established within ICWA;

e. A description of arrangements made by the agency to ensure visitation with extended family, or, if there is no extended family, with other tribal members, to support the child's cultural connections;

f. A summary of the agency's understanding of the tribe's position regarding the permanency plan, including an attachment of any correspondence or supporting documentation sent by the tribe to the agency; and

g. A plan to ensure the stability of the planned permanent living arrangement.

Affidavit Documenting Active Efforts:

When the agency recommends a permanency plan, an affidavit documenting the following must be submitted:

1. Active efforts made to reunify the family since the last disposition or review hearing and, if those efforts were not successful, an explanation why;

2. Efforts to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation why these services were unsuccessful;

3. Why the child cannot be protected from serious emotional or physical damage if the child remains in the home even if services are provided to the child and family;

4. Diligent efforts made to contact the child's extended family about providing a placement for the child, or, if family members are not known, diligent efforts made to contact the child's tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement;

5. Efforts made by the agency to ensure the child's visitation with extended family, or, if none is available, with other tribal members, to ensure the child's ongoing participation in his/her culture; and
6. Efforts made by the agency to coordinate with the child's tribe and family to attend significant cultural and important familial events.

Written Findings of Fact That the Court Must Make at the Permanency Hearing:
1. Whether the agency has identified the child's tribe;
2. Whether the agency sent proper notice of the hearing and a copy of the petition and advice of rights to the parent(s), Indian custodian (if any), and child's tribe by registered mail, return receipt;
3. Whether the tribe has been afforded a full opportunity to participate in the proceedings and, if so, whether the agency provided the child's tribe with copies of the petition, reports, and information concerning the child;
4. Why the child is in need of either continued placement outside the parent's home or continued supervision, articulating the clear and convincing evidence that continued custody of the child by the parent or Indian custodian would likely result in serious emotional or physical damage to the child;
5. Whether active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and eliminate the need for placement of the child outside the home of the parent or Indian custodian and whether the efforts were successful;
6. Whether the agency has made an ongoing, diligent search to locate extended family, a tribal member, or other Indian family for placement if the child is not already within a preference placement;
7. Assure that the findings are written in easily understandable language that allows the parent(s), or Indian custodian to fully understand what action they must take to have the child returned to their care (interpreter should be provided for parent or Indian custodian whose first language is not English); and
8. The court's determination of permanency and plan to return home, proceed to the termination of parental rights, or a planned permanent living arrangement.

F. Termination of Parental Rights Hearing

Key Decisions the Court Must Make:
1. Whether written notice was provided to the child's tribe by registered mail, return receipt requested;
2. Whether written notice was provided to the parents or Indian custodian by registered mail, return receipt requested;
3. Whether active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family;
4. Whether efforts were made to ensure that the parent understood the case plan if the parent does not read English;
5. Whether the active efforts were unsuccessful; and
6. Whether there is evidence beyond a reasonable doubt including testimony of an expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

Written findings of fact and conclusions of law must:
1. Specify whether active and reasonable efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family;
2. Specify what evidence, including testimony of a qualified expert witness, supports the finding beyond a reasonable doubt that continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child;
3. Specify any other state statutory grounds supporting termination of parental rights if state law requires satisfaction of dual burden of proof;
4. For uncontested termination of parental rights, the findings of fact and conclusions of law must also include:
a. Thorough description of the conditions and circumstances under which parental consent to termination of parental rights was obtained. Parental consent must be executed in writing in the presence of the judge and must be accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood these terms;

b. Certify that either the parent or Indian custodian fully understood the explanation of the terms and consequences of the consent to termination of parental rights in English, or that it was interpreted into a language that the parent or Indian custodian understood;

c. Certify that the consent to termination of parental rights was not given prior to or within ten days after the birth of the child, as the consent would not be valid under these circumstances;

d. Determine whether the consent was voluntary and informed, that it was not obtained through fraud or duress, and that all alternatives to termination of parental rights were explained; and

e. If termination of parental rights was uncontested because the parent failed to appear, or appeared but neither contested nor consented to termination, the above items will apply.

G. Adoption Hearing

At the Adoption Hearing, the court must determine whether written notice was provided to the child's tribe by registered mail, return receipt requested, even if the child's tribe has not been a party to any prior proceedings related to the welfare of the child.

The court must also make the following written findings of fact and conclusions of law:

1. Whether the child is within the exclusive jurisdiction of a tribe because the child either resided or was domiciled on a reservation or was already a ward of a tribal court at the time that the child custody proceedings began, thereby depriving the state court of jurisdiction;

2. Whether all the necessary consents to adoption have been provided, including the consent of the agency with the custody of the child, the consent of the child (if the child is old enough that consent is required under state law), and the consent of parent or Indian custodian whose rights have not been terminated;

3. Thoroughly describe the conditions and circumstances under which parental consent to adoption was obtained. When there has been no prior termination of parental rights, parental consent must be executed in writing in the presence of the judge and must be accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood these terms;

4. Certify that either the parent or Indian custodian fully understood the explanation of the terms and consequences of the consent to adoption in English, or that it was interpreted into a language that the parent or Indian custodian understood;

5. Certify that the consent to adoption was not given prior to or within 10 days after the birth of the child, as the consent would not be valid under these circumstances;

6. Whether the consent was voluntary and informed, that it was not obtained through fraud or duress, and that all alternatives to adoption were explained;

7. Whether the child is placed in an adoptive home where the adopting individual is a member of:
   a. The child's extended family;
   b. The child's tribe; or
   c. Another Indian family;

8. If the child is not placed in one of the placement preferences established by federal law, a determination whether:
   a. The agency made a diligent search to locate a placement that meets the preferences established within the ICWA;
b. There is good cause not to place the child according to the placement preferences;

c. The child's tribe established a different order of preference by resolution;

d. If the child's tribe established a different order of preference for placement, ascertain whether
the placement is the least restrictive setting which most approximates a family and in which the
child's special needs, if any, may be met;

e. The child's consenting parent evidenced a desire for anonymity, in which case the court shall
give weight to that desire in applying the preferences;

9. Other determinations required for all adoptions;

10. At contested adoption hearings, determine whether the adoption should be granted.

A contested adoption hearing must be conducted with procedural fairness, and should include notice to
the parties and the child's tribe even if the tribe has not yet become a part in previous stages of the
child custody proceedings;

11. Conclude the proceedings without undue delay, applying principles of case flow management;

12. The court which enters the final decree of adoption must upon application, inform the Indian child who
has reached the age of 18 of the tribal affiliation, if any of the individual's biological parents and provide
such other information as may be necessary to protect the rights flowing from the individuals' tribal
relationship.

III. Resource - Contact Information

State ICWA Liaison for Ohio:
Carrie Anthony, Chief
Child Welfare Policy and Placement Section
Ohio Department of Job and Family Services
50 West Town Street, 6th Floor
Columbus, Ohio 43215
Phone (614) 752-0660

U.S. Department of Interior Offices

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<th>Bureau of Indian Affairs</th>
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<tr>
<td>ICWA Response Center</td>
<td>Midwest Regional Office</td>
</tr>
<tr>
<td>Assistant Secretary</td>
<td>Regional Director</td>
</tr>
<tr>
<td>1001 Indian School Road</td>
<td>One Federal Drive, Room 550</td>
</tr>
<tr>
<td>NW Albuquerque, NM 87104</td>
<td>Ft. Snelling, Minnesota 55111</td>
</tr>
<tr>
<td>Phone (202) 513-7623</td>
<td>Phone (612) 713-4400</td>
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National Resource Centers

| National Indian Child Welfare Association | Native American Rights Fund |
(The NICWA website has reader friendly versions of ICWA, flow charts and other excellent resources for caseworkers as well as staff development professionals)

**Ohio Resource Centers**
North American Indian Cultural Center - Main Office
V. Lana Samaniago, Executive Director
111 West Avenue
Tallmadge, OH 44278
Phone (330) 724-1280
Fax (330) 724-9298

**Instructions:**
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FACSM).

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<td>FCASPL No. 162</td>
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TO: All Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Revisions to the JFS 01675 "Ohio Adoption Guide: Handbook for Prospective Adoptive Families"

This letter transmits amendments to the Ohio Adoption Guide: Handbook for Prospective Adoptive Families. Changes to the JFS 01675 include: updating the cover, statistics and the contact information for public and private domestic adoption agencies.

The JFS 01675 "Ohio Adoption Guide" can be ordered through Forms Central on the Ohio Department of Job and Family Services (ODJFS) Web site at http://www.odjfs.state.oh.us/forms/ordercom.asp.

Instructions:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FACSM) and what materials are to be inserted in the FACSM.

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FCASPL 160 (Removal of JFS 01474 from FCASM)

Family, Children, and Adult Services Procedure Letter No. 160

January 28, 2009

To: All Family, Children and Adult Services Manual Holders.

From: Douglas E. Lumpkin, Director

Subject: Removal of JFS 01474 "Application for Child Advocacy Center Start-Up Funding" from the FCASM.

This letter removes JFS 01474 "Application for Child Advocacy Center Start-Up Funding" from the Family, Children and Adult Services Manual. The form is now located in the Children's Trust Fund Manual.

INSTRUCTIONS:
The following chart depicts what materials should be removed from the Family, Children and Adult Services Manual (FCASM).

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<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 160</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director

This procedure letter provides guidance to Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs), and Private Noncustodial Agencies (PNAs) on the implementation of rule 5101:2-33-80 and Family, Children, and Adult Services Procedure Letter (FCASPL) No. 157.

The Rapback rule requires agencies to establish a Rapback e-mail account by a date different from that specified in FCASPL 157. The rule listed the date for establishing the e-mail account as ten days after the effective date of the rule, which was December 31, 2008. The Procedure Letter stated that the agencies must establish the e-mail account by January 30, 2009. This Procedure Letter is clarifying that the agency must establish the e-mail account no later than January 30, 2009. ODJFS intends to amend the rule soon to eliminate this discrepancy concerning the deadline for establishing the e-mail account.

Current rule 5101:2-33-80 also provides an incorrect title of a form, JFS 01318 "Retained Applicant Database Required Information". The form should be entitled "SACWIS Private Agency Home Provider Data." The amended rule will include the correct title.

Rule 5101:2-33-80 (C) will be amended to clarify that a PCSA will enter information regarding any adult household member subject to a criminal records check directly into the Statewide Automated Child Welfare Information System (SACWIS). The amended rule will clarify that each PNA and PCPA must complete the JFS 01318 and each PCSA must enter this information directly into SACWIS. ODJFS will be enforcing the clarifying requirements that are listed in this Procedure Letter instead of the above described specifications that are currently listed in existing rule.

If there are any questions regarding this Procedure Letter, you may contact the OCF Help Desk at 1-866-886-3537 option 4.

INSTRUCTIONS:
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM)

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<td>PROCEDURE LETTERS</td>
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</tbody>
</table>
Family, Children, and Adult Services Procedure Letter No. 157

December 12, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Procedures to Implement Administrative Code Rule 5101:2-33-80 Retained Applicant Fingerprint Database Information Exchange (Rapback)

This procedure letter provides guidance to Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs), and Private Noncustodial Agencies (PNAs) for implementation of rule 5101:2-33-80 of the Administrative Code which will be effective December 31, 2008.

Purpose of Rapback:

Ohio Revised Code section 109.5721 authorizes the Bureau of Criminal Identification and Investigation (BCII) to add certified foster caregivers, approved adoptive parents, and all other adults in their households to the retained applicant fingerprint database. RAPBACK will provide agencies with valuable information regarding arrests for these individuals on a real time basis.

Rapback Process:

When a certified foster caregiver, approved adoptive parent, or any other adult in their household is fingerprinted in relation to a crime, BCII will immediately notify the Ohio Department of Job and Family Services (ODJFS). ODJFS will then notify the recommending or approving agency. The notifications from ODJFS will be sent Monday through Friday. The notifications will not contain detailed information, but will have a reference number. Once an agency receives notification from ODJFS that an individual has been fingerprinted in relation to a crime, the agency shall contact BCII via telephone, use the reference number contained in the notification, and request additional information. The phone call to BCII shall be made within two business days. BCII is available only between 8:00 am and 4:30 pm on business days to receive calls. After receiving a phone call from an agency, BCII will send the agency a letter giving more detailed information regarding the crime.

After the agency receives the detailed information from BCII, it shall take action as required in rule 5101:2-33-80 of the Administrative Code. Once an action has been taken, the agency must complete the JFS 1301 form and submit it to ODJFS.

Each agency must establish an e-mail account specifically for the purpose of receiving notifications for RAPBACK. Each agency must send the e-mail address to RAPBACK@jfs.ohio.gov by January 30, 2009. All required forms may be sent electronically to the Rapback e-mail box, or they may be submitted manually to:

ODJFS
Office for Children and Families
Attn: RAPBACK
P.O. Box 182709
Columbus, OH 43218-2709

INSTRUCTIONS:

The following chart depicts what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

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</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Monthly Cut-off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and Title IV-E FACSIS Benefit Issuance (FBI)

The table below lists the cut-off dates for calendar year 2009 for submission of the JFS 01925 Title IV-E FCM Facility Invoice and for data entry within the Family and Children Services Information System (FACSIS) and within the SACWIS Interim System (SIS) for reimbursements and payment distributions issued through FACSIS Benefit Issuance (FBI):

<table>
<thead>
<tr>
<th>MONTH</th>
<th>JFS 01925</th>
<th>SIS</th>
<th>FACSIM</th>
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<tr>
<td>JANUARY (February issuance)</td>
<td>01-15-09</td>
<td>01-20-09</td>
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<td>FEBRUARY (March issuance)</td>
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<td>APRIL (May issuance)</td>
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<td>DECEMBER (January issuance)</td>
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SIS users are reminded they need to have their data in SIS one business day prior to the FACSIS cut-off date.

The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2:00 p.m. on the cut-off date to be processed for the following month’s warrant. Please be advised that faxed copies of the JFS 01925 Title IV-E FCM Facility Invoice will not be accepted for processing.

The JFS 01925 Title IV-E FCM Facility Invoice should be mailed to the following address:

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Administration & Fiscal Accountability
P.O. Box 182709
Columbus, OH 43218-2709
Attn: JFS 01925
INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 132</td>
<td>FCASPL No. 156</td>
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</table>
The Recording and Documentation of Shaken Baby Syndrome by Public Children Services Agencies (PCSAs) in SACWIS.

As a result of Senate Bill 144 of the 127th General Assembly, section 5101.135 of the Ohio Revised Code was created requiring PCSAs to track Shaken Baby Syndrome (SBS) cases in the statewide automated child welfare information system (SACWIS). The following procedures shall be utilized to record any intake, disposition, and serious harm that is alleged to have occurred or resulted from SBS.

1) The PCSA shall categorize reports alleging Shaken Baby Syndrome as a Child Abuse/Neglect report, subcategory Physical Abuse - Shaken Baby Syndrome in SACWIS. A medical diagnosis is not required to record, categorize, and screen in a Physical Abuse - Shaken Baby Syndrome report.

2) A medical diagnosis of Shaken Baby Syndrome is required for a PCSA to enter a disposition of substantiated for a child victim of a Physical Abuse - Shaken Baby report.

3) The PCSA shall select Shaken Baby Syndrome as the harm description occurring to the child victim any time a medical diagnosis of Shaken Baby Syndrome is received within SACWIS.

4) The PCSA shall select Shaken Baby Syndrome as the harm description occurring to the child victim any time a medical diagnosis of Shaken Baby Syndrome is received within SACWIS for the Physical Abuse report category.

For questions regarding this Procedure Letter, please contact the Office for Children and Families' Help Desk at HELP-DESK-OCF@odjfs.state.oh.us.

INSTRUCTIONS:
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FCASPL 154 (JFS 01653)

Family, Children And Adult Services Procedure Letter No. 154

November 6, 2008

To: All Family, Children and Adult Services Manual Users

From: Helen E. Jones-Kelley, Director

Subject: Form Update for the Family, Children and Adult Services Manual

This letter transmits information regarding the JFS 01653 "Medical Statement for Foster Care/Adoption Applicant/Household." This form has been updated in the Family, Children and Adult Services Manual (FCASM).

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the FCASM and what materials are to be inserted in the FCASM.

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</tbody>
</table>


The **JFS 01985** "Adoption Subsidies Guide" has been updated to reflect the names of the Governor and the Director of the Ohio Department of Job and Family Services. The State Adoption Tax Credit and the "Post Adoption Special Services Subsidy" section have also been updated.

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
<tr>
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</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 153</td>
</tr>
</tbody>
</table>
This letter transmits revisions to the JFS 01676 "For Birth Parents: For Those Who Are Thinking About Making an Adoption Plan".

The internet web address was added where all JFS forms mentioned in the pamphlet can be obtained. The revisions made required no content changes.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
<tr>
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</tr>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 152</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Users

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Child Welfare Agency Locate-Only Request

The Child Welfare Agency Locate-Only Request form (JFS 07713) was developed in response to the recommendation by the federal Office of Child Support Enforcement to share information with the child welfare agencies. The sharing of information will assist public children services agencies (PCSA) with the placement of a child.

A PCSA may submit a request to the local child support enforcement agency to locate the parent who has or may have parental rights to a child. This service may be requested when:

- Filing a complaint in court.
- Conducting an assessment/investigation if deemed in the child's best interest.
- Case planning.
- Making a determination of child custody or visitation.
- Enforcing any federal or state law on unlawful taking or restraint of a child.


INSTRUCTIONS: The following chart identifies the material that needs to be inserted into the Family Children and Adult Service Manual (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
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<td>FCASM Procedure Letters</td>
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</tbody>
</table>
Family, Children And Adult Services Procedure Letter No. 150

September 22, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Translation of various FCASM forms into Spanish

This letter transmits the following forms that have been translated into Spanish.

- **JFS 01050-S** "Application for Post Adoption Special Services Subsidy"
- **JFS 01050A-S** "Approval for Post Adoption Special Services Subsidy"
- **JFS 01051-S** "Application for PASSS Funding for Extraordinary Circumstances"
- **JFS 01331-S** "Notice Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Update/Amendment"
- **JFS 01409-S** "Comprehensive Assessment Planning Model-I.S. Safety Plan for Children"
- **JFS 01410-S** "Comprehensive Assessment Planning Model-I.S. Case Plan"
- **JFS 01412-S** "Comprehensive Assessment Planning Model-I.S. Semiannual Administrative Review (SAR)"
- **JFS 01421-S** "Application for Reimbursement of Nonrecurring Adoption Expenses"
- **JFS 01421-SI** "Instructions for Completing the JFS 01421 Application for Reimbursement of Nonrecurring Adoption Expenses"
- **JFS 01438-S** "Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Special Needs Child"
- **JFS 01443-S** "Child's Education and Health Information"
- **JFS 01443-SI** "Child's Education and Health Information - Instructions"
- **JFS 01451-S** "Title IV-E Adoption Assistance Application"
- **JFS 01501-S** "Application for Kinship Permanency Incentive"
- **JFS 01503-S** "Notice of Approval for Kinship Permanency Incentive Funds"
- **JFS 01504-S** "Notice of Denial For Kinship Permanency Incentive Funds"
- **JFS 01613-S** "Application for State Adoption Subsidy"
- **JFS 01613-SI** "Instructions for completing Application for State Adoption Subsidy JFS 01613"
- **JFS 01615-S** "Approval for State Adoption Subsidy"
- **JFS 01616-S** "Social and Medical History"
- **JFS 01654-S** "Adoptive Placement Agreement"
- **JFS 01667-S** "Adoption Information Disclosure"
- **JFS 01681-S** "Applicant Financial Statement"
- **JFS 01691-S** "Application for Child Placement"
- **JFS 01692-S** "Application for Adoption of a Foster Child"
- **JFS 01694-S** "Application for Search of Ohio Putative Father Registry (Fathers)"
- **JFS 01694-SI** "Application for Search of Ohio Putative Father Registry (Fathers) - Instructions"
- **JFS 01695-S** "Application for Search of Ohio Putative Father Registry"

INSTRUCTIONS:
The following chart depicts what materials are to be inserted in the Family, Children and Adult Services Manual (FCASM).

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<td>JFS 01615-S</td>
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<tr>
<td>JFS 01695-S</td>
<td>(Rev. 9/2008)</td>
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</tr>
</tbody>
</table>
FCASPL 146 (FCM Single Cost Report, JFS 02911)

Family, Children And Adult Services Procedure Letter No. 146

July 31, 2008

TO: Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: 2008 Revisions to Foster Care Maintenance Single Cost Report (JFS 02911) and Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" and instructions JFS 02911-I which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2007 through June 30, 2008.

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. The form has been amended to include a level of difficulty of care section in the purchased foster care (PFC) worksheets, to remove duplicated fields of data on the residential (RES) and PFC worksheets, and to update the annual inflation factor.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. The instructions have been amended to include an explanation of the level of difficulty of care section in the PFC worksheets of the JFS 02911 and to update the email address for those providers desiring to contact the Office for Children and Families. Additionally, in accordance with changes to case management for the Medicaid program as outlined in Federal Register Vol. 72, No. 232, strict guidance is offered to providers advising them that all child welfare (foster care) related case management service costs are no longer reportable to Medicaid via the UCR/047 and must be reported to Title IV-E via the JFS 02911. Furthermore, new language was added regarding how to statistically account for a child's temporary absence from a placement setting for periods in which the provider is compensated or not compensated by the county agency. Finally, other minor clarification language was added where needed in order to facilitate understanding.

The JFS 02911 is intended to be used in an automated format.

When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

INSTRUCTIONS:

The following chart depicts what materials should be removed from and what materials should be inserted into the Family, Children and Adult Services Manual (FCASM).

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<td>JFS 02911 (Rev. 8/2007)</td>
<td>JFS 02911 (Rev. 7/2008)</td>
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<td></td>
<td>JFS 02911-I (Rev. 8/2007)</td>
<td>JFS 02911-I (Rev. 7/2008)</td>
</tr>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 146</td>
<td></td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: INTER-COUNTRY ADOPTION DATA COLLECTION PURSUANT TO THE TITLE IV-B STATE PLAN  

This procedure letter clarifies data collection requirements involving the Title IV-B State Plan as required by federal law. Public Children Services Agencies (PCSAs), Private Child Placing Agencies (PCPAs) and Private Non-custodial Agencies (PNAs) engaged in inter-country adoptions must complete the JFS 01670, "Inter-Country Adoption Data Collection," and submit the form to the Ohio Department of Job and Family Services (ODJFS) by May 12, 2008. The time period for the data collection is Federal Fiscal Year (FFY) 2007.

Definitions:

For the purpose of this inter-country adoption data collection, the following definitions apply. These definitions can be found at 22 CFR 96.2 and the Child Welfare Policy Manual at http://www.acf.hhs.gov/j2ee/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=178#1200.  

A "disruption" is the interruption of a placement for adoption during the post-placement period. An example of this is when a child who came to the United States for the purpose of adoption entered foster care prior to the finalization of the adoption, regardless of the reason for the foster care placement. The PCSA, PCPA or PNA must report these disruptions even if the child's plan is reunification with the prospective adoptive parent and the stay in foster care is brief. Such disruptions typically occur after a child enters the United States under the guardianship of the prospective adoptive parents or an adoption agency with an "IR-4 visa" for the purposes of completing the adoption process domestically.

A "dissolution" is the termination of the adoptive parent's parental rights after the adoption. An example of this is when a child for whom an inter-country adoption occurred (whether the full and final adoption occurred in the foreign country or domestically) entered foster care as a result of a court terminating the adoptive parent's rights or the adoptive parent relinquished his or her rights to the child. Since the child's legal relationship with his or her adoptive parent may not be severed until some time after the child enters foster care, the PCSA, PCPA or PNA must also report to ODJFS, the child for whom an inter-country adoption occurred and the child was already in foster care at the time that the adoption dissolved.

Data Collection Requirements:

Each PCSA, PCPA, and PNA must complete a separate JFS 01670 for each child who was adopted via inter-country and who entered foster care due to an adoptive placement disruption or due to an adoption dissolution as defined above. The agency must collect and report to ODJFS the following information on the JFS 01670:

- Identification of the child who was adopted from another country and entered into agency custody in FFY 2007 as a result of the disruption of a placement for adoption (42 USC 622[b][12]).
- Identification of the child who was adopted from another country and entered into agency custody in FFY 2007 as a result of the dissolution of an adoption (42 USC 622[b][12]).
- Explanation of the permanency plan for the child, the reasons for the disruption or dissolution and the steps taken to achieve permanency after the disruption or dissolution occurred.
- Identification of the PCSA, PCPA or PNA that handled the adoptive placement or the adoption finalization.
- Description of the activities that the PCSA, PCPA, PNA or any other agency undertook for the child adopted from another country, including the provision of adoption and post-adoption services. (42 USC 622[b][11]).

PCSAs, PCPAs and PNAs are not required to collect data on a child who enters foster care after a finalized adoption if the adoptive parent's legal rights to the child remain intact. An example of this may be a child for
whom an inter-country adoption occurred and the child was admitted to a residential treatment center but the adoptive parent maintained legal custody of the child.

Please contact the Office for Children and Families Help Desk at 1-866-886-3537, Option 4, if you have additional questions or concerns.

**INSTRUCTIONS:**
The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<tr>
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<tr>
<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 143</td>
</tr>
</tbody>
</table>
This letter transmits information regarding a children services form that is being revised in the Family, Children and Adult Services Manual (FCASM) as a result of an annual forms inventory project. The following is a summary of the changes:

**JFS 01200** "Fire Inspection Report Residential Facilities Certified by Ohio Department of Job and Family Services" has been updated in the manual.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the FCASM and what materials are to be inserted in the FCASM.

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<thead>
<tr>
<th>LOCATION</th>
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<td>PROCEDURE LETTERS</td>
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</tr>
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</table>
This letter transmits revisions to the following adoption services forms in Ohio Administrative Code (OAC) Chapter 5101:2-48: JFS 01694 "Application for Search of Ohio Putative Father Registry (Registration Form for Fathers)," JFS 01694-I "Instructions for Registration Form for Fathers" and JFS 01695 "Application for Search of Ohio Putative Father Registry."

A brief explanation of the changes appears below:

**JFS 01694** "Application for Search of Ohio Putative Father Registry (Registration Form for Fathers)" is a registration form used by putative fathers who want to be notified in the event their child may be placed for adoption. The address of the Putative Father Registry has been updated on the form, the "Father Certified By State" box has been removed from the "Identifying Information About the Child" section, the "Information About Interested Party Requesting Search of Putative Father Registry" section has been removed as the putative father is the only individual who would be using this form to register and the notary public language has been revised.

**JFS 01694-I** "Instructions for Registration Form for Fathers" outlines the procedures for completing the JFS 01694. Both the mailing and street addresses have been updated on this form.

**JFS 01695** "Application for Search of Ohio Putative Father Registry" is the form used by the birth mother, Public Children Services Agency (PCSA), Private Child Placing Agency (PCPA) or attorney arranging a child's adoption to request a search of the putative father registry. The address of the Putative Father Registry has been updated on the form, the "Father Certified By State" box has been removed from the "Identifying Information About the Child" section and the "Information About Interested Party Requesting Search of Registry" section has been reworded to more clearly identify who the attorney represents. Also, the "To Be Completed By the Ohio Putative Father Registry" section has been revised to remove duplicative information that is captured on the JFS 01697 "Ohio Putative Father Registry Response to Court" form that is mailed to the person requesting the search.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<th>LOCATION</th>
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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 141</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: REMOVAL OF OUTDATED PCSA FISCAL FORMS FROM FCASM

This letter transmits information regarding Title IV-E fiscal forms that have been removed from the Family, Children and Adult Services Manual as a result of an annual forms inventory project.

The following forms have been removed:

- ODHS 1425-I "Instructions for Completing the Title IV-E Adoption Assistance Direct Deposit Payment Method Authorization Form ODHS 1425" (rev. 2/1991).

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>PROCEDURE LETTERS</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: THREE HUNDRED PERCENT OF POVERTY GUIDELINES FOR THE KINSHIP PERMANENCY INCENTIVE (KPI) PROGRAM.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2008 Federal Poverty Guidelines (published in the Federal Register, Vol. 73, No. 15, January 23, 2008, pp. 3971-3972) rounded to the nearest dollar and adjusted for family size.

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<td>For each additional person add</td>
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INSTRUCTIONS:

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Family, Children and Adult Services Procedure Letter No. 138
January 28, 2008

TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: REVISION OF INDIAN CHILD WELFARE ACT FORMS

This letter transmits changes made to the JFS 01646 "Report of Indian Child Placement" and the creation of the JFS 01646-I "Instructions For Completing the JFS 01646".

- The JFS 01646 "Report of Indian Child Placement" has been updated to separate the form from the instructions.
- The JFS 01646-I "Report of Indian Child Placement Instructions" has been created.

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<td>PROCEDURE LETTERS</td>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: REVISIONS TO CHILDREN SERVICES LICENSING FORM JFS 01350-I

This letter transmits changes made to the JFS 01350-I "Instructions For Completing the JFS 01350." The JFS 01350-I "Instructions For Completing the JFS 01350" is being updated to correct an inadvertent error. The following is a brief explanation of the changes to the JFS 01350-I form.

- The following instructions were included in the 9/2007 version and were removed: "To process payment to foster caregivers, each must be entered into the state automated payment system. To accomplish this, the agency must ensure that a properly completed IRS W-9 form with an original signature is attached to the initial ODJFS 01350 for each foster caregiver."

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<td>JFS 01350-I (Rev. 9/2007)</td>
<td>JFS 01350-I (Rev. 11/2007)</td>
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<tr>
<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 137</td>
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This letter transmits changes made to the JFS 04281 "Children Services Quarterly Statistical Report" and JFS 04281-I "Instructions For Completing the Children Services Quarterly Statistical Report."

The JFS 04281 and JFS 04281-I have been updated to account for changes made in Part Three of both documents. The following is a brief explanation of the changes to the JFS 04281 form and instructions.

- Part Four Question 1(a) was added for stand alone county agencies to report total staff employed by the agency on the last day of the calendar quarter, which is the subject of the report.
- Part Four Question 1(b) was added for stand alone county agencies to report the total number of child welfare staff who had a case load providing direct child welfare services and their immediate supervisors who supervise these staff in the provision of providing direct child welfare services on the last day of the calendar quarter, which is the subject of this report.
- Instructions for completing the above questions were added to page six (6) of the JFS 04281-I.
- Part Four Question 2(a) was added for combined county agencies to report the total number of staff employed by the agency on the last day of the calendar quarter, which is the subject of this report, and whose salary costs were reported in the Social Services Cost Pool.
- Part Four Question 2(b) was added for combined county agencies to report the total number of child welfare staff who had a case load providing direct child welfare services and their immediate supervisors who supervise these staff in the provision of providing direct child welfare services on the last day of the calendar quarter, which is the subject of this report, and whose salary costs were reported in the Social Services Cost Pool.
- Instructions for completing the above questions were added to page six (6) of the JFS 04281-I.
- The questions above were added for use by ODJFS to calculate the amount of IV-B Part I and IV-B Part I Administration that can be used to cover the non-allocated costs on each county's Certification of Funds Worksheet subject to the each county's total IV-B Part I allocation.
- Line 3(a) on the JFS 04281-I was amended to include the term "at the time of removal" for clarity.
- Submittal Instructions on the JFS 04281 and the JFS 04281-I were amended to allow for submission of the JFS 04281 report on the first business day after the due dates identified if the due dates fall on a weekend or holiday.
- County agencies will now email the completed electronic Excel JFS 04281 to JFS04281@odifs.state.oh.us.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Adoption Subsidy Retroactive Payments for January 2008

Family, Children and Adult Services Procedure Letter No. 129 dated December 18, 2007, stated, "In light of the short notice, PCSAs will be able to submit requests for retroactive payments." Although not required, a county agency may request retroactive Title IV-E Adoption Assistance (AA) or State Adoption Maintenance Subsidy (SAMS) for the January 2008 adoption subsidy payment. In order to process a retroactive AA or SAMS claim, the subsidy agreement must have been signed by both the adoptive parent(s) and the county PCSA representative by the close of business on 12-31-07. If a county agency wishes to request retroactive AA or SAMS payments for January 2008, the following procedures shall apply:

For County agencies that are NOT live in the Statewide Automated Child Welfare Information System (SACWIS) for AA or SAMS payments and wish to request retroactive AA or SAMS payments for January 2008:

- For AA subsidy payments where the subsidy agreement has been increased and signed by the agency and adoptive parents by 12-31-07, the county must update event 0338 (FCM/AA Payment Authorization) within Host-Family and Children Services Information System (FACSIS) or SACWIS Interim Solution (SIS) to reflect the desired aggregate monthly payment amount (e.g., increase the original amount of $250.00 to the revised amount of $300.00). The cut-off date for updating the 0338 event for the retroactive payment to be generated with the February 2008 subsidy in FACSIS is January 22, 2008 and in SIS is January 18, 2008.
- Complete Form JFS 01659 "Title IV-E Auxiliary Payment Authorization" using "Benefit Type" H (adoption assistance payments) and "Transaction Code" 3 (underpayment). The "Effective Dates" for "From" and "To" should span the month for which underpayment is being requested (e.g. 1/1/08 to 1/31/08). Report the amount of the underpayment (the difference of the original AA subsidy payment and the increased AA subsidy payment) in Column four (4).
- Send the completed JFS 01659s to: SAGE, 3043 Sanitarium Rd., Akron, Ohio, 44312-4600.
- For SAMS subsidy payments where the subsidy agreement has been increased and signed by the agency and adoptive parents, increase the subsidy payment for February 2008 to the amount agreed upon plus the amount of the increase that would have been paid in January 2008. The county must report the total amount of the February 2008 payment on the JFS 02820, financial code 852 and classification code 50 which maps to line code 2-6620 and funding source 0000. The full amount of the February 2008 SAMS payment, plus the included underpayment amount for January 2008, will be reimbursed through the normal JFS 02820 payment process.

For County agencies that are live in the SACWIS for AA or SAMS payments and wish to request retroactive AA or SAMS payments for January 2008:

- For AA subsidy payments where the subsidy agreement has been increased and signed by the agency and adoptive parent by 12-31-07, the county agency shall increase the AA subsidy payment amount in SACWIS for the February 2008 subsidy payment by January 21, 2008. The amount of the increase shall include the February 2008 AA subsidy agreement amount, plus the amount of increase that would have been submitted for the January 2008 AA subsidy payment. For example, if the original subsidy amount was $250 and the total subsidy amount has been increased to $300, a review record must be entered into SACWIS with a Review Date of 2/1/2008 and a Subsidy Amount of $350 in order to capture the $50 increase for February as well as the $50 underpayment for January 2008. When making this one time adjustment in SACWIS for the retroactive increase, there is no requirement to amend the adoption subsidy agreement with the adoptive parents for the January 2008 increase amount. The adoption subsidy agreement may remain at the agreed upon amount.
For SAMS subsidy payments where the subsidy agreement has been increased and signed by the agency and adoptive parents by 12-31-07, the county agency shall increase the SAMS subsidy payment amount in SACWIS for the February 2008 subsidy payment by January 21, 2008. The amount of the increase shall include the February 2008 SAMS subsidy agreement amount, plus the amount of increase that would have been submitted for the January 2008 SAMS subsidy payment. For example, if the original subsidy amount was $250 and the total subsidy amount has been increased to $300, a review record must be entered into SACWIS with a Review Date of 2/1/2008 and a Subsidy Amount of $350 in order to capture the $50 increase for February as well as the $50 underpayment for January 2008. When making this one time adjustment in SACWIS for the retroactive increase, there is no requirement to amend the adoption subsidy agreement with the adoptive parents for the January 2008 increase amount. The adoption subsidy agreement may remain at the agreed upon amount.

For both subsidy payment processes above, the county agency must change the amount of the AA and SAMS payments in SACWIS back to the agreed upon amount as identified on the adoption subsidy agreement between the county agency and the parents for the March 2008 subsidy payment. These changes must be made in SACWIS by February 19, 2008. The review record that is entered into SACWIS, should have a Review Date of 03/01/2008. Because the February 2008 adoption subsidy payment will not equal the adoption subsidy agreement amount, documentation of this letter should be kept on file for this one time retroactive payment increase, for audit purposes.

The above processes for SACWIS AA or SAMS payments may have an initial impact to the county financially. If the January 2008 AA or SAMS payment was less than $300, and the total AA or SAMS payment amount for February 2008, which includes the retroactive January 2008 increase, exceeds $300, the county agency will be required to pay the match in the amount of the adoption subsidy payment that exceeds $300. Therefore, ODJFS initiated the following procedure to reimburse county agencies that have expended match in the amount that ODJFS would have paid for the January 2008 AA or SAMS increase.

If the amount of the February AA or SAMS payment plus the increase for the retroactive January 2008 AA or SAMS payment caused the county agency to provide match for an amount for which ODJFS is responsible, the county agency shall create a detailed invoice for reimbursement of these expenditures.

The invoice shall include the name of the adopted child, the January 2008 adoption subsidy payment amount, the February 2008 adoption subsidy payment amount and the amount of match the county paid on behalf of ODJFS for the retroactive January 2008 adoption subsidy increase. All payment amounts and match amounts shall be summed at the bottom of the invoice.

The invoice shall also contain a statement certifying the match amount expended by the county agency, on behalf of ODJFS for the January 2008 retroactive increase, is true and accurate. The invoice must also be signed by a county agency official with signature authority. Upon receipt of the invoice, ODJFS will issue a subsidy payment to the county in the amount of match the county paid on our behalf.

Invoices shall be mailed by March 31, 2008 to: ODJFS/OCF, Attention Abbey Bonawitz, P.O. Box 182709, Columbus, Ohio, 43218-2709.

County agencies who have questions pertaining to this procedure letter may contact Dan Shook at 614-752-0619 or via email at Shookd@odjfs.state.oh.us.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Procedure Letter No. 134
Medicaid Eligibility Manual Transmittal Letter No. 41

January 1, 2008

To: Medicaid Eligibility Manual Holders
   Family, Children and Adult Services Manual Holders

From: Helen E. Jones-Kelley, Director

Subject: Medicaid: Children in Care and Individuals Younger than Age Twenty-one Who Have Aged Out of Foster Care.

House Bill 119 of the 127th General Assembly establishes that youth who have aged out of foster care and meet all eligibility requirements are eligible for Medicaid until they reach age twenty-one. This rule was reviewed in accordance with section 119.032 of the Revised Code.

This Letter contains rule 5101:1-40-03 of the Administrative Code, "Medicaid: children in care and individuals younger than age twenty-one who have aged out of foster care" which is now the rule for all children in care and includes the Medicaid expansion for aged out foster care youth to age twenty-one.

Also included are rescinded rules 5101:1-40-03 "Covered families and children (CFC) medicaid: children in care", 5101:1-40-02.3 "Covered families and children medicaid: coverage for foster care maintenance and adoption assistance money payment recipients", and 5101:1-40-10 "Covered families and children Medicaid: county case responsibility for individuals in custody of public children services and private child placing agencies". Attached is the revised form JFS 01958 "Referral for Medicaid Continuing Eligibility Review".

The effective date is January 1, 2008.

Chapter 4 of the Medicaid Eligibility Manual

5101:1-40-03 Medicaid: children in care and individuals younger than age twenty-one who have aged out of foster care.

This rule is changed to reflect the expanded coverage for youth aging out of foster care. Youth must be in foster care at age 18 and must have received Title IV-E services before age 18. There is no resource or income test, and no face to face interview is required. PCSA staff must use the JFS 01958 "Referral for Medicaid Continuing Eligibility Review" to provide information to the CDJFS in order to explore eligibility for this new category.

MEM/FCASM Instructions:

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<td>5101:1-40-2.3 (Effective February 1, 2000)</td>
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ODJFS Electronic Manuals
http://emanuals.odjfs.state.oh.us/emanuals/

InnerWeb Calendar:
http://www.odjfs.state.oh.us/lpc/calendar/staff/

Internet Calendar:
http://www.odjfs.state.oh.us/lpc/calendar/
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: MODEL CONTRACT FOR THE INDIVIDUAL CHILD CARE AGREEMENT

This letter transmits the revised JFS 01703 "Contract for Title IV-E Agencies and Providers for the Provision of Child Placement and Related Services" which is for child placing agencies to use as a guide to ensure that the requirements under Administrative Code rule 5101:2-47-23.1 are met. This model contract was developed in conjunction with public and private agency input. It was revised to clarify language in Article 1 (Scope of placement services).

Instructions:

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

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FCASPL 131 (MEPA Cycle II Oversight)

Family, Children And Adult Services Procedure Letter No. 131

January 1, 2008

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: MULTIETHNIC PLACEMENT ACT, AS AMENDED (MEPA) AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 (TITLE VI) - MEPA CYCLE II OVERSIGHT

To ensure compliance with the federal Corrective Action and Resolution Plan, the Ohio Department of Job and Family Services (ODJFS), Office for Children and Families (OCF) will launch the second round of on-site reviews involving the Multiethnic Placement Act, as amended (MEPA) and Title VI of the Civil Rights Act of 1964, as it pertains to the adoption and foster care process (Title VI). The second round of on-site reviews will occur between January 2008 and December 31, 2009.

MEPA Cycle II on-site reviews will involve announced and unannounced visits to the agency. Dates of the announced on-site reviews will be negotiated between OCF and the agency. Private child placing agencies (PCPAs) and private non-custodial agencies (PNAs) will only receive a MEPA on-site review if they are under contract with a public children services agency (PCSA) to provide any of the following foster care and/or adoption services: placement services; homestudy services; pre-placement and/or pre-service training; and recruitment services.

PCSA Responsibility for Identifying the Private Agencies It Contracts With to Perform Foster Care and/or Adoption Services:

1. Each PCSA must complete the attached JFS 01605 "MEPA Monitoring Cycle II, Foster Care Licensing PCSA-PCPA/PNA Contracts" and identify which private agencies have a contract with the PCSA to provide the following foster care and/or adoption services: placement services; homestudy services; pre-placement and/or pre-service training; and recruitment services.

2. The PCSA must return the completed JFS 01605 by January 25, 2008 to: ODJFS, MEPA Unit, Attn: Vanessa Tower, P.O. Box 182709, Columbus, Ohio 43218-2709 or via e-mail transmission to Vanessa Tower at towerv@odjfs.state.oh.us or fax to 614-466-6185.

Agency Responsibilities Prior to Announced ODJFS MEPA On-site Visits

While ODJFS is transitioning to the Statewide Automated Child Welfare Information System (SACWIS), MEPA Data reports will not be produced or reviewed during the MEPA Cycle II on-site visits until all public and private agencies have rolled out in SACWIS. As a result, at least four weeks prior to each announced MEPA on-site visit, an OCF reviewer will contact the agency and request the following information be made available:

- **Child Permanent Custody Case Record Review** - A list of all children who were in permanent custody of the agency for at least forty-five (45) days in the review period. The review period is the 12-month period ending two months prior to the first day of the MEPA entrance conference month. The list provided to ODJFS must contain the following information: Client Number; Last Name; First Name; Race; Date of Birth; PC Start Date; PC End Date; and Custody Termination Reason.

- **Adoptive Family Case Record Review** - A list of adoptive families who have had an approved adoptive homestudy open for at least one day in the review period. The review period is the 12 month period ending two months prior to the first day of the MEPA entrance conference month. The list provided to ODJFS must contain the following information: Resource Number; Resource Name; Homestudy Approved Date; and Homestudy Closing Date. (Open families include families who have been approved for at least one day in the review period and do not have a child placed with them and families who have been approved and do have a child placed with them.)

- **JFS 01688 Individualized Child Assessment Case Record Review** - A list of all children for whom a JFS 01688 "Individualized Child Assessment" was completed and in effect for at least one day during the review period. The review period is the 12-month period ending two months prior to the first day of the entrance conference month.
INSTRUCTIONS:
The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>FCASPL No. 131</td>
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</tbody>
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TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: JFS Protective Services for Adult Quarterly Reporting Forms Made Obsolete

This letter transmits the JFS Protective Services for Adults Quarterly Reporting Forms (JFS 04287, JFS 04287-I and the Face Sheet Allegation(s) on Adult Protective Services) which have been made obsolete. The forms have been replaced by the web based reporting system titled "APS Case Incident Reporting System" which became effective July 1, 2005.

Instructions:
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Procedure Letter (FCASPL).

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TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: INCREASE IN THE STATE PARTICIPATION OF TITLE IV-E ADOPTION ASSISTANCE AND STATE ADOPTION MAINTENANCE SUBSIDY PAYMENTS

In accordance with Amended Substitute House Bill 119 of the 127th General Assembly, the state is increasing its participation in the Title IV-E Adoption Assistance (AA) and the State Adoption Maintenance Subsidy (SAMS) payments from $250 per month up to a maximum of $300 per month. The increase in the state’s commitment to adoption subsidy payments will commence with payments for January 2008 subsidies.

What SACWIS/FACSIS Will Do Automatically:

Effective with the January 2008 subsidy payments, any adoption subsidy agreement greater than $250 per month but less than or equal to $300 per month, the state's participation will automatically be increased up to the amount reflected in Host-Family and Children Services Information System (FACSIS) or the Statewide Automated Child Welfare Information System (SACWIS).

Effective with the January 2008 subsidy payments, any adoption subsidy agreement greater than $300 per month, the state's participation will automatically be increased up to the maximum of $300. This increase does not change the public children services agency's (PCSA) responsibility of providing the county match for the AA payment in excess of $300 per month.

What SACWIS/FACSIS Will Not Do Automatically:

Effective with the January 2008 subsidy payments, for any adoption subsidy agreement equal to or less than $250 per month, the state's participation will not be automatically increased. In order for an increase to be issued, a revised adoption subsidy agreement must be entered into by the PCSA and adoptive parent(s).

What the PCSA Will Need to Do Manually:

If the PCSA decides to increase the adoption subsidy to the adoptive parent(s), the PCSA must enter the increased subsidy agreement amount into FACSIS or SACWIS by the cut-off date for the month in which the increase is to be effective. Please note that the cut-off date for the January 2008 subsidy payment is December 17, 2007. In light of the short notice, PCSAs will be able to submit requests for retroactive payments. The process to submit these requests for January payments will be sent in a separate procedure letter. Subsequent increases must follow the monthly cut-off schedule throughout the remainder of the year.

As a reminder, the decision to increase the total AA or SAMS payments to the adoptive parent(s) must be based on the needs of the child and circumstances of the adoptive parent(s) to meet those needs.

ODJFS encourages each PCSA to notify adoptive parents of the adjustments in the warrant or the Electronic Funds Transfer (EFT) being paid by the state and the county. This should decrease confusion for the adoptive parents.

If you have questions regarding this change, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

INSTRUCTIONS:

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FCASPL 129 (AA and SAMS)
Family, Children and Adult Services Procedure Letter No. 129
December 18, 2007
FCASPL 128 (Position Statement on Therapeutic Interventions Funded with Post Adoption Special Services Subsidy)

Family, Children And Adult Services Procedure Letter No. 128

October 31, 2007

TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: POSITION STATEMENT ON THERAPEUTIC INTERVENTIONS FUNDED WITH POST ADOPTION SPECIAL SERVICES SUBSIDY

The Ohio Department of Job and Family Services in conjunction with the Ohio Department of Mental Health Services issues the following position statement for agencies to consider as they approve Post Adoption Special Services Subsidy (PASSS) funds to pay for therapeutic interventions for children.

The Post Adoption Special Services Subsidy (PASSS) is a state program designed to provide funds for medical, therapeutic and respite services for adopted children and their families. To receive funds, the family must be experiencing a severe crisis to the point that a disruption of the adoption is eminent and the child is in need of protective services or care by a public agency. Any PASSS service provided must address a pre-existing need or a need that developed from the child's pre-adoptive background issues.

Prior to using PASSS funds, the family's insurance and/or Medicaid shall be utilized, if the service is covered by insurance and/or Medicaid. There are a wide range of therapeutic techniques which may be funded by PASSS based on the unique needs of the adoptive child and the adoptive family's sense of what treatment is most effective, as long as certain safeguards are in place to assure the child's safety and well being.

It is the position of Ohio Department of Job and Family Services (ODJFS) and Ohio Department of Mental Health (ODMH) that:

• The provision of a physically and psychologically safe environment is a basic foundation and requirement for effective mental health treatment. Creating calm surroundings and establishing positive, trusting relationships are essential to facilitating a person's treatment and recovery.

• All therapeutic interventions that are provided with PASSS funds shall be administered by Ohio independent licensed providers licensed in psychology, psychiatry, social work, counseling or advanced practice nurse and are expected to adhere to the code of ethics of the licensing body. The provider shall release information to the public children services agency providing payment arrangements for the services and to the child's adoptive parent(s).

• Interventions involving noncontingent physical restraint or coercion (e.g., "therapeutic holding" or "compression holding"), "reworking" of trauma (e.g., "rebirthing therapy"), or promotion of regression for "reattachment" have no empirical support and have been associated with serious harm, including death, and are therefore not to be a service provided utilizing state PASSS dollars. Specific interventions prohibited from being funded through PASSS include but are not limited to:
  • Face down restraint with back pressure;
  • Any technique that obstructs the airways or impairs breathing;
  • Any technique that obstructs vision;
  • Any technique that restricts the recipient's ability to communicate;
  • Pepper spray, mace, handcuffs or electronic restraint devices such as stun guns; and
  • A drug or medication that is used as a restraint to control behavior or restrict the individual's freedom of movement that is not a standard treatment for the individual's medical or psychiatric condition.

INSTRUCTIONS:

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<td>FCASPL No. 128</td>
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TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: TEMPORARY PROCEDURES TO ISSUE FOSTER HOME CERTIFICATES OUTSIDE OF THE STATEWIDE AUTOMATED CHILDREN WELFARE INFORMATION SYSTEM (SACWIS)

This Procedure Letter provides guidance to Public Children Service Agencies (PCSAs) for issuing Foster Home Certificates while the Statewide Automated Children Welfare Information System (SACWIS) is experiencing application performance issues.

1) Process for agencies that have access to SACWIS Interim Solution (SIS)

To Create a New Foster Home Provider and Initial Certification:

- The PCSA should create Family Foster Home registrations in SIS along with pertinent events. This information will be extracted and sent to Host FACSIS.
- The PCSA should submit the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" by fax or e-mail to:
  
  Ohio Department of Job & Family Services  
  Fax Number (614) 466-0164  
  Attention: Rita Jackson  
  jacksr@odjfs.state.oh.us

- Once the information is transmitted to ODJFS, the JFS 01317 information will be entered into Host FACSIS. The Foster Home Certificate will be printed and mailed to the PCSA. (These steps mirror the process that agencies followed prior to implementing SACWIS.)
- Once the SACWIS application performance issues are resolved, the PCSA will need to enter and approve the Initial Homestudy in SACWIS.
- The PCSA will then create an Approval/Certification record and route the request to ODJFS via the SACWIS Provider Licensing Request process. (ODJFS Staff will validate the previously submitted paper JFS 01317 and approve the Initial Certification based upon the information in the previously generated Foster Home Certificate.)

To Create a Foster Home Recertification:

- The PCSA should update the Family Foster Home record as applicable (i.e. address changes, etc.) in SIS.
- The PCSA should submit the JFS 01317 by fax or e-mail to:
  
  Ohio Department of Job & Family Services  
  Fax Number (614) 466-0164  
  Attention: Rita Jackson  
  jacksr@odjfs.state.oh.us

- When submitting the JFS 01317, the PCSA must provide the Family and Children Services Information System (FACSIS) Resource Identification Number instead of providing the SACWIS Provider Identification Number.
- Once the information is transmitted to ODJFS, the JFS 01317 information will be entered into Host FACSIS. The Foster Home Certificate will be printed and mailed to the PCSA. (These steps mirror the process that agencies followed prior to implementing SACWIS.)
- Once the SACWIS application performance issues are resolved, the PCSA will need to enter and approve the Recertification Homestudy in SACWIS.
The PCSA will create an Approval/Certification record and route the request to ODJFS for approval in SACWIS. (ODJFS Staff will validate the previously submitted paper JFS 01317 and approve the Recertification based upon the information from the previously generated Foster Home Certificate.)

2) **Process for agencies that are processing child welfare subsidy payments out of SACWIS and no longer have access to SIS**

To Create a New Foster Home provider and Initial Certification:

- The PCSA should complete and submit the Provider Request Form by fax or e-mail to:
  - Ohio SACWIS Project
    - Fax Number (614) 728-9678
    - Attention: Tim Doyle-Wenger
doylet@odjfs.state.oh.us
  - The ODJFS SACWIS Provider Team will enter the Provider information and generate the new Foster Home Certificate from SACWIS.
  - An e-mail notification will be sent to the PCSA with an attached PDF copy of the Foster Home Certificate.
  - Once the SACWIS application performance issues are resolved, the PCSA will need to enter and approve the information on the Initial Homestudy in SACWIS.

To create a Foster Home Recertification with or without demographic changes including change of name, address and/or change in capacity:

- The PCSA should complete and submit the Provider Request Form (with all changes indicated) by fax or e-mail to:
  - Ohio SACWIS Project
    - Fax Number (614) 728-9678
    - Attention: Tim Doyle-Wenger
doylet@odjfs.state.oh.us
  - The ODJFS SACWIS Provider Team will update the Provider information and generate the Foster Home Certificate.
  - An e-mail notification will be sent to the PCSA with an attached PDF copy of the Foster Home Certificate.
  - Once the SACWIS performance issues are resolved, the PCSA will need to enter and approve the information on the Recertification Homestudy in SACWIS.

**INSTRUCTIONS:**

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<tr>
<th>LOCATION</th>
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<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 127</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: REVISIONS TO CHILDREN SERVICES LICENSING FORM JFS 01350 AND MAKING FORM JFS 01351 OBSOLETE

This letter transmits changes made to the JFS 01350 "Foster Parent Training Reimbursement Invoice and Instructions," introduces the new JFS 01350-I "Instructions For Completing the ODJFS 01350," and makes the JFS 01351 "Waiver Request for Agency Rules" obsolete.

Effective September 30, 2007 the JFS 01351 "Foster Parent Training Reimbursement Invoice - Continuation Page" will be obsolete. All foster caregiver training costs should be submitted using the revised JFS 01350 "Foster Caregiver Training Stipend and Recommending Agency Training Allowance Invoice." Following is a brief explanation of each of the proposed changes to the JFS 01350 form.

The title of the form has changed.

The Recommending Agency Information section adds an additional box requiring the three digit Agency or County I.D. Number.

The Training Information section adds new required information including a selection of pre-placement or continuing training, questions concerning costs for the agency, the date of the training and the length of the session.

The Training Participant Information section eliminates the FACSIS number column and adds columns for foster caregiver stipends paid and for allowance payments requested by the recommending agency.

There is a new subtotal box to list the totals of both stipend and training allowance reimbursement requests. There is also a total amount line which combines the two subtotals of stipend and allowance reimbursement requests.

The new form JFS 01350-I contains the instructions for use with the JFS 01350.

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<tr>
<td></td>
<td>JFS 01351 (Rev. 1/1995)</td>
<td>JFS 01350-I (Rev. 9/2007)</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Available Funding to Support the 2007 Ohio Association of Child Caring Agencies Independent Living Conference

The Ohio Department of Job and Family Services (ODJFS) is pleased to support the Ohio Association of Child Caring Agencies Independent Living Conference (OACCA) "On Our Own: Ensuring Success for Youth Transitioning Out of Care" which will be held October 19th, 2007 at the Holiday Inn & Conference Center in Columbus, Ohio. For registration forms, please visit the OACCA web site at [www.oacca.org](http://www.oacca.org).

ODJFS has allotted a maximum of $30,000 to be used as reimbursement for the cost of the conference registration fee and associated travel for county PCSA personnel, county PCSA foster parent(s) and youth in the custody of the PCSA agency age fifteen to twenty-one who are in receipt of services. Reimbursement will be paid on a first come first serve basis through the JFS 02820 "Monthly Financial Statement-Childrens Services Fund" using financial program code 820 and classification code 24 which will map to line code 2-8020 and funding source 0000. The procedure for reimbursement of costs associated with the aforementioned conference is as follows:

1. Submit an original invoice developed by your county and supporting documentation for reimbursement to: The Office For Children and Families (OCF), P.O. Box 182709, Columbus Ohio 43218-2709, Attention: Dan Shook, post marked no later than January 31, 2008. Note: Identify the conference by name and date on the invoice.

2. Supporting documentation shall include, copies of the PCSA personnel, PCSA foster parent(s) and youth in the custody of the PCSA agency registration form and travel expense reports. Note: Registration fees will not be reimbursed without an accompanying travel expense report as verification of attendance. If staff, foster parents and/or youth travel with someone to the conference, the invoice shall identify the travel expense report of the person in which they traveled with.

3. OCF will date stamp each reimbursement request and promptly submit the request to the Office of Fiscal Services (OFS) for reimbursement by order in which received.

4. OCF will track, via a spread sheet, all reimbursement requests submitted to OFS and will continue to process all requests submitted before January 31, 2008, until such time as the total amount of $30,000 is fully liquidated.

5. Reimbursement requests post marked after January 31, 2008, will not be reimbursed.

6. Reimbursement requests remaining after the allotted $30,000 is fully liquidated will not be reimbursed. Notice of such will be submitted to the county PCSA agencies requesting the reimbursement.

If you have any questions regarding this correspondence, please contact Dan Shook at 614-752-0619 or via email at Shookd@odjfs.state.oh.us

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</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director


This letter transmits revisions to JFS 01410-I "Comprehensive Assessment Planning Model - I.S. Case Plan Instructions" and JFS 01412-I "Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review Instructions" as a result of P.L. 109-239, the Safe and Timely Interstate Placement of Foster Children Act of 2006.

These changes support the implementation of rule 5101:2-42-65 of the Ohio Administrative Code.

An explanation of the instruction revisions appear below:

JFS01410-I entitled Comprehensive Assessment Planning Model - I.S. Case Plan Instructions is being modified to reflect that a visit every 6 months is required for out-of-state placements. Previously, out-of-state placement visits were required annually. This revision is located in Section 5, number 6, of the JFS01410-I. Additional language was included to clarify the completion expectations of the visitation plan contained within the case plan and the times in which circumstances regarding removing a child from their home, appropriateness of placement, documentation of exceptions to filing a motion for permanent custody, and documentation of efforts for permanency sections are not required.

JFS01412-I entitled Comprehensive Assessment Planning Model - I.S. Semiannual Administrative Review Instructions is being modified to reflect that a visit every 6 months is required for out-of-state placements. Previously, out-of-state placement visits were required annually. This revision is located in Section 2(B) of the JFS01412-I. Additional language was included to clarify the signature on the case plan for in-home supportive services cases is by the parent, the determination of the number of placement moves during the review period for non-agency custody cases.

If you have questions regarding this procedure letter, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

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<td>PROCEDURE LETTERS</td>
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</table>
FCASPL 120 (2007 PCSAO Conference)

Family, Children And Adult Services Procedure Letter No. 120

August 17, 2007

TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Available Funding to Support the 2007 Public Children Services Agencies of Ohio Annual Conference

The Ohio Department of Job and Family Services (ODJFS) is pleased to support the Public Children Services Association of Ohio's annual conference "Keys To Success" which will be held September 26, through September 28, 2007 at the Doubletree Hotel Columbus/Worthington in Columbus Ohio.

ODJFS has allotted a maximum of $85,000 to be used as reimbursement for the cost of the conference registration fee, lodging and associated travel for county personnel on a first come first serve basis. The reimbursement will be paid through the JFS 02820 "Monthly Financial Statement-Childrens Services Fund" using financial program code 896 and classification code 24 which will map to line code 2-6690 and funding source 0000. The procedure for reimbursement of county personnel costs associated with the aforementioned conference is as follows:

1. Submit an original invoice developed by your county and supporting documentation for reimbursement to; The Office For Children and Families (OCF), 50 West Town Street, Sixth Floor, Columbus Ohio 43215, Attention: Dan Shook post marked no later than December 31, 2007.

2. Supporting documentation shall include, copies of the county personnel registration form and travel expense reports. Note: County personnel registrations will not be reimbursed without an accompanying travel expense report as verification of attendance.

3. OCF will date stamp each reimbursement request and promptly submit the request to the Office of Fiscal Services (OFS) for reimbursement by order in which received.

4. OCF will track, via a spread sheet, all reimbursement requests submitted to OFS and will continue to process all requests submitted before December 31, 2007, until such time as the total amount of $85,000 is fully liquidated.

5. Reimbursement requests post marked after December 31, 2007, will not be reimbursed.

6. Reimbursement requests remaining after the allotted $85,000 is fully liquidated will not be reimbursed. Notice of such will be submitted to the county agencies requesting the reimbursement.

If you have any questions regarding this correspondence, please contact Dan Shook at 614-752-0619 or via email at Shookd@odjfs.state.oh.us

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: THREE HUNDRED PERCENT OF POVERTY GUIDELINES FOR THE KINSHIP PERMANENCY INCENTIVE (KPI) PROGRAM.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2007 Federal Poverty Guidelines (published in the Federal Register, Vol. 72, No. 15, January 24, 2007, pp. 3147-3148) rounded to the nearest dollar and adjusted for family size.

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<th>FAMILY SIZE</th>
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<td>$41,070</td>
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<td>3</td>
<td>$51,510</td>
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<td>4</td>
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<td>8</td>
<td>$103,710</td>
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<tr>
<td>For each additional person add</td>
<td>$10,440</td>
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INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>FCASPL No. 119</td>
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<tr>
<td>Procedure Letters</td>
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</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: REVISED ADOPTION SERVICES FORMS JFS 01680, JFS 01686, JFS 01687, JFS 01688 AND JFS 01688I  

The following Adoption Services forms have been updated to reflect the current mailing and street addresses and names of the Governor and Ohio Department of Job and Family Services Director, where applicable:  
- JFS 01680 Verification of Assessor Qualifications  
- JFS 01686 Ohio Adoption Photo Listing (OAPL) Child Registration/Amendment Form  
- JFS 01687 Ohio Adoption Photo Listing (OAPL) Family Registration/Amendment Form  
- JFS 01688 Individualized Child Assessment  
- JFS 01688I Individualized Child Assessment Purpose and Instructions  

INSTRUCTIONS:  
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>JFS 01680 (Rev. 05/2007)</td>
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<td>JFS 01686 (Rev. 10/2005)</td>
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<td>JFS 01687 (Rev. 06/2006)</td>
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<tr>
<td>PROCEDURE LETTER</td>
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<td>FCASPL No. 116</td>
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</tbody>
</table>
To: Family, Children, and Adult Services Manual Holders  
From: Helen E. Jones-Kelley, Director  
Subject: CENTRAL REGISTRY SEARCH REQUESTS IN COMPLIANCE WITH THE PROVISIONS OF THE ADAM WALSH ACT AND SUB. SB 238  

This communication is being sent to clarify procedures related to completion of Central Registry (CR) background checks required by Am. Sub. SB 238 of the 126th General Assembly, related Ohio Administrative Code (OAC) rules, and the federal Adam Walsh Act.

OAC rules to implement Sub. SB 238 provisions became effective on December 11, 2006. Procedures for requesting related Central Registry searches were communicated via Family, Children and Adult Services Procedure Letter No. 103 on December 28, 2006.

The Office for Children and Families continues to work diligently to provide technical assistance on the new procedures and process the nearly 6,000 CR requests submitted so far this calendar year as a result of this legislation. Due to the number of requests which have been submitted and the level of technical assistance requested, a significant backlog in processing search requests now exists.

It has been brought to the Office’s attention that some of the search requests have been submitted for the purpose of foster care licensure recertification. Ohio law does not currently require or permit CR searches for this purpose. To expedite the approval of prospective foster homes, please review the list submitted by your agency to determine if any names were submitted for the exclusive purpose of foster care licensure recertification. By May 25, 2007, forward the names of those who need to be removed from the search request, or verification that no changes are needed, to Barbara Parker via e-mail at parkeb@odjfs.state.oh.us.

However, provisions contained in proposed legislation Ohio HB 213 and its companion bill SB 163 require a search of the uniform statewide automated child welfare information system at foster care licensure recertification. We will keep you apprised as that legislation progresses.

Your cooperation and patience with these modifications are appreciated.

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<td>Procedure Letters</td>
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<td>FCASPL No. 115</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Revisions to Children Services Licensing Form JFS 01376 and Making JFS 01276 Obsolete

This letter transmits changes made to the JFS 01376 "Waiver Request for CRCs and Group Homes" and announces that the JFS 01276 "Waiver Request for Agency Rules" has been made obsolete.

Effective December 31, 2006 the JFS 01276 was made obsolete. The JFS 01376 has been revised to incorporate the information once collected on the JFS 01276. All agency waiver requests should be submitted using the revised JFS 01376.

The following is a brief explanation of each of the proposed changes to the JFS 01376 form:

- The Facility Name section adds Agency name in addition to facility name.
- The CRC or Group Home section adds the words "if applicable".
- There is a new section to enter the specific rule number to be waived.
- There is a new section to specify the timeframe of the waiver request.

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<td>PROCEDURE LETTERS</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Revisions to the JFS 01659 Form

This letter transmits changes made to the JFS 01659 "Title IV-E Auxiliary Payment Authorization," JFS 01659-I "Instructions for completing the Title IV-E Auxiliary Payment Authorization," and the "Instructions for correcting errors noted on the JFS 01659 Error Report (FBI 030)."

JFS 01659 "Title IV-E Auxiliary Payment Authorization" was updated to comply with the new formatting standards for forms. The JFS 01659 should be used by Title IV-E agencies to authorize auxiliary foster care maintenance (FCM) adoption assistance (ADA) or medical benefits for Title IV-E children who are registered as eligible recipients for Title IV-E benefits issuance, until the statewide automated child welfare information system (SACWIS) is implemented in your agency.

JFS 01659-I "Instructions for completing the Title IV-E Auxiliary Payment Authorization" has been updated to include the "Instructions for correcting errors noted on the JFS 01659 Error Report (FBI 030)", change the mailing address for SAGE and State Hearings and references to the new JFS 01659. Section A of the JFS 01659-I contains the instructions and examples. Section B on page 6 of the JFS 01659-I contains the instructions for correcting errors noted on the JFS 01659 Error Report (FBI 030).

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<td>JFS 01659 Instructions for correcting errors noted on the ODHS 1659 error report (FBI 030)</td>
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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 113</td>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Revisions to Foster Care Maintenance Forms

This letter transmits amendments to the JFS 01975 "Annual Foster Care Maintenance and Adoption Assistance Survey," the JFS 01925-I "Instructions for JFS 01925 - Monthly FCM Facility Invoice," and the JFS 02911-I "Title IV-E Single Cost Report Instructions."

The JFS 01975 "Annual Foster Care Maintenance and Adoption Assistance Survey" has been amended to ensure compliance with recent SACWIS-related amendments to OAC rule 5101:2-47-19. The form amendments are as follows:

- Part C, #2 (revised) - now requires Title IV-E agencies to report their maximum allowable annual (yearly) amount per child for clothing.
- Part C, #3 (revised) - now requires Title IV-E agencies to report their maximum allowable amount per child for graduation.
- Part C, #4 (new) - requires Title IV-E agencies to report their maximum allowable annual (yearly) amount per child for personal incidentals (as defined in OAC rule 5101:2-47-19(F)).
- The mailing address has been changed.

Please note that the JFS 01975 should be utilized when complying with the requirements of OAC rule 5101:2-47-01(D). If your agency has already submitted the JFS 01975 between January 1, 2007, and the date of this procedure letter, we request you resubmit your information using the revised version of the form.

The JFS 01925-I "Instructions for JFS 01925 - Monthly FCM Facility Invoice" and the JFS 02911-I "Title IV-E Single Cost Report Instructions" have been amended to reflect the new mailing address for the Office for Children and Families.

All mailings pertaining to these revised forms should be addressed to:

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Administration & Fiscal Accountability
P.O. Box 182709
Columbus, Ohio 43218-2709

If you have questions regarding these revisions please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at Help-Desk-OCF@odjfs.state.oh.us.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>JFS 01975 (Rev. 2/2004)</td>
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</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: PCSA Implementation of the Comprehensive Assessment and Planning Model - Interim Solution  

Pursuant to paragraph (A) of rule 5101:2-33-99 of the Administrative Code, all public children services agencies (PCSAs) shall begin utilizing the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS) on the date the uniform statewide automated child welfare system (SACWIS) is implemented within the agency. The PCSA shall utilize the CAPMIS tool set and associated Ohio Administrative Code rules for all reports received on or after the date SACWIS is implemented within the PCSA.

The following procedures shall be utilized to phase-in the CAPMIS tools and policies for pre-existing cases:

1) For every report of child abuse and/or neglect received prior to the date of SACWIS implementation that does not have a report or case disposition entered, the PCSA shall:
   a) Complete the JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (Rev. 7/2006) in SACWIS.
   b) Record the report disposition in SACWIS.

2) For every dependency report received prior to the date of SACWIS implementation that does not have a final case decision entered, the PCSA shall complete the JFS 01400 and record the final case decision in SACWIS.

3) For every Family In Need of Services (FINS) report received prior to the date of SACWIS implementation that does not have a final case decision entered, the PCSA shall:
   a) Enter the final case decision in SACWIS.
   b) Complete the JFS 01400 for FINS reports that are to remain open for ongoing protective services in SACWIS; excluding Permanent Surrender, Emancipated Youth, and Deserted Child (Safe Haven).

4) For every case which was transferred for ongoing agency services prior to the date of the SACWIS implementation and a case plan has not been completed, the PCSA shall:
   a) Complete the JFS 01410 "Comprehensive Assessment and Planning Model - I.S., Case Plan" (Rev. 2/2006) pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code.
   b) Base the content of the JFS 01410 on the information contained in the JFS 01500 "Family Decision Making Model: Family Risk Assessment Matrix" (Rev. 2/2001) completed pursuant to rule 5101:2-34-32 of the Administrative Code.

5) For all ongoing cases that have a completed and signed case plan prior to the date of the SACWIS implementation, the PCSA shall begin utilizing the JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (Rev. 7/2006) no later than every three months after whichever of the following activities occurred first:
   a) The date of the parent signature on the JFS 01410 for in-home supportive services only.
   b) The date of the original court complaint.
   c) The date of original placement date.
   d) The date of court ordered protective supervision date.
   e) The semiannual administrative review (SAR) due date.
6) SACWIS requires the completion of the JFS 01400 for the first subsequent report of intra-familial child abuse and/or neglect received for every case transferred for ongoing protective services prior to the date of SACWIS implementation.

7) The following CAPMIS tools will be utilized per procedures outlined in the Ohio Administrative Code rules once a PCSA has implemented SACWIS:

a) The JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (Rev. 7/2006) pursuant to rule 5101:2-37-03.


c) The JFS 01402 "Comprehensive Assessment and Planning Model - I.S., Ongoing Case Assessment/Investigation Tool" (Rev. 7/2006) pursuant to rule 5101:2-36-03.

d) The JFS 01403 "Specialized Assessment/Investigation" (Rev. 2/2006) pursuant to rule 5101:2-36-04 of the Administrative Code.


g) The JFS 01411 "Comprehensive Assessment and Planning Model - I.S., Amended Case Plan Cover Sheet" (Rev. 2/2006) pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code.

It is recommended that prior to implementation of SACWIS, PCSAs utilize the case plan and the semiannual administrative review (SAR) available in the Family Assessment and Planning Tool (FAPT) housed within SIS. Data saved in this system will be converted to SACWIS.

PCSAs implementing CAPMIS prior to implementing SACWIS pursuant to paragraphs (C) and (D) of rule 5101:2-33-99 of the Administrative Code, should follow the procedures outlined in this procedure letter for phasing-in the CAPMIS tools on pre-existing cases. CAPMIS tools completed prior to SACWIS implementation will not be converted or saved into SACWIS.

If you have questions regarding this procedure letter, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

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TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: JFS 01821-I Instructions for the JFS 01821, Title XX County Profile

The JFS 01821-I has been revised to correct the instructions to the JFS 01821 (rev. 1/2007). All old copies of this form should no longer be used.

The JFS 01821-I provides instructions for completing the JFS 01821 "Title XX County Profile" which is to be submitted biennially by each county department of job and family services (CDJFS).

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FCASPL 108 (JFS 04281 and JFS 01481-I)

Family, Children and Adult Services Manual Procedure Letter No. 108
February 27, 2007

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Revision of JFS 04281 Statistical Report Form and JFS 04281-I Instructions for Completing Children Services Quarterly Statistical Report

The Office for Children and Families (OCF) is requesting a clearance waiver for the following revised JFS forms. Following is a brief explanation of each form being changed.

JFS 04281 "Children Services Quarterly Statistical Report" This form was updated due to the address change for OCF. The revisions made required no content changes.

JFS 04281-I "Instructions for Completing Children Services Quarterly Statistical Report" This form was updated due to the address change for OCF. The revisions made required no content changes.

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TO:          Family, Children and Adult Services Manual Holders
FROM:        Helen E. Jones-Kelley, Director
SUBJECT:     Revisions to Children Services Licensing Form JFS 01334

This letter transmits changes made to the JFS 01334 "RECOMMENDATION FOR TRANSFER OF A FOSTER HOME". Following is a brief explanation of each of the proposed changes.

The Sending Agency section adds information for a SACWIS identification number to be entered on the form as agencies gain access to the system.

There are four new informative questions located in the center section of the form.

There is a new "Sending Agency Approval" section to be completed.

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TO:        All Family, Children and Adult Services Manual Holders
FROM:     Helen E. Jones-Kelley, Director
SUBJECT:  Revision of ICPC Forms

This letter transmits forms governing the ICPC process that are being amended as a result of an address change. Following is a brief explanation of each form being changed.

JFS 01640 "Interstate Compact on the Placement of Children (ICPC) Transmittal" This form was updated due to the address change for OCF. The revisions made required no content changes.

JFS 02424 "ICPC Placement Financial Information" This form was updated due to the address change for OCF. The revisions made required no content changes.

JFS 01660 "Guaranty Regarding Placing A Child Into The State Of Ohio" This form was updated due to the address change for OCF. The revisions made required no content changes.

JFS 01661 "Interstate Compact Placement Request (ICPC 100-A)" This form was updated due to the address change for OCF. The revisions made required no content changes.

JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100-B)" This form was updated due to the address change for OCF. The revisions made required no content changes.

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Effective Date: September 25, 2006

OAC Rule: 5101:1-38-02

To: Medicaid Eligibility Manual Holders
Family, Children and Adult Services Manual Holders

From: Helen E. Jones-Kelley, Director

Subject: IV-E and SSDI Medicaid Citizenship Verification Requirement

Reason for Change: Amendment to Federal Law

Prior Policy: The Deficit Reduction Act of 2005 required documentation of U.S. citizenship for all applicants and recipients of Medicaid except for those individuals already eligible for Medicare or receiving SSI.

New Policy: New federal legislation signed December 20, 2006, exempts additional groups from the citizenship verification requirement. Individuals receiving foster care or adoption assistance under Title IV-E and those receiving Social Security Disability Insurance (SSDI) will not be required to furnish verification of citizenship in order to be eligible for Medicaid. This exemption is retroactive to the effective date of rule 5101:1-38-02, September 25, 2006.

Action Required: The new federal legislation retroactively applies to IV-E and SSDI individuals beginning September 25, 2006. Therefore, any affected individuals who were terminated or denied with reason codes 852 or 853 due to citizenship verification must be reviewed for eligibility. This information may be accessed by using the BIC Application Timeliness data cube.

CRIS-E table TMCV has been updated to include code "FA" for IV-E foster care and adoption assistance children and "SD" for individuals receiving SSDI. These codes must be used to indicate the individual's IV-E or SSDI status.

Rule 5101:1-38-02, "Medicaid verification and reporting requirements," will be amended to include this information.

Please note this procedure letter relates only to the topic of Medicaid eligibility for children in foster care. It does not relate to other federal requirements that states must have procedures to verify the citizenship of all children in placement. Instructions regarding those procedures will be issued in a separate transmittal.

This procedure letter is also available on the Internet and may be accessed at:

Family, Children and Adult Services Manual (FCASM) and Medicaid Eligibility Manual (MEM):
http://emanuals.odjfs.state.oh.us/emanuals/

InnerWeb Calendar:
http://www.odjfs.state.oh.us/lpc/calendar/staff/

Internet Calendar:
http://www.odjfs.state.oh.us/lpc/calendar/
TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director

On July 27, 2006, Congress enacted the Adam Walsh Protection and Safety Act of 2006. This Act is intended to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, and to promote Internet safety. This letter addresses one requirement of the legislation: The conducting of background checks of prospective foster care and adoptive applicants and other adults living in the home of these prospective applicants by using child abuse and neglect registries.

The entire law can be viewed at the following internet address:

As a result of this legislation, OAC 5101:2-5-20 (D) (effective December 11, 2006) requires that the recommending agency search the Central Registry of Abuse and Neglect for each foster care applicant and each adult household member of the applicant's home. Once the agency accesses the Statewide Automated Child Welfare Information System (SACWIS), the agency must request a search of SACWIS for each foster care applicant and adult household member. For an application that is in process prior to the effective date of the amended rule, the homestudy may be approved; however, the Central Registry/SACWIS search results must be obtained prior to placement of a child in the home. The results of the search for foster care applicants who made application after the effective date of the rule must be received prior to foster care certification.

Adoption rules have also been amended. OAC 5101:2-48-11, 5101:2-48-11.1 and 5101:2-48-12 require a Central Registry search or a SACWIS search once SACWIS is implemented statewide for initial adoptive applicants and all other adult members of the applicant's household. OAC 5101:2-48-12.1 has additionally been amended to require the search at the time of update. The results of the search must be received prior to adoption approval. All the above mentioned rules will become effective on December 11, 2006.

State law currently limits these background searches to searches of SACWIS when it is implemented statewide and does not mandate searches of the Central Registry prior to that time. Also, the current language in OAC 5101:2-34-38.1 of the Administrative Code does not allow the release of the Central Registry/SACWIS information for the purpose of background checks. OAC 5101:2-34-38.1 is being amended to comply with P.L. 109-248. Because federal law supersedes state statute and rule, until Ohio statutes and rules are amended to reflect these federal requirements of the Adam Walsh Act, these mandatory requests for searches of the Central Registry/SACWIS should specify that the search request is being made in accordance with the Adam Walsh Act.

Central Registry/SACWIS search requests must be sent electronically as an e-mail attachment to Barbara Parker at parkeb@odjfs.state.oh.us. Agencies without electronic capabilities can mail search requests to Barbara Parker at ODJFS/OCF/BFS, 255 East Main Street, 3rd floor, Columbus, OH, 43215-5222.

- The agency must provide the following information for each individual for whom a search is being requested:
  - Full Name, including maiden or other names used
  - Date of Birth
  - Social Security Number
  - Home Address
- The agency must confirm that verification of the date of birth and Social Security number is on file with the agency for each individual search request.
- The agency must identify the reason for each search (for example, prospective adoptive or foster parent).
• The agency must provide the name(s) of the agency contact persons who are designated/approved to request Central Registry search results, including their contact information (address, phone number and e-mail, if applicable). The agency must inform ODJFS of any changes/additions to that information as necessary.

• Agencies should submit "batches" of requests on a regular, self-determined timeframe; e.g., every Monday. Agencies are discouraged from sending multiple individual search requests each week. By requesting the searches in batches, it will allow for a more efficient process. Agencies must allow 30 days for search results. Searches cannot be processed on an emergency basis.

• Search requests cannot be submitted via telephone.

• ODJFS will conduct searches of both the Host FACSIS and SACWIS databases for each individual request.

• ODJFS will return results letters for each search electronically to the contact person designated by the requesting agency. Results will be mailed to those agencies that do not have electronic capabilities.

• Results letters will advise agencies either that there is NO MATCH found for the individual's name in the Central Registry or SACWIS systems as an alleged perpetrator of a Substantiated or Indicated report of child abuse and/or neglect; or that a MATCH is found for the individual as an Alleged Perpetrator for a Substantiated or Indicated report of child abuse and/or neglect. Result letters shall be maintained in the family resource case file.

• Search Results will not be provided via telephone or fax.

Questions concerning the Central Registry request should be directed to Barbara Parker, ODJFS/OCF/BFS, via e-mail at parkeb@odjfs.state.oh.us or by phone at 614-995-5594.

The Adam Walsh Act also requires agencies to request a check of the child abuse and neglect registry of any other state in which a foster care or adoptive applicant or other adult living in the applicant's household has resided in the five years immediately prior to the application. These background checks must be made before the prospective foster or adoptive parent may be finally approved for placement of a child. The department will be seeking to amend state law and revising rules to add this requirement. Until such time as rules exist mandating this requirement, we suggest that recommending agencies determine whether a foster care or adoptive applicant or other adult living in the applicant's household has resided in another state during any of the five years immediately preceding the date of the application. If the applicant or other adult has resided in another state during that time period, we suggest that the recommending agency determine whether that state has a child abuse and neglect registry and, if so, contact that state to check its registry concerning that individual. Currently, there is no standardized way to make these requests. Those states that have a child abuse and neglect registry vary in their definitions, standards, and placement of names in their registry. We have been unable to find any listing of registry contacts in other states. If we learn of any listing, we will provide that information in the future.

For all applicants, even those who are residents of Ohio for five years or more, the Adam Walsh Act will be requiring a federal criminal background check. In accordance with the time line set by the Adam Walsh legislation, we will be seeking legislation prior to October 1, 2008 to address new criminal record checking requirements, including FBI checks for all applicants. Regardless of any future legislation, OAC rules 5101:2-5-09.1 (J) and 5101:2-48-10 (B) currently allow the agency to choose to seek the federal criminal check for all adoptive and foster care applicants.

For questions about this letter, please contact the OCF Helpdesk by phone at: 1-866-886-3537, Option 4 or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

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In order to improve the efficiency and accuracy of the issuance of certificates for foster homes, the Office for Children and Families (OCF) is implementing some changes to the internal processing of the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" that will be used until your agency is converted to the Statewide Automated Child Welfare Information System (SACWIS).

Pursuant to OAC 5101:2-5-22 Recommendations for initial foster home certification, the recommending agency must have the required FACSIS/SIS data entered into the automated system no later than the date that the agency submits the JFS 01317 containing its recommendation for certification of the foster home to the department. Similarly, OAC 5101:2-5-24 Foster home recertification procedure requires that FACSIS/SIS data be complete at the time that the JFS 01317 containing the recommendation for recertification is received.

Each public children services agency (PCSA) is responsible for entering its own data into FACSIS/SIS. Private agencies fulfill this requirement by submitting the JFS 01639 "Micro-FACSIS Private Agency Form (PCPA and PNA), Own Agency Foster Home -Resource 01" to the department. The data should be complete in accordance with the policy set forth in the Micro-FACSIS Usage Document which can be obtained at:
http://jfs.ohio.gov/ocf/FACSIS/usage/ and in FCASMTL No. 124 Revised PCPA and PNA Data Entry Forms for Micro-FACSIS and new form instructions issued on April 16, 2002 which can be obtained at http://emanuals.odjfs.state.oh.us/emanuals/.

The changes to the OCF processing for issuance of certificates may impact the effective dates of certificates. This could be a concern for placement decisions and federal reimbursement for placements. Pursuant to OAC 5101:2-5-22, no initial certificate will be made effective any earlier than the date of the receipt stamp on the JFS 01317. The effective dates for recertifications will continue to be set in accordance with OAC 5101:2-5-24.

Certificates will not be issued if information on the JFS 01617 is incorrect or the FACSIS/SIS data elements are incomplete. **Certificates will not be issued when documentation for criminal background checks, Event 820 for the required BCII and Event 822 for applicable FBI, is missing for any household member for whom a background check is required by rule.**

Please note the following:

- If OCF receives a JFS 01317 that is incorrect, OCF will contact the recommending agency by phone or e-mail to request that the agency submit the correct information. Corrections to the JFS 01317 may be submitted by phone, mail, email or fax at the numbers listed below. **If the corrections are received within two weeks, the date stamp on the originally submitted JFS 01317 will be used to establish the effective date of the certificate.**
- If the corrections to the JFS 01317 are not received by OCF within two weeks, OCF will return the JFS 01317 to the recommending agency. The JFS 01317 may be resubmitted to OCF by the recommending agency when the information is complete at the address listed below. **For any JFS 01617 that was returned to the recommending agency, the date that the corrected JFS 01617 is received and date stamped by OCF will be used to establish the effective date of the certificate.**
- For public agencies, if complete FACSIS/SIS data are not available for review in the automated system by OCF at the time that the JFS 01317 is received by OCF, OCF will contact the recommending agency by phone or e-mail to request that the agency update the FACSIS/SIS data. Public agencies must notify OCF when the FACSIS/SIS data has been updated in the automated system by phone, mail, e-mail or fax at the numbers listed below.
For private agencies, if the JFS 01639 is not compete and available for review by OCF at the time that the JFS 01317 is received by OCF, OCF will contact the recommending agency by phone or e-mail to request that the agency correct the information on the JFS 01639. Corrections to the JFS 01639 may be made by phone or e-mail or by submitting a corrected JFS 01639 by mail or fax at the numbers listed below.

If the FACSIS/SIS information is not available for review by OCF or the corrections to the JFS 01639 are not received by OCF within two weeks, OCF will return the JFS 01317 to the recommending agency. The JFS 01317 may be resubmitted to OCF by the recommending agency when the FACSIS/SIS information is complete or the JFS 01639 has been corrected and submitted to OCF at address listed below. For any JFS 01317 that was returned to the recommending agency due to incorrect SACWIS/SIS information, the new date that the JFS 01317 is received and the supporting FACSIS/SIS data is available for review will be used to establish the effective date of the certificate.

To ensure Ohio's compliance with Federal regulations for claiming Title IV-E reimbursement, the recommending agency should take no more than thirty days between the date on the original JFS 01317 which recommended the home and the agency's correction of errors/omissions. OCF will continue to set the effective dates of certificates in accordance with the OAC, when all required information is available for review by ODJFS.

Pursuant to the instructions in the Micro-FACSIS Usage Document, agencies are required to complete Event 820 "Criminal Background Check" and, in some cases, the Event 822 "FBI Background Check" for registered foster homes. Under separate cover, agencies will receive a listing of all currently certified foster homes as documented in FACSIS/SIS that have missing 820 and 822 events. Agencies must review these lists for accuracy and complete the required data elements in FACSIS/SIS by December 31, 2006.

If a foster family who was initially certified before October 29, 1993 and has been continuously certified, it was not required to have a criminal background check in accordance with ORC 2151.86. Agencies however are encouraged to enter data in the 820 and 822 events if the foster home record documents that a BCII/FBI background check was completed on the family. In subsequent data reports families who were initially certified prior to 1993 who have not had a background check will be eliminated from the report.

For any foster home noted on the list that the agency has closed, the agency must submit a JFS 01317 indicating the closure and enter the Event 816 "Certificate Closed Event" in FACSIS/SIS.

For any foster home that was initially certified by one agency and then transferred to another agency, the current recommending agency should contact the initial certifying agency to obtain the date of the criminal background check. If the date can not be ascertained and the current agency has completed a background check, that date should be used. Otherwise the date should remain blank in FACSIS/SIS. Agencies should note that the lack of data in this event may cause the family to appear on subsequent data reports. OAC 5101:2-5-31 Sharing or transfer of a foster home, which will become effective on December 11, 2006, will require that when a foster home is transferred to a new agency, the receiving agency must conduct a criminal background check.

In order to prevent undue delays in the processing of foster home certificates, agencies should carefully review their certification and recertification reviews for compliance with all applicable Administrative Code rules. They should also assure that all JFS 01317s containing the recommendations for certification are free of errors and omissions and that FACSIS/SIS data is submitted timely in accordance with Administrative Code requirements and Micro-FACSIS usage document.

Some of the common errors that will interrupt the processing of an initial certificate or recertification are indicated below:

- Incomplete or missing items on the JFS 01317 "Recommendation for certification/recertification of a foster home":
  - Identifying Information
  - Transaction Type
Incomplete or missing items in FACSIS/SIS or on the JFS 01639 "Own Agency Foster Home - Resource 01":

- Dates of birth for all household members
- Information regarding capacity, minimum and maximum age, acceptable sex and race
- Excluding characteristics
- Event 800, "Completed Application Received"
- Events 820 "Criminal Background Check" (BCII) and 822 "FBI Background check" FOR ALL REQUIRED MEMBERS OF THE HOUSEHOLD (Children over age 12 and adults over age 18)
- Indication of length of Ohio residency

For custodial agencies, Events 850, 812, 814 and 818 are required FACSIS/SIS data elements; however, at this time the absence of data in these events will not interrupt the processing of a certificate. Event 850 "Local Educational Agencies" is needed for the Ohio Department of Education, and Event 812 "Foster Caregiver Parent Family Structure," Event 812 "First Foster Caregiver Parent Demographics" and Event 818 "Second Foster Caregiver Demographics" are needed for AFCARS compliance. Missing information from these events will be indicated on the AFCARS exception reports.

Please use the following numbers for contacting OCF:

- By mail at: Office for Children and Families, Foster Home Certifications, 255 East Main Street, Columbus, Ohio 43215
- By phone at: (614) 644-6140
- By e-mail at: ligona@odjfs.state.oh.us
- By fax at: (614) 466-0164

Agencies that would like to designate a single point of contact for communications regarding any information needed to complete the processing of certificates, should provide the agency's name, the contact person's name, phone number and e-mail address to the OCF Helpdesk at HELP-DESK-OCF@odjfs.state.oh.us. To assist our staff, please list in the subject heading of the email "Foster Case certificate processing - Agency single point of contact."

For questions regarding this letter, please contact the OCF Helpdesk at 1-866-886-3537, option 4.

Revisions include the removal of the emerging danger sections from all forms and instructions.

The JFS 01400, "Comprehensive Assessment and Planning Model - I.S., Family Assessment," assists workers to assess risk and to identify strengths and needs present in the family system to determine what level of services the family needs. Included in the Family Assessment are a review of safety issues, child harm, strengths and needs assessment, family perception, risk assessment, and service planning.

The JFS 01402, "Comprehensive Assessment and Planning Model - I.S., Ongoing Case Assessment/Investigation," assists workers to assess or re-assess risk, to discuss child harm and to document investigative activities when a report of child abuse and/or neglect is received on an open, ongoing case.

The JFS 01413, "Comprehensive Assessment and Planning Model - I.S., Case Review," is a re-examination of safety, risk and a discussion of the impact service provision has on the family system and assists workers in making permanency decisions.

The forms and their instructions will not be available in hardcopy from the ODJFS warehouse. They can be obtained on line at: http://www.odjfs.state.oh.us/forms/inter.asp.

If you have questions regarding this change, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Data Collection Requirements for the Multiethnic Placement Act Corrective Action and Resolution Plan

Pursuant to the Multiethic Placement Act Corrective Action and Resolution Plan (CARP), Section III(E), the public children services agencies (PCSAs) and private child placing agencies (PCPAs) must submit the following aggregate data to the Ohio Department of Job and Family Services (ODJFS):

**Aggregate Data on Children**

1. *Matches accepted by the family (Calendar Years 2004-2008)* - The number of adoptive matches made for children in the agency's permanent custody each year from calendar years 2004-2008 that are accepted by the family to whom the child was presented for adoptive placement. Accepted by the family is indicated by a signed JFS 01654 "Adoptive Placement Agreement"; and,

2. *Matches rejected by the family (Calendar Years 2004-2008)* - The number of adoptive matches made for children in the agency's permanent custody each year from calendar years 2004-2008 that are rejected by the family, meaning that the agency matched the child with the family and presented the child to the family for adoptive placement and the family then rejected the placement as indicated by the failure to sign a JFS 01654 "Adoptive Placement Agreement". For example, this count of rejection by the family includes matches where the family and child began pre-placement visits but the family decided not to accept the child.

The data shall include all children whose background information was presented for adoptive placement to a family, be they foster to adopt or adoption only. The count for acceptance begins when the adoptive placement agreement is signed. Any verbal refusal that results in the adoptive placement agreement not being signed counts as a rejection and should be clearly documented. A placement disruption or dissolution is not counted as a rejection. However, for a child whose placement disrupts or dissolves and who is then presented to a subsequent family for placement, the outcome of that subsequent family's decision would be counted for acceptance or rejection.

When available, the JFS 01609 "Family Permanency Planning Data Summary" and JFS 01610 "Child Permanency Planning Data Summary" may be used to collect this information. However, the effective date of the rules requiring the completion of the JFS 01609 and JFS 01610 was February 1, 2005 so the source of the information may be different for cases prior to February 1, 2005. In the future, the JFS 01609 and JFS 01610 will be in SACWIS and have a calculation function that agencies may find helpful. While it was not a requirement to document any of the above information on the JFS 01689, some agencies may have done so on their own initiative and hence it would be a source of information.

The aggregate data for children for calendar years 2004 and 2005 must be compiled to the extent that the agency has available data. The 2004 and 2005 data must be submitted by October 1, 2006 to Rhonda Abban, Chief, Adoption Services Section, 255 E. Main Street, 3rd Floor, Columbus, Ohio 43215. The aggregate data for calendar year 2006 must be submitted to ODJFS by May 1, 2007. The data for calendar years 2007 and 2008 will be due on May 1, 2008 and May 1, 2009 respectively.

Any data submitted prior to the effective date of this letter and not in accordance with the guidelines contained herein must be resubmitted.

The agency will be required to complete the JFS 01640 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" (7/2006) to document the information requested. For questions about this Procedure Letter, please contact the Office for Children and Families' Help Desk at HELP-DESK-OCF@odjfs.state.oh.us.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
<tr>
<th>LOCATION</th>
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<td>Forms</td>
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<td>JFS 01420 (Rev. 7/2006)</td>
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<tr>
<td>Procedure Letters</td>
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<td>FCASPL No. 98</td>
</tr>
</tbody>
</table>
FCASPL 94 (Adoption Forms)

Family, Children and Adult Services Procedure Letter No. 94

June 30, 2006

TO: Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Adoption Forms

This letter transmits a revised JFS 01616 "Social and Medical History," JFS 01679 "Request for Notification,"
JFS 01687 Ohio Adoption Photo Listing (OAPL)," and JFS 01698 Step-parent Homestudy" These forms are
used by the Public Children Services Agency (PCSA), the Private Child Placing Agency (PCPA), and the
Private Noncustodial Agency (PNA). These forms were revised because the previous revisions (9/1996,
5/1998, 11/1998) were formatted using an older formatting standard. All of the attached forms are
requirements of rules in Chapter 5101:2-48 of the Administrative Code. These forms will become effective
on June 30, 2006.

The information on the forms cannot be changed and the form must be used in it's entirety. These forms will
be available online in a PDF format. They may also be printed, copied and completed by hand. These forms
will be available on-line at: http://www.odjfs.state.oh.us/forms/inter.asp. These forms will not be available
in hardcopy from the Ohio Department of Job and Family Service warehouse.

The following is a list of the form numbers and titles included with this letter.

JFS 01616 "Social and Medical History" outlines what information is necessary for social and medical
information by the biological parents whose child(ren) are in the care of the agency and/or whose children will
be placed for adoption. The form is intended to be used by the PCSA, PCPA, and PNA for the provisions for
social and medical information submitted by the biological parents whose child(ren) are in the care of an
agency and/or whose child(ren) will be placed for adoption.

JFS 01679 "Request For Notification" outlines the information needed as required by Section 3107.17 of the
Ohio Revised Code which requires the probate court finalizing each Ohio adoption to provide and explain the
JFS 01679 to each adoptive parent at the time of the final decree of adoption.

JFS 01687 "OAPL Family Registration/Amendment" form is used to register a family with the "Ohio Adoption
Photo Listing (OAPL) Families Waiting to Adopt Book," a PCSA, PCPA, or PNA shall submit information
required to register an approved family with ODJFS.

JFS 01698 "Step-parent Adoption Homestudy" outlines the information needed to assess a home for a step-
parent adoption. This form is used by the assessor appointed by the court to visit the home where the child
being adopted by the stepparent will be living, then report back to the court the suitability of the home for the
child.

Instructions:
The following chart depicts what material should be inserted into the Family, Children and Adult Services
Manual (FCASM).

<table>
<thead>
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FCASPL 93 (JFS 01666 and JFS 01666-S)
Family, Children and Adult Services Procedure Letter No. 93
June 30, 2006

TO: All Family, Children and Adult Service Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Revision to the JFS 01666 "Permanent Surrender of Child"

This letter transmits English and Spanish versions of the revised JFS 01666 "Permanent Surrender of Child". The previously revised form was missing the agency signature line and date, so this revised version was corrected to add a signature line and date line for the agency. This revised version also corrected one typographical error as well.

The JFS 01666 and JFS 01666-S will be available on-line at http://www.odjfs.state.oh.us/forms/inter.asp. The English version of the JFS 01666 will also be available from the ODJFS warehouse.

INSTRUCTIONS:
The following chart depicts what materials are to be inserted in the Family, Children and Adult Services Manual (FCASM).

<table>
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<tr>
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<td>JFS 01666 (Rev. 4/2006)</td>
<td>JFS 01666 (Rev. 6/2006)</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Barbara Riley, Director
SUBJECT: APS Automated Reporting System

This letter transmits the rescission of ODJFS Protective Services for Adults Quarterly Report (JFS 04287) and the Instructions (JFS 04287-I). The JFS 04287 will be replaced by the web based reporting system titled "APS Case Incident Reporting System" which became effective July 1, 2005.

The APS Automated Reporting System developed by ODJFS is a web based data collection system designed to receive, compile, and store Adult Protective Services (APS) incident reports. The purpose of the database system is to have a uniform method of collecting and submitting data to standardize reporting. The database system will also increase information availability via system generated, preformatted reports.

The web address for the APS Automated Reporting System is:. To access the reporting screens, security access must be established by the local county department of job and family services adult protective services administrator or supervisor. Technical assistance issues related to the APS Automated Reporting System should be directed to the Ohio Department of Job and Family Services Management Information System Help Desk at 1-800-686-1580.

Instructions:
The following chart depicts what materials should be inserted into the Family, Children and Adult Services Procedure Letter (FCASPL).

<table>
<thead>
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<th>LOCATION</th>
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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 91</td>
<td></td>
</tr>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara Riley, Director
SUBJECT: Revised TITLE IV-E Reimbursement Ceilings for the Period April 1, 2005 through March 31, 2006

The Office for Children and Families, Bureau of Accountability and Regulation has revised the Title IV-E Reimbursement Ceilings for the period April 1, 2005 through March 31, 2006, for several agencies based on a review of each agency's originally reported case management costs on their JFS 02911 "Single Cost Report" for the 2004 state fiscal year reporting period.

Consequently, if your county placed a Title IV-E eligible child in one of the facility sites listed in the attached chart and your county received reimbursement for allowable placement costs as processed through the JFS 01925 "Monthly FCM Invoice" and FACSIS Benefit Issuance system, your county must submit adjusting entries in order to receive proper reimbursement in conjunction with the revised Title IV-E Reimbursement Ceilings.

Due to the mechanics of the payment system, a two-step process of negative (transaction code E) and positive (transaction code A) entries on the JFS 01925 "Monthly FCM Invoice" are required in order to effectuate the Title IV-E Reimbursement Ceilings revisions. The following is an explanation of the necessary steps to take in order to accomplish this task:

Step 1. Previously reimbursed claims covering the placement period 4/1/05 to 10/31/05 must be reversed. Please submit reversing entries containing identical column information as was originally submitted for reimbursement on the JFS 01925 Monthly FCM Invoice except use transaction code E in column 8 (Trans Code). These reversing entries must be submitted by April's 1925 cut-off date of 4/14/06. Please submit these reversing entries under separate cover from any other JFS 01925 Monthly FCM Invoices you may submit for the 4/14/06 cut-off.

The resulting effect of these reversing entries will be a repayment by the county for previously reimbursed claims based on the original Title IV-E Reimbursement Ceilings and will be reflected on your May 2006 warrant and disbursement journal. Once the reversing entries are processed, reimbursement under the revised Title IV-E Reimbursement Ceilings can take place as detailed in Step 2.

Step 2. Submit reclaiming (rebilling) entries in accordance with standard JFS 01925 "Monthly FCM Invoice" claiming procedures making sure to use transaction code A in column 8 (Trans Code). The earliest these reclaiming (rebilling) entries can be submitted for processing is May's 1925 cut-off date of 5/12/06. However, since there is no deadline for filing the reclaiming (rebilling) entries except for the standard federal two-year claim limitation, claims received after May's 1925 cut-off date will be processed with the next applicable cut-off date's payment cycle.

The resulting effect of these reclaiming (rebilling) entries will be a payment to the county based on the revised Title IV-E Reimbursement Ceilings and will be reflected on the monthly warrant and disbursement journal the first of the month following the applicable cut-off date's payment cycle.

Counties affected by this Procedure Letter should submit their claims as detailed in Steps 1 and 2 to Ryan Meanor, Office for Children and Families, Bureau of Accountability and Regulation, Title IV-E Policy Section, 255 E. Main St., 3rd Floor, Columbus, Ohio, 43215-5222.

The Title IV-E Reimbursement Ceilings for the period April 1, 2005 through March 31, 2006, are published at http://jfs.ohio.gov/ocf/publications.stm.

For questions regarding this letter, please contact the OCF Helpdesk by phone at 866-886-3537, Option 4, or by email at HELP-DESK-OCF@odjfs.state.oh.us.

Attachment
Click here to view the REVISED TITLE IV-E REIMBURSEMENT CEILINGS FOR THE PERIOD APRIL 1, 2005 THROUGH MARCH 31, 2006
FCASPL 88 (Eligibility - Special Needs)

Family, Children and Adult Services Procedure Letter No. 88

December 13, 2005

TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Policy Clarification for Title IV-E Adoption Assistance Rule 5101:2-47-30 Adoption Assistance Eligibility: Special Needs

When determining eligibility for Title IV-E adoption assistance and the reimbursement of nonrecurring adoption expenses the public children services agency (PCSA) must determine that the child is a child with special needs as defined in Administrative Code rule 5101:2-47-30. One of the criteria that must be met for this determination is that the PCSA must determine that a child cannot or should not be returned to the home of his parent(s). Generally, the mechanism used for establishing this is through a court order terminating parental rights of the parent(s), the existence of a petition for termination of parental rights, or a signed relinquishment by the birth parent(s).

The Department of Health and Human Services, Administration for Children and Families, issued Child Welfare Policy Section 8.2B.11 which broadened the previous guidance to allow the following:

If a child can be adopted in accordance with State or Tribal law without a TPR or relinquishment, the special needs requirement will be satisfied, so long as the State or Tribe has documented the valid reason why the child cannot or should not be returned to the home of his or her parents.

Based on the revised interpretation of the federal policy, when termination of parental rights or a voluntary relinquishment have not been obtained prior to finalization of the adoption, ODJFS will recognize the petition to adopt for purposes of meeting the special needs requirement that a child cannot or should not be returned to the home of his parents to determine eligibility for adoption assistance and the reimbursement of nonrecurring adoption expenses. This policy interpretation also applies to determining eligibility for reimbursement of nonrecurring adoption expenses for international adoptions. A copy of the petition to adopt must be provided prior to finalization of the adoption in order for the PCSA to determine that the child meets the special needs criteria.

This policy clarification is effective on the date of this memo. For questions, about this letter, please contact the OCF Helpdesk by phone at: 1-866-886-3537, Option 4, or by email at: HELP-DESK-OCF@odfs.state.oh.us.
Family, Children and Adult Services Procedure Letter No. 87

May 18, 2005

TO: All Family, Children and Adult Services Manual Holders
From: Barbara E. Riley, Director
Subject: Quarterly TPR Tracking Tool

The Ohio Department of Job and Family Services (ODJFS) is required under the Child and Family Services Review (CFSR) to increase the number of adoptions completed within 24 months of initial custody. One strategy to achieve this goal is to review and decrease the length of time to achieve termination of parental rights (TPR) in appropriate cases. The Program Improvement Plan requires the development of a TPR Tracking Tool which will allow Public Children Services Agencies (PCSAs) to document TPR delays, compelling reasons for not filing for termination of parental rights in a timely manner and document other hearings that exceed deadlines. The SFY 2005 Quality Assurance vendor, Hornby Zeller Associates (HZA), will disseminate the county specific TPR Tracking Tool in an Excel format on a quarterly basis for completion by the PCSAs.

The Tracking Tool is child-specific and contains information such as dates of initial custody, permanent custody, other hearing dates and explanations for delays in filing for permanent custody. A full list of the items in the Tool is shown in the Instruction Guide. Where possible, fields will be pre-populated using a download of FAC/SIS data.

Population:

The Tracking Tool collects information on those children entering permanent custody in a given quarter. The first data collection is for children who entered permanent custody between October 1, 2004 and December 31, 2004.

To reduce the burden, particularly on those agencies with large numbers of children entering permanent custody, only a sample of the children entering permanent custody in a given quarter will be included in the Tracking Tool. The sampling method employed will permit statistically valid estimates for each quarter for each county. To avoid increasing the sample sizes, the margin of error of the quarterly estimates is relatively wide. However, the precision of the estimates will increase substantially, (i.e., the margin of error will be reduced) as more data are collected and results can be tabulated for each county across two or more quarters.

Returning the Completed Tracking Tool:

The disk with the completed Tracking Tool should be returned to HZA within one month of its receipt. It should be mailed to the following address in the postage-paid envelope provided:

Hornby Zeller Associates, Inc,
100 Commercial Street
Suite 300
Portland, ME 04101

Once the files are returned, HZA will analyze the data and produce a report of findings on a quarterly basis.

If you have any questions regarding this FCASPL, please contact the OCF Helpdesk by phone at 1-866-886-3537, Option 4, or via email at.

Attachments

Click here to view the Quarterly TRP Tracking Tool Instruction Guide for Excel Workbook
Family, Children and Adult Services Procedure Letter No. 85

January 27, 2005

To: All Family, Children and Adult Services Manual Holders

From: Barbara E. Riley, Director

Subject: Background Information and Contacts for Implementing Provisions of the Indian Child Welfare Act

This letter provides background and contact information to assist Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) in implementing provisions of the Indian Child Welfare Act and Ohio Administrative Code rules 5101:2-42-52 through 5101:2-42-58.

I. Background

The Indian Child Welfare Act (ICWA), passed in 1978, is one of several pieces of legislation enacted over the course of many years to honor the numerous treaties and agreements between the United States (U.S.) government and Native American Tribal governments.

Tribal sovereignty, or the status of being a "dependent sovereign nation," is the legal concept which has defined and guided the relationship between the United States government and the governments of Native American tribes over the past 225 years. The considerations required by ICWA are therefore based on this political relationship (government to government) rather than on race or culture, and as such, supersede considerations required by other child welfare acts when requirements conflict. ICWA re-established tribal control over Native American children, and with few exceptions, gave tribal courts exclusive jurisdiction over the placement of Indian Children. The "trust responsibility" or obligation of the U.S. government to protect the interests, safety, and well-being of the tribes and individual Indians, is based on the doctrine of Indian sovereign nationality.

In order to have protections guaranteed by ICWA, the child or his family must be a member of (or qualify for membership in) a federally recognized tribe. According to the most recent report from the Federal Bureau of Indian Affairs (BIA), there are 556 federally recognized tribes and more than 200 that are petitioning for federal recognition.

Criteria for tribal membership differs from one tribe to another. Many Indian tribes have adopted the current BIA standard of one-quarter blood quantum; however, some tribes are considering adopting more liberal blood quantum requirements. In order to determine a particular tribe's criteria, it is necessary to contact that tribe directly.

Tribal enrollment numbers are tied to the tribe, not the location of the members. Due to the federal Relocation Programs during the 1950s, there are more Native Americans today who live in urban settings than on reservations. Based on the population data of the Census 2000 which relied on self-reporting rather than official tribal enrollment, Ohio has a Native American population of 24,486 which represents 0.22% of the general state population of 11,353,140. This is a significant number considering that there are no reservation lands or federally recognized tribes indigenous to Ohio. Cincinnati and Toledo are sites for model Indian courts.

II. Applying ICWA

While ICWA protections apply to child custody proceedings involving an Indian child, preferred practice is to involve the Indian child's parent(s) or custodian; extended family members; nonrelatives who have a relationship with the child and/or family; and the Indian child's tribe as early as possible in the case planning process to coordinate resources which may prevent the child from coming into an agency's custody. Documentation of a PCSA's "active efforts" to contact and coordinate with these resources, to provide remedial services and rehabilitative programs designed to prevent the breakup of the family, and an explanation regarding why these "active efforts" were not successful, are required by the court when the PCSA is recommending substitute care placement. Therefore, early identification of Indian children is
paramount to enable the PCSA to implement "active efforts" requirement of ICWA to prevent the need for custody.

III. Definitions as prescribed by ICWA

Active efforts - prompt and diligent efforts to: determine the child's tribe(s) for which he or she may qualify for membership; contact the child's tribe(s) when known; provide remedial services and rehabilitative programs designed to prevent the breakup of the family; coordinate with the child's tribe or any Indian organization to assist the Indian parent or Indian custodian with services needed to avoid the need for placement, or in the event placement becomes necessary, to serve as a placement for the child; make arrangements to ensure visitation with the extended family, or if there is not family in the area, with other tribal members to support the child's cultural connections; and coordinate with the child's tribe and family to identify significant cultural and important familial events and arrange for the child's attendance.

Child custody proceedings - include foster care placements, termination of parental rights, pre-adoptive placements, and adoptive placements. A placement that meets the definition of foster care placement and results from an act that would not be deemed a crime if committed by an adult such as a status offense, is a child custody proceeding under ICWA. A child custody placement pursuant to a divorce where someone other than one of the parents will obtain custody of the child is also a child custody proceeding under ICWA.

Extended family member - defined by the law or custom of the Indian child's tribe, or in the absence of such law or custom, a person who has reached the age of 18 and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step parent.

Foster care placements - any action where an Indian child is removed from his parents or Indian custodian for temporary placement in a home or institution, including guardianship and conservatorship, and where the parent or custodian cannot have the child returned upon demand but where parental rights have not been terminated.

Indian - any person who is a member of an Indian tribe, or who is an Alaska Native and a member of a Regional Corporation. For the purposes of ICWA, tribes are arbiters of their own membership.

Indian child - any unmarried person who is under age 18 and is either: (a) a member of an Indian tribe, or (b) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

Indian child's custodian - any person who has legal custody of an Indian child under tribal law or custom or under State law, or to whom temporary physical care, custody and control has been transferred by the parent of such child.

Indian child's tribe - the Indian tribe in which an Indian child is a member or eligible for membership, or in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

Indian tribe - any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for the services provided to Indians by the Secretary of the Interior because of their status as Indians.

Qualified expert witness - although not defined under ICWA, a House Report prepared in conjunction with ICWA states that the phrase "is meant to apply to expertise beyond the normal social worker qualifications." H.R. No. 95-1386, 95th Cong., 2d Sess., reprinted in 6 U.S.C.C.S.A.N. 7530, 7454 (1978). In addition, the Bureau of Indian Affairs has promulgated "Guidelines for State Courts" which interpret the ICWA. The following characteristics are set forth at 44 Federal Register 67,593 (1979) as those most likely to qualify a witness as an expert under the ICWA:

a) A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices;

b) Lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

c) A professional person having substantial education and experience in the area of his or her specialty.
Thus, a "qualified expert witness" is not an expert on ICWA, but an expert on the child's tribe.

IV. Placement Priorities of ICWA

When an Indian child must be removed from his or her home and placed into substitute care, ICWA requires the child be placed in accordance with the following priorities:

- With a member of the Indian child's extended family;
- With a foster home licensed, approved, or specified by the Indian child's tribe;
- With an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or
- An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to the meet the Indian child's needs.

When the Indian child is not placed with the placement priorities above, the court must consider whether:

- The Indian child's tribe issued a resolution establishing a different order of preference and the placement is the least restrictive setting appropriate to the particular needs of the child; or
- There is good cause not to follow the placement preferences.

In addition, the court is required to order the agency to:

- Make ongoing, diligent searches to locate a placement that meets the preferences established with ICWA; and
- Arrange for the child to visit with other tribal members if no extended family is available, and coordinate with the child's tribe to arrange for the child to attend significant cultural and familial events.

V. Court Considerations of PCSAs Actions Involving Indian Children

Courts must assure that provisions required by ICWA are followed in order to protect the rights of Indian children, adults and tribes in accordance with the governmental trust relationship which is grounded in Tribal sovereignty.

When a PCSA has received a report of child abuse or neglect and is conducting a risk assessment, case planning is enhanced when the agency is aware of whether the child would fall under Tribal sovereignty provisions of ICWA and when the agency involves the necessary parties that may prevent the need for the child's removal from the home. Should removal become necessary, early identification of the child's extended family and tribe will enable the agency to encourage their participation in any custody proceedings as required by ICWA.

At each hearing, from the initial Protective Hearing to, if applicable, the Adoption Hearing, the court is required by ICWA to make specific inquiries and decisions, and issue written findings. These considerations are largely based on the efforts of the PCSA and the documentation it submits to court. Therefore it is critical that the agency understand the issues the court must consider at each hearing so it can assure that it has met all of its responsibilities in accordance with ICWA.

Below, are the ICWA requirements at each proceeding which would necessitate PCSA documentation:

A. Protective Hearing

The PCSA must file a sworn petition or complaint with the court at or prior to the time of the preliminary protective hearing which describes all circumstances of the child's removal, any allegations of abuse or neglect, and all efforts made to try to ensure safety and prevent the need for removal.

In accordance with OAC 5101:2-42-52, "Verification of tribal membership," the agency must bring to the court verification of the child's heritage or documentation of all efforts to secure verification of the child's heritage. If eligibility for membership in a federally recognized tribe has been established, in accordance with OAC 5101:2-42-53, "Involuntary custody requirements," the agency must provide the court with documentation of its efforts to notify the required parties of their rights, or if eligibility has not been established, verification that the agency has notified the Bureau of Indian Affairs and the U.S. Secretary of the Interior. The agency must also document its efforts to enable the court to consider issues and make written findings identified below.

Key issues the court must consider during the protective hearing include:
1. Whether the child is an Indian child as defined by ICWA;
2. Whether the child was in the custody of an Indian custodian prior to the hearing;
3. Whether the child resides on or is domiciled on a reservation, or whether the child is already a ward of a tribal court, depriving the court of jurisdiction (If the child resides on or is domiciled on a reservation but is temporarily off the reservation, the court may order an emergency removal from the parent or Indian custodian to prevent imminent physical harm to the child.);
4. Whether the agency mailed proper notice to the child's putative father, including a father who has acknowledged paternity, even if not legally established;
5. Whether the agency provided proper notice and inquiry to all tribes in which the child may be eligible for membership, including a family chart or genogram to facilitate the tribe's membership determination; or whether the agency provided written notice to the U.S. Secretary of the Interior if the child's tribe is not known at this time;
6. What efforts the agency has made to identify extended family or other tribal members or Indian families for placement of the child (including whether the agency attempted to create a family chart or genogram, and solicited assistance from neighbors, family or members of the Indian community who may be able to offer information); and
7. Whether the parent is able to read and/or understand English and if not, what efforts have been made to ensure that the parent understands the proceedings and any action the court will order.

Key decisions the court must make:

1. Whether the agency made active efforts to identify responsible extended family or other tribal members or Indian families to serve as a placement for the child, if necessary;
2. Whether the agency in assessing the appropriateness of a placement with an individual who meets the placement preferences of ICWA or the tribe, relied upon the social and cultural standards of the Indian community in which the parent or extended family reside, or with which the parent or extended family maintain social and cultural ties;
3. What additional efforts need to be made to ensure the child is placed with extended family or within his/her tribal community;
4. What culturally relevant services will allow the child to remain at home;
5. Whether parties will voluntarily agree to participate in services;
6. Whether restraining orders or orders expelling an allegedly abusive parent from the home are appropriate or necessary;
7. Whether orders are needed for examinations, evaluations, or other immediate services; and
8. What are the terms and conditions of visitation by parents or Indian custodian.

Required notice and advice of rights:

As part of its requirements under ICWA, the court must ensure that the agency sends (via registered mail, return receipt) notice of the next scheduled hearing and a copy of the petition and advice of rights under ICWA, to the following parties if not at the hearing:

1. The child's parent;
2. The Indian custodian; and
3. The child's tribe.

Key written findings the court must make at the protective hearing include:

1. Whether, at the time of removal, the child was already a ward of a tribal court (if known) thereby depriving the state court of jurisdiction;
2. Whether, at the time of removal, the child was in the custody of an Indian custodian;
3. Whether active efforts were made prior to removal, to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and whether the efforts were successful;

4. Whether there was clear and convincing evidence, including testimony of a qualified expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child; and

5. Whether the parent, Indian custodian, or child's tribe requested an additional 20 days to prepare for the hearing.

If the child is placed in substitute care, the court also needs to do the following:

1. Specify why continuation of the child in the home would be contrary to the child's welfare;

2. Specify whether the child is to be placed in a home that meets the priority requirements of ICWA, or if the child is not to be placed according to the priority requirements, to specify whether:
   a. The child's tribe issued a resolution establishing a different order of preference and the placement is the least restrictive setting appropriate to the particular needs of the child; or
   b. There is good cause not to follow the placement preferences;

3. Order the agency to make ongoing, diligent searches to locate placement that meet the preferences established within ICWA;

4. Specify the terms of visitation with the parent(s), Indian custodian, and extended family; and

5. Order the agency to arrange for the child to visit with other tribal members if no extended family is available and to coordinate with the child's tribe to arrange for the child to attend significant cultural and familial events.

B. Adjudication Hearing

In addition to items considered at the protective hearing, the court must make additional decisions and issue written findings of fact and conclusions of law. Those requiring additional information from the PCSA are included below:

Key decisions the court must make:

1. Which allegations of the petition have been proved or admitted;

2. Whether there is a legal basis for continued court and agency intervention; and

3. Whether the agency made active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the family (and if so, whether these efforts were successful).

Additional temporary decisions which the court may make if the disposition hearing will not occur within a short time after the adjudication hearing:

1. Where the child is to be placed prior to the disposition hearing;

2. Whether to order further testing or evaluation of child, parent(s), or Indian custodian in preparation for the disposition hearing and ensure that all assessments or evaluations are culturally appropriate;

3. Assure that the agency is, in preparation for disposition, making prompt and diligent efforts to identify and evaluate as caretaker, extended family, or if no family member is available, other tribal members or other Indian families;

4. Order the alleged perpetrator to stay out of the family home and have no contact with the child;

5. Direct the agency to continue its efforts to notify non-custodial parents, including unwed fathers whose paternity has been acknowledged or established; and/or
6. Set terms for visitation, support, and other intra-family communication including parent-child and sibling visits when the child is in foster care prior to disposition.

Written findings of fact and conclusions of law must specify:

1. Whether the child is an Indian child under ICWA (or if not known, whether the child’s tribe has been provided adequate notice, sufficient information, and an opportunity to determine the child's eligibility for membership);

2. What efforts, if any, have been made to identify the child’s tribe;

3. Whether the agency has mailed notice and necessary information to all tribes in which the child may be eligible for membership to enable each tribe to ascertain whether the child is a member or eligible for membership;

4. Whether written notice was sent to the U.S. Secretary of the Interior if the child's tribe is not yet known;

5. Whether the child either resides on or is domiciled on a reservation, or is already a ward of a tribal court, thereby depriving the state court jurisdiction;

6. Whether the child was in the custody of an Indian custodian at the time of removal;

7. Whether the agency mailed notice of the hearing and a copy of the petition and advice of rights to the Indian custodian, registered mail, return receipt;

8. Whether the agency mailed notice of the hearing and a copy of the petition and advice of rights to the child's Indian tribe, if known, by registered mail, return receipt;

9. Whether the child's tribe seeks to intervene in the proceedings, and if so grant that request (If the child is eligible for membership in more than one tribe, the court must ascertain which tribe is the child's tribe for purposes of ICWA);

10. Whether the child's Indian custodian, if there is one, seeks to intervene in the proceedings and, if so grant that request;

11. Whether the child's tribe, parent, or Indian custodian requested an additional 20 days in which to prepare for the hearing, grant that request and reschedule the hearing;

12. Whether a parent, Indian custodian, or the child's tribe has filed a motion or petition to transfer the case to tribal court;

13. If the court decline to transfer the case, whether either parent vetoed the transfer, the tribal court declined to accept jurisdiction, or the reasons, if any, why there is good cause not to transfer the case to the tribal court;

14. Whether the court advised the parent(s) or Indian custodian that they have a right to a court-appoint attorney if they are indigent;

15. Sufficiently detailed information to justify why the court found by clear and convincing evidence including testimony from an expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child;

16. Sufficiently detailed information to justify agency and court choices for treatment and services;

17. How the court’s findings relate to subsequent case planning (written in easily understandable language);

18. Whether the parent can read English and, if not, what steps will be taken to ensure that the parent understands the court's written order; and

19. The date and time of the next hearing.

C. Disposition Hearing

In preparation for this hearing, the agency is responsible for submitting a predisposition report to the court. Key items the agency needs to include for the court's consideration are:
1. A statement of family changes needed to correct the problems necessitating agency intervention, with timetables for accomplishing them;

2. A description of services to be provided to assist the family, including those that the tribe or an Indian organization may offer and make available;

3. A description of services to be provided to ensure the child's ongoing connection to his/her culture, including attendance at significant cultural events, while placed outside of his/her family; and

4. A description of actions to be taken by parents(s) or Indian custodian to correct the identified problems and any steps the parent or Indian custodian has taken thus far.

Foster Placement Affidavit

When the agency recommends foster placement, an affidavit documenting active efforts must be submitted. Key elements of the affidavit include:

1. A description of the active efforts made by the agency to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and an explanation why these efforts were unsuccessful;

2. A description of the efforts made to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation if the services were unsuccessful;

3. An explanation of why the child cannot be protected from the identified problems in the home even if services are provided to the child and family;

4. An explanation of the active efforts made to contact the child's tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families about providing an appropriate placement for the child;

5. A description of arrangements made by the agency to ensure visitation with extended family, or if there is not family in the area, with other tribal members, to support the child's cultural connections; and

6. A description of the agency's plan to coordinate with the child's tribe and family to identify significant cultural and important familial events and arrange for the child's attendance.

Key decisions the court must make:

1. Whether the agency's proposed case plan addresses the needs of the child and the parent(s) or Indian custodian;

2. Whether the parent is able to read the proposed case plan and, if not, the effort that will be made to ensure that the parent fully understands the requirements of the plan;

3. Whether it is necessary to remove the child from his or her home to prevent serious emotional or physical damage; and

4. Where the child should be placed.

Written findings of fact and conclusions of law must:

1. Determine the legal disposition of the case, including the custody of the child, based upon the statutory options provided under federal law unless state law provides a higher degree of protection, or unless there is a governing state-tribal agreement;

2. State the long-term plan for the child;

3. Identify the active efforts that have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian child's family;

4. Specify that there is clear and convincing evidence that continued custody of the child by the parent (or Indian custodian) would likely result in serious emotional or physical damage to the child;
5. Specify whether the child was placed within the placement preferences under ICWA, and if not, whether the child's tribe issued a resolution establishing a different order of preference, as long as the placement is the least restrictive setting appropriate to the particular needs of the child;

6. Specify whether the agency relied upon the social and cultural standards of the Indian community in which the parent or extended family reside or with which the parent or extended family maintain social and cultural ties when the agency determined whether an individual is an appropriate placement for the child;

7. If the child's tribe did not issue a resolution indicating a different order of preference for the placement of the child, specify the reasons why there is good cause to deviate from the placement preferences;

8. If the child's tribe did not issue a resolution indicating a different order of preference for the placement of the child, specify the reasons why there is good cause to deviate from the placement preferences;

9. If there is not good cause to deviate from the placement preferences, and there is no tribal resolution re-ordering the placement preferences, order the agency to move the child to a home that complies with the placement preferences;

10. If placement or services are ordered that were not agreed upon by the parties, specify the evidence or legal basis upon which the order is made;

11. If applicable, specify why continuation of the child in the home would be contrary to the child's welfare; and

12. If the state's case plan conflicts with or does not meet the requirements of ICWA, disapprove or modify the agency's proposed case plan.

D. Review Hearing

At the Review Hearing, the agency is required to submit a report that contains the following information:

1. A statement of family changes needed to correct the problems necessitating intervention, with timetables for accomplishing them;

2. A description of services to be provided to assist the family, specifically identifying those made available with assistance from the tribe or an Indian organization;

3. A description of services to be provided to ensure the child's ongoing connection to his/her culture while placed outside of his/her family, including attendance at significant cultural events; and

4. A description of actions to be taken by the parents to correct the identified problems, and of the parents' compliance with the case plan thus far.

Affidavit Documenting Active Efforts

When the agency recommends continued foster placement, the agency must submit an affidavit to the court which contains the following information:

1. A description of active efforts to reunify the family since the last disposition or review hearing and if those efforts were not successful, an explanation regarding why;

2. A description of active efforts to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation why these services were unsuccessful;

3. An explanation of why the child cannot be protected from serious emotional or physical harm if the child remains in the home even if services are provided to the child and family;

4. An explanation of the diligent efforts made to contact the child's extended family about providing a placement for the child or, if family members are not known, diligent efforts made to contact
the child's tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement;

5. Efforts made by the agency to ensure child's visitation with extended family, or, if none is available, with other tribal members, to ensure the child's ongoing participation in his/her culture; and

6. Efforts made by the agency to coordinate with the child's tribe and family to make arrangements for the child to attend significant cultural and important familial events.

Key decisions the court must make:

1. Whether there is a need for continued placement of the child;

2. Whether active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and, if so, whether the services were successful;

3. Whether efforts were made to ensure that the parent understands the case plan if the parent does not read English;

4. Whether the court-approved, long-term permanent plan for the child remains the best plan for the child;

5. Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

6. Whether the child is placed according to the placement preferences in the ICWA and, if not, whether the child should be moved into a preference placement;

7. Whether the terms of visitation need to be modified;

8. Whether any additional court orders need to be made to move the case toward successful completion; and

9. What time frame should be established for goals to achieve reunification or other permanent plan for each child.

Written findings of fact and conclusions of law:

1. Whether the agency has identified the child's tribe;

2. Whether the agency sent proper notice of the hearing and a copy of the petition and advice of rights to the parent(s), Indian custodian (if any), and child's tribe by registered mail, return receipt;

3. Whether the tribe has been afforded a full opportunity to participate in the proceedings and, if so, whether the agency provided the child's tribe with copies of the petition, reports, and information concerning the child;

4. Why the child is in need of either continued placement outside the parent's home or continued supervision, articulating the clear and convincing evidence that continued custody of the child by the parent or Indian custodian would likely result in serious emotional or physical damage to the child;

5. Whether family reunification and an end to court supervision continues to be the long-term case goal, and why;

6. Whether the agency has made active efforts to provide remedial services and rehabilitative programs designed to eliminate the need for placement of the child outside the home of the parent or Indian custodian and whether the efforts were successful;

7. Whether the agency has made ongoing, diligent search to locate extended family, a tribal member, or other Indian family for placement if the child is not already within a preference placement;
8. Issue orders for the agency to make additional efforts necessary to meet the needs of the family and move the case toward completion, including culturally relevant services that may be available with assistance from the tribe or local Indian/native organization;

9. Assure that findings are written in easily understandable language that allows the parent(s) or Indian custodian to fully understand what action they must take to have the child returned to their care (interpreter should be provided for parent or Indian custodian whose first language is not English);

10. Approve proposed changes in the case plan and set forth any court-ordered modifications needed as a result of information presented at the review;

11. Identify an expected date for final reunification or other permanent plan for the child;

12. Where the case plan conflicts with or does not meet the requirements of the ICWA, disapprove or modify the agency’s proposed case plan to conform to the requirements of the ICWA;

13. Make any necessary orders to resolve the problems that are preventing reunification or the completion of another permanent plan for the child; and

14. Set date and time for next hearing, if needed.

E. Permanency Planning Hearing

The agency is required to submit a report to the court in preparation for the Permanency Planning Hearing. This report must include:

1. The relief being sought and address the issues that the judge needs to determine;

2. The plan to carry out the placement decision;

3. When the petition or report requests that a child be returned home on a certain date, the following items must be included:
   a. How the conditions or circumstances leading to the removal of the child have been corrected;
   b. A description of actions taken by the parent(s) or Indian custodian to correct the identified problems;
   c. A description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, including efforts made by the tribe, an Indian organization, or any other agency or organization;
   d. The frequency of recent visitation and its impact on the child; and
   e. A plan for the child's safe return home and follow-up supervision after family reunification.

4. When the petition or report requests termination of parental rights, the following items should be included:
   a. Facts and circumstances supporting the grounds for termination;
   b. A description of the active efforts made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family and an explanation why these efforts were unsuccessful;
   c. A description of the active efforts made to coordinate with the child's tribe or an Indian organization in assisting the Indian parent or custodian with services needed to avoid termination of parental rights and an explanation why these efforts were unsuccessful;
   d. An explanation of why the child cannot be protected from the identified problems in the home;
   e. A summary of the agency's understanding of the tribe's position regarding the permanency plan, including an attachment of any correspondence or supporting documentation sent by the tribe to the agency;
f. An explanation of the active efforts made to contact the child’s tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families about providing an appropriate placement for the child;

g. If the child is not placed with an extended family member, another tribal member, or another Indian family, an explanation of why the child cannot be moved to a placement that meets the preferences established within the ICWA;

h. A description of arrangements made by the agency to ensure visitation with extended family, and of all efforts made to support the child’s cultural connections; and

i. A permanency plan for the child.

5. When another planned permanent living arrangement is proposed, the report should include the following items:

a. Facts and circumstances refuting the grounds for termination of parental rights and showing that although the child cannot be placed with parents termination is not in the best interests of the child;

b. A description of why the planned permanent living arrangement is in the best interests of the child;

c. An explanation of the active efforts made to contact the child’s tribe, extended family, and other local Indian organizations for assistance in identifying and contacting extended family and other tribal members or Indian families to identify a culturally appropriate placement for the child;

d. If the child is not placed with an extended family member, another tribal member, or another Indian family, an explanation of why the child cannot be moved to a placement that meets the preferences established within ICWA;

e. A description of arrangements made by the agency to ensure visitation with extended family, or, if there is no extended family, with other tribal members, to support the child’s cultural connections;

f. A summary of the agency’s understanding of the tribe’s position regarding the permanency plan, including an attachment of any correspondence or supporting documentation sent by the tribe to the agency; and

g. A plan to ensure the stability of the planned permanent living arrangement.

Affidavit Documenting Active Efforts:
When the agency recommends a permanency plan, an affidavit documenting the following must be submitted:

1. Active efforts made to reunify the family since the last disposition or review hearing and, if those efforts were not successful, an explanation why;

2. Efforts to coordinate with the child’s tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to avoid the need for placement, and an explanation why these services were unsuccessful;

3. Why the child cannot be protected from serious emotional or physical damage if the child remains in the home even if services are provided to the child and family;

4. Diligent efforts made to contact the child’s extended family about providing a placement for the child, or, if family members are not known, diligent efforts made to contact the child’s tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement;
5. Efforts made by the agency to ensure child's visitation with extended family, or, if none is available, with other tribal members, to ensure the child's ongoing participation in his/her culture; and

6. Efforts made by the agency to coordinate with the child's tribe and family to attend significant cultural and important familial events.

**Written Findings of Fact That the Court Must Make at the Permanency Hearing:**

1. Whether the agency has identified the child's tribe;

2. Whether the agency sent proper notice of the hearing and a copy of the petition and advice of rights to the parent(s), Indian custodian (if any), and child's tribe by registered mail, return receipt;

3. Whether the tribe has been afforded a full opportunity to participate in the proceedings and, if so, whether the agency provided the child's tribe with copies of the petition, reports, and information concerning the child;

4. Why the child is in need of either continued placement outside the parent's home or continued supervision, articulating the clear and convincing evidence that continued custody of the child by the parent or Indian custodian would likely result in serious emotional or physical damage to the child;

5. Whether active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and eliminate the need for placement of the child outside the home of the parent or Indian custodian and whether the efforts were successful;

6. Whether the agency has made an ongoing, diligent search to locate extended family, a tribal member, or other Indian family for placement if the child is not already within a preference placement;

7. Assure that the findings are written in easily understandable language that allows the parent(s), or Indian custodian to fully understand what action they must take to have the child returned to their care (interpreter should be provided for parent or Indian custodian whose first language is not English); and

8. The court's determination of permanency and plan to return home, proceed to the termination of parental rights, or a planned permanent living arrangement.

**F. Termination of Parental Rights Hearing**

**Key Decisions the Court Must Make:**

1. Whether written notice was provided to the child's tribe by registered mail, return receipt requested;

2. Whether written notice was provided to the parents or Indian custodian by registered mail, return receipt requested;

3. Whether active efforts were made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family;

4. Whether efforts were made to ensure that the parent understood the case plan if the parent does not read English;

5. Whether the active efforts were unsuccessful; and

6. Whether there is evidence beyond a reasonable doubt including testimony of an expert witness, that continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child.

**Written findings of fact and conclusions of law must:**
1. Specify whether active and reasonable efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the family;

2. Specify what evidence, including testimony of a qualified expert witness, supports the finding beyond a reasonable doubt that continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child;

3. Specify any other state statutory grounds supporting termination of parental rights if state law requires satisfaction of dual burden of proof;

4. For uncontested termination of parental rights, the findings of fact and conclusions of law must also include:
   a. Thorough description of the conditions and circumstances under which parental consent to termination of parental rights was obtained. Parental consent must be executed in writing in the presence of the judge and must be accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood these terms;
   b. Certify that either the parent or Indian custodian fully understood the explanation of the terms and consequences of the consent to termination of parental rights in English, or that it was interpreted into a language that the parent or Indian custodian understood;
   c. Certify that the consent to termination of parental rights was not given prior to or within ten days after the birth of the child, as the consent would not be valid under these circumstances;
   d. Determine whether the consent was voluntary and informed, that it was not obtained through fraud or duress, and that all alternatives to termination of parent rights were explained; and
   e. If termination of parental rights was uncontested because the parent failed to appear, or appeared but neither contested nor consented to termination, the above items will apply.

G. Adoption Hearing

At the Adoption Hearing, the court must determine whether written notice was provided to the child's tribe by registered mail, return receipt requested, even if the child's tribe has not been a party to any prior proceedings related to the welfare of the child.

The court must also make the following written findings of fact and conclusions of law:

1. Whether the child is within the exclusive jurisdiction of a tribe because the child either resided or was domiciled on a reservation or was already a ward of a tribal court at the time that the child custody proceedings began, thereby depriving the state court of jurisdiction;

2. Whether all the necessary consents to adoption have been provided, including the consent of the agency with the custody of the child, the consent of the child (if the child is old enough that consent is required under state law), and the consent of parent or Indian custodian whose rights have not been terminated;

3. Thoroughly describe the conditions and circumstances under which parental consent to adoption was obtained. When there has been no prior termination of parental rights, parental consent must be executed in writing in the presence of the judge and must be accompanied by the judge's certificate that the terms and consequences of the consent were fully explained in detail and that the parent or Indian custodian fully understood these terms;

4. Certify that either the parent or Indian custodian fully understood the explanation of the terms and consequences of the consent to adoption in English, or that it was interpreted into a language that the parent or Indian custodian understood;

5. Certify that the consent to adoption was not given prior to or within 10 days after the birth of the child, as the consent would not be valid under these circumstances;
6. Whether the consent was voluntary and informed, that it was not obtained through fraud or duress, and that all alternatives to adoption were explained;

7. Whether the child is placed in an adoptive home where the adopting individual is a member of:
   a. The child's extended family;
   b. The child's tribe; or
   c. Another Indian family;

8. If the child is not placed in one of the placement preferences established by federal law, a determination whether:
   a. The agency made a diligent search to locate a placement that meets the preferences established within the ICWA;
   b. There is good cause not to place the child according to the placement preferences;
   c. The child's tribe established a different order of preference by resolution;
   d. If the child's tribe established a different order of preference for placement, ascertain whether the placement is the least restrictive setting which most approximates a family and in which the child's special needs, if any, may be met;
   e. The child's consenting parent evidenced a desire for anonymity, in which case the court shall give weight to that desire in applying the preferences;

9. Other determinations required for all adoptions;

10. At contested adoption hearings, determine whether the adoption should be granted. A contested adoption hearing must be conducted with procedural fairness, and should include notice to the parties and the child's tribe even if the tribe has not yet become a part in previous stages of the child custody proceedings;

11. Conclude the proceedings without undue delay, applying principles of case flow management;

12. The court which enters the final decree of adoption must upon application, inform the Indian child who has reached the age of 18 of the tribal affiliation, if any of the individual's biological parents and provide such other information as may be necessary to protect the rights flowing from the individuals' tribal relationship.

Note: The Indian Child Welfare Act Checklist, Technical Assistance Brief prepared for juvenile and family court judges by the National Council of Juvenile and Family Court Judges, (Reno Nevada) under grant J2003 was utilized to prepare this informational letter for PCSA and PCPA Directors

VI. Contact Information

Bureau of Indian Affairs -Midwest Regional Office
Rosalie Clark, Regional Social Service Worker
One Federal Drive, Room 550
Fort Snelling, Minnesota 55111
Phone (612) 713-4400

Bureau of Indian Affairs -Eastern Regional Office
Franklin Keel, Regional Director
711 Stewarts Ferry Pike
Nashville, Tennessee 37214
Phone (615) 467-1700

Bureau of Indian Affairs -Central Office
Aurene Martin, Acting Director
1849 C Street, N.W.
Mail Stop 6218, MIB
Washington, D.C. 20240
Phone (202) 208-3711

**Department of the Interior**

Gale Norton, Secretary of the Interior
United States Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240
Phone (202) 208-7351
Web site - [www.doi.gov](http://www.doi.gov)

**Resource Centers**

**National Indian Child Welfare Association**

Terry Cross, Executive Director
5100 Southwest Macadam Avenue, Suite 300
Portland, Oregon 97201
Phone (503) 222-4007
Web site - [www.nicwa.org](http://www.nicwa.org)

**North American Indian Cultural Center**

Lana Samaniago, Director
655 North Main Street
Akron, Ohio 44310
Phone - 1-800-724-1280
Fax (330) 724-9298
TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: New Law Affecting All Foster Care and Adoption Programs (Amended Substitute House Bill 117 of the 125th General Assembly)

On June 4, 2004 Governor Taft signed Amended Substitute House Bill 117 of the 125th General Assembly into law. The new law, which became effective on September 3, 2004, contains several provisions that affect practice for all foster care and adoption agencies operating in Ohio. The department of job and family services is in the process of adopting Ohio Administrative Code (OAC) rule revisions that reflect the changes in the new law. Until the revised rules are finalized, agencies need to be aware that the new law is now in effect. To the extent that current OAC rules conflict with the provisions of the new law, the new law supercedes those rules.

A brief summary of the provisions of the new legislation and a copy of the Act are included with this letter. Agencies wishing to obtain an analysis of the new law and corresponding fiscal notes can obtain a copy at: http://www.legislature.state.oh.us/bills.cfm?ID=125_HB_117.

For questions about this letter, please contact the OCF Helpdesk by phone at: 1-866-886-3537, Option 4 or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

Attachments

Click here to view the (125th General Assembly) (Amended Substitute House Bill Number 117) ACT
Click here to view the Provisions of Amended Substitute House Bill 117 (Effective September 3, 2004)
TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Title IV-E Reimbursement Ceiling Amount Revisions for Facilities Located in the State of Indiana

The state of Indiana revised their Title IV-E reimbursement ceiling amounts for the period September 1, 2003, to August 31, 2004. Consequently, the state of Ohio's recognized reimbursement ceiling amounts for Indiana's residential facilities have been revised in accordance with OAC 5101:2-47-27. As a result of these reimbursement ceiling revisions, JFS 01925 invoices that were submitted for these Indiana facilities for placement dates between September 1, 2003, and January 31, 2004, were reimbursed improperly. In order to receive proper reimbursement counties that invoiced and received reimbursement for placement dates between September 1, 2003, and January 31, 2004, will need to follow a two-step process involving an initial repayment of improperly paid claims and then a subsequent rebilling for the placements. Details of the two-step process are as follows:

- **Step 1 - Reversing Entries (Old Rates):** For counties that have already invoiced and have been reimbursed for placement dates between the period September 1, 2003, to January 31, 2004, please list the claim lines for each child as originally reported in all columns on the JFS 01925 except enter an "E" in column 8, Trans Code. This will effectively repay the state of Ohio the exact reimbursement amount your county received for the period of placement. Please submit your reversing entries prior to May 14, 2004. Reversing entries received after this date will process improperly.

  Note: If your county has not yet billed for and received reimbursement for placement dates between September 1, 2003, to January 31, 2004, please refrain from mailing your invoices until after the JFS 01925 cut-off date of May 14, 2004, in order to receive proper reimbursement in accordance with the revised reimbursement ceiling amounts. Furthermore, billings for February placement dates and beyond may initially error off until such time that the Step 1 process is completed.

- **Step 2 - Rebilling/Reimbursement Entries (Revised Rates):** To receive proper reimbursement according to the revised reimbursement ceiling amounts please list the claim lines for each child as previously completed in Step 1 above except enter an "A" in column 8, Trans Code. This will effectively reimburse your county the proper amount according to the revised reimbursement ceiling amounts. Please submit your rebilling entries any time after May 14, 2004.

Please submit your JFS 01925 entries for Step 1 and Step 2 under a separate mailing cover to:

Office for Children and Families
Bureau of Accountability and Regulation
Attention: JFS 01925 Coordinator
255 East Main Street, 3rd Floor
Columbus, OH 43215-5222

Waiver counties are advised to claim for their Indiana placements to recoup available administrative dollars for their placements during the period September 1, 2003, to August 31, 2004. The previous Indiana rates for this period had no administration reimbursement ceiling rate. However, now that the Indiana reimbursement ceilings have been revised and include an administration rate, waiver counties may apply for administrative cost reimbursement.

The revised list of rates for Indiana facilities for September 1, 2003, to August 31, 2004, is attached and is also viewable on the Office for Children and Families' website http://jfs.ohio.gov/ocf/publications.stm under the section "Title IV-E."

For questions about this letter please contact the OCF Helpdesk by phone at 1-866-886-3537, Option 4, or by email at HELP-DESK-OCF@odjfs.state.oh.us.
Click here to view the revised list of rates for Indiana facilities for September 1, 2003, to August 31, 2004
TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Foster Care Resource Education Database (FRED) Phase II - Update

Phase II of the Foster Care Resource Education Database (FRED) was released on September 22, 2003. This allows agencies to register their foster parents in FRED and to electronically submit training sessions. As of February 10, 2004, there are 24,212 participants registered in FRED, and a total of 7,058 training sessions have been entered. All recommending agencies must enter and submit all training participants and all training sessions conducted January 1, 2001, and forward in the FRED database, located at https://fred.odjfs.state.oh.us. This is a production database; the data you enter and submit will be used to generate training allowance and stipend payments.

For assistance in using FRED, a User Guide is available by clicking the "HELP" option in the upper-right corner of the FRED site. You may also go directly to the FRED User Guide (version 2.0) located at http://fred.odjfs.state.oh.us/UserGuide.pdf. Please be advised that the previous testing site, located at https://fred.odjfs.state.oh.us/AccTest is no longer available for agency use.

Training Stipend Payments

In order to streamline the process for our customers, we are working on finalizing a cut-off date for which agencies will no longer be required to submit JFS 1350s and enter and submit data in FRED. For training sessions conducted after the cut-off date, agencies will only need to enter and submit the training session and participant information in FRED, as the JFS 1350s will no longer be accepted. Agencies should continue submitting JFS 1350s for any training sessions conducted on or before the cut-off date. It is important for agencies to understand that while stipend payments for training sessions conducted on or before the cut-off date will be made using the JFS 1350s, these same sessions must also be entered and submitted in FRED.

Training Allowance Payments

We are pleased to report that as of February 27, 2004, we have processed and approved $1,034,217.75 in training allowance payments for trainings conducted during the period of April 1, 2003, through December 31, 2003. These allowance payments were processed using information contained in the JFS 1350s. We will continue to process payments in this manner for all trainings conducted from April 1, 2003, through the cut-off date for the JFS 1350s.

For training sessions conducted on or after January 1, 2004, through the cut-off date, we are asking that private agencies indicate on the JFS 1350s whether or not the agency incurred a cost for the training session. Pursuant to Ohio Administrative Code Rule 5101:2-5-38 (C)(2), ODJFS will not make an allowance payment for training received or provided at no cost to the private recommending agency.

The Bureau of Accountability and Regulation is working on a method to begin processing training allowance payments for training sessions conducted between January 1, 2001 and March 31, 2003, starting with those training sessions that were conducted during the first quarter of 2001. These payments will be generated using data that has been entered and submitted in FRED, and will not be generated through information contained in the JFS 1350s. It is imperative that all training sessions be entered and submitted in the FRED database. Further, pursuant to Ohio Administrative Code Rule 5101:2-5-38 (J)(4), training sessions conducted between January 1, 2001 and December 31, 2003 must be entered and submitted by December 31, 2004. Otherwise, the agencies will have forfeited their allowance payments for these training sessions.

Summary of Agency Responsibility for Stipend Reimbursement and Allowance Payments

Please refer to the table below for a summary of the responsibility of agencies regarding the submission of the JFS 1350s and the entering and submission of training events into FRED.
<table>
<thead>
<tr>
<th>Time Period of Training Sessions</th>
<th>January 1, 2001 through March 31, 2003</th>
<th>April 1, 2003 through December 31, 2003</th>
<th>January 1, 2004 through cut-off date</th>
<th>All sessions after cut-off date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter and Submit Training Sessions in FRED</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Submit JFS 1350s</td>
<td>For stipend reimbursement only</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Additional Requirements (for private agencies only)</td>
<td>None</td>
<td>None</td>
<td>Indicate on JFS 1350s whether or not the agency incurred a cost for the training</td>
<td>None</td>
</tr>
<tr>
<td>Information Source for Stipend Reimbursement</td>
<td>JFS 1350s</td>
<td>JFS 1350s</td>
<td>JFS 1350s</td>
<td>FRED</td>
</tr>
<tr>
<td>Information Source for Allowance Payments</td>
<td>FRED</td>
<td>JFS 1350s</td>
<td>JFS 1350s</td>
<td>FRED</td>
</tr>
</tbody>
</table>

**Other FRED Developments**

Plans to hold a User Group Meeting are currently underway. These meetings will be held quarterly and will be open to any FRED users who would like to attend. Updates regarding FRED will be discussed at this meeting and any questions or concerns from users will be addressed. Agencies will receive notification regarding the time and place for this meeting once it has been scheduled.

In September 2003, recommending agencies were requested to designate a FRED administrator to serve as the primary point of contact for the FRED project team. Establishing an administrator for all agencies is essential to effectively communicate information regarding FRED. **Any agency that has not already designated a FRED administrator must do so by April 1, 2004.** Please e-mail your administrator designee(s) and their e-mail address to FRED@odjfs.state.oh.us. Include in your subject header "FRED-Administrator."

For questions regarding FRED, please contact the FRED project team at FRED@odjfs.state.oh.us.
FCASPL 79 (PASSS Application SFY 04 Freeze)

Family, Children and Adult Services Procedure Letter No. 79

February 11, 2004

TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Freeze on Approvals of PASSS Applications for SFY '04

On December 1, 2003, the PCSAs were requested to release Post Adoption Special Services Subsidy (PASSS) funds that would not be utilized in State Fiscal Year (SFY) '04. Twenty-two agencies responded and released a total of $89,438. However, even with this release, the entire $3.7 million PASSS allocation has now been obligated. Effective February 28, 2004, no PASSS applications can be approved for SFY '04. PCSAs may begin accepting applications for SFY '05, beginning July 1, 2004.

To be eligible for PASSS reimbursement for SFY '04 the "JFS 01050 Application/Agreement for Post Adoption Special Service Subsidy" must:

- be approved by the PCSA, and
- be either postmarked or received by fax in the Office for Children and Families, Adoption Services Section by Friday, February 27, 2004. Please assure that only one copy of the application is submitted.

The applications are to be submitted by mail to the Ohio Department of Job and Family Services, Office for Children and Families, Adoption Services Section, 255 East Main Street, 3rd Floor, Columbus, OH 43215 or by fax to: (614) 466-6185.

PCSAs must continue to accept PASSS applications. For applications that do not meet the approval and submittal criteria specified above for SFY '04 funding, the PCSA must deny the applications based on the lack of program funds. The "JFS 07334 Notice of Denial of Your Application for Assistance" form should be used to notify families of the denial. The PCSA should indicate on the JFS 07334 that the reason for the denial is that "all funds allocated for this program have been obligated" and the regulation supporting the denial is "ORC 5153.163". If the family requests a State Hearing, the PCSA should attach a copy of this Procedure Letter to the appeal summary.

For questions about this letter, please contact the OCF Helpdesk: by phone at: 1-866-886-3537, Option 4, or by email at: HELP-DESK-OCF@odjs.state.oh.us.

Click here to view the JFS 07334, Notice of Denial of Your Application for Assistance
Ohio Administrative Code rule 5101:2-47-11(H) was amended on September 1, 2003, establishing a contemporaneous payment system for purchased foster care services. These changes were the result of the Child Welfare Shareholders recommendations and mean that the foster care maintenance reimbursement will be based on rates negotiated by the Title IV-E Agency.

To that end, in a contemporaneous payment system, purchased foster care maintenance reimbursement is the lesser of:

1. The uniform statewide maximum amounts published annually in a "Family, Children and Adult Services Procedure Letter;" or
2. The agreed upon foster care placement amount paid by the Title IV-E Agency. The agreed upon foster care placement amount must be equal to the amount the private agency reimburses its foster parents for the maintenance of the children; and
3. The agreed upon amount paid by the Title IV-E Agency for other direct services which include: special diets, clothing, graduation expenses, liability insurance with respect to the child and reasonable travel expense for home visits provided these expenses are not included in the agreed upon foster care placement amount.

Pursuant to Ohio Administrative Code 5101:2-47-11(G), administration reimbursement to the Title IV-E agency will continue to be based on the lesser of:

1. The Title IV-E administration reimbursement ceiling amount established by the JFS 02910 "Purchased Family Foster Care Cost Report" multiplied by the number of care days; or
2. The amount paid by the Title IV-E agency for administration.

As in the past, the Office for Children and Families will continue to post the calculated Title IV-E Foster Care reimbursement ceiling on its website. The website address is http://www.state.oh.us/odjfs/ocf/publications.stm.

For questions about this letter, please contact the OCF Helpdesk: by phone at: 1-866-886-3537, Option 4, or by email at: HELP-DESK-OCF@odjfs.state.oh.us.
Family, Children and Adult Services Procedure Letter No. 74

September 18, 2003

TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Designation of FRED Administrator

As we begin to deploy Phase II of the Foster Care Resource Education Database (FRED), each recommending agency must designate a FRED administrator to the Ohio Department of Job and Family Services (ODJFS). The individual selected to be the FRED administrator for each recommending agency will, at a minimum, be expected to perform the following functions:

- Serve as the primary point of contact and communicate between the FRED project team and the recommending agency;
- Enter, update, inactivate usernames and reset passwords for the recommending agency;
- Process training participant transfers (future initiate, approval e-mail process); and
- Serve on User Group Panels to provide recommending agency input in a decision making role.

The individual designated may be of a technical orientation, or an experienced FRED user who demonstrates an analytical nature. The role may be held by one or more individuals per agency and is not related to or restricted by any title the individual may or may not hold. Please e-mail your administrator designee(s) and their e-mail addresses to: FRED@odjfs.state.oh.us by October 3, 2003. Include in your subject header "FRED- Administrator".

Please note that for historical purposes, this letter includes two letters that were previously sent regarding FRED. In the future information about FRED will be transmitted in Family, Children and Adult Services Procedure Letters or Transmittal Letters, as appropriate. Such letters are posted to the department's Legal/Policy Central calendar available on the ODJFS Innerweb at url: http://www.state.oh.us/odjfs/lpc/calendar/staff and from the Internet at: www.state.oh.us/odjfs/lpc/calendar/. The calendar provides a daily listing of update issuances and if you click on the date (the blue number) that has an update listed, it will travel to a page that lists specifics about the update with links that will travel to the electronic Family, Children and Adult Services Manual or to a printable (PDF) version of the update. Persons wishing to subscribe to weekly electronic notices of updates to ODJFS manuals should send an email with the word "subscribe" in lower case letters in the subject line to: handbook_update_subscriptions@odjfs.state.oh.us.

For questions about this letter, please contact the OCF Helpdesk by phone at: 1-866-886-3537, Option 4 or by email at: HELP-DESK-OCF@odjfs.state.oh.us

Enclosures: FRED Memos dated April 4, 2003 and July 31, 2003

FCASPL 74 Enclosure: FRED Memo dated April 4, 2003

April 4, 2003

TO: Directors, County Public Children Services Agencies (PCSA)
Administrators, Private Child Placing Agencies (PCPA)
Administrators, Private Noncustodial Agencies (PNA)

FROM: Galen Bock, Deputy Director, Office of Management Information Services
Barbara E. Riley, Deputy Director, Office for Children and Families

SUBJECT: Phase I of the Foster Care Resource Education Database (FRED) - Released

This letter is to announce the release of Phase I of the Foster Care Resource Education Database (FRED) on April 7, 2003, by the Ohio Department of Job and Family Services.
FRED is a new Internet/web based system that agencies will use to register the pre-placement and continuing training provided to their foster caregivers. This system will aid in the creation of a centralized data base of caregiver training histories, and will automate the process used by the department to issue training allowances and stipend reimbursements to agencies.

The purpose of Phase I is to collect basic information on the pre-placement and continuing foster caregivers associated with each recommending agency. Information on the training received by these caregivers will not be collected during Phase I. With the release of Phase II in May 2003, agencies will begin using FRED to register all pre-placement and continuing training provided to caregivers. More information regarding Phase II will be provided in the coming weeks.

To access FRED and begin entering the information on your foster caregivers, please see the Instructions in Attachment A. NOTE: Agencies with 100 or more foster caregivers may select to have their list of caregivers batch-loaded into FRED, avoiding the need to manually enter this information. Please see Attachment B for details.

For questions regarding FRED, please contact the FRED project team at: mailto: FRED@odjfs.state.oh.us

ATTACHMENT A: INSTRUCTIONS FOR ACCESSING FRED

FRED is an internet-based system: to access FRED you will use a web browser, such as Internet Explorer or Netscape. The following web browsers are currently supported:

- Internet Explorer 4.0 or higher
- Netscape 4.x (4.5, 4.6, 4.7, etc.)

Please note the following are NOT supported at this time:

- Netscape 6.x
- Netscape 7.x

To access FRED, each user will need a user account (username and password). To request a user account, please send an e-mail to: FRED@ODJFS.STATE.OH.US with the words "New User" in the Subject line. Please include the following information: {Your full name, agency name, office telephone including area code, and your e-mail address}. You may include multiple user account requests in the same message. Please allow up to 48 hours for your request to be processed. Note: If you participated in the acceptance testing of Phase I, you may use the username and password previously assigned to you.

After receiving your username and password, use your web browser to open the FRED web site: https://fred.odjfs.state.oh.us

For instructions on logging into and using FRED, please see the FRED User Guide, available by clicking the "HELP" option in the upper-right corner of the FRED site. You may also go directly to the FRED User Guide using this address: http://fred.odjfs.state.oh.us/UserGuide.pdf

Please Note: The FRED User Guide is an Adobe (PDF) document. You MUST have Adobe Acrobat Reader 4.0 or higher installed on your computer to view the User Guide. If you do not already have Acrobat Reader, you may download this free program from the Adobe web site: http://www.adobe.com/products/acrobat/readstep.html. Please contact your local technical support staff if you have questions about installing the Acrobat Reader.

ATTACHMENT B: BATCH-LOADING OF FOSTER CAREGIVER INFORMATION

If your agency is responsible for 100 or more foster caregivers, you may choose to have your list of caregivers batch-loaded into FRED. If you are interested in this option, please follow these instructions.

1. Create a tab- or comma-delimited text file with the following fields, in order:

<table>
<thead>
<tr>
<th>Field</th>
<th>Required</th>
<th>Format</th>
<th>Max Length</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
<td>Yes</td>
<td>Alpha-numeric</td>
<td>20</td>
</tr>
<tr>
<td>First Name</td>
<td>Yes</td>
<td>Alpha-numeric</td>
<td>15</td>
</tr>
</tbody>
</table>
2. Send the data file to: FRED@ODJFS.STATE.OH.US with the words "Caregiver Data" in the Subject Line. Include the name of your Agency in the message, and indicate whether the file is tab-delimited or comma-delimited.

3. Within two to five days you will receive a response indicating the results of the batch-load.

* Date of Birth is for identification purposes only. If date of birth is unknown, you may leave this field blank and enter the date into FRED at a later time.

** For use by agency as needed.

*** Agencies may use this field to store an agency-specific identifier, or other supplemental information.

FCASPL 74 Enclosure: FRED Memo dated July 31, 2003

July 31, 2003

TO: Executive Directors, Public Children Services Agencies
    Administrators, Private Child Placing Agencies
    Administrators, Private Noncustodial Agencies

FROM: Barbara E. Riley, Deputy Director, Office for Children and Families

SUBJECT: STATUS - FOSTER PARENT TRAINING REIMBURSEMENTS

In a correspondence of April 4, 2003, I advised agencies that the Foster Caregiver Resource Education Database (F.R.E.D.), was beginning Phase I on April 7th, and Phase II would follow on May 30, 2003. Subsequently, we advised agencies that the implementation of Phase II was delayed until June 30, 2003. I must inform you that due to systems issues, it is necessary to once again delay the implementation of Phase II. While we regret this delay, please be assured that the development of F.R.E.D., continues and full implementation this year remains a reasonable goal. In order to effectively manage this delay, the following steps are being taken:

- We are accepting JFS 1350 forms for reimbursement of foster caregiver stipends for the period between April 1, 2003 and September 30, 2003. The attached JFS 1350 form [http://dynawebdb.odjfs.state.oh.us:6336/library/pdf/1350.pdf] contains instructions for completion and may be duplicated for your use. Please submit completed forms to: Robert Bielecki, Chief, Foster Care
Licensing Section, Bureau of Accountability and Regulation, Office for Children and Families, 255 East Main Street, 3rd Floor, Columbus, Ohio 43215-5222. When submitting the forms calculate stipend payments at the rate of $10.00 per hour, per caregiver, payable in increments of one-quarter hours as required by Ohio Administrative Code (OAC) rule 5101:2-5-38.

When submitting the forms calculate stipend payments at the rate of $10.00 per hour, per caregiver, payable in increments of one-quarter hours as required by Ohio Administrative Code (OAC) rule 5101:2-5-38.

- Effective April 2, 2003, all recommending agencies are your reference. We will continue to process JFS 1350 forms until Phase II of F.R.E.D., is operational. Please be aware that the submission of the JFS 1350 form will generate only stipend reimbursements. Training events will still need data entry into F.R.E.D. Phase II to generate agency training allowance payments.

- Additional staff has been assigned the responsibility of responding to e-mails sent to the F.R.E.D. system, registering users into the system, and processing JFS 1350s. Please continue to address questions to: mailto:FRED@odjfs.state.oh.us. Additional MIS staff has been assigned to complete the development of F.R.E.D. System.

I thank you for your patience and support during the development of this valuable instrument. If you have any questions, please contact the Bureau of Accountability and Regulation at (614) 644-1146.

Attachments:
- ODJFS 1350 Foster Parent Training Reimbursement Invoice
- ODJFS 1350 Instructions
- OAC 5101:2-5-38

The JFS 1350 can be found in the appendix of this manual (http://dynaweb.odjfs.state.oh.us:6336/dynaweb/family/FCA), or at the ODJFS Forms Listing: http://www.state.oh.us/scripts/odjfs/forms
Family, Children and Adult Services Manual Procedure Letter No. 72
August 22, 2003

To: Directors, County Departments of Job and Family Services
   All Family, Children and Adult Services Manual Holders

From: Thomas J. Hayes, Director

Subject: Continuing Medicaid Eligibility Review for Children no longer eligible for Title IV-E Foster Care Maintenance Payments or Title IV-E Adoption Assistance

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 severed the categorical link between the Medicaid and former ADC programs. As a result, some individuals who are no longer eligible for cash assistance, whether through receipt of OWF, Title IV-E foster care maintenance or Title IV-E Adoption Assistance, may continue to remain eligible for Medicaid coverage under other categories of Medicaid. To assure uninterrupted Medicaid coverage whenever possible, the federal government and OAC rule 5101:1-38-01.1 require that a pre-termination review (PTR) of continuing Medicaid coverage be completed before stopping an individual's Medicaid benefits.

Children eligible for Title IV-E foster care maintenance payments or adoption assistance are automatically eligible for Medicaid. For these children, a PTR must be completed by the CDJFS prior to the termination of the Medicaid coverage whenever a child's foster care maintenance payments or adoption assistance eligibility is ending. Although the Title IV-E Medicaid case is maintained in FACSIS rather than CRIS-E, it is still the state's responsibility to ensure that Medicaid coverage is not interrupted before the CDJFS has had an opportunity to complete a PTR for the child. This letter establishes the procedure for coordination between the PCSA and CDJFS to ensure the timely completion of the PTR for Title IV-E eligible children.

In order to assure a smooth implementation of this process, each CDJFS must identify a Title IV-E Medicaid coordinator to function as the single point of contact between the PCSA and CDJFS. Please e-mail identifying information about your coordinator (county, name, telephone number and e-mail address) to wells1@odjfs.state.oh.us by September 15, 2003. This information will be made available to all CDJFSs and PCSAs after it is compiled.

This information is also available on the Internet and may be accessed: at either:
http://dynaweb.odjfs.state.oh.us:6336/dynaweb/ohpeligibility/MEM or
http://dynaweb.odjfs.state.oh.us:6336/dynaweb/family.

Attachment: JFS 01958 "Referral for Continuing Medicaid Eligibility Review"

**PCSA Responsibilities for Pre-termination review of Title IV-E cases**

Prior to terminating a child's Title IV-E foster care maintenance or adoption assistance Medicaid, the PCSA must complete a JFS 01958 "Referral for Medicaid Continued Eligibility Review" form and fax or hand deliver it to the appropriate CDJFS' Title IV-E Medicaid coordinator. This referral should be completed as soon as the PCSA becomes aware that the child's foster care maintenance (FCM) eligibility or reimbursability is ending or that the adoption assistance (AA) case is being terminated. **The PCSA must provide notice to the CDJFS at least 8 working days prior to the termination of the Title IV-E Medicaid.**

1) For changes in FCM eligibility or reimbursability the JFS 01958 referral should be sent to the appropriate CDJFS as follows:

(a) When the child is leaving the custody of the PCSA the referral is sent to the CDJFS in the Ohio county where the child will be residing after his removal from placement.

(b) When the child is remaining in the custody of the PCSA or other IV-E agency the referral is sent to the CDJFS in the same county as the PCSA.
When the child will be residing out of state after removal from placement no referral is necessary.

2) For changes in AA eligibility the JFS 01958 referral should be sent to the appropriate CDJFS as follows:
   (a) To the CDJFS in the Ohio county where the child will be residing after the termination of the AA agreement.
   (b) No referral is necessary when the child will be residing out of state after termination of the AA agreement.

For questions about this procedure, the PCSA should contact the OCF Helpdesk at helpdeskocf@odjfs.state.oh.us

**Instructions for FCSAM users:**

Insert the following into the Family, Children, and Adult Services Manual (FCASM):

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmittals/Procedure Letters</td>
<td></td>
<td>FCASPL No. 72</td>
</tr>
<tr>
<td>Forms</td>
<td></td>
<td>JFS 01958</td>
</tr>
</tbody>
</table>

**CDJFS Responsibilities for Pre-termination review of Title IV-E cases**

1) Immediately upon receipt of the JFS 01958 referral, the CDJFS must authorize either Healthy Start or Medicaid for children under 21 (MA-T) based on the information contained in the referral.

2) The CDJFS must then begin a continuing eligibility review in accordance with the provisions in rule 5101:1-38-01.1 and notify the assistance group of the CDJFS's decision.

For questions about this procedure the CDJFS should contact the CFCTA staff at CFCTA@odjfs.state.oh.us
TO: Family, Children and Adult Services Manual Holders
FROM: Gregory L. Moody, Interim Director
SUBJECT: On-Going Training Requirements for Child Welfare Workers and Supervisors

Child welfare workers and supervisors, pursuant to Ohio Administrative Code rules 5101:2-33-55 or 5101:2-33-56, may meet their continuing education training requirements by attending training offered by the Ohio Department of Job and Family Services. Training provided on the Family Assessment and Planning Tool (FAPT) by the Bureau of Professional Development, Automated System Training can be used to meet on-going training requirements. Social Work and Counselor Licensing Credits will be issued by the department upon completion of the training.

Questions regarding complying with on-going training requirements should be directed to: Joan Van Hull, County Training Section at (614) 752-6186 or VANHUJ@ODJFS.STATE.OH.US.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRANSMITTALS</td>
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<td>Procedure Letters Index starting with NO. 56</td>
</tr>
<tr>
<td>Procedure</td>
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<td>FCASPL NO. 71</td>
</tr>
<tr>
<td>Letters</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Transition to the New Foster Care Training Requirements of H.B. 332

H.B. 332 becomes effective January 1, 2001. Among the provisions of the new law are new training requirements for foster caregivers. Family foster caregivers will be required to have twenty hours of annual training rather than the twelve hours currently required. Unfortunately, the law does not provide a "grace period" for individual foster caregivers to meet the increased training requirements. Therefore, ODJFS cannot recertify any foster caregiver whose certification is due for renewal after January 1, 2001 who does not have the twenty hours of annual training required unless "good cause" for failing to do so is established pursuant to ORC 5103.032(C).

ORC 5103.032(C) reads:

Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with division (A) of this section. If the foster caregiver complies with the policy, as determined by the agency, the department may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal. The policy shall include the following:

(1) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs;

(2) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training;

(3) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.

In addition to the good cause reasons listed in Section (C)(1) above, an agency may identify a change in state foster care training requirements as a good cause why a foster caregiver could not complete the required training in a timely manner.

In order to facilitate the transition to the new foster care training requirements of H.B. 332 with the least disruption, ODJFS urges agencies licensed to recommend foster homes for certification to develop policies conforming to the requirements of ORC 5103.032(C) as soon as possible and prior to the time that any individual foster caregivers are due for recertification. By adding a provision regarding changes in state foster care training requirements to the "good cause" policy, agencies may recommend recertification. ODJFS will then be able to approve the recertification, and affected foster caregivers will experience no interruption in their certification status.

Please contact your Licensing Specialist or the Children Services Licensing section at (614) 466-5392 if you need assistance.
FCASPL 68 (Correction to FCAPL 66)

Family, Children and Adult Services Procedure Letter No. 68

September 15, 2000

TO: Family, Children and Adult Services Manual Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: Correction to Family, Children and Adult Procedure Letter No. 66 Entitled Notice of Ohio Administrative Code Rule Changes to the Title IV-E Adoption Assistance Program

This Procedure Letter transmits a correction to the FCASPL No.66 dated August 10, 2000. The correction is only in the Procedure number.

Ohio Administrative Code rule 5101:2-47-29 was transmitted in FCASMTL No.105. As a result of comments that have been received, a change is being made to the judicial determination requirement in paragraph (B)(4)(ii) for children who are taken into agency custody through the ODHS 1645 "Agreement for Temporary Custody of Child." This change allows for a "written" court determination that "continuation in the home would be contrary to the welfare of the child or that the placement is in the best interest of the child." This change will allow Title IV-E eligibility to be determined for children who are placed in the temporary custody of an agency through the ODHS 1645 and, subsequently, the agency is given permanent custody of the same child through the ODHS 1666 "Permanent Surrender."

In order to comply with Federal Title IV-E requirements, agencies should immediately use this type of court determination to determine eligibility for this group of children. This rule is being refiled with the noted change and will be transmitted as a permanent rule at a later date. A draft copy of the revised rule is included with this letter.

Please contact the Bureau of Adoption and Kinship at 614-466-9274 with questions.
TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Ohio Administrative Code Rule Changes Governing the Post Adoption Special Services Subsidy (PASSS) Program

I am pleased to announce that ODHS will shortly be reopening the PASSS program for eligible families and children. This procedure letter is to provide notice that the current Ohio Administrative Code rule relating to the Post Adoption Special Services Subsidy (PASSS) program will soon be replaced by a new rule. The new rule, which is being adopted under the emergency rule procedure, will be forwarded along with a transmittal letter as soon as it is approved.

The new rule will align the program with the intent of Section 5153.163(C) of the Ohio Revised Code (see attached) which provides for the payment of medical, surgical, psychiatric, psychological, or counseling services to adoptive families. Consistent with the Revised Code, the new rule will not allow PASSS funds to be used for maintenance costs (including food, shelter and daily supervision cost associated with residential care); respite services that are not required to address psychiatric, psychological or counseling needs; or services that are designed to enhance the child’s self-esteem or cultural development. Counties, however, may fund these and other services through other sources. To enhance the number of eligible families, the new rule also will limit the amount of funding that can be awarded per child, per year to $15,000. In addition, the rule will require public children services agencies to submit approved ODHS 1050s to the Ohio Department of Human Services (ODHS) within thirty days following the approval.

It is important to note that PASSS applications approved on or before January 31, 2000 will be bound by the rule that was in effect at the time the application was approved. Therefore, preauthorized services such as residential treatment and respite may be funded through the remainder of State Fiscal Year 2000. All applications submitted and approved after the effective date of the new rule, will be governed by the criteria set forth in the new rule. If a public children services agency approves an application for an inappropriate service after the effective date of the new rule, it will be solely responsible for that cost. ODHS will not recognize applications that were approved after the program was closed and prior to the effective date of the new rule; applications submitted during that time may be resubmitted.
(A) As used in this section, "adoptive parent" means, as the context requires, a prospective adoptive parent or an adoptive parent.

(B)(1) If a public children services agency considers a child with special needs residing in the county served by the agency to be in need of public care or protective services and all of the following apply, the agency shall enter into an agreement with the child's adoptive parent before the child is adopted under which the agency shall make payments as needed on behalf of the child:

   (a) The adoptive parent has the capability of providing the permanent family relationships needed by the child in all areas except financial need as determined by the agency;

   (b) The needs of the child are beyond the economic resources of the adoptive parent as determined by the agency;

   (c) The agency determines the acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(2) Payments to an adoptive parent under division (B) of this section shall include medical, surgical, psychiatric, psychological, and counseling expenses, and may include maintenance costs if necessary and other costs incidental to the care of the child. No payment of maintenance costs shall be made under division (B) of this section on behalf of a child if either of the following apply:

   (a) The gross income of the adoptive parent's family exceeds one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended;


Payments under division (B) of this section may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

(C) If a public children services agency considers a child residing in the county served by the agency to be in need of public care or protective services and both of the following apply, the agency may, and to the extent state funds are appropriated for this purpose shall, enter into an agreement with the child's adoptive parent after the child is adopted under which the agency shall make payments on behalf of the child as needed:

   (1) The child has a physical or developmental handicap or mental or emotional condition that either:

      (a) Existed before the adoption petition was filed;

      (b) Developed after the adoption petition was filed and can be attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

   (2) The agency determines the expenses necessitated by the child's handicap or condition are beyond the adoptive parent's economic resources.

Payments to an adoptive parent under this division shall include medical, surgical, psychiatric, psychological, and counseling expenses, but shall not include maintenance costs.
No payment shall be made under division (B) or (C) of this section on behalf of any person twenty-one years of age or older. Payments under those divisions shall be made in accordance with the terms of the agreement between the public children services agency and the adoptive parent, subject to an annual redetermination of need. The agency may use sources of funding in addition to any state funds appropriated for the purposes of those divisions.

The department of human services shall adopt rules in accordance with Chapter 119. of the Revised Code that are needed to implement this section. The rules shall establish all of the following:

1. The application process for payments under this section;
2. The method to determine the amounts and kinds of assistance payable under this section;
3. The definition of "child with special needs" for this section.

The rules shall allow for payments for children placed by nonpublic agencies.

No public children services agency shall, pursuant to either section 2151.353 or 5103.15 of the Revised Code, place or maintain a child with special needs who is in the permanent custody of an institution or association certified by the department of human services under section 5103.03 of the Revised Code in a setting other than with a person seeking to adopt the child, unless the agency has determined and redetermined at intervals of not more than six months the impossibility of adoption by a person listed pursuant to division (B), (C), or (D) of section 5103.154 of the Revised Code, including the impossibility of entering into a payment agreement with such a person. The agency so maintaining such a child shall report its reasons for doing so to the department of human services. No agency that fails to so determine, redetermine, and report shall receive more than fifty per cent of the state funds to which it would otherwise be eligible for that part of the fiscal year following placement under section 5101.14 of the Revised Code.
FCASPL 62 (MEPA, IEPA, ASFA)

Family, Children and Adult Services Procedure Letter No. 62

October 19, 1998

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R Tompkins, Director

SUBJECT: Re-Issuance of Agency Adoption and Foster Care Policies and Compliance with the Federal Multiethnic Placement Act (MEPA), Interethnic Placement Act (IEPA), and the Adoption Promotion and Safe Families Act (ASFA)

This procedural letter is in response to agency questions regarding interpretation of the Multiethnic Placement Act (MEPA), the Interethnic Placement Act (IEPA), and jurisdictional issues addressed in the Adoption Promotion and Safe Families Act (ASFA). It is crucial that agencies understand and implement these federal laws correctly and that agencies' written policies and materials are in compliance with these laws. Copies of the Interethnic Placement Act and the Administration for Children and Families Information Memorandum ACYF-IM-CB-97-04, issued June 5, 1997, are attached for your review. Also attached is a Department of Health and Human Services May 8, 1998 response to questions raised by the General Accounting Office regarding MEPA issues.

The Multiethnic Placement Act/Interethnic Placement Act

Because the United States Department of Health and Human Services (HHS) is conducting a review of all Ohio laws, rules and policies to assure compliance with MEPA/IEPA, we must ask you to again review your agency adoption, foster care and recruitment policies. We are under tight time restrictions to bring all state and local policies into compliance. Due to complaints issued against Ohio agencies, we must supply copies of all foster and adoption agency written policies to HHS by January 1, 1999. It is crucial that each of these policies be in total compliance with MEPA/IEPA or the state and local agencies could lose significant IV-E funds. HHS has provided significant technical assistance to Ohio to help us better understand MEPA/IEPA. In this letter and the accompanying documents, this enhanced understanding is explained. We are asking you to review these documents and to then review your written policies and practices to assure that total compliance is achieved. Though agencies submitted their policies in July 1998, because of the clarifications provided by HHS, almost all will need to be amended. All PCSAs, PCPAs and PNAs shall review and amend their adoption and foster care policies and resubmit them to the regional office for review prior to November 16, 1998. The regional office will review the policies for compliance with MEPA/IEPA and forward the policies and copies of their review forms to ODHS Central Office by November 30, 1998. The following information is provided to assist agencies in reviewing and amending their policies and practices.

The Multiethnic Placement Act, originally enacted in 1994, was amended in 1996 by the Interethnic Placement Act. The provisions of IEPA affirm and strengthen the prohibition against discrimination in adoption and foster care placements. Race, color, or country of origin may not be used as the basis for placement decisions nor may such factors be used to delay or deny any foster or adoptive placement. The language of MEPA stated that placement decisions should not be based solely on race, color or national origin. IEPA removed the word "solely" and mandated that placement decisions could not categorically consider race, color, or national origin of the parents and children involved. The amended Act reads as follows:

"...neither the State nor any other entity in the State that receives funds from the Federal Government and is involved in adoption or foster care placements may-

"(A) deny to any person the opportunity to become an adoptive or foster parent, on the basis of the race, color, or national origin of the person, or of the child, involved; or

"(B) delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color, or national origin of the adoptive or foster parent, or the child, involved."

IEPA also repealed the "Permissible Consideration" clause of MEPA. That clause had stated: "An agency or entity (which receives federal assistance) may consider the culture, ethnic, or racial background of the child
and the capacity of the prospective foster or adoptive parents to meet the needs of a child of such background as one of a number of factors used to determine the best interests of a child." Congress felt that this language had given agencies some leeway to continue to consider race in placement selection. By repealing this language, the law now strictly prohibits delay or denial of placement on the basis of race, color or national origin.

MEPA/IEPA also requires that agencies diligently recruit foster and adoptive families that reflect the ethnic and racial diversity of children needing out-of-home care.

Nationally, there has been some question about interpretation and wording that is considered acceptable in individual agency implementation plans. The Department of Health and Human Service indicates that acceptable wording would be similar to that in Wisconsin's directive which states "The operative standard in foster care or adoptive placements has been and continues to be 'the best interest of the child.' Nevertheless, any consideration of race, color, or national origin in foster care or adoption placements must be narrowly tailored to advance the child's best interests and must be made as an individualized determination of each child's needs and in light of a specific prospective adoptive or foster care parent's capacity to care for that child."

Applicants wishing to foster or adopt transracially cannot categorically be subject to processes that delay the education/assessment/approval process. It is not legal to categorically require all families indicating a desire to adopt or foster transracially to attend additional classes, if doing so will cause delay in the assessment process, the approval/licensure process, or placement of a child into the home. Ohio's Administrative Code rules are in the process of being amended to be consistent with the federal law.

Ohio's family preparation process and assessment (homestudy) is designed to prepare all families to parent children with diverse histories and situations. The department believes that foster care and adoptive placements are, almost without exception, transcultural. The foster or adoptive family usually differs from the child placed with them in some area (socioeconomically, racially, ethnically, religiously, etc.) It is extremely likely that most foster or adoptive parents will be asked to meet the needs of a child of another culture. For that reason, all families should be assessed and prepared to parent children from diverse backgrounds with diverse needs. The curriculum designed by the Ohio Child Welfare Training Program (OCWTP), through its vendor, the Institute for Human Services (IHS), seeks to help potential foster and adoptive parents assess their current skills and build new awareness and skills in many areas. Among these areas, education and awareness-building is provided regarding the challenges faced by parents in meeting their foster or adopted child's cultural needs. The assessment (homestudy) process is another educational opportunity. Additionally, the assessment process allows families to self-determine, with the aid of their assessor, their strengths and limitations in a variety of areas impacting their ability to meet specific child needs.

If, upon assessment, specific educational enhancement is needed to assist applicants to develop their skills to be capable of meeting child needs in any area, not limited to race or culture, the agency should provide or arrange for these experiential learning and/or educational opportunities. Once an applicant completes the educational and assessment process, the applicant can be potentially matched for foster care or adoption with any child in need of placement. Of course, foster and adoptive parents may indicate their inability to meet certain needs, for instance, parents may indicate that they cannot parent a child who needs ongoing contact with a birth parent or who acts out sexually. At the time of matching, all the child's needs must be considered and the individual family's ability to meet those needs must be determined. Appropriate records should be kept for every child's foster care or adoptive placement, indicating the therapeutic and clinical reasons why the chosen family was determined as best able to meet that child's special and unique needs.

A violation of MEPA/IEPA is a violation of the family and/or child's civil rights, and action may be taken by the federal government regarding agencies, entities or individuals that violate the law. Sanctions of federal funding or other actions may occur if complaints are found to be valid.

**Jurisdictional Issues in the Adoption Promotion and Safe Families Act (ASFA)**

The prohibitions regarding jurisdictional issues listed in ASFA apply only to adoptive placements. ASFA states that an agency or entity that receives federal assistance and is involved in adoptive placements may not delay or deny the placement of a child for adoption when an approved family is available outside of the jurisdiction of the custodial agency.
Regardless of a family or child's geographic location, all families expressing interest in a particular child must be considered at the time of matching. The child's needs and best interest are paramount. Ohio Administrative Code rules indicate that placement decisions are a group process within the agency responsible for such decisions. Documentation of these placement decisions must clearly indicate why the matched family was chosen, and why the family was determined as best able to meet this particular child's needs. If a particular family is determined as not able to meet a child's needs, the documentation should indicate this.

Potential families expressing an interest in an individual child or sibling group have the right to a fair hearing should they not be in agreement with the agency's decision not to place the child with them. Agencies or individuals violating this federal law are open to sanctions and federal action.

Nothing in MEPA/IEPA or ASFA can override the provisions of the Indian Child Welfare Act (ICWA). When multiple conditions apply, the provisions of ICWA have priority.

Administrative Codes rules already reflect changes made to comply with these laws, with a few minor changes still in process.

ODHS Central and District Office staff are available to provide technical assistance to your agency regarding the wording of your policies and your practice issues. Informational sessions will be offered in the coming months to assure that all agencies are knowledgeable of and understand the requirements of MEPA/IEPA and ASFA.
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: The Adoption and Safe Families Act of 1997 (PL 105-89)

The Adoption and Safe Families Act of 1997 (PL 105-89), signed by the President on November 19, 1997, establishes new child welfare provisions which will require several changes in the state's Title IV-B plan, Title IV-E plan, state legislation, and Ohio Administrative Code rules. PL 105-89 is guided by the following key principles:

- Safety of children is the paramount concern that must guide all child welfare;
- Foster care is a temporary setting and not a place for children to grow up;
- Permanency planning efforts for children should begin as soon as a child enters foster care and should be expedited by the provision of services to families;
- The child welfare system must focus on results and accountability; and
- Innovative approaches are needed to achieve the goals of safety, permanency, and well-being.

STATE PLAN CHANGES

In order to continue to receive Title IV-B and Title IV-E funds, the state must assure that:

- Child safety is addressed in case plans and in case reviews.
- Procedures are developed to facilitate adoptions across state and county jurisdictions.
- Safety of children is of paramount concern from the point of intake and throughout the life of the case.
- Reasonable effort's provisions conform to PL 105-89 (contains provision for when reasonable efforts are excused).
- Criminal record checks are conducted for foster and adoptive parents (state may opt out, suggest other options, or enact a statute that is consistent with PL 105-89).
- State standards exist to ensure quality services for children in foster care.
- The state initiates or joins proceedings within a specified time frame to terminate parental rights for certain children in foster care.
- If a child has been in foster care under the responsibility of the state for 15 of the most recent 22 months; or
  - If a court has determined a child to be abandoned; or
  - If a court has determined that the parent committed murder of another child of the parent, committed voluntary manslaughter of another child of the parent, aided or abetted, attempted, conspired, or solicited to commit such a murder/voluntary manslaughter, or committed a felony assault that resulted in serious bodily injury to a child or to another child of the parent.

When the state files a petition to terminate parental rights, the state must concurrently recruit and approve a family for adoptive placement, if no relative is available. The state may decide not to proceed with termination of parental rights if a relative is caring for the child; there is a compelling reason for not proceeding with the termination of parental rights (outlined in the case plan); or the state has not provided services outlined in the case plan which would have been able to return the child home.

These actions must be taken for 1/3 of the existing caseload within 6 months of the effective date (6/30/99), for 2/3 of the existing caseload within 12 months (12/31/99), and the full caseload within 18 months (6/30/00).

- Health insurance coverage will be provided for children with special needs for whom an adoption assistance agreement is in effect by January 1, 1999.

By February 13, 1998, Ohio was required to submit a state certification to the regional office of the Administration for Children and Families (ACF) indicating which new Title IV-B and Title IV-E plan
assurances, listed above, required changes in state statute. Ohio certified that changes would need to be made in state statute regarding case plans, case reviews, facilitating adoptions across state and county jurisdictions, reasonable efforts, health insurance coverage for children with special needs, and initiating or joining proceedings within a specified time to terminate parental rights for certain children in foster care. A request was made to ACF to accept the criminal background check requirements contained in section 2151.86 of the Ohio Revised Code in lieu of the federal criminal background check requirements. The state has until January 1, 1999 to make all necessary changes to state statute.

**LEGISLATION**

The department and the Public Children Services Association of Ohio (PCSAO) have been working to initiate changes in state statute in order to meet the January 1, 1999 deadlines.

**OHIO ADMINISTRATIVE CODE RULES**

The department has done a preliminary review of Ohio Administrative Code (OAC) rules to determine which rules and forms require amendment. As rules are drafted they will be disseminated through the county and department clearance process in order to obtain public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) input.

**FACISIS**

The department will examine FACISIS to determine what system changes need to occur to comply with PL 105-89.

**FEDERAL PARENT LOCATOR SERVICES**

Section 453 of the Social Security Act was amended to permit child welfare agencies to access the Federal Parent Locator Service in order to assist in locating parents. As of February 1, 1998, public children services agencies (PCSA) were provided with access to the Ohio Parent Locator Service (OPLS) through the Ohio Data Network (ODN). Access is limited to two workers per county. This system provides a mechanism to locate an absent parent or find existing kin in cases where other methods of finding this information have not been successful. Some income information on the removal home is also available.

Counties that have not yet registered may do so by contacting Becky Nichols at (614) 752-6169. Upon registration and the submission of a separate security agreement, Ms. Nichol's will provide the agency with a step by step users manual.

**FUNDING**

**Adoption Incentives**

State may be eligible for an adoption incentive award if all of the following conditions are met:

- There is an approved Title IV-E plan
- The number of foster child and/or special needs adoptions in the state during a given fiscal year exceeds the base number of foster child adoptions for the prior fiscal year. In FFY 1998 the base number is determined by the average number of foster child adoptions in the state in federal fiscal years 1995, 1996, and 1997; and for subsequent federal fiscal years the number of foster child adoptions in the state in the federal fiscal year for which the number is the greatest in the period that begins with federal fiscal year 1997 and ends with the federal fiscal year preceding such subsequent fiscal year.
- In FFY 2001 and thereafter, the State provides health care insurance to any special needs child who has an adoption assistance agreement in effect.

Awards will equal a maximum of $4,000 for each foster parent adoption above the base number plus an additional $2,000 for children with special needs, or $2,000 for a special needs child who is not adopted by their foster parent. The base number for children with special needs is calculated, for FFY 1998, by taking the average number of special needs adoptions in the state in FFY 95, 96, and 97; and with respect to subsequent years, the number of special needs adoptions in the state in the fiscal year for which the number is greater in the period that begins with FFY 97 and ends with the fiscal year preceding such subsequent fiscal year.
Incentive awards will be provided in the federal fiscal year succeeding the year earned and can be used until the end of the succeeding federal fiscal year. The adoption incentive award must be used to provide services to children and families as permitted under Title IV-B and/or Title IV-E, but no match funds will be required.

States have yet to receive further guidance on these incentive awards.

**Family Preservation and Support Services Program**

The Family Preservation and Support Services Program (Subpart 2 of Title IV-B) was renamed the Promoting Safe and Stable Families Program. It was reauthorized through FFY 2001.

The state must use a significant portion of its funds for time-limited family reunification services. Time-limited reunification services include individual, group and family counseling; inpatient, residential or outpatient substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families, including crisis nurseries; and transportation to and from these services; provided services are given to a child who is removed from his home and to the child's parents or primary caregiver to facilitate the reunification of the child. These funds cannot pay for services to a child and his/her family for more than 15 months after the child enters care.

Funds may also be used to provide adoption promotion and support services. Adoption promotion and support services have been defined as services and activities designed to promote more adoptions out of foster care, including pre- and post adoptive services, and activities designed to expedite the adoption process and support adoptive families. Family preservation and community-based support services may also be supported under this funding stream.

The department will be revising OAC rule 5101:2-39-06 to include the time frame provisions for utilization of Title IV-B funds under Emergency Services.

**Title IV-E Adoption Assistance**

Any child who had been determined eligible for adoption assistance payments prior to the child's adoption, who is currently available for adoption because the prior adoption has been dissolved and the adoptive parents' parental rights have been terminated, or because the child's adoptive parents have died, may be determined eligible for Title IV-E adoption assistance (applies to children adopted on or after October 1, 1997).

Enclosed is a copy of the federal Child Welfare law (Title IV-B and Title IV-E) as amended by PL 105-89. An index of the law is also included. The law, as you can see, is quite lengthy and this transmittal only addresses selected provisions of the law.

The areas of the law which:

- are shaded in gray reflect new additions to the law.
- contain strikeouts reflect what was previously contained in the law.

As changes are made to OAC rules or forms, they will be disseminated to all agencies for review and comment.
FCASPL 57 (Annual Evaluation)

Family, Children and Adult Services Procedure Letter No. 57

March 14, 1997

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Annual Evaluation

Sections 5153.16 and 5153.164 of the Revised Code require a public children services agency (PCSA) to conduct, on or before the fifteenth day of April of each year, an annual evaluation of the services provided by the PCSA to children under its care. The annual evaluation is to contain all information required in Ohio Administrative Code rule 5101:2-33-06.

Although Family, Children and Adult Services Procedure Letter No. 55 indicated that the department was recommending elimination of the annual evaluation requirement from state statute and the timeframes for submission of the County Children Services Plan (CCPS) were changed, the PCSA is still required to submit the annual evaluation to the Ohio Department of Human Services District Office no later than April 15, 1997.
TO: All Family, Children and Adult Services Manual Holders  
FROM: Arnold Tompkins, Director  
SUBJECT: Implementation of ICPC Regulation #7 - Priority Placements

In 1976 Ohio passed the Interstate Compact on the Placement of Children (ICPC), Sections 5103.20 to 5103.28 of the Revised Code, which governs the placement of children across state lines. Ohio Administrative Code rules 5101:2-42-20 through 5101:2-42-27 regulate the placement of children into and out of Ohio.

In an attempt to expedite the processing of certain ICPC cases, a Joint Committee consisting of the National Council of Juvenile and Family Court Judges, the National Association of Public Child Welfare Administrators, and the Association of Administrators of the Interstate Compact on the Placement of Children developed the attached ICPC Regulation #7, "Priority Placements", which went into effect on October 1, 1996.

The **INTENT** of Regulation #7, Priority Placements is to:

- Eliminate delays in the placement of children in relative homes across state lines;
- Define which cases can be considered for Priority Placements;
- Establish time frames for each step in the process;
- Simplify the ICPC process while making the process user-friendly;
- Simplify the home study process by use of an established format.

The **ROLE OF THE COURT** in Priority Placements is to:

- Determine if a proposed Priority Placement of a child from one state into another is necessary. The court will consider the following criteria in making its determination:
  - The child is being proposed for placement with a parent, stepparent, grandparent, adult brother or sister, or adult uncle or aunt, and
  - The child is less than two years of age, or
- The child is in emergency shelter; or
  - The court finds that the child has spent a substantial amount of time in the home of the proposed placement recipient
  - The interstate request has been in the receiving state's ICPC office for more than 30 working days without being approved or disapproved.
  - Sign an order of Priority Placement for the child. The order should include the name, address, telephone number and fax number of the judge and the court.
- Send the order of Priority Placement to the sending agency within two working days.

The **PROCESS** for submitting requests for Priority Placements is:

**When Ohio is the Sending State**

- The Ohio sending agency is responsible for forwarding to the Ohio ICPC office, within three working days, a packet of material containing the following documents.
  - Three copies of the signed court order, ordering the Priority Placement;
  - Three copies of a cover letter;
  - Five copies of a completed ODHS 1661, Interstate Compact Placement Request (ICPC 100A);
  - Three copies of a child summary;
  - Three copies of the case plan, ODHS 1444, case plan document.
  - Three copies of legal documentation pursuant to OAC rule 5101:2-42-20;
• Three copies of the Priority Home Study Request (See attached ICPC-101, Association of Administrators of the Interstate Compact on the Placement of Children Sending State Priority Home Study Request).

• It is important to send the packet by overnight mail if possible. If not, Ohio agencies should fax the court order of Priority Placement, the completed ICPC 100A, and the Priority Home Study Request to the Ohio ICPC office at 614-728-6803 and send the remaining material as soon as possible. (Please phone the ICPC office at 614-466-8520 prior to faxing this material).

• The Ohio ICPC office will designate the ICPC request as a Priority Placement and process it within two working days. The packet will be sent by overnight mail to the receiving state's ICPC office, if possible. If not, the Ohio ICPC office will fax the ICPC 100A, the court order of Priority Placement, the Priority Home Study Request, and as much of the packet as possible to the receiving state's ICPC office.

• If there is no response from the receiving state's ICPC office within 20 working days, the Ohio ICPC office will contact the receiving state's ICPC office to check on the status of the request. The sending agency will be kept informed of the status of the case.

• It is the responsibility of the Ohio agency to keep the court informed regarding the status of the ICPC request. The agency should send photocopies of the completed ICPC 100A and the cover letter to the court.

When Ohio is the Receiving State

• The Ohio ICPC office will process the ICPC request from the sending state within two working days and designate it as a Priority Placement.

• The Ohio ICPC office will forward the material by overnight mail, whenever possible, to the Ohio agency. If not possible, the office will notify the agency by phone and/or by faxing the ICPC 100A, the court order of Priority Placement, and the Sending State Priority Home Study Request.

• The Ohio agency will have 20 working days to complete an expedited home study (see attached ICPC-102, Association of Administrators of the Interstate Compact on the Placement of Children Receiving State's Priority Home Study).

• Failure to Comply

If the receiving state fails to complete the Priority Placement request within 20 working days, the receiving state will be out of compliance with ICPC. The court which issued the court order of Priority Placement may inform the appropriate court in the receiving state, provide copies of relevant documentation, and request assistance. The court in the receiving state may order assistance, including the issuance of an appropriate order, for the purpose of obtaining compliance with Regulation #7 and ICPC.

Questions regarding this letter should be directed to:

Kenneth E. Kotch
Ohio ICPC Office
65 E. State Street, 5th Floor
Columbus, Ohio 43215
Phone: (614) 466-8520
Fax: (614) 728-6803
TO: Family, Children and Adult Services Manual Holders
FROM: Terry A. Wallace, Director
SUBJECT: Direct Deposit of Title IV-E Adoption Assistance Payments

The Family and Children Services Information System (FACSIS) offers the option for Title IV-E Adoption Assistance Payments to be directly deposited in a recipient or payee bank account by electronic funds transfer (EFT).

In order to provide information to properly complete FACSIS Events for Electronic Funds Transfers, a form has been developed for agency use, ODHS 1425 "Title IV-E Adoption Assistance Direct Deposit Payment Method Authorization."

Use of this form is not mandatory; however, agencies are encouraged to use this form to document all EFT requests. Questions regarding this procedure letter should be directed to your district office social services coordinator.
TO: Directors, County Department of Human Services  
Executive Secretaries, County Children Services Boards  
FROM: Kathryn T. Glynn, Director  
SUBJECT: Protocol for Reviewing Child Deaths

The enclosed document represents the combined efforts of the Ohio Department of Human Services (ODHS) and the State Child Fatality Review Committee.

The Protocol for Reviewing Child Deaths can be voluntarily used by any public children service agency (PCSA). Use of the protocol is not mandated by state statute nor Administrative code rule. Those PCSAs choosing to utilize the voluntary protocol will receive the necessary support from district and central office staff.

Any questions regarding information contained in this procedure letter or the enclosed protocol should be directed to Jean A. Schafer, Chief, Bureau of Compliance and Review at (614) 466-9824.
FCASPL 19 (Title IC-E Multiple Payment Summary Report)

Family. Children And Adult Services Procedure Letter No. 19

March 6, 1991

TO: All Family, Children and Adult Services Manual Holders

FROM: Kathryn T. Glynn, Director

SUBJECT: Title IV-E 14 Multiple Payment Summary Report

The Multiple Payment Summary Report is produced on a quarterly basis. The Multiple Payment Summary Report provides a listing of any Title IV-E FCM payments which were made for a child through more than one payment system in a particular month. Information is collected from three payment sources: 1) Benefits Issuance, either the Client Registry Information System (CRIS) or the Family and Children Services Information System (FACSIS), 2) Title IV-E Auxiliary Payment Authorization (ODHS 1659), and 3) the Monthly FCM Facility Invoice system (ODHS 1925). On the report, the Benefits Issuance payment, either CRIS or FACSIS, is identified as data base-DB and the auxiliary payments are identified as AUX.

For each month in which more than one Title IV-E FCM payment was made for a particular child, the report lists the child's name, IV-E number, warrant date and number, voucher number, and the amounts and sources of payment. If your agency received payment for such cases during the quarter, a Title IV-E Multiple Payment Summary Report will be mailed to your agency at the beginning of the following quarter. The report should be reviewed as soon as possible after receipt to identify and repay any Title IV-E funds received in excess of actual expenditures.

There may be a valid reason that multiple payments were made in the same month for one child, such as an initial or an additional clothing payment authorized via an auxiliary in addition to the basic payment made through Benefits Issuance, or clothing and residential care payments were both authorized in the same month on the ODHS 1925. These types of multiple payments will be listed on the report, but no action by your agency is necessary for such cases.

However, some of the listed multiple payments may actually be duplicate payments for placement costs that were reimbursed through more than one of the payment systems. For example, a child placed in a family foster home was moved to a group home but the change in living arrangement was not processed on Benefits Issuance for two months. The agency billed and received payment for the group home costs incurred and also received the advance family foster home payment for these same two months through Benefits Issuance. In this case, an actual overpayment has occurred in the receipt of the family foster home advance payment and it is the agency's responsibility to repay that amount to the department.

Identified overpayments are to be repaid to the department using either the ODHS 1659 or the ODHS form 1925 as appropriate. Please note that the termination or adjustment of payment must be effective on the actual day of the month the overpayment occurred.

Questions regarding this letter or the Multiple Payment Summary Report should be directed to your district office social services coordinator.
The Child Support Enforcement Amendments of 1984 extended Title IV-D services to Title IV-E recipients of the Social Security Act (PL 98-378). This law requires states to take all steps, where appropriate, to secure an assignment of support rights to collect and distribute child support for a child on whose behalf Title IV-E Foster Care Maintenance (FCM) payments are being made.

Title IV-E recipients shall be provided all services provided to any child support assignment applicant including the establishment of paternity, the establishment of court orders and the enforcement of existing orders for support.

All public children services agencies (PCSAs) are required by Ohio Administrative Code rule 5101:2-47-32 to refer each IV-E FCM case to the local Child Support Enforcement Agency (CSEA) upon determination of IV-E eligibility and to assign child support rights to the CSEA. The local agencies shall determine the method by which referrals shall be made and for establishing ongoing communication between the agencies. A model form, Referral of Title IV-E Foster Care Recipient for Child Support Services, is attached and may be used by the PCSA. Any pertinent court orders available to the PCSA shall accompany the referral document to the CSEA. If the PCSA has permanent custody of a child, the CSEA's only service shall be the collection of any arrearage accrued before permanent custody was granted.

The CSEA will distribute child support collections in accordance with procedures designated in the Child Support Enforcement Manual. CSEA collections representing current support for IV-E children are retained as repayment of the current IV-E payment. CSEA collections representing arrearage are retained by the CSEA as repayment of past unreimbursed IV-E or IV-A payments. IV-E collections are not subject to the $50 disregard provision.

CSEA collections in excess of the current monthly amount of the foster care maintenance payment, but not the monthly current support obligation, will be paid to the PCSA responsible for supervising the child's placement and care. The PCSA must use the excess in a manner determined to be in the best interest of the child. Uses may include setting aside the amounts for the child's future needs, subject to asset limitations of rule 5101:2-47-58 of the Administrative Code, or making all or part of the amount available for meeting the child's current day-to-day needs.

Questions regarding this transmittal should be directed to your district office social services supervisor or local CSEA, as appropriate. The information contained in this transmittal was previously issued as SSIM No. 120.
Family, Children and Adult Services Procedure Letter No. 12

August 1, 1990

TO: Family, Children and Adult Services Manual Holders
FROM: Roland T. Hairston, Director
SUBJECT: Adoption Assistance Stop Payment Procedures

Adoption Assistance Stop Payment procedures have been developed to allow Public Children Services Agencies (PCSAs) to stop payment on lost, stolen or destroyed Adoption Assistance (ADA) warrants and to authorize issuance of a replacement ADA warrant. These procedures have been developed specifically for use by PCSAs in tracking ADA warrants.

Attached please find procedures and forms for your use. Note that several forms are mandated by the Treasurer and the Auditor of the State of Ohio. All forms must be submitted to:

Stop Payment Clerk
Ohio Department of Human Services
Bureau of Fiscal Operations
30 East Broad Street, 37th Floor
Columbus, Ohio 43266-0423

Questions on these procedures should be directed to your district office social services coordinator.

The forms index will be revised in the next quarterly update to reflect the inclusion of these forms.
TO: Directors, County Departments of Human Services
    Executive Secretaries, County Children Services Boards
FROM: Roland T. Hairston, Director
SUBJECT: Title IV-E Foster Care Maintenance Eligibility Determination Process

Definitions


(B) Definitions.

(1) "Abandoned child", pursuant to section 2151.011 of the Revised Code, means a child who is presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.

(2) "Abused child," pursuant to section 2151.031 of the Revised Code, includes any child who:

(a) Is the victim of sexual activity as defined under Chapter 2907. of the Revised Code, where such activity would constitute an offense under Chapter 2907. of the Revised Code except that the court need not find that any person has been convicted of the offense in order to find that the child is an abused child.

(b) Is endangered as defined in section 2919.22 of the Revised Code, except that the court need not find that any person has been convicted under section 2919.22 of the Revised Code in order to find that the child is an abused child.

(c) Exhibits evidence of any physical or mental injury or death, inflicted other than by accidental means, or an injury or death which is at variance with the history given of it. Except as provided in this definition, a child exhibiting evidence of corporal punishment or other physical disciplinary measure by a parent, guardian, custodian, person having custody or control, or person in loco parentis of a child is not an abused child under this definition if the measure is not prohibited under section 2919.22 of the Revised Code.

(d) Because of the acts of his parents, guardian, or custodian, suffers physical or mental injury that harms or threatens to harm the child's health or welfare.

(e) Is subjected to out-of-home care child abuse.

(3) "Adjudicatory hearing" pursuant to section 2151.28 of the Revised Code means a hearing held by the juvenile court to determine whether a child is a juvenile traffic offender, delinquent, unruly, abused, neglected, or dependent or otherwise within the jurisdiction of the court or whether temporary or legal custody should be converted to permanent custody.

(4) "Administrative director" or "administrator" means the person designated by the governing body of an agency who is responsible for the management and administration of the agency.

(5) "Adopted person" is a person whose legal relationship was terminated with his/her biological parents, through permanent surrender or court order, and a new legal relationship has been established with an adoptive family.

(6) "Adopted young adult" is an individual who:

(a) Was in the temporary or permanent custody of a public children services agency.

(b) Was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective.

(c) Has attained the age of eighteen.

(d) Has not yet attained the age of twenty-one.
"Adoption" is the creation, by a court of competent jurisdiction, of parental rights and responsibilities between a child and an adult, along with the termination of all parental rights and responsibilities to the child held by any other persons, which have not been previously surrendered or terminated by court order.

"Adoption finalization" is an order of the court issued pursuant to section 3107.14 of the Revised Code terminating all parental rights and responsibilities of a biological or other legal parent and creating the relationship of parent and child between the petitioner and the adopted person.

"Adoptive parent" is a person who adopts a person legally available for adoption.

"Adoptive placement" means the permanent placement of a child for adoption, including any action resulting in a final adoption decree.

"After-hours" are the times other than the normal business day, Monday through Friday, pursuant to policies as set forth by the public children services agency (PCSA) "After-hours" also includes weekends and holidays.

"Agency" means a PCSA, private child placing agency (PCPA) or private non-custodial agency (PNA) certified by ODJFS.

"Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code and transferring the temporary custody of a child to a PCSA or a PCPA.

"Agreement for temporary custody of child" for the purposes of accepting temporary custody of a Native American (Indian) child shall mean when implementing rules contained in Chapter 5101:2-53 of the Administrative Code any action in which the parent or Indian custodian voluntarily transfers custody of an Indian child to an agency for temporary placement in a foster home or children's residential center or the home of a guardian, where parental rights such as the privileges of reasonable visitation, consent to adoption, the privilege to determine the child's religious or Indian affiliation, and the responsibility for support cannot be terminated. The parent or Indian custodian may revoke an agreement for temporary custody of the child at any time and the child must be returned.

"Allegation" means a described set of circumstances which asserts the occurrence of child abuse, neglect, or dependency.

"Alleged child victim" means a child suspected of being or at risk of becoming abused and/or neglected.

"Alleged perpetrator" is the individual suspected of being responsible for the abuse or neglect of a child.

"Anonymous reporter" is an unidentified person making a report of alleged child abuse or neglect.

"Applicant" as used in Chapters 5101:2-5 to 5101:2-9 of the Administrative Code means a person who has filed an application form with ODJFS to operate an agency regulated by Chapter 5101:2-5 of the Administrative Code or a person who has completed a JFS 01691 "Application for Child Placement" (rev. 12/2014) to become a foster caregiver and submitted the application to an agency pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. An applicant does not include a person currently certified as a foster caregiver and who is applying to become a specialized foster caregiver with the same agency with which the person is currently affiliated as a certified foster caregiver.

"Approved adoptive home" is a home in which the family has been studied, evaluated and approved by the PCSA, PCPA or PNA for the adoptive placement of a child.

"Assessment" means comprehensive family assessment and/or risk assessment as defined by this rule.
"Assessor" for the purposes of foster care or adoption means an individual who meets the requirements outlined in section 3107.014 of the Revised Code.

"Assessment/investigation" means a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the assessment/investigation provides data upon which to make a disposition regarding a report of alleged child abuse or neglect.

"Assessment of risk" or "re-assessment of risk" means the ongoing process of classifying a family based upon the family's characteristics and how likely the family is to maltreat or re-maltreat a child(ren).

"Assessment of safety" or "re-assessment of safety" means the ongoing process of evaluating safety threats, protective capacities, and child vulnerability to determine the appropriate safety response.

"At risk of institutionalization" as used in the definition of a "medically fragile foster home" means that unless the child's medical condition, and/or functional abilities and/or environment are maintained or improved, the child would require placement in a hospital, skilled nursing facility or intermediate care facility for the mentally retarded, in order to maintain their health and safety.

"Attorney" is a person who has been admitted to the bar by order of the Ohio supreme court.

"Authorization of release form" is the form prescribed by the department of health under division (A)(2) of section 3107.50 of the Revised Code to be used by the birth parent.

"Birth parent" is a biological parent of an adopted person.

"Birth sibling" is a biological sibling of an adopted person.

"Board of directors" or "board of trustees" or "governing body" or "governing board" means the body of persons empowered by an organization's articles of incorporation, constitution, regulations, or statute to operate an agency and may or may not have proprietary interest in the agency.

"Branch office" means a location of an agency having an address separate from the main or primary location of the agency where any or all of the certified functions of the agency may be conducted.

"Business Day" is any day Monday through Friday excluding the ten federal holidays.

"Calendar day" is any day in the month including weekends and holidays.

"Calendar year" means January first through December thirty-first.

"Caregiver" is a person providing the direct day-to-day care of a child during his placement in substitute care.

"Caretaker" is a person with whom the child resides or the person responsible for the child's daily care. This includes, but is not limited to, the parent, guardian, custodian or out-of-home care setting employee.

"Case" means the composition of individuals grouped together for the purpose of providing and/or supervising, and recording PCSA services. The group of individuals are associated to one case reference name and one case number.

"Case decision" means the PCSA's determination of whether the case should be closed or continued for ongoing PCSA services.

"Case disposition" means the determination of whether or not abuse or neglect has occurred or is occurring and reflects the highest report disposition in the following ranking order from highest to lowest:

(a)  Substantiated.
(b)  Indicated.
(c) Unsubstantiated.
(d) Family moved - unable to complete assessment/investigation.
(e) Family moved out of county - refer to appropriate PCSA.
(f) Unable to locate.

(40) "Case evaluation" means the analysis of social, environmental and interactional information gathered during the assessment/investigation of child abuse or neglect for the purpose of making a report disposition/resolution, and developing a case plan, when necessary.

(41) "Case management services" are activities performed by the PCSA, PCPA, PNA, or Title IV-E agency for the purpose of providing, recording and supervising services to a child and his parent, guardian, custodian, caretaker or substitute caregiver.

(42) "Case members" means the persons associated to a case for the purpose of provision of child protective services.

(43) "Case plan" means a written document developed by the PCSA, PCPA or Title IV-E agency and the family which identifies strengths of the family, concerns to be resolved and supportive services to be provided which will result in ensuring permanence for the child.

(44) "Case plan for direct placements" means a written document, developed by the PCPA or PNA in conjunction with the family, which identifies strengths of the family, concerns to be resolved and supportive services to be provided which will result in ensuring permanence for the child.

(44)(45) "Case record" means the permanent documentation of the assessment/investigation and the provision of social services to families and children maintained as hard copy files, electronic files, or as a combination of both.

(45) "Casework services" are those services performed or arranged by the PCSA, PCPA or Title IV-E agency to manage the progress, provide supervision and protection of the child and his parent, guardian or custodian.

(46) "Caseworker" means a PCSA, PCPA or PNA staff person who is responsible for provision of protective services or supportive services to the child and his parent, guardian, custodian or substitute caregiver.

(47) "Central registry report" is the report of an incident of alleged child abuse or neglect submitted by the PCSA to ODJFS to determine whether prior reports have been made in other counties concerning the child or other principals of the case.

(48) "Certificate" means a document prescribed by ODJFS issued pursuant to Chapter 5103. of the Revised Code authorizing an agency to perform specific functions or authorizing a foster caregiver to care for children.

(49) "Certified foster home" means a foster home operated by persons holding a certificate in force, issued under section 5103.03 of the Revised Code.

(50) "Certified organization" pursuant to section 5153.01 of the Revised Code means any organization holding a certificate that is in full force and effect, issued under section 5103.03 of the Revised Code.

(51) "Chemical dependency", pursuant to section 2151.3514 of the Revised Code, means either of the following:

(a) The chronic and habitual use of alcoholic beverages to the extent that the user can no longer control the use of alcohol or endangers the user's health, safety, or welfare or that of others.

(b) The use of a drug of abuse, as defined in section 3719.011 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.
"Chemical restraint" means any substance given to a child to subdue or restrict movement or behavior as punishment or for staff convenience. Chemical restraint is prohibited by ODJFS.

"Child" means any person under eighteen years of age or a mentally or physically handicapped person under twenty-one years of age.

"Child abuse and neglect memorandum of understanding" is a memorandum of understanding which establishes the normal operating procedures and responsibilities to be exercised by each participant regarding alleged child abuse and neglect.

"Child abuse and neglect multidisciplinary teams" are groups organized to provide prevention, identification, diagnosis, treatment and/or consultation on child abuse and neglect.

"Child care staff" means any employee, volunteer or college intern whose duties involve the direct face-to-face care of children as specified on the individual's job description.

"Child care center" and "center" means any place child care is provided for thirteen or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child care is provided for seven to twelve children at one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator or employee and are on the premises of the center shall be counted.

"Child in treatment foster care" means a child having one or more special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code that substantially interfere with or limit the child's functioning in family, school, or community activities.

"Child protection and permanency program" means the administration of a wide range of services identified through the risk assessment process. The program can include the provision of protective services, in-home supportive services, out-of-home care services and adoption services coordinated and delivered on behalf of a child who has come to the attention of the PCSA.

"Child service plan" or "service plan" means a goal-oriented, time-limited, individualized program of action for a child and the family, specific to the child's placement in a particular facility and separate from the case plan as required by Chapters 5101:2-5 and 5101:2-39 of the Administrative Code, developed by the placement facility in cooperation with the custody holding agency or individual.

"Child stealing" is the illegal removal of a child from the parent, guardian or custodian who has legal custody.

"Child subject of the report" refers to the child identified as the subject requiring an assessment or services in the following types of reports:

(a) Dependency.

(b) Alternative response.

(c) Family in need of services report.

"Children services agency" (CSA) is any agency or organization in another state which has assumed the administration of the child welfare function prescribed in its respective state statute.

"Children's protective services" (CPS) is a term used to describe a wide range of social services coordinated and delivered on behalf of a child who is at risk, or is being or has been abused or neglected.

"Children's residential center" (CRC) means a facility in which eleven or more children, including the children of any staff residing at the facility, are given non-secure care and supervision twenty-four hours a day.
"Child vulnerability" means the degree to which a child can avoid or modify the impact of safety threats or risk concerns.

"Collateral source" means a person who provides or documents information concerning child abuse, neglect, or dependency but is not a principal to the case or witness.

"Community education service" is a range of public information activities designed to increase the public's awareness of child abuse or neglect and to promote appropriate utilization of services.

"Compact state" means a state, U.S. commonwealth, possession or trust territory which is a signatory to the interstate compact on the placement of children.

"Comparable requirement" means a nationally recognized accreditation organization's standard that equals or exceeds Ohio Administrative Code (OAC) requirements.

"Comprehensive Assessment and Planning Model - Interim Solution" means a strength based and family centered model used to support and document critical child protection decisions regarding child safety, risk of child maltreatment, family functioning, and a family's ability to resolve concerns.

"Comprehensive family assessment" is an ongoing exchange of information between worker, family and collaterals to determine the strengths of the family and the degree of risk and intervention necessary to keep a child safe. It organizes and categorizes information focusing on the management of future risk or maltreatment and is constantly being revised during the life of the case.

"Control" means the focus of the safety plan, in response to any child in immediate danger of serious harm, which serves to manage immediate safety threats and supplement protective capacities.

"Co-parents" means adult individuals, related or unrelated, living together in the same household and sharing parenting responsibilities.

"Corrective action" is action taken to correct or remediate situations which were identified as being the cause of a child abuse or neglect incident.

"Counseling" includes both of the following:

(a) General counseling services performed by a PCSA or shelter for victims of domestic violence to assist a child, a child's parents, and a child's sibling in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

"Court-appointed special advocate" means a volunteer guardian ad litem appointed by the court who is responsible for: researching the background of assigned child abuse, neglect and dependency cases; representing the child's best interests; speaking for the child in all hearings, reviews and other relevant case activities; monitoring the child during the life of the case; and advocating for a safe and permanent home for the child.

"Court order of priority placement" means a court order prepared by an Ohio judge or a judge in another state, which designates that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.

"Courtesy supervision" means a type of family in need of services report in which a request is made by a PCSA or CSA to another PCSA or CSA for assistance in providing protective services to a family who is residing in the jurisdiction of the second PCSA/CSA.
"Credible information" means information worthy of belief.

"Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation (BCII) pursuant to section 109.572 of the Revised Code.

"Crisis services" are services provided to families in crisis situations for the purpose of providing an immediate or temporary solution to the presenting problem.

"Custodian" means a person having legal custody of a child or a PCSA, PCPA, or Title IV-E agency that has permanent, temporary, or legal custody of a child.

"Cultural competency" means the understanding of culture as a system of values, beliefs, attitudes, traditions, and standards of behavior governing the organization of people into social groups and regulate both group and individual behaviors.

"Danger" means the likelihood of serious harm to a child precipitated by one or more currently active safety threats and arising from insufficient protective capacities.

"Day camp" is a nonfacility-based program in the outdoors providing children with creative, recreational, and educational experiences in group living in a single-site natural environmental area.

"Day treatment services" are services provided for a portion of the day for a child, living at home or in substitute care, who is at risk, or is being or has been abused or neglected, and who manifests emotional, psychological, behavioral, or social problems which cannot be resolved in nonspecialized educational or developmental settings, or in specialized settings such as learning behavioral disabilities classes.

"Delinquent child" pursuant to section 2152.02 of the Revised Code includes any child who does any of the following:

(a) Any child, except a juvenile traffic offender, who violates any law of this state or the United States, or any ordinance of a political subdivision of the state, that would be an offense if committed by an adult;

(b) Any child who violates any lawful order of the court made under this chapter or under Chapter 2151. of the Revised Code other than an order issued under section 2151.87 of the Revised Code;

(c) Any child who violates division (C) of section 2907.39, division (A) of section 2923.211, or division (C)(1) or (D) of section 2925.55 of the Revised Code;

(d) Any child who is a habitual truant and who previously has been adjudicated an unruly child for being a habitual truant;

(e) Any child who is a chronic truant.

"Denial or authorization to release form" is either of the following:

(a) The section of the JFS 01693, "Ohio Law and Adoption Materials" (rev. 5/2009) prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code where the birth parent checked the "no" space provided in that section.

(b) The form prescribed under division (A)(1) of section 3107.50 of the Revised Code.

"Dependent child" is as defined pursuant to section 2151.04 of the Revised Code.

"Deserted child" means a child not older than thirty days, whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, hospital employee or a newborn safety incubator without expressing an intent to return for the child and who, pursuant to sections 2151.3516 and 2151.3517 of the Revised Code, has no apparent signs of abuse or neglect.

"Developmental disability" is as defined in section 5123.01 of the Revised Code.
"Diagnostic services" are medical, psychiatric, or psychological services performed by a licensed physician, psychiatrist, psychologist, and persons licensed under Chapter 4757. of the Revised Code for the purpose of evaluating an individual's current physical, emotional, or mental condition.

"Direct placement" means the placement of a child by the parent, guardian or legal custodian of the child, including by court order, with the participation and agreement of an agency, into an out-of-home care setting operated or supervised by the agency, with the parent, guardian or legal custodian retaining legal custody of the child.

"Disabled infant" is a child less than one year of age who has a physical or mental handicap which substantially limits or may limit in the future one or more major life activities such as self-care, receptive and expressive language, learning, and mobility.

"Dispositional hearing," pursuant to sections 2151.35 to 2151.355 and 2151.414 of the Revised Code, means a hearing held by the juvenile court to determine what action shall be taken concerning a child who is within the jurisdiction of the court.

"Disruption" is the unplanned interruption of a substitute care placement of a child which requires the transfer of the child to a subsequent substitute care placement setting before the goals of the child's case plan are achieved.

"Domestic violence" pursuant to section 3113.33 of the Revised Code means attempting to cause or causing bodily injury to a family or household member, or placing a family or household member by threat of force in fear of imminent physical harm.

"Duly authorized" is the established ongoing approval by a juvenile court, granting the PCSA permission to remove a child who is at imminent risk when time does not permit obtaining a court order or assistance from law enforcement.

"Educational/vocational assistance" means counseling and other similar assistance related to educational and vocational training, preparation for a general equivalency diploma (GED) or for higher education, job readiness, job search assistance, and placement program.

"Effective denial of release form" is a denial of release form that has not been rescinded by an authorization of release form pursuant to division (B) of section 3107.46 of the Revised Code.

"Emancipation" is the legal process of custody termination from a PCSA or PCPA on or after a youth attains the age of eighteen.

"Emergency" means a situation where there is reason to believe that a child is threatened or alleged to be abused, neglected, or dependent to an extent that the child is in immediate danger of serious harm.

"Emergency caretaker services" are those services provided by a person placed within a child's own home to act as a temporary caretaker when the child's own caretaker is unable or unwilling to fulfill the responsibility.

"Emergency medical service worker" means a first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic.

"Emergency shelter" is the short-term crisis placement of any child who is threatened or alleged to be abused, neglected, or dependent to an extent that there is imminent risk to the child's life, physical or mental health, or safety.

"Emergency shelter care facility" is a group home for children, a children's residential center (CRC), or a portion of a CRC, which is certified to provide temporary emergency nonsecure care for children.

"Employment and training services" are services designed to assist individuals in obtaining paid employment. Such services may include, but not be limited to, the use of social, psychological, and vocational diagnostic assessment, training, and placement.
"Environmental management services" are services offered to the child and his family or caretaker to improve physical living conditions and provide emergency funds. Such services may be provided, arranged, or ensured and may include, but not be limited to, housing repair, housing location, exterminating rodents or insects, lead abatement or making available financial assistance for outstanding utility bills.

"Exigent circumstances" means an emergency resulting from the conduct, conditions, or surroundings of the children that would endanger their health, welfare, or safety and demands immediate action by the PCSA.

"Ex parte emergency order" is an order issued by a juvenile judge or a designated referee pursuant to section 2151.31 of the Revised Code initiated and obtained by one party where other parties have not had advance notice and the opportunity to be heard prior to the issuance of the order authorizing the taking of a child into custody.

"Family" means a group of people related by blood or circumstances who may rely upon one another for sustenance, support, security, and or socialization.

"Family foster home" means a foster home that is not a specialized foster home.

"Family in need of services" means an intake category in which a request has been made for a PCSA to provide or Ohio department of job and family services (ODJFS) to facilitate one or more of the following types of services to a family:

(a) Adoption subsidy only.
(b) Child fatalities that are not a result of abuse or neglect.
(c) Courtesy supervision.
(d) Deserted child.
(e) Emancipated youth.
(f) Home evaluations/visitation assessments.
(g) Interstate compact on adoption and medical assistance (ICAMA).
(h) Interstate compact on the placement of children (ICPC).
(i) Permanent surrender.
(j) Post-finalization services.
(k) Postnatal placement services to infants of incarcerated mothers.
(l) Preventive services.
(m) Required non-lead PCSA interviews.
(n) Stranger danger investigations.
(o) Unruly or delinquent youth.

"Family moved - unable to complete assessment/investigation" means the report disposition when a PCSA cannot confirm or deny child abuse or neglect allegations based upon a full assessment/investigation because the family moved after the PCSA made contact with the family but the family's current whereabouts are unknown or the family now lives out of state and a referral was made to the child services agency where the family currently resides.

"Family preservation services" means services for children and families designed to help families (including adoptive and extended families) at risk or in crisis, including:

(a) Service programs designed to help children: return to their families from which they have been removed, if determined to be safe and appropriate; or be placed for adoption, or with a guardian; or if adoption or guardianship is determined not to be safe and appropriate for a child, in some other planned permanent living arrangement.
Preplacement preventive services programs, such as intensive family preservation programs, designed to help children at risk of substitute care placement remain safely with their families.

Service programs designed to provide follow-up care to families to whom a child has been returned after a substitute care placement.

Respite care of children to provide temporary relief for parents and other caregivers (including foster caregivers).

Services designed to improve parenting skills (by reinforcing parents' confidence in their strengths, and helping them to identify where improvement is needed and to obtain assistance in improving those skills) with respect to matters such as child development, family budgeting, coping with stress, health, and nutrition.

"Family Reunification Services" means the services and activities listed in this paragraph that are provided to a child who is removed from his or her home and placed in a foster home or a residential facility or a child who has been returned home and to the parent, guardian or custodian of such a child, but only during the fifteen month period that begins on the date the child returns home. Allowable services and activities include the following:

- Individual, group, and family counseling;
- Inpatient, residential, or outpatient substance abuse treatment services;
- Mental health services;
- Assistance to address domestic violence;
- Services designed to provide temporary child care and therapeutic services for families, including crisis care facilities;
- Peer-to-peer mentoring and support groups for parents and primary caregivers;
- Services and activities designed to facilitate access to and visitation of children by parents and siblings;
- Transportation to or from any of the services or activities described in this definition.

"Family support services" for the purposes of utilizing Title IV-B, "subpart 2" means community-based services to promote the safety and well-being of children and families, which are designed to increase the strength and stability of families (including adoptive, foster, and extended families), to support and retain foster families so they can provide quality family based settings for children in foster care, to increase parents’ confidence and competence in their parenting abilities, to afford children a safe, stable and supportive family environment, to strengthen parental relationships and promote healthy marriages, and otherwise to enhance child development, including through mentoring.

"Federal fiscal year" means the period of time between October first of one year and September thirtieth of the following year.

"Final decree of adoption" includes an interlocutory order of adoption that has become final.

"Final report" as used in rule 5101:2-33-02 of the Administrative Code means the official written findings of the structured quality assurance review of the county child protection system.

"Foster care for medically fragile children" means foster caregiver-based treatment services for children whose intensive health care needs cannot be met in their own home. Foster care for medically fragile children focuses rehabilitative services on medically fragile children and their families with the primary location of treatment in a medically fragile foster home.

"Foster caregiver" means a person holding a valid foster home certificate issued by ODJFS.
"Foster care maintenance" is an individual entitlement for financial assistance for board and care of children who meet the eligibility requirements contained in Chapter 5101:2-47 of the Administrative Code, who are in the placement and care of a Title IV-E agency and are in an approved substitute care placement.

"Foster child" means a child placed in a foster home who is not the natural or adopted child or other legal ward of the foster caregiver.

"Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes, pre-adoptive infant foster homes and specialized foster homes are types of foster homes.

"Group home" is a public or private facility which provides placement services for children and is licensed, regulated, approved, operated under the direction of, or otherwise certified as a group home by ODJFS, the Ohio department of education, a local board of education, the Ohio department of youth services, the Ohio department of mental health, a county board of mental health, the Ohio department of developmental disabilities, a county board of developmental disabilities, or a political subdivision.

"Group home for children" referred to in Chapter 5101:2-5 of the Administrative Code as "group home" means any facility, public or private, which meets all of the following criteria:

(a) Gives a maximum of ten children, including the children of the operator or any staff who reside in the facility, nonsecure care and supervision twenty-four hours a day for hire, gain, or reward by a person or persons who are unrelated to such children by blood or marriage, or who is not the appointed guardian of such children. Any individual who provides care for children from only a single-family group, placed there by their parents or other relative having custody, shall not be considered as being a group home for children.

(b) Is not certified as a foster home.

(c) Receives or cares for children for two or more consecutive weeks.

"Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

"Guardian ad litem" is a guardian appointed by the juvenile court to represent and protect the best interest of an alleged or adjudicated abused, neglected, or dependent child.

"Habilitation" is the process by which the staff of a mental retardation institution assists a resident to acquire and maintain those life skills which enable him to cope more effectively with the demands of his own person and of his environment and to the level of his physical, mental, social, and vocational efficiency. Habilitation includes, but is not limited to, programs of formal structured education and training.

"Handicapped person" is an individual who is mentally and/or physically handicapped.

"Harm" (for the purpose of utilizing the "Comprehensive Assessment and Planning Model - Interim Solution") means the consequence of maltreatment and refers to the nature of the injury or trauma affecting the child.

"Health care facility" is any public or private hospital or institution offering maternity services, or services to premature disabled infants, or services to disabled newborns.

"Health care facility designee" is the person named by the health care facility to act as the contact with the PCSA in all cases when there is an allegation that a disabled infant with life-threatening conditions is a neglected child as defined in division (A) of section 2151.03 of the
Revised Code due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment.

"Health care facility review committee" is an infant care review committee, an institutional bioethics committee, or another entity established to deal with medical, legal, and ethical dilemmas arising in the care of patients within a health care facility.

"Health care professional" means any physician as defined in this rule or a registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code.

"Help me grow" early intervention services are means developmental services selected in collaboration with the parents of a child, birth through age two, who is eligible for services under part C of the Individuals with Disabilities Education Act (November 2011), and designed to meet the developmental needs of the child and the needs of the child's family to assist appropriately in the child's development as identified in the individualized family service plans. Services provided to a child under age three which can include developmental evaluations and assessments, speech and hearing services, family training and counseling, home visits, occupational or physical therapy, social and psychological services and service coordination.

"Hire, gain, or reward" means any form of compensation made available to the person providing care and supervision to a child.

"Hold status" is an action taken by a PCSA or PCPA to exclude requests for Ohio adoption photo listing (OAPL) matches.

"Home evaluation/visitation assessments" means a type of family in need of services intake. A home evaluation means the collection of information requested by a court, other PCSA, or CSA regarding a prospective caregiver and his/her ability to provide care to a child. A visitation assessment means a summary of information regarding visitations between the child(ren) and parent or other individual(s) as ordered by a court or requested by a PCSA.

"Home health aide services" means the personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene.

"Homemaker services" means the professionally directed or supervised simple household maintenance or management services provided by trained homemakers or individuals to families in their own homes.

"Hospital" is as defined in either section 3727.01 or section 5122.01 of the Revised Code.

"Hospital employee" means any of the following:
   (a) A physician who has been granted privileges to practice at the hospital.
   (b) A nurse, physician assistant, or nursing assistant employed by the hospital.
   (c) An authorized person employed by the hospital who is acting under the direction of a physician that has been granted privileges to practice at the hospital.

"Hotline/answering service" is a communication system which allows child abuse or neglect reports to be received twenty-four hours per day, seven days per week.

"Household" means a private residence including the members of the family living therein and/or unrelated individuals living in the same residence and sharing common living areas.

"Identifying information" as used in adoption is as defined in section 3107.01 of the Revised Code.

"Independent interstate placement" is the act of placing a child, by his parents or non agency legal guardian, across state boundaries into placement for foster care or placement for adoption.

"Independent living arrangement" means any living environment provided by an agency including service programs and activities to assist youth fourteen years of age and older to
make the transition from substitute care to independent living adulthood. If a youth housing is provided to a child who is sixteen or seventeen years of age as part of the services is placed in an independent living arrangement, the child/youth shall be placed in housing that is supervised or semi-supervised by an adult per Section 2151.82 of the Revised Code.

"Indian foster home" for the purpose of placing a Native American (Indian) child pursuant to rules contained in Chapter 5101:2-53 of the Administrative Code means a home licensed, approved, or specified by the Indian child's tribe, whether on or off the reservation, or an Indian foster home certified by the department of job and family services or another state agency with such authority.

"Indicated" means the report disposition in which there is circumstantial or other isolated indicators of child abuse or neglect lacking confirmation; or a determination by the caseworker that the child may have been abused or neglected based upon completion of an assessment/investigation.

"Infant" means any child from birth to eighteen months of age.

"Information and referral services" means services which may assist any person in locating or using available and appropriate resources or both.

"Information and/or referral" means an intake category in which information is provided to any person to assist in locating or using available and appropriate resources or both.

"In-home safety plan" is a voluntary safety plan developed with a family in response to an active safety threat. It is designed to enable a child to remain in his or her own home. An in-home safety plan is the least restrictive type of safety plan.

"In-home services" are a range of supportive services provided to children and families in their own homes.

"Initial report" is a report of information supplied to the PCSA by the reporter.

"Institution for children" for the purpose of placing a Native American (Indian) child pursuant to requirements contained in Chapter 5101:2-53 of the Administrative Code, means an institution approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

"Intake" means a function of the PCSA through which referrals of: alleged child abuse, neglect, dependency and family in need of services are received, screened, and prioritized; and information and/or referral is categorized.

"Intake category" means each of the following divisions for the classification of referral information:

(a) "Child Abuse/Neglect" means an abused child as defined in this rule or a neglected child as defined in this rule.
(b) "Dependency" means a dependent child as defined in this rule.
(c) Family in need of services.
(d) Information and/or referral.

"Interlocutory order of adoption" is an order of the court issued pursuant to section 3107.14 of the Revised Code which automatically becomes a final decree of adoption upon the date specified in the order.

"Interstate children's protective services referral" is an out-of-state report concerning alleged, indicated, or substantiated child abuse or neglect made or accepted by a PCSA.

"Interstate compact on adoption and medical assistance (ICAMA)" is an interstate compact which formalizes cooperation among party states and provides the standardized procedures for arranging for medical assistance and services for adopted special needs children
and their families when there is a state adoption assistance agreement or a federal adoption assistance agreement in effect.

"Interstate compact on the placement of children (ICPC)" is a uniform law enacted by states and jurisdictions of the United States, establishing orderly procedures for the interstate placement of children across state lines and assigning responsibilities for those involved in placing children.

"Interstate placement" is the arrangement made by a sending agency, for the care of a child to be sent from Ohio to another state or from another state into Ohio, which care is to be provided by a foster home, home of a parent or parents, relative home, child-care institution, or adoptive home. This definition does not include any of the following types of placements:

(a) Placements into a facility caring for the mentally ill, mentally retarded or developmentally disabled; a facility that is primarily educational in nature; or a hospital or other medical facility.
(b) The sending or bringing of a child into a receiving state by his parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or nonagency legal guardian, and leaving the child with any such relative or nonagency legal guardian in the receiving state.
(c) Placement of a child across state lines by a court as an incident to a divorce.
(d) Placement of a child into Ohio for a period of time not exceeding thirty calendar days, if the sending agency, when the sending agency is other than a parent or non agency legal guardian, has notified the agency in the county where the child will be visiting of the following:
   (i) That the child will be visiting.
   (ii) The child's date of arrival.
   (iii) The anticipated length of the child's visit.
(e) Placement of a child who is subject to an agreement for temporary custody.

"Intra-familial assessment/investigation" means an assessment/investigation conducted by a PCSA in response to a child abuse and/or neglect report and includes an alleged perpetrator who is one or more of the following:

(a) Is a member of the alleged child victim's family.
(b) Has sanctioned or continued access to the alleged child victim.
(c) Is involved in daily or regular care for the alleged child victim, excluding a person responsible for the care of a child in an out-of-home care setting.

"Intrastate children's protective services referral" is a report concerning alleged, indicated, or substantiated child abuse and neglect made by one Ohio PCSA to another Ohio PCSA for the purpose of requesting the provision of protective services.

"Investigation" is a fact-finding process which includes interviews, observations, and other forms of information gathering. Information collected during the investigation provides data upon which to make a case resolution/disposition regarding a report of alleged child abuse or neglect.

"Items of identification" include a motor vehicle driver's or commercial driver's license, an identification card issued under sections 4507.50 to 4507.52 of the Revised Code, a marriage application, a social security card, a credit card, a military identification card, or an employee identification card.

"Kin" means the following:

(a) Individuals related by blood or adoption:
Parents, grandparents, including grandparents with the prefix "great," "great-great," "grand," or "great-grand."

Siblings.

Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand."

Cousins and first cousins once removed.

Stepparents and stepsiblings.

Spouses and former spouses of individuals named in paragraph (B)(169)(170)(a) of this rule.

Any non-relative adult the current custodial caretaker or child identifies as having a familiar and long-standing relationship/bond with the child and/or the family which will ensure the child's social ties.

"Legal custody" means a legal status vesting in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

"Licensing authority" is the governmental body responsible for carrying out a department's licensing and regulatory functions, including monitoring compliance with applicable state laws and departmental rules by agencies, individuals, organizations, facilities, or other service providers licensed or certified by that body.

"Lifebook" is a record of the child's life which helps identify events in the child's past, including what happened while in agency care. The record shall include a chronological listing of such events and relationships in the child's life. Photographs may be used to depict events in the life book.

"Life skills assessment" is an evaluation of the strengths and needs regarding the life and personal skill development of a child in order to determine his current level of independence and the services required to help the child become a self-sufficient adult.

"Life skills services" are a series of developmentally appropriate services or activities that provide an opportunity for a child to gain the skills needed to live a self-sufficient adult life pursuant to rule 5101:2-42-19 of the Administrative Code.

"Life-threatening condition" is any condition in which a disabled infant would die unless medical or corrective surgical treatment is provided.

"Linkage and practice" means coordination with other components of the independent living program.

"Living unit" means one of the following:

(a) A group home.

(b) Individual houses or cottages, with a capacity of no more than twenty children, each of which contain bedrooms, bathrooms, living room or lounge, and may contain a kitchen or designated eating area.

(c) A floor or specific parts of a floor with a capacity of no more than twenty children and which contains bedrooms, bathrooms, living room or lounge, other activity space as required by rule 5101:2-9-26 of the Administrative Code, and may contain a kitchen or designated eating area.

"Managed care" refers to contracted service providers that have full responsibility for case planning and case management. It does not include contracted service providers that
provide services while the public children services agency maintains decision making and case management responsibilities for the case or the child.

"Management information system" is the electronic method of arranging client, case and service data for storage and retrieval.

"Mechanical restraint" means any device used to prevent or restrict movement as punishment or for staff convenience. Mechanical restraint is prohibited by ODJFS.

"Medical consultant" is a licensed, board-certified, and practicing pediatrician, or neonatologist.

"Medical diagnosis" is the evaluation of a child examined by a licensed physician to determine if abuse or neglect is medically indicated.

"Medically fragile child" means a person from birth through twenty-one years of age who has intensive health care needs that can be met in a medically fragile foster home.

"Medically fragile foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-37 and 5101:2-7-02 to 5101:2-7-17 of the Administrative Code to provide foster care and other services for medically fragile children placed in the caregiver's medically fragile foster home.

"Medically fragile foster home" means a foster home providing specialized medical services designed to meet the needs of children with intensive health care needs as identified in section 5103.02 of the Revised Code.

"Mental illness" is as defined in section 5122.01 of the Revised Code.

"Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

"Mentally ill person subject to hospitalization by court order" is as defined in section 5122.01 of the Revised Code.

"Mentor" is an individual who is specifically trained and assigned to a child or family to assist the child or family deal with or learn to deal with day-to-day living situations.

"Neglected child" pursuant to Chapter 2151. of the Revised Code includes any child:

(a) Who is abandoned by the child's parents, guardian, or custodian.
(b) Who lacks adequate parental care because of the faults or habits of the child's parents, guardian, or custodian.
(c) Whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary subsistence, education, medical or surgical care or treatment, or other care necessary for the child's health, morals, or well being.
(d) Whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition.
(e) Whose parents, legal guardian, or custodian have placed or attempted to place the child in violation of sections 5103.16 and 5103.17 of the Revised Code.
(f) Who, because of the omission of the child's parents, guardian, or custodian, suffers physical or mental injury harming or threatening to harm the child's health or welfare.
(g) Who is subject to out-of-home care child neglect.
(h) Nothing in Chapter 2151. of the Revised Code shall be construed as subjecting a parent, guardian, or custodian of a child to criminal liability when soley in the practice of religious beliefs, the parent, guardian, or custodian fails to provide adequate medical or surgical care or treatment for the child.
"Nonidentifying information" as used in adoption is as defined in section 3107.60 of the Revised Code.

"Nonrelative" for the purposes of selecting a substitute care setting for the placement of a child means an individual identified by the current custodial caretaker or child as having a familiar and longstanding relationship with the child or the family.

"Nonsecure care, supervision, training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

"Ohio adoption photo listing (OAPL)" is a recruitment tool featuring a listing and description of Ohio's children available for adoption and approved adoptive families.

"OAPL matches" is a listing of information describing the characteristics of children available for adoption and links them with characteristics and preferences of approved adoptive families.

"Organization" is as defined in section 2151.011 of the Revised Code.

"Out-of-home care" is as defined in section 2151.011 of the Revised Code.

"Out-of-home care child abuse" pursuant to section 2151.011 of the Revised Code, means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Engaging in sexual activity with a child in the person's care.
(b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health.
(c) Use of restraint procedures on a child that cause injury or pain.
(d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician.
(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

"Out-of-home care child neglect," pursuant to section 2151.011 of the Revised Code, means any of the following when committed by a person responsible for the care of a child in out-of-home care:

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child.
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person.
(c) Failure to develop a process for all of the following:
   (i) Administration of prescription drugs or psychotropic drugs for the child.
   (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed.
   (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child.
(e) Confinement of the child to a locked room without monitoring by staff.
(f) Failure to provide ongoing security for all prescription and nonprescription medication.

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(200)(201) "Out-of-home care setting" is a detention facility, shelter facility, foster home, pre-finalized adoptive placement, certified foster home, approved foster care, organization, certified organization, child care center, type A family day-care home, type B family day-care home, group home, institution, state institution, residential facility, residential care facility, residential camp, day camp, hospital, medical clinic, children's residential center, public or nonpublic school, or respite home that is responsible for the care, physical custody, or control of a child.

(201)(202) "Out-of-home safety plan" is a voluntary safety plan developed with a family in response to an active safety threat. It is designed to enable a child to remain in the legal custody of his parent, guardian, or custodian while residing with a relative or kin outside of his or her own home.

(202)(203) "Outreach" means establishment of a system of outreach which would encourage children and families to participate in services; and develop community organizational efforts and ongoing support networks for children and families.

(203)(204) "Parent aide services" are those supportive services provided by a person assigned to families as a role model, and to provide family support for a portion of the twenty-four hour day.

(204)(205) "Parent education" is a teaching process to assist a parent, guardian, or custodian in developing the basic skills necessary to provide adequate care and support to a child in his own home.

(205)(206) "Parental rights" is the authority of a child's parents to make all decisions regarding the child's care and control including, but not limited to, the determination of where and with whom the child shall live and the right to protect, train, and discipline the child and provide the child with food, shelter, education, and medical care.

(206)(207) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint township police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

(207)(208) "Permanent alternative placement" is a planned placement for a child, when it has been determined he cannot return to the child's own home, including adoption, custody to kin, independent living, or planned permanent living arrangement.

(208)(209) "Permanency plan" shall have the same meaning as the case plan.

(209)(210) "Permanent commitment" is an order of a juvenile court exercising jurisdiction, pursuant to section 2151.353, 2151.354, or 2151.414 of the Revised Code, which grants permanent custody of a child to a PCSA or PCPA.

(210)(211) "Permanent court commitment" as used in Indian child welfare rules contained in Chapter 5101:2-53 of the Administrative Code means any court action resulting in the termination of the residual rights when it has been proven that reunification of the family will not serve the Indian child's best interests.

(211)(212) "Permanent custody" is as defined in section 2151.011 of the Revised Code.

(212) "Permanent surrender" is as defined in section 2151.011 of the Revised Code.

(213)(214) "Permanent surrender action" as used in Indian child welfare rules contained in Chapter 5101:2-53 of the Administrative Code means any voluntary permanent surrender on the part of the parent or Indian custodian resulting in the termination of the residual rights.

(214) "Person responsible for a child's care in out-of-home care" means any of the persons named below, but does not include a prospective employee of the department of youth services, or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.

(215)
(a) Any foster caregiver, in-home aide, or provider.

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; organization; certified organization; child care center; type A family child care home; certified type B family child care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; hospital; or medical clinic.

(c) Any other person performing a similar function with respect to, or has a similar relationship to, children.

(215)(213) “Physical restraint” means a therapeutic holding technique(s) with the intent to minimize or prevent harm when the child has lost control of his or her actions in such a way as to threaten harm to self or others. Physical restraint shall not be used as a planned intervention until after other less restrictive procedures or measures have been explored and found to be inappropriate. At no time shall physical restraint be used as punishment or for staff convenience.

(216)(214) “Physically impaired” is as defined in section 2151.011 of the Revised Code.

(217)(215) “Physician” means an individual licensed to practice medicine and surgery or osteopathic medicine and surgery by the state medical board or by a comparable body in another state.

(218)(216) “Placement for adoption” is as defined in section 2151.011 of the Revised Code.

(219)(217) “Placement in foster care” is as defined in section 2151.011 of the Revised Code.

(220)(218) “Plan of safe care” means an arrangement that addresses the immediate safety of the substance exposed and/or substance affected infant, the treatment needs of the infant, the health and substance use disorder treatment needs of the affected family or caregiver. The plan is developed with the parents or other caregivers, as well as the collaborating professional partners and agencies involved in caring for the infant and family. The plan includes but is not limited to the following:

(a) Basic identifying information of the infant and caregiver(s): name, date of birth, and address.

(b) Hospital or medical facility where the infant is being treated: name, address, contact person, physician.

(c) Medical information on the infant: treating medical personnel (doctor, specialists), current diagnosis, prescription medication, therapies or treatment.

(d) Health and substance use of mother, father and/or caregiver: diagnosis, prescribed medications, alcohol or drug treatment provider(s), treatment plan, and contact information of all.

(221)(219) “Planned permanent living arrangement” is as defined in section 2151.011 of the Revised Code.

(222)(220) “Post-finalization services” or “post-finalization adoption services” means services provided or arranged by the PCSA, PCPA or PNA to support, maintain and assist an adopted child, adoptive family or birth parent anytime after finalization of an adoption.

(223)(221) “Practitioner of behavior science” means an individual licensed or credentialed by the state of Ohio having within their scope of practice the assessment and treatment of psychological, developmental and behavioral disorders of children.

(224)(222) “Pre-adoptive infant foster home” means a foster home for the care of a child who is in the custody of a PCSA or PCPA pursuant to an agreement entered into under section 5103.15 of the Revised Code regarding a child who was less than six months of age on the date the agreement was executed.

(225)(223) “Pre-adoptive family” means a parent(s) who has signed an adoption placement agreement for which the placement has not been finalized in court.
"Pre-finalization services" or "pre-finalization adoption services" means services provided or arranged by the PCSA, PCPA or PNA to support and assist a child and adoptive family from the date of adoptive placement until the issuance of a final decree of adoption.

"Pre-finalized adoptive parent" is an adoptive parent with whom a PCSA or PCPA has placed a child for adoption and who has entered into an adoptive placement agreement but for whom an adoption has not been finalized in court.

"Pre-finalized adoptive placement" is the placement of a child in an adoptive home with an adoptive placement agreement in effect, for whom the court has not issued a final decree of adoption.

"Pre-placement preventive services" are those services designed to alleviate family problems which would otherwise result in the child's removal from the home.

"Preschool age child" means any child from three years of age to five years of age.

"Pre-service training program" means a training program designed to provide caregivers with an understanding of the needs of an abused, neglected, or dependent child, or a child with special needs.

"Preventive services" means a type of family in need of services intake which describes services provided by the PCSA aimed at promoting awareness or preventing child abuse and neglect which have been requested by and provided to children and families who have no current allegations of child abuse, neglect, or dependency.

"Priority placement" means a placement status, based upon the findings by an Ohio court or a court in another state, designating that a specific child's interstate placement shall be made on a priority basis in order to meet the special needs of the child and to expedite the procedures between agencies and states involved in the child's placement across state lines.

"Principals of the report" are the alleged child victim or the child subject of the report, the parent or caretaker and the alleged perpetrator or the adult subject of the report.

"Private child placing agency (PCPA)" means any association, as defined in section 5103.02 of the Revised Code, certified pursuant to section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

"Private, nonprofit therapeutic wilderness camp" is as defined in section 5103.02 of the Revised Code.

"Professional treatment staff" means specialized foster home program agency employees or contractors with responsibility for:

(a) Providing rehabilitative services to a child placed in a specialized foster home program or to the child's family;
(b) Conducting homestudies as an assessor for specialized foster homes;
(c) Providing clinical direction to specialized foster caregivers; and/or
(d) Supervision of treatment team leaders.

(i) Professional treatment staff of a PCPA or a PNA shall be a licensed social worker, a licensed independent social worker, a licensed professional counselor, a
licensed professional clinical counselor, a counselor trainee, a licensed marriage and family therapist, a licensed independent marriage and family therapist, a certified chemical dependency counselor, a licensed medical doctor or doctor of osteopathy, a licensed psychologist, a licensed psychology assistant or a master's level or registered nurse with responsibility for providing agency services for a child placed in a treatment foster home or a medically fragile foster home.

(ii) Professional treatment staff of a PCSA who are exempted from the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of sections 5153.112 and 5153.122 of the Revised Code.

"Prospective employee" means a person who is under final consideration for appointment or employment with a PCSA, a PCPA or a PNA as an administrator, caseworker, child care staff or other person in a position responsible for a child's care in out-of-home care, including those directly employed by the agency as well as those under contract with another person or entity. "Prospective employee" does not include a prospective foster caregiver.

"Protective capacities" means family strengths or resources that reduce, control, or prevent threats of serious harm from arising or having an unsafe impact on a child.

"Protective day-care services" are services provided for a portion of the twenty-four-hour day for the direct care and protection of children who have been harmed or threatened with harm, or who are at risk of abuse, neglect, or exploitation due to a psychological or social problem, or physical or mental handicap of a caretaker parent, or whose health or welfare is otherwise jeopardized by their home environment.

"Protective services" is a term used to describe a wide range of supportive services coordinated and delivered on behalf of children at risk of abuse or neglect.

"Protective services alert" means a notice prepared by a PCSA or CSA which contains allegations that a child may be at risk of abuse or neglect, when the current whereabouts of the child and caretaker are unknown.

"Protective supervision," pursuant to section 2151.011 of the Revised Code, means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parent, guardian, or custodian and stay in the child's own home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

"Public children services agency (PCSA)" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties of the children services function prescribed by Chapter 5153. of the Revised Code for a county.

"Putative father" as defined in section 3107.01 of the Revised Code means a man, including one under age eighteen, who may be a child's father and to whom all of the following apply:

(a) He is not married to the child's mother at the time of the child's conception or birth;

(b) He has not adopted the child;

(c) He has not been determined, prior to the date a petition to adopt the child is filed, to have a parent and child relationship with the child by a court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code, a court proceeding in another state, an administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code, or an administrative agency proceeding in another state.

(d) He has not acknowledged paternity of the child pursuant to sections 3111.21 to 3111.35 of the Revised Code.

"Putative father registry" is a registry established and maintained by the ODJFS to allow a putative father to register should he wish to be given notice of a petition to adopt a minor he
claims as his child. The registry will allow a mother, agency or attorney to search and either confirm or deny if a child has a registered putative father and thus shall be contacted prior to finalization of the adoption.

(248)(246) "Qualified alien" at the time of application for or receipt of Title IV-E foster care maintenance, adoption assistance or independent living services is an alien:


(b) Who is granted asylum under section 208 of the INA.

(c) Who is a refugee admitted to the United States under section 207 of the INA.

(d) Who is paroled into the United States under section 212(d)(5) of the INA for a period of at least one year.

(e) Whose deportation is being withheld under section 243(h) of the INA, as in effect immediately before April 1, 1997, or section 241(b)(3) of the INA.

(f) Who is granted conditional entry pursuant to section 203(a)(7) of the INA as in effect prior to April 1, 1980.

(g) Who is a Cuban or Haitian entrant (as defined in section 501(e) of the Refugee Education Assistance Act of 1980), or

(h) Who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States, in accordance with exhibit B to attachment 5 of the department of justice interim guidance, 62 fed. reg. 61344 (November 17, 1997).

(249)(247) "Quality assurance review" as used in rule 5101:2-33-02 of the Administrative Code means an examination of a PCSA's performance level on specific outcomes and processes that are to be accomplished through the PCSA's child protection system and is conducted by ODJFS in participation with the PCSA.

(250)(248) "Quality improvement plan" is a specific plan required by ODJFS which is developed, implemented and completed by a PCSA to address review findings and areas of improvement to enhance the condition of the child protection system.

(251)(249) "Reasonable medical judgment" is a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(252)(250) "Receiving state" is a state into which a child is placed by a sending agency.

(253)(251) "Recommending agency" means a PCSA, PCPA or PNA recommending ODJFS take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(a) Issues a certificate;

(b) Denies a certificate;

(c) Renews a certificate;

(d) Denies renewal of a certificate; or,

(e) Revokes a certificate.

(254)(252) "Recruitment" is the action and effort by a PCSA, PCPA, or PNA to provide information alerting the community of the need for foster homes and adoptive homes for children. Recruitment activities by a PCSA, PCPA or PNA must be directed at the general public as well as conducted on an individual basis for specific children.

(255)(253) "Referent/reporter" means a person making a referral of child abuse, neglect, dependency, or family in need of services.
"Referral" means an allegation of child abuse, neglect, or dependency; or information regarding a family in need of services made orally or in writing. It includes, but is not limited to, allegations involving individuals, families, and out-of-home care settings.

"Rehabilitative services" means those services provided to a child to assist the child to reacquire and maintain those life skills that may have been lost due to abuse, neglect, dependency or delinquency that enable the child to cope more effectively with the child's personal needs and with the child's environment and in raising the level of the child's physical, mental, social, and vocational efficiency. Rehabilitative services may include, but are not limited to, case management, social skills training, activities of daily living, vocational training, medical services, counseling, psychosocial interventions, social psychotherapy, crisis services, treatment planning, and independent living skills training provided for a child in foster care or the child's family. Rehabilitative services also include any diagnostic assessment conducted to determine the services the child or the child's family need.

"Relative" means the following:

(a) Individuals related by blood or adoption:
   (i) Parents, grandparents, including grandparents with the prefix "great", "great-great", "grand", or "great-grand";
   (ii) Siblings;
   (iii) Aunts, uncles, nephews, and nieces, including such relative with the prefix "great," "great-great," or "great-grand;"
   (iv) First cousins and first cousins once removed.

(b) Stepparents and stepsiblings;

(c) Spouses and former spouses of individuals named in paragraph (B)(258)(256)(a) of this rule.

"Religious coercion" may include, but is not limited to:

(a) Being required to accompany the foster caregiver or other residents of the foster home to religious services, but allowed to sit outside the area where the service actually occurs.

(b) Being given extra chores to perform or being required to read or listen to specific material while others attend religious services.

(c) Being required to view or listen to specific religiously oriented television, video tapes, or music.

"Repeat offender" means a person who has been convicted of or pleaded guilty to any of the offenses listed in rules contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code two or more times in separate criminal actions. Guilty pleas or convictions resulting from or connected with the same act, or from offenses committed at the same time, shall be counted as one conviction or guilty plea.

"Report" means a referral accepted by the PCSA as a result of the screening decision for PCSA assessment/investigation, services, and/or intervention.

"Report disposition" means one of the following determinations of whether a report of abuse or neglect has occurred or is occurring specific to an alleged child victim:

(a) Family moved - unable to complete assessment/investigation.

(b) Family moved out-of-county - refer to appropriate PCSA.

(c) Indicated.

(d) Substantiated.

(e) Unable to locate.
(f) Unsubstantiated.

(263) "Report members" means all of the following individuals: principals of the report; sibling(s) of the alleged child victim(s), including half or step siblings, residing in the home; paramour of alleged child victim's parent/caretaker; children of the paramour residing in the home; and related or non-related adult(s) residing in the home that have routine responsibility for child care of the alleged child victim(s) and his/her sibling(s).

(264) "Required non-lead PCSA interviews" means a type of family in need of services intake in which interviews of principals and collateral sources are conducted as requested by a PCSA or CSA on behalf of the lead PCSA as required by rules 5101:2-36-03, 5101:2-36-04, and 5101:2-36-09 of the Administrative Code.

(265) "Risk assessment" means a systematic decision making process to determine the safety and protection of the child, used throughout the life of a case.

(266) "Residential camp" means a public or private facility that engages in or accepts the care, physical custody, or control of children during summer months and that is licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of health or the American camping association.

(267) "Residential care facility" means an institution, residence, or facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code and that provides care for a child.

(268) "Residential facility" means a group home, children's crisis care facility (as defined in rule 5101:2-9-36 of the Administrative Code), children's residential center, private, nonprofit therapeutic wilderness camp, or residential parenting facility where twenty-four hour child care is provided by child care staff employed or contracted by an agency. A foster home is not a residential facility. "Residential facility", as used in Chapter 5101:2-36 of the Administrative Code, is a home or facility that is licensed by the department of developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

(269) "Residential parenting facility" means a facility in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.

(270) "Residual parental rights, privileges, and responsibilities" are those rights, privileges, and responsibilities remaining with the natural parent after the transfer of legal custody of the child, including, but not necessarily limited to, the privilege of reasonable visitation, consent to adoption, the privilege to determine the child's religious affiliation, and the responsibility for support.

(271) "Respite care," as used in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, is any alternative care provided for a child placed in a specialized foster home that lasts more than twenty-four consecutive hours when the plan is to return the child to the same specialized foster home at the end of the period of respite care.

(272) "Respite care services" are services designed to provide temporary relief of child-caring functions including, but not limited to, crisis nurseries, day treatment, and volunteers or paid individuals who provide such services within the home. This service may be provided to a child placed in a foster home or with a relative as well as for a child in his own home.

(273) "Respite home" is a home managed by a respite family receiving funds from and approved to provide respite care services by the department of developmental disabilities.

(274) "Safe child" means the safety response when there are no immediate threats of serious harm present or the protective capacities of the family can manage any identified threats to a child.
"Safety plan" means a specific and concrete strategy for controlling threats of serious harm to a child(ren) or supplementing protective capacities, which is implemented immediately when a family's protective capacities are not sufficient to manage immediate and serious threats of harm.

"Safety response" means the determination of whether a child is safe or whether a PCSA must implement a safety plan to control any identified safety threat. The types of safety responses are safe, in-home safety plan, out-of-home safety plan, or legally authorized out-of-home placement.

"Safety threat" means an act or condition that has the capacity to seriously harm any child.

"Screening" means the process of receiving and recording information from a referent to determine one or both of the following:

(a) Whether the information provided should be categorized as a referral of child abuse and/or neglect, dependency, or family in need of services; or as an information and/or referral intake.

(b) Whether the information categorized as a referral of child abuse and/or neglect, dependency, or family in need of services should be screened in or screened out.

"Screening decision" means the outcome of the screening process.

"Screened in" means the PCSA has accepted referral information as a report and assignment for assessment/investigation.

"Screened out" means the PCSA has not accepted the referral for assessment/investigation.

"Self-esteem/self confidence development" means individual and group counseling skills, workshops and conferences for improved self-esteem and self confidence, and interpersonal, and social skills training and development.

"Sending agency" is a PCSA, PCPA, or any agency, officer or employee of the state or local government, or any court or person, voluntary agency, or other entity which sends or brings a child, or causes a child to be sent or brought, into another state.

"Serious harm" means the actual or threatened consequence of an active safety threat that may be significantly affected by a child's degree of vulnerability and includes one or more of the following:

(a) Is life-threatening.

(b) Substantively retards the child's mental health or development.

(c) Produces substantial physical suffering, disfigurement or disability, whether temporary or permanent.

"Sibling" means a legal relationship exists between two or more children related to one another by blood; including half-blood siblings who share at least one parent by birth, marriage, or adoption.

"Specialized assessment/investigation means an assessment/investigation conducted by the PCSA in response to a child abuse or neglect report and includes an alleged perpetrator who meets one or more of the following:

(a) Is responsible for the alleged child victim's care in an out-of-home care setting as defined in this rule.

(b) Is a person responsible for the alleged child victim's care in out-of-home care as defined in section 2151.011 of the Revised Code.

(c) Has access to the alleged child victim by virtue of his/her employment by or affiliation with an institution.
"Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

"Skilled level of care" as used in the definition of a "medically fragile foster home" has the same meaning as described in rules 5160-3-05 and 5160-3-08 of the Administrative Code.

"Special needs child" for the purposes of the state adoption subsidy program is a child who, prior to substitute care or adoptive placement, has at least one of the following needs or circumstances that may be a barrier to placement or adoption or a barrier to a child being sustained in a substitute care placement or adoptive home without financial assistance because the child:

(a) Is in a sibling group which should be placed together;
(b) Is a member of a minority or ethnic group;
(c) Is six years of age or older;
(d) Has remained in the permanent custody of a PCSA or PCPA for more than one year;
(e) Has a medical condition, physical impairment, mental retardation, intellectual disability or developmental disability;
(f) Has an emotional disturbance or behavioral problem;
(g) Has a social or medical history or the background of the child's biological family has a social or medical history which may place the child at risk of acquiring a medical condition, a physical, mental or developmental disability or an emotional disorder;
(h) Has been in the home of his/her prospective adoptive parents as a foster child for at least one year and would experience severe separation and loss if placed in another setting due to his/her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional;
(i) Has experienced previous adoption disruption or multiple placements.

"Special service state adoption subsidy" is financial assistance directly related to the child's special needs at the time of the subsidy agreement, including any identified or anticipated risk of a special need. Payments may be made to the adoptive parent or to the service provider. Special service subsidies include, but are not limited to, payments for:

(a) Medical and surgical costs as determined by a licensed physician. If the child has a medical problem needing treatment, investigation shall be made of the adoptive family's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.
(b) Psychiatric, psychological, or counseling costs as determined by a licensed psychiatrist, licensed psychologist, licensed professional counselor, licensed independent social worker or a licensed independent marriage and family therapist. This may also include counseling sessions for the child or adoptive family to help integrate the child into the adoptive family. If the child has a psychiatric or psychological condition needing treatment, investigation shall be made of the adoptive parent's medical insurance, medicaid and other resources to determine whether the costs of treatment could be covered by these resources. If not, the subsidy could provide the necessary funds.
(c) Other special service costs as documented by the appropriate professional or determined as necessary by the PCSA. This may include, but not be limited to, remedial education, rehabilitation training, corrective dental treatment, speech and hearing therapy, wheelchair, braces, crutches, prostheses, child care, transportation and any other expenses related to the care and treatment of the child when not available from other funding sources. These could also include other costs incidental to the care of the child.
"Specialized foster home" means a medically fragile foster home or a treatment foster home.

"Spousal abuse" is violence between two caretakers regardless of marital status, and reflects the presence of domestic violence.

"Staff secure facility" means a residential setting for adjudicated offenders that provides treatment in a safe environment with an atmosphere of mutual respect between staff and residents without traditional obstacles to prevent escape. Traditional barriers include locked doors, barbed wire, electric gates. In a staff secure facility staff become the deterrent to escape by having an ODJFS approved plan for positioning themselves in such a way that residents are prevented from escaping.

"State adoption maintenance subsidy" is a state-funded adoption program intended to make permanent homes possible for children with special needs. Through the subsidized adoption program, special service and maintenance subsidy payments are made available to assist an adoptive parent who is otherwise qualified to adopt except for financial need.

"State fiscal year" means the period of time between July first of one year and June thirtieth of the following year.

"State institution" is a facility established by, or operated pursuant to the authority of, the general assembly, for the care of delinquent children, blind children, deaf children, children with a mental illness, children who are mentally retarded, or children with a developmental disability, and that is under the management, control, or supervision of the division of correctional services of the department of youth services, the state board of education, the state department of mental health and addiction services, the state department of developmental disabilities, or a political subdivision.

"Stranger danger report" is a report to the PCSA alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code if the alleged perpetrator:

(a) Is not a member of the alleged child victim's family.
(b) Has no sanctioned or continued access to the alleged child victim.
(c) Has no relationship with the alleged child victim.
(d) Is not involved in daily or regular out-of-home care for the alleged child victim.
(e) Is a stranger, previously unknown to the alleged child victim and the alleged child victim's family.

"Substance affected infant" means a child under the age of twelve months who has any detectable physical, developmental, cognitive, or emotional delay or harm which is associated with a parent, guardian, or custodian's abuse of a legal or illegal substance; excluding the use of a substance by the parent, guardian, or custodian as prescribed.

"Substance exposed infant" means a child under the age of twelve months who is knowingly, recklessly, or intentionally has been subjected to or in the presence of an individual whose use of legal or illegal substances creates an environment which places the child at risk of serious harm. Including but not limited to: substance abuse while in utero.

(a) Access to drugs and/or drug paraphernalia.
(b) Witness to, or present for, criminal activity, poor supervision, cross-contamination, or being cared for by an individual with an altered mental or physical state.
(c) Prenatal exposure of an infant resultant from the mother's use of a drug or other substance.
(d) Use of a non-prescribed substance by a caregiver that impairs the caregiver's ability to adequately provide basic needs of food, shelter, care, and supervision.
(e) Access to an environment where controlled substances are used.

(f) Manufacture or sale of controlled substance on the premises.

(g) Permitting access where chemicals or equipment for the manufacture of a controlled substance are used or stored.

(h) Access to an environment where criminal activities are the result of substance use or abuse.

(298) "Substance Use Disorder (SUD) Residential Facility" means a family-based residential treatment facility for adults with substance abuse licensed by Ohio mental health and addiction services that allows the placement of child(ren) with a parent. A SUD residential facility shall meet the following programmatic criteria:

(a) The recommendation for the placement is specified in the child's case plan before the placement.

(b) The SUD residential facility provides, as part of the treatment for substance abuse, services regarding parenting skills training, parent education, individual counseling, and family counseling.

(c) The services are provided under an organizational structure and treatment framework with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

(300) (299) "Substantiated report" means the report disposition in which there is an admission of child abuse or neglect by the person(s) responsible; an adjudication of child abuse or neglect; or other forms of confirmation deemed valid by the PCSA.

(301) (300) "Substitute care" is the care provided for a child apart from his parent or guardian, while the child's custody is held by a PCSA or PCPA.

(302) (301) "Substitute caregiver" means an individual providing care for a child who is in the custody of the PCSA or PCPA including, a relative other than the child's parents, a nonrelative having a familiar and longstanding relationship with the child or the family, a foster parent or pre-adoptive parent, and a staff person of a group home or residential facility who is providing care for the child.

(303) (302) "Supervising agency" is the agency providing pre-finalization services to an adoptive family or adoptive child during the period prior to an adoption finalization.

(304) (303) "Supervisor" as the term is used in rules contained in Chapter 5101:2-33 of the Administrative Code means a person who is employed by the PCSA to oversee, direct or manage one or more workers employed by the agency in a social services capacity.

(305) (304) "Supplemental plan" means a written plan for a child outlining the agency's plan to locate a permanent placement for the child and which may be developed concurrently with the case plan.

(306) (305) "Support system" means the involvement of relatives, mentors, and caregivers in the development of independent living skills; and training children or families in decision making, planning, and time management.

(307) (306) "Supportive services" are services provided or arranged to protect, strengthen, or assist children and families or caretakers. Supportive services may include family preservation services, family support services, family reunification services, or adoption promotional and support services.

(308) (307) "Temporary certificate" means a certificate issued as a sanction by ODJFS to a PCSA, PCPA, PNA pursuant to section 5103.03 of the Revised Code for a period of less than one year.
"Temporary custody" means legal custody of a child who is removed from the child's home, which may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

"Temporary custody by commitment" as this term is used in Indian child welfare rules contained in Chapter 5101:2-53 of the Administrative Code, is any involuntary court action transferring legal custody of an Indian child from his parent or Indian custodian to an agency or including the child becoming a ward of the juvenile or tribal court for temporary placement in a foster home or children's residential center or the home of a guardian where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights such as the privileges of reasonable visitation, consent to adoption, the privilege to determine the child's religious or Indian affiliation, and the responsibility for support have not been terminated.

"Temporary emergency care" is physical care and meeting the emotional needs of a child in a facility established to receive children at any time of day, twenty-four hours per day.

"Therapeutic counseling" means, pursuant to section 2151.011 of the Revised Code, psychiatric or psychological services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or persons licensed under Chapter 4757. of the Revised Code.

"Therapeutic services" are medical, psychiatric or psychological services performed by licensed or certified physicians, psychiatrists, psychologists, and persons licensed under Chapter 4757. of the Revised Code for the purpose of correcting or alleviating physical, mental, or emotional illnesses, or disorders.

"Third party" means the requirement that a PCSA request the assistance of law enforcement or another PCSA or both when conducting an assessment/investigation due to the potential conflict of interest a PCSA may have assessing/investigating an entity.

"Time-limited family reunification services" for the purposes of utilizing Title IV-B, "subpart 2" means the services and activities listed in this definition that are provided to a child who is removed from his home and placed in a foster home or a residential facility and to the parent, guardian or custodian of such a child, in order to facilitate the reunification of the child safely and appropriately within a timely fashion, but only during the fifteen month period that begins on the date the child is considered to have entered care. Services and activities allowable are the following: individual, group, and family counseling; inpatient, residential, or outpatient substance abuse treatment services; mental health services; assistance to address domestic violence; services designed to provide temporary child care and therapeutic services for families, including crisis nurseries; and transportation to or from any of the services or activities described in this definition.

"Title IV-E Adoption assistance" is a federally funded program in which a public children services agency (PCSA) may provide financial assistance and medical coverage to special needs children who meet the eligibility requirements of 42 U.S.C 673 (amended 2/8/06 as if enacted 10/1/05) and have been placed for adoption or are living with parents who have legally adopted them.

"Title IV-E agency" means a public children services agency or a public entity with whom the Ohio department of job and family services has a Title IV-E subgrant agreement in effect.

"Toddler" means any child from eighteen months of age to thirty-six months of age.

"Training" means the training and staff development activities which directly or indirectly benefit or assist agency staff in the delivery of services.

"Training episode" means a class, session or workshop for foster caregivers of two consecutive hours duration or more, as contained in an agency's approved foster caregiver pre-placement and continuing training proposal.
"Transfer" means an agreement between two recommending agencies and a foster caregiver for transferring the responsibility for future utilization, supervision and recertification of a foster home from one agency to another.

"Transportation" means arranging for or providing transportation to and from needed services, resources and facilities.

"Treatment foster care" means foster caregiver-based treatment services for children whose special or exceptional needs cannot be met in their own homes. Treatment foster care focuses on providing rehabilitative services to children with special or exceptional needs and their families with the primary location of treatment being in the treatment foster home.

"Treatment foster caregiver" means a person who has been specifically trained and certified pursuant to rules 5101:2-5-20 to 5101:2-5-35 and 5101:2-7-02 to 5101:2-7-16 of the Administrative Code to provide treatment to children with special or exceptional needs placed in the treatment foster home.

"Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, or developmentally disabled, or who otherwise have exceptional needs.

"Treatment team" means the group of individuals who formulate, assess, monitor and revise, as needed, the child's service plan. The treatment team shall include, but is not limited to:

(a) A treatment team leader;
(b) Case managers or therapists from agencies providing social, medical or mental health services to the child and his family;
(c) The treatment or medically fragile foster caregiver(s);
(d) A representative(s) of the agency holding custody of the child, including, for any child who has attained the age of fourteen, a representative of the custody-holding agency's independent living program;
(e) A representative of the educational system providing educational services to the child;
(f) The child, according to his age and functioning level;
(g) Parent(s) of the child, when reunification with the parent(s) is the plan for the child, or the child's guardian; and
(h) The child's guardian ad litem or court appointed special advocate, if one has been appointed to represent the child.

"Treatment team leader" means the member(s) of the treatment team with primary responsibility for day-to-day leadership of the treatment team and for preparation of the written service plan and any revisions thereto. The treatment team leader shall be a professional treatment staff member, as defined in paragraph (B) (326)(323) of this rule, of the treatment or medically fragile foster care program or the child's treatment or medically fragile foster caregiver if the foster caregiver is appropriately licensed/certified to perform the functions of a treatment team leader. Nothing in this definition shall prohibit a treatment team from being co-led by more than one individual.

"Type A home" means a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this paragraph, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home shall be counted.
"Type A home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A home" does not include a child day camp.

(329)(326) "Type B home," means a permanent residence of the provider in which child care services are provided for one to six children at one time and in which no more than three children may be under two years of age at one time.

(a) In counting children for the purposes of this rule, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted. Children six years of age or older who are related to the provider and who are on the premises of the "type B home" shall not be included in this count.

(b) A "type B home" also includes a home which is the permanent residence of both the provider and the parent.

(330)(327) "Unable to locate" means the report disposition in which the assessment/investigation was not completed due to the inability to make contact with the family.

(331)(328) "Unaccompanied refugee minor" is a person who has not yet reached eighteen years of age, or such higher age as the ODJFS has provided for in its child welfare plan under Title IV-B of the social security act, and who entered the United States unaccompanied by and not destined to:

(a) A parent; or

(b) A close non parental adult relative who is willing and able to care for the minor; or

(c) An adult with a court claim to custody of the minor; and

(d) Who has no parent(s) in the United States.

(332)(329) "Universal precautions" means an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious for human immunodeficiency virus, hepatitis b virus and other blood borne pathogens.

(333)(330) "Unsubstantiated report" means the report disposition in which the assessment/ investigation determined no occurrence of child abuse or neglect.

(334)(331) "Variance" means a discretionary action of ODJFS to permanently suspend all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code.

(335)(332) "Volunteer services" are those services (e.g., transportation) performed by a person of his own free will and without monetary gain or compensation.

(336)(333) "Waiting child" is a child in the permanent custody of a PCSA with the goal of adoption that is not currently in a pre-finalized adoptive placement, in the process of visiting a prospective adoptive family or involved in an appeal.

(337)(334) "Waiver" means a discretionary action of ODJFS to temporarily suspend, pursuant to rule 5101:2-5-18 of the Administrative Code, all or part of a rule imposed on an agency by the application of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, or on a foster caregiver by the application of Chapter 5101:2-7 of the Administrative Code in order to give the agency or foster caregiver time to come into compliance.

(338)(335) "Withholding of medically indicated treatment" is the failure to respond to the disabled infant's life-threatening conditions by providing treatment (including appropriate nutrition, hydration, and medication) which, in the attending physician's reasonable medical judgment, will most likely be effective in ameliorating or correcting all such conditions. Withholding medically indicated treatment may constitute neglect of a child. This term does not include the failure to provide treatment (other than appropriate nutrition, hydration, or medication) to a disabled infant
when, in the attending physician's reasonable medical judgment, any of the following circumstances apply:

(a) The disabled infant is chronically and irreversibly comatose.
(b) The provisions of such treatment would merely prolong dying, or not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of survival of the disabled infant.
(c) The provisions of such treatment would be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances would be inhumane.

"Witness" means a person who has direct knowledge of the alleged abuse and/or neglect of a child.

"Working day" means the regular days on which work is performed by the PCSA generally seen as Monday through Friday excluding legal holidays, or the day the holiday is observed.

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Rule Amplifies: 2151.01, 2151.011, 2151.031, 2151.421, 5103.03, 5153.16
The definitions contained in this rule are to be used by the county department of job and family services (CDJFS) when developing and implementing its Title XX program and preparing the JFS 04821 "Title XX County Profile" (rev. 03/2017).

(A) "Adoption services" means:
   (1) Services or activities provided to assist in bringing about the adoption of a child.
   (2) Component services and activities which may include but are not limited to counseling the biological parent(s), recruitment of adoptive homes, and pre and post placement training and/or counseling.

(B) "Arrangement only" means the time spent by CDJFS staff making collateral contacts (face to face, telephone, or written) necessary to enable an eligible individual to receive services as contained in the current county profile. These services may be provided or purchased by a service provider or another agency through a compact.

(C) "Case management services" means:
   (1) Services or activities for the arrangement, coordination, and monitoring of services to meet the needs of individuals and families.
   (2) Component services and activities which may include individual service plan development, counseling, monitoring, developing, procuring, and coordinating services; monitoring and evaluating client progress; and assuring that clients' rights are protected.

(D) "Child care services for children (including infants, pre-schoolers, school age children and individuals under age eighteen with special needs or in need of protective child care)" means:
   (1) Services or activities provided in a setting that meets applicable standards of state and local law, in a center or in a home, for a portion of a twenty-four hour day.
   (2) Component services or activities which may include a comprehensive and coordinated set of appropriate developmental activities for children, recreation, meals, and snacks, transportation, health support services, social services counseling for a parent(s), plan development, and licensing and monitoring of child care homes and facilities.

(E) "Collateral contact" means the contact (direct, telephone, or written) with agencies, friends, relatives and others directly related to arranging for a service.

(F) "Compact services" are services that are formal or informal arrangements between the CDJFS and a community agency(s). The services are provided to individuals on a referral basis without a charge to the county. This agreement may be written or unwritten.

(G) "Congregate meals" are:
   (1) Services or activities designed to prepare and serve one or more meals a day to individuals in central dining areas in order to prevent institutionalization, malnutrition, and feeling of isolation.
   (2) Component services or activities which may include the cost of personnel, equipment, and food; assessment of nutritional and dietary needs; nutritional education and counseling; socialization; and other services such as transportation and information and referral.

(H) "Consultation" means the provision of treatment by a psychiatrist or psychologist in day and residential treatment for children or a medical consultation provided by a health professional other than a physician, provided that the provider is certified as a Title XIX (medicaid program) provider.
"Counseling services" means services or activities that apply therapeutic processes to personal, family, situational, or occupational problems in order to bring about a positive resolution of the problem or improved individual or family functioning or circumstances; and problem areas which may include family and marital relationships, parent-child problems, or drug abuse.

"Course" means the provision of an educational course of instruction or classroom program.

"Day care services for adults" means:

1. Services or activities provided to adults who require care and supervision in a protective setting for a portion of a twenty-four hour day. A full day of services is considered five or more hours of care. All costs, exclusive of transportation, related to the actual provision of care should be built into the unit of service.

2. Component services or activities which may include opportunity for social interaction; companionship and self-education; health support or assistance in obtaining health services; counseling; recreation and general leisure time activities; meals; personal care services; plan development; and transportation.

"Day treatment services for children" means:

1. Services designed for the basic purpose of providing treatment for five or more hours of the day for children who manifest primarily emotional, psychological, behavioral, or social problems which cannot be resolved in a nonspecialized education or developmental setting, or in specialized settings such as learning behavioral disabilities classes. While these children may be able to live at home or in substitute care, their needs are such that their daily activities must be a part of a treatment environment.

2. Services for children which involve specialized clinical services required for diagnosis, treatment, and consultation in providing help for pathological conditions; personality services, as distinguished from other parts of the programs; and provided by staff with professional or technical training for helping the child and parents (or caretakers with whom the child is living) directly through such activities as the prescribing of drugs for individuals and families, art and music therapy.

3. Service components which include special educational activities, training activities, social and recreational activities, health services, personal and social interaction skill development, activity therapies, community participation activities, and transportation. These services are integral but subordinate to treatment. These services are to be offered as an integrated program; however, the various components may be delivered through different sources.

4. Daily activities which include individual and group program components and treatment services prescribed for the individual child. These must be coordinated and integrated into an individual goal directed treatment plan for the child. The plan must delineate a predictable, measurable impact on the child’s problem. Assessment of the progress of this plan (a formal staffing for all necessary parties to review goal attainment and to arrive at a decision of continuing the plan, revising the plan, or terminating the placement) must be completed every six months for the total period of treatment.

5. Day treatment services for children are not available for federal financial participation and therefore unallowable for:

   a. Educational services which residents of Ohio usually receive free from a public agency unless they are provided as integral but subordinate to the provision of this service.

   b. Any activities related to the provision of Ohio works first (OWF).

"Direct service " means services provided by staff of the CDJFS.

"Direct service time" means the time spent actually providing the service either in direct or telephone contact with the individual and time spent making collateral contacts.

"Education and training services" means:
(1) Services provided to improve knowledge of daily living skills and to enhance cultural opportunities.

(2) Services which may include instruction or training in, but are not limited to, such issues as consumer education, health education, community protection and safety education, literacy education, English as a second language, and general educational development (GED).

(3) Component services or activities which may include screening; assessment and testing; individual or group instruction; tutoring; provision of books, supplies, and instructional material; counseling; transportation; and referral to community resources.

(P) "Employment services" means:

(1) Services or activities provided to assist individuals in securing employment or acquiring or learning skills that promote opportunities for employment.

(2) Component services or activities which may include employment screening, assessment, or testing; structured job skills and job seeking skills; specialized therapy (occupational, speech, physical); special training and tutoring, including literacy training and pre-vocational training; provision of books, supplies, and instructional material; counseling; transportation; and referral to community resources.

(Q) "Family planning services" means:

(1) Educational, comprehensive, medical, or social services or activities which enable individuals, including minors, to determine freely the number and spacing of their children and to select the means by which this may be achieved.

(2) Services and activities which include a broad range of acceptable and effective methods and services to limit or enhance fertility, including contraceptive methods (including natural family planning and abstinence), and the management of infertility (including referral to adoption services).

(3) Specific component services and activities which may include pre-conceptional counseling, education, and general reproductive health care, including diagnosis and treatment of infections which threaten reproductive capability. Family planning services do not include pregnancy care (including obstetric or prenatal care).

(R) "Food assistance" means:

(1) The provision and distribution of supplemental food items to needy individuals and families to reduce hunger and to promote healthy nutrition and diet.

(2) A statewide service that is reserved exclusively for use by the Ohio department of job and family services, component services or activities of which may include the cost of personnel, insurance, equipment maintenance, food, transport, warehousing, and distributions; assessment of nutritional and dietary needs; nutritional education and counseling; socialization; and information and referral.

(S) "Foster care services for adults" means:

(1) Services or activities that assess the need and arrange for the substitute care and alternate living situation of adults in a setting suitable to the individual's needs. Individuals may need such services because of social, physical, or mental disabilities, or as a consequence of abuse or neglect.

(2) Care that may be provided in a community-based setting, or such services may arrange for institutionalization when necessary.

(3) Component services or activities that include assessment of the individual's needs; case planning and case management to assure that the individual receives proper care in the placement; counseling to help with personal problems and adjusting to new situations; assistance in obtaining other necessary supportive services; determining, through periodic
reviews, the continued appropriateness of and need for placement; and recruitment and licensing of foster care homes and facilities.

(T) "Foster care services for children" means:

1. Services or activities associated with the provision of an alternative family life experience for abused, neglected, or dependent children, between birth and the age of majority, on the basis of a court commitment or a voluntary placement agreement signed by the parent or guardian.

2. Services that may be provided to children in foster homes including foster homes operated by a relative of the child, group homes, emergency shelters, residential facilities, child care institutions, pre-adoptive homes, or supervised independent living situations.

3. Component services or activities which may include assessment of the child's needs; case planning and case management to assure that the child receives proper care in the placement; medical care as an integral but subordinate part of the service; counseling of the child, the child's parents, kinship care providers and the foster caregivers; referral and assistance in obtaining other necessary supportive services; periodic reviews to determine the continued appropriateness and need for placement; and recruitment and licensing of foster homes and child care institutions.

(U) "Grant" means agreements made between public children services agencies only. It is based on a proportionate share of the total cost for particular service(s). Conditions for reimbursement are tied to the expenditures of Title XX funds for that service.

(V) "Group hour" means the same as an hour except the individual is receiving the service in a group setting. The projected unit cost is based on the total hourly cost of providing the service divided by the average size of the group.

(W) "Half-hour" means thirty minutes of purchased services in the service unit.

(X) "Health related and home health services" means:

1. In-home or out-of-home services or activities designed to assist individuals and families to attain and maintain a favorable condition of health.

2. Component services and activities which may include providing an analysis or assessment of an individual's health problems and the development of a treatment plan; assisting individuals to identify and understand their health needs; assisting individuals to locate, provide, or secure, and utilize appropriate medical treatment, preventative medical care, and health maintenance services, including in-home health services and emergency medical services; and providing follow-up services as needed.

(Y) "Home based services" means:

1. In-home services or activities provided to individuals or families to assist with household or personal care activities that improve or maintain adequate family well-being.

2. Services that may be provided for reasons of illness, incapacity, frailty, absence of a caretaker relative, or to prevent abuse and neglect of a child or adult.

3. Major service components that include homemaker services, chore services, home maintenance services, and household management services.

4. Component services or activities that may include protective supervision of adults and/or children to help prevent abuse, temporary non-medical personal care, house-cleaning, essential shopping, simple household repairs, yard maintenance, teaching of homemaking skills, training in self-help and self-care skills, assistance with meal planning and preparation, sanitation, budgeting, and general household management.

(Z) "Home delivered meals" means:

1. Services or activities designed to prepare and deliver one or more meals a day to an individual's residence in order to prevent institutionalization, malnutrition, and feelings of isolation.
(2) Component services or activities that may include the cost of personnel, equipment, and food; assessment of nutritional and dietary needs; nutritional education and counseling; socialization services; and information and referral.

(AA) "Hour" means an hour of direct service as described in the service unit and time spent making collateral contacts directly related to the provision of the service. An hour may be shown in fractional parts rounded to the nearest quarter or tenth of an hour, at county option.

(BB) "Housing services" means:

(1) Services or activities designed to assist individuals or families in locating, obtaining, or retaining suitable housing.

(2) Component services or activities that may include tenant counseling; helping individuals and families to identify and correct substandard housing conditions on behalf of individuals and families who are unable to protect their own interest; and assisting individuals and families to understand leases, secure utilities, make moving arrangements and minor renovations.

(CC) "Independent and transitional living services" means:

(1) Services and activities designed to help older youth in foster care or homeless youth make transition to independent living, or to help adults make the transition from an institution or from homelessness, to independent living.

(2) Component services or activities that may include educational and employment assistance, training in daily living skills, and housing assistance. Specific component services and activities may include supervised practice living and post-foster care services.

(DD) "Indirect activities" means the supportive activities that are not billed or reported as time spent providing or arranging services. Such activities are important, but many of them cannot be easily linked to both a particular service and a particular individual. Indirect activities and their related costs are reimbursable, but should not be incorporated into the estimate of the maximum number of units in a purchase contract. Such activities include case recording, eligibility determination, general intake, home finding related to adoption and foster care, supervision, time spent in conference not related to specific individuals, nursing contacts, diagnostic evaluations and examinations necessary to identify service needs or to develop an individual plan of services and treatment.

(EE) "Individual service plan" means the document that is developed to provide services to the consumer.

(FF) "Information and referral services" means services or activities designed to provide information about services provided by public and private service providers and brief assessment of client needs (but not diagnosis and evaluation) to facilitate appropriate referral to community resources.

(GG) "Item of equipment" means the equipment purchased for blind individuals.

(HH) "Legal services" means:

(1) Services or activities provided by a lawyer or other person(s) under the supervision of a lawyer to assist individuals in seeking or obtaining legal help in civil matters such as housing, divorce, child support, guardianship, paternity and legal separation.

(2) Component services or activities which may include receiving and preparing cases for trial, provision of legal advice, representation at hearing, and counseling.

(I) "Meal" means the provision of a meal, including the cost of preparation, serving or delivery of the meal. The cost of raw food may be included provided the service does not provide three meals a day or a full nutritional regimen.

(JJ) "Minor medical and remedial care components" means medical care directed towards the correction or amelioration of a medical condition, which has been diagnosed as such by an Ohio licensed medical practitioner operating within the scope of state law. Such medical services are allowable under Title XX only when they are not available to the individual under Title XVIII (medicare), Title XIX (medicaid program) or a private insurance plan. These components must be separately costed, billed and reported.
"Mile" means one mile of transportation.

"Payment" means the payment of delivery cost, housing repairs or moving expenses.

"Pregnancy and parenting services for young parents" means:
1. Services or activities for married or unmarried adolescent parents and their families designed to assist young parents in coping with the social, emotional, and economic problems related to pregnancy and in planning for the future.
2. Component services or activities which may include securing necessary health care and living arrangements; obtaining legal services; and providing counseling, child care education, and training in and development of parenting skills.

"Prescription" means the provision of a prescribed drug in a day treatment or residential treatment setting for children.

"Prevention and intervention" means:
1. Services or activities designed to provide early identification and/or timely intervention to support families and prevent or ameliorate the consequences of abuse, neglect, or domestic violence, or to assist in making arrangements for alternate placement or living arrangements where necessary. Such services may also be provided to prevent the removal of a child or adult from the home.
2. Component services and activities which may include investigation, assessment and/or evaluation of the extent of the problem; counseling, including mental health counseling or therapy as needed; developmental and parenting skills training; respite care; and other services including supervision, case management, and transportation.

"Procedure" means the provision of a complete specified procedure in family planning including but not limited to vasectomy, insertion of intrauterine device (IUD), materials and anesthetic.

"Protective services for adult" means:
1. Services or activities designed to prevent or remedy abuse, neglect, or exploitation of adults who are unable to protect their own interest.
2. Situations that may require protective services including injury due to maltreatment or domestic violence; lack of adequate food, clothing or shelter; lack of essential medical treatment or rehabilitation services; and lack of necessary financial or other resources.
3. Component services or activities that may include investigation; immediate intervention; arranging emergency medical services; emergency shelter; developing case plans; initiation of legal action (if needed); counseling for the individual and family; assessment/evaluation of family circumstances; arranging alternative or improved living arrangements; preparing for foster care placement, if needed; and case management and referral to service providers.

"Protective services for children" means:
1. Services or activities designed to prevent or remedy abuse, neglect, or exploitation of children who may be harmed through physical or mental injury, sexual abuse or exploitation, and negligent treatment or maltreatment, including failure to be provided with adequate food, clothing, shelter, or medical care.
2. Component services or activities that may include immediate investigation and intervention; arranging emergency medical services; emergency shelter; developing case plan initiation of legal action (if needed); counseling for the child and the family; assessment/evaluation of family circumstances; arranging alternative living arrangements; preparing for foster placement, if needed; and case management and referral to service providers.

"Purchase services" means services provided through written contract between: private or nonprofit agencies, individual and other public agencies. Public agencies meaning an agency under the
administrative and budgetary control of the city, county or state government acting under the mandate of the general assembly.

"Recreation services" means services or activities designed to provide or assist individuals to take advantage of individual or group activities directed towards promoting physical, cultural, and/or social development.

"Residential treatment services" means:

1. Short-term residential care and comprehensive treatment and services for children or adults whose problems are so severe or are such that they cannot be cared for at home or in foster care and need the specialized services provided by specialized facilities. Residential treatment services should always be reported as twenty-four hours in whole numbers counting the day of admission as day one and the day of release as the last day.

2. Component services and activities which may include diagnosis and psychological evaluation; alcohol and drug detoxification services; individual, family, and group therapy and counseling; remedial education and general educational development (GED) preparation; vocational or pre-vocational training; training in activities of daily living; supervised recreational and social activities; and case management.

"Round trip per person" means the provision of a round trip of transportation services.

"Special services for persons with developmental or physical disabilities or persons with visual or auditory impairments" means:

1. Services or activities to maximize the potential of persons with disabilities, help alleviate the effects of physical, mental or emotional disabilities, and to enable those persons to live in the least restrictive environment possible.

2. Components services or activities which may include personal and family counseling; respite care; family support; recreation; transportation; aid to assist with independent functioning in the community; and training in mobility, communication skills, the use of special aids and appliances, and self sufficiency skills. Residential and medical services may be included only as an integral, but subordinate, part of the services.

"Special services for youth involved in or at risk of involvement in criminal activity" means:

1. Services or activities for youth who are, or who may become, involved with the juvenile justice system and their families.

2. Component services or activities that are designed to enhance family functioning and/or modify the youth's behavior with the goal of developing socially appropriate behavior and may include counseling, intervention therapy and residential and medical services if included as an integral but subordinate part of the services.

"Substance abuse services" means:

1. Services or activities that are primarily designed to deter, reduce, or eliminate substance abuse or chemical dependency. Except for initial detoxification services, medical and residential services may be included but only as an integral but subordinate part of the service.

2. Component substance abuse services or activities that may include a comprehensive range of personal and family counseling methods, methadone treatment for opiate abusers, or detoxification treatment for alcohol abusers.

3. Services that may be provided in alternative living arrangements such as institutional settings and community-based halfway houses. The day should always be reported as twenty-four hours in whole numbers counting the day of admission as day one and the day of release as the last day.

"Supply" means the provision of supplies used in family planning.

"Test" means the provision of one laboratory test in family planning.
(BBB) "Token" means a ticket used by the individual to ride a common carrier in transportation services.

(CCC) "Transaction" means an incident of information and referral.

(DDD) "Transportation services" means:

1. Services or activities that provide or arrange for travel including travel costs of individuals in order to access services or obtain medical care or employment.

2. Component services or activities that may include special travel arrangements such as special modes of transportation and personnel to accompany or assist individuals or families to utilize transportation.

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Rule Amplifies: 5101.46

A county department of job and family services (CDJFS) that purchases services and those parties the CDJFS has under contract to provide Title XX services shall administer Title XX services in accordance with the requirements of Title XX of the Social Security Act, 88 Stat. 2337 (1974), 42 U.S.C. 1397 (2010), section 5101.46 of the Revised Code, and Chapter 5101:2-25 of the Administrative Code. Child care services provided under Title XX are excluded from the requirements contained in Chapter 5101:2-25 of the Administrative Code. The CDJFS shall follow child care requirements contained in Chapter 5101:2-16 of the Administrative Code.

Each county in Ohio is designated as a separate geographic area for Title XX services planning, implementation, monitoring, and evaluation.

The Title XX program year is October first through September thirtieth.

Title XX services may be provided through:

1. "Compact services" are formal or informal arrangements between the CDJFS and a community agency(s);
2. "Direct services" are services provided by staff or the CDJFS;
3. "Purchase services" are services provided through written contract between private or nonprofit agency(s) or
4. "Grants" are agreements made between public children services agencies (PCSA) only.

Methods of delivery may change during a program year as needs occur or resources are developed.

Reimbursement is available only for services and service activities which are specifically included on the JFS 01821 "Title XX County Profile" (rev. 03/2017), services outlined in rule 5101:2-25-07 of the Administrative Code, and for administrative support directly related to the provision of such services.

When contacted by a consumer or responsible person or agency seeking Title XX services, the CDJFS or provider agency under contract with the CDJFS shall provide an application for Title XX services to the person making the request. An application is not required when services are offered without regard to income.

The CDJFS or provider agency under contract with the CDJFS shall ensure upon the receipt of the application the following:

1. The consumer or responsible person or agency acting on behalf of the consumer is the person submitting the application for Title XX services.
2. The application is signed by the consumer, guardian, parent or custodian, if the consumer is a child, or an individual or agency acting on behalf of the consumer.

Protective services for adults and children and information and referral services may be provided without regard to income and do not require an application. Protective services cases require a case record that documents the circumstances of actual or potential abuse, neglect, or exploitation of the adult or child.

All providers of Title XX services must comply with any licensing, certification, or approval required by state or federal law or regulation.
An individual service plan, designed at the county's option, is required to provide any service defined in rule 5101:2-25-01 of the Administrative Code. A service plan is not required for information and referral services.

Pursuant to section 1397d(a)(9)(A) of the Social Security Act, providers excluded from medicare participation are not eligible to receive Title XX funds either directly or indirectly. Neither the CDJFS nor providers of services under Title XX funding shall employ or contract with excluded individuals.

Reimbursement is available for minor medical or remedial care only when the medical care is integral but subordinate to the provision of the social service to which the medical care is a part.

Title XX funds may not be utilized for:

1. Purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility.
2. Provision of cash payments for cost of subsistence or for the provision of room and board (other than costs of subsistence during rehabilitation, room and board provided for a short term as an integral but subordinate part of a social service, or temporary emergency shelter provided as a protective service).
3. Payment of the wages of any individual as a social service (other than payments of the wages of Ohio works first customers employed in the provision of child care services).
4. Provision of medical care (other than family planning services, rehabilitation services or initial detoxification of an alcoholic or drug dependent individual) unless it is an integral but subordinate part of a social service for which grants may be used under 42 U.S.C. 1397d of the Social Security Act.
5. Social services (except services to an alcoholic or drug dependent individual or rehabilitation services) provided in and by employees of any hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such institution.
6. Provision of any educational service which the state makes generally available to its residents without cost and without regard to their income.
7. Any child care services unless such services meet applicable standards of state and local law.
8. Provision of cash payments as a service, except as otherwise provided for in this rule.

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Rule Amplifies: 5101.46
Each county department of job and family services (CDJFS) shall complete an annual "Title XX County Profile" (rev. 03/2017), and submit the annual county profile for each year on a separate JFS 01821 in the "Federal Reporting SSBG Title XX" system county profile form to the Ohio department of job and family services (ODJFS) by January thirty-first June fifteenth.

1. The county profile must identify the Title XX social services to be provided during the federal fiscal year, October first to September thirtieth of the upcoming year(s).

2. Profiles submitted to ODJFS must contain the signature of approval by the CDJFS' director and county commissioner(s) or designee, and the date and location of the public hearing pursuant to paragraphs (C) to (F) of this rule.

3. If the CDJFS has altered the original profile submitted in January June, the CDJFS shall submit to ODJFS, an amended profile that has been approved by the county commissioner or designee by the end of May July.

4. The original and amended profile shall be submitted electronically to the Ohio department of job and family services (ODJFS) mailbox: OFC_SSBG_Title_XX_County_Profile_Reports entered in the "Federal Reporting SSBG Title XX" system.

5. The CDJFS must maintain the original and all amended county profile(s) with signature(s) of approval by the CDJFS' director and county commissioner(s) or designee, and the date and location of the public hearing pursuant to paragraphs (C) to (F) of this rule, on file to present at a state hearing upon request or in the event of an inquiry.

The JFS 01821 county profile shall include the services to be provided and for each service the estimated un-duplicated number of persons to be served or activities provided and estimated total expenditures including state, federal and local dollars. The county chooses the service(s) it wishes to offer from a catalogue of Title XX services listed on the county profile, but each profile must include one or more services directed at one or more of the following five program goals. Each individual can be counted no more than once in any service category. The count is to include primary consumers and individuals authorized to receive the service on behalf of a primary consumer. The five national goals for Title XX are:

1. Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency.

2. Achieving or maintaining self-sufficiency including reduction or prevention of dependency.

3. Preventing or remedying neglect, abuse or exploitation of children or adults unable to protect their own interest or preserving, rehabilitating or reuniting families.

4. Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care or other forms of less intensive care.

5. Securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

The CDJFS planning committee designated by the county commissioners shall conduct a public hearing on the initial county profile prior to its publication and make a record of the proceedings from which a transcript can be made. A public notice of the hearing shall be published in one or more mediums: a newspaper of general circulation, radio, television, or agency's website before such hearing is held. Comments and recommendations received from the public, as a result of the hearing, should be taken into consideration for the final county profile.
Each CDJFS has the flexibility of doing a public hearing annually or biennially and shall forward electronically a summary of the comments made at the public hearing on the proposed county profile to ODJFS, by the second week end of May.

This paragraph applies to all Title XX services except for child care services which are set forth in Chapter 5101:2-16 of the Administrative Code.

1. The only social services authorized for Title XX state and federal reimbursement are those which are included in the county profile and for which standard service definitions have been published in the "Comprehensive Title XX Social Services Plan" (CTXSSP).

2. Social services identified in the county profile shall comply with the definitions and requirements contained in Chapter 5101:2-25 of the Administrative Code.

The CDJFS may amend its final county profile after the final CTXXSSP has become effective been submitted.

1. The amended county profile must be signed and dated by the CDJFS director and board of county commissioners or their designee.

2. The amended profile must include one or more services directed at one or more of the five program goals described in this rule.

3. When amending the county profile, the CDJFS shall take into consideration the comments and recommendations received from the public hearing in accordance with paragraph (C) of this rule.

4. The amended profile must be available for public review.

5. The CDJFS shall keep the amended county profile on file to present at a state hearing when relevant or in the event of an inquiry.

Each CDJFS may develop a "Title XX Local Needs Report" to substantiate the local county criteria utilized in the selection of Title XX services in the county profile. In the needs report, the CDJFS may address the local needs and Title XX services provided to resolve these needs. The provisions of such services must be financially feasible. The following topics may be included in the "Title XX Needs Report":

1. The statement of needs; this is a description of needs to be addressed by Title XX funded services. The CDJFS may choose to use in its description of needs any or all of the categorically grouped needs listed below in this paragraph. The six groups of needs cover all Title XX reimbursable services.
   (a) Abuse, neglect, exploitation.
   (b) Family or individual health.
   (c) Frail, impaired, elderly, handicapped.
   (d) Unemployment, training, insufficient job skills.
   (e) Family or individual dysfunction.
   (f) Other.

2. The needs assessment source; this is for the needs listed in paragraph (G)(1) of this rule. The source of the information utilized to determine selection of the Title XX services may be identified.

3. The services needed in the county; this may specify which Title XX service(s) shall be utilized to meet the grouped needs listed in paragraph (G)(1) of this rule.

4. The population affected; this may identify the population group which is most in need of each service provided.

5. The goal attainment; this is for each of the services offered, and shall specify which Title XX goal(s) described in section 5101.46 of the Revised Code will be achieved.
If the CDJFS has developed a "Title XX Needs Report", the CDJFS shall:

1. Make the "Title XX Needs Report" available for public review and comment.
2. Submit electronically to ODJFS one copy of the "Title XX Needs Report" with the county profile.

Effective: 7/1/2019
Five Year Review (F Y R) Dates: 6/1/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 06/06/2019
Promulgated Under: 119.03
Statutory Authority: 5101.46
Rule Amplifies: 5101.46
Management and Administration
The public children services agency (PCSA) shall participate with the Ohio department of job and family services (ODJFS) staff in the child protection oversight and evaluation (CPOE) quality assurance improvement review no less than once every twenty-four months.

The PCSA shall make available relevant documents and personnel during the CPOE quality assurance improvement review process.

The CPOE review of the PCSA shall include, but not be limited to, the examination and analysis of the following in relation to the PCSA's delivery of child welfare services to children and families:

1. Outcome domains indicators involving child safety, child permanency, and child and family well-being.
2. Compliance with statutorily mandated PCSA responsibilities.
3. Selected child welfare program components across the continuum.

The CPOE review shall include discussion and inquiry as to the systemic factors that contribute to the PCSA's delivery of child welfare services including, but not limited to, the following:

1. Local demographic data.
2. Information regarding the PCSA's infrastructure including the table of organization.
3. Staffing levels.
4. Caseload sizes.
5. PCSA budgetary data.
6. The availability of supportive services in the community.
7. Exemplary casework practices.

Information sources that can be utilized during the evaluation, reconciliation of case data report measures, and the quality assurance improvement review process include, but are not limited to, the following:

1. Data reports generated from the ODJFS management information systems containing PCSA data including, but not limited to, the statewide automated child welfare information system, results oriented management and business intelligence channel.
2. Findings obtained from client, shareholder, provider, and PCSA staff interviews, as applicable.
3. Information obtained from the review of the PCSA's case records whether hard copy file, electronic file, or a combination of both.
4. Data obtained from the PCSA's data management systems, as applicable.
5. Other information concerning the PCSA's service delivery system including, but not limited to, council on accreditation findings, strategic planning data, and county budgetary data.

Following receipt of the CPOE final report, the PCSA has the option of clarifying its position or addressing the conclusions regarding the evaluation and assessment of the PCSA's programmatic performance in the delivery of child welfare services by submitting written comments to ODJFS. The PCSA's written comments shall be received by ODJFS within fifteen days of the PCSA's receipt of the CPOE final report. The PCSA's comments shall be maintained in the CPOE record.

If the PCSA is writing a response to dispute one or more of the CPOE report findings and is requesting a decision by ODJFS to change the CPOE report or its findings, the PCSA shall submit an appeal.
appeals of the CPOE final report, the letter of appeal shall be received by ODJFS within fifteen days of the PCSA’s receipt of the CPOE final report and shall specify the basis for the appeal. The appeal decision by ODJFS shall be final.

(H) If the PCSA fails to meet one or more of the established outcome indicators listed in paragraph (C) of this rule, the PCSA shall develop and submit for acceptance by ODJFS a quality improvement plan (QIP) within thirty days from the PCSA’s receipt of the CPOE final report or within thirty days from the PCSA’s receipt of the CPOE appeal decision.

(I) The QIP shall include the activities the PCSA will conduct to address identified deficiencies in the PCSA’s programmatic performance in the delivery of child welfare services, as outlined in the CPOE final report, in order to bring the agency into compliance. The PCSA may request ODJFS assist the PCSA with the development of the QIP and provide the PCSA technical assistance in the implementation of the plan pursuant to section 5101.221 of the Revised Code.

(J) If the PCSA requests an extension of the time frame for submittal of the QIP, all of the following shall occur:

1. The request to extend the time frame shall be made in writing and submitted to ODJFS prior to the expiration of the established time frame for submittal of the QIP as outlined in paragraph (H) of this rule.
2. The request shall contain the rationale as to the basis for the extension.
3. The decision to grant the extension will be provided within fifteen days of the receipt of the request.
4. The length of the extension will be based on the rationale provided for the basis of the extension.

(K) Upon acceptance of the QIP, the PCSA shall implement the QIP in order to achieve the identified outcomes.

(L) The PCSA shall participate in monitoring the implementation of the QIP and achievement of the identified goals.

(M) The QIP shall remain in effect until the outcomes are achieved or a subsequent QIP is developed in accordance with paragraph (H) of this rule.

(N) PCSA achievement of specific measures or changes addressing concerns identified through the CPOE process may result in incentives to PCSAs.

(O) PCSA failure to develop, implement, or monitor a QIP may result in action against the PCSA in accordance with section 5101.24 of the Revised Code.

Effective: 03/01/2015

Five Year Review (FYR) Dates: 11/26/2014 and 03/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 02/03/2015

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5103.03, 5153.166

Rule Amplifies: 5101.22, 5101.221, 5103.03, 5153.16

Prior Effective Dates: 7/1/97, 2/1/03, 1/1/05, 3/01/10
Procedure for Complaints of Alleged Discriminatory Acts, Policies or Practices in the Foster Care or Adoption Process that Involve Race, Color or National Origin

FCASMTL 353

Effective Date: July 1, 2015

Most Current Prior Effective Date: March 1, 2010

(A) Each public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) shall provide a written notice of the procedure for any complaints of discrimination in the foster care or adoption process that involve race, color or national origin (RCNO) to all individuals inquiring about or applying to be a foster caregiver or adoptive parent. Such notice shall be provided within seven days of the individual's first contact with the agency.

(B) Any individual may file a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of a PCSA, PCPA, PNA or the Ohio department of job and family services (ODJFS).

Any person, including but not limited to, an employee or former employee of a PCSA, PCPA, or PNA or a member of a family which has sought to become a foster caregiver or adoptive parent, may also file a complaint alleging that he or she was intimidated, threatened, coerced, discriminated against or otherwise retaliated against in some way by a PCSA, PCPA, PNA or by ODJFS, due to the individual making a complaint, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing in connection with an allegation that a PCSA, PCPA, PNA or ODJFS engaged in discriminatory acts, policies, or practices as it applies in the foster care or adoption process.

(C) The individual filing a complaint shall use the JFS 02333 "Discrimination Complaint Form" (rev. 12/2008 1/2015). The complaint shall be filed within two years from the date of the occurrence of the alleged discriminatory act; or two years from the date upon which the complainant learned or should have known of a discriminatory act, policy or practice. The complaint may be filed with:

   (1) Any PCSA, PCPA or PNA; or,
   (2) The ODJFS- bureau of civil rights (BCR).

(D) When any complaint alleging discrimination involving RCNO in the foster care or adoption process is received by:

   (1) A PCSA, PCPA or PNA, the agency shall forward the complaint to ODJFS-BCR within three working days of date of receipt of the complaint.

   (2) ODJFS-BCR, the department shall notify the PCSA, PCPA, PNA that is the subject of the complaint within three working days of the receipt of the complaint.

(E) ODJFS-BCR shall conduct an investigation of the complaint. The PCSA, PCPA or PNA that is the subject of the complaint shall not initiate, conduct, or run concurrent investigations surrounding the complaint or take any further action regarding the complainant or the subject of the complaint until the issuance of the final investigation report by ODJFS-BCR, unless approved by ODJFS-BCR.

(F) The PCSA, PCPA or PNA that is the subject of the complaint shall cooperate fully with ODJFS-BCR during the course of the investigation and shall submit any information requested by ODJFS-BCR not later than fourteen days from the date of the request, unless otherwise agreed upon.

(G) ODJFS-BCR shall conduct an investigation that shall include, but is not limited to:

   (1) Face-to-face interviews with the complainant, the respondent and all relevant witnesses.

   (2) Issuance of a final investigation report to the complainant and the PCSA, PCPA or PNA that is the subject of the complaint. The report shall include the allegations, background information, analysis, determination and recommendations and shall be issued within ninety one hundred twenty days of the receipt of the initial complaint.
If unanticipated circumstances require additional time to complete the investigation or to issue the final report, ODJFS will notify the complainant and the PCSA, PCPA, or PNA that is the subject of the complaint of the need for additional time.

(H) Upon completion of the final investigation report, ODJFS shall determine if any action against a PCSA, PCPA or PNA is warranted. For noncompliance by a PCSA, ODJFS may take any action permitted under section 5101.24 of the Revised Code. For noncompliance by a PCPA or PNA, ODJFS may take action concerning the agency's certificate pursuant to Chapter 5101:2-5 of the Administrative Code.

(I) No person who has filed a complaint alleging a discriminatory act, policy or practice involving RCNO in the foster care or adoption process of a PCSA, PCPA or PNA or who has testified, assisted or participated in any manner in the investigation of a complaint shall be intimidated, threatened, coerced, or retaliated against by any employee or contractor of the PCSA, PCPA, PNA or ODJFS.

(J) Nothing in this rule or in an agency's policy shall prohibit an individual from filing a complaint with the United States department of health and human services (HHS), office for civil rights (OCR) alleging discrimination that involves RCNO in the foster care or adoption process of a PCSA, PCPA, PNA or ODJFS.

(K) The requirements of rules 5101:2-33-04 and 5101:2-33-20 of the Administrative Code do not apply to complaints of discrimination in the foster care or adoption process that involve RCNO.

(L) Each PCSA, PCPA or PNA shall provide a written notice of the procedures for any complaints of discrimination in the foster care or adoption process that involve RCNO within thirty days of the effective date to all foster caregivers certified or in the process of certification and to all individuals who have approved adoptive homestudies or who are participating in the adoptive homestudy process on the effective date of this rule.

Effective: 07/01/2015
Five Year Review (FYR) Dates: 03/12/2015 and 07/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 05/29/2015
Promulgated Under: 119.03
Statutory Authority: 5101.141, 5103.03, 5153.16
Rule Amplifies: 5101.141, 5103.03, 5153.16
Prior Effective Dates: 02/01/2005, 03/01/2010
FCASMTL 325

Effective Date: July 1, 2014

Most Current Prior Effective Date: December 21, 2007

(A) A public children services agency (PCSA) may enter into a contract with a county department of job and family services (CDJFS); boards of alcohol, drug addiction, and mental health services county boards of mental health and addiction services; county boards of mental retardation and county boards of developmental disabilities; regional councils of political subdivisions established under Chapter 167 of the Revised Code; public and private individuals or providers of services; or managed care organizations and prepaid health plans to assist them in performing their assigned duties outlined in section 5153.16 of the Revised Code. The PCSA shall not enter into contracts with other entities or delegate its responsibility to perform its investigation duties outlined in section 2151.421 of the Revised Code. When entering into a contract, the PCSA shall ensure that the agency, organization, provider or individual has the required state licensing credentials in order to perform the specified duties outlined in the contract.

(B) The PCSA shall not enter into contracts with other entities delegating its responsibility to perform its investigation duties outlined in section 2151.421 of the Revised Code.

(C) If entering into a contract, the PCSA shall ensure that the agency, organization, provider or individual has the required state licensing credentials in order to perform the specified duties outlined in the contract.

(D) When an agreement, compact or contract for the purposes of placing a child is executed between a PCSA and another person, agency, or any other provider of services, the agreement shall specify criteria to be followed to work together in developing and executing case plan services and participating in case reviews and/or semiannual administrative reviews, and the completion of reunification assessments.

Effective:
R.C. 119.032 review dates: 04/07/2014

Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5153.16
Rule Amplifies: 5153.16
Prior Effective Dates: 9/28/87, 1/1/89, 1/1/90, 10/1/97(Emer.), 12/30/97, 5/01/03, 12/21/07
Each public children services agency (PCSA) and private child placing agency (PCPA) shall designate a person to serve as the agency’s internal Multiethnic Placement Act (2/06), 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), (MEPA) monitor. PCSAs and PCPAs may share MEPA monitors from other PCSAs or PCPAs to fulfill MEPA monitoring functions.

1. The MEPA monitor shall not be the child's caseworker or the caseworker's supervisor.

2. The MEPA monitor shall not serve as the agency's civil rights coordinator.

A private noncustodial agency (PNA) is not required to designate a MEPA monitor but shall refer all cases in which race, color, or national origin (RCNO) may be a factor in the placement decision to the child's custodial agency for assessment pursuant to rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code.

The MEPA monitor shall review and monitor foster care and adoptive placement decisions when the agency has a completed JFS 01688 "Individualized Child Assessment" (rev. 4/2014 06/2017). The JFS 01688 is in effect for the twelve months period from the date of the final decision as documented on the JFS 01688 pursuant to rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code.

1. The MEPA monitor shall not be the child's caseworker or the caseworker's supervisor.

2. The MEPA monitor shall not serve as the agency's civil rights coordinator.

A private noncustodial agency (PNA) is not required to designate a MEPA monitor but shall refer all cases in which race, color, or national origin (RCNO) may be a factor in the placement decision to the child's custodial agency for assessment pursuant to rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code.

Each of the following agencies shall complete the JFS 01688 "MEPA Biennial Comprehensive Self-Assessment Report" (rev. 4/2014 8/2015) and submit it to the Ohio department of job and family services (ODJFS) by March first of every even numbered year. The review period shall be the two calendar years prior to the report due date.

1. A PCSA.

2. A PCPA that is certified by ODJFS to perform the functions specified in paragraphs (C)(6) to (C)(10) of rule 5101:2-5-03 of the Administrative Code.

3. A PNA that is certified by ODJFS to perform the functions specified in paragraphs (D)(67) to (D)(1011) of rule 5101:2-5-03 of the Administrative Code.

Each PCSA and PCPA operating an adoption program shall submit the following aggregate data to ODJFS by completing the JFS 01420 "Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements" (rev. 1/2015). The data shall be submitted to ODJFS by March first of every even numbered year.

1. The number of adoptive matches made on with children in the agency's permanent custody which were accepted by the family to whom the child was presented.

2. The number of adoptive matches made on with children in the agency's permanent custody which were rejected declined by the family. Those rejected declined would include, but is not limited to, matches where the family and child began pre-placement visits; however, the family decided not to accept the child.
Each PCSA, PCPA, and PNA operating a foster care or adoption program shall adopt written standards of conduct that will govern the performance of its employees or contractors, as that performance relates to compliance with the Multiethnic Placement Act of 1994 as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (MEPA) (1/2/06), Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, (1/2/06) and Title VI as they apply to the foster care and adoption process. The written standards of conduct shall:

1. Prohibit denying any person the opportunity to become a foster caregiver or an adoptive parent on the basis of race, color or national origin of that person, or of the child involved; or delaying or denying any placement of a child in foster care or for adoption on the basis of the race, color or national origin of the foster caregiver(s), of the adoptive parent(s) or of the child involved.

2. Include enforcement requirements to be used whenever an agency employee or contractor engages in discriminatory acts, policies, or practices involving race, color, or national origin in the foster care or adoption process as determined by ODJFS upon completion of the investigation conducted pursuant to rule 5101:2-33-03 of the Administrative Code.

   a. The enforcement requirements shall include standards governing penalties, sanctions, and other disciplinary actions, which may include suspension and/or removal, to be applied in accordance with applicable employment law and union contracts.

   b. The standards shall provide for the submission of a corrective action plan whenever an investigation conducted by ODJFS, pursuant to rule 5101:2-33-03 of the Administrative Code, results in a finding that an agency employee or contractor engaged in discriminatory acts, policies, or practices.

   c. The standards require that the corrective action plan will address how the agency will prevent future violation by that employee or contractor and shall require that the corrective action plan be submitted to ODJFS within thirty days of notification of the findings of the investigation.

   d. The agency shall provide a copy of the written standards of conduct to each employee or contractor who is engaged in the placement of children into foster care or for adoption, or engaged in the recruitment, assessment, approval, or selection of a foster caregiver(s) or adoptive family. New employees or contractors shall receive a copy of the written standards of conduct within thirty days of their hire date or the effective date of their contract.

G) No PCSA, PCPA or PNA shall require an ongoing foster care or adoption worker to justify a proposed placement for the reason that the race, color or national origin of the child is different from that of the family whom the worker is proposing as the child’s foster caregiver or adoptive parent.

Effective: 09/01/2017

Five Year Review (FYR) Dates: 07/01/2020

Certification: CERTIFIED ELECTRONICALLY

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Statutory Authority: 5101.141, 5103.03, 5153.166

Rule Amplifies: 5103.03, 5153.16

Prior Effective Dates: 12/30/66, 10/1/86, 7/1/90, 9/1/94, 12/15/95 (Emer.), 3/1/96, 9/15/96, 12/31/96 (Emer.), 3/31/97, 2/13/98 (Emer.), 5/14/98, 12/31/98 (Emer.), 4/5/99, 9/1/00, 5/1/02, 11/12/02, 9/1/03, 2/1/05, 12/11/06, 3/1/10, 11/1/12, 7/1/15
If the agency working with the family suspects that a false statement or false document was knowingly made or submitted during the homestudy process or after the homestudy was approved, the worker shall report the information to the agency administrator or designee within three days of the initial determination of possible falsification. The written statement shall include, but is not limited to:

1. The original document completed by the applicant, or written documentation of the false statement provided by the applicant or adoptive parent.
2. Documentation verifying the information or document is knowingly false.

If there is a child placed in the home who has not yet finalized an adoption, then the agency shall, within twenty-four hours of the administrator or designee receiving the written statement mentioned in paragraph (A) of this rule, determine if there is probable cause related to the adoptive child's safety and well-being to warrant the removal of the child from the home until the investigation is completed.

If the agency conducting the investigation is not the agency with custody of the child, the agency shall notify the custodial agency within twenty-four hours of administrator or designee receiving the written statement mentioned in paragraph (A) of this rule of the concerns related to the falsification.

Within ten days of the administrator or designee receiving the written statement described in paragraph (A) of this rule, the agency shall send a notification letter to the adoptive applicant or approved adoptive family, via certified mail, indicating that the information submitted to the agency has been determined to be knowingly false. The notice shall include the following:

1. Date the notice was mailed.
2. A copy of the documentation alleged to be knowingly falsified, as well as a written explanation of the falsification.
3. A statement that the agency is required to notify the county prosecutor in cases in which it has been determined the applicant or family made knowingly false statements, pursuant to section 2921.13 of the Revised Code.
4. A statement indicating the homestudy process will discontinue because the agency has probable cause to believe a false statement or document was knowingly provided.
5. If the homestudy process has already been completed, then the agency shall include a statement that includes the following:
   a. The agency will not present the family at a matching conference, pursuant to rule 5101:2-48-16 of the Administrative Code if it is determined a false statement or document was knowingly provided.
   b. The agency will not release a homestudy for sharing or transferring, pursuant to rule 5101:2-48-19 of the Administrative Code if it is determined a false statement or document was knowingly provided.
   c. A homestudy will not be filed with the court for finalization purposes pursuant to section 3107.031 of the Revised Code if it is determined a false statement or document was knowingly provided.
6. A statement that the adoptive applicant or adoptive parent has the right to respond to the allegation of falsification.
7. A statement that the adoptive applicant or adoptive parent has ten days from the date they receive the notification letter to respond to the agency with documentation that the allegation is unfounded and that the statements or documents were not knowingly falsified.
If the adoptive homestudy is in the process, a statement that if the applicant fails to respond to the agency within ten days of the receipt of the notification letter then the application to adopt is considered withdrawn and the refusal to respond to the allegation has resulted in the termination of the homestudy process by voluntary withdrawal.

If the adoptive homestudy has been approved, a statement that if the adoptive parent fails to respond to the agency within ten days of the receipt of the notification letter then the refusal to respond to the allegation will result in the expiration of the adoption homestudy approval at the end of the current approval span.

If the applicant or adoptive parent fails to respond to the agency within ten days of the date of receipt pursuant to paragraph (D) of this rule, the agency shall close the adoption homestudy as if the adoptive applicant or adoptive parent has voluntarily withdrawn from the homestudy process.

If the applicant or adoptive family responds within the ten day timeframe with the documentation required in paragraph (D)(7) of this rule, then the agency shall conduct an internal investigation that includes the following:

1. A review of the information received from the adoptive applicant or family.
2. A face to face visit with the adoptive applicant(s) or adoptive family.
3. An interview with any other relevant witnesses, if applicable.

The final investigative report shall be completed and mailed to the adoptive applicant no later than thirty days after the receipt of the adoptive applicant's or adoptive family's response to the allegation.

1. If unanticipated circumstances require additional time to complete the investigation or issue the report, the agency shall notify the applicant or adoptive family of the need for more time and that an extension of an additional fourteen days is needed.
2. The extension shall be documented in the adoptive family's record.

The investigative report shall include the following:

1. An explanation of the allegation.
2. Any background information deemed relevant by the agency.
3. The results of the investigation, including whether probable cause was found to indicate the applicant or adoptive parent made knowingly false statements.
4. Any action steps to be taken by the applicant, adoptive parent, or the agency as a result of the investigation.

If the final investigative report concludes that the information or documentation was knowingly falsified, the agency shall do the following:

1. Forward a copy of the investigative report to the county prosecutor's office where the adoptive applicant or adoptive parent lives.
2. If the adoptive applicant was still in the homestudy process, the agency shall close the adoption homestudy as if the applicant has voluntarily withdrawn from the homestudy process.
3. If the adoptive homestudy was approved prior to the investigation of falsification, then the following limitations are in place:
   a. The adoption homestudy shall not be presented at any matching conference, pursuant to rule 5101:2-48-16 of the Administrative Code.
   b. The adoption homestudy shall not be released to another agency for sharing or transferring purposes, pursuant to rule 5101:2-48-19 of the Administrative Code.
   c. The adoption homestudy shall not be filed with the court for finalization purposes pursuant to section 3107.031 of the Revised Code.
   d. The adoption homestudy approval shall expire at the end of the current approval span.
If the final investigative report concludes that there was no falsification made by the applicant, the agency shall:

1. Resume the homestudy process if the applicant chooses to proceed.
2. Complete the homestudy within one hundred eighty days from the date the investigative report was completed.

Any documentation resulting from the requirements of this rule shall be maintained in the record of the adoptive applicant or adoptive parent.

Replaces: 5101:2-33-13
Effective: 10/01/2015
Five Year Review (FYR) Dates: 10/01/2020
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Date: 07/21/2015
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Rule Amplifies: 3107.01, 3107.031
Prior Effective Dates: 12/11/06, 3/1/10
FCASMTL 317

Effective Date: July 1, 2014

Most Current Prior Effective Date: October 1, 2009 (No Change)

(A) The public children services agency (PCSA) shall develop and implement written policy policies for receiving, reviewing and resolving both of the following:

1. Complaints concerning the provision of services from parents, custodians, legal guardians, foster caregivers, kinship caretakers, applicants or providers of approved adult-supervised living arrangements, and children.

2. Report disposition appeals by alleged perpetrators who disagree with the PCSA report disposition of a report of child abuse or neglect.

(B) The complaint review and report disposition appeal policy policies shall, at a minimum, identify all of the following information:

1. Operational procedures for conducting both complaint reviews and report disposition appeal hearings including the PCSA’s method of review and response to complaint reviews and report disposition appeals.

2. The office or individual(s) involved in conducting complaint reviews and report disposition appeal hearings.

3. Reasonable time frames for both of the following:
   (a) Allowing the parties identified in paragraph (A) (1) of this rule to request a complaint review or report disposition appeal.
   (b) The PCSA to conduct Conducting the review or hearing and issue issuing a finding.

4. The method by which the PCSA will provide and communicate the policy policies related to complaint reviews and report disposition appeals to individuals who are hearing or visually impaired or who have limited English proficiency.

(C) Upon request, the PCSA shall provide written copies of the PCSAs PCSA’s complaint review and report disposition appeal policy policies to an individual within three working days from the date of the request.

(D) The PCSA personnel involved in conducting complaint reviews cannot be involved in the case. The PCSA personnel conducting complaint reviews and hearings regarding report disposition appeals cannot be involved in the case, including the assessment/investigation of the incident or the approval of the report disposition.

(E) The PCSA personnel conducting complaint reviews shall document in the case record the complaint, the complaint review process and the findings of the complaint review.

(F) The PCSA personnel conducting hearings regarding report disposition appeals cannot be involved in the case, including the assessment/investigation of the incident or the approval of the report disposition.

(G) The PCSA shall grant the hearing personnel the authority to change the report disposition.

(H)(F) The PCSA hearing personnel shall facilitate the report disposition appeal hearing and consider the totality of the information including the assessment/investigation information contained in the case record which led to the report disposition as well as any information presented by the PCSA and the appellant.

(I)(G) The PCSA hearing personnel shall change the report disposition if any of the following circumstances occur:

1. The report disposition was made in error.
(2) The appellant did not engage in conduct constituting child abuse or neglect as defined in sections 2151.03 and 2151.031 of the Revised Code.

(3) The report disposition is not supported by the totality of the information presented by the appellant or the PCSA or contained in the case record.

(J)(H) The decision of the PCSA personnel conducting hearings regarding the report disposition appeals shall be final and the decisions are not subject to state hearing review under section 5101.35 of the Revised Code.

(K)(I) When an appeal of a PCSA report disposition of a report of child abuse or neglect is heard, the PCSA shall do all of the following:

(1) Document the report disposition appeal hearing process and findings in the case record.

(2) Update the statewide automated child welfare information system according to procedures contained in rule 5101:2-33-05 of the Administrative Code and notify the principals of the report in writing as to the revised report disposition if a report disposition appeal hearing results in the revision of the disposition.

(3) Maintain all documents submitted or reviewed during the report disposition appeal hearing in the case record.

Effective:

R.C. 119.032 review dates:
Certification
Date
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Statutory Authority: 5153.166
Rule Amplifies: 5153.16

Prior Effective Dates: 7/16/81, 1/17/83, 9/28/87, 3/17/94, 12/15/95 (Emer.), 3/31/97, 6/30/97 (Emer.), 9/29/97, 12/30/97, 5/1/01, 2/1/03, 3/1/06, 10/1/09
Each report and referral, assessment/investigation and provision of services related to reports of alleged child abuse, or neglect, dependency, or family in need of services (FINS) is confidential. Information contained in the statewide automated child welfare information system (SACWIS) is confidential pursuant to section 5101.131 of the Revised Code. This information and may be shared only when dissemination is authorized by this rule.

If any information is disseminated, the public children services agency (PCSA) shall notify the receiver of the information that all of the following apply:

1. The information is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed.
2. Unauthorized dissemination of the contents of the information is in violation of section 2151.421 of the Revised Code.
3. Anyone who permits or encourages unauthorized dissemination of the contents of the information violates section 2151.99 of the Revised Code and such a violation is a misdemeanor of the fourth degree.

The PCSA shall document in SACWIS that the dissemination of information occurred. Documentation shall include a summary of all of the following:

1. The specific information disseminated.
2. The date the information was disseminated.
3. The agency, organization, or individual to whom the information was disseminated.
4. The reason for the dissemination of information.
5. If required, written authorization to disseminate information pursuant to paragraphs (H) and (R) of this rule.

When any person commits, causes, permits, or encourages unauthorized dissemination of information, the PCSA shall give written notification of such unauthorized dissemination to the county prosecutor or city director of law and the Ohio department of job and family services (ODJFS). A copy of the written notification shall be maintained in the case record.

The PCSA shall not release the identities of the referent/reporter, and any person providing information during the course of an assessment/investigation shall remain confidential. The identities of these individuals shall not be released or affirmed by the PCSA to any party without the written consent of the individual(s) involved, except to those individuals outlined in paragraph (F) of this rule.

The PCSA shall release child welfare information to the following persons or entities:

1. ODJFS staff with supervisory responsibility in the administration of Ohio's child welfare program.
2. Law enforcement officials who are investigating a report of child abuse or neglect or that a person violated section 2921.14 of the Revised Code by knowingly making or causing another person to make a false report.
3. The county prosecutor who is investigating a report of child abuse or neglect or that a person violated section 2921.14 of the Revised Code by knowingly making or causing another person to make a false report.
4. Any PCSA or children services agency (CSA) assessing/investigating a child abuse or neglect report involving a principal of the case.
5. The court, for the purpose of the issuance of a subpoena to the referent/reporter.
The PCSA shall promptly disseminate all information determined to be relevant, except as specified in paragraph (E) of this rule, to any federal, state, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect including but not limited to:

(1) Law enforcement officials, as set forth in the child abuse and neglect memorandum of understanding, to investigate a PCSA report of child abuse or neglect, a report of a missing child, or a report that a person has violated section 2921.14 of the Revised Code, by knowingly making or causing another person to make a false report of child abuse or neglect.

(2) The county prosecutor, to provide legal advice or initiate legal action on behalf of an alleged child victim; and to prosecute any person who has violated section 2921.14 of the Revised Code, by knowingly making or causing another person to make a false report of child abuse or neglect.

(3) A guardian ad litem or court appointed special advocate.

(4) Any PCSA or CSA as defined in rule 5101:2-1-01 of the Administrative Code, which is currently assessing/investigating a report of child abuse or neglect involving a principal of the case or providing services to a principal of the case. In an emergency situation, the requested information may be released by telephone to a verified representative of a CSA. The PCSA releasing information will verify the identity, job title and authority/job duties of the CSA representative prior to releasing any information. All of the following information shall be released:

(a) The name and role of each principal of the case registered in any prior report.
(b) The date, allegation and disposition of each report or allegation.
(c) The name and telephone number of the county PCSA that conducted an assessment/investigation or provided services for each report.

(5) A coroner, to assist in the evaluation of a child's death due to alleged child abuse and/or neglect.

(6) Child abuse and neglect multidisciplinary team members, for consultation regarding investigative findings or the development and monitoring of a case plan.

(7) Public service providers working with a parent, guardian, custodian or caretaker or children of the family about whom the information is being provided, including but not limited to:

(a) Probation officers and caseworkers employed by the court, adult parole authority, rehabilitation and corrections, or the department of youth services.
(b) Employees of the local county boards of developmental disabilities and employees of the local county boards of alcohol drug addiction and mental health.

(8) A school administrator or designee when a PCSA intends to place a child in a foster home in a county other than the county in which the child resided at the time the child was removed from his home.

(9) The licensing and supervising authorities of a public or non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.

(10) The approving authority of a kinship care setting in which child abuse or neglect is alleged to have occurred.

(11) Administrators of public out-of-home care settings in which child abuse or neglect is alleged to have occurred including but not limited to:

(a) Psychiatric hospitals managed by the Ohio department of mental health.
(b) Institutions managed by county courts for unruly or delinquent children.
(c) Institutions managed by the Ohio department of youth services.
Institutions or programs managed by the Ohio department of developmental disabilities or local boards of developmental disabilities.

Child abuse citizen review boards upon request.

A child fatality review board recognized by the Ohio department of health, upon request except when a county prosecutor intends to prosecute or a judge prohibits release according to procedures contained in sections 5153.171, 5153.172 and 5153.173 of the Revised Code.

A grand jury or court, as ordered.

A children’s advocacy center, as set forth in the PCSA child abuse and neglect memorandum of understanding, to comply with the protocols and procedures for receiving referrals and conducting investigations, to coordinate activities, and to provide services for reports alleging sexual abuse or other types of abuse.

A CDJFS, for child care licensure pursuant to section 5153.175 of the Revised Code and for joint planning and sharing of information pursuant to rule 5101:2-33-28 of the Administrative Code.

Except as specified in paragraph (E) of this rule or if disclosure would jeopardize a criminal investigation or proceeding, the PCSA shall promptly disseminate all information it determines to be relevant to an individual or agency, with written authorization from the PCSA director, when it is believed to be in the best interest of any of the following:

1. An alleged child victim, a child subject of the report, the family, or the caretaker.
2. Any child residing within, or participating in an activity conducted by an out-of-home care setting when necessary to protect children in that setting.
3. A child who is an alleged perpetrator.

Upon receiving a request for disclosure to the public regarding the findings or information about a case of child abuse or neglect which has resulted in either a child fatality or a near fatality that, as certified by a physician, placed the child in serious or critical condition, the PCSA shall prohibit disclosure of such information if it is determined by the PCSA that any of the following would occur:

1. Harm to the child or the child’s family.
2. Jeopardize a criminal investigation or proceeding.
3. Interfere with the protection of those who report child abuse or neglect.

If the PCSA has determined to disclose to the public information pursuant to paragraph (I) of this rule, the PCSA shall provide all of the following:

1. The cause of and circumstances regarding the fatality or near fatality.
2. The age and gender of the child.
3. Information describing and the findings of any previous reports of child abuse or neglect assessment/investigations that are pertinent to the child abuse or neglect that led to the fatality or near fatality.
4. Any services provided by the PCSA on behalf of the child that are pertinent to the child abuse or neglect that led to the fatality or near fatality.
5. Any actions, including but not limited to court filings, removals or implementation of safety plans on behalf of the child that are pertinent to the child abuse or neglect that led to the fatality or near fatality.

Upon request, the PCSA shall promptly disseminate to a mandated reporter, who makes a report of child abuse or neglect, information pursuant to section 2151.421 of the Revised Code.

1. Whether the PCSA has initiated an investigation.
2. Whether the PCSA is continuing to investigate.
(3) Whether the PCSA is otherwise involved with the child who is the subject of the report.
(4) The general status of the health and safety of the child who is the subject of the report.
(5) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(L) The PCSA shall promptly disseminate all information it determines to be relevant to the principals of the case, in accordance with Chapter 5101:2-36 of the Administrative Code, to inform them of the following:

(1) Each allegation contained in the report.
(2) All report dispositions resulting from the assessment/investigation.
(3) All case decisions resulting from the alternative response assessment.

(M) The PCSA shall promptly disseminate all information determined to be relevant, except as specified in paragraph (E) of this rule, to all of the following persons or entities:

(1) The non-custodial parent of the alleged child victim or child subject of the report, and children being provided services by the PCSA when the PCSA believes such sharing would be in the best interest of the child.
(2) A physician, for the diagnostic assessment of a child where there is reason to believe the child may be a victim of abuse or neglect.
(3) A private service provider, for diagnostic evaluations of and service provision to the alleged child victim or child subject of the report and his family.
(4) The administrator of a non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.
(5) A foster, relative and non-relative caregiver, as required by rule 5101:2-42-90 of the Administrative Code.
(6) The superintendent of public instruction, pursuant to section 5153.176 of the Revised Code, when the report involves a person who holds a license issued by the state board of education where the agency has determined that child abuse or neglect occurred and that abuse or neglect is related to the person’s duties and responsibilities under the license.

(N) The PCSA shall utilize information outlined in paragraph (O) of this rule obtained from the alleged perpetrator search within SACWIS for the purpose of a background check for any of the following:

(1) Foster care licensure, pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.
(2) An adoption homestudy, pursuant to Chapter 5101:2-48 of the Administrative Code.
(3) A relative or non-relative caregiver approval for placement, pursuant to rule 5101:2-42-18 of the Administrative Code.

(O) The PCSA shall consider reports that meet the following criteria when the information is being used for a background check in accordance with paragraphs (N) and (G) (16) of this rule:

(1) Substantiated reports where the subject of the search was the alleged perpetrator.
(2) Indicated reports where the subject of the search was the alleged perpetrator.

(P) If releasing information pursuant to paragraphs (N) and (G) (16) of this rule, the PCSA shall not release any information pertaining to an unsubstantiated report or an alternative response report.

(Q) The PCSA shall refer any individual who inquires whether his or her name has been placed or remains within SACWIS as the subject of a report of alleged child abuse and/or neglect to ODJFS. An individual may submit a written request to ODJFS. The written request must contain the original signature of the individual who is the subject of the inquiry and the following:

(1) The individual's full name, including maiden and any other names utilized; address; date of birth and social security number.
(2) A copy of two of the following forms of identification, with at least one containing the individual's social security number:
   (a) Social security card.
   (b) Driver license.
   (c) State identification card.
   (d) Birth certificate.
   (e) Passport or travel visa.

(3) In lieu of the two copies of the forms of identification required in paragraph (Q)(2) of this rule, an individual may submit a notarized request containing the individual's name, address, date of birth and social security number.

(R) At his or her sole discretion, a PCSA director may disseminate information to a researcher in the area of child welfare, if the information is determined to be relevant to the researcher, and the results of the research will be beneficial to the county PCSA in administering child welfare programs/services. Authorization of the dissemination shall be documented. No direct access to SACWIS or any other state of Ohio database shall be requested by or on behalf of, nor approved for or granted to, any researcher pursuant to rule 5101:2-33-70 of the Administrative Code. The PCSA shall disclose only the minimum information needed by the researcher to perform the study, and, prior to disseminating information to any researcher, the PCSA shall require the researcher to sign an agreement which addresses all of the following:

(1) The researcher shall not disseminate confidential information containing names or data by which any individual or out-of-home care setting could be identified or deductively inferred.

(2) The PCSA shall review the research prior to its dissemination or publication to ensure that the research is void of names or data by which any individual or out-of-home care setting could be identified or deductively inferred.

(3) The researcher shall accept liability for unauthorized dissemination of information.

(B) The identities of the referent/reporter and any person providing information during the course of a child abuse or neglect assessment/investigation shall remain confidential. The identities of these individuals shall not be released or affirmed by the public children services agency (PCSA) to any party except for those listed in paragraphs (B)(1) to (B)(4) of this rule, without the written consent of the individuals involved. The PCSA shall inform the referent/reporter and any person providing information that a subpoena for judicial testimony may be issued if court intervention is deemed necessary. The PCSA shall release the identity of the referent/reporter and/or persons providing information only to the following persons or entities:

(1) Ohio department of job and family services (ODJFS) staff with supervisory responsibility for child protective services.

(2) Law enforcement officials who are investigating a report of child abuse or neglect or a report that a person violated section 2921.14 of the Revised Code, by knowingly making or causing another person to make a false report.

(3) The county prosecutor who is investigating a report of child abuse or neglect or a report that a person violated section 2921.14 of the Revised Code by knowingly making or causing another person to make a false report.

(4) Any PCSA or children services agency (CSA) assessing/investigating a child abuse or neglect report involving a principal of the case.

(C) The PCSA shall promptly disseminate any information requested by:

(1) ODJFS staff with supervisory responsibility for child protective services and/or children services licensing.
ODJFS staff responsible for responding to complaints received by ODJFS that involve the PCSA.

The PCSA shall promptly disseminate all information it determines to be relevant to the following:

(1) Any federal, state, or local governmental entity, or any agent of such entity, with a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect including but not limited to:

(a) Law enforcement officials, as set forth in the child abuse and neglect memorandum of understanding, to investigate a PCSA report of child abuse or neglect, a report of a missing child, or a report that a person has violated section 2921.14 of the Revised Code, by knowingly making or causing another person to make a false report of child abuse or neglect.

(b) The county prosecutor, to provide legal advice or initiate legal action on behalf of an alleged child victim; and to prosecute any person who has violated section 2921.14 of the Revised Code, by knowingly making or causing another person to make a false report of child abuse or neglect.

(c) A guardian ad litem or court appointed special advocate.

(d) Any PCSA or CSA which is currently assessing/investigating a report of child abuse or neglect involving a principal of the case or providing services to a principal of the case.

(e) A coroner, to assist in the evaluation of a child's death due to alleged child abuse and/or neglect.

(f) Child abuse and neglect multidisciplinary team members, for consultation regarding investigative findings or the development and monitoring of a case plan.

(g) Public service providers working with caretakers or children of the family about whom the information is being provided, including but not limited to:

(i) Probation officers and caseworkers employed with the court, adult parole authority, rehabilitation and corrections, or the department of youth services.

(ii) Employees of the local county boards of developmental disabilities and employees of the local county boards of alcohol drug addiction and mental health.

(h) A school administrator or designee when a PCSA intends to place a child in a foster home in a county other than the county in which the child resided at the time the child was removed from the home.

(i) The licensing and supervising authorities of a public or non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.

(j) Administrators of public out-of-home care settings in which child abuse or neglect is alleged to have occurred including but not limited to:

(i) Psychiatric hospitals managed by the Ohio department of mental health.

(ii) Institutions managed by county courts for unruly or delinquent children.

(iii) Institutions managed by the Ohio department of youth services.

(iv) Institutions or programs managed by the Ohio department of developmental disabilities or local boards of developmental disabilities.

(k) Child abuse citizen review boards and community evaluation teams recognized by ODJFS, upon request.

(l) A child fatality review board recognized by the Ohio department of health, upon request except when a county prosecutor intends to prosecute or a judge prohibits release according to procedures contained in sections 5153.171, 5153.172 and 5153.173 of the Revised Code.
(m) A grand jury or court, as ordered.
(n) A children's advocacy center, as set forth in the PCSA child abuse and neglect memorandum of understanding, to comply with the protocols and procedures for receiving referrals and conducting investigations, to coordinate activities, and to provide services for reports alleging sexual abuse or other types of abuse.
(o) The superintendent of public instruction, pursuant to section 5153.176 of the Revised Code, involving a person who holds a license issued by the state board of education where the agency has determined that child abuse or neglect occurred and that abuse or neglect is related to the person's duties and responsibilities under the license.
(p) A county department of job and family services (CDJFS) or ODJFS, pursuant to section 5153.175 of the Revised Code, for the purpose of evaluating the fitness of a person who has applied for licensure or renewal of licensure as a type A family day-care home or certification or renewal of certification as a type B family day-care home.
(q) A CDJFS pursuant to rule 5101:2-33-28 of the Administrative Code.

(2) An individual or agency, with written authorization from the PCSA director, when it is believed to be in the best interest of any of the following:
(a) An alleged child victim, the family, or the caretaker.
(b) Any child residing within, or participating in an activity conducted by an out-of-home care setting when necessary to protect children in that setting.
(c) A child who is an alleged perpetrator.

(3) The public, with written authorization from the PCSA director, for the purposes of disclosing the findings or information about the case of child abuse or neglect which has resulted in either of the following:
(a) A child fatality.
(b) A near fatality that, as certified by a physician, places the child in serious or critical condition.

(4) A mandated reporter, who makes a report of child abuse or neglect, pursuant to section 2151.421 of the Revised Code. Upon request, the reporter shall be informed of all of the following:
(a) Whether the PCSA has initiated an investigation.
(b) Whether the PCSA is continuing to investigate.
(c) Whether the PCSA is otherwise involved with the child who is the subject of the report.
(d) The general status of the health and safety of the child who is the subject of the report.
(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(5) Principals of the case, in accordance with rule 5101:2-36-03 of the Administrative Code, to inform them of the following:
(a) Each allegation contained in the report.
(b) The report disposition of the assessment/investigation.

(6) The non-custodial parent of the alleged child victim, when the PCSA believes such sharing would be in the best interest of the child.

(7) A physician, for the diagnostic assessment of a child where there is reason to believe the child may be a victim of abuse or neglect.

(8) Private service providers, for diagnostic evaluations of and service provision to the alleged child victim and the family or the caretaker.
(9) The administrator of a non-public out-of-home care setting in which child abuse or neglect is alleged to have occurred.

(10) A foster caregiver, as required by rule 5101:2-42-90 of the Administrative Code.

(11) A researcher in the area of child welfare. Prior to disseminating information to any researcher, the PCSA shall require the researcher to sign an agreement which addresses all of the following:

(a) The researcher shall not disseminate confidential information containing names or data by which any individual or out-of-home care setting could be identified or deductively disclosed.

(b) The PCSA shall review the research prior to its dissemination or publication to ensure that the research is void of names or data by which any individual or out-of-home care setting could be identified or deductively disclosed.

(c) The researcher shall accept liability for unauthorized dissemination of information.

(E) If any information is disseminated, the PCSA shall notify the receiver of the information that all of the following apply:

(1) The information is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code by the agency to whom the information was disclosed. The agency receiving the information shall maintain the confidentiality of information disclosed pursuant to this paragraph.

(2) Unauthorized dissemination of the contents of the information is in violation of section 2151.421 of the Revised Code.

(3) Anyone who permits or encourages unauthorized dissemination of the contents of the information is in violation of section 2151.99 of the Revised Code and such a violation is a misdemeanor of the fourth degree.

(F) The PCSA shall document in the case record that the dissemination of information occurred. Documentation shall include a summary of all of the following:

(1) The specific information disseminated.

(2) The date the information was disseminated.

(3) The agency, organization, or individual to whom the information was disseminated.

(4) The reason for the dissemination of information.

(5) If required, written authorization to disseminate information pursuant to paragraphs (D) and (E) of this rule.

(G) When any person commits, causes, permits, or encourages unauthorized dissemination of information, the PCSA shall give written notification of such unauthorized dissemination to the county prosecutor or city director of law. A copy of the written notification shall be maintained in the case record.

Replaces: 5101:2-33-22, 5101:2-33-24

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 2151.421, 5101.134

Rule Amplifies: 2151.421, 2151.423, 5101.13, 5101.132, 5101.133
Prior Effective Dates: 11/22/81, 10/1/82, 1/1/87, 1/1/88, 1/1/90, 9/1/94, 6/30/97 (Emer.), 9/28/97, 10/1/97 (Emer.), 12/30/97, 4/1/01, 3/1/06, 1/1/07, 11/1/11
A. The public children services agency (PCSA) shall record case information in the statewide automated child welfare information system (SACWIS). Case information that cannot be recorded in SACWIS shall be maintained as hard copy files, electronic files or as a combination of both. Prepare, maintain, and permanently keep records for all of the following intake categories which the PCSA has received and/or conducted an assessment/investigation:

1. Child abuse and/or neglect reports.
2. Dependency reports.
3. Family in need of services reports.
4. Information and/or referral intakes.

B. All case records prepared, maintained, and permanently kept by the PCSA are confidential. Access to PCSA case records and the release of PCSA case record information shall be conducted pursuant to and in accordance with the requirements outlined in rule 5101:2-33-21 of the Administrative Code. The PCSA shall prepare, maintain and permanently keep records on all cases for which the PCSA provided services beyond assessment/investigation including:

1. Voluntary supportive services cases.
2. Court ordered protective supervision cases.
3. Substitute care cases.
4. Adoption cases.

C. The PCSA shall prepare, maintain, and permanently keep records for all referrals, related screening decisions, and information received by the agency pursuant to rule 5101:2-36-01 of the Administrative Code. All case records prepared, maintained, and permanently kept by the PCSA pursuant to paragraphs (A) and (B) of this rule are confidential. Access to PCSA case records and the release of PCSA case record information shall be conducted pursuant to and in accordance with the requirements outlined in rule 5101:2-33-21 of the Administrative Code.

D. The PCSA shall prepare, maintain, and permanently keep records for all of the following intake categories which the PCSA has received and/or conducted an assessment/investigation and required activities pursuant to Chapters 5101:2-36 and 5101:2-37 of the Administrative Code:

1. Child abuse and/or neglect reports.
2. Dependency reports.
3. Family in need of services reports.
4. Information and/or referral intakes.

E. The PCSA shall prepare, maintain and permanently keep records on all cases for which the PCSA provided services including:

1. Voluntary supportive services cases pursuant to Chapters 5101:2-37, 5101:2-38, and 5101:2-40 of the Administrative Code.
2. Court ordered protective supervision cases pursuant to Chapters 5101:2-37, 5101:2-38, and 5101:2-40 of the Administrative Code.

Each case record prepared, maintained and permanently kept in accordance with paragraphs (A) and (B) of this rule shall contain, but not be limited to, the following information, as applicable:

1. Referral information received by the PCSA alleging child abuse, neglect, or dependency that is not determined to be a report pursuant to rule 5101:2-36-01 of the Administrative Code.

2. Referral information received by the PCSA that is categorized and screened as an information and/or referral intake pursuant to rule 5101:2-36-01 of the Administrative Code.

3. Documentation that the PCSA has attempted to locate the correct address of the principals of the report, if necessary, and make required face-to-face contacts with the principals of the report as required in rule 5101:2-36-01 of the Administrative Code.


5. Documentation of the PCSA’s request and the corresponding rationale for requesting assistance from law enforcement during the course of the PCSA’s assessment/investigation of a family, if applicable.

6. Documentation of any involvement the PCSA had with law enforcement regarding missing children, death of a child, third-party investigative procedures, or any other assistance the PCSA requested from law enforcement as stipulated in the county child abuse and neglect memorandum of understanding.


8. Copies of all JFS 01401 and 01400 tools used in assessing family in need of services reports, if applicable.


10. Case notes and dictation concerning the activities and statements of persons involved in the case, describing the activity or statement, naming the persons involved, and stating the date of the occurrence. Case notes or dictation shall be prepared at or near the time of the occurrence being recorded and shall be prepared by or under the supervision of the staff member with the most direct knowledge of the occurrence. Opinions of PCSA staff and others included in case notes or dictation shall be identified as such.

11. Documentation of verbal, written, or electronic referrals made by the PCSA on behalf of children and families being served by the PCSA, to community service providers, including other public agencies, and private agencies, as applicable.

12. Documentation of the services provided directly by PCSA staff to children and families, including the dates of service.

13. Reports from service providers, including but not limited to medical, educational, psychological, diagnostic, and treatment.

14. Documentation of verbal, written, or electronic referrals and provision of services by the PCSA, county department of job and family services (CDJFS), other public and private agencies and community service providers on behalf of children and families being served by the PCSA, including any oral and/or written reports and the dates when services were delivered.

15. Correspondence pertaining to the child and his family or caretaker.

16. Written consent of the referent/reporter or any collateral source to release or affirm their identity.
Copies of written notification to the prosecuting attorney when a mandated referent/reporter fails to make a report of child abuse or neglect, if applicable.

Documentation and/or copies of all required assessment/investigation notifications and referrals.

Copies of protective service alerts, interstate protective service referrals, and intrastate protective service referrals.

Documentation of any assessment/investigation information provided to:
   (a) A local or regional child fatality review board.
   (b) A child advocacy center.
   (c) A community evaluation team.
   (d) A citizen review board.

Documentation of all activities performed by the PCSA upon receipt of a report and assessment/investigation alleging a disabled infant with life-threatening conditions is a neglected child as defined in section 2151.03 of the Revised Code due to the withholding of appropriate nutrition, hydration, medication, or medically indicated treatment, if applicable.

Required notations and copies of any forms for any release of information including written permission from the director or his designee, when information is released as set forth in rule 5101:2-33-21 of the Administrative Code.

A copy of all complaints, motions, petitions, pleadings, and other documents submitted to the juvenile court by the PCSA or any other party.

A copy of all court orders, findings, written determinations, and journalized entries from the juvenile court.

Copies of supplemental plans, as applicable.

A copy of any written materials presented during the semiannual administrative review(s).

Transfer summaries prepared by the PCSA.

Copies of applications for financial or social service support programs including, but not limited to Ohio works first (OWF), prevention, retention and contingency program, Title IV-B, Title IV-E, Title XX, medical assistance, supplemental security income, or children with medical handicaps program, and documentation supporting eligibility determinations made.

A copy of the child’s social security card or application for same.

A copy of the child’s birth certificate.

Each case record prepared, maintained and permanently kept in accordance with paragraph (B) of this rule shall contain, but not be limited to the following information, as applicable:

The information outlined in paragraph (D) of this rule.

The JFS 01647 “Face Sheet” (rev. 2/2006).

Reason and date for case opening.

Copies of the JFS 01410 "Comprehensive Assessment and Planning Model - I.S., Case Plan" (rev. 7/2006), and any amendments and attachments to the JFS 01410. Case notes and dictation referred to in paragraph (D) (10) of this rule shall include, but not be limited to, an ongoing description of the specific steps taken to implement the JFS 01410 and of the progress or lack of progress of the parties toward accomplishing the goals of the JFS 01410.

Copies of supplemental plans, as applicable.


A copy of any written materials presented during the semiannual administrative review(s).

Transfer summaries prepared by the PCSA.

The rationale supporting the decision for removal of a child from his or her home.

In cases where a child was removed from his or her family as a result of exigent circumstances the case record shall contain documentation of the following:

(a) Reasonable efforts made by the PCSA to prevent the removal of the child from the child's home.

(b) Attempts to provide the parent, guardian, or custodian with notification of the child's emergency removal.

(c) Attempts to provide the parent, guardian, or custodian with notification regarding the removal and any court hearings regarding their child.

If a child came into care as a result of a court order, a copy of the court order certifying:

(a) Whether or not the PCSA made reasonable efforts to prevent the placement or reasonable efforts were not possible due to the emergency nature of the child's removal; to eliminate the continued removal of the child from the child's home, safely reunify the child with the family; or that reasonable efforts to prevent the placement or reunify the child with the family were not required pursuant to rule 5101:2-39-01 of the Administrative Code.

(b) Continuation of the child in the home would be contrary to the welfare of the child or placement outside the home is in the best interest of the child.

(c) The child's placement is in the most family-like and least-restrictive setting available and in close proximity to the parent's home, consistent with the best interest and special needs of the child.

All copies of JFS 01645 "Agreement For Temporary Custody of Child" (rev. 4/2006), as applicable.

Documentation for all children in foster care that the PCSA verified their citizenship or immigration status, as applicable. This verification requirement applies to all children placed in foster care regardless of whether or not Title IV-E foster care maintenance payments are made on their behalf.

Copies of applications for financial or social service support programs including, but not limited to Ohio works first (OWF), prevention, retention and contingency program, Title IV-B, Title IV-E, Title XX, medical assistance, supplemental security income, or children with medical handicaps program, and documentation supporting eligibility determinations made.

A copy of the child's social security card or application for same.

A copy of the child's birth certificate.

Documentation of the rationale for the selection of a particular substitute caregiver for children needing substitute care services.

Documentation of the provision of information to the potential caregiver regarding the child for whom care is sought in accordance with rule 5101:2-42-90 of the Administrative Code.

A copy of the JFS 01700 "Individual Child Care Agreement" (rev. 12/2006) as executed between the PCSA and the substitute caregiver.
(21) A roster indicating the dates and location of each placement for the child, including returns to the family's home, and copies of any reports, correspondence, or information concerning interstate placements.

(22) Documentation of services provided to the child in preparation for his removal from substitute care, including a copy of the JFS 01404 "Comprehensive Assessment and Planning Model—U.S. Reunification Assessment" (rev. 2/2006) prepared in accordance with rule 5101:2-38-09 of the Administrative Code.

(23) Notes or other documentation evidencing written or oral notice to a caregiver, including any agreement by the caregiver to less than five days advance notice of removal.

(24) Documentation of lifebook activities as required by rule 5101:2-42-67 of the Administrative Code.

(25) Documentation of any application and assessment of a relative or nonrelative home placement setting as required by rule 5101:2-42-18 of the Administrative Code.

(26) A color photograph of the child who is in the temporary or permanent custody of the agency. The photograph shall be updated on an annual basis.

(27) A copy of the OWF self-sufficiency contract if a PCSA family is receiving assistance and services from the CDJFS.

(a) The PCSA shall request a copy of the OWF self-sufficiency contract from the CDJFS.

(b) The PCSA shall indicate in the case record the date the request was made to the CDJFS.

(F)(G) The PCSA shall maintain case records that cannot be maintained in SACWIS in a consistent and organized manner such that required information set forth in this rule can be readily located. If the PCSA maintains any required information set forth in this rule in a location other than the case record, it shall be stated in the PCSA policy or noted in the case record where the information can be found.

(G) The PCSA shall, to the extent possible, record case information in the statewide automated child welfare information system (SACWIS). Case information that cannot be recorded in SACWIS shall be maintained as hard copy files, electronic files or as a combination of both.

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 2151.421, 5103.03, 5153.166, 5153.17

Rule Amplifies: 2151.421, 5103.03, 5153.16, 5153.17

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The county child abuse and neglect memorandum of understanding, hereinafter referred to as the memorandum, is a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities pursuant to division (J)(2) of section 2151.421 of the Revised Code when conducting a child abuse or neglect assessment/investigation. The purpose of the memorandum is to delineate clearly the role and responsibilities of each official or agency in assessing or investigating child abuse or neglect in the county. The respective duties and requirements of all involved shall be addressed in the memorandum.

Each public children services agency (PCSA) shall prepare a memorandum that is signed by all of the following parties:

1. The juvenile judge of the county or the juvenile judge's representative; or if there is more than one juvenile judge in the county, a juvenile judge or the juvenile judge's representative selected by the juvenile judges or, if they are unable to do so for any reason, the juvenile judge who is senior in point of service or the senior juvenile judge's representative.
2. The county peace officer.
3. All chief municipal peace officers within the county.
4. Other law enforcement officers who handle child abuse and neglect cases in the county.
5. The prosecuting attorney of the county.
6. If the PCSA is not the county department of job and family services (CDJFS), the CDJFS.
7. The county humane society.
8. If the PCSA participated in the execution of a memorandum under section 2151.426 of the Revised Code establishing a children's advocacy center, each participating member of the children's advocacy center.

If any individual serving as the official identified in paragraph (B) of this rule changes, an amendment of the memorandum is required, including the signature of all the required parties.

The memorandum shall include all of the following:

1. A statement that failure to follow procedures set forth in the memorandum by the concerned officials is not grounds for, and shall not result in the dismissal of any charges or complaints arising from any reported case of abuse or neglect or the suppression of any evidence obtained as a result of any reported child abuse or neglect and does not give, and shall not be construed as giving, any rights or grounds for appeal or post-conviction relief to any person.

2. The PCSA's system for receiving reports of child abuse and neglect twenty-four hours per day, seven days per week. If the PCSA contracts with an outside source to receive after-hour calls, a copy of a signed agreement shall be attached to the memorandum which indicates that all reports with identifying and demographic information of the reporter and principals of the report will be forwarded to a designated PCSA worker within an hour of receipt and that confidentiality requirements will be met. In addition, when the PCSA contracts with an outside source, the PCSA shall include in the memorandum its system for informing the general public of the after-hours phone number, as applicable.

3. The roles and responsibilities of all concerned officials for responding to emergency and non-emergency reports of child abuse and neglect.
A system for consultation among subscribers as it is deemed necessary to protect children. The county’s system for consultation shall include at a minimum the PCSA’s protocol for consulting with law enforcement, the prosecuting attorney’s office, the juvenile judge, and if applicable, the children’s advocacy center established pursuant to section 2151.426 of the Revised Code, for any cases which may require their intervention or assistance.

Standards and procedures for handling and coordinating joint investigations of reported cases of child abuse and neglect including sharing of investigative reports and procedures specific to cases which:

(a) Involve out-of-home care child abuse or neglect.

(b) Require third party investigative procedures and the assistance of law enforcement including addressing instances where law enforcement declines to assist the PCSA.

(c) Require law enforcement to respond immediately.

(d) Involve a child death in which abuse or neglect is suspected as the cause of death.

(e) Involve alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions.

(f) Involve the death of a child who is in the custody of the PCSA in accordance with rule 5101:2-42-89 of the Administrative Code.

(g) Involve alleged child abuse and/or neglect constituting a crime against a child, including human trafficking, and require a joint assessment/investigation with law enforcement. The procedures shall include a statement of assurance as to how the PCSA will ensure child safety and not compromise the child protective assessment/investigation while concurrently assisting law enforcement with the criminal investigation.

A statement addressing the PCSA’s policy for requesting the assistance of law enforcement, which may include, but is not limited to:

(a) The PCSA has reason to believe the child is in immediate danger of serious harm.

(b) The PCSA has reason to believe the worker is, or will be in danger of harm.

(c) The PCSA has reason to believe that a crime is being committed, or has been committed against a child.

(d) An exigent circumstance exists.

(e) The PCSA worker must conduct a home visit after regular PCSA business hours and a law enforcement escort is requested as a standard operating procedure.

(f) The PCSA is removing a child from his or her family via an order of the court and the assistance of law enforcement is needed as the PCSA has reason to believe the family will challenge the removal.

(g) The PCSA must conduct an assessment/investigation at a known drug house and a law enforcement escort is needed.

(h) The PCSA is working with a client who has a propensity toward violence and the assistance of law enforcement is needed to ensure the safety of all involved.

(i) The PCSA is working with a family that has historically threatened to do harm to PCSA staff.

A statement regarding the processes and procedures to attempt to ensure the assistance of law enforcement is obtained timely in cases where child abuse or neglect is alleged in order to ensure child safety and conduct investigative activities within the maximum forty-five sixty day time frame afforded PCSAs to complete abuse/neglect assessment/investigations pursuant to Chapter 5101:2-36 of the Administrative Code.
Methods to be used in interviewing the child who is the subject of the report.

Standards and procedures addressing the categories of persons who may interview the child who is the subject of the report.

A system for the elimination of all unnecessary interviews of a child who is the subject of the report.

A system for receiving and responding to reports involving:

(a) Individuals who aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court.
   (i) Becoming a dependent or neglected child.
   (ii) Becoming an unruly or delinquent child.
   (iii) Leaving the custody of any person, department, or public or private institution without the legal consent of that person, department, or institution.

(b) Missing children.

Standards and procedures for removing and placing children on an emergency and non-emergency basis.

The PCSA's system for notifying the county prosecuting attorney or city director of law when any mandated reporter of child abuse or neglect fails to report suspected or known child abuse or neglect.

The PCSA's system for notifying the county prosecuting attorney or city director of law when there is unauthorized dissemination of confidential PCSA information.

The PCSA's procedures to respond to cases regarding the alleged withholding of medically indicated treatment from a disabled infant with life threatening conditions including:

(a) Gathering and maintaining current information regarding the name, address, and telephone number of each appropriate health care facility within its jurisdiction.

(b) Identifying and maintaining current data regarding the name, title, and telephone number of each facility's contact person for allegations involving alleged withholding of medically indicated treatment from disabled infants with life-threatening conditions, hereinafter referred to as alleged withholding.

(c) Identifying and maintaining the name and chairperson of the appropriate health care facility's review committee, if such a committee exists.

(d) Internal PCSA procedures for intervening in cases involving alleged withholding.

In accordance with rule 5101:2-5-13.1 of the Administrative Code, the memorandum may address how the PCSA would continue to maintain operations including, but not limited to, receiving and investigating child abuse and/or neglect reports in the event of a disaster.

All PCSAs shall submit a written copy of the memorandum to the appropriate Ohio department of job and family services (ODJFS) field office.

1. The PCSA shall submit a written copy of any amendment to the memorandum to the appropriate ODJFS field office within ninety days of amendment.

2. If amendment to the memorandum is necessary because of revisions to this rule, the PCSA shall submit a written copy of the revised memorandum to the ODJFS field office within ninety days of the effective date of this rule. The revised memorandum shall be signed by all parties to the memorandum.

Effective:

R.C. 119.032 review dates:

Certification
5101:2-33-28  Joint planning and sharing of information among the PCSA and CDJFS

FCASMTL 317

Effective Date: July 1, 2014

Most Current Prior Effective Date: November 1, 2011

(A) Upon receipt of a request from the county department of job and family services (CDJFS), the public children services agency (PCSA) shall engage in joint planning and sharing of information with the CDJFS in order to:

(1) Assess, plan and provide coordinated services to children, families and adults receiving services from the PCSA and the CDJFS.

(2) Assist the CDJFS in establishing best interests statements for minor parents who apply for or participate in Ohio works first (OWF) pursuant to section 5107.24 of the Revised Code.

(3) Assist OWF families receiving services from the PCSA to implement provisions of their family assessment/appraisal and self-sufficiency contract.

(B) If the PCSA plans or shares information with the CDJFS in accordance with paragraph (A)(3) of this rule, the PCSA shall request a copy of the OWF self-sufficiency contract from the CDJFS. The PCSA shall indicate in the case record the date the request was made.

(B)(C) The PCSA shall share information about PCSA services provided to children and families, including minor parents, who also receive assistance or services from the CDJFS. When sharing information with the CDJFS, the following information may be provided without consent of the family receiving services:

(1) Whether or not an assessment/investigation of child abuse or neglect has been initiated.

(2) Services provided as a result of a PCSA assessment/investigation of child abuse or neglect.

(3) General status of the health and safety of the child who is the subject of a report of child abuse or neglect.

(4) Whether or not a report of child abuse or neglect results in the filing of a complaint in juvenile court or criminal charges in another court.

(5) Whether or not an agreed upon or court ordered case plan is completed pursuant to section 2151.412 of the Revised Code. When a PCSA wants to include the JFS 01410 "Comprehensive Assessment and Planning Model - I.S., Case Plan" (rev. 2/2006) as part of the OWF self-sufficiency contract, the PCSA shall follow procedures outlined in the OWF county plan of cooperation.

(C)(D) When information is shared regarding assessments/investigations of child abuse and neglect reports, the PCSA shall:

(1) Not disclose the identity of the referent/reporter or any person providing information during the course of a child abuse or neglect assessment/investigation pursuant to rule 5101:2-33-21 of the Administrative Code.

(2) Inform the CDJFS in writing that all information regarding the child abuse or neglect assessment/investigation shall not be kept in the agency's case record but in a separate file the agency shall maintain.

(D)(E) The PCSA shall notify the CDJFS when a child is removed from an OWF assistance group pursuant to rule 5101:2-39-01 of the Administrative Code and division (E)(1) of section 5107.10 of the Revised Code and procedures set forth in the OWF county plan of cooperation.

(E)(F) When a PCSA identifies an OWF family in need of prevention, retention, and contingency (PRC) services; the PCSA shall follow procedures outlined in the OWF county plan of cooperation.
Upon receipt of a request from the PCSA, the CDJFS shall assist the PCSA in obtaining case or assistance group information regarding a family's current participation in OWF or former participation in aid to families with dependent children (ADC) when the PCSA:

1. Assesses Title IV-E eligibility for foster care maintenance or adoption assistance.
2. Assesses/investigates a child abuse or neglect report.

Effective:

R.C. 119.032 review dates:

Certification
Date
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Prior Effective Dates: 6/30/97 (Emer.), 9/28/97, 10/1/97 (Emer.), 12/30/97, 2/1/03, 3/1/06, 11/1/11
(A) All Title IV-E agencies shall verify United States (U.S.) citizenship and immigration status for all children in foster care regardless of whether Title IV-E foster care maintenance (FCM) payments are made on their behalf.

(B) Documents that verify citizenship are:

2. A U.S. passport, unless it is authorized with a limitation; limited passports are issued through the department of homeland security (DHS).
3. A certification of birth issued by the department of state (form DS-1350).
5. A certificate of birth abroad (FS-545).
7. A certificate of naturalization (N-550 or N-570).
8. A certificate of U.S. citizenship (N-560 or N-561) for children who derived their citizenship through a parent.
9. An extract from a hospital record on hospital letterhead established at the time of the individual's birth that was created at least five years before the initial date of custody, and indicates a U.S. place of birth. For a child under sixteen, the document must have been created near the time of birth.
10. A life insurance, health insurance, or other insurance record showing a U.S. place of birth and created at least five years before the initial date of custody. For children under sixteen, the document must have been created near the time of birth.
11. A statement provided from a U.S. consular officer certifying that the individual is a U.S. citizen.
12. An American Indian card (I-872) issued by the department of homeland security (DHS) with the classification code "KIC" and a statement on the back identifying U.S. citizenship of members of the Texas band of Kickapoos living near the United States/Mexican border.
13. A state match with the state data exchange (SDX) for supplemental security income (SSI).
14. Birth information obtained by the Title IV-E agency through Ohio department of job and family services (ODJFS)-authorized data exchanges or data sharing agreements.
15. A federal or state census record showing U.S. citizenship or a U.S. place of birth, including an individual's age.
16. Native American tribal documents, including but not limited to:
   (a) A Seneca Indian tribal census record.
   (b) The bureau of Indian affairs tribal census records of the Navajo Indians.
   (c) A certificate of Indian blood.
   (d) U.S. American tribal documents.
   (e) Other native American tribal documents.
17. Affidavits may be used only in rare circumstances when the agency is unable to secure evidence of citizenship from another listing. Affidavits are signed under penalty or perjury, but
need not be notarized. If the documentation requirement needs to be met through affidavits, the following rules apply:

(a) There shall be at least two affidavits by people who have personal knowledge of the event(s) establishing the individual's claim of citizenship. The two affidavits could be combined in a joint affidavit. At least one of the persons making the affidavit cannot be related to the individual and neither person can be the individual.

(b) Persons making the affidavit must be able to provide proof of their own citizenship. The persons making the affidavit shall have information which explains why documentary evidence establishing the individual's claim of citizenship does not exist or cannot be readily obtained.

(C) For all children who are determined non-citizens, the Title IV-E agency shall obtain verification of their alien status.

(D) A qualified alien status shall be verified by one of the following:

1. An alien who is lawfully admitted for permanent residence (I-551) or (I-94) under the Immigration and Nationality Act of 1952 (INA).
2. An alien who is granted asylum (I-94) under section 208 of the INA.
3. A refugee (I-94) or (I-571) who is admitted to the U.S. under section 207 of the INA.
4. An alien whose deportation is being withheld (I-688B) or (I-766) under section 243(h) or section 241 (b)(3) of the INA.
5. An alien who is granted conditional entry (I-94) pursuant to section 203(a)(7) of the INA.
6. A Cuban or Haitian entrant (I-551).
7. An alien or the child or parent of an alien who has been battered or subjected to extreme cruelty in the U.S.

(E) If a mother is a naturalized U.S. citizen and the baby was not born in the U.S., the baby's citizenship status would depend on whether the baby was born before or after the mother became a U.S. citizen. In most cases, when the parent becomes a naturalized U.S. citizen and the baby is living with the parent in the U.S., the baby would also become a U.S. citizen.

(F) A child who is in the U.S. under a visitor or tourist's visa or under a student arrangement does not meet the qualified alien status.

(G) All U.S. citizenship and immigration status verification documentation shall be kept in the child's case record regardless of the child's status.

(H) For a child who enters foster care, the Title IV-E agency shall verify citizenship or immigration status within sixty days of entrance.

Five Year Review (FYR) Dates: 3/19/2018 and 03/19/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 03/19/2018

Promulgated Under: 119.03

Statutory Authority: 5153.166

Rule Amplifies: 5153.166

Prior Effective Dates: 03/15/2008, 05/01/2014
As used in this rule, "caseworker" is as defined in rule 5101:2-1-01 of the Administrative Code.

A public children services agency (PCSA) may hire a caseworker only if the applicant has one or more of the following:

1. Bachelor's degree in human services related studies.
2. Bachelor's degree in any field and employed for at least two years in a human services related occupation.
3. Associate's degree in human services related studies.
4. Employed for at least five years in a human services related occupation.

At the time of employment, the PCSA shall inform the employee of the educational requirements in order to continue employment with the agency.

For employment to continue, a person described in paragraph (B)(2), (B)(3), or (B)(4) of this rule must obtain a job-related bachelor's degree not later than five years after the date employment with the agency commences.

A caseworker employed by the PCSA prior to October 5, 2000 is not required to comply with the educational provisions contained in paragraphs (B), (C) and (D) of this rule.

PCSA caseworkers hired after January 1, 2007 shall complete all of the following:

1. One hundred two hours of in-service training during the first year of the caseworker's continuous employment with the agency.
   (a) This training requirement shall be met by attending the Ohio child welfare training program's (OCWTP), child welfare caseworker core training as described in section 5153.122 of the Revised Code.
   (b) The director of the PCSA may waive the training requirement for a school of social work graduate who completed the university partnership program (UPP) described in section 5101.141 of the Revised Code.

2. Thirty-six hours of annual in-service training in areas relevant to the caseworker's assigned duties after the first year of continuous employment with the agency as a caseworker.

3. A PCSA caseworker shall complete a minimum of twelve hours of domestic violence training within two years of the date of hire. Training shall include but is not limited to all of the following:
   (a) Laws governing domestic violence, including all of the following:
      (i) The definition of domestic violence under section 3113.31 of the Revised Code.
      (ii) Mandates of courts, law enforcement and health care professionals.
      (iii) Protection orders available to the victim under sections 2919.26 and 3113.31 of the Revised Code.
   (b) The dynamics of domestic violence and its effect on the family and other members within the household including children and the elderly.
   (c) The identification and assessment of domestic violence, including physical, behavioral, emotional and verbal indicators that a family or household member may be at risk of domestic violence.
   (d) Safety planning for the victim of domestic violence and other family members within the household at risk of abuse or neglect, including children and the elderly.
(e) Accessing supportive and preventative services through coordination with community service providers.

(4) A PCSA caseworker shall complete an introductory course in human trafficking within two years of the date of hire. Training shall include but is not limited to all of the following:

(a) Laws governing human trafficking, including all of the following:
   (i) The definition of human trafficking under section 2929.01 of the Revised Code.
   (ii) Mandates of court, law enforcement and other organizations working to bring attention to the problem of human trafficking.
   (iii) The criminal offense of trafficking in persons under section 2905.32 of the Revised Code.

(b) The dynamics of human trafficking and its effects on the victims.

(c) Human trafficking: What is it?

(d) The provision of resources to identify and assess victims of human trafficking. Working with community resource providers in the area of human trafficking.

(G) All PCSA caseworkers, hired prior to May 1, 2013, shall complete an introductory course in human trafficking as defined in this rule by June 30, 2018. This may count toward the thirty-six hours of required annual in-service training.

(G)(H) The PCSA may elect to offer initial orientation training about the agency and the community to newly hired caseworkers. If an agency offers initial orientation training, this does not count toward fulfilling the mandatory training requirements outlined in paragraph (F)(1) of this rule.

(H)(I) A newly hired PCSA caseworker who completed the UPP, shall do all of the following within the first year of employment:

(1) Complete an individual training needs assessment.

(2) Attend training on the legal aspects of child protective services (not covered in the UPP).

(3) Complete a minimum, thirty-six hours of ongoing training (if the rest of the core requirements are waived by the PCSA director).

(I)(J) The PCSA director may waive certain training course requirements if any of the following occurs:

(1) Within the last two years the PCSA caseworker was previously employed by another PCSA or the same PCSA and completed one or more OCWTP's "Child Welfare Caseworker Core" training courses at any time during the caseworker's previous employment with the PCSA. However, any core courses not completed by the caseworker during the previous employment cannot be waived.

(2) A PCSA hires an individual who has completed the UPP pursuant to paragraph (F)(1)(b) of this rule.

(3) A PCSA hires an individual who was a social work student intern, and who completed the "Child Welfare Caseworker Core" as part of the internship.

(4) A caseworker has documentation of completion of domestic violence training as outlined in paragraph (F)(3) of this rule.

(J)(K) If a waiver is granted pursuant to paragraph (I)(J)(3) of this rule, the PCSA shall provide in-service training to the caseworker on changes in policy and procedures occurring during the lapse in time since the caseworker completed the course.

(K)(L) PCSA staff supervising caseworkers shall work with each caseworker to determine the caseworker's training needs and to ensure compliance with paragraph (F) of this rule at a minimum of once every two years. Training needs shall be based upon all of the following:

(1) Prior background and experience of the caseworker.
(2) Job duties and responsibilities of the caseworker.
(3) Competencies the caseworker and supervisor identify as needs.

(L)(M) The caseworker and supervisor shall jointly develop a training plan to address needed competencies. The PCSA may contact the OCWTP’s regional training center for assistance in identifying appropriate training activities for the caseworker.

(M)(N) A caseworker's ongoing in-service training requirements may be fulfilled by participating in a variety of training activities. These training activities may include training offered by any of the following:

1. OCWTP.
2. Ohio human services training system.
3. Ohio department of job and family services. Up to six hours of rules training may be counted toward meeting the continuing education training requirement.
4. Accredited colleges or universities if the course work is relevant to the caseworker's assigned duties. When calculating in-service training hours through completion of courses offered by colleges or universities the PCSA shall use the number of semester/quarter hours awarded by the college or university.
5. Seminars, conferences and workshops relevant to the caseworker's assigned duties.

(N)(O) The PCSA shall be responsible for all of the following:

1. Maintaining the education and in-service training records of PCSA caseworkers through "E-Track," the learning management system developed through the Ohio child welfare training program. Notify the OCWTP ("E-Track" person add/edit web form) within thirty days of new caseworkers and assessors hired by the agency, in order for the OCWTP to establish an "E-Track" training history record for the employee.
2. Maintaining all employees' education and in-service training records, including college transcripts and documentation of compliance with all provisions of this rule.
3. PCSAs will no longer be required to complete the JFS 01825 "Public Children Services Agency Training Record for Caseworkers" (rev. 9/2006).

Effective: 06/01/2017

Five Year Review (FYR) Dates: 05/01/2018
Certification: CERTIFIED ELECTRONICALLY
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Rule Amplifies: 5153.112, 5153.122, 5153.123, 5153.127
A public children services agency (PCSA) supervisor, as defined in rule 5101:2-1-01 of the Administrative Code, shall complete all of the following:

1. A minimum of sixty hours of supervisory core training offered by the Ohio child welfare training program (OCWTP) during the first year of the supervisor's continuous employment with the agency in that position.

2. Thirty hours of annual in-service training in areas relevant to the supervisor's assigned duties after the first year of continuous employment with the agency as a supervisor.

3. Completion of any remaining supervisory core modules offered by the OCWTP during the second year of continuous employment with the agency.

4. Twelve hours of domestic violence training during the first two years of continuous employment with the agency. The twelve hours may be in addition to the training required during the supervisor's first year of employment or part of the training required during the second year of employment. Training shall include, at a minimum, the following:

   a. Laws governing domestic violence, including all of the following:
      i. The definition of domestic violence under section 3113.31 of the Revised Code.
      ii. Mandates of courts, law enforcement and health care professionals.
      iii. Protection orders available to the victim under sections 2919.26 and 3113.31 of the Revised Code.

   b. The dynamics of domestic violence and its affects on the family and other members within the household, including children and the elderly.

   c. The identification and assessment of domestic violence, including physical, behavioral, emotional and verbal indicators that a family or household member may be at risk of domestic violence.

   d. Safety planning for the victim of domestic violence and other family members within the household at risk of abuse or neglect, including children and the elderly.

   e. Accessing supportive and preventative services through coordination with community service providers.

The PCSA may elect to offer initial orientation training about the agency and the community to newly hired supervisors. If an agency offers initial orientation training, this does not count toward fulfilling the mandatory training requirements outlined in paragraph (A) of this rule.

The PCSA director may waive completion of one or more training course requirements if either of the following occurs:

1. Within the last two years a PCSA supervisor was previously employed by another PCSA or the same PCSA and completed one or more OCWTP "Supervisory Core Courses" at any time during the supervisor's previous employment with the PCSA. However, any core courses not completed by the supervisor during the previous employment cannot be waived.

2. A supervisor has documentation of completion of domestic violence training as outlined in paragraph (A)(4) of this rule.

If a waiver is granted pursuant to paragraph (C)(1) of this rule, the PCSA shall provide in-service training to the supervisor on any changes in policy and procedures occurring since the supervisor completed the course.
The PCSA director or designee shall work with each supervisor once every two years to determine the supervisor's training needs to ensure compliance with paragraph (A) of this rule. Training needs shall be based upon all of the following:

1. Prior background and experience of the supervisor.
2. Relevant assigned job duties and responsibilities of the supervisor.
3. Competencies the supervisor and the immediate supervisor identify as needs.

The supervisor and the immediate supervisor shall jointly develop a training plan. The PCSA may contact the OCWTP regional training centers for assistance in identifying appropriate training activities for the supervisor.

The supervisor's ongoing in-service training requirements may be fulfilled by participating in a variety of training activities. These training activities may include training offered by any of the following:

1. OCWTP.
2. Ohio human services training system.
3. Ohio department of job and family services. Up to six hours of rules training may be counted toward meeting the continuing education training requirement.
4. Accredited colleges or universities if the course work is relevant to the supervisor's assigned duties. When calculating in-service training hours through completion of courses offered by colleges or universities the PCSA shall use the number of semester/quarter hours awarded by the college or university.
5. Seminars, conferences and workshops relevant to the supervisor's assigned duties.

The PCSA shall be responsible for all of the following:

1. Maintain the education and in-service training records of PCSA casework supervisors through "E-Track," the current learning management system developed through the Ohio child welfare training program. Notify the OCWTP ("E-Track" person add/edit web form) within thirty days of new supervisors hired or promoted by the agency, in order for the OCWTP to establish or update an existing "E-Track" training history record for the employee.
2. Maintaining all of the employees' education and in-service training records including college transcripts and documentation of compliance with all provisions of this rule.
3. PCSAs will no longer be required to complete Having supervisors complete, on an annual basis, the JFS 01826 "Public Children Services Agency Training Record for Supervisors" (rev. 9/2006) or enter the same information contained on the JFS 01826 in the agency's database or a form developed by the PCSA.

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Five Year Review (FYR) Dates: 05/01/2018
Certification: CERTIFIED ELECTRONICALLY
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Statutory Authority: 5153.123, 5153.166
Rule Amplifies: 5153.123, 5153.124, 5153.126, 5153.166
Prior Effective Dates: 1/1/97, 9/1/97, 4/1/01, 2/1/03, 7/1/06, 1/1/07, 8/17/09, 5/1/13
A public children services agency (PCS A), private child placing agency (PCPA) or private noncustodial agency (PNA) shall establish an e-mail account in order to receive electronic notifications from the Ohio department of job and family services (ODJFS) regarding the retained applicant database information exchange.

The agency shall submit the e-mail account information to ODJFS according to the following:

1. Within ten days of receiving its license from ODJFS.
2. Within twenty-four hours of changing the e-mail account information, if the information changes after submission to ODJFS.

The PCPA or a PNA shall enter the following information regarding any adult household member subject to a criminal records check on the JFS 01318 "SACWIS Private Agency Provider Request" (rev. 4/2009):

1. Legal name.
2. Date of birth.
3. Social security number.

The PCSA, PCPA or a PNA shall enter the following information regarding any adult household member subject to a criminal records check into the statewide automated child welfare information system (SACWIS):

1. Legal name.
2. Date of birth.
3. Social security number Authentication number from the Ohio bureau of criminal investigation (BCI).

The information required in paragraphs of this rule shall be completed as follows:

1. If the agency has not completed a JFS 01318 form or entered the required information into SACWIS for a currently certified or approved foster and adoption home, the agency shall complete the information.

2. Upon the recommendation to certify or approve a foster or adoptive home.

3. Within ten days after the receipt of a criminal records check from BCI involving a change in occupancy involving a household member subject to a criminal records check for a new household member.

If the agency receives a notification that an individual in the home of a certified foster caregiver or in the home of a person approved for adoption has been fingerprinted in relation to a crime, the agency shall contact BCI within two business days of receiving the notification to request additional information about the notification using the web portal at: https://www.ohioattorneygeneral.gov.

The agency shall review any additional information within one business day of receiving it from BCI (BCI).

If a home is certified as a foster home and approved for adoption by two different agencies, each agency shall perform the requirements of this rule.

If the additional "Rapback" information from BCI indicates that a person in the household of a certified foster caregiver or in the home of a person approved for adoption has been arrested, convicted, or...
plead guilty to any offense, the agency shall take appropriate action within twenty-four hours of receiving the additional information from BCII. Appropriate action at a minimum shall include:

1. Contact the local law enforcement agency that made the arrest.
2. Notify, within twenty-four hours, any other agency that holds custody of a child in the home and inform the agency of the information received.
3. Re-evaluate the household to ensure the home will not jeopardize in any way the health, safety or welfare of the children in the home.

(J)(I) The agency shall complete and submit to ODJFS the JFS 01301 "Retained Applicant Fingerprint Database Post-Notification Report" (12/2008) in SACWIS within ten business days after taking action as described in paragraph (H) of this rule on the additional information received from BCII.

(K)(J) The agency shall document all "Rapback" information and results related to the retained applicant database information exchange in the file of the foster caregiver or the adoptive home in SACWIS.

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Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

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Statutory Authority: 5101.32

Rule Amplifies: 109.5721, 5101.32

Prior Effective Dates: 12/31/2008, 03/01/2010, 08/01/2014
(A) A public children services agency (PCSA) is responsible for the administration and determination of eligibility for the state adoption maintenance subsidy. The PCSA shall:

1. Provide the JFS 01613 "Application for State Adoption Maintenance Subsidy" (rev. 7/2004 4/2019) to any prospective adoptive parent(s) of a child in the custody of a PCSA or private child placing agency (PCPA) or upon request.

2. Determine whether the adoptive child meets the special needs criteria for a state adoption maintenance subsidy as defined in rule 5101:2-44-06 of the Administrative Code and document the special needs of the child on the JFS 01615 "Approval for State Adoption Maintenance Subsidy Agreement" (rev. 4/2014 4/2019). If the agency determines the child does not meet the special needs criteria for a state adoption maintenance subsidy, the PCSA shall document the reason for this determination on the JFS 07334 "Notice of Denial of Your Application for Assistance" (rev. 9/2011).

3. Determine whether the child has or does not have a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code and document on the JFS 01449 "Determination of Special Needs For Medical, Mental Health or Rehabilitative Care" (rev. 7/2004 7/2016).

4. Determine the adoptive child's eligibility status within forty-five days of receipt of a complete state adoption maintenance subsidy application packet. A complete packet will contain a JFS 01613, JFS 01654 "Adoptive Placement Agreement" (rev. 10/200102/2017), if applicable, and the child study inventory. Any other information that may help in determining the special needs and resource needs of the child may be included in the packet.

5. Notify the adoptive parent of the approval or denial of the state adoption maintenance subsidy within fifty days of receipt of a complete state adoption maintenance subsidy application packet with the JFS 01615 or the JFS 07334 "Notice of Denial of your application for Assistance" (rev. 9/2011). The state adoption maintenance subsidy application shall be approved or denied prior to the adoption finalization.

(B) The PCSA in the county in which a private child placing agency (PCPA) is located is responsible for the administration of a state adoption maintenance subsidy for a child in the permanent custody of the PCPA who is eligible pursuant to rule 5101:2-44-06 of the Administrative Code.

(C) State adoption special service subsidy approvals entered into prior to July 1, 2004 shall be redetermined in accordance with rule 5101:2-44-09 of the Administrative Code.

(D) The PCSA shall establish and maintain policy and procedures governing its state adoption maintenance subsidy program in accordance with 42 U.S.C. section 671(a)(21) (4/3/0610/24/18) and section 5153.163 of the Revised Code. Such policy and procedures shall be consistent with Chapter 5101:2-44 of the Administrative Code and shall be part of the PCSA adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

(E) The PCSA's policy shall indicate whether the PCSA continues to provide the state adoption special services subsidies for those approvals in effect before July 1, 2004.

(F) The PCSA shall document, in the PCSA's adoption policy, a description of the opportunity for a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

(G) A state adoption maintenance subsidy payment shall continue if the adoptive parent moves to another county, state or country unless the PCSA that approved the subsidy determines that the adoptive
parent and the adoptive child are no longer eligible pursuant to rules 5101:2-44-06 and 5101:2-44-08 of the Administrative Code.

(H) The PCSA shall make an annual redetermination of eligibility for the state adoption maintenance subsidy pursuant to rule 5101:2-44-08 of the Administrative Code, unless the state adoption maintenance subsidy payment is suspended pursuant to rule 5101:2-44-10 of the Administrative Code.

(1) The PCSA's approvals and amendments of a state adoption maintenance subsidy shall be documented on the JFS 01615 for the initial agreement, and for redeterminations or amendments, the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy " (4/20147/2014).

(2) The PCSA's suspensions, decreases, and terminations of a state adoption maintenance subsidy shall be documented on the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. 5/2001).

(I) If the PCSA determines the adoptive parent is approved for a state adoption maintenance subsidy and the adoptive child has a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall provide the adoptive parent with the following forms, including explanations and instructions:

(1) JFS 01615.

(2) JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care" (Rev. 7/2016).

(3) JFS 07216 "Combined Programs Application" (rev. 11/2013).

(J) If the PCSA determines the adoptive parent is approved for a state adoption maintenance subsidy, but the adoptive child does not have a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall provide the adoptive parent with the following forms, including explanations and instructions:

(1) JFS 01615.

(2) JFS 01449 indicating the child does not have a special need for medical, mental health, or rehabilitative care.

(3) JFS 07334 indicating the child does not have a special need for medical, mental health, or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code.

(K) The PCSA may issue an approval for a state adoption maintenance subsidy prior to the adoptive placement of the child upon the condition that the effective date shall be no earlier than the date of adoptive placement.

(L) State adoption maintenance subsidy payments shall be made for no longer than twelve months prior to the issuance of a final decree, unless a final decree is delayed by proceedings or action under the jurisdiction of the court. If, for any other reason, finalization of the adoption does not occur within the twelve-month period of the state adoption maintenance subsidy payment, the state adoption maintenance subsidy payment shall be suspended pursuant to rule 5101:2-44-10 of the Administrative Code. Upon finalization, the suspended subsidy shall be redetermined pursuant to rule 5101:2-44-08 of the Administrative Code.

(M) The PCSA shall provide documentation of the compliance with paragraphs (A) and (G) to (K) of this rule in the adoptive parent's state adoption maintenance subsidy record pursuant to rule 5101:2-44-12 of the Administrative Code.

(N) The PCSA shall assist the adoptive parent in exploring other sources of assistance, support, and services before and after the adoption finalizes final decree.

(O) The PCSA shall make copies of its adoption subsidy policy available to adoptive applicants and the public upon request. The PCSA shall also provide the applicants with the JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/20081/2015) as required by rule 5101:6-2-01 of the Administrative Code.
If the PCSA determined the child did not have a special need for medical, mental health or rehabilitative care in accordance with rule 5101:2-44-05.1 of the Administrative Code, the PCSA shall terminate the child's medicaid coverage in the statewide automated child welfare information system (SACWIS) when the adoption finalizes.

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Statutory Authority: 5153.163

Rule Amplifies: 5153.16, 5153.163

An adoptive child in receipt of a JFS 01615 "Approval for State Adoption Maintenance Subsidy Agreement" (rev. 4/2014 4/2019) may be eligible for covered families and children (CFC) medicaid as outlined in rules 5160:1-2-01.8 and 5160:1-2-01.9 5160:1-4-06 of the Administrative Code based only upon the child's income, resources, and special needs for medical, mental health, or rehabilitative care.

In order for an adoptive child to be considered a child with special needs for medical, mental health, or rehabilitative care, the public children services agency (PCSA) responsible for determining state adoption maintenance subsidy program eligibility shall determine that, at the time of adoptive placement, the child has a medical necessity as defined in rule 5160-1-01 of the Administrative Code. The medical necessity includes at least one of the following needs or circumstances that may be a barrier to the adoptive placement without medical assistance because the child:

1. Has a medical condition, physical impairment, or developmental disability.
2. Has been diagnosed with a mental disorder as characterized by a behavioral, psychological, or biological dysfunction.
3. Has been diagnosed with a substance-related disorder.

Eligibility criteria:

1. For any such child for whom the approval for state adoption special services maintenance subsidy was entered into between April 7, 1986 and June 30, 2004, CFC medicaid eligibility as outlined in rules 5160:1-2-01.8 5160:1-4-06 and 5160:1-2-01.9 of the Administrative Code, is contingent upon the following:
   (a) A determination by the PCSA administering the agreement that the child's state adoption special services maintenance subsidy case record contains sufficient documentation that the child cannot be placed with the adoptive parents or parent without medical assistance because of the child's special needs for medical or rehabilitative care.
   (b) A finding by the county department of job and family services (CDJFS) of the child's residence that either the child was eligible for medicaid as outlined in rules 5160:1-4-06 5160:1-2-01.8 and 5160:1-2-01.9 of the Administrative Code, prior to the approval for state adoption special services maintenance subsidy being entered into; or that the child would have been eligible for medicaid, based on the child's income, during any of the six months prior to the approval for state adoption special services maintenance adoption subsidy being entered into.

2. For any child for whom a JFS 01615 was entered into on or after July 1, 2004, CFC medicaid eligibility as outlined in rules 5160:1-2-01.8 and 5160:1-2-01.9 5160:1-4-06 of the Administrative Code, is contingent upon all of the following:
   (a) A finding by the PCSA administering the agreement that the child has a medical necessity as outlined in paragraph (B) of this rule which makes the child with special needs eligible for medical, mental health, or rehabilitative care as documented on the JFS 01449 "Determination of Special Needs for Medical, Mental Health, or Rehabilitative Care" (rev. 7/2004 7/2016).
   (b) The adoptive parent or parents are eligible for a state adoption maintenance subsidy under division (B) of section 5153.163 of the Revised Code.
   (c) The financial eligibility determined by the CDJFS set forth in rule 5160:1-4-03 of the Administrative Code.
(D) CDJFS duties:

(1) Upon filing by an adoptive parent of a completed JFS 07216 "Combined Programs Application" (rev. 11/2013) with supporting JFS 01449 and JFS 01615, the CDJFS shall determine whether the adoptive child meets the eligibility criteria described in rule 5160:1-4-03 of the Administrative Code.

(2) Notice of the CDJFS decision on medicaid eligibility shall be provided in accordance with division 5101:6 and Chapter 5160:1-2 of the Administrative Code. In addition, the CDJFS shall send a copy to the PCSA of the notice of medicaid approval sent to any adoptive parent who meets the criteria set forth in rule 5160:1-4-03 of the Administrative Code.

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Rule Amplifies: 5101.141
Prior Effective Dates: 04/01/1990 (Emer.), 06/01/1990, 03/18/1999, 07/01/2004, 05/01/2009, 05/29/2014
Residence in Ohio is a requirement for covered families and children (CFC) medicaid as outlined in rule 5160:1-4-06 of the Administrative Code. An adoptive child with special needs who is in receipt of an Ohio-executed state adoption subsidy and who does not live in Ohio is not eligible for Ohio CFC medicaid even if the subsidy payment continues.

An adoptive child described in paragraph (A) of this rule may be eligible for medicaid in the new residence state if one of the following applies:

1. The new residence state has elected, in its state medicaid plan, the state option for its state adoption subsidy children.
2. The new residence state and the Ohio department of job and family services (ODJFS) are parties to an interstate agreement for reciprocal medicaid coverage of state adoption subsidy children.
3. The new residence state elects in its state medicaid plan to reciprocate with all states for medicaid coverage of state adoption subsidy children, whether or not the states are parties to an interstate agreement.

If a child moves from Ohio into a new residence state, the Ohio public children services agency (PCSA) which entered into the JFS 01615 "Approval for State Adoption Maintenance Subsidy " (rev. 7/2016 4/2019) shall:

1. Within seven business days after notification of the child's relocation or intent to relocate to another state, complete and forward the original interstate compact on adoption and medical assistance (ICAMA) form 7.01 "Notice of Medicaid Eligibility/Case Activation," appendix A to this rule, and a copy of the current signed and dated JFS 01615 to the ODJFS ICAMA state administrator.
2. Upon notification of an additional change in the child's or family's status, the PCSA shall, within seven business days, complete and forward the ICAMA form 7.5 "Information Exchange," appendix B to this rule, to the ODJFS ICAMA state administrator.
3. Notify the adoptive parent that Ohio medicaid coverage will be terminated.
4. Terminate Ohio medicaid coverage in the statewide automated child welfare information system (SACWIS).
5. Notify the county department of job and family services (CDJFS) that the Ohio medicaid case shall be closed, if applicable.

If an adoptive child moves from Ohio to another state, the adoptive parent shall inform the PCSA of the family's address and telephone number within ten days of relocation.

An adoptive child with special needs who is a resident of Ohio and in receipt of a state adoption subsidy agreement from another state is eligible to receive Ohio CFC medicaid, as outlined in rule 5160:1-4-06 of the Administrative Code, if:

1. The state which entered into the state adoption subsidy agreement has been identified as a member of ICAMA.
(2) The state which entered into the state adoption subsidy agreement is not identified as a member of ICAMA but has elected in its state medicaid plan to provide medicaid coverage for its own state adoption subsidy children.

(3) The state which entered into the state adoption subsidy agreement and ODJFS are parties to an interstate agreement for reciprocal medicaid coverage of state adoption subsidy children.

(F) If an adoptive child moves from another state to Ohio and has a state adoption subsidy agreement in effect with another state, the PCSA shall:

(1) Upon receipt of the ICAMA form 700 from the national ICAMA database and the state adoption subsidy agreement determine the child's eligibility for CFC medicaid as outlined in paragraph (E) of this rule.

(2) After determination of medicaid eligibility, enter into SACWIS the Ohio medicaid effective date and an "active" status on the ICAMA record.

(G) Copies of all ICAMA forms and correspondence shall be maintained in the child’s state adoption subsidy case record.

(H) The adoptive parents, whether moving from or to Ohio, shall provide the residence state with any information regarding medical assistance or insurance available to the child.

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Prior Effective Dates: 01/01/1992 (Emer.), 03/20/1992, 05/01/2003, 07/01/2004, 05/01/2009, 06/12/2014, 08/01/2018
The following criteria shall be met for a child to be determined eligible for the state adoption maintenance subsidy (SAMS) program:

1. The child is in the permanent custody of a public children services agency (PCSA) or a private child placing agency (PCPA) and is legally available for adoption.

2. The adoptive parent(s) has applied for the Title IV-E adoption assistance program, and the adoptive child has been determined ineligible in accordance with rules 5101:2-49-02 and 5101:2-49-02.1 of the Administrative Code. Eligibility for reimbursement of nonrecurring adoption expenses pursuant to rule 5101:2-49-21 of the Administrative Code does not constitute eligibility for Title IV-E adoption assistance.

3. The adoptive parent(s) has completed the JFS 01613 "Application for State Adoption Maintenance Subsidy" (rev. 7/2004 4/2019) and the PCSA has approved or denied the JFS 01613 prior to the adoption finalization.

4. The child is either:
   (a) Under the age of eighteen.
   (b) Between eighteen and twenty-one years of age and is mentally or physically disabled as diagnosed by a qualified professional.

5. The child is a child with special needs who, prior to the finalization of adoption, has at least one of the following needs or circumstances that may be a barrier to the adoption without financial assistance:
   (a) Is part of a sibling group being adopted together or part of a previously adopted biological sibling group with whom the child should be placed.
   (b) Is a member of a minority or ethnic group.
   (c) Is six years of age or older.
   (d) Has remained in the permanent custody of a PCSA or PCPA for more than one year.
   (e) Has a medical condition, physical impairment, or developmental disability.
   (f) Has a mental illness as defined in Chapter 5121. of the Revised Code.
   (g) His or her family has a social or medical history that establishes a substantial risk of the child acquiring a medical condition, physical impairment, or mental or developmental disability that makes it difficult to place the child for adoption without the provision of SAMS. The condition shall be diagnosed by a qualified professional. For the purpose of this rule, a "qualified professional" is an audiologist, licensed independent social worker, licensed professional clinical counselor, physician, physician assistants, or orthopedist, marriage and family therapist, psychiatrist, psychologist or speech/language pathologist or other licensed/certified professionals that are under the direct supervision of any of the professionals listed in this paragraph. The qualified professional shall:
      (i) Diagnose a medical, or physical impairment, or mental or developmental disability within the professional's area of expertise.
      (ii) Not be responsible for providing casework services to the child.
      (iii) Provide a clear written statement of the child's diagnosis supported by an assessment or evaluation which includes an opinion as to the origin of the
problem, past history, prognosis and recommendations related to future treatment needs.

(h) Has been in the home of his or her prospective adoptive parents as a foster child for at least six months and would experience severe separation and loss if placed in another setting due to his or her significant emotional ties with these foster parents as determined and documented by a qualified mental health professional.

(i) Has experienced previous adoption disruption or multiple placements.

(6) A PCSA or PCPA has approved the adoptive parent for adoptive placement pursuant to rule 5101:2-48-16 of the Administrative Code. If a PCPA approved the adoptive placement, the PCSA shall provide the PCPA with the following:


(b) JFS 01654 "Adoptive Placement Agreement" (rev. 2/2014 2/2017).

(c) JFS 01616 "Social and Medical History" (rev. 6/2009).

(d) Child study inventory.

(7) In addition to the criteria listed in this paragraph, the agency has determined the following:

(a) The adoptive family has the capability of providing the permanent family relationships needed by the child.

(b) The needs of the child are beyond the economic resources of the adoptive family.

(c) The acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without state adoption maintenance subsidy payments.

(B) If paragraphs (A)(1) to (A)(4), (A)(6) and (A)(7) of this rule are met, and paragraph (A)(5)(g) of this rule is the sole basis for the determination that the child is a child with special needs, the PCSA shall enter into a JFS 01615 "Approval for State Adoption Maintenance Subsidy" (rev. 4/2014 4/2019) with the adoptive parent(s) with no payment. The adoptive parent(s) may request an amendment of the agreement to include subsidy payments if the child develops a condition, impairment, or disability as described in paragraph (A)(5)(g) of this rule.

(C) An adoptive family is eligible for payments under SAMS if all the requirements in paragraph (A) of this rule are met and at the time of the initial application:

(1) The adoptive parent's annual gross income does not exceed one hundred twenty per cent of the median income of a family of the same size, including included in the family size count is the adoptive child, as most recently determined for this state pursuant to division (B) of section 5153.163 of the Revised Code.

(2) The adoptive parent provides verification of the family's annual gross income by submitting the following as applicable:

(a) The most recent U.S. department of internal revenue service (IRS) income tax form.

(b) Proof of receipt of benefits from the social security administration.

(c) Proof of receipt of workers compensation.

(d) Any other income verification from other providers of pension benefits.

(D) The SAMS payment amount shall be agreed upon between the PCSA and the adoptive parent(s) and shall be based upon the needs of the adoptive child and in accordance with the PCSA's adoption policy.

(E) For the beginning of each state fiscal year a procedure letter that identifies the maximum monthly funding level for SAMS will be published on the Ohio department of job and family services (ODJFS) website. If a PCSA negotiates a payment in excess of the maximum SAMS payment identified in the
procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).

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FCASMTL 418

Effective Date: August 1, 2019

Most Current Prior Effective Date: May 29, 2014

(A) This rule does not apply when the Ohio department of job and family services (ODJFS) determines that state funds are not available to maintain the state adoption maintenance subsidy (SAMS) program at the current maximum monthly funding level. At the beginning of each state fiscal year, the ODJFS shall issue a procedure letter that identifies the maximum monthly funding level for the SAMS.

(B) The public children services agency (PCSA) shall complete a redetermination of each SAMS one year from the initial effective date of the JFS 01615 "State Adoption Maintenance Subsidy Agreement" (rev. 4/2014/4/2019).

(C) Redeterminations shall include the following:

1. The PCSA shall provide written notice of the redetermination to the adoptive parent(s) at least ninety days prior to the annual redetermination date of the JFS 01615.

2. The redetermination notice shall request the adoptive parent(s) return the following applicable documents within forty-five days of the annual redetermination date:
   a. The most recent U.S. department of internal revenue service (IRS) income tax form.
   b. Proof of receipt of benefits from the social security administration.
   c. Proof of receipt of workers compensation.
   d. Any other income verification from other providers including pension benefits.

(D) The PCSA shall determine from the verification submitted by the adoptive parent(s) if the adopted child and adoptive parent(s) remain eligible.

(E) The PCSA shall complete the JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy" (4/2014/4/2019) at least thirty days prior to the annual redetermination date of the JFS 01615.

1. If the redetermination results in no change in the amount of SAMS, the PCSA shall use the JFS 01614 to inform the adoptive parent(s) of the results and the effective date of the subsidy.

2. If the redetermination results in a decrease, suspension or termination of the state adoption maintenance subsidy, the PCSA shall use the JFS 01614 to inform the adoptive parent(s) of the reason for the action, its effective date and submit the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. 5/04/05/2001) pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code, informing the adoptive parent(s) the right to a state hearing.

3. If the redetermination results in an increase, the PCSA shall enter into a separate county agreement with the adoptive parent(s) for a county adoption maintenance subsidy.

(F) If the adoptive parent(s) fails to comply with the requirements of a redetermination as described in this rule, the PCSA shall suspend the SAMS pursuant to rule 5101:2-44-10 of the Administrative Code after ninety days and terminate the SAMS pursuant to rule 5101:2-44-11 of the Administrative Code after one hundred eighty days from the redetermination date.

(G) An amendment shall be reviewed when requested by the adoptive parent or if the PCSA is aware of:

1. Any change in the adoptive child's or adoptive parent(s) eligibility status.

2. The need for an addition or deletion of the SAMS.

(H) Upon written request by the adoptive parent(s) for an amendment, the PCSA shall do all of the following:

1. Review the request to amend the SAMS.
(2) Make a determination within thirty days once all documentation to review the amendment is received.

(3) Use the JFS 01614 and the JFS 04065 to inform the adoptive parent(s) of the reason for the action, the effective date and of their right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

(I) An adoptive parent receiving a SAMS shall report any significant change in the adoptive family's financial situation or the adoptive child's special needs within thirty days of the change to the PCSA that approved the state adoption maintenance subsidy.

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Rule Amplifies: 5101.35, 5153.16, 5153.163
Prior Effective Dates: 06/01/2012, 05/29/2014
For state adoption special services subsidy approvals in effect before July 1, 2004, the public children services agency (PCSA) may continue to provide the state adoption special services subsidy based upon the adoptive child's continued need for developmental, medical, or mental health services.

If the PCSA elects to continue the state adoption special services subsidy program, as outlined in rule 5101:2-44-03 of the Administrative Code, for approvals in effect before July 1, 2004, the PCSA shall redetermine the state adoption special services subsidy under the following circumstances:

1. Annually, or more often than annually upon written request of the adoptive parent.
2. When the PCSA is aware of substantial changes in the adoptive family's economic resources or the adoptive child's special need(s).

To redetermine or amend the state adoption special services subsidy the PCSA shall:

1. Provide the adoptive parent with written notice of the upcoming redetermination at least sixty days prior to the anniversary date of the effective state adoption special services subsidy or most recent redetermination or amendment.
2. Provide the adoptive parent with the JFS 01681 "Applicant Financial Statement" (rev. 10/2000).
3. Provide the adoptive parent with the JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/2008/01/2015).
4. Determine, from verification submitted by the adoptive parent, if the adoptive child continues to have a special need(s) and if the special need(s) is beyond the economic resources of the adoptive family.
5. Complete the JFS 01618 "Redetermination/Amendment of State Adoption Special Services Subsidy" (rev. 7/2004).
6. (5) Provide written notification to the adoptive parent of the redetermination outcome at least fifteen days prior to the annual anniversary date of the initial state adoption special services subsidy or most recent redetermination, or within thirty days of a request for an amendment.

The adoptive parent shall provide the PCSA with a completed and updated JFS 01681 in order to redetermine the state adoption special services subsidy.

The PCSA shall suspend the state adoption special services subsidy if the adoptive parent fails to comply with the requirements of a redetermination as described in this rule.

The PCSA shall terminate the state adoption special services subsidy if six months have elapsed from the redetermination date and the adoptive parent still fails to comply with the requirements as described in this rule.

If the PCSA elects to discontinue the state adoption special services subsidy program for approvals entered into before July 1, 2004, the PCSA shall:

1. Continue the state adoption special services subsidy until completion of the annual redetermination process.
2. Provide the adoptive parent, at least sixty days prior to the anniversary date of the effective state adoption special services subsidy or most recent redetermination or amendment, with:
   a. Written notice of the upcoming redetermination.
   b. Written notice of the PCSA’s intent to discontinue the state adoption special services subsidy program.
(3) Complete the JFS 04059.

(4)(3) Terminate the state adoption special services subsidy and provide written notification of the termination at least fifteen days prior to the annual anniversary date, most recent redetermination, or within thirty days of a request for an amendment.

(H) PCSAs continuing the state adoption special services subsidy program may suspend the state adoption special services under the following circumstances:

(1) The adoptive parent requests a suspension.

(2) The adoptive child enters military service.

(3) The adoptive parent is no longer providing financial support for the child.

(I) If the redetermination results in a decrease, suspension or termination of the state adoption special services subsidy, the PCSA shall use the JFS 04065 "Prior Notice of Right to a State Hearing" (rev. 5/2001) to inform the adoptive parent of the reason for the action, its effective date and the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

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(A) The PCSA shall suspend the state adoption maintenance subsidy (SAMS) if any of the following circumstances occur:

(1) Twelve months have elapsed from the initial issuance of the SAMS payments and no adoption finalization has occurred, unless the final adoption decree is delayed by proceedings or action under the jurisdiction of the court.

(2) The adoptive parent's annual gross income exceeds one hundred and twenty per cent of the median income of a family of the same size, including the adoptive child, pursuant to rule 5101:2-44-06 of the Administrative Code.

(3) The adoptive parent(s) fails to comply with a redetermination of eligibility pursuant to rule 5101:2-44-08 of the Administrative Code.

(4) The adoptive child enters military service.

(5) The adoptive parent(s) requests suspension.

(B) The PCSA shall send notification of the suspension at least thirty days prior to the effective date of the suspension and include the reason for the suspension and a description of the procedures for a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.

(C) The PCSA shall make a redetermination of a suspended SAMS pursuant to rule 5101:2-44-08 of the Administrative Code within thirty days upon the request of the adoptive parent to activate a suspended state adoption subsidy within thirty days of the request. Annual redetermination of a suspended SAMS is not required.

(D) If the adoptive child has been determined eligible for medicaid pursuant to rule 5101:2-44-05.1 of the Administrative Code, the suspension of the SAMS payment does not impact the child's medicaid eligibility.

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The public children services agency (PCS) shall terminate the state adoption maintenance subsidy (SAMS) if any of the following circumstances occur:

(A) The adoptive child's death.

(B) The adoptive parent is no longer legally responsible to financially support the child. An adoptive parent(s) is financially supporting the child if the adoptive parent(s) provides the child with shelter, food and clothing or child support. A parent is generally responsible for the support of a child who is under the age of eighteen or a child with a physical and/or mental disability who is under twenty-one years of age.

(C) The adoptive child does one of the following:
   (a) Reaches the age of eighteen.
   (b) Reaches age twenty-one and has been eligible because the child is mentally or physically disabled.

(D) The terms of the state adoption maintenance subsidy have been fulfilled.

(E) Six months have elapsed from the redetermination date and the adoptive parent fails to comply with a redetermination of eligibility pursuant to rule 5101:2-44-08 of the Administrative Code.

(F) The adoptive parent(s) requests termination.

The PCSA shall send notification of the termination using the JFS 04065 "Prior Notice of the Right to a State Hearing" (rev. 5/2001) at least fifteen calendar days prior to the effective date of the termination and include the reason for the termination and the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
The public children services agency (PCSA) shall establish a state adoption maintenance subsidy record for each child's application for a state adoption maintenance subsidy (SAMS).

The state adoption maintenance subsidy record shall contain all information applicable to the adoption maintenance subsidy including, but not limited to the following:

3. Copy of the Title IV-E adoption assistance denial to include the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 10/2006/12/2015), JFS 01451A "Title IV-E Adoption Assistance Eligibility Determination" (rev. 4/2010) JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (rev. 12/2015) and the JFS 07334 "Notice of Denial of Your Application for Assistance" (rev. 9/2011).
4. Documentation of the adoptive child's special needs.
5. Verification of family's annual gross income at initial application and redeterminations.
7. JFS 01614 "Redetermination or Amendment of a State Adoption Maintenance Subsidy" (4/2014/4/2019).
8. JFS 01618 "Redetermination/Amendment of State Adoption Special Services Subsidy" (rev. 7/2004), as applicable.
9. Any JFS 04065 "Prior Notice of the Right to a State Hearing" (rev. 5/2001) or JFS 07334 "Notice of Denial of Your Application for Assistance" (rev. 9/2011), if applicable.
10. JFS 01449 "Determination of Special Needs for Medical, Mental Health or Rehabilitative Care" (rev. 7/2004/7/2016) to determine whether the child has or does not have special needs for medical, mental health, or rehabilitative care.
11. Copy of the final decree of adoption.
12. Case notes and dictations concerning the activities of the state adoption maintenance subsidy case.
13. Requests for and findings of any state hearings or administrative appeals conducted pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
15. JFS 01616 "Social and Medical History" (rev. 6/2009).
Statutory Authority: 5153.16, 5153.163
Rule Amplifies: 5153.163, 5153.16
The public children services agency (PCSA) is responsible for the administration and determination of eligibility for the post adoption special services subsidy (PASSS) program. The PCSA shall:

(A) Upon request, provide the following within five days to any adoptive parent who resides in Ohio:

1. The JFS 01050 "Application for Post Adoption Special Services Subsidy" (rev. 7/2016).
2. The JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances" (rev. 7/2016).
3. The JFS 01052 "Credentials for of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" (rev. 4/2019).
4. The JFS 01059 "Explanation of State Hearing Procedures" (rev. 1/2015).

(B) Within fifteen days of the date stamped by the PCSA indicating receipt of the JFS 01050, JFS 01051, if applicable, and JFS 01052, return to an applicant any application that does not contain the required documentation as outlined in rule 5101:2-44-13.1 "Eligibility and application process for the post adoption special services subsidy, PASSS program" of the Administrative Code.

(C) Process all completed JFS 01050s.

(D) Retain all JFS 01052s, all approved and denied JFS 01050s and all JFS 01051s.

Applicants seeking a post adoption special service subsidy shall:

1. Complete each section of the JFS 01050 and JFS 01051, if applicable, and have the provider complete each section of the JFS 01052, if applicable in order for the application to be considered complete.

2. Forward all documentation as outlined in rule 5101:2-44-13.1 of the Administrative Code to the PCSA in the county in which the applicant and child reside.

The PCSA shall form a post adoption subsidy review committee composed of a minimum of three people: a representative of the PCSA administration, a representative of the PCSA adoption services section, and a person within the community who is knowledgeable about post adoption services. The PCSA shall ensure that people from outside the adoption services section adhere to all confidentiality procedures in accordance with section 5153.17 of the Revised Code.

The committee shall review each completed JFS 01050, JFS 01051 and JFS 01052 and recommend the services and level of funding to be provided by the PASSS program to the PCSA executive director or designee.

PAS SSS funds shall be used for the following:

1. Family preservation services for a child residing in the home of the adoptive parent.
2. Services that will reduce serious psychological risk for the child or serious physical risk for the child or others. Serious psychological or physical risk is defined as a progressive psychological or physical illness, injury, or impairment that will continue over an extended period of time and requires direct supervision by a qualified professional as outlined in rule 5101:2-44-13.1 of the Administrative Code. If such services are for a child not residing in the home, the requested services shall focus on specific reunification goals that enable the child to return home.
3. Medical services designed to relieve or correct preadoptive health care problems.
The committee shall base its approval of the PASSS application on:

2. Whether the application requirements of rule 5101:2-44-13.1 of the Administrative Code are met.
3. A determination that the individual services requested by the family are appropriate.

Within forty-five days of submission of the completed application, the PASSS review committee shall make its recommendations to the PCSA executive director or designee.

If the PCSA executive director or designee determines that the review committee will be delayed in making its recommendations beyond the forty-five day deadline, the PCSA executive director, or designee, may substitute an alternative review process. This alternative review process shall be defined in the PCSA's adoption policy and shall set out the alternative procedure and explain when the alternative review process may be used.

The PCSA executive director, or designee, shall determine, within five days of receiving the recommendation, whether to follow the recommendation of the PASSS review committee.

If the PCSA executive director, or designee, does not follow any of the recommendations of the PASSS review committee, the PCSA executive director, or designee, shall describe, in writing, the reasons for not following the recommendation.

The PCSA executive director, or designee, shall provide written notice of approval or denial on the "Approval or Denial for Post Adoption Special Services Subsidy" report generated from the statewide automated child welfare information system (SACWIS) to the applicant within five days of the decision to approve or deny the application.

The PCSA shall document the state hearing review process in the agency's adoption policy.

The PCSA shall approve PASSS funding as long as state funds are available. In the event state funding is no longer available, the PASSS program will close to new applications until July first of the following state fiscal year (SFY). Once state funds have been exhausted, neither ODJFS nor the PCSA may be held responsible for payment of services for applications that have not been approved.

The PCSA working with the adoptive family shall provide assistance to the adoptive parent(s) in exploring other sources of support and services for the child. PASSS is a funding source of last resort; therefore, to the extent that other funding sources are or become available, they shall be used in place of PASSS funds.

PASSS funds shall not supplant medicaid funding if the child is eligible for coverage under the medicaid program.

The PCSA may consider approving services requested under the following conditions:

1. The child is not eligible for medicaid.
2. The service recommended by a qualified professional for the child's treatment is not a covered service under medicaid.
3. The service requested by the family is not covered under the family's insurance.

The amount funded shall not exceed the amount paid for the same service provided by a medicaid provider if the applicable service requested is covered under medicaid pursuant to: appendix DD to rule 5160-1-60 of the Administrative Code or appendix A to rule 5160-27-05 5160-27-03 of Administrative Code for mental health services.

If the service is not covered under medicaid, the amount funded shall be a reasonable amount and shall meet the guidelines of the qualified professional's licensing body standards. The licensing body is the entity that has provided the license for the individual to practice in their profession.
All invoices submitted for reimbursement in SACWIS that comply with Chapter 5101:2-44 of the Administrative Code will be paid by ODJFS if submitted by the PCSA no later than September thirtieth, after the close of the state fiscal year in which the applications were approved.

The PCSA shall be reimbursed as follows:

1. Up to ninety-five per cent of the total for each invoice received by the PCSA for applications that comply with Chapter 5101:2-44 of the Administrative Code.

2. Up to one hundred per cent of the total for each invoice received by the PCSA for applications that comply with Chapter 5101:2-44 of the Administrative Code if the PCSA has waived the five per cent requirement pursuant to rule 5101:2-44-13.1 of the Administrative Code.

If a state or federal audit determines that the PCSA has been reimbursed for services in which a JFS 01050 has not been submitted and/or approved by the PCSA, the PCSA shall reimburse ODJFS the amount of the adverse audit finding.

Each approved PASSS application shall be reviewed by the PCSA within twenty days after the state fiscal quarter in which it was approved, and every subsequent quarter within the SFY, to determine if the funding is being utilized.

The PCSA shall notify the family, within five days of completion of the review, of its intent to release these funds for that quarter unless the family provides adequate justification within twenty days of receipt of the notice as to why the funds were not used.

If the PCSA does not accept the justification offered by the family, the PCSA shall release the funds in question to ODJFS through SACWIS, and the family is responsible for the payment of services.

If the PCSA releases the funds, it shall provide the family information regarding the right to a state hearing pursuant to section 5101.35 of the Revised Code and division 5101:6 of the Administrative Code.
(A) "Post Adoption Special Services Subsidy" (PASSS) is a state-funded program designed to assist eligible families, after adoption finalization, to receive services consistent with paragraphs (E) to (L) of this rule.

(B) PASSS funding is based on a state fiscal year (SFY), July first through June thirtieth. The family is eligible from the first day of the month in which the completed application is approved. Applicants may only request funding for services rendered during the SFY in which the JFS 01050 "Application for a Post Adoption Special Services Subsidy" (rev. 7/2016) is made. A new JFS 01050 shall be submitted if additional services are requested during the same SFY or any subsequent SFY. The new application shall contain updated information, if applicable, as outlined in paragraph (D) of this rule, including updated financial information.

(C) A public children services agency (PCSA) shall enter into a PASSS agreement with the child's adoptive parent(s) if the agency considers the child to be in need of public care or protective services. All of the following requirements shall be met to be eligible for PASSS:

1. The child resides in the Ohio county and the home of the parent(s) in which the application is made.
2. The child has been adopted by someone other than a step parent.
3. The child has a physical or developmental handicap or mental or emotional condition that either:
   (a) Existed before the adoption petition was filed.
   (b) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background or medical history, or biological family's background or medical history.
4. The child meets either of the following requirements:
   (a) The child is under the age of eighteen.
   (b) The child is at least eighteen years of age and less than twenty-one years of age and is mentally or physically handicapped as defined below:
      (i) Mentally handicapped is the condition of intellectual disability and/or mental illness.
      (ii) Physically handicapped is the impairment of vision, speech, or hearing; congenital orthopedic impairment, orthopedic impairment caused by disease, or orthopedic impairment from other causes (e.g., amputation); impairment caused by chronic or acute health problems (e.g., rheumatic fever); or a concomitant of the aforementioned.
5. Other sources of assistance are inadequate or are unavailable to meet the child's immediate needs.

(D) The PCSA shall retain a completed JFS 01050 with the following documentation:

1. A clear written statement of the child's special need as defined in paragraph (C)(3) of this rule. The statement shall be supported by an assessment or evaluation from a qualified professional including an opinion as to the origin of the problem, past history, prognosis and recommendations related to future treatment needs. For the purpose of this rule, a qualified professional is defined as a licensed independent social worker (LISW), professional counselor licensed by section 4757.23 of the Revised Code, physician, physician assistant, certified nurse practitioner, psychiatrist, psychologist, or occupational, physical or speech therapist, a licensed
social worker (LSW) or other licensed/certified professionals who are under the direct supervision of any of the professionals listed in this paragraph. The qualified professional shall not be responsible for providing public casework services to the child. The qualified professional's diagnosis of handicap or condition must be within the professional's area of expertise.

(2) A completed JFS 01052 "Credentials for of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding" (rev. 4/2014/4/2019), if applicable.

(3) A written statement that clearly indicates why the requested service is not within the resources of the family, a copy of the JFS 01681 "Applicant Financial Statement" (rev. 10/2000) and a copy of the family's most recent IRS 1040.

(4) A listing of community resources, as outlined on the JFS 01050, that have been contacted including the date and results of those contacts.

(5) A copy of the relevant provisions in any public or private health insurance policy held by the family regarding the child's eligibility for services and the services that are covered under the policy.

(E) As a condition of continued eligibility for PASSS funds, the adoptive parent(s) shall submit a copy of the child's treatment plan, completed by the service provider, which details the therapeutic intervention(s) that will be provided to the child for the period in which the JFS 01050 will be in effect. The treatment plan shall be submitted to the PCSA within thirty days of the adoptive child's initial visit to the provider.

(F) The PCSA may encumber PASSS funds for the reasonable costs of services for any of the following allowable services:

(1) Medical and surgical services. All medical and surgical services shall be determined to be medically necessary by a qualified professional. The medically necessary service shall be the lowest cost alternative that effectively addresses and treats the child's medical problem(s). Medical and surgical services shall not include the cost of orthodontia.

(2) Psychiatric, psychological, and counseling services. All psychiatric, psychological and counseling services must be determined to be necessary by a qualified professional.

(3) Residential treatment, therapeutic foster care or in-patient hospitalization services (excluding private non-profit, therapeutic wilderness camps) if required by psychiatric, psychological or counseling needs and approved by a qualified professional.

(a) These services may include maintenance costs as long as the costs are included as part of a residential treatment, therapeutic foster care or in-patient hospitalization program.

(b) Residential treatment services shall not include the cost of educational services.

(c) Approved services for any type of residential treatment facility or therapeutic foster care home shall be provided by a residential facility or therapeutic foster care home that is licensed by the Ohio department of job and family services (ODJFS) or the Ohio department of mental health and addiction services (MHASOMHAS) or a comparable agency which is recognized by a state or a similar licensing body.

(4) Respite care services. For the purpose of this rule, respite care services are defined as services designed to provide planned or emergency temporary relief of child caring functions. These services may include paid individuals who provide such services within the home or outside the home. Respite care services do not include hospice services for those who are terminally ill, regular child care while parents are working, or therapy, nursing services and other rehabilitative services. Respite care services may be just a few hours a day or several days in length depending on the needs and circumstances of the adoptive parent and the procedures outlined in the PCSA's adoption policy. Respite care services may provide planned or emergency short-term and time-limited breaks for families of children with medical, surgical or mental health needs of the child. Respite
care services shall be administered by an independent provider who resides outside the family home and is not related to the applicant. Under special circumstances that the PCSA outlines in its adoption policy a provider related to the family can be approved. Respite care services are not hospice, regular child care, therapy, nursing services and other rehabilitative services. Respite care services may be approved for:

(a) Medical and surgical respite care services if required by medical or surgical needs of the child. Medical and surgical respite care services shall not exceed two thousand four hundred dollars per child per SFY and shall be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy. A PCSA may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for medical and surgical respite care services under special circumstances that the PCSA also outlines in its adoption policy.

(b) Mental health respite care services if required by psychiatric, psychological or counseling needs. Mental health respite care services shall not exceed two thousand four hundred dollars per child per SFY and shall be administered by an independent provider who resides outside the family home and is not related to the applicant unless the PCSA approves a provider related to the family because of special circumstances that the PCSA outlines in its adoption policy. A PCSA may elect, on a case by case basis, to approve up to an additional two thousand four hundred dollars per child per SFY for mental health respite care services under special circumstances that the PCSA also outlines in its adoption policy.

(G) Approved services shall address the child's physical or developmental handicap or mental or emotional condition that either existed before the adoption petition was filed or developed after the adoption petition was filed and can be attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history.

(H) Approved services that involve any type of therapy must be provided by a qualified professional, as outlined in this rule, and the JFS 01052, who is practicing within his or her scope of practice as noted by his or her education, training and experience. The provider shall indicate that his or her therapeutic interventions will comply with all treatment aspects contained in rules 5122-26-16, 5122-26-16.1, and 5122-26-16.2 of the Administrative Code.

(I) Interventions involving planned physical restraint or coercion (e.g., "compression holding" or "rebirthing therapy"), or promotion of regression for "reattachment" shall not be provided utilizing PASSS dollars. In addition, the following therapeutic techniques shall not be permitted on a treatment plan to be paid from PASSS funds under any circumstances:

1. Face down restraint with back pressure.
2. Any technique that obstructs the airway or impairs breathing.
3. Any technique that obstructs vision.
4. Any technique that restricts the recipient's ability to communicate.
5. Pepper spray, mace, handcuffs or electronic restraint devices such as stun guns.
6. A drug or medication that is used as a restraint to control behavior or restrict the individual's freedom or of movement that is not a standard treatment for the individual's medical or psychiatric condition.

(J) Except as provided in paragraph (K) of this rule, no more than ten thousand dollars shall be encumbered for any one child in one SFY.

(K) If the review committee and executive director or designee determines either of the following exists, the limit in paragraph (J) of this rule may be increased up to five thousand dollars for a total of fifteen thousand dollars per child per SFY if:
(1) The family's income and resources substantially decreased due to the involuntary loss of employment and the family has completed the JFS 01051 "Application for Additional Post Adoption Special Services Subsidy (PASSS) Funding for Extraordinary Circumstances" (rev. 7/2016).

(2) A qualified professional as described in paragraph (D)(1) of this rule recommends residential treatment, in-patient hospitalization, or therapeutic foster care to prevent disruption of the adoption. This recommendation **must** be submitted along with a copy of the JFS 01051.

(L) If a family is requesting additional PASSS funding and meets the requirements outlined in paragraph (K) of this rule, the review committee and the PCSA executive director or designee shall review and approve the JFS 01051 along with the initial JFS 01050.

(M) The adoptive parent or parents who receive PASSS funds are required to pay at least a five per cent **co-pay** of the total cost of all approved services provided to the child.

1. If the gross income of the child's adoptive family is less than two hundred per cent of the federal poverty guideline, the PCSA may waive the five per cent requirement.

2. If the gross income of the child's adoptive family is at or above two hundred per cent of the federal poverty guideline, the PCSA may lower the co-pay percentage of the total cost or waive it. If waived or lowered below five per cent, this will result in a local share payment percentage for the county agency.

3. If the service amount is higher than the approved amount, the adoptive parent is responsible for the co-pay percentage amount and the overage cost of the service.

The PCSA may not exceed the ten thousand dollars or fifteen thousand dollars encumbrance per child, per SFY as outlined in paragraphs (J) and (K) of this rule, respectively. The encumbrance shall not include the five per cent payment required of the adoptive parent(s).

(N) The PCSA shall not approve PASSS funding for any of the following:

1. Educational services such as tuition and tutoring.
2. Dental and/or orthodontia services including dental/oral surgery.
3. Medical and/or mental health co-payments, prescriptions and/or prescription co-payments.
4. Camp and any recreational services including but not limited to karate, gymnastics, dance classes and fitness club memberships.
5. Travel related expenses such as mileage reimbursement, airfare, lodging etc., and automobile purchases and repairs. PASSS funding may be used for specific types of vehicle modifications, e.g. lift added to van, car or transportation services that are related to the child's special needs.
6. Computer equipment and software. PASSS funding may be used for software suggested by a qualified professional that will help or improve the mental and physical condition of the special needs child.
7. Child care services.
8. Property fences.
10. Service animals.
11. Services provided by a PCSA or private child placing agency (PCPA) to make arrangements for adoptive placements.
12. Services that are equivalent to or are of greater benefit to other members of the family, not including family counseling and respite.
13. Services to a child for whom a parent-child relationship does not exist.
14. Services that facilitate contact with a parent whose rights have been terminated.
(15) Services for a child in the custody of a PCSA, PCPA, court or any other agency.

(16) Legal fees to finalize the adoption or for any other legal action.

(O) The PCSA may elect to approve PASSS funding for an insurance deductible, for the child only, in lieu of approving PASSS funds for the cost of services for the child. This shall only be done on a case by case basis under special circumstances that the PCSA has outlined in its adoption policy and when the PCSA has determined that it would be more cost effective to pay the insurance deductible than to pay for the cost of the services.

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The state adoption assistance loan fund provides loans to prospective adoptive parents residing in Ohio to cover adoption expenses incurred by, or on behalf of, a prospective adoptive parent and for which the prospective adoptive parent carries the ultimate liability for payment. This rule does not apply to step-parent adoptions.

The state adoption assistance loan fund will be administered through a financial institution or institutions approved by the Ohio department of job and family services (ODJFS). The financial institution or institutions shall set the loan repayment terms, the procedures for collection of loan arrearages, and any monetary penalties for loan arrearages or improper use of loan funds.

If the child being adopted resides in Ohio, the prospective adoptive parents may receive up to three thousand dollars from the state adoption assistance loan fund.

If the child being adopted does not reside in Ohio, the prospective adoptive parents may receive up to two thousand dollars from the state adoption assistance loan fund.

The public children services agency (PCSA), private child placing agency (PCPA) or private non-custodial agency (PNA) shall inform prospective adoptive parents who inquire about adoption services through the agency that the state adoption assistance loan is available.

In order to be eligible for a state adoption assistance loan, a prospective adoptive parent shall meet the following requirements at the time of application:

1. Have one of the following approved homestudies:
   a. A JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 6/20112/2014) or equivalent for children adopted from another state.
   b. A JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 06/200912/2014).
   c. A copy of a homestudy narrative report in the case of an international adoption.

2. Have been matched with an identified child who is legally free for adoption and who will be adopted prior to their eighteenth birthday.

3. Have applied for the state adoption assistance loan prior to finalization of the adoption.

In addition to the requirements outlined in paragraph (F) of this rule, a prospective adoptive parent must also meet the requirements of the financial institution administering the state adoption assistance loan fund.

If a prospective adoptive parent is interested in applying for a state adoption assistance loan, the PCSA, PCPA or PNA shall provide the prospective adoptive parent with documentation, on agency letterhead, indicating the requirements outlined in paragraph (F) of this rule have been met.

In the case of a private or an international adoption, the prospective adoptive parent shall obtain the documentation outlined in paragraph (F) of this rule from the agency which completed their homestudy.

Once the prospective adoptive parent has obtained the required documentation from the PCSA, PCPA or PNA, the prospective adoptive parent shall:

1. Provide the documentation to the financial institution.

2. Complete the financial institution's application for the state adoption assistance loan.

The state adoption assistance loan shall be used for adoption services which are reasonable and necessary such as adoption fees, court costs, attorney fees, and other expenses directly related to the
legal adoption of a child as defined in paragraph (L) of this rule. These expenses cannot be incurred in violation of state or federal law and cannot be reimbursed from other sources or funds.

(L) Other adoption expenses directly related to the legal adoption of a child refers to the cost of the adoption incurred by or on behalf of the adoptive parent(s) and for which the adoptive parent(s) carries the ultimate liability for payment. These expenses can include, but are not limited to, costs related to:

1. The adoption homestudy.
2. Health and psychological examinations.
3. Supervision of the placement prior to the final decree of adoption.
4. Reasonable cost of transportation, lodging, and food for the child and/or adoptive parent(s) when necessary to complete the placement or adoption process.

Effective: 8/1/2019
Five Year Review (FYR) Dates: 4/10/2019 and 08/01/2024
Certification: CERTIFIED ELECTRONICALLY
Date: 06/17/2019
Promulgated Under: 119.03
Statutory Authority: 3107.018, 5101.143
Rule Amplifies: 3107.018, 5101.143
Prior Effective Dates: 07/01/2011, 09/15/2014
The primary objectives of the Title IV-E FCM program are:

1. To reduce the number of children removed from their own homes for placement and placed in substitute care.
2. To improve the quality of care provided to children placed in substitute care.
3. To return children from substitute care to their own homes as soon as possible.
4. To facilitate the adoption of or other permanent placement for those children who cannot return to their own homes.

The Ohio department of job and family services (ODJFS) is committed to ensuring the maximum number of children receiving assistance under the Title IV-E foster care maintenance (FCM) program at any time, who will remain in foster care after having been in such care for more than twenty-four months, is no more than twenty per cent of the total number of children who are reported in foster care during the preceding calendar year.

1. The total number of children who are in foster care shall be determined from data collected by ODJFS in accordance with 45 C.F.R. 1355.40 (04/2012 12/2016).
2. This goal will be achieved by periodic monitoring and evaluation by ODJFS of Title IV-E agency case records and reports to ODJFS, with full realization no child eligible to receive assistance under the requirements of the Title IV-E program may be denied assistance on the basis of this goal.

The Title IV-E agency is responsible for the administration of the FCM program. The Title IV-E agency may claim administrative expenditures for reimbursement only if Title IV-E FCM is a direct responsibility of the Title IV-E agency. The Title IV-E agency having responsibility for the placement and care of the child shall:

1. Ensure the proper administration of funds, allocated or reimbursed.
2. Determine eligibility for FCM program services.
3. Maintain a separate FCM case record for each program eligible child in the legal responsibility of the Title IV-E agency.
4. Assure that each child who has attained the minimum age for compulsory school attendance receiving FCM reimbursement is a full-time elementary or secondary school student. Full-time elementary or secondary school attendance includes the following:
   a. A child is enrolled, or in the process of enrolling in an institution providing elementary or secondary education.
   b. A child is instructed in elementary or secondary education at home in accordance with the home school law of the state where the home is located.
   c. A child in an independent study elementary or secondary education program in accordance with the law of the state where the program is located, which is administered by the local school or school district.
   d. A child is incapable of attending school on a full-time basis due to the medical condition of the child, and the incapability is supported by regularly updated information in the case plan of the child.

Facilitate service planning and provision of services under the FCM program. Service planning and provision of services shall include but are not limited to:
(a) Placement prevention efforts.
(b) Determining the appropriateness of placement.
(c) Ensuring all procedural safeguards are provided.
(d) Case management.
(e) Family reunification efforts.
(f) Providing support to the child's caregivers.
(g) Discharge planning.
(h) Independent living.
(i) Referral to other programs as required or necessary, which include, but are not limited to supplemental security income (SSI), Title IV-D, Ohio works first, Title XIX (medicaid) and Title XX (social services block grant).

(D) Program eligibility and program reimbursability shall be concurrently achieved before Title IV-E FCM reimbursement for a child may be issued.

(1) "Program eligible" means both:
   (a) The child met the ADC-relatedness standards, in effect on July 16, 1996 when he or she entered placement, as required in rules 5101:2-47-12, 5101:2-47-14 and 5101:2-47-14.1 of the Administrative Code.
   (b) The Title IV-E agency is legally responsible for the child's care in accordance with rule 5101:2-47-13 of the Administrative Code.

(2) "Program reimbursable" means federal financial participation (FFP) is available for a child meeting the requirements set forth in rules 5101:2-47-13, 5101:2-47-16, and 5101:2-47-22 of the Administrative Code.

(E) Reimbursements for FCM shall be at the current rate of federal financial participation (FFP). The Title IV-E agency is responsible for the nonfederal share of all basic FCM payments made by the agency. Local or state funds may be used as the agency's match for the nonfederal share. FFP is available for a portion of the maintenance costs of program eligible and reimbursable children placed in substitute care.

(F) Maintenance costs include the following:
   (1) Food.
   (2) Clothing.
   (3) Shelter.
   (4) Daily supervision.
   (5) School supplies.
   (6) Personal incidentals.
   (7) Liability insurance with respect to the child.
   (8) Reasonable cost of travel for the child's visitation with family or other caregivers.
   (9) Reasonable cost of travel for the child to remain in the school the child was enrolled prior to placement in foster care.
   (10) In the case of residential facility care, the reasonable costs of administration and operation of such facility as are necessary and required to provide the maintenance costs.

(G) The Title IV-E agency is responsible for the nonfederal share of certain medicaid administrative costs for children in its care and Title IV-E administrative and training costs.
(1) Title IV-E administrative costs are subject to the requirements of rule 5101:9-6-28 of the Administrative Code. Administrative costs charged to Title IV-E shall not be charged concurrently to another federal program. Reimbursement shall be at the prevailing FFP.

(2) FFP is available for a portion of the administrative costs associated with program eligible and reimbursable children placed in substitute care.

(3) Administration costs include the following:
   (a) Overhead costs associated with administering the Title IV-E program.
   (b) The costs of providing case management.
   (c) The costs of travel for the child's judicial or case review.

(4) To claim reimbursement for Title IV-E administrative costs, each Title IV-E agency shall participate in the social service random moment sample study (SSRMS) and child welfare random moment sample (CWRMS) time studies as described in rule 5101:9-7-20 of the Administrative Code.

(H) Training costs are chargeable to Title IV-E. Training shall be related to child welfare services and charged in proportion to the percentage of Title IV-E eligible children. Reimbursement for training costs will be at the prevailing FFP. Training costs include:
   (1) Salary.
   (2) Travel to training.
   (3) Per diem.
   (4) Costs associated with a worker engaged in or preparing for training, either as a trainer for other agency staff or a trainee.

(I) A child receiving Title IV-E FCM reimbursements is eligible for Title XIX and Title XX services in the state he or she resides, regardless of whether it is the same state making the FCM reimbursement.

(J) A child for whom an FCM reimbursement is received shall be placed in the least restrictive, most family-like setting available and in close proximity to the parental home, consistent with the best interests and special needs of the child.

(K) The Title IV-E agency shall submit the following information to ODJFS:
   (1) The "Children Services Statistical Report" in the statewide automated child welfare information system (SACWIS).
   (2) The JFS 02820 "Children Services Quarterly Financial Statement" (rev. 10/2011) and if applicable, a JFS 02827 "CFIS Local Agency Quarterly Financial Statement" (rev. 10/2011).
   (3) The JFS 01975 "Annual Foster Care Maintenance and Adoption Assistance Survey" (rev. 2/2007) by March first of each year.
      (a) The JFS 01975 shall be certified as true and correct by the director or executive secretary, as appropriate, of the agency.
      (b) The Title IV-E agency shall keep ODJFS advised of any changes in these rates through the submission of a revised JFS 01975.

(L) If the Title IV-E agency fails to comply with paragraphs (G), (H) and (K) of this rule, then compensation for Title IV-E administrative and training reimbursement will be decreased or delayed.

(M) The Title IV-E agency should review/update in the statewide automated child welfare information system (SACWIS) for all foster care maintenance per diems by the end of the state fiscal year (June thirtieth). The data in SACWIS will be considered in establishing statewide foster care maintenance reimbursement ceilings and maximums effective the beginning of the following federal fiscal year (FFY) which begins on October first each year.
Cost reporting and reimbursement procedures contained in Chapters 5101:9-7 and 5101:2-47 of the Administrative Code shall apply with regard to the Title IV-E program. Expenditures are subject to audit and audit findings. Findings due to agency error will result in recovery of funds against the agency.

The JFS 02911 "Title IV-E Single Cost Report" (rev. 7/2013 8/2018) is subject to audit and audit findings whether submitted by public or private agencies. Any overpayment or underpayment of federal funds to the Title IV-E agency due to adjustments of cost report amounts as a result of an audit, shall be recovered or paid to the Title IV-E agency utilizing the public or private agency's services.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/31/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2019

Promulgated Under: 119.03

Statutory Authority: 5101.11, 5101.141, 5153.166, 5103.03

Rule Amplifies: 5101.11, 5101.141, 5153.166, 5103.03

Effective August 22, 1996, foster care maintenance (FCM) reimbursements and independent living services as defined in Chapter 5101:2-47 of the Administrative Code may be paid on behalf of a child who meets the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code.

A child who is a qualified alien, entering the United States on or after August 22, 1996, and is placed in foster care shall be required to live in the United States for five years before there is eligibility for FCM or independent living services. Pursuant to section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), an alien, who is in one of the following categories, is exempted from the residency requirement:

1. A child placed with a foster caregiver who is a United States citizen or a qualified alien.
3. An alien who is granted asylum under section 208 of the INA.
4. An alien whose deportation is being withheld under the INA.
5. Cuban/Haitian entrants, as defined in section 501(e) of the Refugee Education Assistance Act of 1980, Pub. L. No. 96-422.

In any case where the child is a qualified alien disqualified under section 245A (H), 210 (F) or 210 (D) (7) of the INA from meeting eligibility requirements for the Aid to Dependent Children (ADC) program in effect on July 16, 1996, as defined in rule 5101:2-47-14.1 of the Administrative Code, in the month in which a JFS 01645 "Agreement for Temporary Custody of Child (rev. 4/2006)" was entered into or court proceedings leading to the removal of the child from the home of a specified relative were initiated, such child is eligible to receive Title IV-E FCM payments if the child would have otherwise met the requirements of Chapter 5101:2-47 of the Administrative Code.

In addition to meeting the requirements of paragraph (B) of this rule, a child who is a qualified alien is eligible to receive Title IV-E FCM payments if the following are met:

1. The child is disqualified under section 245A (H), 210 (F) or 210 (D) (7) of the INA from meeting eligibility requirements for aid to dependent children (ADC) program in effect on July 16, 1996, as defined in rule 5101:2-47-14.1 of the Administrative Code:
   a. In the month in which a JFS 01645 "Agreement for Temporary Custody of Child (rev. 4/2006)" was entered into.
   b. In the month court proceedings leading to the removal of the child from the home of a specified relative were initiated.
2. The child meets all other eligibility requirements of Chapter 5101:2-47 of the Administrative Code.

An alien individual who meets the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code, is eligible to become a foster caregiver and receive Title IV-E FCM or independent living services for an eligible child.

An alien individual who does not meet the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code is an unqualified alien. An unqualified alien is eligible to become a foster caregiver and receive Title IV-E FCM or independent living services for an eligible child who entered the United
States on or after August 22, 1996, and the child is a United States citizen or is in one of the accepted groups as defined in paragraph (B) of this rule, or has lived in the United States as a qualified alien for five years.

(F) A child who is a qualified alien and is eligible for Title IV-E FCM shall be eligible for Title XIX medicaid coverage.

(G) Citizenship or immigration status must be verified in the following cases:
   (1) For all children in receipt of Title IV-E FCM payments or independent living services.
   (2) For the foster caregiver with whom the qualified alien child is placed.

Effective: 04/15/2017

Five Year Review (FYR) Dates: 11/23/2016 and 04/15/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 03/14/2017
Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.141, 5153.16
FCASMTL 377

Effective Date: April 15, 2017

Most Current Prior Effective Date: June 1, 2012

(A) The Title IV-E agency that holds legal responsibility as defined in rule 5101:2-47-13 of the Administrative Code for the care and placement of the child retains responsibility for the management of the foster care maintenance (FCM) case regardless of where the biological family is living or where the child is placed.

(B) When legal responsibility for the care and placement is transferred to an agency in another county, the FCM case shall be transferred to the new agency.

(C) When a child receiving FCM moves or is placed from one state to another, Title XIX medicaid services will be provided by the state where the child is placed, and Title XX social services block grant services will be provided by the county where the child is placed. The child’s placement must be made in accordance with the requirements of the interstate compact on the placement of children (ICPC) contained in Chapter 5101:2-52 of the Administrative Code.

(D) When a Title IV-E agency places a Title IV-E FCM eligible child in another Ohio county, the child will be provided with Title XX services by the county where the child is placed, in accordance with that county's Title XX plan.

(E) When legal responsibility for the care and placement of a child is transferred from the Title IV-E agency to a private child placing agency (PCPA), the child is no longer eligible for FCM.

Effective: 04/15/2017

Five Year Review (FYR) Dates: 11/23/2016 and 04/15/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2017

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.16, 5101.141

Rule Amplifies: 5103.03, 5153.16, 5101.141

5101:2-47-05  Title XIX Medicaid Coverage for Title IV-E Foster Care Maintenance (FCM) Recipients in Accordance With the Consolidated Omnibus Budget Reconciliation Act (COBRA)

FCASMTL 397

Effective Date: June 23, 2018

Most Current Prior Effective Date: June 1, 2013

(A) Children placed outside Ohio

(1) Within twenty business days after a Title IV-E foster care maintenance (FCM) FCM eligible and reimbursable child's placement out of state, the Ohio Title IV-E agency must take the following actions to transfer Title XIX medicaid coverage to the Title XIX medicaid authority in the state where the child has been placed:

(a) Provide written notifications to the responsible Title XIX medicaid authority in the state in which the child is placed, of Ohio's intent to terminate the medicaid coverage. Notification shall, at a minimum, include the following:

(i) The proposed effective termination date of Ohio's Title XIX medicaid coverage.

(ii) A statement that the out of state Title IV-E agency will continue to receive Title IV-E FCM payments reimbursements on the child's behalf and the Title XIX medicaid coverage will be provided by the state where the child is placed.

(b) Request written notification of the effective date of Title XIX medicaid coverage from the Title IV-E agency in the state where the child is placed.

(c) Inform the out of state custodial Title IV-E agency of its right to a state hearing in accordance with Chapters 5101:6-1 to 5101:6-9 and rule 5101:6-3-01 of the Administrative Code.

(d) Terminate Ensure the Title XIX medicaid coverage in the statewide automated child welfare information system (SACWIS) is terminated using the date and the out of state Title XIX medicaid coverage begins.

(2) Once every twelve months, provide the responsible Title XIX medicaid authority in the state where the child is placed, with verification of the child continuing to be eligible and reimbursable for FCM reimbursement.

(3) When the child is not Title IV-E program eligible and reimbursable no longer eligible for FCM reimbursement, provide written notification, within twenty business days of the determination, to the Title XIX medicaid authority in the state where the child is placed.

(B) Children placed in Ohio from another state

(1) Within twenty business days after being notified by a custodial Title IV-E agency from the other state that a Title IV-E FCM eligible and reimbursable child has been placed in Ohio, the following actions must be taken in order to authorize Title XIX medicaid coverage:

(a) The Ohio Title IV-E agency must obtain the following information, in writing, from the custodial Title IV-E agency in another state:

(i) The child's name, social security number and date of birth.

(ii) The substitute care provider's name and address.

(iii) The address where the medicaid card should be sent.

(iv) Verification of eligibility for Title IV-E FCM, which may include an approved Title IV-E FCM application.

(v) The name, address and phone number of a contact person at the custodial agency in another state with Title IV-E FCM case management responsibility.
(vi) The date Title XIX medicaid coverage in the state where the child is placed from will be terminated.

(vii) Any additional information regarding other health insurance coverage the child may have, including third-party liability.

(b) The Ohio Title IV-E agency must enter the appropriate COBRA Title IV-E FCM information in SACWIS which will authorize medicaid coverage.

(c) The Ohio Title IV-E agency must provide written notification of the effective date of Title XIX medicaid coverage to the custodial Title IV-E agency.

(d) The Ohio Title IV-E agency must complete the JFS ODM 06612 "Health Insurance Information Sheet" (rev. 5/2004 9/2016), if there is information that the child is covered under a health insurance plan.

(2) Once every twelve months, the Ohio Title IV-E agency shall request verification of continuing Title IV-E FCM eligibility and reimbursability from the custodial Title IV-E agency in the state making receiving Title IV-E FCM payments reimbursements on behalf of a child placed in Ohio. Upon notification from the custodial Title IV-E agency that the child does not meet Title IV-E FCM program eligibility and reimbursability criteria, the Ohio Title IV-E agency shall take steps to:

(a) Terminate Title XIX medicaid coverage in SACWIS and follow the procedures outlined in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, in particular, rule 5101:6-3-01 of the Administrative Code.

(b) Advise the custodial Title IV-E agency that Ohio Title XIX medicaid coverage on behalf of the child may be explored.

(C) The Title IV-E agency shall maintain a separate case record for each Title IV-E FCM recipient who is placed in Ohio by an out of state a custodial Title IV-E agency. At a minimum, the case record shall contain all of the information required in paragraph (D) (B) of this rule.

(D) A child who is eligible for Title IV-E FCM reimbursement in Ohio shall not be denied Title XIX medicaid coverage if the other state does not make Title XIX medicaid coverage available.

Effective:

Five Year Review (FYR) Dates: 3/19/2018

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5101.141, 5153.16

Rule Amplifies: 5103.03, 5101.141, 5153.16

FCASMTL 377

Effective Date: April 15, 2017

Most Current Prior Effective Date: June 1, 2012

(A) The Title IV-E agency shall be afforded the same opportunity for a state hearing as any other applicant/recipient of public assistance.

(B) The affected Title IV-E agency shall receive notice and copies of all materials related to state hearings as do other applicants/recipients of public assistance.

(C) All provisions of Chapters 5101:6-1 to 5101:6-9 of the Administrative Code apply to the administration of the foster care maintenance program.


Certification: CERTIFIED ELECTRONICALLY

Date: 11/23/2016

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.16, 5101.141

Rule Amplifies: 5103.03, 5153.16, 5101.141

Prior Effective Dates: 5/1/98, 4/23/07
The Title IV-E agency as defined in rule 5101:2-1-01 of the Administrative Code shall:

1. Complete the JFS 01435 "Title IV-E agency application/update for child support services" (rev. 4/2006) for all Title IV-E foster care maintenance (FCM) eligible children, except where parental rights have been terminated by court order or permanent surrender.

   The Title IV-E agency may also make an application for FCM non-eligible children.

2. Assign child support rights to the Ohio department of job and family services (ODJFS) for Title IV-E FCM children through the JFS 01435 within thirty business days of the date the Title IV-E agency obtains legal responsibility for the care and placement of the child. Make an application for FCM non-eligible children, if deemed appropriate.

   a. Assignment of child support will be effective the first day of the calendar month in which all Title IV-E eligibility criteria are met.

   b. Assignment of child support will terminate the last day of the calendar month in which the agency's temporary custody of the child is terminated.

3. Send any court orders and other verifications available with the JFS 01435 to the Title IV-D agency as defined in rule 5101:12-1-01 of the Administrative Code in the county in which the child was removed from the home, when the Title IV-E agency obtains legal responsibility for care and placement/custody of the child.

4. Send an updated JFS 01435 and any court orders upon verification of any changes in the circumstances of the child or parent(s).

5. Determine good cause circumstances where it is in the best interest of the child not to send an application to establish an order for support to the Title IV-D agency. Good cause circumstances shall be documented in the statewide automated child welfare information system (SACWIS) and include but not limited to the following:

   a. The parent(s) would be unable to comply with the permanency plan of reunification due to the financial hardship caused by paying child support.

   b. The child is expected to be in foster care for less than thirty days.

   c. The noncustodial parent is a potential placement resource.

   d. Other appropriate circumstances determined by the Title IV-E agency.

The Title IV-D agency shall:

1. Determine the county with the administrative responsibility for the child support order and forward the JFS 01435 to the Title IV-D agency with the administrative responsibility.

2. Pursue and establish paternity, court orders, or enforce existing orders. Assign child support rights to the Ohio department of job and family services (ODJFS) for FCM children by completing the JFS 01435 within thirty business days of the date the Title IV-E agency obtains legal responsibility for the care and placement/custody of the child.

   a. Assignment of child support will be effective the first day of the calendar month in which all FCM eligibility criteria are met.

   b. Assignment of child support will terminate the last day of the calendar month in which the agency's temporary custody of the child is terminated.

3. Pursue and establish paternity, court orders, or enforce existing orders.
(3)(4) Assist the Title IV-E agency in securing support payments and medical support from the parent(s) on behalf of the child.

(4)(5) All child support payments shall be collected and disbursed by the office of child support within the Ohio department of job and family services through the child support payment central (CSPC) process.

(5)(6) If the Title IV-EFCM eligible child was a recipient of Ohio works first prior to entry into substitute care, then a new assignment of support rights is needed.

(C) The Title IV-E agency must provide written notification to the county department of job and family services (CDJFS) Title IV-A agency or unit within ten business days of a child entering legal responsibility.

(D) The CDJFS Title IV-A worker is responsible for furnishing information pertinent to eligibility that may be available in existing Title IV-A records, no later than ten business days after receipt of a written request by the Title IV-E agency.

(E) The Title IV-E agency is responsible for completing the JESODM 03528 "Healthchek and Pregnancy related services information sheet" (rev. 5/20143/2018) for each Title IV-E FCM eligible child pursuant to rule 5101:2-42-66.1 of the Administrative Code.

(F) The Title IV-E agency shall:

(1) Attempt to determine if the parent(s), guardian, or custodian has health care insurance coverage available to every Title IV-E FCM eligible child. If such insurance coverage is available, the Title IV-E agency must complete the JFS ODM 06612 "Health Insurance Information Sheet" (rev. 6/20099/2016).

(2) Complete the JESODM 06613 "Accident/Injury Insurance Information Form" (rev. 7/200312/2016) for every Title IV-E FCM eligible child who is involved in an accident where there may be third party liability.

(3) Complete in SACWIS the pre-termination review (PTR) "Referral for Medicaid Continuing Eligibility Review" prior to termination of the legal responsibility for care and placement/custody of the child.

(3)(4) Consider making application to the regional office of the social security administration (SSA) for supplemental security income (SSI) benefits for every child. The Title IV-E agency may receive Title IV-E FCM reimbursements and SSI benefits concurrently pursuant to rule 5101:2-47-12 of the Administrative Code.

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Certification: CERTIFIED ELECTRONICALLY

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Rule Amplifies: 5103.03, 5153.16, 5101.141

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FCASMTL 397

Effective Date: June 23, 2018

Most Current Prior Effective Date: June 1, 2013

(A) Each Title IV-E agency shall maintain a separate case record containing documentation which supports the Title IV-E agency's actions in the entire process of determining a child's eligibility for Title IV-E FCM.

(B) Each Title IV-E program child's FCM eligibility documentation must include, but is not limited to:

1. A completed JFS 01452 "Title IV-E Foster Care Maintenance Application for Initial Eligibility" (rev. 12/2005) prior to 2010 or a copy of the eligibility determination in the statewide automated child welfare information system (SACWIS).

2. For court-ordered removals, a copy of all court orders including, but not limited to:
   (a) The complaint, petition, probation violation or motion filed for the purpose of removing a child or initial court order placing a child into detention that removes the child from a specified relative.
   (b) The removal order, "Ex Parte", warrant or pickup order which led to the child's removal from a specified relative and placed into detention or substitute care. The order must contain a judicial determination to the effect that continuation in the home of a specified relative would be contrary to the welfare of the child.
   (c) The initial court order of custody or commitment giving the Title IV-E agency legal responsibility for the care and placement which led to the child's removal from a specified relative. The initial court order must contain a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child.
   (d) The adjudication order.
   (e) The court order containing the reasonable efforts to prevent the removal as required in rule 5101:2-47-22 of the Administrative Code.
   (f) The dispositional order.
   (g) The court orders containing the court's determination of reasonable efforts to finalize the permanency plan as required in rule 5101:2-47-22 of the Administrative Code.

3. If the child entered custody as a result of a JFS 01645 "Agreement for Temporary Custody of a Child" (rev. 4/2006) a copy of the JFS 01645 and a copy of any court approved JFS 01645 thirty day extensions evidencing the court's determination that placement is in the best interest of the child, as applicable.

4. If the child entered custody as a result of a JFS 01666 "Permanent Surrender of Child" (rev. 6/2006 10/2013) a copy of the JFS 01666 and a copy of the court order received within one hundred eighty days from the date of placement evidencing the court's determination that placement is in the best interest of the child and that reasonable efforts were made, as applicable.

5. Documentation of citizenship and immigration status for all children in foster care regardless of whether Title IV-E FCM payments are made on their behalf pursuant to rule 5101:2-33-29 of the Administrative Code.

6. Documentation of the verification used to meet all of the FCM eligibility requirements described in Chapter 5101:2-47 of the Administrative Code.

7. A copy of the Title IV-E agency's notification to the county department of job and family services (CDJFS) Title IV-A unit of a child entering custody.
(8) A copy of the Title IV-E agency's JFS 01435 "Title IV-E Agency Application Update for Child Support Services" (rev. 4/2006) for a child entering custody.

(9) Copies of the JFS ODM 06612 "Health Insurance Information Sheet" (rev. 5/2004-9/2016) and the JFS 06613 "Accident/Injury Insurance Information" (rev. 6/2009), as applicable.

(10) copies of the ODM 06613 "Accident/Injury Insurance Information (rev. 12/2016), as applicable.


(11) Any JFS 01452A "Title IV-E Foster Care Maintenance Redetermination" (rev. 12/2005) or any redeterminations of continued eligibility done in SACWIS prior to April 1, 2010.

(C) Title IV-E FCM program reimbursability documentation must include, but is not limited to:

(1) The receipt of supplemental security income (SSI) during the FCM claim period.

(2) Documentation of the child's income.

(3) A copy of each approval, license, certification, as applicable, for the child's placement facility during the time FCM reimbursements were made for the child.

(4) Documentation for difficulty of care payments:
   (a) The degree of difficulty of care and supervision required by the special, exceptional or intensive needs child.
   (b) The qualification of and degree of care and supervision provided by the substitute caregiver.
   (c) Agency-specific emergency foster home criteria.

(5) A copy of documentation evidencing repayment of any identified Title IV-E FCM overpayment.

(6) A copy of documentation used to receive reimbursements for clothing, personal incidentals and graduation expenses.

(D) Case records may be maintained as hard copy files, electronic files or as a combination of both. If an electronic copy is kept, upon request a hard copy of the file must be made available for audit purposes.

(E) Each case record prepared and maintained must be kept permanently and may be integrated into the child's case record pursuant to rule 5101:2-33-23 of the Administrative Code once the child is no longer in the legal responsibility for the care and placement of the Title IV-E agency.

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Rule Amplifies: 5153.16, 5103.03, 5101.141
Reimbursement for Title IV-E foster care maintenance (FCM) costs for children's residential centers (CRC),
group homes, maternity homes, residential parenting facilities, private foster homes, and substance use disorder (SUD)
residential facilities

FCASMTL 411

Effective Date: May 1, 2019

Most Current Prior Effective Date: June 1, 2015

(A) A public children services agency (PCSA), private child placing agency (PCPA), and private non-
custodial agency (PNA), and other state of Ohio licensed non-custodial agency shall submit the JFS 02911 "Title IV-E Single Cost Report" (rev. 8/2018) as described in rule 5101:2-47-26.1 of the Administrative Code in order to be reimbursed for foster care costs when a child is placed in a children's residential center (CRC), group home, maternity home, residential parenting facility, or a purchased private foster home (PFC), or with a parent in a SUD residential facility as defined in rule 5101:2-1-01 of the Administrative Code.

(B) If a JFS 02911 cost report has been approved for children placed in a CRC, group home, maternity home, or residential parenting facility, or SUD residential facility, two Title IV-E reimbursement ceiling amounts are calculated and rounded to the nearest dollar.

(1) The Title IV-E foster care maintenance reimbursement ceiling amount is based on reported and allowable Title IV-E foster care maintenance (FCM) costs.

(2) The Title IV-E administration reimbursement ceiling amount is based on reported allowable Title IV-E administration costs.

(C) Reimbursement to the Title IV-E agency for children placed in a CRC, group home, maternity home, or residential parenting facility, or SUD residential facility is based on the lesser of:

(1) The Title IV-E foster care maintenance reimbursement ceiling amount established by the JFS 02911 multiplied by the number of care days or the amount paid by the Title IV-E agency for foster care maintenance.

(2) The administration reimbursement ceiling amount established by the JFS 02911 multiplied by the number of care days or the amount paid by the Title IV-E agency for administration.

(D) If a JFS 02911 cost report has been approved for children placed in a purchased private foster care home, a Title IV-E administration reimbursement ceiling amount will be calculated based on reported and allowable Title IV-E administration costs and rounded to the nearest dollar.

(E) Administration reimbursement to the Title IV-E agency for children placed in a purchased private foster care home is based on the lesser of:

(1) The Title IV-E administration reimbursement ceiling amount established by the JFS 02911 multiplied by the number of care days; or

(2) The amount paid by the Title IV-E agency for administration.

(F) Foster care maintenance FCM reimbursement to the Title IV-E agency for children placed in a purchased private foster care home is based on a contemporaneous payment system. Reimbursement in a contemporaneous payment system is the lesser of the following:

(1) The uniform statewide maximum amounts published annually in a "Family, Children and Adult Services Procedure Letter" located at http://emanuals.jfs.ohio.gov/ and published once a year.

(2) The agreed upon foster care placement amount paid by the Title IV-E agency. The agreed upon foster care placement amount must be equal to the amount the private agency reimburses their foster parents for the maintenance of the children.

(3) The agreed upon amount paid by the Title IV-E agency for other direct services which include: special diets, clothing, graduation expenses, personal incidentals, liability insurance with respect
to the child and reasonable travel expense for home visits provided these expenses are not included in the agreed upon foster care placement amount.

(G) Title IV-E costs are reimbursable to the Title IV-E agency at the appropriate federal financial participation (FFP) amount.

1. The Title IV-E foster care maintenance (FCM) costs are reimbursable at the federal medical assistance percentage (FMAP) which is calculated annually by the federal government; and

2. Title IV-E administration costs are reimbursable at the fixed rate of fifty per cent.

(H) Title IV-E FCM reimbursement to the Title IV-E agency for a child placed through a private foster home provider or an out-of-state foster home not participating in the Ohio department of job and family services (ODJFS) Title IV-E PFC/FCM reimbursement ceiling amount approval system is limited to the actual maintenance costs for that child, but shall not exceed the uniform statewide maximum rates published annually in a "Family, Children and Adult Services Procedure Letter."

(I) FCM reimbursement can be claimed whenever a child is placed with a parent in a SUD residential facility without meeting the ADC-relatedness requirement and the placement does not exceed twelve months. The following criteria shall be met:

1. The recommendation for the placement is specified in the child's case plan before the placement.

2. The SUD residential facility provides, as part of the treatment for substance abuse, the following services:
   (a) Parenting skills training;
   (b) Parent education;
   (c) Individual counseling; and
   (d) Family counseling.

3. The services identified in paragraph (I) of this rule are provided under an organizational structure and treatment framework with recognized principles of a trauma-informed approach and trauma-specific interventions to address the consequences of trauma and facilitate healing.

(J) Each Title IV-E agency shall enter all cases in the Ohio statewide automated child welfare information system (SACWIS).

(K) To receive reimbursement a Title IV-E agency processing their payments and seeking reimbursement from SACWIS shall:

1. Record placement, service authorization and contract cost information for each child.

2. Generate a payment by creating a payment request and sending the payment information to the county auditor for payment.

3. Disburse payments through the county auditor at any point during a month. These payments will be reimbursed during the monthly reimbursement process conducted by ODJFS on the first business day of the following month.

4. Access the reimbursement reconciliation report to review all itemized reimbursements and assure the reimbursements are accurate.

(L) Reimbursement will be issued in the form of a warrant payable to the Title IV-E agency which registers the Title IV-E cases. The warrant amount will be calculated from the completed reimbursement processing at the applicable FFP.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/25/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 04/02/2019
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FCASMTL 411

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(A) The FCM initial program eligibility shall be determined in the statewide automated child welfare information system (SACWIS) by the Title IV-E agency representative within sixty days of the time the agency receives legal responsibility for the care and placement of the child. If the eligibility determination was made in error the FCM eligibility determination can be corrected.

(B) FCM program eligibility may be determined for a child for whom the responsibility for care and placement has been transferred from another public or private agency to the Title IV-E agency. FCM program eligibility shall be determined on the original court order which removed the child from a specified relative.

(C) A child shall be considered FCM program eligible if, at the time the child enters care:

(1) The Title IV-E agency has legal responsibility for the care and placement of the child as described in rule 5101:2-47-13 of the Administrative Code; and

(2) The child met the aid to dependent children (ADC)-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code unless the child's placement is with a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, in which case ADC-relatedness is not required.

(D) A Title IV-E agency may complete a FCM eligibility determination in SACWIS later than sixty days of the child's entry into the legal responsibility of care and placement of the agency if the Title IV-E agency documents that there were extenuating circumstances preventing completion within the sixty day period.

(E) Once FCM initial eligibility is established, the child remains program eligible for the entire custody episode through the end of the month of the child's eighteenth birthday. The following exceptions may occur:

The exception is FCM eligibility may continue beyond his or her eighteenth birthday if there is documentation from the educational provider that the child is a full-time student reasonably expected to complete high school or equivalent level of vocational or technical training prior to his or her nineteenth birthday.

(1) FCM eligibility may continue beyond his or her eighteenth birthday if there is documentation from the educational provider that the child is a full-time student reasonably expected to complete high school or equivalent level of vocational or technical training prior to his or her nineteenth birthday.

(2) If the child, who was placed with a parent in a SUD residential facility, is no longer placed with the parent and is in any other placement type, eligibility that excluded ADC-relatedness shall be reviewed for continuing eligibility.

(F) The child is no longer program eligible for FCM when any of the following occur:

(1) At the end of the month of the child's eighteenth birthday except as stated in paragraph (E) of this rule.

(2) The child entered care as a result of a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) pursuant to rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code and the agency failed to acquire a best interest statement in accordance with rules 5101:2-42-08 and 5101:2-47-13 of the Administrative Code from the juvenile court. Eligibility ends at the end of the thirtieth day of the executed JFS 01645.
(3) The child entered care as a result of a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) pursuant to rules 5101:2-42-09 and 5101:2-47-13 of the Administrative Code and the agency failed to acquire a judicial determination of best interest and reasonable efforts in accordance with rules 5101:2-39-01, 5101:2-47-13 and 5101:2-47-22 of the Administrative Code. Eligibility ends at the end of the one hundred eightieth day of the executed JFS 01666.

(4) The Title IV-E agency's legal responsibility for the child ends. Eligibility ends at the end of the day legal responsibility ends. Any subsequent removal of the child from his home will require a new program eligibility determination in accordance with this rule.

(5) The child is no longer placed with a parent in a SUD residential facility, unless the child meets the ADC-relatedness eligibility criteria.

(5)(6) The child dies. Eligibility ends on the date of death.

(G) A new FCM eligibility determination in SACWIS must shall be completed when either any of the following occur:

(1) The Title IV-E agency's responsibility for the child terminates and the child reenters care through court action or via a JFS 01645 or a JFS 01666 at a later date.

(2) A trial home visit exceeds six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate and the child is subsequently returned to foster care. The month the child is returned to foster care is the month in which eligibility shall be determined.

(3) A child who was initially determined ineligible based on not meeting ADC-relatedness and is now placed with a parent in SUD residential facility becomes program eligible by excluding the ADC-relateness factors.

(H) FCM initial program reimbursability shall be determined for a child who is FCM program eligible at the time the child entered care. A FCM program eligible child shall be reimbursable when both of the following apply:

(1) The child's countable income is less than the cost of care paid by the agency.

(2) The child is placed in a setting which is licensed, certified or approved, by ODJFS or another state agency with such authority as outlined in rule 5101:2-47-16 of the Administrative Code.

(I) The child is no longer program reimbursable for FCM when any of the following occur:

(1) Reasonable efforts to finalize the permanency plan are not met in accordance with rule 5101:2-47-22 of the Administrative Code.

(2) The child is not placed in a setting that is licensed, certified or approved, as outlined in rule 5101:2-47-16 of the Administrative Code.

(J) If a child is eligible for both supplemental security income (SSI) and FCM benefits, the Title IV-E agency may choose to do one of the following based on the child's cost of care:

(1) Receive both benefits concurrently. If the Title IV-E agency chooses to receive both benefits, the FCM payment (including both non-federal and federal dollars) is considered income for the determination of SSI eligibility and reduces the amount of the SSI payment dollar for dollar. If the FCM payment is in excess of the SSI payment, the child will not receive a SSI payment.

(2) The Title IV-E agency may pay for the placement cost with local (non-federal) dollars, which are not considered income for SSI eligibility, and receive the SSI benefit for reimbursement of the placement cost.

(K) If the child receives any type of income or resources while in the legal responsibility of care and placement of a Title IV-E agency, that income or resource must shall be entered into SACWIS.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/25/2019 and 05/01/2024
“Legal responsibility” means that for the care of the child under the Title IV-E foster care maintenance (FCM) program, the Title IV-E agency has legal responsibility for the care and placement of the child. This can be established through a court order, a JFS 01645 “Agreement for Temporary Custody of Child” (rev. 4/2006) or a JFS 01666 “Permanent Surrender of Child” (rev. 6/2006 10/2013).

If legal responsibility is established through court action, the Title IV-E agency must obtain from the appropriate juvenile court an order:

1. Removing the child from the home of a specified relative as defined in rule 5101:2-47-14 of the Administrative Code; and

2. Showing the agency to be responsible for the child's care and placement. The court order may be one of the following:
   a. An ex parte emergency court order as defined in rule 5101:2-1-01 of the Administrative Code.
   b. Temporary custody as defined in rule 5101:2-1-01 of the Administrative Code.
   c. Permanent custody as defined in rule 5101:2-1-01 of the Administrative Code.
   d. A planned permanent living arrangement order as defined in rule 5101:2-1-01 of the Administrative Code.

If the Title IV-E agency's legal responsibility for care and placement is obtained by a court order, the order leading to the removal of the child from the home of a specified relative must contain a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child, or that the placement is in the best interest of the child. If one of these statements is not obtained, the child will not be FCM program eligible or reimbursable for this custody episode. In situations where a child is in a detention facility at the time the legal responsibility is directly ordered to the Title IV-E agency, the court order placing the child into detention will serve as the initial court order that removed the child from the specified relative.

If the Title IV-E agency's responsibility for care and placement is obtained by a court order, a judicial determination of reasonable efforts, as described in rule 5101:2-47-22 of the Administrative Code, by a juvenile court of competent jurisdiction shall be obtained no later than sixty days from the date the child is removed from the home of a specified relative. If this determination is not obtained by the sixtieth day, the child will not be FCM program eligible or reimbursable for this custody episode.

For all children who entered care as the result of a JFS 01645, the JFS 01645 must be executed in accordance with rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code. A judicial determination specifying that the placement is in the best interest of the child must be obtained when the Title IV-E agency requests an original thirty-day extension of the JFS 01645 pursuant to rule 5101:2-42-08 of the Administrative Code. If the best interest judicial determination is not obtained when an original thirty-day extension is requested, the child will not be FCM program eligible or reimbursable after thirty days, except under the following circumstances:

1. Prior to thirty days elapsing, the Title IV-E agency obtains a court order for custody. Under this circumstance the agency must obtain the best interest determination in the court order giving continued custody to the agency.

2. Prior to thirty days elapsing, the Title IV-E agency obtains a JFS 01666. Under this circumstance, the signed, court approved JFS 01666 must contain the best interest determination. The Title IV-E agency must also obtain a judicial determination to the effect that the Title IV-E agency is not required to make reasonable efforts to return the child home due to
the parents terminating their parental rights by the one hundred eightieth day from the date of
the signed JFS 01645.

(F) A JFS 01666 signed by the parent(s) is acceptable as a voluntary placement agreement for FCM
program eligibility purposes if it is the event which initially leads to the Title IV-E agency having legal
responsibility for the child's care and placement. In such cases, by the one hundred eightieth day from
the date of placement, the Title IV-E agency must:

(1) Petition the court for a judicial determination to the effect that continuation in the home of the
specified relative is contrary to the best interest of the child or that the placement is in the best
interest of the child; and

(2) Obtain the judicial determination of reasonable efforts, as described in rule 5101:2-47-22 of the
Administrative Code.

(G) The judicial determinations required in this rule must be explicitly documented and made on a case by
case basis and so stated in the court order. If the reasonable efforts or contrary to the welfare judicial
determinations are not included as required in the court order, a transcript of the court proceedings is
the only other documentation that will be accepted to verify that these required determinations have
been made. An affidavit, amendment or a nunc pro tunc order will not be accepted as verification
documentation of these judicial determinations.

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06/01/2013
In order to meet Title IV-E foster care maintenance (FCM) initial program eligibility, the child must have a relatedness to the aid to dependent children (ADC) program authorized under Title IV-A of the Social Security Act as of July 16, 1996. Each ADC eligibility criteria must be met in the month of, but prior to the child's removal from the home including the date of removal. All applicable ADC eligibility requirements found in the appendix to rule 5101:2-47-14.1 of the Administrative Code shall be applied when determining eligibility for ADC. Attempts must be made to verify all Title IV-E program eligibility requirements. Such attempts must be documented in the child's Title IV-E case record. In situations in which no information is available, eligibility cannot be established.

The "eligibility month" means:

1. The month during which a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) is executed in accordance with rule 5101:2-42-06 of the Administrative Code.
2. The month during which a JFS 01666 "Permanent Surrender" (rev. 6/2006 10/2013) is executed in accordance with rule 5101:2-42-09 of the Administrative Code.
3. The month during which the public children services agency (PCSA) or a public entity with whom the Ohio department of job and family services (ODJFS) has a Title IV-E interagency agreement in effect:
   a. Files a petition for custody or care and placement of the child which eventually leads to a court ordered removal of the child, or
   b. The month in which the court orders the commitment of the child to the Title IV-E agency, or
   c. The month in which the child is placed in detention, whichever occurs first.
4. The month the child enters custody is not necessarily the same as the eligibility month.

The specified relative from which the child was removed is the household which must be examined when determining ADC-relatedness. For purposes of Title IV-E FCM, "removal of the child from the specified relative," as defined in paragraph (D) (E) of this rule, means:

1. A judicial order for a physical or constructive removal (non-physical, paper removal) of the child from the specified relative has been issued.
2. An executed JFS 01645 or JFS 01666 has been entered into which leads to a physical or constructive removal of the child from the specified relative.

A removal has not occurred in situations where legal custody has been removed from the specified relative and the child remains with the same relative.

The circumstances which define determine ADC eligibility include all of the following:

1. Living with a specified relative.
   a. For purposes of meeting the requirements for living with a specified relative prior to the removal as described in paragraph (C) of this rule, one of the following must apply.
      i. The child was living with the specified relative and was ADC-related in that household in the eligibility month as defined in paragraph (B) of this rule.
      ii. The child had been living with the specified relative within six months of the eligibility month, as defined in paragraph (B) of this rule, and would have met the requirements of paragraphs (E)(2) to (E)(5) of this rule in the eligibility month if the child had continued to reside with the specified relative.
The "specified relative," as defined in appendix A of rule 5101:2-47-14.1 of the Administrative Code is a blood relative, including those of half blood, who may be one of the following:

(i) Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, nephew, niece, half brother, half sister, first cousin, first cousin once removed, or any person of preceding generation denoted by prefix of "grand," "great-grand," "great," "great-great," and "great-great-great."

(ii) Any person who legally adopted the child or adopted the child's parent, or the natural children or other adopted children of such person.

(iii) Married spouse of any person named above, even though the marriage had been terminated by death or divorce.

(iv) Paternal relatives of an out-of-wedlock child are relatives for ADC purposes, provided that the father meets one of the definitions of a parent found in rule 5101:1-3-04 of the Administrative Code.

(2) Age
A child is ADC eligible through the month of his or her eighteenth birthday. The following requirements apply for other circumstances:

(a) A child may remain eligible for ADC beyond his or her eighteenth birthday only if the child is a full-time student reasonably expected to complete a secondary school program or the equivalent of vocational or technical training prior to his or her nineteenth birthday. A child who will be nineteen the same month in which the child completes the secondary school program or equivalent, is eligible for ADC through that month.

(b) A child who completes high school prior to his or her eighteenth birthday and is attending college or college-level vocational or technical training is eligible for ADC through the month of his or her eighteenth birthday.

(c) A child who is not reasonably expected to complete high school or the equivalent training prior to his or her nineteenth birthday is ineligible for ADC the month following the month of his or her eighteenth birthday.

(d) A child who is eighteen and has completed high school and is now enrolled in a technical program that can be completed before age nineteen is not eligible for ADC.

(e) In cases where the year and the month in which the child was born can be established, but not the exact day, the first of the month is to be used as the child's birthday.

(3) Deprivation
In the eligibility month, but prior to the child's removal from the home, the child must be deprived of the support of one or both parents as a result of one of the following:

(a) Death.

(b) Incapacity.

(c) Continued absence from the removal home.

(d) Unemployment of the principal wage-earning parent.

(4) Need
(a) In the eligibility month, but prior to the child's removal from the specified relative, the income available to the child must be less than the state of Ohio's one hundred eighty-five per cent and the one hundred per cent standard of need for ADC eligibility, in effect on July 16, 1996.
In the eligibility month, but prior to the child's removal from the specified relative, the income and resources of the standard filing unit (SFU) as defined in rule 5101:2-47-14.1 of the Administrative Code must be considered in the needs determination.

In the eligibility month, but prior to the child's removal from the specified relative, under constructive removal situations, the income and resources of the SFU as defined in rule 5101:2-47-14.1 of the Administrative Code must be considered in the needs determination. The household of the parent or other specified relative that the child is constructively removed from shall be the household in which the SFU will be established.

In the eligibility month, but prior to the child's removal from the specified relative, the resources available to the SFU shall not exceed ten thousand dollars.

The ten thousand dollar resource limit does not include:

(a) Homestead property which is the usual residence of the assistance group.
(b) One motor vehicle, the value of which does not exceed one thousand five hundred dollars with consideration of liens or encumbrances. Any excess value over the limit is applied to the overall resource limit.
(c) Items or personal property owned by the members of the SFU that are considered as household goods and personal effects.
(d) The resources of an SSI recipient and the resources of an individual for whom federal, state or local foster care maintenance (FCM) payments are made.
(e) Funeral arrangements valued at one thousand five hundred dollars or less for each member of the SFU. Equity value for funeral arrangements that exceed the limit shall be counted toward the overall resource limit.
(f) One burial space for each member of the SFU.
(g) Bona fide loans from any source.
(h) Educational grants and scholarships from any source for undergraduate and graduate college expenses.
(i) Payments received by individuals of Japanese ancestry under section 105 of Public Law 100-383, and payments received by Aleuts under section 206 of Public Law 100-383 (1988).
(j) Payments received under the provisions of the Agent Orange Compensation Exclusion Act of 1989 (Public Law 101-201).
(k) Earned income tax credit (EITC) payments in the form of a refund of "federal" income taxes or in the form of an advance payment by an employer must be disregarded in the month and the month following the receipt of such payment.
(l) The resources of an individual on whose behalf federal, state or local FCM payments are made.
(m) Payments received under the provisions of the Radiation Exposure Compensation Act of 1990 (Public Law 101-246).
(n) Payments received under the provisions of the Maine Indian Claims Settlement Act of 1980 (Public Law 96-240).
(o) Payments received under the provisions of Aroostook Band of Micmacs Act of 1991 (Public Law 102-171).
(p) Payments received under the provisions of the Child Care and development Block Grant (Section 5082 of Public Law 101-508) (1990).
Escrow accounts established and credited as the direct result of the SFU's involvement in the family self-sufficiency program. These escrow accounts are only considered available when the SFU is no longer receiving any federal, state, or other public assistance for housing.

Payments received under the provisions of the Seneca Nation Settlement Act of 1990 (Public Law 101-503).

The ten-thousand dollar resource limit includes but is not limited to:

(a) The equity value of real property not used as the residence of the SFU, assessed according to its equity value. Any income received from income-producing property is counted as income to the case.

(b) The equity value of any burial spaces in excess of one per person.

(c) The cash value of life insurance policies.

(d) Household goods and personal effects not considered as exempt resources.

(e) The amount of cash on hand.

(f) The current savings and checking account balances.

(g) The value of any stocks, bonds and trust accounts.

(h) The value of revocable funeral agreements.

(i) The value of all vehicles available to the SFU.

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5101:2-47-14.1 - Appendix A


(B) The term "public agency" shall mean either a public children services agency (PCSA) which is either a county children services board or children services unit within the county department of job and family services or a public entity with whom the Ohio department of job and family services (ODJFS) has a Title IV-E sub-grant agreement in effect.

(C) The public agency must determine FCM eligibility in the statewide automated child welfare information system (SACWIS) for each child within sixty days of the child's entry into the care of and placement by the agency.

(D) All aid to dependent children (ADC)-relatedness eligibility determinations for the Title IV-E program shall be based upon whether the household from which the child was removed would have met the ADC-relatedness eligibility requirements that were in effect on July 16, 1996. ADC eligibility must be met in the month of, but prior to, the child's removal from the specified relative, including the date of removal. Administrative Code rules defining these requirements are contained in appendix A to this rule.

(E) The ADC-relatedness Administrative Code rules defining these requirements are contained in appendix A to this rule.

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Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5153.16, 5103.03

Rule Amplifies: 5101.141, 5153.16, 5103.03

Foster care maintenance (FCM) reimbursements for children placed in licensed or certified placement settings as defined in rule 5101:2-47-16 of the Administrative Code must be authorized in the statewide automated child welfare information system (SACWIS). The reimbursement shall be in the form of a warrant made to the Title IV-E agency having legal responsibility for the care and placement of the child.

Any change or discontinuation of reimbursement made for a child placed in substitute care, as a result of a change in the child's circumstances, must be made in SACWIS as soon as the Title IV-E agency becomes aware of the change.

FCM difficulty of care reimbursement for special needs, exceptional needs, intensive needs, and children placed in emergency foster homes as described in rule 5101:2-47-18 of the Administrative Code must be authorized through SACWIS.

Expenses for foster home, emergency foster home, clothing, difficulty of care, graduation, personal incidentals, medical card issuance, and reimbursable employment-related child care as outlined in rules 5101:2-47-17, 5101:2-47-18, and 5101:2-47-19 of the Administrative Code, for children placed in foster homes, including relative homes, or prefinalized adoptive homes that are licensed foster homes, shall be authorized as auxiliary payments through SACWIS.

Expenses for clothing, graduation and personal incidentals, as described in rule 5101:2-47-19 of the Administrative Code, for children placed in children's residential centers (CRCs), group homes, purchased foster homes, residential parenting facilities or maternity homes will be reimbursed as auxiliary payments through SACWIS.

An underpayment for FCM occurs when the eligible Title IV-E agency does not receive a reimbursement to which it is entitled or receives less than the amount to which it is entitled.

The Title IV-E agency shall take immediate action to adjust the underpayment through SACWIS as soon as information is received that affects reimbursement for FCM effective on the actual day of the month the underpayment occurred.

An overpayment occurs when a Title IV-E agency receives a reimbursement or an amount of reimbursement to which it is not entitled.

An overpayment for FCM can occur as a result of either of the following reasons:

1. The reimbursement made was in excess of the allowable amount; or
2. The child for whom an FCM reimbursement was made was not eligible for such reimbursement during the month for which reimbursement was made.

The Title IV-E agency is responsible for reviewing, at the request of the Ohio department of job and family services (ODJFS), reimbursement records for Title IV-E cases to determine if an overpayment has occurred.

The Title IV-E agency shall take immediate action to terminate or adjust the overpayment as soon as information is received that affects reimbursement for FCM effective on the actual day of the month the overpayment occurred.

A copy of the documentation evidencing repayment of any identified Title IV-E FCM overpayment must be retained in the Title IV-E case record.

Any adverse action taken regarding the financial status of a FCM case must be made according to the provisions set forth in Chapters 5101:6-1 to 5101:6-9 and rule 5101:6-3-01 of the Administrative Code.
Effective: 04/15/2017

Five Year Review (FYR) Dates: 11/23/2016 and 04/15/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2017

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5101.141

Rule Amplifies: 5103.03, 5153.16, 5101.141

Prior Effective Dates: 1/1/83, 1/1/85 (Emer.), 4/1/85, 5/22/85 (Emer.), 8/12/85, 4/1/86 (Emer.), 7/1/86, 7/2/87, 9/30/87
FCASMTL 411

Effective Date: May 1, 2019
Most Current Prior Effective Date: May 1, 2014

(A) Foster care maintenance (FCM) FCM reimbursements may be claimed if the FCM eligible child is placed in one of the following placement settings which is licensed, certified or approved, as appropriate, by the Ohio department of job and family services (ODJFS) or another state agency with such licensure, certification or approval authority:

(1) Foster home, including a relative home licensed as a foster home or a pre-adoptive licensed foster home in which the child continues to receive Title IV-E FCM payments reimbursements. Title IV-E FCM payments reimbursements may be claimed from the date the foster home or relative home licensed as a foster home or pre-adoptive licensed foster home satisfies all of the requirements for certification to the date on which the certificate is actually issued, not to exceed sixty days.

(2) Private nonprofit, private for-profit or public group home.

(3) Private nonprofit or private for-profit maternity home.

(4) Public maternity home which accommodates no more than twenty-five children.

(5) Private nonprofit or private for-profit children's residential center (CRC).

(6) Public CRC which accommodates no more than twenty-five children.

(7) Residential parenting facility. If the residential parenting facility is a public facility, the facility shall accommodate no more than twenty-five children.

(8) Purchased Private foster care from a private child placing agency (PCPA), private noncustodial agency (PNA) or another public children services agency (PCPA PCSA).

(9) With a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code.

(9)(10) On leave from a family foster home; when a child is temporarily placed into another family foster home at the same level of care as the current family foster home for more than twenty-four hours but for no more than fourteen days, and the child returns to the original family foster home by the end of the fourteen fourteenth days. For each leave from a family foster home, the child shall return to the original family foster home prior to beginning another leave to be eligible for FCM reimbursement.

(B) Foster care maintenance FCM reimbursement may be claimed for payments made to the provider to hold a bed if the following are met while a child is in one of the following types of leave, if the leave does not exceed fourteen days and the child returns to the same placement he or she was placed in prior to the leave:

(1) The child shall be physically placed into the setting prior to the leave.

(2) The bed shall be available while being held for the child's return.

(3) The leave does not exceed fourteen calendar days.

(4) The child returns to the same placement as he or she was placed into prior to the leave.

(5) The child shall be in one of the following types of leave:

(a) Absence without leave (AWOL).

(b) Hospital.

(c) Trial home visit.

(d) Parental, relative or non-relative visit (for purpose of reunification).
(e) Camp (eg. boy/girl scout camp, 4H camp, band camp, church camp, sports camp).
(f) Vacation (child only).

(1) Absence without leave (AWOL).
(2) Hospital.
(3) Trial home visit.
(4) Parental, relative or non-relative visit.
(5) Camp.
(6) Vacation.

(C) Reimbursable placement facilities located outside of Ohio are limited to the types of homes and institutions described in paragraph (A) of this rule which are licensed, certified or approved by the agency responsible for the licensing, certification or approval of such facilities in the state where the placement facility is located. Placements outside of Ohio must be made in accordance with rules contained in Chapter 5101:2-52 of the Administrative Code.

(D) Children who are otherwise FCM program eligible are not program reimbursable during their period of residence in the following placement settings or placement categories:

(1) Court-ordered placements with a specific foster care provider. This does not include a court-ordered placement where the Title IV-E court has legal responsibility for the care and control placement of the child or a court-ordered placement where the court followed or considered the recommendation of the Title IV-E agency for placement and was so noted in the court order.

(2) Detention facilities, forestry camps, training schools, or other locked facilities operated primarily for the detention of children who are determined to be delinquent.

(3) AWOL, hospital or leave except as described in paragraph (B) of this rule.

(4) A home or facility including a pre-adoptive home not licensed, approved or certified or a pre-adoptive home licensed as a foster home in which the child does not continue to receive Title IV-E FCM payments.

(5) A relative home neither licensed, certified or approved nor in the process of licensure, certification or approval as a foster home.

Effective: 5/1/2019
Five Year Review (FYR) Dates: 1/25/2019 and 05/01/2024
Certification: CERTIFIED ELECTRONICALLY
Date: 04/02/2019
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5101.141
Rule Amplifies: 5103.03, 5101.141, 5153.16
FCASMTL 412

Effective Date: May 1, 2019

Most Current Prior Effective Date: May 1, 2014

(A) Uniform statewide standards for foster care maintenance (FCM) FCM minimum and maximum reimbursement amounts for public foster homes, relative homes licensed as foster homes and pre-finalized adoptive homes that continue to receive Title IV-E FCM reimbursements have been established by the Ohio department of job and family services (ODJFS). These amounts shall be updated annually by the issuance of a "Family, Children and Adult Services Procedure Letter" and are the minimum and maximum amounts that can be authorized for Title IV-E FCM reimbursements for a child placed in the substitute care settings.

(1) If there is a difference between the statewide maximum reimbursement amount and a higher Title IV-E agency payment amount, the Title IV-E agency shall supplement payments without benefit of federal financial participation (FFP) under Title IV-E.

(2) If there is a difference between the statewide minimum reimbursement amount and a lesser Title IV-E agency payment amount, the Title IV-E agency shall not claim Title IV-E FCM funds to support the placement of the child.

(B) FCM Reimbursements reimbursements for employment-related child care and child care when the foster parent is required to participate, without the child, in activities associated with parenting a child in foster care that are beyond the scope of ordinary parental duties may be authorized for a FCM eligible reimbursable child placed in a foster home, relative home licensed as a foster home or pre-finalized adoptive home provided that the child care provider is licensed or certified.

(1) The maximum child care reimbursement to the Title IV-E agency shall not exceed the amounts referenced in rule 5101:2-16-41 of the Administrative Code.

(2) The definitions for the age categories are contained in rule 5101:2-16-01 of the Administrative Code. Reimbursements for child care, as described in this rule, may be authorized for a foster child between the ages of thirteen and eighteen who qualifies for a difficulty of care payment referenced in rule 5101:2-47-18 of the Administrative Code.

(3) Child care, as described in this rule, shall be claimed for reimbursement through the statewide automated child welfare information system (SACWIS).

(C) "Relative homes" and "pre-finalized adoptive homes" as used in this rule mean a licensed/certified/approved foster home.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/31/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2019

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5103.03

Rule Amplifies: 5101.141, 5103.03, 5153.16

Title IV-E foster care maintenance (FCM) program reimbursability: Reimbursements related to the difficulty of care needs of a child placed in a foster home, relative home, or pre-finalized adoptive home.

**FCASMTL 412**

**Effective Date: May 1, 2019**

**Most Current Prior Effective Date: May 1, 2014**

(A) A child with special, exceptional, or intensive needs, as defined in this rule, receiving foster care maintenance (FCM) FCM reimbursements may be eligible for a supplemental difficulty of care reimbursement. This reimbursement shall be available for a child who has been determined by the Title IV-E agency to have special, exceptional or intensive needs that require special parenting attention and care.

(B) Child characteristics describing the child's special, exceptional or intensive placement services shall be entered into the statewide automated child welfare information system (SACWIS) within sixty days of the effective date of this rule for children currently in the Title IV-E custody. Once the rule is in effect, agencies shall enter the child's characteristics within thirty days of the Title IV-E agency receiving custody.

(C) Difficulty of care reimbursements shall be updated annually by the issuance of a "Family, Children and Adult Services Procedure Letter" and may be offered at one of the following three levels of intensity depending upon the needs of the child and qualifications of the substitute caregiver:

1. Special needs.
2. Exceptional needs.
3. Intensive needs.

(D) A child is eligible for special needs difficulty of care reimbursements when is a child is placed in a foster home or, on or after April 1, 2005, in a treatment foster home, as defined in rule 5101:2-1-01 of the Administrative Code, and who presents:

1. Moderate emotional or behavioral management problems. These children may display a moderate degree of acting out marked by aggressiveness and/or delinquent behavior such as truancy or running away, substance abuse or any other emotional problems with the primary location of treatment being in the treatment foster home; or
2. A physical condition determined by a physician which requires specialized care.

(E) The Title IV-E agency shall provide special needs difficulty of care reimbursements only to a foster caregiver or, for eligible children placed on or after April 1, 2005, to a treatment foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. The care and supervision that shall be given by the substitute caregiver of a special needs child shall include, at a minimum:

1. Twenty-four hour availability for supervision.
2. Ability to meet the child's basic needs.
3. Ability to meet the child's treatment needs, including supervision or provision of prescribed care, such as preparation of special diets or assisting in a program of physical therapy.

(F) A child is eligible for exceptional needs difficulty of care reimbursements when is a child is placed in a treatment foster home, as defined in rule 5101:2-1-01 of the Administrative Code, if one of the following applies:

1. Who presents more severe emotional or behavioral management problems than those children with special needs. These children may display a high degree of impulsive and acting out behavior toward themselves or others which is often characterized by verbal and physical aggression; or have multiple and severe psychiatric, emotional and behavioral management problems ranging from personality disorders, severe mental retardation developmental disability,
or autism to aggression toward animals, others and self; sexual acting out, suicidal behaviors or ideation.

(2) Who has a physical or developmental disability as determined by a physician which requires a high degree of care and supervision; or who requires medical or remedial services recommended by a physician or other licensed or certified professional for the maximum reduction of physical or mental developmental disability and restoration of the child to his or her best possible functioning level.

(3) For whom a licensed or certified professional, including a psychologist or psychiatrist, licensed social worker or licensed professional counselor must be involved in the child's care on an as-needed basis, but at least on a semi-annual basis or who has a physical disability as determined by a physician which requires constant twenty-four hour a day supervision provided by a licensed/registered nurse or persons closely supervised or trained by a licensed/registered nurse or physician.

(4) For whom a licensed or certified professional, including a physician, psychiatrist, psychologist, licensed social worker or licensed professional counselor must be involved in the child's care on at least a monthly basis.

(G) The Title IV-E agency shall provide exceptional needs difficulty of care reimbursements only to a foster caregiver or, for eligible children placed in a treatment foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code and who has successfully completed, or is currently participating in, a behavior management training course provided or recognized by the Title IV-E agency. The care and supervision that must be provided by the caregiver of an exceptional needs child shall include, at a minimum:

(1) Twenty-four hour availability for supervision.

(2) A higher degree of personal involvement, patience and time than is required for a child without exceptional needs.

(3) Participation in the development and implementation of the child's case plan and/or individual service plan.

(4) Ability to accept assistance and follow instruction and guidance in caring for the child.

(H) A child eligible for an intensive needs difficulty of care reimbursement is a child with intensive health care needs who is placed in a medically fragile foster home, as defined in rule 5101:2-1-01 of the Administrative Code, and who meets all of the following criteria:

(1) Under rules adopted by the Ohio department of job and family services (ODJFS) governing payment under Chapter 5111. of the Revised Code for long-term care services, the child requires a skilled level of care.

(2) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical conditions.

(3) The child requires the services of a registered nurse on a daily basis.

(4) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded significantly impaired intellectual and adaptive functioning.

(I) The Title IV-E agency shall only provide intensive needs difficulty of care reimbursements to a foster caregiver or, for eligible children placed in a medically fragile foster caregiver certified pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code. A caregiver providing intensive needs services shall not have more than two intensive needs children who are not the caregiver's own children and a maximum of five children placed in his/her home at one time, including other foster children and his/her own children. The care and supervision that must be provided by the caregiver of an intensive needs child shall include, at a minimum:

(1) Supervision provided by a substitute caregiver on a twenty-four hour a day basis as approved by the Title IV-E agency.
(2) Provision of structured daily activities as approved by the Title IV-E agency.

(3) Provision of constructive guidance to assist in the management of negative behaviors for the child who meets any of the eligibility criteria in paragraph (G)(1) of this rule.

(4) Participation in the development and implementation of the child's case plan and/or individual service plan and semiannual administrative review(s) as identified in the case plan.

(5) Recording of the child's progress toward the case plan or individual service plan goals and objectives as identified on the case plan.

(J) When a substitute caregiver is receiving a special, exceptional or intensive needs difficulty of care payment on behalf of a child, the Title IV-E agency shall **ensure** that the foster caregiver is certified to operate a treatment or medically fragile foster home, as applicable.

(K) Difficulty of care reimbursement may also be available for a special, exceptional or intensive needs child who is placed in an emergency foster home. "Emergency foster home" as used in this rule means a licensed, certified or approved foster home which has been designated by a Title IV-E agency as an emergency foster home to provide temporary care, not to exceed thirty days, for children requiring immediate out-of-home placement or immediate placement because of a placement disruption. The emergency foster home must be available to provide care to children at any time of the day or night, with little or no notice, and be able to meet immediate physical and emotional needs of children. The Title IV-E agency may also impose restrictions regarding the number of children served or additional training requirements before designating a foster home as an emergency foster home. An emergency foster home for special, or exceptional needs children shall be certified as a treatment foster home. An emergency foster home for intensive needs children shall be certified as a medically fragile foster home.

(L) The difficulty of care reimbursement for an emergency foster home shall not be affected by the age of the child. Difficulty of care reimbursements related to the special, exceptional or intensive needs of the child may be made in addition to the payment for an emergency foster home when the emergency foster home meets the provisions of paragraphs (D), (F), (H), and (J) of this rule.

(M) Reimbursement for emergency foster home placement is limited to thirty days for each placement. Reimbursement shall not be available as a retainer to a caregiver for maintaining a space for emergency placements.

(N) Difficulty of care reimbursements shall be reimbursed at the Title IV-E FCM program rate of federal financial participation. Authorization for difficulty of care payments shall be made pursuant to rule 5101:2-47-15 of the Administrative Code.

(O) For difficulty of care payments, the following documentation shall be maintained in the Title IV-E FCM case record to support such payments:

(1) The degree of difficulty of care and supervision required by the special, exceptional or intensive needs child.

(2) The qualification of and degree of care and supervision provided by the substitute caregiver.

(3) Agency-specific emergency foster home criteria.

(4) The agency's compliance with the requirements of paragraph (I) of this rule.

(P) The uniform statewide standards for Title IV-E FCM payment amounts for public foster homes, relative homes licensed as a foster home and pre-finalized adoptive homes that are established by the ODJFS shall set the maximum amounts for exceptional needs difficulty of care reimbursements and intensive needs difficulty of care reimbursements at the same amount.

(Q) ODJFS reimbursement amounts for a child placed in a foster home on the effective date of rules 5101:2-5-25, 5101:2-5-36, 5101:2-5-37, 5101:2-7-16 and 5101:2-7-17 of the Administrative Code shall not be changed solely as the result of the enactment of those rules or placement of the child into one of the new categories of foster homes created by those rules.
A child with special, exceptional or intensive needs as described in this rule who is placed in a foster home prior to April 1, 2005 and on whose behalf a difficulty of care payment is made shall continue to be eligible to receive the difficulty of care payment as long as the child remains placed in the same family foster home.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/31/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5101.141

Rule Amplifies: 5103.03, 5153.16, 5101.141

Title IV-E foster care maintenance (FCM) program reimbursability: payments, reimbursements, graduation expenses and personal incidentals

FCASMTL 412

Effective Date: May 1, 2019

Most Current Prior Effective Date: May 1, 2014

(A) Minimum and maximum foster care maintenance (FCM) FCM reimbursement ceiling rates for foster homes, including emergency placements and for supplemental special, exceptional and intensive needs per diems are located in a "Family, Children and Adult Services Procedure Letter" found at http://emanuals.odjfs.state.oh.us/emanuals http://emanuals.jfs.ohio.gov and published once a year.

(B) Minimum and maximum reimbursement ceiling rates for clothing, personal incidentals and graduation expenses located in a "Family, Children and Adult Services Procedure Letter" found at http://emanuals.odjfs.state.oh.us/emanuals http://emanuals.jfs.ohio.gov and published once a year. Auxiliary payments for clothing, personal incidentals and graduation expenses cannot exceed the maximum reimbursement ceiling rates.

(C) Per diem reimbursement for children's residential centers, group homes, maternity homes, residential parenting facilities, and purchased foster care homes is outlined in rule 5101:2-47-11 of the Administrative Code.

(D) Supplemental per diems related to difficulty of care are outlined in rule 5101:2-47-18 of the Administrative Code.

(E) Clothing expenses include clothing purchased during the first sixty days of initial substitute care placement as well as ongoing clothing needs as a result of growth, seasonal changes, or attrition.

(F) Graduation expenses are limited to those expenses directly related to the high school graduation event including, but not limited to, class rings, pictures, cap and gown cost, tuxedos, or prom gowns.

(G) Personal incidentals include, but are not limited to:

1. Items related to personal hygiene.
2. Cosmetics.
3. Over-the-counter medications.
4. Special dietary foods.
5. Infant and toddler supplies (e.g., high chairs, diapers).
6. Fees related to activities (e.g., boy/girl scouts, camp, sports, school trips).
7. Special lessons (e.g., horseback riding, sports, music).
8. Graduation fees (high school only).

(H) Payments for clothing, graduation expenses or personal incidentals made by the Title IV-E agency to the substitute care provider providing children's residential center, group home, maternity home, or residential parenting facility services may be included in the per diem payment as agreed upon in accordance with rule 5101:2-47-23.1 of the Administrative Code. The Title IV-E FCM reimbursement for a child, including the maintenance payment, clothing, graduation expenses and personal incidentals shall not exceed the current per diem reimbursement ceiling established for the substitute care provider from the single cost report filed in accordance with rule 5101:2-47-26.2 of the Administrative Code.

(I) Reimbursements made under this rule shall be claimed pursuant to rule 5101:2-47-15 of the Administrative Code and reimbursed at the same rate as Title IV-E FCM reimbursements provided such payments are equally available to a non-Title IV-E child as well as to a Title IV-E child. Reimbursements may be authorized for each child for whom Title IV-E FCM reimbursements are being made.
Documentation shall be maintained in the Title IV-E FCM case record to support of such payments shall be entered into SACWIS and receipts or invoices for the payment shall be made available upon request.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/31/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2019

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5103.03, 5153.166

Rule Amplifies: 5101.141, 5103.03, 5153.166

For purposes of this rule, a parent in substitute care who is program reimbursable for Title IV-E foster care maintenance (FCM) will be referred to as the "parent," and the child(ren) of this parent will be referred to as the "child."

A Title IV-E agency need not assume custody of the child of a Title IV-E FCM recipient parent solely for the purpose of receipt of Title IV-E FCM funds to provide for the child's cost of care.

The cost of care for the child residing with his/her parent in a foster home or residential parenting facility must be included as a supplemental payment to the Title IV-E FCM reimbursement made on behalf of his/her parent. The child is also eligible for medical services under Title XIX and social services under Title XX.

If the parent and child no longer reside together in the same foster home or residential parenting facility, the following shall apply: the cost of care of the child can no longer be included as a supplemental payment to the FCM reimbursement made on behalf of his/her parent.

1. The cost of care of the child can no longer be included as a supplemental payment to the FCM reimbursement made on behalf of his/her parent.

2. The child's FCM eligibility must be determined based on the child's current and individual circumstances.

For the child to remain in a foster home, the Title IV-E agency must take action to remove the child from the parent. The child's FCM eligibility must be determined based on removal from the parent and his/her parent's current circumstances.

A child whose cost of care is included as a supplemental payment to the Title IV-E FCM reimbursement made on behalf of his/her parent based on paragraph (C) of this rule, shall not be included in the count of children in substitute care reported on the 04281 "Children Services Quarterly Statistical Report," in the statewide automated child welfare information system (SACWIS). The child shall be included in the occupancy limitations specified in rules 5101:2-1-01 and 5101:2-5-32 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 3/19/2018
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5101.141
Rule Amplifies: 5101.141, 5153.16, 5103.03
A judicial determination as specified in paragraph (A) of this rule must be explicitly documented in a court order or court transcript no later than sixty days from the date the child is removed, as defined in rule 5101:2-47-14 of the Administrative Code. If such a determination is not made in accordance with this paragraph, the child will not be program eligible or reimbursable under Title IV-E for the entire substitute care episode.

In situations where a child is in a detention facility at the time the legal responsibility is directly ordered to the Title IV-E agency, the court order placing the child into detention will serve as the initial court order that removed the child from the specified relative.

The Title IV-E agency which has legal responsibility for a child must obtain a judicial determination by a juvenile court of competent jurisdiction signifying that reasonable efforts were made by the Title IV-E agency to finalize the permanency plan for a child placed in substitute care:

(1) Within twelve months of whichever of the following occurs first:
   (a) The date the child is adjudicated abused, neglected, dependent, unruly or delinquent, or
   (b) Sixty days after the child was initially removed from a specified relative and placed into substitute care or into detention; and

(2) At least once every twelve months thereafter.

(3) If such a determination is not made in accordance with this paragraph:
   (a) The child becomes non-reimbursable under Title IV-E from the end of the twelfth month following the date the child is considered to have entered foster care; and
   (b) The child will remain non-reimbursable under Title IV-E through the first day of the month in which the reasonable efforts to finalize the permanency plan requirement is met.

(c) If a hearing is held regarding reasonable efforts, but the court does not issue a journal entry documenting the determination until a later date, the case remains reimbursable and the written judicial determination, once issued, will apply retroactively to the date of the hearing.
If a judicial determination of reasonable efforts is not included as required in the court order, a transcript of the court proceedings is the only other documentation that will be acceptable to verify that these requirements have been made. An affidavit, amendment or a nunc pro tunc order will not be accepted as verification documentation of these judicial determinations.

The documentation of all judicial determinations of reasonable efforts must meet the requirements described in rule 5101:2-39-01 of the Administrative Code.
The beginning date of reimbursability for FCM shall be no earlier than the date of the foster care placement. Reimbursement may begin the actual date of the child's placement, if the child meets all program eligibility and reimbursement criteria. Reimbursability may go back to the first day of the month that all eligibility requirements are met, if they were not met in the month that the child is initially placed. Reimbursement is contingent upon satisfaction of all of the following:

1. The Title IV-E agency has legal responsibility for the care of the child as described in rule 5101:2-47-13 of the Administrative Code.
2. The child meets the ADC-relatedness requirements as described in rule 5101:2-47-14 of the Administrative Code unless the child is placed with a parent in a substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code.
3. Reasonable efforts judicial determination for a court-ordered removal as described in rule 5101:2-47-22 of the Administrative Code, has been obtained. Program reimbursability may go back to the first day of the month in which the reasonable efforts judicial determination was obtained as long as all other requirements of Chapter 5101:2-47 of the Administrative Code are met.
4. The child continues to meet the age requirement as described in rule 5101:2-47-14 of the Administrative Code.
5. The child is placed in a reimbursable placement facility as described in rule 5101:2-47-16 of the Administrative Code.

Reimbursability for FCM payments for children placed in children's residential centers, group homes, residential parenting facilities, or maternity homes, or SUD residential facilities may begin the actual date of the child's placement in an eligible placement facility, with an approved Title IV-E rate ceiling, if the child meets all program eligibility and reimbursement criteria.
(A) Each Title IV-E agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall establish a system of contracting and contract monitoring for children being placed into substitute care with a private agency.

(B) Each Title IV-E agency shall enter all required contracting information into the statewide automated child welfare information system (SACWIS) to be able to enter a placement with a private child placing agency (PCPA) or a private non-custodial agency (PNA).

(C) Each Title IV-E agency shall print the completed Agreement for Title IV-E agencies and Providers for the Provision of Child Placement from SACWIS in order to obtain signatures for the agreement between the Title IV-E agency and the PCPA or PNA.

(D) Any additional contracting requirements and non-substitute care services agreed upon by the Title IV-E agency and the PCPA or PNA shall be entered in SACWIS as an addendum to the Agreement for Title IV-E agencies and Providers for the Provision of Child Placement.

(E) At a minimum, the agreed upon per diem for placement maintenance and placement administration shall be specified for all levels of care in SACWIS Schedule A and shall be attached to the Agreement for Title IV-E agencies and Providers for the Provision of Child Placement. The Title IV-E agency and the PCPA or the PNA may agree to contract for and specify the agreed upon per diems in some or all of the remaining categories listed on the Agreement for Title IV-E agencies and Providers for the Provision of Child Placement.

(F) For all substitute care Agreements for the provision of a child placed into a private agency foster home, the agreed upon per diem for maintenance shall be the amount paid directly to the foster caregiver. The agreed upon maintenance payment shall cover the foster care maintenance allowable costs as defined in rule 5101:2-47-01 of the Administrative Code.

(G) Invoicing procedures shall at a minimum correspond to the agreed upon per diem as specified in SACWIS and on the Agreement for Title IV-E agencies and Providers for the Provision of Child Placement. All invoices shall include but are not limited to the following:

1. Provider's name, address, telephone number, fax number, federal tax identification number, Title IV-E provider number, if applicable and the medicaid provider number, if applicable.
2. Billing date and the billing period.
3. Name of child, child's date of birth, and the child's statewide automated child welfare information system (SACWIS) person identification number.
4. Admission date and discharge date, if applicable.
5. Agreed upon per diem amount for maintenance and the agreed upon per diem amount for administration.
6. Invoicing procedures may also include the per diem associated with the following if applicable and agreeable to the custodial agency and the provider:
   a. Case management; allowable administration cost.
   b. Transportation to judicial or case reviews, allowable administration cost.
   c. Transportation to a home visit, allowable maintenance cost.
   d. Transportation to maintain the child in the school in which they were attending prior to placement, allowable maintenance cost.
   e. Other direct services, allowable maintenance cost.
(f) Behavioral health care, non-reimbursable cost.

(g) Other costs the Title IV-E agency agreed to pay which are non-allowable for reimbursment as maintenance or administration cost.

(H) Each Title IV-E agency shall establish a written monitoring procedure to provide reasonable assurance that the terms and conditions of the contract are being adhered to. Monitoring procedures may include, but are not limited to the following:

(1) A comparison of invoices to the agreed upon per diem amount in SACWIS to ensure billing accuracy.

(2) A review of the progress reports submitted by the provider to the agency to ensure the services being delivered are in accordance with the child's treatment plan.

(I) Each Title IV-E agency shall have until their next contract renewal or three years from the effective date of this rule, whichever comes earlier to implement.

Replaces: 51091:2-47-23.1

Effective: 04/30/2016

Five Year Review (FYR) Dates: 04/30/2021

Certification: CERTIFIED ELECTRONICALLY

Date: 02/01/2016

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5103.03, 5153.16

Rule Amplifies: 5101.141, 5103.03, 5153.16

Prior Effective Dates: 12/1/01, 01/1/07, 2/10/07, 2/10/08, 10/1/08
(A) Each Title IV-E agency shall create a contract with a SUD residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, for placement of a child(ren) with a parent in a licensed family-based residential treatment facility for substance abuse to be signed by the Title IV-E agency and SUD residential facility. All contracts shall include but are not limited to the following:

(1) Scope of services to be provided.

(2) Beginning and ending dates for which the contract terms will be binding upon the parties.

(3) Appropriate remedies for breach of contract.

(4) Provisions for termination and suspension.

(5) Record retention requirements for financial records, census records, client records and documentation of legal compliance with Administrative Code rules.

(6) Requirements that the provider shall not permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the provider.

(7) The SUD residential facility shall engage an independent public accountant to conduct an annual audit of its financial statements. An agreed upon procedures engagement shall be conducted using the JFS 02913 "Title IV-E Agreed Upon Procedures" (9/2014) engagement.

(8) Requirements that the provider adhere to the following financial reporting principles:

(a) Generally accepted accounting principles for maintaining all financial records. Appropriate documentation for each financial transaction shall be available for examination upon request by the Title IV-E agency, the Ohio department of job and family services, the Ohio auditor of state, or the United States department of health and human services.

(b) Rule 5101:2-47-11 of the Administrative Code "Reimbursement for Title IV-E Foster Care Maintenance (FCM) Costs for Children's Residential Centers (CRC), Group Homes, Maternity Homes, Residential Parenting Facilities, Private Foster Homes, and Substance Use Disorder (SUD) Residential Facilities."


(e) JFS 02911-I "Instructions for Completing JFS 02911, Title IV-E Single Cost Report" (rev. 8/2018).

Each Title IV-E agency shall enter all required contracting information into the statewide automated child welfare information system (SACWIS) to be able to enter a placement of a child with a parent in a SUD residential facility.

At a minimum, the agreed upon per diem for placement maintenance and placement administration shall be specified and be attached to the contract.

Invoicing procedures shall at a minimum correspond to the agreed upon per diem as specified in SACWIS and on the contract. All invoices shall include but are not limited to the following:

1. Provider's name, address, telephone number, fax number, federal tax identification number, Title IV-E provider number, if applicable and the medicaid provider number, if applicable.
2. Billing date and the billing period.
3. Name of child, child's date of birth, and the child's statewide automated child welfare information system (SACWIS) person identification number.
4. Admission date and discharge date, if applicable.
5. Agreed upon per diem amount for the IV-E reimbursable maintenance costs for the child:
   a. Food, clothing, shelter, and personal incidentals.
   b. Transportation to maintain the child in the school in which they were attending prior to placement.
   c. Child care.
6. Agreed upon per diem amount for other non-IV-E reimbursable costs associated with the placement of the child performed by the provider:
   a. Other transportation not specified in paragraph (D)(5)(b) of this rule.
   b. Other costs the Title IV-E agency agreed to pay.

Each Title IV-E agency shall establish a written monitoring procedure to provide reasonable assurance that the terms and conditions of the contract are being adhered to. Monitoring procedures may include, but are not limited to a comparison of invoices to the agreed upon per diem amount in SACWIS to ensure billing accuracy.

Effective: 5/1/2019
Five Year Review (FYR) Dates: 05/01/2024
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Date: 04/02/2019
Promulgated Under: 119.03
Statutory Authority: 5101.141, 5103.03, 5153.166
Rule Amplifies: 5101.141, 5103.03, 5153.16
A Title IV-E agency, private child placing agency (PCPA), or private noncustodial agency (PNA), residential care facility, or SUD residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, shall comply with the Ohio department of job and family services (ODJFS) fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code.

(1) For an initial failure to comply, the Title IV-E agency, PCPA, or PNA shall develop a corrective action plan to correct the areas determined to be in noncompliance. The corrective action plan shall:
   (a) Identify the areas of noncompliance.
   (b) Identify the action steps required to correct the noncompliance.
   (c) Identify a completion date for each of the action steps.
   (d) Be completed within a time period negotiated between ODJFS and the Title IV-E agency, PCPA, or PNA.
   (e) Be developed jointly by the Title IV-E agency, PCPA, or PNA and ODJFS.
   (f) Be submitted to ODJFS within thirty days of the Title IV-E agency's, PCPA's, or PNA's receipt of a written finding of noncompliance.

(2) If a Title IV-E agency fails to implement the corrective action plan submitted in accordance with paragraph (A)(1) of this rule, ODJFS may take any action permitted in accordance with sections 5101.11 and 5101.146 of the Revised Code.

(3) If ODJFS determines the Title IV-E agency is solely or partially responsible for an adverse audit or quality control finding, final disallowance of federal financial participation or other sanction or penalty in accordance with sections 5101.24 and 5101.11 of the Revised Code, ODJFS may take one or more of the following actions against the Title IV-E agency:
   (a) Require the Title IV-E agency to submit to and comply with a corrective action plan pursuant to a time schedule specified by ODJFS.
   (b) Require the Title IV-E agency to share with ODJFS a final disallowance of federal financial participation or other sanction or penalty.
   (c) Require the Title IV-E agency to reimburse ODJFS for the amount ODJFS pays to the federal government for an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government.
   (d) Require the Title IV-E agency to pay the federal government the amount representing the amount the Title IV-E agency is responsible for in an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government.
   (e) Any other sanction or action permissible under sections 5101.24 and 5101.146 of the Revised Code.
   (f) With respect to paragraph (A)(3)(d) of this rule, the determination of whether the Title IV-E agency is solely or partially responsible will be determined in accordance with Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
(4) If a Title IV-E agency fails to comply with the fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code, ODJFS shall provide a written summary of noncompliance to the board of county commissioners of the county served by the Title IV-E agency.

(5) If a PCPA or PNA residential care facility, or SUD residential facility fails to implement a corrective action plan submitted in accordance with paragraph (A)(1) of this rule, ODJFS may do one of the following:

(a) Cancel the Title IV-E reimbursement ceilings.
(b) Pursuant to Chapter 119. of the Revised Code, take action to revoke the agency's certificate issued under section 5103.03 of the Revised Code.

(6) In accordance with sections 5101.11 and 5101.14 of the Revised Code, ODJFS may take one or more of the following actions against the PCPA or PNA residential care facility, or SUD residential facility if ODJFS determines the PCPA or PNA residential care facility, or SUD residential facility is solely or partially responsible for an adverse audit or quality control finding, final disallowance of federal financial participation or other sanction or penalty:

(a) Require the PCPA or PNA residential care facility, or SUD residential facility to reimburse ODJFS for the amount ODJFS pays to the federal government for an adverse audit or quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government.
(b) Any other sanction or action permissible under sections 5101.24 and 5101.14 of the Revised Code.

(7) If a PCPA or PNA residential care facility, or SUD residential facility fails to comply with the fiscal accountability procedures set forth in Chapter 5101:2-47 of the Administrative Code, ODJFS shall provide a written summary of the findings of noncompliance to the PCPA or PNA residential care facility, or SUD residential facility board of directors. In addition, ODJFS shall notify the executive director of each Title IV-E agency that has entered into a contract for placement services with the PCPA or PNA residential care facility, or SUD residential facility.

(8) For Title IV-E agencies, PCPAs, and PNAs, residential care facilities, and SUD residential facilities completing the single cost report for the establishment of Title IV-E reimbursement ceilings the following shall apply:

(a) Failure to submit the single cost report and agreed upon procedures with all required documentation by the deadline prescribed in rule 5101:2-47-26.2 of the Administrative Code may result in reimbursement ceilings being established as of the first day of the month following the date all required documentation is received by ODJFS.
(b) Any errors identified on a single cost report or agreed upon procedures submitted prior to the deadline and in accordance with rule 5101:2-47-26.2 of the Administrative Code may result in the suspension of reimbursement ceilings until such time as the errors have been corrected to the satisfaction of ODJFS. Once the corrections have been approved the reimbursement ceilings shall be retroactive and effective as of the applicable rate period begin date.
(c) If ODJFS cancels the Title IV-E reimbursement ceilings, ODJFS will resume the ceilings effective on the first day of the month following the date the agency comes into compliance. There will be no retroactive rate adjustment for the time period the agency was out of compliance.
(d) Reimbursement ceilings established from a single cost report submitted after a rate cancellation may be suspended until such time as the corrective action for the prior period has been completed to the satisfaction of ODJFS.
Subsequent failures to comply relating to noncompliance issues previously identified pursuant to paragraph (A)(1) of this rule are subject to the same penalty provisions specified in paragraph (A)(2) of this rule for Title IV-E agencies and paragraph (A)(5) for PCPAs, and PNAs, residential care facilities, and SUD residential facilities.

All corrective actions shall adhere to the requirements set forth in paragraph (A)(1) of this rule. All failures to implement the corrective action plan are subject to the penalties set forth in paragraph (A)(2) of this rule for Title IV-E agencies and paragraph (A)(5) for PCPAs, and PNAs, residential care facilities, and SUD residential facilities.

The Title IV-E agency, PCPA, or PNA, residential care facility, or SUD residential facility, at its discretion, may request technical assistance from ODJFS in the development and implementation of the corrective action plan.

If ODJFS sanctions a Title IV-E agency, PCPA, or PNA, residential care facility or SUD residential facility, ODJFS shall take every possible precaution to ensure any foster children that have been placed or served by an agency under sanction are not removed from the certified foster homes they reside in if their safety and well-being are not at risk.

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Rule Amplifies: 5101.145, 5101.146, 5101.147, 5101.148
Prior Effective Dates: 12/01/2001, 01/01/2007, 09/01/2009, 11/01/2014
Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA), residential care facilities, substance use disorder (SUD) residential facilities: Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements.

FCASMTL 411

Effective Date: May 1, 2019

Most Current Prior Effective Date: June 1, 2015

(A) As a condition for receiving a Title IV-E foster care reimbursement ceiling amount, each public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency (PNA), residential care facility, and SUD residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, shall file a Title IV-E JFS 02911 "Title IV-E Single Cost Report" (rev. 8/2014) including supplements and attachments as outlined in rule 5101:2-47.26.2 of the Administrative Code.

(B) To complete a JFS 02911 single cost report:

(1) A PCPA, PNA, residential care facility, and SUD residential facility shall adhere to:


   (b) Section 501(c)(3) of the Internal Revenue Code for non-profit organizations (www.irs.gov/publications/index).


(3) A PCSA, PCPA, or PNA, residential care facility, or SUD residential facility shall not use any costs specifically subsidized by other federal monies with the exception of federal funds authorized by federal law to be used to match other federal funds.

(4) A PCSA, PCPA, or PNA, residential care facility, or SUD residential facility shall use the straight line depreciation methodology to report depreciation.

(C) The JFS 02911 shall be completed for each cost reporting period, which is July first through June thirtieth, and submitted by December thirty-first, following the cost reporting period.

(D) For good cause and upon written request a PCSA, PCPA, or PNA, residential care facility, or SUD residential facility may request an extension of the cost report filing deadline. The written request shall be filed prior to the deadline and must include information explaining the facts and circumstances giving rise to the need for a cost report extension, projected timeline for filing the cost report and any other information the PCSA, PCPA, or PNA, residential care facility, or SUD residential facility would like to have considered.

(E) A PCSA, PCPA, or PNA, residential care facility, or SUD residential facility new to the Title IV-E program or an existing PCSA, PCPA, or PNA, residential care facility, or SUD residential facility having established a new Title IV-E service shall submit a JFS 02911 for a minimum of three full calendar months of operations in order to receive a Title IV-E reimbursement ceiling amount.

(F) Notwithstanding the three-year records retention period, a cost shall be supported by all relevant documentation related to the reported cost. Financial records, census records, client records and documentation of legal compliance with the administrative code requirements (all of which shall be made available upon request by ODJFS, the Ohio office of the auditor of the state or the U.S. department of health and human services) supporting the cost reports or claims for services rendered to recipients shall be retained for the greater of three years after the cost report is filed, or if an audit
has begun within the three year period records shall be retained three years after all appeal rights relating to the audit report are exhausted.

(G) When completing the JFS 02911 the PCSA, PCPA, or PNA, residential care facility, or SUD residential facility shall comply with the following requirements pertaining to related party transactions:

(1) Each PCSA, PCPA, or PNA, residential care facility, or SUD residential facility shall have a conflict of interest policy, to include at a minimum that the PCSA, PCPA, or PNA, residential care facility, or SUD residential facility shall not permit funds to be paid or committed to any corporation, firm, association, or business in which any of the members of the governing body of the agency, executive personnel or their immediate families have any direct or indirect financial interest, or which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the PCSA, PCPA, or PNA, residential care facility, or SUD residential facility.

(2) Adherence to the internal control procedures established by the agency’s governing body, for the procurement of goods and services, so long as those procedures are consistent with this rule.

(3) Approval by the governing body of all transactions with any member of the governing body or relatives of the governing body.

(4) Documentation in the board minutes of all transactions between the agency and any member of the governing body or their relatives.

(5) All compensation paid to the board members or relatives of the board members shall be disclosed on the cost reports and is subject to a test of reasonableness.

(6) On the cost report, the PCSA, PCPA, or PNA, residential care facility, or SUD residential facility is required to disclose all party transactions as defined in paragraph (G)(1) of this rule and all loans to employees.

Effective: 5/1/2019
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Promulgated Under: 119.03
Statutory Authority: 5101.141, 5101.145, 5103.03, 5153.166
Rule Amplifies: 5101.141, 5101.145, 5103.03, 5153.166
Each Title IV-E agency as defined by rule 5101:2-1-01 of the Administrative Code, private child placing agency (PCPA), or private noncustodial agency (PNA), residential care facility, or substance use disorder (SUD) residential facility, as defined in rule 5101:2-1-01 of the Administrative Code, that completes a cost report pursuant to rule 5101:2-47-26.1 of the Administrative Code shall follow the JFS 02911-I "Title IV-E Single Cost Report Instructions for Completing JFS 02911, Title IV-E Single Cost Report" (rev. 8/2014) and shall have an annual "Title IV-E Agreed Upon Procedures" engagement conducted for its cost report.

Each Title IV-E agency that files a cost report will have an annual "Agreed Upon Procedures" engagement conducted by the Ohio department of job and family services (ODJFS). For timely performance of the "Title IV-E Agreed Upon Procedures" engagement, the Title IV-E agency shall complete its cost report by September thirtieth of each year.

Each PCPA, or PNA, residential care facility, or SUD residential facility shall engage a certified public accountant (CPA) to conduct the annual "Agreed Upon Procedures" engagement in accordance with the JFS 02913 "Title IV-E Agreed Upon Procedures" (9/2014) engagement.

The CPA who conducts the annual "Agreed Upon Procedures" engagement for a PCPA, or PNA, residential care facility, or SUD residential facility shall adhere to confidentiality requirements set forth in rule 5101:1-1-03 of the Administrative Code. Whenever names, addresses, or other identifying information relating to children in care is used by any individual CPA or CPA firm, they shall prevent the publication or disclosure of names, lists, or other information concerning children.

The CPA who conducts the annual "Title IV-E Agreed Upon Procedures" engagement for a PCPA, or PNA, residential care facility, or SUD residential facility shall make the working papers and suitable facilities available onsite or submit copies of the "Title IV-E Agreed Upon Procedures" working papers to ODJFS for review upon request.

Each PCPA, or PNA, residential care facility, or SUD residential facility shall participate in any quality assurance review conducted by ODJFS.

(1) The annual "Title IV-E Agreed Upon Procedures" shall be conducted by auditors who, during the period of the auditor's professional engagement and during the period covered by the cost report, do not have nor are committed to acquire any direct or indirect financial interest in the ownership, financing or operation of the PCPA, or PNA, residential care facility, or SUD residential facility and were not involved in the preparation of the cost report.

(b) Work papers shall be in accordance with generally accepted government auditing standards (GAGAS) as in effect on the date of this rule. These standards can be obtained at www.gao.gov/govaud/ybk01.htm.

(c) Reporting shall be performed in accordance with the attestation standards as prescribed by the "American Institute of Certified Public Accountants" (AICPA) as in effect on the effective date of this rule. These standards can be obtained at https://www.aicpa.org/research/standards/auditattest/ssae.html.

(2) The CPA may request a waiver of any requirements imposed by the "Title IV-E Agreed Upon Procedures" specified on the JFS 02913 due to extenuating circumstances.

(a) The waiver request shall be filed with the office of fiscal and monitoring services of ODJFS.
The waiver request shall include information explaining the facts and circumstances giving rise to the need for a waiver and any other information which the CPA would like to have considered.

Based upon the evidence presented by the CPA, it is the sole discretion of ODJFS to grant or deny the waiver.

ODJFS' decision to grant or deny a waiver, in whole or in part, is on an individual basis and shall not be construed as a generic decision covering all agency "Title IV-E Agreed Upon Procedures" engagements.

ODJFS' decision to grant or deny a waiver will be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

Effective: 5/1/2019
Five Year Review (FYR) Dates: 1/25/2019 and 05/01/2024
Certification: CERTIFIED ELECTRONICALLY
Date: 04/02/2019
Promulgated Under: 119.03
Statutory Authority: 5101.141, 5101.145
Rule Amplifies: 5101.145
Title IV-E Adoption Assistance Program
The public children services agency (PCSA) shall be responsible for the administration of the Title IV-E adoption assistance (AA) program. Administrative expenditures can be claimed for reimbursement only if Title IV-E AA is a direct responsibility of the PCSA. The PCSA shall be responsible for:

1. Ensuring the proper administration of funds, allocated or reimbursed.
2. Determining initial and continuing eligibility for AA program services.
3. Maintaining a separate AA case record for each program eligible child for whom a PCSA has entered into an AA agreement.
4. Service planning and increasing the opportunities for adoption of children with special needs who are free for adoption by:
   a. Encouraging and increasing the opportunities for adoption of children with special needs who are free for adoption.
   b. Ensuring that all possibilities for an adoptive home without the assistance of AA are explored.
   c. AA case management.
   d. Pre-finalization and the provision or referral for post-finalization adoption services.

Prior to finalization of the adoption, the public children services agency (PCSA) shall provide and assist the adoptive parent(s) of a child placed by that PCSA with a JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 1/2014) and the JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/2008). The adoptive parent(s) may apply for Title IV-E adoption assistance (AA) only after both of the following have occurred.

1. The homestudy has been approved in accordance with rules 5101:2-48-11, 5101:2-48-11.1, 5101:2-48-12, and 5101:2-48-12.1 of the Administrative Code.
2. A child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code by an agency with such authority. If the child is placed for adoption in Ohio from another state, the Ohio agency shall use the other state’s documentation to meet the matching requirements.

A stepparent may apply for AA only if a biological parent(s) is not present in the home due to death or divorce or has failed to visit or maintain contact with the child for more than ninety calendar days pursuant to section 2151.011 of the Revised Code.

Prior to the finalization of adoption, the adoptive parent(s) shall submit the AA application to one of the following, as appropriate:

1. The PCSA holding permanent custody of the child.
2. The PCSA located in the county in which the adoptive parent(s) resides when one of the following applies:
   a. The child meets the eligibility requirements for Title XVI supplemental security income (SSI) benefits and the child is not in the custody of a PCSA.
   b. The child is placed by a private child placing agency (PCPA) having permanent custody of the child.
The child is placed for adoption in Ohio from another state and that state's public children's services agency PCSA does not have responsibility for placement and care/custody of the child.

For a child who is placed for adoption from Ohio into another state and the child is not in the permanent custody of an Ohio PCSA, the adoptive parent(s) shall apply at the Title IV-E agency in the state the adoptive parent(s) resides. The Title IV-E agency in the adoptive parent's state of residence shall be responsible for determining the child's eligibility for AA, if the child is eligible, entering into the AA agreement, and issuing the AA payment.

If an Ohio PCPA holds permanent custody of a child as a result of a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013), the following requirements shall be met:

1. Prior to finalization of the adoption, the PCPA shall ensure that the adoptive parent(s) receives information about AA and an AA application.

2. At the time of application by the adoptive parent(s), the PCPA shall provide the PCSA with the following:
   a. A copy of the JFS 01616 "Social and Medical History" (rev. 6/2009) completed on the child for whom the subsidy is being requested.
   b. A copy of one of the following homestudies:
      i. JFS 01673 "Assessment for Child Placement (homestudy)" (rev. 6/2014/12/2014).
      ii. A copy of the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 6/2009/12/2014).
      iii. The out of state approved homestudy forms for an adoptive parent(s) residing out of state.

The PCSA shall complete the adoption assistance AA eligibility determination in the statewide automated child welfare information system (SACWIS) and approve or deny the application within thirty working days after a completed application and all required documentation are provided to the PCSA.

The PCSA may obtain written verification and information to assist in determining AA eligibility from a variety of sources including:

1. The county department of job and family services (CDJFS) client registration information system-enhanced (CRIS-E).
2. The social security administration.
3. The agency that has held permanent custody of the child and placed the child for adoption.
4. The court records.
5. The adoptive parent(s).

The PCSA shall request verification from the adoptive parent(s) and have the adoptive parent(s) complete the JFSODM 06612 "Health Insurance Information Sheet" (rev. 5/2004/9/2016) at anytime any time the adoptive parent(s) acquires health care insurance coverage for the child.

In accordance with federal requirements, the PCSA may not add any language to the AA agreement that makes the agreement subject to the availability of funds.

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Statutory Authority: 5101.141
Rule Amplifies: 5101.11

5101:2-49-02 Title IV-E Adoption Assistance (AA) Eligibility Criteria for Children Age Two and Older

FCASMTL 410

Effective Date: April 17, 2019

Most Current Prior Effective Date: November 17, 2018

(A) The public children services agency (PCSA) shall determine that a child is eligible for AA if, prior to the finalization of the adoption, the PCSA finds all of the following:

1. Pursuant to Pub. L. No. 115-123, (2/9/2018) the child will be two years of age or older in the current federal fiscal year (FFY) of October first to September thirtieth at the time the AA agreement becomes effective.

2. The adoptive parent(s) has an approved homestudy in accordance with rules in Chapter 5101:2-48 of the Administrative Code. If the adoptive parent(s) resides in another state, then the adoptive homestudy shall be valid in the adoptive state of residence.

3. The child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code. If the child is placed for adoption in Ohio from another state, the Ohio agency shall use the other state’s documentation to meet the matching requirements except as specified in paragraph (C) of this rule.

4. The child meets the requirements of a child with special needs as described in rule 5101:2-49-03 of the Administrative Code.

5. The child meets the age requirement as described in rule 5101:2-49-04 of the Administrative Code.

6. The child shall be a citizen or legal resident of the United States, and will be adopted in the United States.

7. The agency placing the child made a reasonable but unsuccessful effort to place the child with an appropriate adoptive parent(s) without adoption assistance, as supported by facts specified in the child's case record as described in paragraph (A)(3) of rule 5101:2-49-03 of the Administrative Code.

(B) The child, age two or older shall also meet one of the four adoption assistance eligibility requirements:

1. The child, at the time of the initiation of adoption proceedings, was in the care of a PCSA, PCPA or tribe pursuant to:

   a. A judicial determination to the effect that it was contrary to the child's welfare to remain in the home at any time prior to the finalization of adoption; or

   b. A JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) or JFS 01666 "Permanent Surrender of Child" (rev. 10/2013). For any child that enters care through a JFS 01645 or JFS 01666 there does not have to be a foster care maintenance (FCM) payment made under the voluntary agreement.

2. The child meets all medical and disability requirements for supplemental security income (SSI). For the purposes of determining whether an applicable child is eligible for AA through the SSI criteria, the Title IV-E agency may make the determination that the child meets the medical or disability requirements for SSI benefits.

3. The child is a child of a minor parent. The child was residing with the minor parent and the minor parent was removed from a specified relative with one of the following:

   a. A judicial determination that it was contrary to the welfare for the minor parent to remain with the specified relative; or

   b. A JFS 01645 or JFS 01666. No FCM payment is required to cover both the minor parent and the child of the minor parent.
The child was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs as set forth in rule 5101:2-49-03 of the Administrative Code, and finalizes the new AA agreement by the end of the month of the child's eighteenth birthday pursuant to rule 5101:2-49-04 of the Administrative Code.

A child in an independent adoption is eligible for AA, only if the child meets the requirements of a child with special needs as described in rule 5101:2-49-03 of the Administrative Code, and the child is eligible for SSI, or is a child in a subsequent adoption if the child received AA in a prior finalized adoption.

For all children that are deemed eligible for AA, the Title IV-E agency is responsible for ensuring that background checks be conducted prior to adoption finalization and/or the issuance of a monthly AA payment. The background checks shall reveal that the prospective adoptive parent(s) has not been convicted of any of the prohibited offenses in accordance with rules 5101:2-48-10 and 5101:2-48-11 of the Administrative Code.

The PCSA shall use the statewide automated child welfare information system (SACWIS) to determine adoption assistance eligibility.

A child from an international adoption, that is not currently in the custody of a PCSA or PCPA or tribe, is not eligible for AA.

Effective: 4/17/2019

Five Year Review (FYR) Dates: 04/17/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/15/2019

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5101.11

Rule Amplifies: 5101.11, 5101.141
FCASMTL 410

Effective Date: April 17, 2019

Most Current Prior Effective Date: November 17, 2018

(A) A child is eligible for Title IV-E adoption assistance (AA) if, prior to the finalization of the adoption the public children services agency (PCSA) finds all of the following:

(1) Beginning January 2018 pursuant to Pub. L. No. 115-123 (2/9/2018), the child who is under the age of two during the current federal fiscal year (FFY), October first to September thirtieth, shall meet the non-applicable requirements in paragraph (B) of this rule. The non-applicable child requirements in this rule will end for children under age two after June 30, 2024.

(2) The adoptive parent(s) has an approved homestudy in accordance with Chapter 5101:2-48 of the Administrative Code. If the adoptive parent(s) resides in another state, then the adoptive homestudy shall be valid in the state of residence.

(3) The child has been matched with an adoptive parent(s) in accordance with rule 5101:2-48-16 of the Administrative Code. If the child is placed for adoption in Ohio from another state, the Ohio agency shall use the other state's documentation to meet the matching requirements except as specified in paragraph (C) of this rule.

(4) The child meets the requirements of a child with special needs as defined in rule 5101:2-49-03 of the Administrative Code.

(5) The child shall be a citizen or legal resident of the United States, and will be adopted in the United States.

(6) The agency placing the child made a reasonable but unsuccessful effort to place the child with an appropriate adoptive parent(s) without adoption assistance, as supported by facts specified in the child's case record as described in rule 5101:2-49-03 of the Administrative Code.

(B) The child shall be in the permanent custody care of a PCSA, private child placing agency (PCPA) or tribe at the time of the adoption proceedings and shall meet one of the five non-applicable child AA requirements:

(1) The child is eligible for Title XVI supplemental security income (SSI) benefits prior to the finalization of the adoption. SSI eligibility shall be determined only by a designated social security administrative claims representative.

(2) The child met the aid to families with dependent children (AFDC) relatedness requirements authorized under Title IV-A of the Social Security Act as of July 16, 1996 pursuant to rule 5101:2-47-14 of the Administrative Code which includes the requirements for age, deprivation, living with and removed from a specified relative, income and resources standards and, if at the time of removal from the specified relative one of the following requirements is met:

(a) If the removal was the result of a judicial determination placing the child in the custody of the PCSA, the first judicial determination removing the child from the specified relative shall include a judicial determination finding that it is contrary to the child's welfare for the child to remain with the specified relative the child was removed from. This determination must be explicit and made on a case by case basis. If the contrary to the welfare judicial determination is not included as required, a transcript of the court proceedings is the only other documentation that will be acceptable to verify that contrary to the welfare requirement has been made.

(b) If the removal was the result of a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) and the child was in receipt of an FCM payment.

(b)(c) If the removal was the result of a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) or JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) to a PCSA, and the agency was in receipt of a foster care maintenance (FCM) payment, that
voluntary agreement is considered a judicial determination for adoption assistance if and all the following conditions are met:

(i) The JFS 01666 is entered into by the PCSA and is subsequent to a JFS 01645.

(ii) There is a petition to the court to remove the child from the specified relative within six months from the date the child lived with the specified relative.

(iii) There is a subsequent judicial determination that it is contrary to the welfare of the child to remain with the specified relative.

(3) The child's minor parent was in foster care and received a FCM payment covering both the minor parent and the child of the minor parent while in agency care.

(4) The child was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs as set forth in rule 5101:2-49-03 of the Administrative Code, and finalizes the new AA agreement by the end of the month of the child's eighteenth birthday.

(5) The child is a sibling placed in the same adoptive home as his or her sibling who meets the applicable child eligibility criteria in rule 5101:2-49-02 of the Administrative Code.

(C) AA eligibility for a child that meets the requirements of a child with special needs as defined in rule 5101:2-49-03 of the Administrative Code who is the subject of an independent adoption is eligible only when the child is eligible for SSI or a child in a subsequent adoption if the child received AA in a previous adoption. An independent adoption is one in which the child is not under the responsibility of a public or private adoption agency. The matching requirements as described in paragraph (A)(3) of this rule are not required in these circumstances. The Title IV-E agency shall accept the independent adoption homestudy as meeting the requirements described in paragraph (A)(2) of this rule.

(C) A child in the care of a private child placing agency (PCPA) at the time of the adoption proceedings shall meet one of the following non-applicable child requirements:

(1) The child is eligible for Title XVI supplemental security income (SSI) benefits prior to the finalization of the adoption. SSI eligibility shall be determined only by a designated social security administrative claims representative; or

(2) The child entered care through the execution of a JFS 01666 a PCPA:

(a) There is a petition to the court to remove the child from the specified relative within six months from the date the child lived with the specified relative from whom she/he is being removed; and

(b) There is a subsequent judicial determination to the effect that remaining in the home would be contrary to the welfare; or

(3) The child was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs as set forth in rule 5101:2-49-03 of the Administrative Code, and finalizes the new AA agreement by the end of the month of the child's eighteenth birthday.

(D) AA eligibility for a child that meets the requirements of a child with special needs as defined in rule 5101:2-49-03 of the Administrative Code who is the subject of an independent adoption is eligible only when the child is eligible for SSI or a child in a subsequent adoption if the child received AA in a previous adoption. An independent adoption is one in which the child is not under the responsibility of a public or private adoption agency. The matching requirements as described in paragraph (A)(3) of this rule are not required in these circumstances. The Title IV-E agency shall accept the independent adoption homestudy as meeting the requirements described in paragraph (A)(2) of this rule.

(D)(E) For all children that are deemed eligible for AA, the Title IV-E agency is responsible for ensuring that background checks be conducted prior to adoption finalization and/or the issuance of a monthly AA payment. The background checks shall reveal that the prospective adoptive parent(s) has not been convicted of one of the prohibited offenses in accordance with rule rules 5101:2-48-10 and 5101:2-48-11 of the Administrative Code.
The PCSA shall use the statewide automated child welfare information system (SACWIS) to determine AA eligibility.

A child from an international adoption, that is not currently in the custody of a PCSA or PCPA or tribe, is not eligible for AA.

Effective: 4/17/2019

Five Year Review (FYR) Dates: 1/8/2019 and 04/17/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/15/2019

Promulgated Under: 119.03

Statutory Authority: 5101.11, 5101.141

Rule Amplifies: 5101.11, 5101.141

Prior Effective Dates: 11/17/2018
Prior to the finalization of adoption, the public children services agency (PCSA) shall determine that all of the following special needs criteria have been met and documented in the statewide automated child welfare information system (SACWIS) under the child's characteristics and in the child's adoption assistance (AA) case record in order for the child to be considered a child with special needs.

1. The child cannot or should not be returned to his or her parent(s) and is legally available for adoption by being in the permanent custody of a PCSA, private child placing agency (PCPA) or a child that meets the special needs criteria who is the subject of an independent adoption pursuant to rule 5101:2-49-02 of the Administrative Code. This requirement is met when the child is legally available for adoption.

2. The PCSA has determined that the child has one or more of the following special need factors or conditions making it difficult to place the child with an adoptive parent(s) without the provision of adoption assistance (AA) or medical assistance:
   a. The child is part of a sibling group being adopted together or is placed in the same adoptive placement of a sibling previously adopted.
   b. The child is a member of a minority, racial or ethnic group making it difficult to place the child for adoption. However, if the child is between the age of newborn and twelve months the child must be also diagnosed to have one of the conditions outlined in paragraph (A)(2)(g) or (A)(2)(h) of this rule.
   c. The child is six years old or older.
   d. The child has remained in the permanent custody of a PCSA or private child placing agency (PCPA) for more than one year before an adoptive placement.
   e. The child has been in the home of the prospective adoptive parent(s) for at least six consecutive months directly preceding the adoptive placement and the child would experience severe separation and loss if placed in another setting due to significant ties with the prospective adoptive parent(s). The emotional ties shall be assessed and documented by a qualified mental health professional.
   f. The child has experienced a previous adoption disruption or three or more substitute care placements while in the custody of a PCSA or PCPA.
   g. The child has been diagnosed by a qualified professional, in the professional's area of expertise who is not responsible for providing casework services to the child. For the purpose of this rule, a "qualified professional" is an audiologist, orthopedist, physician, psychiatrist, psychologist, licensed marriage and family therapist, speech and language pathologist, a licensed independent social worker, licensed professional clinical counselor, a licensed social worker who is under the direct supervision of a licensed independent social worker or a licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

The qualified professional must provide a clear written statement, supported by an assessment or evaluation within the last twelve months. This statement shall include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs that the child has been diagnosed with one of the following:

(i) A developmental disability, as defined in rule 5123:2-1-02 of the Administrative Code.
(ii) A developmental delay, as defined in section 5123.01 of the Revised Code.
Mental illness, as defined in section 5122.01 of the Revised Code.

A medical condition causing distress, pain, dysfunction, social problems or death as diagnosed by a qualified professional.

The child has been diagnosed by a "qualified professional," in the professional's area of expertise who is not responsible for providing casework services to the child.

For the purpose of this rule, a "qualified professional" is an individual that is but not limited to the following: an audiologist, orthopedist, physician, certified nurse practitioner, physician assistant, psychiatrist, psychologist, school psychologist, licensed marriage and family therapist, speech and language pathologist, a licensed independent social worker, licensed professional clinical counselor, a licensed social worker who is under the direct supervision of a licensed independent social worker or a licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

The qualified professional shall provide a clear written statement of the services provided with regards to the child's diagnosis within the last twelve months. This statement shall include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs and diagnosed with one of the following:

(A) A developmental disability, as defined in 28 C.F.R. 35.108 August 11, 2016 and section 5123.01 of the Revised Code.

(B) An individual who has a physical or mental impairment that substantially limits one or more of the major life activities.

(C) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine.

(D) Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.

(E) Physical or mental impairment includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, attention deficit hyperactivity disorder, human immunodeficiency virus.

For example, applying these principles it should easily be concluded that the types of impairments set forth in paragraphs (A)(2)(g)(ii)(e)(i)(A) through (A)(2)(g)(ii)(e)(i)(K) of this rule will, at a minimum, substantially limit the major life activities indicated. The types of impairments described in this paragraph may substantially limit additional major life activities (including major bodily functions) not explicitly listed in paragraphs (A)(2)(g)(ii)(e)(i)(A) through (A)(2)(g)(ii)(e)(i)(K).

(A) Deafness substantially limits hearing;

(B) Blindness substantially limits seeing;

(C) Intellectual disability substantially limits brain function;
(D) Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair substantially limits musculoskeletal function;

(E) Autism substantially limits brain function;

(F) Cancer substantially limits normal cell growth;

(G) Cerebral palsy substantially limits brain function;

(H) Diabetes substantially limits endocrine function;

(I) Epilepsy, muscular dystrophy, and multiple sclerosis each substantially limits neurological function;

(J) Human immunodeficiency virus (HIV) infection substantially limits immune function; and

(K) Major depressive disorder, bipolar disorder, post-traumatic stress disorder, traumatic brain injury, obsessive compulsive disorder, and schizophrenia each substantially limits brain function.

(f) A medical condition causing distress, pain, dysfunction, social problems as diagnosed by a qualified professional that results in ongoing medical treatment.

(h) The child or the child's biological family has a social or medical history establishing a substantial risk for developing one of the conditions as described in paragraph (A)(2)(g) of this rule. The substantial risk makes it difficult to place the child for adoption without the provision of AA. A qualified professional shall determine the substantial risk, as defined in paragraph (B) of this rule. A child is not at substantial risk if the child's biological parent(s) social and medical history cannot be determined.

(3) Reasonable, but unsuccessful, efforts to place the child without AA shall be met by one of the following:

(a) Except as described in paragraph (A)(3)(b) of this rule, the PCSA shall document that in each case a reasonable, but unsuccessful, effort was made to place the child with appropriate adoptive parent(s) without AA. This requirement can be met by posing the question of whether the adoptive parent(s) are willing to adopt without AA. If the adoptive parent(s) state they cannot adopt the child without AA, the requirement is met when documented in the AA case record.

(b) The placement with a particular adoptive parent(s) was in the best interest of the child because of such factors as:

   (i) The existence of emotional ties with the prospective adoptive parent(s) while the child was in the care of the foster parent(s) as a foster child.

   (ii) The prospective adoptive parent(s) is a relative.

   (iii) The child is being adopted by an adoptive parent(s) of the child's sibling(s).

   (iv) There are other circumstances that relate to the child's best interest.

(B) If all other eligibility criteria are met, and the only special needs factor is the child has been determined to be at substantial risk, with no manifestation of a special needs factor or condition, a JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 4/20147/2019) with no payment shall be entered into in accordance with rule 5101:2-49-07 of the Administrative Code. The PCSA shall document the following in the child's AA case record:

   (1) The substantial risk as diagnosed by a qualified professional at the time of the special needs determination. A "substantial risk" means a strong probability that a certain result may occur or that certain circumstances may exist.
A qualified professional in the field of their expertise has provided the PCSA with a current written statement of the child's substantial risks of developmental disability, developmental delay, mental illness, or medical condition causing distress, pain, dysfunction, or social problems or death, supported by an assessment or evaluation. This statement shall include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs as described in paragraph (A)(2)(g) of this rule.

Effective:
Five Year Review (FPR) Dates: 3/5/2019
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
FCASMTL 414

Effective Date: July 1, 2019

Most Current Prior Effective Date: January 10, 2018

(A) AA is available for an eligible child whose adoptive parent(s) enter into an initial AA agreement prior to the child’s eighteenth birthday through the end of the month of the child’s eighteenth birthday.

(B) AA shall continue to be available for a child with a developmental disability or medical condition between the age of eighteen and twenty-one with an existing AA agreement if the child meets one of the requirements identified in paragraphs (B)(1) to (B)(5) of this rule and the adoptive parent(s) is supporting the child as identified in paragraph (D) of rule 5101:2-49-10 of the Administrative Code. The developmental disability or medical condition needs to be verified annually for continued eligibility. The child is considered to have a developmental disability or medical condition if any of the following applies:

(1) A designated social security administration claims representative has determined that the child meets the disability criteria and is therefore eligible for Title XVI supplemental security income (SSI) benefits.

(2) The child has been diagnosed by an approved "qualified professional" in the professional's area of expertise who is not responsible for providing casework services to the child to have a developmental disability or medical condition.

(a) For the purpose of this rule, a "qualified professional" is an individual that is but not limited to the following: an audiologist, orthopedist, physician, certified nurse practitioner, physician assistant, psychiatrist, psychologist, school psychologist, licensed marriage and family therapist, speech and language pathologist, a licensed independent social worker, licensed professional clinical counselor, a licensed social worker who is under the direct supervision of a licensed independent social worker or a licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.

(i) The qualified professional shall provide a clear written statement that the child is substantially limited in one or more major life activities, including self-care and the overall capacity for self-sufficiency/meeting the ordinary demands of life. This statement shall include an opinion as to the origin of the problem, past history, prognosis, and recommendations related to potential treatment needs. The child’s documented disability is the direct result of one of the following:

(a) A developmental disability, as defined in section 5123.01 of the Revised Code.

(b) A medical condition causing permanent distress, pain, dysfunction, social problems diagnosed by a qualified professional. The medical condition shall have been diagnosed prior to adoption or can be attributable to factors or conditions in the child's or birth family's history that existed prior to adoption.

(3) The child is participating in one of the following rehabilitation programs or a program equivalent in the state where the child resides:

(a) Vocational rehabilitation as administered by the bureau of vocational rehabilitation.

(b) Services for the visually impaired as administered by the bureau of services for the visually impaired through the Ohio rehabilitation services commission.

(4) The child is in the process of obtaining a secondary education and meets the eligibility criteria for a child with a disability receiving special education and related services from the Ohio department of education (ODE), local education agency or school district or a program
The adoptive parent is responsible for providing official documentation from the school that the child is attending and participating in special education services.

The child is eligible for services administered through the department of developmental disabilities (DODD).

A clear written statement documenting the child's developmental disability or medical condition shall be accompanied by an assessment, evaluation or update within the last twelve months from the qualified professional including an opinion as to the prognosis and recommendations for future treatment needs.

If the PCSA chooses to amend the agreement to continue the AA payment beyond age eighteen due to any of the disabilities identified in paragraph (B) of this rule, the PCSA shall do one of the following:

1. Amend the AA agreement to begin the AA monthly payment based on the date of eligibility for any of the programs identified in paragraph (B) of this rule.

2. Notify the adoptive parent(s) of the intent to amend the JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 7/2019) to an AA agreement with no payment pending the approval of any program outlined in paragraph (B) of this rule and provide the adoptive parent(s) with notification of state hearing rights.

It is the responsibility of the adoptive parent(s) to provide the PCSA with documentation that application has been made for any services the child needs in paragraph (B) of this rule.

The PCSA shall advise the adoptive parent(s) of all necessary documentation that shall be submitted to continue an AA agreement.

For cases in which the year and month the child was born can be established, but not the exact day, the first of the month shall be used as the child's birth date.

Replaces: 5101:2-49-04

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5101.141

Rule Amplifies: 5101.11

The monthly amount of the Title IV-E adoption assistance (AA) payment is determined by negotiation and mutual agreement between the adoptive parent(s) and the public children services agency (PCSA).

No income eligibility test shall be used when determining the monthly AA payment. The monthly AA payment amount should combine with the adoptive parent(s) resources and circumstances of the adoptive family and shall provide for the special and anticipated needs of the child projected over an extended period of time. The child's supplemental security income (SSI) benefits shall be considered along with the adoptive parent(s) resources in the negotiation and determination of the AA payment amount. The special needs of the child shall be based upon rule 5101:2-49-03 of the Administrative Code.

The maximum amount of the monthly AA payment shall not exceed the current cost of the monthly foster care maintenance (FCM) payment that was paid or would have been paid by the PCSA if the child had been placed in a foster home.

The monthly AA payment identified in paragraph (C) of this rule shall not exceed the monthly statewide maximum AA payment amount established by the Ohio department of job and family services (ODJFS) through the "Family, Children and Adult Services Manual Procedure Letter".

Upon the effective date of this rule, a PCSA may request from ODJFS a waiver to exceed the monthly statewide maximum AA payment amount when the PCSA determines it is in the best interest of the child.

The PCSA shall submit a completed JFS 01471 "Waiver request to exceed the Title IV-E Adoption Assistance Statewide Maximum" (1/2014) to the office of families and children. The amount the PCSA agrees to pay in excess of the statewide maximum AA payment shall not exceed the monthly FCM payment amount in accordance with paragraph (C) of this rule.

Notification of approval or denial of the waiver request will be made within ten business days of receipt of the JFS 01471. The approval or denial of a waiver is a final determination and does not grant the PCSA state hearing rights under section 5101.35 of the Revised Code or Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

Upon approval of the waiver, the AA payment amount in excess of the statewide maximum shall be effective the month following the waiver approval date.

Any monthly AA payment amount in excess of the statewide maximum, prior to the effective date of this rule, shall remain in effect and shall continue to receive federal financial participation (FFP) up to the current FCM payment for a child in the same level of care.

If the child receives SSI benefits, the child may receive AA and SSI concurrently. If there is concurrent receipt of payments from both programs, the social security administration will decrease the monthly SSI benefit by the monthly AA payment amount.

If the PCSA and the adoptive parent(s) cannot mutually agree on the monthly AA payment amount after thirty calendar days from the initial negotiation meeting, the adoptive parent(s) may request a state mediation conference using the JFS 01470 "Adoption Assistance State Mediation Conference Request" (rev.1/2014) to develop a mutually acceptable level of monthly AA payment amount after thirty calendar days from the initial negotiation meeting. The JFS 01470 shall be sent to the ODJFS state hearings department.

The state mediation conference shall be held within thirty business days from the receipt of the request.
(2) The state mediator, PCSA representative(s) and adoptive parent(s) shall be the sole participants in the state mediation conference.

(3) If the state mediation conference is successful and results in a mutually acceptable monthly AA payment amount, it is considered a final decision between both parties.

(4) The monthly AA payment amount agreed upon at the state mediation conference can only be amended if a new documented special needs of the child is identified or resources and circumstances of the adoptive family change from what was subject to the state mediation conference.

(5) If the PCSA and the adoptive parent(s) cannot mutually agree on a monthly AA payment amount at the state mediation conference, the adoptive parent(s) may request a state hearing.

(I) The PCSA shall document the following in the statewide automated child welfare information system (SACWIS):

(1) Initial agreed upon monthly AA payment amount.

(2) If applicable, the outcome of the state mediation conference, state hearing and administrative appeal.

(J) The PCSA shall not consider the race, color, or national origin of an adoptive parent(s) or of the child for whom a family has indicated an interest in adopting, when negotiating the AA agreement.

Replaces: 5101:2-49-05

Effective:
R.C. 119.032 review dates:
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Date
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Title IV-E Adoption Assistance (AA) Agreement and Duration: Provision for Financial Support and Services

Effective Date: July 1, 2019

Most Current Prior Effective Date: January 10, 2018

(A) The adoptive parent(s) and the public children services agency (PCSA) shall review and sign the JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 42/20157/2019) prior to the adoption finalization. The PCSA responsible for determining eligibility for Title IV-E adoption assistance (AA) is also responsible for entering into the JFS 01453.

(B) The agreement shall list the payments to be provided and the terms under which such benefits will continue to be available. The AA agreement is binding, but the payments may be amended at any time in response to a request made either by the adoptive parent(s) or the PCSA if the adoptive parent(s) and the PCSA agree to the change.

(C) The AA agreement is effective on the date it is signed by both the adoptive parent(s) and the PCSA. The AA payments shall not begin before the date that the child is placed in the adoptive home and all requirements are completed as set forth in rule 5101:2-49-08 of the Administrative Code. Beginning July 1, 2019, the AA agreement shall be effective on the date specified on the JFS 01453. The agreement shall be signed, dated and in effect prior to the final order of adoption when it is signed by both the adoptive parent(s) and the PCSA. The AA payments and services shall not begin prior to the effective date. AA agreements in effect, prior to July 1, 2019, are considered effective on the date signed by the adoptive parent(s) and the PCSA.

(D) The AA agreement shall remain in effect regardless of the state where the adoptive parent(s) resides unless the agreement is terminated pursuant to rule 5101:2-49-13 of the Administrative Code.

(E) The terms of the AA agreement may be amended at any time if both parties agree to the change in accordance with rule 5101:2-49-12 of the Administrative Code.

(F) The PCSA shall not have a general policy limiting AA prior to the child's eighteenth birthday.

(G) The PCSA shall give a copy of the signed agreement and all amendments to the adoptive parent(s) and keep in the AA case record.

(H) The PCSA that entered into the AA agreement shall secure Title XIX medicaid and Title XX social services block grant services if the services are not available in the state or county where the child resides in accordance with rule 5101:2-49-23 of the Administrative Code.

(I) Nothing shall prohibit the adoptive family from seeking Title XX services available in the county of residence even if they are not already specified in the AA agreement. The adoptive parent(s) may:

(1) Apply for the Title XX services in the county where they reside.

(2) Seek to amend the child's AA agreement.

(J) The adoptive parent(s) has the right to a state hearing under any of the following circumstances:

(1) The PCSA denies eligibility for AA.

(2) The PCSA denies the amount of payment assistance requested by the adoptive parent(s) in the child's initial JFS 01453.

(3) The PCSA and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.

(4) The PCSA proposes to reduce, suspend or terminate the amount of AA payment specified on the current AA agreement.

(5) The PCSA denies a request by the adoptive parent(s) to amend the terms of the current AA agreement.
The PCSA shall provide written notification to the adoptive parent(s) when any of the following occur:

1. A determination to deny AA eligibility.
2. A denial for a request to increase the amount of the monthly AA payment.
3. The PCSA and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
4. A reduction, suspension, or termination of the monthly AA payment.

The PCSA shall inform the adoptive parent(s) of all decisions to deny or approve AA with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. 1/2015).

Adoption assistance connection (AAC) to age twenty-one may be available for an adopted young adult between the age of eighteen and twenty-one in accordance with rule 5101:2-51-02 of the Administrative Code, if the adopted young adult meets all of the requirements in paragraphs (M)(1) and (M)(2) of this rule along with one of the five requirements in paragraphs (M)(3)(a) to (M)(3)(e) of this rule:

1. The child had been in the custody of an Ohio PCSA.
2. The child was age sixteen or older before the AA agreement became effective.
3. The child meets one of the following:
   a. Is completing secondary education or a program leading to an equivalent credential.
   b. Is enrolled in an institution that provides post-secondary or vocational education.
   c. Is participating in a program or activity designed to promote or remove barriers to employment.
   d. Is employed for at least eighty hours per month.
   e. Is incapable of doing any of the activities described in paragraphs (M)(3)(a) to (M)(3)(d) of this rule due to a medical condition, and such incapacity is supported by semi-annually updated information.

Effective:
Five Year Review (FYR) Dates: 3/5/2019
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
FCASMTL 414

Effective Date: July 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) The public children services agency (PCSA) shall enter into a JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 1/20147/2019) without a Title IV-E adoption assistance (AA) payment if any of the following apply:

(1) The adoptive parent(s) and the PCSA, after considering the needs of the child and the circumstances of the adoptive family, agree that the adoptive family does not currently require an AA payment to incorporate the child into household.

(2) The child or the child's biological family has a social or medical history that establishes a substantial risk of acquiring conditions, as identified in rule 5101:2-49-03 of the Administrative Code.

(3) The child has reached the age of eighteen and has not been determined to meet the eligibility requirements for continuation of AA as set forth in paragraph (A) of rule 5101:2-49-04 of the Administrative Code.

(B) An AA agreement with no payment shall include the following provisions:

(1) The child is eligible for AA, but there is no monthly payment in effect because of the determination set forth in paragraph (A) of this rule.

(2) The adoptive parent(s) may request amendment of the AA agreement to include AA payments if the child develops a condition, and the condition is diagnosed by a qualified professional, as identified in rule 5101:2-49-03 of the Administrative Code.

(3) Title XX (social services block grant) and post adoption services shall be provided or secured in addition to Title XIX (medicaid) coverage for a child that has an AA agreement with no payment.

(4) All of the remaining conditions of the JFS 01453 as set forth in rule 5101:2-49-10 of the Administrative Code apply including reimbursement of nonrecurring adoption expenses, categorical eligibility for Title XIX medical assistance and Title XX social services and the right of appeal through a state hearing.

Effective:

Five Year Review (FYR) Dates: 3/5/2019

Certification

Date

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Statutory Authority: 5101.141

Rule Amplifies: 5101.11

Title IV-E Adoption Assistance (AA) Monthly Payments

FCASMTL 414

Effective Date: July 1, 2019
Most Current Prior Effective Date: July 1, 2014

(A) Title IV-E adoption assistance (AA) monthly payments shall begin when there is a mutually agreed upon AA agreement and all of the following have been completed:

(1) The responsible public children services agency (PCSA) determines that the child meets all of the eligibility requirements for AA as defined in rule 5101:2-49-02 of the Administrative Code.

(2) The child is placed for adoption.

(3) The JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 1/2017/2019) is completed and signed by both the adoptive parent(s) and the PCSA.

(B) The AA monthly payment may be effective beginning on the date the child was placed for adoption, after the agreement is completed and signed by all parties if the completion and signing of the AA agreement is delayed.

(C) If the PCSA and the adoptive parent(s) cannot agree on a mutually acceptable monthly AA payment amount and the state mediation conference or state hearing is being pursued, an interim AA payment amount may be established in accordance with paragraphs (A)(1) to (A)(3) of this rule.

(D) Before the date on which the child is placed for adoption, the PCSA shall inform the certified foster caregiver(s) who is receiving foster care payments for the care of the child, of the option to continue the foster care payments until the adoption is finalized.

(E) The PCSA shall enter the AA payment information into the statewide automated child welfare information system (SACWIS). The payment shall be in the form of a warrant or electronic funds transfer (EFT) made to the adoptive parent(s).

(F) If an overpayment or an underpayment of an AA payment occurs, the PCSA shall take immediate action to correct either situation as soon as information is received.

(1) An underpayment occurs when one of the following circumstances exists:

   (a) The adoptive parent(s) of an AA child does not receive a payment they are entitled to.

   (b) The adoptive parent(s) of an AA child receives a payment less than the amount they are entitled to.

(2) An overpayment occurs when an adoptive parent(s) receives a payment amount they are not entitled to because of the following reasons.

   (a) The payment was made in excess of the agreed upon amount.

   (b) The child for whom an AA payment was made was not eligible for such payment the month the payment was made.

(G) The PCSA is responsible for reviewing payment records for AA cases to determine if an overpayment has occurred. If an overpayment has occurred, the PCSA shall:

(1) Adjust the overpayment in SACWIS within three business days of notification that an overpayment has occurred. Adjustment of the payment shall be effective on the first day of the month following the month in which the change occurred.

(2) Provide written notification to the adoptive parent(s) when an overpayment is found and identify what action the PCSA proposes to take with regard to the payment.

(3) Send written notification to the adoptive parent in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.
The PCSA shall take any adverse action regarding the financial status of an AA case in accordance with the provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, and

1. AA shall continue until a state hearing decision is issued if the state hearing is requested within fifteen calendar days of the mailing date on the notice.

2. The PCSA shall continue AA if the hearing decision is favorable to the adoptive parent(s).

3. The adoptive parent is not required to return AA payments received prior to the issuance of the state hearing decision if the state hearing was requested within fifteen calendar days of the mailing date on the notice and the hearing decision is to terminate or amend the monthly AA payment.

Documentation of the repayment for the overpayment and the adjustment for the underpayment shall be retained in the AA case record.

The PCSA shall refer all cases to the county prosecutor if there is probable cause to believe the crime of fraud has been committed.

Effective:
Five Year Review (FVR) Dates: 3/5/2019
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
The adoptive parent(s) of a child with special needs may apply for Title IV-E adoption assistance (AA) after the adoption is finalized if the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 1/2014/12/2015) was not completed prior to the finalization of adoption, and the JFS 01453 "Title IV-E Adoption Assistance Agreement (rev. 1/2014/7/2019) was not executed prior to the finalization of adoption because of one of the following:

(1) The public children services agency (PCSA) or private child placing agency (PCPA) knew relevant facts regarding the child and did not present the facts to the adoptive parent(s) prior to the finalization of adoption.

(2) The PCSA or PCPA failed to advise the adoptive parent(s) of the availability of AA.
   (a) The PCSA or PCPA may meet the requirement to inform the adoptive parent(s) of AA by informing potential adoptive parents of the availability of AA during a recruitment campaign (e.g., website, newspaper, flyer, etc.) pursuant to rules 5101:2-48-05, 5101:2-48-11.1 and 5101:2-48-15 of the Administrative Code.
   (b) Advising an adoptive parent(s) is not required if the adoptive parent(s) is not known to the PCSA or PCPA for a child with special needs who is not in the custody of the PCSA or PCPA.

The child shall meet all of the remaining eligibility requirements for AA that are in effect on the date the PCSA receives the JFS 01451 except for the timeliness standard which requires that a JFS 01451 be completed and a JFS 01453 be signed prior to a finalization of adoption.

The following procedures shall be followed for AA eligibility to be considered after an adoption has been finalized:

(1) The adoptive parent(s) shall submit a JFS 01451 to one of the following:
   (a) The PCSA that held permanent custody of the child prior to the adoption.
   (b) The PCSA in the county where the adoptive parent(s) resides, if one of the following applies:
      (i) A private child placing agency (PCPA) had permanent custody of the child by court order or through the execution of a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) prior to the adoption.
      (ii) The social security administration determined the child eligible for the supplemental security income benefits prior to the finalization of the adoption and no PCSA held permanent custody of the child.
      (iii) The child is a child of a minor parent. The child was residing with the minor parent and a judicial determination that it was contrary to the welfare/best interest for the minor parent to remain with the specified relative.
      (iv) The child was in receipt of AA in a prior finalized adoption, currently meets the definition of special needs as set forth in rule 5101:2-49-03 of the Administrative Code and finalizes the new AA agreement by the end of the month of the child's eighteenth birthday pursuant to rule 5101:2-49-04 of the Administrative Code.
      (v) The child is a sibling placed in the same adoptive home as his or her sibling who meet the applicable child eligibility criteria in rule 5101:2-49-02 of the Administrative Code.
At the time the JFS 01451 is submitted, the adoptive parent(s) shall provide the PCSA with a copy of the following:

(a) The JFS 01616 "Social and Medical History" (rev. 6/2009)
(b) The JFS 01673A "Child Characteristics Checklist for Foster Care and or Adoption" (rev. 12/2006).
(c) The JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 6/201112/2014), or the JFS 01692 "Application for Adoption of a Foster Child" (rev. 6/200912/2014) completed prior to the adoption of the child.

If the PCSA determines that the child is eligible for adoption assistance post-finalization, without a state hearing, the agency shall process the application for adoption assistance, otherwise the PCSA shall deny the JFS 01451 based on the application not being submitted prior to finalization and provide the adoptive parent(s) with the following:

(1) The JFS 04059 "Explanation of State Hearing Procedures" (rev. 10/20081/2015).
(2) The JFS 07334 "Notice of Denial of your Application for Assistance" (rev. 9/2011).

Upon receipt of the PCSA's denial of the JFS 01451, the adoptive parent(s) may request a state hearing.

If a state hearing decision determines that one or more of the circumstances set forth in paragraph (A) of this rule were present, the PCSA shall determine eligibility for AA after finalization and negotiate a JFS 01453 with the adoptive parent(s).

If all of the conditions set forth in paragraphs (C) and (D) of this rule are met, the effective date for current and future AA payments shall be the date on which the JFS 01453 is signed by the PCSA and the adoptive parent(s).

Effective:

Five Year Review (FYR) Dates: 3/5/2019
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Date
Promulgated Under: 119.03
Statutory Authority: 5101.141
Rule Amplifies: 5101.11
In accordance with paragraph (A) of rule 5101:2-49-09 of the Administrative Code, if the public children services agency (PCSA) and the adoptive parent(s) mutually agree that the child is eligible for a retroactive adoption assistance (AA) payment after the adoption finalization, or as a result of a state hearing decision or administrative appeal decision determines the eligibility and directs the PCSA to negotiate a retroactive payment, the agency and the adoptive parent(s) will engage in a negotiation process to determine the amount of retroactive AA payments. The monthly amount of AA shall be determined in the same manner as AA benefits negotiated prior to the adoption finalization, until one calendar day prior to the effective date of the current AA agreement.

A child is eligible for retroactive AA payment if any one of the following occur:

1. The public children services agency (PCSA) and the adoptive parent(s) mutually agree that the child is eligible for a retroactive adoption assistance payment after the adoption finalization,

2. A state hearing decision or administrative appeal decision determines the child is eligible for retroactive AA payment.

The agency and the adoptive parent(s) will engage in a negotiation process based on the special needs of the child, and the resources and circumstances of the adoptive parent(s) to determine the amount of the retroactive AA payment based on the following circumstances. The retroactive AA payment shall not exceed the FCM payment for the level of care that would have been paid by the PCSA if the child had been placed in a foster home.

1. The retroactive AA payment shall not exceed the foster care maintenance (FCM) payment for the level of care that would have been paid by the PCSA if the child had been placed in a family foster home.

2. The monthly amount of AA shall be determined in the same manner as AA benefits negotiated prior to the adoption finalization, until one calendar day prior to the effective date of the current AA agreement.

3. The PCSA shall manage the retroactive AA payment separately from any current or future AA payment negotiated between the adoptive parent(s) and the agency.

4. The retroactive AA payment shall be based on the total eligible months the child would have received an AA payment had the child been determined eligible on the date that:

   a. The adoptive parent(s) submitted the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 12/2015) to the PCSA;

   b. The child was placed for adoption; or

   c. The child's adoption was finalized.

If the agency and the adoptive parent(s) are unable to agree on the retroactive AA payment the agency will follow the procedures outlined in paragraph (H) of rule 5101:2-49-05 of the Administrative Code.

The PCSA shall treat the retroactive AA payment separately from any current or future AA payment negotiated between the adoptive parent(s) and the agency. The amount and type of any future AA benefits shall be determined in the same manner as AA benefits negotiated prior to the adoption finalization and shall begin after the AA agreement has been signed.

The retroactive AA payment shall be based on the total eligible months the child would have received an AA payment had the child been determined eligible on the date that:
The adoptive parent(s) submitted the JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 1/2014) to the PCSA.

The child was placed for adoption.

The child's adoption was finalized.

The PCSA shall not approve a retroactive AA payment for a month in which a state adoption maintenance subsidy payment was made.

The PCSA shall notify the adoptive parent(s) that retroactive AA payments have been approved for the child using the JFS 01454 "Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments" (rev. 7/201012/2015).

The JFS 01454 shall set forth the terms of the retroactive AA payment.

The PCSA shall enter the applicable events in the statewide automated child welfare information system (SACWIS) to reflect dates and monthly payment amounts covered by the period of the retroactive payment approval.

The PCSA shall provide the adoptive parent(s) with a copy of the completed JFS 01454.

The PCSA shall retain a copy of the state hearing decision, administrative appeal decision or judicial determination rendered that determined the child either met the eligibility for AA or ordered the PCSA to reconsider eligibility for AA in the child's AA case record. The PCSA shall also retain a copy of the JFS 01451 and the JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 4/201447/2019) setting forth the provision for future AA payments.

Effective:

Five Year Review (FYR) Dates: 3/5/2019

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5101.141

Rule Amplifies: 5101.11

Title IV-E Adoption Assistance (AA) Ongoing Verification

FCASMTL 414

Effective Date: July 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) The public children services agency (PCSA) responsible for the Title IV-E adoption assistance (AA) agreement shall provide the adoptive parent(s) with the JFS-01451-B "Title IV-E Adoption Assistance annual assurance of legal responsibility, school attendance and eligibility for continued Medicaid coverage." (rev. 4/2014/12/2015) annually or whenever there is a significant change in the family situation.

(B) For a child who has attained the minimum age for compulsory school attendance the PCSA shall assure that the child's AA case record contains documentation of one of the following:

1. A child is enrolled full-time, or in the process of enrolling in an institution providing elementary or secondary education.

2. A child is instructed in elementary or secondary education at home schooled full-time in accordance with the home school law of the state where the parent(s) resides home is located.

3. A child is in an independent study elementary or secondary education program full-time in accordance with the law of the state where the program is located, which is administered by the local school or school district.

4. A child is incapable of attending school on a full-time basis due to the medical condition of the child, and the incapability is supported by regularly updated information in the AA case record of the child.

(C) Title IV-E agencies are not required to verify school attendance for a child age eighteen to twenty-one, unless the reason the child is continuing to receive AA past age eighteen is because pursuant to paragraph (B)(4) of rule 5101:2-49-04 of the Administrative Code.

(D) The adoptive parent(s) shall notify the PCSA within fifteen calendar days of the date of a change if:

1. The child reaches the age of eighteen, or twenty-one if the child is physically or mentally disabled or has a medical condition mentally or physically disabled pursuant to rule 5101:2-49-04 of the Administrative Code.

2. The child has married or enlisted in the military service.

3. The child's primary health care insurance coverage changes from medicaid to private health care insurance. The adoptive parent(s) shall complete a JFSan ODM 06612 "Health Insurance Information Sheet" (rev. 5/20019/2016) as a result of this change.

4. The adoptive parent(s) is no longer supporting the child.

5. The adoptive parent's parental rights have been terminated by a court of competent jurisdiction or permanently surrendered to a PCSA or private child placing agency (PCPA).

6. The family moves or the child established his or her own residence.

7. The child dies.

(E) The adoptive parent(s) shall must be supporting the child. An adoptive parent(s) is supporting the child if the adoptive parent(s) provides the child with shelter, food, clothing, child support, or any support regardless of the physical location of the child. A parent parent(s) is generally responsible for the support of a child who is under the age of eighteen or under the age of twenty-one and is a physically and/or physically or mentally disabled or has a medical condition mentally disabled child with special needs who is under twenty-one years old.

(F) A parent is not legally required to support the child if the child is emancipated. A child becomes emancipated if:
(1) The child enlists in the military services.

(2) The child marries.

(3) The child has been determined to be an emancipated minor by a court of competent jurisdiction or the state of residence.

(4) The child is self-supporting by paying for shelter, food, and clothing even though he or she may still reside with the adoptive parent(s).

(G) If the child no longer meets the requirements for AA, the PCSA shall terminate the AA agreement pursuant to rule 5101:2-49-13 of the Administrative Code.

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Five Year Review (FYR) Dates: 3/5/2019
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Statutory Authority: 5101.141
Rule Amplifies: 5101.11
The public children services agency (PCSA) that entered into the AA agreement after February 14, 2018, may suspend the AA payment when all of the following are met:

1) The PCSA cannot establish contact with the adoptive parent(s) to determine if the adoptive parent(s) are legally responsible for the support of the child.

2) The PCSA can document concerted efforts that were made to contact the adoptive parent(s) to determine what support is provided to the child. Concerted efforts include various methods to make contact with the adoptive parent(s) such as telephone calls, mailings, text, emails, and face-to-face.

3) The AA agreement or amended AA agreement shall include the provisions of suspension.

When the PCSA proposes to suspend AA payment, the PCSA shall provide the adoptive parent(s) with the following:

1) A written notice that the PCSA intends to suspend AA payments.

2) The reason(s) for the intended suspension.

3) The adoptive parent(s) right to a state hearing.

4) The state hearing shall be requested within fifteen days from the mailing date of the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

5) When the AA payment is suspended, the adoptive parent(s) has ninety days to make contact and provide documentation of support.

If a state hearing is requested timely, within fifteen days, the AA payment shall continue until a state hearing decision is issued.

If no state hearing is requested timely, within fifteen days, the AA payments shall be suspended.

If a state hearing is requested and the state hearing decision is favorable to the adoptive parent(s), AA payments shall continue in accordance with the terms of the AA agreement or an amended agreement may be entered into by mutual agreement.

If the PCSA has suspended an AA payment, the PCSA shall follow the procedures as outlined in rule 5101:2-49-13 of the Administrative Code.

If the adoptive parent(s) contacts the PCSA while the AA payment is suspended and can provide documentation that meets the ongoing verification requirement to show continued support of the child, AA payments may be reinstated retroactive back to the date of suspension, unless the PCSA has terminated the AA payment pursuant to rule 5101:2-49-13 of the Administrative Code.

Effective:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5101.141

Rule Amplifies: 5101.11
Amendment of the Title IV-E Adoption Assistance (AA) Agreement

Effective Date: July 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) Prior to the expiration date of the JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 4/20147/2019), the adoptive parent(s) and the public children services agency (PCSA) may by mutual agreement amend the JFS 01453. The amended agreement shall meet all other requirements of rule 5101:2-49-06 of the Administrative Code.

(B) Any request for an amendment to the AA agreement shall contain newly documented special needs of the child or circumstances of the adoptive parent(s) that were not previously subject to the current agreement.

(C) At any time while the JFS 01453 is in effect, the adoptive parent(s) and the PCSA may agree to amend the payment amount or provision for services. If an amendment is requested:

(1) The JFS 01453 shall be entered into by mutual agreement between the adoptive parent(s) and the PCSA pursuant to rule 5101:2-49-05 of the Administrative Code. The monthly AA payments should combine with the adoptive parent(s) resources, circumstances of the adoptive parent(s) and shall provide for the special and anticipated needs of the child projected over an extended period of time.

(2) The PCSA and adoptive parent(s) shall sign the amended agreement.

(3) The agreement shall meet all requirements of rule 5101:2-49-10 of the Administrative Code.

(4) The PCSA shall give a copy of the amended agreement to the adoptive parent(s) and retain a copy in the child's case record.

(D) If the PCSA and the adoptive parent(s) cannot agree on a mutually acceptable monthly AA payment amount, the PCSA and the adoptive parent(s) may complete a JFS 01453 for a mutually acceptable level of AA payment while negotiations continue through the state mediation conference or the adoptive parent(s) requests a state hearing.

(E) The PCSA shall not automatically amend, suspend, terminate, or redirect the AA payment if the adopted child is placed under the responsibility and care of a PCSA. If the adopted child is placed in the care of a PCSA, one of the following shall apply:

(1) The PCSA shall amend the AA agreement with mutual consent by the adoptive parent(s).

(2) The PCSA shall make a referral to the Title IV-D (child support) agency as defined in rule 5101:12-1-01 of the Administrative Code for support in the cost and care of the child while the child is in foster care.

(F) If the adoptive parent(s) requests an amendment of the AA payment specified in an existing agreement and the PCSA denies the request, the PCSA shall provide the adoptive parent(s) with written notice of the denial and the right to a state hearing.

(F) The PCSA shall not automatically amend the AA payment if the adopted child is placed under the responsibility and care of a PCSA.
Rule Amplifies: 5101.11
Prior Effective Dates: 01/01/1983, 04/01/1986 (Emer.), 07/01/1986,
07/02/1987, 09/01/1992, 05/01/1998, 01/01/2007, 04/01/2010, 12/15/2011, 07/01/2014
5101:2-49-13 Termination of Title IV-E Adoption Assistance (AA)

FCASMTL 415

Effective Date: July 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) The public children services agency (PCSA) that entered into the agreement shall terminate the Title IV-E adoption assistance (AA) in any of the following circumstances:

1. At the end of the month of the child's eighteenth birthday; or at the end of the month of the child's twenty-first birthday, if the child meets the criteria as set forth in paragraph (B) of rule 5101:2-49-04 of the Administrative Code.

2. If the child is no longer receiving any support from the adoptive parent(s) as defined in paragraph (B) of this rule.

3. If the adoptive parent(s) is no longer legally responsible for supporting the child as defined in paragraph (C) of this rule.

4. If a court of competent jurisdiction has terminated the parental rights of the adoptive parent(s) or the adoptive parent(s) has voluntarily surrendered his or her parental rights.

5. If the adoptive parent(s) requests termination of the AA benefits.

6. If the adoptive placement disrupts prior to finalization.

7. If the adoptive parent(s) dies.

8. If the child dies.

(B) An adoptive parent(s) is not supporting the child if the adoptive parent(s) is not providing the child with shelter, food, clothing, child support, or any financial support regardless of the physical location of the child. A parent is generally responsible for the support of a child who is under the age of eighteen or a physical and or mentally disabled child with special needs who is under twenty-one years of age.

(C) A parent is not legally required to support the child if the child is emancipated. A child becomes emancipated if:

1. The child enlists in the military services.

2. The child marries.

3. The child has been determined to be an emancipated minor by a court of competent jurisdiction or the state of residence.

4. The child is self-supporting by paying for shelter, food, and clothing even though he or she may still reside with the adoptive parent(s).

(D) When the PCSA proposes to terminate the AA agreement, the PCSA shall provide the adoptive parent(s) with a written notice of the proposal and the right to a state hearing.

(E) When the PCSA proposes to terminate the AA agreement, and the adoptive parent(s) has requested a state hearing, the following shall apply:

1. If a state hearing is requested within fifteen calendar days of the mailing date on the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, AA shall continue until a state hearing decision is issued.

2. If a state hearing is requested within fifteen calendar days of the mailing date on the notice and the hearing decision is favorable to the adoptive parent(s), AA shall continue in accordance with the terms of the AA agreement or an amended agreement may be entered into by mutual agreement.
(3) If a state hearing is requested within fifteen calendar days of the mailing date on the notice and the hearing decision is to terminate the AA, the adoptive parent(s) is not required to return the payments received prior to the issuance of the state hearing decision.

(4) If no timely hearing is requested, AA shall be terminated. Following the termination, the child shall lose all eligibility for future AA as long as he or she is legally a member of the same adoptive family.

(F) When the PCSA determines the AA should be terminated, the PCSA shall complete the JFSODM 01958 "Referral for medicaid continuing eligibility review" (rev. 12/2009/2014) pursuant to rule 5160:1-2-01.25160:1-2-01 of the Administrative Code and send the JFSODM 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" (rev. 10/2006/2014) to the adoptive parent(s).

Effective:

Five Year Review (FYR) Dates: 3/5/2019

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Rule Amplifies: 5101.11

FCASMTL 420

Effective Date: August 1, 2019

Most Current Prior Effective Date: January 10, 2018

(A) The public children services agency (PCSA) shall maintain a separate case record for each adoption assistance (AA) case.

(B) The case record shall contain documentation which supports the PCSA's actions in determining eligibility for AA. The case record shall include the following information, when applicable:

   (1) A copy of the signed JFS 01451 "Title IV-E Adoption Assistance Application" (rev. 12/2015).

   (2) A copy of the Title IV-E adoption assistance eligibility determination in the statewide automated child welfare information system (SACWIS).

   (3) A copy of each signed "JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage"" (rev. 12/2015/2019).

   (4) A copy of the PCSA's petition to the court which led to the child's removal from the specified relative.

   (5) A copy of the court order which resulted in the child's removal from a specified relative and which contains a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child and that placement is in the best interest of the child.

   (6) A copy of the signed JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) along with a copy of a court determination that continuation in the home would be contrary to the welfare of the child and that the placement is in the best interest of the child.

   (7) A copy of the court order committing the child to the permanent custody of an Ohio PCSA or Ohio private child placing agency (PCPA), or a copy of the JFS 01666 "Permanent Surrender of Child" (rev. 10/2013). In cases where the child initially entered permanent custody as the result of the execution of a JFS 01666, there must also be a copy of a court determination that continuation in the home would be contrary to the welfare of the child and that the placement is in the best interest of the child.

   (8) A copy of the signed JFS 01654 "Adoptive Placement Agreement" (rev. 2/2017).

   (9) Initial child study inventory.

   (10) A copy of the JFS 01616 "Social and Medical History" (rev. 6/2009).

   (11) A copy of the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 12/2014) or another state's approved child with special needs homestudy.

   (12) A copy of the JFS 01673A "Ohio Department of Job and Family Services Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006).

   (13) A copy of the JFS 01689 "Documentation of the Placement Decision-Making Process" (rev. 4/2017).

   (14) A copy of the JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 12/2014).

   (15) If the basis for determination of AA eligibility is meeting supplemental security income (SSI) eligibility requirements, a copy of the SSI voucher or a copy of any other official documentation verifying SSI eligibility.

   (16) If the basis for determination of AA eligibility is ADC-relatedness, copies of all documentation used for the determination.
If the basis for eligibility determination for AA is that a child's cost in a foster home or residential child care facility are covered by the Title IV-E foster care maintenance (FCM) payments being made for the child's minor parent, the documentation of inclusion of the costs in the FCM payment for the minor parent. The eligibility determination for the child of a minor parent who is eligible for a Title IV-E foster care maintenance (FCM) payment.

If the basis for eligibility determination for AA is that the child was placed in the custody of the PCSA as a result of a JFS 01645 or JFS 01666 for a non applicable child and the child is in receipt of Title IV-E FCM payments, documentation of receipt of the FCM payments. If the basis for determination for AA eligibility is that the child was placed in the custody of the PCSA as a result of a JFS 01645 or JFS 01666, then copies of all documentation used for determination.

A copy of the ODM 06612 "Health Insurance Information Sheet" (rev. 9/2016) as completed by the adoptive parent(s).

A copy of the adoption petition filed with the court.

A copy of the adoption finalization.

A copy of the signed JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 12/2015) between the adoptive parents and the PCSA and any amendments.

Documentation of current eligibility for AA, and in a prior finalized adoption.

Copies of each signed JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (rev. 12/2015).

A copy of the documentation evidencing repayment of any identified AA overpayment.

A copy of all state hearing, administrative appeal and judicial review documentation information.

A copy of the JFS 01470 "Title IV-E Adoption Assistance State Mediation Conference Request" (rev. 1/2014).

A copy of the interstate compact and adoption medical assistance forms.

For applications received from an adoptive parent(s) who resides out of state, the case record shall include a copy of forms which contain, at a minimum, the information required by the JFS 01673, JFS 01692 and child study inventory.

In order to protect confidentiality of adoption records, the dates of the documents listed in paragraphs (B)(3) to (B)(6) of this rule may be included in the AA case record in place of copies of the court order, JFS 01645, JFS 01666, or petition for adoption. For auditing purposes these documents shall be provided upon request. Provision of these dates by the PCSA shall be recognized as evidence that copies of the legal records exist. The following information shall be provided on the child services agency (CSA) or PCSA's letterhead.

Each document must be clearly identified.

The effective date of each record.

The PCSA representative's signature, confirming that the record is on file at the PCSA.

When applicable, the PCSA shall contact the PCPA which placed the child for adoption in order to obtain verification of the date of the documents listed in paragraph (B) of this rule. Documentation of these dates by the PCPA shall be recognized as evidence that copies of the legal records exist. For auditing purposes these documents shall be provided upon request. The following information shall be provided on the PCPA's letterhead.

Each record must be clearly identified.

The effective date of each record.

The PCPA representative's signature confirming that the record is on file at the PCPA.

Pre-adoptive identifying information which is needed to establish eligibility for AA.
The PCSA and PCPA shall use the preadoptive pre-adoptive identifying information when contacting the public assistance benefits eligibility or referral specialists to request pertinent information on file, or when contacting the social security administration to request pertinent information about the child's eligibility for SSI. The PCSA and PCPA shall not provide any information about the child's new identity or present situation.

The case record for an adopted young adult eligible for the adoption assistance connection (AAC) to age twenty-one program shall contain a copy of the entire AA case record as identified in paragraph (B) of this rule along with the criminal record checks that were obtained prior to the initial AA agreement at the time the adopted young adult is determined eligible for the AAC program.

Pursuant to In accordance with paragraph (D) of rule 5101:2-33-23 of the Administrative Code the adoption assistance case record shall be permanently kept retained.

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Rule Amplifies: 5101.11

A child eligible for Title IV-E adoption assistance (AA), is eligible for Title XIX medicaid coverage beginning with the effective date of the JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 1/2014/07/2019).

The public children services agency (PCSA) shall inform the adoptive parent(s) that he or she shall notify the PCSA within fifteen calendar days after moving to another county or state.

The parent(s) shall cooperate with the PCSA to assure that a move out-of-state complies with any applicable interstate requirements. Failure to notify the PCSA may result in the interruption of Title XIX medical coverage.

For a child with an AA agreement in effect who moves or resides out-of-state, the following shall apply:

(1) Within seven business days after the PCSA is notified by the adoptive parent(s) that the AA eligible child is moving to or residing in another state, the PCSA shall transfer Title XIX medical coverage to the state of residence by:

(a) Completing and forwarding the current signed and dated JFS 01453 following forms to the Ohio department of job and family services (ODJFS) interstate compact on adoption and medical assistance (ICAMA) state administrator pursuant to rule 5101:2-44-05.2 of the Administrative Code:

(i) The original interstate compact on adoption and medical assistance (ICAMA) 6.01 "Notice of Medicaid Eligibility/Case Activation (rev. 8/2004);" and 7.02 "Notice to Families" (rev. 7/2012) can be obtained at http://aaicama.org/cms/index.php/icama-forms.

(ii) A copy of the current signed and dated JFS 01453.

(b) Providing written notification to the adoptive parent(s) of Ohio’s intent to terminate the Title XIX medical coverage. Notification shall, at a minimum, include all of the following:

(i) The effective termination date of Ohio’s Title XIX medical coverage.

(ii) A completed JFS 04065 "Prior Notice of Right To A State Hearing" (rev 05/2001).

(iii) A statement that the child will continue to receive AA payments from Ohio or, if no payments are being made, a statement that the JFS 01453 remains in effect and Title XIX medical coverage will be provided by the state in which the child resides.

(c) Providing written notification of the date Ohio’s Title XIX medical coverage will be terminated to the responsible Title XIX medical authority in the state in which the AA eligible child resides.

(d) Requesting to be notified in writing by the Title XIX medical authority in the receiving state of the effective date of the child’s Title XIX medical coverage.

(e) Terminating the medical coverage in the statewide automated child welfare information system (SACWIS).

(2) Upon notification of any change that would affect the medicaid status, the PCSA shall, within seven business days, complete and forward the ICAMA form 6.037.5 "Report of Change in Child/Family Status" (rev. 8/2004) "Information Exchange" (rev. 1/2015) which can be found at: https://aaicama.org/cms/index.php/the-aaicama/new-icama-forms/icama-forms that can be obtained at http://aaicama.org/cms/index.php/icama-forms to the ODJFS ICAMA state administrator.
(3) No less than annually, the PCSA shall provide the responsible Title XIX medical authority in the state where the child resides with written verification that the child meets the continuing eligibility requirements for medicaid. If the PCSA determines the child does not meet the continuing eligibility requirements, within twenty business days the PCSA shall:

(a) Complete a medicaid pre-termination review (PTR) of continuing medicaid eligibility pursuant to rule 5160:1-2-01.2 5160:1-2-01 of the Administrative Code.

(b) Provide written notification of the date Title XIX medical coverage shall be terminated to the responsible Title XIX medical authority in the state in which the AA eligible child resides.

(E) For a child with an out-of-state AA agreement in effect who moves to or resides in Ohio, the following shall apply:

(1) The child is automatically eligible for Title XIX medical coverage provided by Ohio.

(2) The PCSA shall, within twenty business days after being notified by another state the ODJFS ICAMA administrator take the following actions to transfer activate Title XIX medical coverage:

(a) Obtain Verify the following information from the adoptive parent(s), the agency with Title IV-E case management responsibility, and/or the responsible Title XIX authority and the national ICAMA database:

   (i) The child's name, social security number, date of birth, and address.

   (ii) The name of adoptive parent(s).

   (iii) The address where the medical card should be sent.

   (iv) Verification of eligibility for AA.

   (v) A copy of the sending state's adoption assistance AA agreement.

   (vi) The name, address and telephone number of a contact person in the state with Title IV-E case management responsibility.

   (vii) The termination date of Title XIX medical coverage in the state with Title IV-E case management responsibility or the state where the child moved.

   (viii) Any additional information regarding other health insurance coverage the child may have, including third-party liability.

(b) Enter into SACWIS the Ohio medicaid effective date and an "active" status on the ICPC/ICAMA screen ICAMA record for the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) AA that authorizes medical coverage.

(c) Provide written notification to the responsible Title XIX medical authority in the state from where the child moved of the effective date Ohio Title XIX medical coverage will begin.

(d) Complete the JFSODM 06612 "Health Insurance Information Sheet" (rev. 5/20019/2016) if there is information that the child is covered by a private health insurance plan.

(3) The PCSA shall maintain a separate case record for each AA eligible child who resides in Ohio. The case record shall contain all of the information required in paragraph (D) of this rule for all children with AA agreements in effect who move to or reside in Ohio.

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Five Year Review (FYR) Dates: 3/5/2019

Certification

Date

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Statutory Authority: 5101.141
Rule Amplifies: 5101.11

The following definitions are applicable to this rule and supersede any definition contained in rule 5101:2-1-01 of the Administrative Code.

1. "Nonrecurring adoption expenses" are reasonable and necessary adoption fees, court costs, attorney fees, and in accordance with paragraph (A)(2) of this rule, other expenses directly related to the legal adoption of a child with special needs, as defined in rule 5101:2-49-03 of the Administrative Code. These expenses cannot be incurred in violation of state or federal law and cannot be reimbursed from other sources or funds.

2. "Nonrecurring other expenses directly related to the legal adoption of a child with special needs" as specified in paragraph (A)(1) of this rule refers to the cost of the adoption incurred by or on behalf of the adoptive parent(s) and for which the adoptive parent(s) carries the ultimate liability for payment. These expenses include costs related to:
   a. The adoption homestudy.
   b. Health and psychological examinations.
   c. Supervision of the placement prior to the adoption finalization.
   d. Reasonable cost of transportation, lodging, and food for the child and/or adoptive parent(s) when necessary to complete the placement or adoption process.

A public children services agency (PCSA), private child placing agency (PCPA), or private non-custodial agency (PNA) shall notify anyone inquiring about adoption services through the agency of the availability of funds for the reimbursement of nonrecurring adoption expenses and the application process.

The PCSA shall enter into an agreement with the adoptive parent(s) of a child with special needs for the payment of non-recurring adoption expenses for which the parent(s) has not otherwise been reimbursed not to exceed one thousand dollars for each child.

The PCSA, PCPA, or PNA shall inform an adoptive parent(s) who inquires about adoption services through the agency that the JFS 01421 "Application for Reimbursement of Title IV-E Nonrecurring Adoption Expenses" (rev. 4/2019) shall be submitted to the appropriate PCSA and approved prior to the adoption finalization or disruption prior to adoption finalization, if applicable. The JFS 01421 cannot be considered for approval retroactively.

The adoptive parent(s) and the PCSA as specified in paragraphs (M)(L) to (P)(O) of this rule shall sign the JFS 01438 "Agreement for Payment or Reimbursement for Title IV-E Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs" (rev. 4/2019), prior to the adoption finalization or disruption prior to adoption finalization, if applicable. A final decree of adoption by a foreign country constitutes the adoption finalization. The agreement shall indicate the amount and details of the nonrecurring expenses. The JFS 01438 cannot be entered into after the adoption finalization.

The PCSA shall not consider the race, color, or national origin of an adoptive family or of the child for whom a family has indicated an interest in adopting, when entering into a JFS 01438.

If siblings are placed for adoption, either separately or together, each child shall be treated as an individual. A separate JFS 01421 and JFS 01438 shall be executed for each child.

The PCSA shall not apply an income eligibility requirement (means test) to the adoptive parent(s) in determining whether payment or reimbursement for nonrecurring adoption expenses shall be made.
The adoptive parent(s) shall submit to the PCSA a request for payment or reimbursement and proof of the expenditures for nonrecurring expenses incurred in the adoption of a child with special needs within two years of the adoption finalization or disruption prior to adoption finalization, if applicable.

In order for a PCSA to enter into an agreement for the reimbursement of nonrecurring adoption expenses the child must be determined a child with special needs prior to the adoption finalization or disruption prior to adoption finalization as defined in rule 5101:2-49-03 of the Administrative Code. The child need not meet other categorical eligibility requirements of Title IV-E adoption assistance.

If all other eligibility criteria are met, and the only special needs factor is the child has been determined to be at substantial risk, with no manifestation of a special needs factor, the child is not eligible for nonrecurring adoption assistance with the exclusion of international adoptions.

If the PCSA and the adoptive parent(s) have completed a JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 1/2014 7/2019), the application for reimbursement of nonrecurring adoption expenses shall be made to the PCSA with which the adoptive parent(s) entered into the AA agreement. The JFS 01438 shall be incorporated as an addendum to the AA agreement.

If a JFS 01453 has not been completed by a PCSA, all of the following shall apply:

1. Prior to the adoption finalization or disruption prior to adoption finalization, if applicable, the adoptive parent(s) shall submit a JFS 01421 for reimbursement of nonrecurring adoption expenses to the PCSA who holds permanent custody or in the case of an independent adoption in the county in which the adoptive parent(s) reside.

2. At the time of application and prior to the adoption finalization or disruption prior to adoption finalization, if applicable, the adoptive parent(s) shall provide the PCSA with:
   a. A copy of the JFS 01616 "Social and Medical History" (rev. 6/2009) completed on the child for whom the request is being made or a copy of the social and medical history completed in the child's country of origin.
   b. A copy of the JFS 01673A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) and one of the following homestudies:
      i. JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 6/2011 12/2014) or its equivalent for a child adopted from another state.
      ii. JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 6/2009 12/2014).

3. If the adoptive parent does not provide a completed JFS 01616, JFS 01673A and JFS 01673 or JFS 01692 the PCSA shall deny the JFS 01421.

If a JFS 01453 has not been completed by a PCSA, all of the following shall apply:
If the CSAPCSA has entered into a Title IV-E AA agreement or has custody of the child, that agency is responsible for determining eligibility for reimbursement of nonrecurring adoption expenses and paying allowable nonrecurring adoption expenses if the child is eligible.

If the CSA state public agency has not entered into a Title IV-E AA agreement or does not have custody of the child, the Ohio PCSA in the county in which the adoptive parent(s) resides is responsible for determining eligibility for reimbursement of nonrecurring adoption expenses and paying allowable nonrecurring adoption expenses if the child is eligible.

If a private child placing agency has custody of the child, that agency is responsible for providing all required information and documentation to the Ohio PCSA in the county where the adoptive parent(s) resides to determine eligibility.

If a public or private child placing agency does not have custody of the child, the adoptive parent(s) is responsible for providing all required information and documentation to the Ohio PCSA in the county of residence to determine eligibility. The PCSA shall inform the adoptive parents(s) of the required documentation.

A stepparent adopting a child with special needs shall not be eligible to receive payment or reimbursement for nonrecurring adoption expenses if a biological parent is also present in the home. If a biological parent is not present due to death, divorce, or abandonment of the child, the stepparent shall receive payment or reimbursement for the nonrecurring adoption expenses if all other provisions of this rule are met.

For each JFS 01438 executed, the PCSA shall maintain documentation in the child's case record to verify compliance with this rule.

The state hearing policies and procedures contained in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code apply to individuals applying for benefits under this rule.

International adoption payment prohibition.

Notwithstanding any other paragraph of this rule, no payment may be made to an adoptive parent(s) with respect to a child who meets the requirements specified in paragraph (J) of this rule but who is not a citizen or resident of the United States and was adopted outside of the United States or was brought into the United States for the purpose of being adopted.

Paragraph (S)(1) of this rule shall not be construed as prohibiting payments where the child is placed and is legally available for adoption by a permanent custody order or permanent surrender by a PCSA or PCPA, or petition for adoption when the child is the subject of an independent adoption pursuant to rule 5101:2-49-02 of the Administrative Code in foster care subsequent to the failure, as determined by the PCSA, of the initial adoption of the child by the parents described in paragraph (S)(1) of this rule.

If an adopted child from a foreign country has a subsequent adoption finalization in the U.S., the child is not eligible for reimbursement for nonrecurring adoption expenses.

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FCASMTL 415

Effective Date: July 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) Title IV-E adoption assistance (AA) AA intercounty and interstate case management changes shall be handled as follows:

(1) The JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 1/2014 7/2019) remains in effect even though the adoptive parent(s) and the adopted child move to another county or state. The responsibility for management of the AA case remains with the Ohio public children services agency (PCSA) that entered into the agreement prior to the move.

(2) If the adoptive parent(s) and the adopted child for whom an Ohio-executed JFS 01453 is in effect reside in or move to another state, the child will be provided Title XIX (medicaid) and Title XX (social service block grant) services by the state in which the child resides. If any of the Title XX services specified in the AA agreement are not available in the state where the child resides or has moved, the PCSA that entered into the agreement shall be responsible for providing or securing those services.

(3) If the adoptive parent(s) and the adopted child for whom an JFS 01453 is in effect reside in or move to another Ohio county, the child will be provided with Title XX services, as specified in the JFS 01453 by the county where the child resides. If any of the Title XX services specified in the AA agreement are not available in the Title XX plan in the county where the child resides or has moved, the PCSA which entered into the agreement shall be responsible for providing or securing those services.

(4) Nothing shall prohibit the adoptive parent(s) of a child for whom an AA agreement is in effect from seeking Title XX services available in the Title XX social service plan in the county of residence, even if the services are not already specified in the AA agreement. The adoptive parent(s) may:
   (a) Apply for the Title XX services in the county where the adoptive parent(s) resides;
   (b) Seek to amend the child's JFS 01453.

(5) At the request of the PCSA that is the Title IV-E AA case management agency, the PCSA in the county of residence shall assist both the Title IV-E case management agency and the adoptive parent(s) in completing the JFS 01451-B "Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (rev. 1/2014 7/2019) and/or the JFS 01453.

(6) In the event that the adoptive parent(s) and the adopted child move out of state, the PCSA with the case management responsibility shall comply with any interstate compact on adoption and medical assistance (ICAMA) requirements. The PCSA may ask the children services agency (CSA) in the new state to document the present situation of the adoptive parent(s) and to assist the adoptive parent(s) in completing all required forms.

Effective:

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Date

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Prior Effective Dates: 01/01/1983, 04/01/1986 (Emer.), 07/01/1986, 07/02/1987, 05/01/1998, 01/01/2007, 12/15/2011, 07/01/2014
Qualified and Disqualified Alien Eligibility for Title IV-E Adoption Assistance

FCASMTL 415

Effective Date: July 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A child who is a qualified alien, entering the United States on or after August 22, 1996, and who is placed for adoption shall be required to live in the United States for five years before there is eligibility for AA. Pursuant to section 403(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), a child, who is in one of the following accepted categories, is exempted from the residency requirement.

1. A child placed with an adoptive parent who is a United States citizen or a qualified alien.

2. A child who is a qualified alien receiving AA pursuant to a JFS 01453 "Title IV-E Adoption Assistance Agreement" (rev. 1/2014 7/2019) signed prior to August 22, 1996, who continues to be eligible for the AA.


4. An alien whose deportation is being withheld under the INA.

5. Cuban/Haitian entrants, as provided in Section 501 (e) of the Refugee Education Assistance Act of 1980, Pub. L. No. 96-422.


7. An alien or the child or parent(s) of an alien who has been battered or subjected to extreme cruelty in the United States.

(B) In addition to meeting the requirements of paragraph (A) of this rule, a child who is a qualified alien is eligible to receive AA payments if both of the following are met:

1. The child is disqualified under section 245A(h), 210(f) of the INA from meeting eligibility requirements for aid to dependent children (ADC) program in effect on July 16, 1996, as defined in rule 5101:2-47-14.1 of the Administrative Code:
   - In the month in which a JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) was entered into.
   - In the month a JFS 01666 "Permanent Surrender of Child" (rev. 10/2013) was entered into.
   - In the month court proceedings leading to the removal of the child from the home of a specified relative were initiated.

2. The child meets all other eligibility requirements of Chapter 5101:2-49 of the Administrative Code.

(C) An individual who meets the definition of a qualified alien in rule 5101:2-1-01 of the Administrative Code, is eligible to become an adoptive parent and receive AA payments and services for an eligible child.

(D) An individual who does not meet the definition of qualified alien in rule 5101:2-1-01 of the Administrative Code is an unqualified alien. An unqualified alien is eligible to become an adoptive parent and receive AA payments and services for an eligible child who entered the United States on or after August 22, 1996, if the child is a United States citizen or is in one of the accepted groups as defined in paragraph (A) of this rule, or has lived in the United States as a qualified alien for five years.
A child who is a qualified alien and is eligible for AA shall be eligible for Title XIX medicaid coverage pursuant to the requirements contained in rules 5160:1-2-01.8, 5160:1-2-02.3 and 5160:1-2-01.9 5160:1-2-12 and 5160:1-4-06 of the Administrative Code.

Citizenship or immigration status shall be verified by the PCSA:

1. For children in receipt of AA payments.
2. For the adoptive parent(s) with whom the qualified alien child is placed.

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Prior Effective Dates: 02/15/2002, 01/01/2007, 12/15/2011, 07/01/2014
Effective Date: February 1, 2018

(A) On behalf of the Ohio department of job and family services (ODJFS), the adoption assistance connections (AAC) to age twenty-one representative shall be responsible for the administration of the AAC program. The AAC representative shall enter into a JFS 00148 "Adoption Assistance Connections to age Twenty-One Agreement" (12/2017) with the adoptive parents of an eligible adopted young adult. The JFS 00148 will be referred to as the AAC agreement.

(B) ODJFS is responsible for ensuring the proper administration of funds both allocated or reimbursed.

   (1) In accordance with federal requirements, ODJFS may not add any language to the AAC agreement that makes the AAC agreement subject to the availability of state funds.

   (2) ODJFS is responsible for the full non-federal share.

(C) The AAC representative shall be responsible for:

   (1) Determining initial and continuing eligibility for the AAC program.

   (2) Maintaining a separate AAC case record for each program eligible adopted young adult for whom ODJFS has entered into an AAC agreement.

   (3) Service planning to include:

      (a) AAC case management.

      (b) Referral for post-finalization adoption services.

(D) For the purposes of the AAC, an adopted young adult is defined as a person that was adopted at age sixteen or seventeen and was in the permanent custody of an Ohio public children services agency (PCSA) and the adopted young adult attained the age of sixteen before the Title IV-E adoption assistance agreement became effective. The adopted young adult must meet one of the following eligibility requirements pursuant to rule 5101:2-51-02 of the Administrative Code.

(E) The AAC representative shall provide and assist the adoptive parent(s) of an adopted young adult with a JFS 00147 "Adoption Assistance Connections (AAC) to Age Twenty-One Application" (12/2017) and the JFS 04059 "Explanation of State Hearing Procedures" (rev. 1/2015).

(F) The adoptive parent(s) shall submit the JFS 00147 and verification of eligibility to the AAC representative.

(G) For an adopted young adult with an AAC agreement in effect who moves out-of-state or resides out-of-state, the AAC representative shall follow the interstate compact on adoption and medical assistance (ICAMA) rule 5101:2-44-05.2 of the Administrative Code. The AAC representative may ask the children services agency (CSA) in the new state to document the present situation of the adoptive parent(s) and to assist the adoptive parent(s) in completing all required forms.

(H) The AAC agreement remains in effect even though the adoptive parent(s) and the adopted young adult move to another county or state. The responsibility for management of the adoption assistance (AA) case remains with the AAC representative that entered into the AAC agreement prior to the move.

(I) If the adoptive parent(s) and the adopted young adult for whom an Ohio-executed AAC agreement is in effect reside in or move to another state, the adopted young adult will be provided Title XIX (medicaid) and Title XX (social service block grant) services by the state in which the adopted young adult resides. If any of the Title XX services specified in the AAC agreement are not available in the state where the adopted young adult resides, the AAC representative shall be responsible for providing or securing those services.

   (1) The adopted young adult will be provided with Title XX services, as specified in the AAC agreement by the county where the adopted young adult resides.
(2) Nothing shall prohibit the adoptive parent(s) of an adopted young adult for whom an AAC agreement is in effect from seeking Title XX services available in the Title XX social service plan in the county of residence, even if the services are not already specified in the AAC agreement. The adoptive parent(s) may:
   (a) Apply for the Title XX services in the county where the adoptive parent(s) resides; and
   (b) Seek to amend the child’s AAC agreement.

(J) The case record shall include the following information, when applicable:
   (1) The AAC representative’s actions in determining eligibility for AAC.
   (2) A copy of the signed JFS 00147 and all amendments.
   (3) A copy of the signed AAC eligibility determination shall be uploaded in the statewide automated child welfare information system (SACWIS).
   (4) A copy of the JFS 00148.
   (5) A copy of the ODM 6612 "Health Insurance Information Sheet" (rev. 9/2016).
   (6) A copy of state hearing, administrative appeal and judicial review filings.
   (7) If applicable, a copy of the JFS 01470 "Adoption Assistance State Mediation Conference Request" (rev. 1/2014).
   (8) A copy of the interstate compact and adoption medical assistance forms.
   (9) A copy of all required criminal record checks if not obtained by the PCSA.

(K) In accordance with rule 5101:2-33-23 of the Administrative Code, the AAC case record shall be permanently maintained.

Effective: 1/10/2018
Five Year Review (FYR) Dates: 01/10/2023
Certification: CERTIFIED ELECTRONICALLY
Date: 12/12/2017
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Rule Amplifies: 5101.1411, and 5101.1414, 5101.1413, 5101.1412
FCASMTL 391

Effective Date: February 1, 2018

(A) To be eligible for the adoption assistance connections (AAC) to age twenty-one, an adopted young adult was adopted at age sixteen or seventeen and was in the permanent custody of an Ohio public children services agency (PCSA) and the child attained the age of sixteen before the adoption assistance agreement became effective. The adopted young adult must meet one of the following requirements:

1. Is completing secondary education or a program leading to an equivalent credential.
2. Is enrolled in an institution that provides post-secondary or vocational education.
3. Is participating in a program or activity designed to promote or remove barriers to employment.
4. Is employed for at least eighty hours per month.
5. Is incapable of doing any of the activities described in paragraphs (A)(1) to (A)(4) of this rule due to a diagnosed physical or mental health condition, which incapacity is supported by updated information semi-annually.

(B) The adoptive parent(s) may apply for AAC if the adopted young adult has attained the age of eighteen and meets the following requirements:

1. The adopted young adult meets one of the requirements in paragraph (A) of this rule.
2. The adoptive parent(s) must maintain parental responsibility for the adopted young adult. An adoptive parent(s) maintains parental responsibility if the adoptive parent(s) provides the adopted young adult with shelter, food, and clothing, or other support regardless of the physical location of the adopted young adult.

(C) The adoptive parent(s) shall submit the JFS 00147 "Adoption Assistance Connections to Age Twenty-One Application" (12/2017) and documentation that the adopted young adult meets one of the eligibility requirements outlined in paragraph (A) of this rule to the AAC representative.

(D) The AAC representative shall determine eligibility in the statewide automated child welfare information system (SACWIS) and approve or deny the application within thirty calendar days after a completed application and all required documentation is provided.

(E) If an adopted young adult is eligible, the JFS 00148 "Adoption Assistance Connections to Age Twenty-One Agreement" (12/2017) is effective on the date it is signed by both the adoptive parent(s) and the AAC representative.

(F) The AAC agreement is binding on all parties. The terms of the AAC agreement may be amended at any time if both parties agree to the change.

(G) The AAC agreement shall remain in effect regardless of the state where the adoptive parent(s) resides unless the AAC agreement is terminated.

(H) The AAC representative shall give a copy of the signed AAC agreement and all amendments to the adoptive parent(s) and keep the originals in the AAC case record.

(I) The AAC representative that entered into the AAC agreement shall secure Title XIX medicaid and Title XX social services block grant services if the services are not available in the state or county where the adopted young adult resides in accordance with rule 5101:2-51-01 of the Administrative Code.

(J) Nothing shall prohibit the adoptive family from seeking Title XX services available in the county of residence even if they are not specified in the AAC agreement. The adoptive parent(s) may:

1. Apply for the Title XX services in the county where they reside; and
2. Request to amend the AAC agreement.
(K) If the AAC representative determines an adopted young adult is ineligible for AAC, the AAC representative shall provide the adoptive parent(s) with the following:

1. The JFS 07334 "Notice of Denial of your Application for Assistance" (rev. 9/2011).
2. The JFS 04059 "Explanation of State Hearing Procedures" (rev. 01/2015).

(L) If the AAC representative proposes to terminate the AAC agreement, the AAC representative shall provide the adoptive parent(s) with a written notice of the proposal and the right to a state hearing thirty calendar days prior to the termination date under any of the following circumstances:

1. The AAC representative denies eligibility for AAC.
2. The AAC representative denies the amount of monthly payment requested by the adoptive parent(s) in the AAC agreement.
3. The AAC representative and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
4. The AAC representative proposes to reduce or terminate the amount of the payment specified on the current AAC agreement.
5. The AAC representative denies a request by the adoptive parent(s) to amend the terms of the current AAC agreement.

(M) The AAC representative shall provide written notification to the adoptive parent(s) if any of the following occur:

1. A determination to deny AAC eligibility.
2. A denial for a request to increase the amount of the monthly payment.
3. A denial for a request by the adoptive parent(s) to amend the terms of the current AAC agreement.
4. The AAC representative and the adoptive parent(s) are unable to come to a mutual agreement following a state mediation conference.
5. A reduction or termination of the monthly payment.

(N) The AAC representative shall inform the adoptive parent(s) of all decisions to deny or approve AAC and include a copy of the JFS 04059.

(O) The AAC representative shall provide the adoptive parent(s) with the JFS 00149 "Adoption Assistance Connections to Twenty-One Semi-Annual Assurance of Parental Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (12/2017) and adopted young adult with JFS 00150 "Adoption Assistance Connections to Twenty-One Adopted Young Adult Semi-Annual Assurance of Parental Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage" (12/2017). The adoptive parent(s) and the adopted young adult shall submit the JFS 00149 and JFS 00150 semi-annually or whenever there is a significant change in the family situation for continued eligibility.

1. If the documentation is received within thirty calendar days of the mailing date of the JFS 00149 and the JFS 00150 the AAC representative will check for continued eligibility.
   (a) If eligible, the AAC representative will send a notice of eligibility.
   (b) If determined ineligible, the AAC will send a notice of termination.

2. If documentation is not received within thirty calendar days of the mailing date of the JFS 00149, the AAC representative will send a notice of termination as specified in paragraph (T) of this rule.

(P) For an adopted young adult who has an AAC agreement, the AAC representative shall assure that the case record contains documentation of one of the circumstances described in paragraphs (A)(1) to (A)(5) of this rule.
The adoptive parent(s) shall notify the AAC representative within fifteen calendar days of the date of any of the following:

1. The adopted young adult’s primary health care insurance coverage changes from medicaid to private health care insurance. The adoptive parent(s) shall complete an ODM 06612 "Health Insurance Information Sheet" (rev. 9/2016) as a result of this change.

2. The family relocates.

3. The adopted young adult enlisted in the military service.

4. The adopted young adult has married.

5. The adoptive parent(s) no longer has parental responsibility for the adopted young adult.

6. The adopted young adult is no longer eligible pursuant to paragraphs (A) and (B) of this rule.

If the adopted young adult meets the requirements described in paragraphs (Q)(3) to (Q)(6) of this rule, the AAC representative shall terminate the AAC agreement.

The AAC agreement shall terminate when any of the following circumstances apply:

1. At the end of the month of the adopted young adult’s twenty-first birthday.

2. If the adoptive parent(s) no longer has parental responsibility for the adopted young adult as defined in paragraph (B) of this rule.

3. If the adoptive parent(s) requests to terminate the AAC agreement.

4. If the adoptive parent(s) dies.

5. If the adopted young adult dies.

If the AAC representative proposes to terminate the AAC agreement, and the adoptive parent(s) has requested a state hearing, the following shall apply:

1. If a state hearing is requested within fifteen calendar days of the mailing date on the notice in accordance with provisions set forth in Chapters 5101:6-1 to 5101:6-9 of the Administrative Code, the AAC agreement shall continue to be in effect until a state hearing decision is issued.

2. If a state hearing is requested within fifteen calendar days of the mailing date on the notice and the hearing decision is favorable to the adoptive parent(s), the AAC agreement shall remain in effect or an amended AAC agreement may be entered into by mutual agreement.

3. If a state hearing is requested within fifteen calendar days of the mailing date on the notice and the hearing decision is to terminate the AAC agreement as specified in paragraph (O) of this rule, the adoptive parent(s) is not required to return the payments received prior to the issuance of the state hearing decision.

4. If no timely hearing is requested, the AAC agreement shall be terminated. Following the termination, the adoptive parent(s) may reapply for the AAC at any time prior to the adopted young adult attaining the age of twenty-one.

If the AAC representative determines the AAC agreement should be terminated, the AAC representative shall complete the ODM 01958 "Referral for Medicaid Continuing Eligibility Review" (rev. 7/2014) pursuant to rule 5160:1-2-01.2 of the Administrative Code and send the ODM 07236 "Your Rights & Responsibilities as a Consumer of Medicaid Health Coverage" (rev. 7/2014) to the adoptive parent(s).

Five Year Review (FYR) Dates: 01/10/2023
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Rule Amplifies: 5101.1411, 5101.1412, 5101.1413 and 5101.1414
Effective Date: February 1, 2018

(A) The maximum amount of the monthly adoption assistance connections (AAC) to age twenty-one payment shall not exceed the cost of the monthly foster care maintenance (FCM) payment that was paid or would have been paid if the adopted young adult had remained in a foster home.

(B) The monthly payment identified in paragraph (A) of this rule shall not exceed the monthly statewide maximum adoption assistance (AA) payment amount established by the Ohio department of job and family services (ODJFS) through the "Family, Children and Adult Services Manual Procedure Letter."

(C) The AAC representative shall submit a waiver request to exceed the title IV-E adoption assistance statewide maximum in the statewide automated child welfare information system (SACWIS) to the office of families and children. The amount the AAC representative agrees to pay in excess of the statewide maximum AA payment shall not exceed the monthly FCM payment amount in accordance with paragraph (A) of this rule.

(1) Notification of approval or denial of the waiver request will be made within ten business days of the request. The approval or denial of a waiver is a final determination and does not grant state hearing rights under section 5101.35 of the Revised Code or Chapters 5101:6-1 to 5101:6-9 of the Administrative Code.

(2) Upon approval of the waiver, the AAC payment amount in excess of the statewide maximum shall be effective the month following the waiver approval date.

(D) If the adopted young adult receives supplemental social security income (SSI) benefits, the adopted young adult may receive AAC and SSI concurrently. If there is concurrent receipt of payments from both programs, the social security administration will decrease the monthly SSI benefit by the monthly AAC payment amount. It is the responsibility of the adopted parent(s) to advise the social security administration that the adopted young adult is in receipt of AAC.

(E) If the AAC representative and the adoptive parent(s) cannot mutually agree on the monthly AAC payment amount after negotiating for at least thirty days, the adoptive parent(s) may request a state mediation conference using the JFS 01470 "Adoption Assistance State Mediation Conference Request" (rev.1/2014). The JFS 01470 shall be sent to the ODJFS state hearings department in the manner described on the form.

(1) The state mediation conference shall be held within thirty business days from the receipt of the request.

(2) The state mediator, AAC representative and adoptive parent(s) shall participate in the state mediation conference.

(3) If the state mediation conference is successful and results in a mutually acceptable monthly AAC payment amount, it is considered a final decision between both parties.

(4) If the state mediation conference is not successful, the AAC representative shall provide the adoptive parent(s) with the following:

(a) A written notice which shall contain a clear and understandable statement that all parties were not in agreement and the right to a state hearing.

(b) The JFS 04059 "Explanation of State Hearing Procedures" (rev. 01/2015).
Rule Amplifies: 5101.1411, 5101.1412, 5101.1413, and 5101.1414
Social Services
"Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm, pain, or mental anguish. This rule contains the definitions of terms used in Chapter 5101:2-20 of the Administrative Code.

"Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living arrangement" includes a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

1. "Abandonment" means desertion of an adult by a caretaker without having made provision for transfer of the adult's care.

2. "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation or cruel punishment with resulting physical harm, pain, or mental anguish.

3. "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement.

4. "Adult protective services" means an array of services provided to adults who are at risk of abuse, neglect or exploitation. Services include but are not limited to: intake/referral, investigating reports of abuse, neglect, or exploitation, and protective services as defined in paragraph (W)(B)(28) of this rule.

5. "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging.

6. "Caretaker" means a person assuming the primary responsibility for the care of an adult by any of the following means: on a voluntary basis, by contract, through receipt of payment for care, as a result of a family relationship, or by order of a court of competent jurisdiction.

7. "Case management" means services performed or arranged by the county department of job and family services (CDJFS) or its designated agency to manage the life cycle of an adult protective services case.

8. "Case record" means the permanent documentation of the assessment/investigation and the provision of protective or social services to vulnerable adults maintained as hard copy files, electronic files, or as a combination of both.
(G) "Caseworker" as used in rule 5101:2-20-07 of the Administrative Code means a CDJFS or its designated agency's staff person who is responsible for the provision of adult protective services.

(10) "Community mental health agency" means any agency, program, or facility with which a board of alcohol, drug addiction, and mental health services contracts to provide the mental health services listed in section 340.99 of the Revised Code.

(H) "Court" means the probate court in the county where an adult resides.

(I) "Designated agency" means an agency which is designated through a contract/written agreement with the CDJFS to perform the department's duties of receiving and investigating reports of suspected abuse, neglect, or exploitation; evaluating the need for, and to the extent of available funds, providing or arranging for the provision of protective services.

(J) "Emergency" means that the adult is living in conditions which present a substantial risk of immediate and irreparable physical harm or death to self or any other person.

(K) "Emergency services" means protective services furnished to an adult in an emergency.

(L) "Emotional abuse" means to threaten, humiliate, intimidate, or psychologically harm an adult. Also, the violation of an adult's right to make decisions and loss of privacy.

(M) "Exploitation" means the unlawful or improper act of a caretaker person using, in one or more transactions, an adult or an adult's resources for monetary or personal benefit, profit or gain when the caretaker person obtained or exerted control over the adult or the adult's resources in any of the following ways:

(1) Without the adult's consent or the consent of the person authorized to give consent on the adult's behalf.

(2) Beyond the scope of the express or implied consent of the adult or the person authorized to give consent on the adult's behalf.

(3) By deception.

(4) By threat.

(5) By intimidation.

A person is an individual who is known to the adult subject through a familial and/or social relationship.

(N) "In need of protective services" means an adult known or suspected to be suffering from abuse, neglect, or exploitation to an extent that either life is endangered or physical harm, mental anguish or mental illness results or is likely to result.

(O) "Incapacitated person" means a person who is impaired for any reason to the extent that he lacks sufficient understanding or capacity to make and carry out reasonable decisions concerning the person's self or resources, with or without the assistance of a caretaker. Refusal to consent to the provision of services shall not be the sole determinative that the person is incapacitated. "Reasonable decisions" are decisions made in daily living which facilitate the provision of food, shelter, clothing, and health care necessary for life support.

(19) "Independent living arrangement" means a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. "Independent living arrangement" includes a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, but does not include any other institution or facility licensed by the state or a facility in which a person resides as a result of voluntary, civil, or criminal commitment.

(P) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.
"Neglect" means any of the failure following: of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

(a) Failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness;

(b) Failure of a caretaker to provide such goods or services;

(c) Abandonment.

"Nonvalidated report (unsubstantiated)" means no evidence to verify or substantiate the allegation of abuse/self neglect/neglect/exploitation.

"Outpatient health facility" means a facility where medical care and preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services are provided to outpatients by or under the direction of a physician or dentist.

"Peace officer" means a peace officer as defined in section 2935.01 of the Revised Code.

"Physical abuse" means intentional use of physical force resulting in bodily injury, pain or impairment.

"Physical harm" means bodily pain, injury, impairment or disease suffered by an adult.

"Principals of the case" are the alleged adult victim or the adult subject of the report, the caretaker of the alleged adult victim or adult subject of the report and the alleged perpetrator.

"Protective services" means services provided by the CDJFS or its designated agency to an adult who has been determined by evaluation to require such services for the prevention, correction or discontinuance of an act of, as well as, conditions resulting from abuse, neglect or exploitation. Protective services may include, but are not limited to, case work services, medical care, mental health services, legal services, fiscal management, home health care, homemaker services, housing-related services, guardianship services, and placement services as well as the provision of such commodities as food, clothing, and shelter.

"Reasonable decisions" means decisions made in daily living that facilitate the provision of food, shelter, clothing, and health care necessary for life support.

"Referral" means a verbal or written statement received by the CDJFS from any person who has reason to believe that an adult has suffered or is suffering abuse, neglect or exploitation.

"Report" means a referral accepted to be investigated by the CDJFS as a result of a screening decision.

"Screening" means the process of receiving and recording information from any person to determine whether the information provided should be accepted as a report of adult abuse, neglect or exploitation or screened out.

"Senior service provider" means a person who provides care or specialized services to an adult, except that it does not include the state long-term care ombudsman or a regional long-term care ombudsman.

"Sexual abuse" means nonconsensual sexual contact of any kind with an adult regardless of age of the perpetrator.

"Supervisor" as used in rule 5101:2-20-07 of the Administrative Code means a person who is employed by the CDJFS or its designee to oversee, direct or manage one or more workers employed by the agency in an adult protective services capacity.

"Validated (substantiated)" means confirming evidence that substantiates or verifies the allegation of abuse/self neglect/neglect/exploitation.

"Working day" means Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a holiday as defined in section 1.14 of the Revised Code.
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The county department of job and family services (CDJFS) may designate another agency to perform the following duties:

1. Receive and screen referrals, and investigate reports of abuse, neglect, or exploitation.
2. Evaluate the need for protective services.
3. To the extent of available funds, provide or arrange for the provision of protective services.

The CDJFS shall specify the duties of the designated agency. The designated agency shall perform the duties mutually agreed upon and comply with paragraphs (E) to (L) of rule 5101:2-20-02, and rules 5101:2-20-03, 5101:2-20-04, 5101:2-20-05, 5101:2-20-11, 5101:2-20-12, 5101:2-20-13, 5101:2-20-14, 5101:2-20-16, and 5101:9-14-02 of the Administrative Code.

The CDJFS shall enter into a contract and/or written agreement with the agency it selects to act as its designated agency.

The CDJFS has the ultimate responsibility to insure that all reports assigned to a designated agency are investigated and managed in compliance with the law.
The county department of job and family services (CDJFS) or its designated agency shall develop and maintain a case record for each adult who is the subject of a report of abuse, neglect, or exploitation. This case record shall document all activities performed by the CDJFS or its designated agency from the time of receipt of the report referral of abuse, neglect, or exploitation until the closing of the report.

The case record shall contain all documents and communications pertaining to the investigation of a report and the provision of adult protective services. These documents shall include, but are not limited to:

1. The initial intake screening report.
2. The investigation/assessment report.
3. The protective services plan, any applicable reviews and all amendments.
4. Correspondence.
5. Professional reports and/or amendments.
6. Protective service plan reviews and/or amendments.
7. Documents which include, but are not limited to, (if applicable):
   a. Notice of intent to investigate.
   b. Voluntary consent of an adult to the provision of protective services.
   c. Court petitions.
   d. Court orders.
   e. Release of information.
8. Notice of intent to investigate.
9. Voluntary consent of an adult to the provision of protective services.
10. Court petitions.
11. Court orders.
12. Releases of information.

The case record shall contain a narrative which documents chronologically all activities performed in the investigation, and the provision of adult protective services. The case narrative shall include but is not limited to:

1. Phone calls.
2. Personal interviews.
3. Reason and date for adult protective service termination.
4. Dates(s) of receipt and preparation of documentation or communication as specified in paragraph (B) of this rule.

The case record shall be considered confidential and not public record. Information contained in the case record shall, upon request, be made available by the CDJFS or its designated agency to the adult who is the subject of the report, agencies authorized by the CDJFS or its designated agency to receive the report, and legal counsel for the adult.

The case record shall be retained by the CDJFS and its designated agency for a minimum period of three years from the date of case termination.
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R.C. 119.032 review dates: 05/02/2012 and 08/01/2017
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FCASMTL 370

Effective Date: August 1, 2016

(A) Each referral, assessment/investigation and record of provision of services related to reports of adult abuse, neglect or exploitation is confidential as defined in section 149.43 of the Revised Code. Information in the statewide adult protective services information system is confidential and is not subject to disclosure pursuant to section 149.43 or 1347.08 of the Revised Code. Information may be shared only when dissemination is authorized by this rule.

(B) If any person commits, causes, permits or encourages unauthorized dissemination of information, the county department of job and family services (CDJFS) or its designee shall give written notification of such unauthorized dissemination to the county prosecutor or city director of law and the Ohio department of job and family services (ODJFS). A copy of the written notification shall be maintained in the case record.

(C) The CDJFS or its designee shall not release the identity of the referent/reporter, or any person providing information during the course of an assessment/investigation. The identities of these individuals shall not be released or affirmed by the CDJFS or its designee to any party without the written consent of the individual(s) involved, except to those individuals outlined in paragraph (D) of this rule.

(D) The CDJFS or its designee may release the identity of the referent/reporter or any person providing information during the course of an assessment investigation to the following entities:

1. ODJFS staff with supervisory responsibility in the administration of Ohio's adult protective services program.
2. Law enforcement when investigating a criminal case.
3. The county prosecutor when information is needed for criminal proceedings.
4. Another CDJFS or its designee assessing/investigating an adult abuse, neglect or exploitation report involving a principal of the case.

(E) The CDJFS or its designee shall release case information contained in the adult protective services report, excluding the identity of the referent/reporter or any person providing information during the course of an assessment/investigation, to the following persons or entities:

1. Upon request, the information shall be released to:
   a. The adult who is the subject of the report.
   b. Legal counsel for the adult.
2. The court, for the purpose of issuing any of the following:
   a. An ex parte order.
   b. A restraining order due to the obstruction of an investigation.
   c. A protective services order or emergency protective services order.
   d. A guardianship order.
3. Law enforcement when investigating a criminal case.
4. The coroner, to assist in the evaluation of an adult's death due to alleged abuse and/or neglect.
5. To agencies authorized by the CDJFS or its designee for the purpose of assessing/investigating an adult abuse, neglect and/or exploitation report.

(F) No person shall knowingly do either of the following:

1. Access or use information contained in the adult protective services information system or case record for any purposes except as authorized by this rule.
(2) Disclose information obtained from the adult protective services case record to any entity not authorized by paragraph (D) or (E) of this rule.

(G) Information within the adult protective services referral, report or information system shall not be used for the following purposes:

(1) Screening for employment.
(2) Screening for volunteerism.
(3) Screening for the purpose of any other background search, that would limit an individual opportunities that would otherwise be afforded to them without this information.

Effective: 08/01/2016

Five Year Review (FYR) Dates: 08/01/2021
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Statutory Authority: 5101.71
Rule Amplifies: 5101.61
(A) The county adult protective services memorandum of understanding, hereinafter referred to as the memorandum, is a document that sets forth the normal operating procedures to be employed by all concerned officials in the execution of their respective responsibilities pursuant to section 5101.621 of the Revised Code when conducting elder abuse, neglect or exploitation assessments or investigations. The purpose of the memorandum is to delineate clearly the role and responsibilities of each official or agency in assessing or investigating elder abuse, neglect or exploitation in the county. The respective duties and requirements of all involved shall be addressed in the memorandum.

(B) Each county department of job and family services (CDJFS) shall prepare a memorandum described in paragraph (A) of this rule to be signed by all of the following:

   (1) The director of the CDJFS.
   (2) The director of the designated agency if the county department has entered into an interagency agreement with another entity pursuant to section 5101.625101.652 of the Revised Code.
   (3) The county peace officer.
   (4) All chief municipal peace officers within the county.
   (5) Other law enforcement officers handling adult abuse, neglect, and exploitation cases in the county.
   (6) The prosecuting attorney of the county.
   (7) The coroner of the county.

(C) The memorandum shall set forth the procedures to be followed by the persons listed in paragraph (B) of this rule in the execution of their respective responsibilities related to cases of adult abuse, neglect, and exploitation. The memorandum shall establish all of the following:

   (1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults.
   (2) The roles and responsibilities for handling cases that have been referred by the CDJFS or designated agency to another agency pursuant to section 5101.625101.652 of the Revised Code.
   (3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults.

(D) The memorandum may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in paragraph (C)(1) of this rule:

   (1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code.
   (2) The regional long-term care ombudsman.
   (3) A representative of the board of alcohol, drug addiction, and mental health services.
   (4) A representative of the board of health of a city or general health district.
   (5) A representative of the county board of developmental disabilities.
   (6) A representative of a victim assistance program.
   (7) A representative of a local housing authority.
   (8) Any other person whose participation furthers the goals of the memorandum.

(E) The memorandum shall include all of the following:
1) Signatures from participating agencies which must include, at a minimum, the individuals listed in paragraph (B) of this rule.

2) A confidentiality statement to address how information is to be shared while protecting the privacy of the client and his/her family. The confidentiality statement shall also clearly identify the individual to be notified in the event of a breach or suspected breach of confidentiality and a provision that the terms of confidentiality remain after the termination or expiration of the agreement.

3) A terms and conditions section that identifies the time period of the agreement and how to address modifications to the agreement.

(F) The memorandum may, in addition, include the screening procedure to be followed, in accordance with paragraph (B) of rule 5101:2-20-11 of the Administrative Code, when a written and/or oral referral is received on a day that is not a working day as defined in section 5101.60 of the Revised Code and after business hours on working days.

(G) Each CDJFS shall complete the memorandum no later than July 1, 2016.

(H) If an amendment to an existing memorandum is necessary for any reason, the CDJFS shall complete the amendment within ninety days of the identified need and do both of the following:

1) Have the amendment signed by all parties affected by the amendment.

2) Provide a written copy of the signed amendment to all signors of the memorandum.

(I) Failure to follow the guidelines set forth in the memorandum required by this rule is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from any report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person.

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Date: 09/18/2018
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Statutory Authority: 5101.61
Rule Amplifies: 5101.621
Prior Effective Dates: 8/1/16
Adult protective services (APS) caseworkers hired on or after September 29, 2015 shall complete APS core training:

1. At a minimum, the following APS core training courses shall be completed within the first year of continuous employment:
   a. APS laws and regulations.
   b. Dynamics of elder abuse.
   c. The aging process.

2. The following APS core training courses shall be completed at any time during the first two years of continuous employment:
   a. APS risk assessment.
   b. APS values and ethics.
   c. Case planning.
   d. Collaboration in APS.
   e. Initial investigation.
   f. Professional communication.

A minimum of eighteen hours of the training required in paragraph (A) of this rule shall be completed through instructor led courses. The remaining core requirements shall be completed through either instructor led or online courses.

Caseworkers considered backup or on-call APS caseworkers may attend core training at the discretion of their supervisor.

The training requirements identified in this rule shall be met by participating in the Ohio human services training system’s (OHSTS) adult protective caseworker core training program.

The county department of job and family services (CDJFS) director or his or her designee may waive certain training course requirements if within the last two years the APS caseworker was previously employed by another agency or the same CDJFS, and completed one or more of the OHSTS adult protective services caseworker core training courses. However, any core courses not completed by the caseworker during the previous two years cannot be waived.

APS caseworkers shall complete eighteen hours of ongoing training annually in areas relevant to the caseworker's assigned APS duties, after the first two years of continuous employment with the agency as a caseworker.

1. For caseworkers subject to the provisions of rule 5101:2-33-55 of the Administrative Code, at least six hours of the required thirty-six hours of ongoing training must be courses related to APS.

Training courses shall be selected to address the caseworker's training needs as determined by the caseworker and supervisor. Training needs shall be determined based upon all of the following:

   a. Prior background and experience of the caseworker.
   b. Job duties and responsibilities of the caseworker.
   c. Competencies the caseworker and supervisor identify as needs.

A caseworker's ongoing training requirements may be fulfilled by participating in instructor led or online training activities, including but not limited to training offered through:
The Ohio child welfare training program (OCWTP).

Accredited colleges or universities if the course work is relevant to the caseworker's assigned duties. If calculating training hours through completion of courses offered by colleges or universities, the agency shall use the number of semester/quarter hours awarded by the college or university.

Seminars, conferences, and workshops relevant to the caseworker's assigned duties.

The CDJFS or its designee shall be responsible for all of the following:

1. Notifying its designated regional training center of new caseworkers hired by the agency in order for the regional training center to create an account for the employee in the learning management system (LMS).

2. Maintaining employees' education and training records, including documentation of compliance with all provisions of this rule.

APS supervisors hired on or after September 29, 2015 shall complete the APS core courses as outlined in paragraphs (A) to (C) of this rule, within the first two years of continuous employment.

The CDJFS director or his or her designee may waive completion of one or more training requirements if within the last two years the APS supervisor was previously employed by another agency or the same CDJFS and completed one or more of the OHSTS APS caseworker core courses. However, any core courses not completed by the supervisor during the previous two years cannot be waived.

APS supervisors shall complete fifteen hours of ongoing training annually in areas relevant to the supervisor's assigned APS duties after the first two years of continuous employment with the agency as a supervisor.

1. For supervisors subject to rule 5101:2-33-56 of the Administrative Code, at least six hours of the required thirty hours of ongoing training must be courses related to APS.

2. Training courses shall be selected to address the supervisor's training needs as determined by the supervisor and director. Training needs shall be determined based upon all of the following:
   (a) Prior background and experience of the supervisor.
   (b) Relevant assigned job duties and responsibilities of the supervisor.
   (c) Competencies the supervisor and director identify as needs.

The supervisor's ongoing training requirements may be fulfilled by participating in instructor led or online training activities. These training activities may include trainings offered by any of the following:

1. OHSTS.

2. OCWTP.

3. Accredited colleges or universities if the course work is relevant to the supervisor's assigned APS duties. If calculating training hours through completion of courses offered by colleges or universities, the agency shall use the number of semester/quarter hours awarded by the college or university.

4. Seminars, conferences, and workshops relevant to the supervisor's assigned APS duties.

The CDJFS or its designee shall be responsible for all of the following:

1. Notifying its designated regional training center of new supervisors hired by the agency in order for the regional training center to create an account for the employee in the LMS.

2. Maintaining employees' education and training records, including documentation of compliance with all provisions of this rule.
The CDJFS or its designee may elect to offer initial orientation training about the agency and the community to newly hired caseworkers or supervisors. Initial orientation training does not count toward fulfilling the mandatory training requirements outlined in this rule.
The county department of job and family services (CDJFS) or its designee shall have the ability to receive and screen the written and/or oral referrals of adult abuse, neglect and/or exploitation twenty-four hours a day seven days a week.

The screening decision protocol for referrals received on a day that is not a working day as defined in section 5101.60 of the Revised Code and after business hours on working days may be outlined within the county's memorandum of understanding established pursuant to rule 5101:2-20-06 of the Administrative Code.

The CDJFS or its designee shall attempt to obtain, at a minimum, the following information from a referent making a referral regarding alleged adult abuse, neglect and/or exploitation and arrive at a screening decision. Receipt of all of the following information is not required in order to screen in a report:

1. The name(s) and address(es) of the adult and the adult's caregiver or guardian and all household members.
2. The adult's age.
3. The adult's race and ethnicity.
4. Circumstances regarding the abuse, neglect, and/or exploitation.
5. Alleged perpetrator's access to the adult, if applicable.
6. The adult's current condition.
7. The adult's current location.
8. Information regarding any evidence of previous abuse, neglect and/or exploitation.
9. Any other information that might be helpful in establishing the cause of the known or suspected abuse, neglect and/or exploitation.

The report shall be deemed an emergency if an adult is reported to be living in a condition which presents substantial risk of immediate physical harm or death. The risk can be the result of the adult's own action or inflicted on the adult by another person.

1. Emergency reports shall be initiated within twenty-four hours from receipt of the report.
2. Non-emergency reports shall be initiated within three working days from the receipt of the report.

The CDJFS or its designee may upon request of the referent, inform the referent of the screening decision. The CDJFS or its designee shall not share any additional case information with the referent.

Replaces: Part of 5101:2-20-02
Effective: 08/01/2016
Five Year Review (FYR) Dates: 08/01/2021
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Statutory Authority: 5101.71
Rule Amplifies: 5101.61, 5101.622
Prior Effective Dates: 3/17/03, 1/1/04, 12/1/07, 8/1/12
The county department of job and family services (CDJFS) or its designee shall be responsible for conducting an assessment/investigation on all reports of abuse, neglect, or exploitation for adults age sixty and older, and shall evaluate the need for adult protective services.

The CDJFS or its designee shall do all of the following:

1. Attempt a face-to-face visit with the alleged adult victim, preferably in the alleged adult victim's own home without the interference of others. If face-to-face contact is not possible, the reason(s) must be documented in the case record.

2. At the time of the initial interview, give written notice of the intent to investigate and explain the notice in language reasonably understandable to the adult who is the subject of the investigation. The CDJFS or its designee shall arrange for translator/interpreter services when needed.

3. Assess the risk to the adult who is subject of a report, by considering the following factual information:
   a. The specific danger (abuse, neglect or exploitation) and the degree of danger (physical or sexual harm, mental anguish or mental illness) in the adult's living conditions.
   b. The personal vulnerability of the adult which may include one or more of the following conditions:
      i. Handicap due to infirmities of aging.
      ii. Physical or mental impairments preventing the adult from providing for his or her own care without the assistance of a caretaker.
      iii. The adult's understanding of his or her current situation.
      iv. The adult's feelings about his or her current living situation.
   c. The social vulnerability of the adult, which may include one or more of the following conditions:
      i. The absence of a guardian, caretaker, spouse, adult children, next of kin or friends.
      ii. The unlawful or improper act of a caretaker using an adult or his or her resources for monetary or personal benefit, profit or gain.
      iii. The failure or inability of a caretaker or the adult to provide goods or services necessary to avoid physical harm, mental anguish or mental illness.

4. Interview other known persons and/or agencies who may have knowledge of the abuse, neglect or exploitation.

5. Investigate additional concerns regarding the adult victim that are discovered during the initial investigation of suspected abuse, neglect and/or exploitation while the CDJFS or its designee is actively involved with the adult.

The CDJFS or its designee may request an ex parte emergency protective services order under the following circumstances:

1. An emergency exists.
2. There is reasonable cause to believe that the adult is incapacitated.
3. There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm or death.
The CDJFS or its designee may request an emergency protective services order under the following circumstances:

1. The adult is an incapacitated person.
2. An emergency exists.
3. No person authorized by law or court order to give consent for the adult is available or willing to consent to emergency services.
4. There is reasonable cause to believe that there is a substantial risk to the adult of immediate and irreparable physical harm, immediate and irreparable financial harm, or death.

The CDJFS or its designee may request a temporary protective services order at the ex parte order hearing or the emergency protective services order hearing.

The CDJFS or its designee may request the following services through a court order for adult protective services:

1. Evaluations.
2. Emergency services order.
3. The freezing of the adult’s financial assets.
4. Orders requiring a party to vacate the adult’s place of residence or legal settlement.
5. Restraining orders. If a restraining order is issued due to the obstruction of or interference with the investigation by any person, including the resident, the CDJFS or its designee may request accompaniment to the residence by a peace officer.

The investigation shall be completed no later than thirty calendar days from the receipt of the report or no later than forty-five days when additional information is needed to determine a case disposition and the information could not be obtained within the thirty day time frame.

The CDJFS or its designee shall request an extension of the time frame for completing the case disposition if the CDJFS or its designee is unable to complete specific assessment/investigative activities within thirty calendar days. The justification for the extension shall:

1. Contain written justification for not meeting the established time frame.
2. Contain supervisory approval of the written justification prior to the expiration of the established time frame.
3. Be maintained in the case record.

The investigation shall not be considered complete until all additional concerns that contribute to the risk of the adult are investigated and found to be validated or nonvalidated.

An investigative report containing the following information shall be placed in the case record in accordance with the time frames outlined in paragraph (G) of this rule. The report shall include:

1. A summary of the investigation/assessment activities, dispositions and case opening disposition as specified in paragraphs (B) to (F) of this rule.
2. A determination as to whether the report of abuse, neglect and/or exploitation is validated or nonvalidated and the reason for this conclusion.
3. Documentation of the service needs that were identified and the referrals made to other social service agencies, if applicable.
4. Case opening decision.
5. Court filings if required to complete investigation.

Replaces: 5101:2-20-02
Effective: 11/01/2016
Five Year Review (FYR) Dates: 11/01/2021
The county department of job and family services (CDJFS) or its designee shall adhere to this rule for reports of adult abuse, neglect and/or exploitation where there is a potential conflict of interest because one or more of the following parties is a principal of the report:

(A) Any employee, or agent of ODJFS, the CDJFS or its designee.

(B) Any authorized person representing ODJFS, the CDJFS or its designee who provides services for payment or as a volunteer.

(C) Any time a CDJFS or its designee determines that a conflict of interest exists. The CDJFS or its designee shall document in the case record if a conflict of interest is identified.

(B) The involvement of a third party does not relieve the lead CDJFS or its designee of its responsibility to ensure assessment/investigation activities are completed.

(C) A law enforcement agency or another CDJFS may serve as the third party to an assessment/investigation of adult abuse, neglect and/or exploitation.

(D) In lieu of law enforcement or another CDJFS, the CDJFS or its designee may operate an in-house unit to assess/investigate reports of adult abuse, neglect and/or exploitation requiring a third party if all of the following apply:

(E) Within twenty-four hours of the identification of a conflict of interest, the CDJFS or its designee shall request and document the assistance of a third party.

(F) Upon acceptance of the request from the lead CDJFS or its designee, the non-lead CDJFS or its designee shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-20-12 of the Administrative Code.

(G) In instances where law enforcement, another CDJFS or its designee declines to assist the CDJFS or its designee, the CDJFS or its designee is responsible for conducting the assessment/investigation. The CDJFS or its designee is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.

(H) The CDJFS or its designee shall comply with all procedures pursuant to rule 5101:2-20-12 of the Administrative Code.

(I) The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation including the third party assessment/investigation report from law enforcement or the non-lead CDJFS or its designee shall be maintained in the case record.

Effective: 11/01/2016

Five Year Review (FYR) Dates: 11/01/2021
The provisions of rule 5101:2-20-05 of the Administrative Code regarding confidentiality apply to all cross-referrals of elder abuse, neglect, or exploitation required by this rule.

The county department of job and family services (CDJFS) or its designated agency shall make a referral to the following agencies, as necessary, upon review of a report made under section 5101.61 or an investigation conducted under sections 5101.62 to 5101.64 of the Revised Code when a referral is received from the local county board of developmental disabilities in accordance with section 5126.31 of the Revised Code:

1. The local county board of developmental disabilities if the CDJFS or its designated agency knows or has reasonable cause to believe that the subject is an individual with a developmental disability as defined in section 5126.01 of the Revised Code. The CDJFS or its designated agency shall proceed with a case in accordance with sections 5101.60 to 5101.71 of the Revised Code when a referral is received from the local county board of developmental disabilities in accordance with section 5126.31 of the Revised Code.

2. The office of the state long-term care ombudsman program if the subject is a resident of a long-term care facility, as defined in section 173.14 of the Revised Code. The CDJFS or its designated agency shall proceed with a case in accordance with sections 5101.60 to 5101.71 of the Revised Code when a referral is received from a state or regional long-term care ombudsman program in accordance with section 173.20 of the Revised Code.

3. The department of health if the subject is a resident of a nursing home, as defined in section 3721.01 of the Revised Code, and has allegedly been abused, neglected, or exploited by an employee of the nursing home.

4. The public children services agency of that county if the subject is a child, as defined in section 5153.01 of the Revised Code.

5. The local law enforcement agency with jurisdiction over the area where the subject resides if the subject is being or has been criminally exploited.

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Five Year Review (FYR) Dates: 8/1/2021
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Prior Effective Dates: 3/17/03, 1/1/04, 12/1/07, 8/1/12, 8/1/16
The county department of job and family services (CDJFS) or its designated agency shall develop a case plan for each adult who receives protective services. The case plan shall be part of the case record.

1. A case plan shall be developed by the CDJFS or its designated agency no later than thirty calendar days after whichever of the following occurs first:
   a. The case decision indicates the need for services and the adult agrees to the provision of protective services.
   b. The adult requests services and the CDJFS or its designated agency determines that the requested services are needed and can be provided.

2. Each case plan shall include, but is not limited to, the following:
   a. The identified concerns.
   b. The protective services objectives.
   c. The services that will be provided and the service provider(s).
   d. Effective dates of the protective services case plan.
   e. Signature of the adult. If the adult refuses to sign the plan, the worker shall document the reason in the case record and/or petition the court pursuant to paragraph (H)(1) of this rule.

3. In the development of the case plan, the CDJFS or its designated agency must involve the adult and significant other(s) which may include relatives, friends, caregivers and/or neighbors to the extent possible.

4. The case plan shall be based upon the least restrictive services available to meet the needs of the adult.

5. The CDJFS or its designated agency shall be responsible for the delivery of services or may arrange service delivery through the use of referrals, contracts or written agreements.

The case plan shall be effective once the adult signs the case plan indicating their agreement to participate in services, or when the court orders the provision of protective services if the adult is incapacitated or incompetent.

The CDJFS or its designated agency shall make face-to-face contact with the adult at a minimum of one time per calendar month in order to monitor progress on the case plan objectives. The caseworker shall document the following information in the case record after each contact:

1. Date caseworker met with the adult.
2. Status of services currently in place, indicating whether the services are addressing the concern.
3. Any new services that are needed due to the adult's current level of risk.

If the initial attempt to complete a face-to-face contact is unsuccessful, the CDJFS or its designated agency shall make a minimum of two additional attempts to complete the face-to-face contact within the calendar month. These attempts shall be documented in the case record.

No later than ninety days after services have been put in place, the CDJFS or its designated agency shall reassess the need to continue providing protective services. The caseworker shall determine if services should be maintained, amended or terminated.
If the adult continues to be in need of protective services, the CDJFS or its designated agency shall continue the case plan for the next ninety days and every ninety days thereafter until the case can be closed. The case plan shall follow the requirements outlined in paragraphs (A)(1) and (A)(2) of this rule.

The CDJFS or its designated agency shall amend the case plan within five working days if there is a change in any of the following:

1. The concerns warranting the need for protective services.
2. Principals of the case.
3. Services being provided.

The CDJFS or its designated agency shall terminate adult protective services in the following circumstances:

1. If requested by the adult who is the recipient of the protective services. However, if the CDJFS or its designated agency determines that an adult is in need of protective services and the adult is incapacitated or incompetent, the CDJFS or its designated agency shall petition the court for an order authorizing the provision of protective services.
2. If the adult is no longer in need of protective services based on the reassessment of risk.
3. If the adult leaves the CDJFS area of jurisdiction. In such an instance, the CDJFS shall make a referral to the new county or state of residence, if known, and upon request of the authorized receiving agency, provide appropriate information to facilitate determination of need for adult protective services in the new county or state of residence.
4. If the adult has been placed in an institution, unless the institutionalization is court ordered.
5. If the adult dies.

The decision to close the case and terminate protective services shall be approved by the supervisor and documented in the case record.

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5101:2-25-02  Title XX Administration

FCASMTL 378

Effective Date: June 1, 2017

Most Current Prior Effective Date: April 15, 2013

(A) A county department of job and family services (CDJFS) that purchases services and those parties the CDJFS has under contract to provide Title XX services shall administer Title XX services in accordance with the requirements of Title XX of the Social Security Act, 4988 Stat. 6202337 (19351974), 42 U.S.C. 1397 301 ((2012 2010), section 5101.46 of the Revised Code, and Chapter 5101:2-25 of the Administrative Code. Child care services provided under Title XX are excluded from the requirements contained in Chapter 5101:2-25 of the Administrative Code. The CDJFS shall follow child care requirements contained in Chapter 5101:2-16 of the Administrative Code.

(B) Each county in Ohio is designated as a separate geographic area for Title XX services planning, implementation, monitoring, and evaluation.

(C) The Title XX program year is October first through September thirtieth.

(D) Title XX services may be provided through: compact, direct services, purchased services or grants as defined in the current comprehensive Title XX social services plan (CTXXSSP) (10/1/2012) which can be found at the following website http://emanuals.odjfs.state.oh.us/emanuals. Methods of delivery may change during a program year as need occurs or resources are developed.

(1) “Compact services” are formal or informal arrangements between the CDJFS and a community agency(s).

(2) “Direct services” are services provided by staff or the CDJFS.

(3) “Purchase services” are services provided through written contract between private or nonprofit agency(s), or

(4) “Grants” are agreements made between public children services agencies (PCSA) only.

Methods of delivery may change during a program year as need occurs or resources are developed.

(E) Reimbursement is available only for services and service activities which are specifically included on the JFS 01821 "Title XX County Profile" (rev. 12/2012 03/2017), services outlined in rule 5101:2-25-07 of the Administrative Code, and for administrative support directly related to the provision of such services.

(F) When contacted by a consumer or responsible person or agency seeking Title XX services, the CDJFS or provider agency under contract with the CDJFS shall provide an application for Title XX services to the person making the request. An application is not required when services are offered without regard to income.

(G) The CDJFS or provider agency under contract with the CDJFS shall ensure upon the receipt of the application the following:

(1) The consumer or responsible person or agency acting on behalf of the consumer is the person submitting the application for Title XX services.

(2) The application is signed by the consumer, guardian, parent or custodian, if the consumer is a child, or an individual or agency acting on behalf of the consumer.

(H) Protective services for adults and children and information and referral services may be provided without regard to income and do not require an application. Protective services cases require a case record that documents the circumstances of actual or potential abuse, neglect, or exploitation of the adult or child.

(I) All providers of Title XX services must comply with any licensing, certification, or approval required by state or federal law or regulation.
(J) An individual service plan, designed at the county's option, is required to provide any service defined in rule 5101:2-25-01 of the Administrative Code. A service plan is not required for information and referral services.

(K) Pursuant to section 4128(H)(3)1397d(a)(9)(A) of the Social Security Act, providers excluded from medicare participation are not eligible to receive Title XX funds either directly or indirectly. Neither the CDJFS nor providers of services under Title XX funding shall employ or contract with excluded individuals.

(L) Reimbursement is available for minor medical or remedial care only when the medical care is integral but subordinate to the provision of the social service to which the medical care is a part.

(M) Title XX funds may not be utilized for:

1. Purchase or improvement of land, or the purchase, construction, or permanent improvement (other than minor remodeling) of any building or other facility.
2. Provision of cash payments for cost of subsistence or for the provision of room and board (other than costs of subsistence during rehabilitation, room and board provided for a short term as an integral but subordinate part of a social service, or temporary emergency shelter provided as a protective service).
3. Payment of the wages of any individual as a social service (other than payments of the wages of Ohio works first customers employed in the provision of child care services).
4. Provision of medical care (other than family planning services, rehabilitation services or initial detoxification of an alcoholic or drug dependent individual) unless it is an integral but subordinate part of a social service for which grants may be used under 42 U.S.C., Section 1397d of the Social Security Act.
5. Social services (except services to an alcoholic or drug dependent individual or rehabilitation services) provided in and by employees of any hospital, skilled nursing facility, intermediate care facility, or prison, to any individual living in such institution.
6. Provision of any educational service which the state makes generally available to its residents without cost and without regard to their income.
7. Any child care services unless such services meet applicable standards of state and local law.
8. Provision of cash payments as a service, except as otherwise provided for in this rule.

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(A) Each county department of job and family services (CDJFS) shall complete an annual biennial JFS 01821 "Title XX County Profile" (rev. 12/2012) (rev. 03/2017) and submit the biennial county profile for each year on a separate JFS 01821 county profile form to the Ohio department of job and family services (ODJFS) by January thirty-first.

(1) The county profile must identify the Title XX social services to be provided during the federal fiscal year, October first to September thirtieth of the upcoming year(s).

(2) Profiles submitted to ODJFS must contain the signature of approval by the CDJFS’ director and county commissioner(s) or designee, and the date and location of the public hearing pursuant to paragraphs (C) to (F) of this rule.

(3) If the CDJFS has altered the original profile submitted in January, the CDJFS shall submit to ODJFS, an amended profile that has been approved by the county commissioner or designee by the end of May.

(4) The original and amended profile shall be submitted electronically to the Ohio department of job and family services (ODJFS) mailbox: OFC_SSBG_Title_XX_County_Profile_Reports.

(5) The CDJFS must maintain the original and all amended county profile(s) with signature(s) on file to present at a state hearing upon request or in the event of an inquiry.

(B) The JFS 01821 shall include the services to be provided and for each service the estimated unduplicated number of persons to be served and estimated total expenditures including state, federal and local dollars. The county chooses the service(s) it wishes to offer from a catalogue of Title XX services listed on the county profile, but each profile must include at least one or more service directed at each one or more of the following five program goals. Each individual can be counted no more than once in any service category. The count is to include primary consumers and individuals authorized to receive the service on behalf of a primary consumer. The five national goals for Title XX are:

(1) Achieving or maintaining economic self-support to prevent, reduce, or eliminate dependency.

(2) Achieving or maintaining self-sufficiency including reduction or prevention of dependency.

(3) Preventing or remedying neglect, abuse or exploitation of children or adults unable to protect their own interest or preserving, rehabilitating or reuniting families.

(4) Preventing or reducing inappropriate institutional care by providing for community-based care, home-based care or other forms of less intensive care.

(5) Securing referral or admission for institutional care when other forms of care are not appropriate or providing services to individuals in institutions.

(C) The CDJFS planning committee designated by the county commissioners shall conduct a public hearing on the initial county profile prior to its publication and make a record of the proceedings from which a transcript can be made. A public notice of the hearing shall be published in one or more mediums: a newspaper of general circulation, radio, television, or agency’s website before such hearing is held. Comments and recommendations received from the public, as a result of the hearing, should be taken into consideration for the final county profile.

(D) Each CDJFS shall forward electronically a summary of the comments made at the public hearing on the proposed county profile to ODJFS, by the second week of May.

(E) This paragraph applies to all Title XX services except for child care services which are set forth in Chapter 5101:2-16 of the Administrative Code.
The only social services authorized for Title XX state and federal reimbursement are those which are included in the county profile and for which standard service definitions have been published in the "Comprehensive Title XX Social Services Plan" (CTXXSSP).

Social services identified in the county profile shall comply with the definitions and requirements contained in Chapter 5101:2-25 of the Administrative Code.

The CDJFS may amend its final county profile after the final CTXXSSP has become effective.

The amended county profile must be signed and dated by the CDJFS director and board of county commissioners or their designee.

The amended profile must include at least one or more service services directed at each one or more of the five program goals described in this rule.

When amending the county profile, the CDJFS shall take into consideration the comments and recommendations received from the public hearing in accordance with paragraph (C) of this rule.

The amended profile must be available for public review.

The amended profile must be available for public review.

The CDJFS shall keep the amended county profile on file to present at a state hearing when relevant or in the event of an inquiry.

Each CDJFS may develop a "Title XX Local Needs Report" to substantiate the local county criteria utilized in the selection of Title XX services in the county profile. In the needs report, the CDJFS may address the local social service needs and Title XX services provided to resolve these needs. The provisions of such services must be financially feasible. The following topics may be included in the "Title XX Needs Report":

1. The statement of needs; this is a description of social service needs to be addressed by Title XX funded services. The CDJFS may choose to use in its description of needs any or all of the categorically grouped needs listed below. The six groups of needs cover all Title XX reimbursable services.
   a. Abuse, neglect, exploitation.
   b. Family or individual health.
   c. Frail, impaired, elderly, handicapped.
   d. Unemployment, training, insufficient job skills.
   e. Family or individual dysfunction.
   f. Other.

2. The needs assessment source; this is for the social service needs listed in paragraph (G)(1) of this rule. The source of the information utilized to determine selection of the Title XX services may be identified.

3. The services needed in the county; this may specify which Title XX service(s) shall be utilized to meet the grouped needs listed in paragraph (G)(1) of this rule.

4. The population affected; this may identify the population group which is most in need of each service provided.

5. The goal attainment; this is for each of the services offered, and shall specify which Title XX goal(s) described in section 5101.46 of the Revised Code will be achieved.

If the CDJFS has developed a "Title XX Needs Report", the CDJFS shall:

1. Make the "Title XX Needs Report" available for public review and comment.

2. Submit electronically to ODJFS one copy of the "Title XX Needs Report" with the county profile.

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Child care services provided under Title XX are excluded from the requirements contained in this rule and the county department of job and family services (CDJFS) shall follow child care requirements contained in Chapter 5101:2-16 of the Administrative Code.

Reimbursement under Title XX for expenditures for services delivered to individuals is contingent upon the following:

1. Service is included in the "Comprehensive Title XX Social Services Plan" (CTXXSSP).
2. The individual who receives the service is a member of one of the eligibility categories to which the service is available in the county of residence. Availability of services to eligibility categories is shown in the county's profile data section of the CTXXSSP.
3. The individual receiving the service(s) correctly met the eligibility factors which are applicable to the service(s) received by the individual and the individual's eligibility category.

When the CDJFS provides Title XX social services for free or for a fee, it shall establish eligibility standards or a fee schedule based on income level guidelines. The CDJFS shall formalize these eligibility standards and fee schedules in a written document which the CDJFS shall make available at all times for public review.

Categories of eligibility under the Title XX program are as follows:

1. Income eligible
   a. Services for free, as determined by the CDJFS.
   b. Services for a fee, as determined by the CDJFS.
      i. Services for a fee is the amount charged by the CDJFS or provider agency under contract with the CDJFS.
      ii. The CDJFS may offer any service(s) identified in their current CTXXSSP county profile in the "Service for a Fee" category with the exception of information and referral services, protective services for adults and protective services for children.
      iii. Only those services to which fees are applicable are counted in determining the amount of the fee. Services that are available to consumers without regard to income would therefore not be counted.

2. Without regard to income, as determined by the CDJFS.
   a. A written application is not required where service is deemed without regard to income.
   b. Protective services for adults and children and information and referral may be provided without regard to income.

Eligibility determinations and redeterminations may be conducted by the agency providing the service; however the CDJFS may make eligibility determinations if it concludes that doing so would benefit consumers or result in more efficient operation of the Title XX social services program in the county, or if it concludes that a provider is making unsatisfactory eligibility determinations. The CDJFS will determine the frequency of redeterminations, based upon the service plan.

Proper and improper determination and redetermination of eligibility, under the Title XX program are as follows:

1. Reimbursement is available for services provided during the period of proper eligibility determination and until the end of the month in which the individual is subsequently determined to be ineligible for services.
(2) A proper determination of eligibility is based on a correct assessment of all necessary information available to the CDJFS or provider agency at the time of such determination. The determination must be made within thirty calendar days of the date of the initial application or request for services, or prior to the due date of a redetermination.

(3) Written notification of approval or denial of an application or request for Title XX social services shall be made within fifteen calendar days of the date of determination. Paragraph (H) of this rule shall apply.

(4) If a consumer is found to have been improperly determined eligible for services, reimbursement is not available for the services provided during the period of improper determination.

(5) Reimbursement from the Ohio department of job and family services (ODJFS) to the CDJFS or from the CDJFS to the provider agency is not available prior to the date of the initial application or request for services.

(G) The CDJFS or the agency under contract that make eligibility determinations and redeterminations for Title XX social services shall:

(1) Accept consumer applications and requests for services.

(2) Complete a social service plan.

(3) Determine eligibility.

(4) Authorize requested services, if appropriate.

(5) Fulfill all applicable responsibilities relative to state hearings in accordance with division 5101:6 of the Administrative Code.

(H) When Title XX eligibility determination and redetermination are conducted by the purchased service provider under contract, the CDJFS must assure that the provider agency will explain to the consumer the following rights and responsibilities:

(1) The consumer has the right:

   (a) To apply for services and have eligibility determined within thirty calendar days of the receipt of the application.

   (b) To receive any needed services listed in the county’s profile as provided in the consumer’s eligibility category in the consumer’s county, provided all eligibility factors are met and sufficient funds are available to provide the services.

   (c) To a state hearing as described in division 5101:6 of the Administrative Code.

   (d) To be advised of the eligibility requirements for social services.

   (e) To the safeguarding of information reported by or about the consumer, to the extent permitted by law.

(2) The consumer has the responsibility:

   (a) To report, within ten calendar days, any information that may affect eligibility.

   (b) To provide documentation to substantiate eligibility.

   (c) To cooperate with subsequent efforts to assess any error rate made in the eligibility process.

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The data in SACWIS is confidential and access to any child welfare information shall be pursuant to this rule or section 5101.132 of the Revised Code.

The data in SACWIS is confidential and release of any child welfare information shall be pursuant to rule 5101:2-33-21 of the Administrative Code and sections 5101.13 to 5101.134 of the Revised Code.

Personnel having access to SACWIS shall be limited to those persons who have been trained in the confidentiality requirements of SACWIS, who are informed of all penalties, who have been trained in security procedures, and who have signed the JFS 07078 "Code of Responsibility" (rev. 6/2009).

The public children services agencies (PCSA) shall monitor access to and use of SACWIS to prevent and identify unauthorized use of SACWIS.

The PCSA shall ensure that all personnel who may have access to or be required to use SACWIS are informed of applicable requirements and penalties and have been trained in security procedures.

In addition to the criminal penalty provision listed in section 5101.99 of the Revised Code, the PCSA shall have administrative penalties, up to and including dismissal from employment, for unauthorized access to or disclosure or use of data in SACWIS.

The PCSA shall enter applicable child welfare information required in this rule and/or by federal or state statute, regulation, or rule directly into SACWIS. Failure to enter such child welfare information may result in sanctions in accordance with section 5101.24 of the Revised Code or withholding of state and/or federal funding.

Each PCSA shall enter children services data into SACWIS including, but not limited to:

1. Information listed in rule 5101:2-33-23 of the Administrative Code.
2. Intake and assessment/investigation including assessment tools.
3. Case notes and dictation concerning the activities and statements of persons involved in the case, describing the activity or statement, naming the persons involved, and stating the date of the occurrence. Case notes or dictation shall be prepared by or under the supervision of the staff member with the most direct knowledge of the occurrence. Opinions of PCSA staff and others included in case notes or dictation shall be identified as such.
5. Case plan, case review(s), court information and services, including documentation of verbal, written, or electronic referrals and the provision of services on behalf of children and families served by the PCSA.
6. A summary of reports received from service providers, including oral, written or electronic summaries, and the dates when services were received.
7. Custody and placement information.
8. Adoption information including recruitment activities, pre-adoptive staffing, or matching conference information.
Provider record including homestudies, recruitment plans and events.

Child welfare related agency administrative and training activities.

Financial eligibility and re-determinations, record reimbursement and actual cost information, and financial information to support accounts payable to counties and providers.

Exchange data with support enforcement tracking system (SETS), medicaid information technology system (MITS), and client registry information system-enhanced (CRIS-E) to determine eligibility and the central accounting system (CAS), auditor of state (AOS) to disburse payments, Ohio benefits worker portal (OBWP) and any federally mandated exchange.


Any other data identified by the department as necessary to reflect current case activities including, but not limited to, case, services, person, placement resource or licensing information, financial information or agency status.

The PCSA shall enter and update information in SACWIS each work day or as information becomes available, pursuant to paragraphs (H) and (I) of this rule.

Private child placing agencies (PCPAs) and private non-custodial agencies (PNAs) that have access to SACWIS shall enter the following information into SACWIS for the purposes of approving and recommending licensure of foster and adoptive homes and submitting training reimbursement requests. The PCPA and PNA granting any PCPA or PNA personnel access to SACWIS shall follow the same process as a PCSA in paragraphs (A) to (G) of this rule.

1. Information necessary for recommending licensure of foster homes and approval of adoptive homes.

2. Information necessary for submitting training reimbursement requests.

3. Provider record information including homestudies and recruitment plans.

4. Any other data identified by the department as necessary to reflect current provider activities including, but not limited to:
   (a) services.
   (b) person.
   (c) licensing information.
   (d) financial information.

Any juvenile court, that is a sub grantee with ODJFS for the purposes of Title IV-E financial reimbursement, shall enter information into SACWIS regarding the provision of services to any child who is at risk of child abuse and neglect and Title IV-E financial reimbursement is being requested. The juvenile court, that is a sub grantee with ODJFS for the purposes of Title IV-E financial reimbursement, granting any juvenile court personnel access to SACWIS for the purposes of Title IV-E financial reimbursement shall do so in accordance with paragraphs (A) to (G) of this rule.

A prosecuting attorney, who represents a PCSA, shall be permitted SACWIS access if directly connected with assessment, investigation, or services regarding a child or family. The PCSA shall do so in accordance with paragraphs (A) to (G) of this rule.

If a PCSA is utilizing a "Wendy's Wonderful Kids" (WWK) recruiter employed by another PCSA, PCPA, or PNA, the PCSA responsible for the child's case may permit the WWK recruiter direct SACWIS
access to review and record information related to any child or sibling group being provided services by
the WWK recruiter. The PCSA shall do so in accordance with paragraphs (A) to (G) of this rule.

(O) If a PCSA grants a PCSA intern access to SACWIS, the PCSA shall do so in accordance with
paragraphs (A) to (G) of this rule. Any case record information recorded into SACWIS by an intern shall
be reviewed and approved by the PCSA director or designee.

(P) No direct access to SACWIS or any other state of Ohio database shall be requested by or on behalf of,
or approved for or granted to, any researcher conducting research under paragraph (Q) of rule
5101:2-33-21 of the Administrative Code.

(Q) The term "access to SACWIS", and any variation thereof, as used in this rule and in Chapter 5101:2-33
of the Administrative Code, is not synonymous with "disseminate all information" as used in rule
5101:2-33-21 of the Administrative Code. SACWIS access shall only be granted if expressly permitted
by state law or rule.

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A public children services agency (PCSA) shall attempt to obtain, at a minimum, the following information from a referent/reporter making a referral regarding child safety, risk of child maltreatment or need for services in order to determine an intake category and arrive at a screening decision. Receipt of all of the following information is not required in order to screen in a report or to categorize the information as information and/or referral:

1. The name(s) and address(es) of the child and his parent, guardian or custodian and all household members.
2. The child’s age.
3. The child’s and any family member’s race and ethnicity.
4. The type, extent, frequency, and duration of the abuse, neglect or dependency, as applicable.
5. Alleged perpetrator’s access to the child, if applicable.
6. The child’s current condition.
7. The child’s current location.
8. Circumstances regarding the abuse, neglect, or dependency or the circumstances indicating a need for PCSA services.
9. Information regarding any evidence of previous injuries, abuse, or neglect.
10. Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or the known or suspected threat of injury, abuse, or neglect or the case circumstances that support the family is in need of PCSA services.

The PCSA may request that a referent/reporter providing information submit the allegations in writing. The PCSA shall not delay making the screening decision while waiting for the written information from the referent/reporter.

All information reported to a PCSA alleging known or suspected child abuse, neglect, or dependency, or indicating a family is in need of PCSA services shall be recorded in the statewide automated child welfare information system (SACWIS) as an intake in accordance with the following:

1. Referral information received shall be recorded in SACWIS no later than the next working day from the date of the receipt of the referral information.
2. The original date and time the referral information is received by the PCSA shall be reflected in SACWIS including the actual date and time of the screening decision.

If a PCSA receives a referral alleging abuse or neglect of a child located in Ohio and the child’s parent, guardian or custodian resides in another state, the PCSA shall:

1. Contact the children services agency (CSA) and inform the CSA of the referral pursuant to rule 5101:2-36-13 of the Administrative Code.
2. If the referral is not accepted by the CSA where the child's parent, guardian or custodian resides, the PCSA shall categorize and complete a screening decision in accordance with this rule.

If a PCSA receives a referral alleging an incident of child abuse or neglect that occurred in Ohio, the child is located outside of Ohio, and the child's parent, guardian or custodian resides in another state, the PCSA shall:
(1) Contact the CSA and inform the CSA of the referral pursuant to rule 5101:2-36-13 of the Administrative Code.

(2) Make a referral to the law enforcement agency with jurisdiction if the referral alleges a criminal offense.

(F) The PCSA shall categorize the information received into one of the following intake categories:

(1) Child abuse and/or neglect report.
   (a) Physical abuse, in accordance with section 2151.031 of the Revised Code, and any report alleging either of the following:
      (i) An infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code drug exposure.
      (ii) An infant diagnosed with a fetal alcohol spectrum disorder.
   (b) Physical abuse, shaken baby, in accordance with section 2151.031 of the Revised Code.
   (c) Sexual abuse, in accordance with section 2151.031 of the Revised Code and Chapter 2907. of the Revised Code.
   (d) Emotional maltreatment/mental injury, in accordance with section 2151.011 or 2151.031 of the Revised Code.
   (e) Neglect, in accordance with section 2151.03 of the Revised Code.
   (f) Medical neglect, in accordance with section 2151.03 of the Revised Code.
   (g) Medical neglect, Disabled disabled infant, also known as "Baby Doe", in accordance with rule 5101:2-36-07 of the Administrative Code.

(2) Dependency report. Dependent child, as defined in section 2151.04 of the Revised Code.

(3) Family in need of services report.
   (a) Emancipated youth, in accordance with rule 5101:2-42-19.2 of the Administrative Code.
   (b) Permanent surrender, in accordance with rule 5101:2-42-09 of the Administrative Code.
   (c) Deserted child, as defined in rule 5101:2-1-01 of the Administrative Code and in accordance with rule 5101:2-36-06 of the Administrative Code.
   (d) Stranger danger investigation, in accordance with rule 5101:2-36-05 of the Administrative Code for a child whom the PCSA considers to be in need of public care or protective services.
   (e) Post-finalization adoption services, in accordance with as defined in rule 5101:2-1-01 of the Administrative Code upon the request of the birth parent, adoptive parent or adoptee.
   (f) Preventive services, as defined in rule 5101:2-1-01 of the Administrative Code for a child whom the PCSA considers to be in need of public care or protective services.
   (g) Unruly child/delinquent child, whom the PCSA considers to be in need of public care or protective services in accordance with section 5153.16 of the Revised Code and memorandum's specified in rule 5101:2-33-26 of the Administrative Code.
   (h) Child fatality, non-child abuse/neglect, in accordance with rule 5101:2-42-89 of the Administrative Code.
   (i) Required non-lead PCSA interviews, in accordance with rules 5101:2-36-03, 5101:2-36-04, and 5101:2-36-09 of the Administrative Code and sections 5103.20 and 2151.56 of the Revised Code.
   (j) Courtesy supervision in accordance with sections 5103.20 and 2151.56 of the Revised Code.
(k) Home evaluation/visitation assessment, in accordance with rules 5101:2-1-01 and 5101:2-42-18 of the Administrative Code or in response to a request from another PCSA or a court exercising appropriate jurisdiction.

(l) Pre-placement or postnatal services for the placement of an infant of an incarcerated mother, in accordance with rule 5101:2-42-60 of the Administrative Code.

(m) Adoption subsidy only in accordance with Chapter 5101:2-49 of the Administrative Code.

(n) Interstate compact on the placement of children (ICPC) in accordance with rule 5101:2-52-04 of the Administrative Code.

(o) Alternative response required non-lead PCSA contacts, in accordance with rule 5101:2-36-20 of the Administrative Code.

(4) Information and/or referral, pursuant to rule 5101:2-1-01 of the Administrative Code, if paragraph (F)(1), (F)(2), or (F)(3) of this rule do not apply.

(G) When a PCSA receives referral information pursuant to paragraphs (F)(1)(a)(i) and (F)(1)(a)(ii) of this rule, the PCSA shall attempt to gather the following regarding the plan of safe care, which is defined in rule 5101:2-1-01 of the Administrative Code:

1. The name(s) and address(es) of all of the following:
   a. The child.
   b. The parent, guardian(s), or custodian(s).
   c. All household members.

2. Identify the caregiver(s) for the infant.

3. A description of the interaction between the mother/caregiver and infant.

4. The name of the hospital or medical facility where the infant is receiving care.

5. Any known medical information on the parent(s), guardian(s), caregiver(s), infant, or household members.

6. Information regarding any known legal or illegal substance abuse, which includes the history of legal or illegal substance abuse by parent(s), guardian(s), caregiver(s) and household members.

7. Information regarding support systems for the parent(s), guardian(s), caregiver(s), or household members.

8. Information on the managed care plan and insurance information.

(H) The PCSA shall not screen out any referral categorized in paragraph (F)(1) of this rule if:

1. The plan of safe care information listed in paragraph (G) of this rule is not obtained.

2. The plan of safe care has not been developed.

3. The plan of safe care is not adequate to address the safety of the infant.

(G)(I) The PCSA shall complete the screening decision and determine the immediacy of need for any agency response to ensure child safety within twenty-four hours from receipt of the information and following the categorization of the referral information in accordance with paragraphs (F)(1), (F)(2), and (F)(3) of this rule based on the information received from the referent/reporter and the child protective services records regarding the principals of the report.

(H)(J) If the PCSA screens out a referral of abuse or neglect and a principal of the report is a person responsible for the child's care in an out-of-home care setting pursuant to rule 5101:2-1-01 of the Administrative Code, the PCSA shall notify licensing and supervising authorities, as appropriate, no later than four working days from the date of the screening decision to share information.
PCSAs that have written approval from the Ohio department of job and family services to participate in alternative response shall assign reports screened in and categorized pursuant to paragraph (F)(1) of this rule to one of the following pathways:

1. Traditional response, pursuant to Chapters 5101:2-36, 5101:2-37, and 5101:2-38 of the Administrative Code.


The PCSA shall assign the following types of reports of child abuse and/or neglect to the traditional response pathway:

1. Reports containing allegations that could result in charges of felony child endangering.
2. Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety.
3. Reports containing allegations that could result in charges of criminal sexual conduct.
4. Reports containing allegations of the sexual abuse of a child or an abused child who is also a victim of sexual abuse.
5. Reports containing allegations that could result in charges of homicide.
6. Reports requiring a specialized assessment as identified in rule 5101:2-36-04 of the Administrative Code.
7. Reports requiring a third party investigative procedure as identified in rule 5101:2-36-08 of the Administrative Code.
8. Reports containing allegations regarding a suspicious child fatality.

All referral information categorized as information and/or referral pursuant to paragraph (F)(4) of this rule shall be screened out. The PCSA shall identify which of the following activities was completed by the PCSA.

1. Directed/advised to contact non-PCSA service provider within the county.
2. Directed/advised to contact non-PCSA service provider outside the county.
3. Provided information only/no referral made.
4. Additional information received on an open case that is not alleging abuse or neglect of a child.

The PCSA may refer the referent/reporter to the county prosecutor pursuant to the county child abuse and neglect memorandum of understanding developed pursuant to section 2151.421 of the Revised Code.

Additional child abuse and/or neglect allegations screened in within the first four working days of the acceptance of a child abuse and/or neglect report and prior to the completion of an assessment of safety with the child and the parent/caregiver, may be added to the initial report and assessed/investigated concurrently with the allegations received initially. The date and time the subsequent report was received along with the reporter information shall be recorded.

Additional child abuse and/or neglect allegations screened in after the first four working days of the acceptance of the previous child abuse and/or neglect report or after completion of the assessment of safety shall be recorded as a subsequent child abuse and/or neglect report and are subject to the requirements contained in rules 5101:2-36-03, 5101:2-36-04, and 5101:2-36-05 of the Administrative Code.

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(A) A public children services agency (PCSA) shall conduct an intra-familial child abuse and/or neglect assessment/investigation in response to a child abuse and/or neglect report if one or more of the following applies:

(1) The alleged perpetrator is a member of the alleged child victim's family.

(2) The alleged perpetrator is known to the family or child and has had access to the alleged child victim, whether or not the access was known or authorized by the child’s parent, guardian or custodian.

(3) The alleged perpetrator is involved in daily or regular care for the alleged child victim, excluding a person responsible for the care of a child in an out-of-home care setting.

(B) An intra-familial assessment/investigation shall involve a third party if a principal named in the report poses a conflict of interest for the PCSA pursuant to rule 5101:2-36-08 of the Administrative Code.

(C) The PCSA may request the assistance of law enforcement during an assessment/investigation if one or more of the following situations exist and the reason for contacting law enforcement is documented in the case record:

(1) The agency has reason to believe that the child is in immediate danger of serious harm.

(2) The agency has reason to believe that the worker is, or will be, in danger of harm.

(3) The agency has reason to believe that a crime is being committed, or has been committed against a child.

(4) The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.

(D) The PCSA shall initiate the screened in child abuse and/or neglect report in accordance with the following:

(1) For an emergency report, attempt a face-to-face contact with the alleged child victim within one hour from the time the referral was screened in, to assess child safety and interview the alleged child victim.

(2) For all other reports, attempt a face-to-face contact or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the alleged child victim’s current condition, and can provide current information about the child’s safety.

(3) If face-to-face contact with the alleged child victim was not attempted within the twenty-four hour time frame, an attempt of face-to-face contact with the alleged child victim shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the alleged child victim.

(E) The PCSA shall document in the case record the date, time, and with whom the assessment/investigation was initiated.


(1) The PCSA shall attempt face-to-face contact with the alleged child victim and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as an abuse or neglect report.
If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (F)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date the referral was screened in as a report.

If the attempted face-to-face contacts with the alleged child victim, as specified in paragraphs (D) and (F) of this rule are unsuccessful, the PCSA shall, at a minimum, continue making attempts for face-to-face contact at least every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph (U) (V) or (V) (W) of this rule.

The PCSA shall not interview the alleged child victim or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

1. There is credible information indicating the child is in immediate danger of serious harm.
2. There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from his or her home.
3. There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in his or her home.
4. The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

Should an alleged child victim provide information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the alleged child victim, the interview of the sibling who was not identified as an alleged child victim may commence without parental consent.

The specific facts necessitating that investigative interviews of a child be conducted without parental consent must be documented in the case record.

If a child is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete a telephone contact with the child's parent, guardian, or custodian to inform them that an interview of the child occurred and provide the specific facts necessitating the child be contacted without parental consent.

If the attempt to contact the child's custodian pursuant to paragraph (K) of this rule is unsuccessful, the PCSA shall continue to attempt to complete face-to-face contact with the child's parent, guardian, or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA is required to make a case disposition pursuant to paragraphs (U) (V) and (V) (W) of this rule.

The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the alleged child victim. If possible each child should be interviewed separately and apart from the alleged perpetrator. The purpose of the interviews is to:

1. Evaluate each child's condition.
2. Determine if each child is safe.
3. Obtain each child's explanation regarding the allegations contained in the report.

The PCSA need not interview a child if it is determined that documented in the case record that:

1. The child does not have sufficient verbal skills, or
2. Additional interviewing would be detrimental to the child, unless requested by the lead PCSA pursuant to paragraph (AA) (BB) or (BB) (CC) of this rule.

The PCSA shall conduct and document face-to-face interviews with the alleged perpetrator and all adults residing in the home of the alleged child victim, unless law enforcement or the county prosecutor will interview the alleged perpetrator pursuant to the procedures delineated in the county child abuse and neglect memorandum of understanding, in order to:

1. Assess his or her knowledge of the allegation.
(2) Observe the interaction between the alleged child victim and caretaker.
(3) Obtain relevant information regarding the safety and risk to the child.

(P) The PCSA shall advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact with the person. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.

(Q) The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the family’s right to privacy.

(R) The PCSA shall take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:

(1) Taking photographs of areas of trauma on the child’s body.
(2) Taking photographs of the child’s environment with the parent, guardian, or custodian’s consent.
(3) Attempting to secure a medical examination or psychological evaluation or both of the child with consent of the child’s parent, guardian, or custodian or with a court order.
(4) Attempting to secure any relevant records, including but not limited to school, mental health, and medical records.

(S) For all reports involving an infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code the PCSA shall:

(1) Ensure the plan of safe care has been developed.
(2) Ensure the plan of safe care addresses the safety needs of the infant.
(3) Ensure the plan of safe care addresses the health and substance use disorder treatment needs of the affected family or caregiver.

(T) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(U) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

(1) The safety planning process.
(2) The assessment/investigation process.

(V) The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the PCSA screened in the referral as a child abuse and/or neglect report. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition and final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(W) If the child abuse and/or neglect report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the report disposition by completing the JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).

(1) The JFS 01402 shall be completed no later than forty-five days from the date the PCSA screened in the referral as a child abuse and/or neglect report.
(2) The PCSA may extend the time frame by a maximum of fifteen days if information needed to
determine the report disposition cannot be obtained within forty-five days and the reasons are
documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(W)(X) The PCSA shall not waive the completion of the report disposition.

(X)(Y) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, and/or the
court if refused access to the alleged child victim or any records necessary to conduct the
assessment/investigation.

(Y)(Z) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a
principal of the report has a language or any other impairment that causes a barrier in communication,
including but not limited to a principal of the report who is deaf or hearing impaired, limited English
proficiency or is developmentally delayed.

(Z)(AA) Within two working days of completion of the assessment/investigation, the PCSA shall do all of
the following as applicable:

(1) Notify the child, unless the child is not of an age or developmental capacity to understand; and
the child's parent, guardian, or custodian of the report disposition and final case decision.

(2) Notify the alleged perpetrator in writing of the report disposition; the right to appeal; and the
method by which the alleged perpetrator may appeal the disposition as outlined in rule 5101:2-
33-20 of the Administrative Code.

(3) Refer all children under the age of three to "Help Me Grow" for early intervention services if
there is a substantiated report of child abuse or neglect regardless of the child's role in the
report.

(4) Refer any infant who has been born and identified as affected by legal or illegal illegal
substance abuse or withdrawal symptoms or fetal alcohol spectrum disorder resulting from
prenatal drug exposure to "Help Me Grow."

(5) Notify all participants involved in the plan of safe care of the final case decision. The final
decision includes whether the case will be transferred for ongoing PCSA services, closed and
referral made to community services, or closed. The following plan of safe care participants shall
be notified:

(a) Parents, guardians, custodians or other caregivers for the infant.

(b) Health care providers involved in the delivery or care of the infant.

(c) Collaborating professional partners and agencies involved in caring for the infant and
family.

(5)(6) Notify the child's non-custodial parent, who holds residual parental rights to the child and
maintains an ongoing relationship through visitation with the child and/or payment of child
support, of the receipt of the report, the report disposition, and the case decision.

(6)(7) Document in the case record, the date and method of notification to the principals of the report
of the above listed activities.

(AA)(BB) If two or more Ohio PCSAs are involved in an assessment/investigation the lead county shall be
determined by the following criteria:

(1) The PCSA located within the county where a juvenile court has issued a protective supervision
order.

(2) The PCSA located within the county where the custodial parent, legal guardian, legal custodian
of the alleged child victim resides.

(3) If an order of shared parenting has been issued and a residential parent has not been
designated by the court, the PCSA located within the county of residence of the custodian who
has physical care of the alleged child victim at the time the incident occurred.
If a report of child abuse and neglect involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:

1. Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment/investigation and provide the required supportive services or petition the court for custody of the child, if necessary.

2. Lead the assessment/investigation if a determination is made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.

3. Commence the assessment/investigation if a determination cannot be made immediately if an agreement is in effect.

If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01401, JFS 01400, and/or JFS 01402 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

The PCSA shall follow procedures set forth in rule 5101:2-36-07 of the Administrative Code if the report involves alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions.

The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation shall be maintained in the case record. If any information gathering activity cannot be completed, justification and the written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.

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The public children services agency (PCSA) shall conduct a specialized assessment/investigation if the child abuse or neglect report involves an alleged perpetrator who meets one or more of the following criteria:

1. Is a person responsible for the alleged child victim's care in an out-of-home care setting as defined in rule 5101:2-1-01 of the Administrative Code.
2. Is a person responsible for the alleged child victim's care in out-of-home care as defined in section 2151.011 of the Revised Code.
3. Has access to the alleged child victim by virtue of his/her employment by or affiliation to an institution organization as defined in section 2151.011 of the Revised Code.
4. Has access to the alleged child victim through placement in an out of home care setting.

A specialized assessment/investigation shall require a third party if a principal named in the report poses a conflict of interest for the PCSA pursuant to rule 5101:2-36-08 of the Administrative Code.

If a specialized assessment/investigation of an abuse and/or neglect report involves multiple alleged child victims from multiple cases, the PCSA shall complete a separate assessment/investigation for each case. The completion of the JFS 01403, "Specialized Assessment and Investigation" (rev. 2/2006) is required for each case.

The PCSA shall initiate the screened in child abuse and/or neglect report in accordance with the following:

1. For an emergency report, attempt a face-to-face contact with the alleged child victim within one hour from the time the referral was screened in, to assess child safety and interview the alleged child victim.
2. For all other reports, attempt a face-to-face contact or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the alleged child victim's current condition, and can provide current information about the child's safety.

If face-to-face contact with the alleged child victim was not completed within the twenty-four hour time frame, an attempt of face-to-face contact with the alleged child victim shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the alleged child victim.

The PCSA shall document in the case record the date, time, and with whom the specialized assessment/investigation was initiated.

If the attempted face-to-face contact with the alleged child victim, as specified in paragraphs (D) and (E) of this rule is unsuccessful, the PCSA shall continue to make attempts for face-to-face contact, every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph (T)(U) of this rule.

If a child abuse and/or neglect report involves an alleged child victim, or the sibling of an alleged child victim who was not named as an alleged child victim, who is not in the custody of a PCSA or PCPA, the PCSA shall not interview the child without parental consent unless one of the following exigent circumstances exists:

1. There is credible information indicating the child is in immediate danger of serious harm.
2. There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from home.
(3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse or neglect in his or her home.

(4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

(I) Should an alleged child victim provide information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the alleged child victim, the interview of the sibling who was not identified as an alleged child victim may commence without parental consent.

(J) The specific facts necessitating that assessment/investigative interviews of a child be conducted without parental consent must be documented in the case record.

(K) If an alleged child victim or sibling is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face or complete a telephone contact with the alleged child victim's parent, guardian, or custodian to inform them that an interview of their child occurred.

(1) If the attempt to contact the child’s custodian pursuant to this paragraph (K) of this rule is unsuccessful, the PCSA shall continue to attempt to contact the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA makes a report disposition pursuant to paragraph (T) (U) of this rule.

(2) The PCSA shall document in the case record the date and time of the contact, or attempted contacts.

(L) If the PCSA conducts a specialized assessment/investigation, the PCSA shall:

(1) Within twenty-four hours of the screening decision contact the out-of-home care setting or organization administrative officer, director, or other chief administrative officer, or if the administrative officer, director or other chief administrative officer is alleged to be the perpetrator, the board of directors, county commissioners, or law enforcement as applicable in order to:

   (a) Share information regarding the report.
   (b) Discuss what actions have been taken to protect the alleged child victim.
   (c) Provide information about the assessment/investigation activities that will follow.

(2) No later than the next working day, from the date the referral was screened in as a child abuse and/or neglect report, inform the parent(s), guardian, or custodian of the alleged child victim that a report of abuse and/or neglect involving his or her child is being assessed/investigated and of the allegations contained within the report.

(3) No later than the next working day, from the date the referral was screened in as a child abuse and/or neglect report, contact licensing and supervising authorities, as appropriate, to share information.

(4) Attempt to coordinate the interview of the alleged child victim if another agency is required by statute or administrative rule to conduct its own assessment/investigation to minimize the number of interviews of the child.

(5) Conduct and document face-to-face interviews with the alleged child victim to:

   (a) Evaluate the alleged child victim's condition.
   (b) Determine whether the child is safe.
   (c) Obtain the alleged child victim's explanation regarding the allegations contained in the report.

(6) Conduct and document all face-to-face interviews with the alleged perpetrator, unless law enforcement or the county prosecutor will interview the alleged perpetrator pursuant to the
procedures delineated in the county child abuse and neglect memorandum of understanding, in order to assess his or her knowledge of the allegation.

(7) Advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact with the person. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.

(8) Conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the privacy of the principals of the report.

(9) As appropriate, conduct and document all face-to-face interviews with the parent, guardian, or custodian and/or caretaker of the alleged child victim to gather relevant information regarding the parent, guardian, or custodian and/or caretaker’s ability to keep the child safe and identify what, if any, services are needed by the family.

(10) Attempt to secure any relevant records necessary to assess safety and risk to the child, including but not limited to school, mental health, medical, incident reports in an out-of-home care setting.

(11) Take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:

(a) Taking photographs of areas of trauma on the child's body.
(b) Taking photographs of the child's environment with the consent of the out-of-home setting administrator.
(c) Securing a medical examination or psychological evaluation, or both, of the child with the consent of the child's parent, guardian, or custodian or with a court order.

(M) The PCSA need not interview a child if it is documented in the case record that does not have to interview an alleged child victim if the PCSA determines that:

(1) The child does not have sufficient verbal skills.
(2) Additional interviewing would be detrimental to the child, unless requested by the lead PCSA pursuant to paragraphs (R) and (Y) (Z) of this rule.

(N) At any time the PCSA determines a child is in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 or 5101:2-39-03 of the Administrative Code.

(O) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

(1) The safety planning process.
(2) The assessment/investigation process.

(P) The PCSA shall request assistance from the county prosecutor, the PCSA’s legal counsel, or the court if refused access to the alleged child victim or any records necessary to conduct the specialized assessment/investigation.

(Q) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, has limited English proficiency or is developmentally delayed.

(R) If two or more Ohio PCSAs are involved in an assessment/investigation the lead county shall be determined by the following criteria:

(1) The PCSA located within the county where a juvenile court has issued a protective supervision order.
(2) The PCSA located within the county where the custodial parent, legal guardian, legal custodian of the alleged child victim resides.

(3) If an order of shared parenting has been issued, and a residential parent has not been designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred.

(S) If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01403 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

(T) For all reports involving an infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code the PCSA shall:

(1) Ensure the plan of safe care has been developed.

(2) Ensure the plan of safe care addresses the safety needs of the infant.

(3) Ensure the plan of safe care addresses the health and substance use disorder treatment needs of the affected family or caregiver.

(T)(U) The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01403 no later than forty-five days from the date the PCSA screened in the referral as a child abuse and neglect report. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition and final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(U)(V) Investigative activities conducted independently by other agencies, do not relieve the PCSA of its responsibility for concluding an assessment/investigation in accordance with this rule. The PCSA shall not waive the completion of the report disposition.

(V)(W) Within two working days of completion of the JFS 01403, the PCSA shall do all of the following as applicable:

(1) Notify the child, unless the child is not of an age or developmental capacity to understand, and the child's parent, guardian, or custodian of the report disposition and the final case decision.

(2) Notify the alleged perpetrator in writing of the report disposition; the right to appeal; and the method by which the alleged perpetrator may appeal the disposition as outlined in rule 5101:2-33-20 of the Administrative Code.

(3) Refer all children under the age of three to "Help Me Grow" for early intervention services if there is a substantiated report of child abuse or neglect regardless of the child's role in the report.

(4) Refer any infant who has been born and identified as affected by legal or illegal substance abuse or withdrawal symptoms or fetal alcohol spectrum disorder resulting from prenatal drug exposure to "Help Me Grow."

(5) Notify all participants involved in the plan of safe care of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and referral made to community services, or closed. The following plan of safe care participants shall be notified:

(a) Parents, guardians, custodians or other caregivers for the infant.

(b) Health care providers involved in the delivery or care of the infant.

(c) Collaborating professional partners and agencies involved in caring for the infant and family.
Notify the child’s non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report, the report disposition, and the case decision.

Document in the case record, the date and method of notification to the principals of the report of the above listed activities.

No later than three working days from the date of the completion of the report disposition, the PCSA shall provide written notification of the report disposition to the following entities, as applicable, in accordance with rules 5101:2-33-21 and 5101:2-36-12 of the Administrative Code:

1. Administrator, director, or other chief administrator of the out-of-home care entity setting or organization.
2. The owner or governing board of the out-of-home care entity setting or organization.
3. The appropriate licensing and supervising authorities of the out-of-home care entity setting or organization.

The PCSA shall not provide witness statements, police reports, or other investigative reports to the entities out-of-home care setting or organization described in paragraph (W)(X) of this rule.

If a report of child abuse and neglect involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:

1. Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment/investigation and provide the required supportive services or petition the court for custody of the child, if necessary.
2. Lead the assessment/investigation if a determination is made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.
3. Commence the assessment/investigation if a determination cannot be made immediately if an agreement is in effect.

The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation shall be maintained in the case record. If any information gathering activity cannot be completed, justification and the written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.

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A public children services agency (PCSA) shall conduct a stranger danger investigation in response to a child abuse report alleging a criminal act against a child of assault or sexual activity as defined under Chapter 2907. of the Revised Code, if the alleged perpetrator was unknown to the alleged child victim and the alleged child victim's family prior to the incident(s).

The PCSA shall refer the report to the appropriate law enforcement authority pursuant to rule 5101:2-36-12 of the Administrative Code within twenty-four hours of the time the report was screened in, unless the report was received from the law enforcement agency with jurisdiction.

The PCSA shall initiate the stranger danger report in accordance with the following:

(1) For an emergency report, attempt a face-to-face contact with the alleged child victim within one hour from the time the referral was screened in, to assess child safety and interview the alleged child victim.

(2) For all other reports, the PCSA shall attempt a face-to-face contact or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the alleged child victim's current condition and can provide current information about the child's safety.

(3) If face-to-face contact with the alleged child victim was not attempted within the twenty-four hour time frame, an attempt of face-to-face contact the alleged child victim shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the alleged child victim.

The PCSA shall document in the case record the date, time and with whom the assessment/investigation was initiated.


(1) The PCSA shall attempt face-to-face contact with the alleged child victim and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as an abuse or neglect report.

(2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (E)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in as a report.

If the attempted face-to-face contacts with the alleged child victim, as specified in paragraphs (C) and (E) of this rule are unsuccessful, the PCSA shall, at a minimum continue making attempts for face-to-face contact at least every five working days until the child is seen or until the PCSA is required to make a report disposition pursuant to paragraph (S) of this rule.

The PCSA shall not interview the alleged child victim or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

(1) There is credible information indicating the child is in immediate danger of serious harm.

(2) There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from his or her home.

(3) There is credible information indicating that the child may be intimidated from discussing the alleged abuse in his or her home.

(4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.
H) Should an alleged child victim provide information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the alleged child victim, the interview of the sibling who was not identified as an alleged child victim may commence without parental consent.

I) The specific facts necessitating that investigative interviews of a child be conducted without parental consent must be documented in the case record.

J) If a child is interviewed without parental consent, then during the same day, the PCSA shall attempt a face-to-face contact or complete telephone contact with the child's parent, guardian, or custodian to inform them that an interview of their child occurred. If unsuccessful, an attempt to complete face-to-face contact shall occur once every five working days until contact is made with the child's parent, guardian, or custodian or until the PCSA is required to make a report disposition pursuant to paragraph (S) of this rule.

K) The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.

L) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

M) The PCSA shall take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:

   (1) Taking photographs of areas of trauma on the child's body.
   (2) Taking photographs of the child's environment with the parent, guardian, or custodian's consent.
   (3) Attempting to secure a medical examination or psychological evaluation or both of the child with consent of the child's parent, guardian, or custodian or with a court order.
   (4) Attempting to secure any relevant records, including but not limited to school, mental health, and medical records.

N) If the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

O) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

   (1) The safety planning process.
   (2) The assessment/investigation process.

P) The PCSA shall advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact with the person. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the investigation process.

Q) Prior to completion of the report disposition, the PCSA shall contact law enforcement and document information regarding the status of the criminal investigation in the case record. The PCSA shall notify the prosecuting attorney if there is reason to believe the alleged perpetrator has not been investigated by law enforcement.

R) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, or the court if refused access to the alleged child victim or any records necessary to conduct the investigation.

S) The PCSA shall complete the report disposition no later than forty-five days from the date the PCSA determines that the referral is screened in as a family in need of services stranger danger report. The
PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(T) The PCSA shall not waive the completion of the report disposition.

(U) A JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006), shall be completed pursuant to rule 5101:2-37-03 of the Administrative Code at any time the PCSA determines that the family of the alleged child victim is unable or unwilling to protect the child. The PCSA will assess and determine whether the family and/or child is in need of supportive services by the PCSA or the community.

(V) If two or more Ohio PCSAs are involved in an assessment/investigation the lead county shall be determined by the following criteria:

1. The PCSA located within the county where a juvenile court has issued a protective supervision order.
2. The PCSA located within the county the custodial parent, legal guardian, legal custodian of the alleged child victim resides. If an order of shared parenting has been issued and a residential parent has not been designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred.
3. If an order of shared parenting has been issued, and a residential parent has not been designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the alleged child victim at the time the incident occurred.

(W) Within two working days of completion of the assessment/investigation, the PCSA shall:

1. Notify the child, unless the child is not of an age or developmental capacity to understand; and the child's parent, guardian, or custodian of the report disposition and if applicable, the final case decision.
2. Notify the alleged perpetrator, if known, in writing of the report disposition; and their right to appeal, and the method by which the alleged perpetrator may appeal the disposition as outlined in rule 5101:2-33-20 of the Administrative Code.
3. Refer all children under the age of three to "Help Me Grow" for early intervention services if there is a substantiated case of child abuse or neglect regardless of the child's role in the report.
4. Document in the case record, the date and method of notification to the principals of the report.
5. Notify the child's non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report, the report disposition, and case decision.
6. Document in the case record, the date and method of notification to the principals of the report of the above listed activities.

(X) If a report of child abuse and neglect involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:

1. Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment/investigation and provide the required supportive services or petition the court for custody of the child, if necessary.
2. Lead the assessment/investigation if a determination is made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.
3. Commence the assessment/investigation if a determination cannot be made immediately if an agreement is in effect.
If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the investigation within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

The investigation documentation and any materials obtained as a result of the investigation shall be maintained in the case record. If any information gathering activity cannot be completed, justification and the written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.

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Prior Effective Dates: 6/1/97, 2/1/03, 3/01/06, 10/01/09, 3/1/14
A public children services agency (PCSA) shall conduct a deserted child assessment/investigation if all of the following apply to the child subject of the report:

1. The child is fewer than thirty-one days old.
2. The child was voluntarily left by the child's parent in the care of an emergency medical service worker, peace officer, or hospital employee by the child's parent(s).
3. The child was left and the child's parent(s) did not express an intention to return for the child.

The PCSA shall initiate the screened in report by attempting face-to-face contact with the child subject of the report within one hour from the time the referral was screened in as a report.

The PCSA shall contact the individual who originally took possession of the child and obtain:

1. The date and time the child subject of the report was left with the individual.
2. All information regarding the child left by the parent(s).
3. The JFS 01672 "Voluntary Medical History For Safe Havens" (rev. 3/2009) form, if completed by the child's parent(s).
4. All clothing and articles left with the child.

The PCSA shall accept emergency temporary custody of the child subject of the report.

The PCSA shall arrange for the child subject of the report to be examined by a physician within one hour of face-to-face contact with the child subject of the report.

1. The examination shall assess the health and well being of the child and indicators of maltreatment.
2. If the child subject of the report is not left at a hospital, the PCSA shall transport, or arrange for transportation of the child to the nearest appropriate hospital emergency department.

The PCSA shall obtain the medical examination report from the physician.

The PCSA shall screen in a report of child abuse and/or neglect if any of the following occur during the assessment/investigation of a deserted child:

1. The child's condition reasonably indicates abuse and/or neglect, including the following:
   
   a. An infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code.
   
   b. An infant diagnosed with a fetal alcohol spectrum disorder.

2. The PCSA determines that someone other than the parent delivered the child subject of the report to the care of an emergency medical service worker, peace officer, or hospital employee.

3. The child subject of the report is determined to be more than thirty days old at the time the child was delivered to the care of an emergency medical service worker, peace officer, or hospital employee.

The PCSA shall place the child subject of the report in substitute care pursuant to rule 5101:2-42-04 of the Administrative Code and provide a copy of the medical examination report to the caregiver.

The PCSA shall contact the following agencies and determine if a child matching the description of the child subject of the report has been reported missing:

1. Local law enforcement.
Ohio's missing children's information clearinghouse (http://www.mcc.ag.state.oh.us/).

National center for missing and exploited children (http://www.missingkids.com/).

The PCSA shall complete activities to obtain a birth certificate and a social security card for the child subject of the report.

The PCSA shall complete the deserted child assessment/investigation no later than forty-five days from the date the referral was screened in as a report.

The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation shall be maintained in the case record.

The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation shall be maintained in the case record.

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The public children services agency (PCSA) shall conduct an assessment/investigation if a neglect report alleges the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

(1) The withholding of medically indicated treatment is the refusal to provide appropriate nutrition, hydration, medication or other medically indicated treatment from a disabled infant with a life-threatening condition.

(2) Medically indicated treatment includes the medical care most likely to relieve, or correct, the life-threatening condition. Nutrition, hydration, and medication, as appropriate for the infant's needs, are medically indicated for all disabled infants; as well as, the completion of appropriate evaluations or consultations necessary to assure that sufficient information has been gathered to make informed medical decisions on behalf of the disabled infant.

(3) In determining whether treatment is medically indicated, reasonable medical judgments made by a prudent physician, or treatment team, knowledgeable about the case and its treatment possibilities are considered. The opinions about the infant's future "quality of life" are not to bear on whether or not a treatment is judged to be medically indicated. Medically indicated treatment does not include the failure to provide treatment to a disabled infant if the treating physician's medical judgment identifies any of the following:

   (a) The disabled infant is chronically and irreversibly comatose.
   (b) The provision of the treatment is futile and will prolong dying.
   (c) The provision of the treatment would not be effective in ameliorating or correcting all of the disabled infant's life threatening conditions.
   (d) The provision of such treatment to the disabled infant is inhumane.

The PCSA shall initiate the screened in medical neglect report in accordance with the following:

(1) Complete face-to-face or telephone contact with the health care facility's administrator, or designee, within one hour from the time the referral was screened in as a report.

(2) Obtain the following information from the health care facility's administrator, or designee, regarding the current condition of the disabled infant, including but not limited to:

   (a) The physical location of the disabled infant within the hospital, e.g., emergency room, neonatal intensive care unit, labor and delivery, sixth floor, etc.
   (b) The disabled infant's age.
   (c) The disabled infant's diagnoses or diagnosis and the prognosis.
   (d) The problem medical condition requiring treatment.
   (e) The immediate actions necessary to keep the disabled infant alive.
   (f) Whether or not the withholding of life-sustaining treatment has been recommended.
   (g) Whether or not the withholding of life-sustaining treatment has been implemented.
   (h) Whether or not the parent, guardian, or custodian has refused to consent to life-sustaining treatment.
   (i) Whether or not the hospital chose to sustain life-supporting care for the immediate future, preceding ninety-six hours from the date and time the PCSA initiated the report, while the assessment/investigation is underway.
Whether or not sustenance (food or water, whether given orally or through an intravenous or nasogastric tube) or medication is being denied.

The PCSA shall document in the case record the date, time, and with whom the assessment/investigation was initiated.

The PCSA shall involve a qualified medical consultant within twenty-four hours from the time the referral was screened in as a report to assist in the evaluation of the disabled infant's medical information, including medical records, obtained during the preliminary medical assessment.

If the PCSA determines the child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

The PCSA shall pursue any legal remedies, including the initiation of legal proceedings in a court of competent jurisdiction, to provide medical care or treatment for a child if such care or treatment is necessary to prevent or remedy serious harm to the child or to prevent the withholding of medically indicated treatment from a disabled infant with a life-threatening condition.

The PCSA shall attempt a face-to-face contact in order to conduct an interview with the alleged disabled infant's parent, guardian, or custodian no later than twenty-four hours from the time the referral was screened in as a report. The purpose of the interview is to:

1. Inform the parent, guardian, or custodian that a neglect report alleging the withholding of medically indicated treatment to a disabled infant has been accepted by the PCSA.
2. Inform the parent guardian, or custodian of the purpose of the assessment/investigation.
3. Seek parental consent for medically indicated treatment, if applicable.
4. Confirm parent, guardian, or custodian's name and identifying information.
5. Determine if parent, guardian, or custodian agrees on the course of action to be followed.
6. Determine if the parent, guardian, or custodian was presented with all treatment options by the medical treatment team.
7. Determine if the prognosis of the disabled infant was presented to the parent, guardian, or custodian.
8. Assess if the parent, guardian, or custodian understands the information provided by the medical treatment team.
9. Determine the nature and degree of parental involvement in the decision to deny treatment or sustenance to the alleged child victim, if applicable.
10. Assess if appropriate counseling services have been made available to the parent, guardian, or custodian.
11. Refer the parent, guardian, or custodian to appropriate counseling services, if applicable.
12. Determine if the parent, guardian, or custodian was provided information to facilitate access to available services for disabled persons and family members.
13. Assist the parent, guardian, or custodian in accessing needed services, if applicable.
14. Determine if the parent, guardian, or custodian participated in the hospital review process.
15. Determine if the parent, guardian, or custodian was provided with or has access to the results of the hospital review process.

If the attempted face-to-face contact with the disabled infant's parent, guardian, or custodian as specified in paragraph (G) of this rule is unsuccessful, the PCSA shall continue making attempts of face-to-face contact at least every five working days until face-to-face contact occurs or until the PCSA is required to make a report disposition pursuant to paragraph (O) of this rule.
The PCSA shall complete the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-01 of the Administrative Code within four working days from the date the report was screened in.

The PCSA shall document in the case record the date and time of the contact, or attempted contacts.

The PCSA shall, in cooperation with the medical consultant, conduct and document interviews with the attending physician and health care facility staff. The purpose of the interviews is to:

1. Determine the measures that the health care facility staff attending to the disabled infant has taken to provide medically indicated treatment to the disabled infant.
2. Determine whether or not the disabled infant's attending physician, with the consent of the disabled infant's parent, guardian or custodian will sustain needed life-supporting care for twenty-four hours while the PCSA continues the assessment/investigation.
3. Determine if any of the following conditions of and risk to the disabled infant were concluded by the attending physician's and/or staff's assessment:
   a. The disabled infant is chronically and irreversibly comatose.
   b. The provision of medical treatment will merely prolong dying, not be effective in ameliorating or correcting all of the disabled infant's life-threatening conditions, or otherwise be futile in terms of the survival of the disabled infant.
   c. The provision of medical treatment will be virtually futile in terms of the survival of the disabled infant and the treatment itself under such circumstances will be inhumane.
4. Verify if plans have been made to convene a meeting of the health care facility review committee or to adopt the recommendations of the appropriate health care facility review committee, and the meeting has been held.
5. Confirm the disabled infant's age.
6. Confirm the disabled infant's diagnoses or diagnosis.
7. Determine if the disabled infant's life is endangered.
8. Determine if the withholding of life-sustaining treatment is recommended.
9. Determine if the withholding of life-sustaining treatment is implemented.
   a. Identify the treatment necessary for the disabled infant's life or health being denied.
   b. Determine if sustenance (food or water, whether given orally or through an intravenous or nasogastric tube) or medication is being denied.
10. Determine if the parent, guardian, or custodian refused to consent to life-sustaining treatment.
11. Determine if the hospital will sustain life-supporting care for the immediate future while the PCSA's assessment/investigation is conducted, if applicable.
12. Identify the treatment or sustenance being provided to the disabled infant, if applicable.
13. Determine if there is consensus regarding the medical diagnoses among the treatment team.
14. Document and identify if there were/have been any differing opinions among the treatment team.
15. Document the names of all medical consultants involved including their qualifications/credentials.
16. Determine which members of the treatment team discussed the case with the parent, guardian, or custodian.
17. Determine if a hospital review process occurred.
   a. If applicable, document the review process.
   b. If applicable, document the recommendations.
The PCSA shall conduct and document all face-to-face interviews with the alleged perpetrator, unless law enforcement or the county prosecutor or medical consultant will interview the alleged perpetrator pursuant to the procedures delineated in the county child abuse and neglect memorandum of understanding, in order to assess his or her knowledge of the allegation.

The PCSA shall advise the alleged perpetrator of the allegations made against him or her at the time of the initial contact. The initial contact between the PCSA and the alleged perpetrator of the report includes the first face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment/investigation process.

The PCSA shall conduct and document face-to-face or telephone interviews with any person identified as a possible source of information during the assessment/investigation to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the privacy of the principals of the report.

The PCSA shall complete the report disposition and arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the PCSA screened in the referral as a child abuse and/or neglect report. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the report disposition and final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

The PCSA shall not waive the completion of the report disposition.

The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

Within two working days of completion of the assessment/investigation, the PCSA shall notify the alleged perpetrator in writing of the report disposition and the right to appeal the disposition pursuant to rule 5101:2-33-20 of the Administrative Code.

Within two working days from the date of the completion of the report disposition, the PCSA shall notify the disabled infant's parent(s) in writing of the report disposition and case decision.

No later than three working days from the date of the completion of the report disposition, the PCSA shall provide written notification of the report disposition to the following entities, as applicable, in accordance with rules 5101:2-33-21 and 5101:2-36-12 of the Administrative Code.

1. Administrator, director, or other chief administrator of the health care facility.
2. The owner or governing board of the health care facility.
3. The appropriate licensing and supervising authorities of the health care facility.

The PCSA shall notify law enforcement if it is determined that the attending physician failed to provide medically indicated treatment or failed to inform the disabled infant's parent, guardian, or custodian of the available treatment options.

The PCSA shall maintain all materials obtained as a result of the assessment/investigation in the case record.

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(A) The public children services agency (PCSA) shall adhere to this rule for reports of child abuse or neglect where there is a potential conflict of interest because one or more of the following parties is a principal of the report:

1. Any employee of an institution organization or facility that is licensed or certified by the Ohio department of job and family services (ODJFS) or another state agency and supervised by the PCSA.

2. A foster caregiver, pre-finalized adoptive parent, adoptive parent, relative, or kinship caregiver who is recommended, approved, or supervised by the PCSA.

3. A type B family day child care home or type A family child care home certified or licensed by a county Ohio department of job and family services (CDJFS ODJFS) that when the county department of job and family services (CDJFS) has assumed the powers and duties of the county children services function defined in Chapter 5153. of the Revised Code.

4. Any employee, or agent of ODJFS or the PCSA as defined in Chapter 5153. of the Revised Code.

5. Any authorized person representing ODJFS or the PCSA who provides services for payment or as a volunteer.

6. A foster caregiver or an employee of an institution organization or facility licensed or certified by ODJFS and the alleged child victim is in the custody of, or receiving services from, the PCSA that accepted the report.

7. Any time a PCSA determines that a conflict of interest exists. The PCSA shall document in the case record if a conflict of interest is identified.

(B) The involvement of a third party does not relieve the lead PCSA of its responsibility to ensure assessment/investigation activities are completed.

(C) A law enforcement agency or another PCSA may serve as the third party to an assessment/investigation of child abuse or neglect.

1. The PCSA shall request the assistance of law enforcement as the third party if the child abuse or neglect report alleges a criminal offense.

2. The PCSA may request the assistance of another PCSA as the third party if the child abuse or neglect report does not allege a criminal offense and both agencies agree to participate in the assessment/investigation including the delegation of investigatory responsibilities.

(D) In lieu of law enforcement or another PCSA, the PCSA may operate an in-house unit to assess/investigate reports of child abuse and neglect requiring a third party if all of the following apply:

1. An agency employee is not named as a principal in the report.

2. The report does not allege a criminal offense.

3. The PCSA maintains written internal policies and procedures for the review and approval of assessments/investigations conducted by the in-house unit.

4. The in-house unit works independently of all other units within the PCSA.

(E) Within twenty-four hours of the identification of a conflict of interest, the PCSA shall request and document the assistance of a third party.
Upon acceptance of the request from the lead PCSA, the non-lead PCSA shall complete the assessment/investigation within the time frames established pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.

In instances where law enforcement or another PCSA declines to assist the PCSA, the PCSA is responsible for conducting the assessment/investigation. The PCSA is responsible for having procedures in place to address the conflict of interest and ensure the completion of the assessment/investigation.

The PCSA shall comply with all procedures pursuant to rule 5101:2-36-03 or 5101:2-36-04 of the Administrative Code.

The assessment/investigation documentation and any materials obtained as a result of the assessment/investigation including the third party assessment/investigation report from law enforcement or the non-lead PCSA shall be maintained in the case record.

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A public children services agency (PCSA) shall conduct a dependency assessment in response to a dependency report if any of the following conditions apply to a child subject of the report absent allegations of abuse or neglect:

1. The child subject of the report is homeless or destitute or without adequate parental care, through no fault of the child's parents, guardian, or custodian.

2. The child subject of the report lacks adequate parental care as defined in section 2151.011 of the Revised Code.

3. The child subject of the report's condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship.

4. The child subject of the report is residing in a household where a parent, guardian, custodian, or other member of the household committed an act that was the basis for adjudication and a sibling of the child or any other child who resides in the household is an abused, neglected, or dependent child.

The PCSA may request the assistance of law enforcement during an assessment if the following situations exist and the reason for contacting law enforcement is documented in the case record:

1. The agency has reason to believe that the child is in immediate danger of serious harm.

2. The agency has reason to believe that the worker is, or will be, in danger of harm.

3. The agency has reason to believe that a crime is being committed, or has been committed against a child.

4. The assistance of law enforcement needs to be invoked in accordance with the county child abuse and neglect memorandum of understanding.

The PCSA shall initiate the screened in dependency report in accordance with the following:

1. For an emergency report, attempt a face-to-face contact with the child subject of the report within one hour from the time the referral was screened in, to assess child safety and interview the child subject of the report.

2. For all other reports, attempt a face-to-face contact or complete a telephone contact within twenty-four hours from the time the referral was screened in, with a principal of the report or collateral source who has knowledge of the child subject of the report's current condition, and can provide current information about the child's safety.

3. If face-to-face contact with the child subject of the report was not attempted within the twenty-four hour time frame, an attempt of face-to-face contact with the child subject of the report shall be made within seventy-two hours from the time the report was screened in to assess child safety and interview the child subject of the report.

The PCSA shall document in the case record the date, time, and with whom the assessment was initiated.


1. The PCSA shall attempt face-to-face contact with the child subject of the report and a parent, guardian, custodian, or caregiver within the first four working days from the date the report was screened in as a dependent report.
(2) If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (E)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in as a report.

(F) If the attempted face-to-face contacts with the child subject of the report as specified in paragraphs (C) and (E) of this rule are unsuccessful, the PCSA shall, at a minimum, continue making attempts for face-to-face contact at least every five working days until the child is seen or until the PCSA is required to complete a final case decision pursuant to paragraph (S) or (T) of this rule.

(G) The PCSA shall not interview the child subject of the report or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

(1) There is credible information indicating the child is in immediate danger of serious harm.
(2) There is credible information indicating that the child will be in immediate danger of serious harm upon return home from school or other locations away from their home.
(3) There is credible information indicating that the child may be intimidated from discussing the alleged dependency in his/her home.
(4) The child requests to be interviewed at school or another location due to one of the circumstances listed in this paragraph.

(H) If a child subject of the report provides information during an interview that indicates a sibling might be in immediate danger of serious harm or that the sibling could provide information regarding immediate danger of serious harm to the child subject of the report, the interview of the sibling who was not identified as a child subject of the report may occur without parental consent.

(I) If a child is interviewed without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete a telephone contact with the child's parent, guardian, or custodian to inform them that an interview of their child occurred. If unsuccessful, an attempt to complete face-to-face contact shall occur once every five working days until contact is made with the child's parent, guardian, or custodian or the time frame for completion of the assessment expires.

(J) The specific facts necessitating the assessment interviews of a child be conducted without parental consent must be documented in the case record.

(K) The PCSA shall conduct and document face-to-face interviews with each child residing within the home of the child subject of the report. If possible, each child should be interviewed separate and apart from the caretaker. The purpose of the interviews is to:

(1) Evaluate each child's condition.
(2) Determine if the child is safe.
(3) Obtain each child's understanding of the concerns contained in the report.

(L) The PCSA need not interview a child if it is determined that:

(1) The child does not have sufficient verbal skills.
(2) Additional interviewing would be detrimental to the child. For required non-lead interviews, this determination shall be made by the lead PCSA pursuant to paragraph (X) or (Y) of this rule.

(M) The PCSA shall conduct and document face-to-face interviews with the child's parent, guardian, or custodian and all adults residing in the home of the child in order to:

(1) Assess their knowledge of the situation.
(2) Observe the interaction between the child and caretaker.
(3) Obtain relevant information regarding the safety and risk to the child.

(N) At the time of the initial contact with the adult subject(s) of the report, the PCSA shall advise the adult subject(s) of the report of the specific concerns. The initial contact between the caseworker assessing a dependent child report and the adult subject(s) of the report includes, whichever occurs
first, face-to-face or telephone contact with the person if information is gathered as part of the assessment process.

(O) The PCSA shall conduct and document face-to-face interviews or telephone interviews with anyone identified as possible sources of information during the assessment to obtain relevant information regarding the safety and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.

(P) The PCSA shall take any other actions necessary to assess safety and risk to the child. These actions may include, but are not limited to:

1. Taking photographs of the child's environment with the parent, guardian, or custodian's consent.
2. Attempt to secure a medical examination or psychological evaluation or both of the child with consent of the child's parent, guardian, or custodian or with a court order.
3. Attempt to secure any relevant records, including but not limited to school, mental health, and medical records.

(Q) At any time the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(R) If the PCSA determines supportive services are necessary, the supportive services shall be made available to the child, his or her parent, guardian, or custodian during all of the following pursuant to procedures established in rule 5101:2-40-02 of the Administrative Code:

1. The safety planning process.
2. The assessment/investigation process.

(S) The PCSA shall arrive at a final case decision by completing the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) no later than forty-five days from the date the report was screened in. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(T) If the dependency report involves a principal of the report who is currently receiving ongoing protective services from the PCSA, the PCSA shall complete the final case decision by completing the JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).

1. The JFS 01402 shall be completed no later than forty-five days from the date the report was screened in.
2. The PCSA may extend the time frame by a maximum of fifteen days if information needed to determine the final case decision cannot be obtained within forty-five days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(U) The PCSA shall not waive the completion of the final case decision.

(V) The PCSA shall request assistance from the county prosecutor, the PCSA's legal counsel, or the court if refused access to the child or any records required to conduct the assessment.

(W) The PCSA shall have an interpreter present for all interviews if the PCSA has determined that a member of the case has any impairment that creates a barrier to communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

(X) Within two working days of completion of the assessment, the PCSA shall do all of the following:

1. Notify the child, unless the child is not of an age or developmental capacity to understand; and the child's parent, guardian, or custodian of the final case decision.
2. Notify the caretaker in writing of the final case decision.
(3) Refer any child zero to three years of age to "Help Me Grow" if a developmental delay is suspected. Infant who has been born and identified as affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure to "Help Me Grow."

(4) Notify the child’s non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report and the final case decision.

(5) Document in the case record, the date and method of notification to the principals of the report of the above listed activities completed.

(Y) If two or more Ohio PCSAs are involved in an assessment, the lead county shall be determined by the following criteria:

(1) The PCSA located within the county where a juvenile court has issued a protective supervision order.

(2) The PCSA located within the county where the custodial parent, legal guardian, or legal custodian of the child subject of the report resides.

(3) If an order of shared parenting has been issued, and there has been no residential parent designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the child subject of the report at the time the incident occurred.

(Z) If a report of dependency involves a child who is living in a shelter for victims of domestic violence or a homeless shelter, the PCSA that received the report shall do one of the following:

(1) Determine if the child was brought to the shelter pursuant to an agreement with a shelter in another county. If a determination is made that there was an agreement in place, the PCSA from the county from which the child was brought shall lead the assessment and provide the required supportive services or petition the court for custody of the child, if necessary.

(2) Lead the assessment if a determination was made that the child was not brought to the shelter under an agreement with a shelter in another county. If two or more PCSAs are involved, all PCSAs shall be responsible for following procedures outlined in this rule.

(3) Commence the assessment if a determination cannot be made immediately if an agreement is in effect.

(AA) If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01401, JFS 01402, and the JFS 01400 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

(BB) The assessment documentation and any materials obtained as a result of the assessment shall be maintained in the case record. If any information gathering activity cannot be completed, justification and written approval of the director or the designee shall be filed in the case record in accordance with rule 5101:2-36-11 of the Administrative Code.
A public children services agency (PCSA) shall provide services to a child and family for the following screened in "Family In Need of Services" reports:

1. "Adoption Subsidy" report.
5. "Emancipated Youth" report.
8. "Post Finalization Adoption Services" report.
9. "Pre-placement or Postnatal Services for the Placement of an Infant of an Incarcerated Mother" report.
11. "Required Non-lead PCSA Interview" report.

The PCSA shall follow the procedures and provide the services identified for each family in need of services subcategory as follows:

1. Adoption subsidy only report, pursuant to Chapters 5101:2-44 and 5101:2-49 of the Administrative Code.
3. Courtesy supervision report, to support the provision of services and activities described in sections 3113.31, 2151.271, 2151.151, 2151.353, 5103.20 and 2151.56 of the Revised Code.
6. Home evaluation/visitation assessment report, as described in rule 5101:2-42-18 of the Administrative Code or as defined in rule 5101:2-1-01 of the Administrative Code.
7. Permanent surrender report, pursuant to rule 5101:2-42-09 of the Administrative Code.
8. Post finalization adoption services report, as defined in rule 5101:2-1-01 of the Administrative Code. The PCSA shall provide or arrange services to support, maintain, and assist an adopted child, adoptive family, or birth parent anytime after finalization of an adoption.
9. Postnatal placement services to an infant of an incarcerated mother report, pursuant to rule 5101:2-42-60 of the Administrative Code.
Preventive services report, as defined in rule 5101:2-1-01 of the Administrative Code. The PCSA shall provide services aimed at preventing child abuse and neglect which have been requested by the parent, guardian, or custodian for the family if there are no current allegations of child abuse, neglect, or dependency.

Required non-lead PCSA interview report, pursuant to rules 5101:2-36-03, 5101:2-36-04, and 5101:2-36-09 of the Administrative Code.

Stranger danger investigation, pursuant to rule 5101:2-36-05 of the Administrative Code.

Unruly/delinquent report, as defined in section sections 2151.011 and 2151.022 of the Revised Code or defined in rule 5101:2-1-01 of the Administrative Code. The PCSA shall complete an assessment to identify the need for services designed to promote child safety, permanency, and well-being for a child determined to be unruly or delinquent.

ICPC report, pursuant to rule 5101:2-52-04 of the Administrative Code.

Alternative response required non-lead PCSA contacts report, pursuant to rule 5101:2-36-20 of the Administrative Code.

Completion of the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) is required for family in need of services, stranger danger investigations.

Except as provided in paragraph (E) of this rule, completion of the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) is required for all family in need of services reports transferred for ongoing PCSA services prior to the completion of the case plan pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code.

The following family in need of services report subcategories do not require the completion of a JFS 01400 prior to the completion of the case plan:

1. Deserted child.
2. Emancipated youth.
3. Permanent surrender.
4. ICPC.

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The public children services agency (PCSAs) shall request an extension if the PCSA is unable to complete specific assessment/investigative activities pursuant to the time frames established within Chapters 5101:2-36 and 5101:2-37 of the Administrative Code. The justification for extension shall:

(A) Contain written justification for not meeting the established time frame.

(B) Contain supervisory approval of the written justification prior to the expiration of the established time frame.

(C) Be maintained in the case record.

An extension is permitted for the following assessment/investigative activities:

1. Completion of the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006). The time frame may be extended until face-to-face contact with each required participant is completed or until the PCSA is required to make a report disposition or final case decision.

2. Execution of the second attempt to complete face-to-face contact and the JFS 01401 within four working days from the screening decision when all of the following have been recorded in the extension justification prior to the expiration of the fourth working day:
   (a) The diligent efforts completed to identify the child's current safety status with a principal of the report or collateral source who has knowledge of the child's current condition, and can provide current and credible information about the child's safety.
   (b) The name and location of the individual who provided the credible information about the child's safety, and the manner in which the information was obtained.
   (c) The information provided by the principal of the report or collateral source that supports the PCSA's belief that the child is not at risk of being seriously harmed.
   (d) Completion of the supervisory approval of the extension request in SACWIS prior to the expiration of the fourth working day.

3. Obtaining the signature of the parent, guardian, or custodian, or person(s) responsible for an action step on the JFS 01409 "Comprehensive Assessment Planning Model - I.S., Safety Plan for Children" (rev. 2/2006) within twenty-four hours from receipt of the verbal authorization. The time frame of the extension shall not exceed five working days.

A fifteen day extension is permitted to complete the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006), JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006), JFS 01403 "Comprehensive Assessment Planning Model - I.S., Specialized Assessment/Investigation" (rev. 2/2006), JFS 01419 "Comprehensive Assessment Planning Model - I.S., Alternative Response Family Assessment" (rev. 7/2008), JFS 01423 "Comprehensive Assessment Planning Model - I.S., Alternative Response Ongoing Case Assessment" (rev. 7/2008) or to reach a case disposition or case decision if diligent efforts to complete the necessary activities have been unsuccessful and one of the following applies:

1. A principal of the report has not been interviewed.
2. The PCSA is waiting on documentation/information from another entity that is necessary in determining the disposition or case decision.
3. Interviews with collaterals or witnesses who have specific information about the allegations have not been completed.
(4) The case is assigned to the alternative response pathway and additional time is needed to complete the linkage to services prior to case closure.

(D) An extension is permitted to notify the alleged perpetrator in writing of the report disposition if the alleged perpetrator is the subject of a law enforcement investigation into human trafficking. The timeframe for the extension shall not exceed one hundred twenty days from the date the PCSA screened in the referral as a child abuse and/or neglect report.

(E) The PCSA shall complete a request to waive an assessment/investigation activity pursuant to the requirements established within Chapters 5101:2-36 and 5101:2-37 of the Administrative Code if the PCSA is unable to complete specific assessment/investigative activities. The request shall:

(1) Contain written justification of why each assessment/investigation activity can not be completed.

(2) Contain the director's or designee's approval of the written request prior to the termination of the established time frame, or extended time frame, for the assessment/investigation activity.

(3) Be maintained in the case record.

(F) A PCSA may request to waive the following assessment/investigation activities:

(1) Completion of the face-to-face interview with the alleged child victim or child subject of the report.

(2) Completion of the face-to-face interview with each child in the home of the alleged child victim or child subject of the report.

(3) Completion of the face-to-face interview with each adult residing in the home of the alleged child victim or child subject of the report, including the parent(s), guardian, or custodian.

(4) Completion of the face-to-face interview with the alleged perpetrator or adult subject of the report.

(5) Completion of face-to-face or telephone interviews with any identified witnesses and collateral sources.

(6) Completion of the JFS 01400, the JFS 01401, JFS 01402, or JFS 01403 if the report disposition is one of the following:

(a) Family moved: unable to complete assessment/investigation.

(b) Unable to locate.

(7) Completion of the JFS 01401, JFS 01419 or the JFS 01423 if the PCSA has not completed contact with any principal of the report and has been unable to locate the family.

(8) Completion of the JFS 01400, JFS 01401, JFS 01402, or JFS 01403 if all of the following apply:

(a) The PCSA has not successfully gathered sufficient information from any principal of the report, identified witness, or collaterals in order to complete the JFS 01400, JFS 01401, JFS 01402, or JFS 01403.

(b) The parent, guardian, or custodian of the alleged child victim refused the PCSA to have contact with family members, including principals of the report, to complete the required assessment activities.

(c) The PCSA consulted legal counsel regarding the report and the family's refusal to engage in the assessment/investigation process.

(d) The PCSA's legal counsel advised the PCSA no legal action will be pursued.

(e) The PCSA report disposition is unsubstantiated, substantiated, or indicated.

(9) The signature of a parent, guardian, or custodian on the JFS 01409 if all of the following apply:

(a) The PCSA has obtained one signature from a parent, guardian, or custodian on the JFS 01409.
(b) The PCSA determines the parent, guardian, or custodian who has not signed is unable or unavailable to sign the JFS 01409.

(c) The reason(s) why the parent, guardian, or custodian who has not signed is unable or unavailable to sign the JFS 01409 is documented in the case record.

(10) Completion of the JFS 01400, JFS 01401, JFS 01402, JFS 01403, JFS 01419, or JFS 01423 if, upon initiation, the PCSA determines the specific incident alleged in the report has been previously assessed/investigated and all of the following apply:

(a) The report involves the same alleged child victim or child subject of the previous report.

(b) The report involves the same alleged perpetrator or adult subject of the previous report.

(c) The previous report received an alternative response case decision or report disposition of substantiated, indicated or unsubstantiated.

(G) The PCSA shall not complete a justification to waive or extend the completion time frame for any assessment/investigation activity not identified within this rule.

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The provisions of rule 5101:2-33-21 of the Administrative Code regarding confidentiality apply to all cross-referrals of child abuse and/or neglect required by this rule.

The public children services agency (PCSA) shall make a cross referral to law enforcement if the report alleges a criminal offense.

The PCSA shall cross refer reports of child abuse and or neglect in accordance with the PCSA's county child abuse and neglect memorandum of understanding, and if applicable, the interagency agreement with a child advocacy center pursuant to section 2151.428 of the Revised Code.

The PCSA shall contact the following licensing and supervising authorities, as applicable, no later than the next working day from the date the referral was screened in to share information pursuant to rules 5101:2-33-21 and 5101:2-36-04 of the Administrative Code:

1. The Ohio department of developmental disabilities (ODDD) division of developmental centers quality assurance if the report involves a developmental center managed by ODDD; or the office of licensure if the report involves a foster or group home licensed by ODDD.

2. The local county board of developmental disabilities (DD) if the report involves any program managed by the county board of DD.

3. The local board of alcohol, drug addiction, and mental health and the Ohio department of mental health and addiction services (ODMH) (OMHAS) if the report involves a residential care facility licensed by ODMH.

4. The Ohio department of youth services' (ODYS) chief inspector if the report involves an institution or facility for delinquent children managed by ODYS; or the juvenile judge and ODYS' division of parole, courts, and community services if the report involves a detention or rehabilitation facility managed by a juvenile court and approved by ODYS.

5. The superintendent of the local schools or the Ohio department of education's (ODE) legal counsel if the report involves the school for the deaf or blind or early education programs managed by ODE.

6. The Ohio department of job and family services (ODJFS), children services foster care licensing, if the report involves a foster home, group home or children's residential facility licensed certified by ODJFS.

7. The ODJFS, child care licensing, if the report involves a child care center (more than twelve children) or a type A or type B family child care home which is or should be licensed by ODJFS.

8. The local county department of job and family services (CDJFS) if the report involves an in-home aide who is certified by the CDJFS or a type B family child care certified or licensed by the CDJFS.
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A public children services agency (PCSA) shall complete an intrastate referral to another PCSA if the PCSA receives a report of alleged child abuse or neglect, and determines the child and his or her custodial parent, legal guardian, or legal custodian reside or have moved to another county before an assessment/investigation has been initiated.

1. If an emergency exists, the PCSA shall immediately telephone the appropriate PCSA and provide the referral information.

2. If no emergency exists, the PCSA shall provide the referral information by telephone within twenty-four hours.

3. The referral information provided to the PCSA shall include, but is not limited to, the following:
   a. The case identification number established within the statewide automated child welfare information system (SACWIS).
   b. The case reference person established within SACWIS.
   c. The intake identification number established within SACWIS, as applicable.
   d. Location, including the address, of the child and his or her custodial parent, legal guardian, or legal custodian.

A PCSA shall complete an intrastate referral to another PCSA if the PCSA initiates an abuse or neglect report and determines the alleged child victim and his or her custodial parent, legal guardian, or legal custodian reside in another county.

1. If an emergency exists, the PCSA shall immediately telephone the appropriate PCSA if an emergency exists to inform of the report and the information obtained as a result of the initiation or other contacts. If no emergency exists, the PCSA shall telephone the appropriate PCSA within twenty-four hours.

2. The PCSA receiving the intrastate referral shall determine one of the following:
   a. A case transfer shall be accepted regarding the current report. The receiving PCSA becomes the lead agency and is responsible for the completion of the assessment/investigation activities including arriving at a report disposition and case decision.
   b. A case transfer shall not be accepted. The PCSA that initiated the report shall remain the lead agency and retain responsibility for the completion of the assessment/investigation, including completing requests for required non-lead interviews.

A PCSA shall make an intrastate referral to another PCSA if the PCSA determines that protective services are needed but the child and his or her custodial parent, legal guardian, or legal custodian moves to another county before or during the provision of protective services and the child remains at risk of abuse or neglect.

A PCSA shall make an interstate referral to a children's services agency (CSA) if the PCSA receives a report of alleged child abuse or neglect, and determines the child and his or her custodial parent, legal guardian, or legal custodian reside in or have moved to another state. The PCSA shall comply with the following procedures if making a referral to a CSA:

1. If an emergency exists, the PCSA shall immediately telephone the appropriate CSA with the referral information. Within three working days of the date of the telephone referral, the PCSA shall follow-up with a written referral to the CSA.
(2) If no emergency exists, the PCSA shall provide the referral information by telephone within twenty-four hours. Within three working days of the date of the telephone referral, the PCSA shall follow-up the telephone referral with a written referral to the CSA.

(3) The referral shall include, but is not limited to, the following:

(a) All available identifying information on the child, his or her parent, guardian, or custodian and other involved people, including names, dates of birth, ages, and social security numbers.

(b) The child, his or her parent, guardian, or custodian and other involved persons' relationships to each other.

(c) Location, including address of the child and his or her parent, guardian or custodian.

(d) Summary of the referring PCSA's involvement with the child, his or her parent, guardian, or custodian and the current case status.


(f) The nature of the request for the provision of protective services.

(g) The referring PCSA contact person.

(h) The information the referring PCSA needs in response to the referral.

(4) Confidential information regarding the child, his or her parent, guardian, or custodian may be released to the CSA pursuant to rule 5101:2-33-21 of the Administrative Code.

(5) The PCSA shall cooperate with the CSA, and if necessary, lead the assessment/investigative efforts if the child is located within Ohio and the abuse or neglect is alleged to have occurred within Ohio.

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(A) A public children services agency (PCSAs) shall issue a protective service alert (PSA) if either of the following occurs:

(1) The PCSA receives an abuse or neglect report, the whereabouts of a child or his or her parent, guardian, or custodian are unknown, and the PCSA has reason to believe the child is in immediate danger of serious harm.

(2) The PCSA determines that protective services are needed, the whereabouts of the child or his or her parent, guardian, or custodian are unknown and the PCSA has reason to believe the child remains at risk of abuse or neglect.

(B) The PCSA shall issue a PSA in the statewide automated child welfare information system (SACWIS) and specify whether the PSA is to be processed as an in-state or out-of-state alert.

(C) Upon creation of a PSA, the PCSA issuing the PSA shall be referenced as the originating PCSA.

(D) A non-originating PCSA shall notify the originating PCSA no later than the next working day if a person(s) with an active PSA has been located and document the notification in the case record.

(E) Upon receipt of the notification that a person has been located, the originating PCSA shall cancel the PSA.

(F) A PSA will expire in ninety days from the issue date.

(G) The originating PCSA shall complete a PSA extension prior to the expiration of the PSA if the PCSA determines the whereabouts of the child are still unknown and the child remains in immediate danger of serious harm. Each PSA extension will expire ninety days from the issue date.
This rule applies to public children services agencies (PCSAs) that received training and written approval from the Ohio department of job and family services (ODJFS) to implement alternative response.

The PCSA shall initiate the screened in child abuse and neglect report assigned to the alternative response pathway in accordance with the following:

1. For an emergency report, attempt a face-to-face contact with the child subject of the report within one hour from the time the referral was screened in as a report in order to assess child safety.

2. For all other reports, complete one of the following activities, within twenty-four hours from the time the referral was screened in as a report, with a principal of the report or collateral source, who has knowledge of the child’s current condition and can provide current information about the child’s safety:
   a. Attempt a face-to-face contact with the parent, child or collateral source.
   b. Attempt a telephone contact with the parent or collateral source.
   c. Send a letter to the parent, guardian, or custodian acknowledging a report was received and inviting the family to engage with the PCSA.

The PCSA shall advise the parent, guardian, or custodian of the information contained in the report at the time of the initial contact. The initial contact between the PCSA and the parent, guardian, or custodian includes face-to-face or telephone contact, whichever occurs first, if information is gathered as part of the assessment process.

The PCSA shall document in the case record the date, time, and with whom the assessment was initiated. For all reports initiated by the mailing of a letter, the date the letter is mailed shall be documented in the case record.


If the PCSA's attempt to complete face-to-face contact pursuant to paragraph (E) (D)(1) of this rule is unsuccessful, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in as a report.

If the initial attempted face-to-face contacts with the child subject of the report and caretaker, as specified in paragraphs (B) (A) and (E) (D) of this rule are unsuccessful, the PCSA shall at a minimum continue making attempts of face-to-face contact at least every five working days until the child subject of the report and caretaker are seen or until the PCSA is required to complete a case decision pursuant to paragraph (T) (S) or (U) (T) of this rule.

The PCSA shall not contact a child subject of the report or his or her siblings without parental consent, unless one of the following exigent circumstances exists:

1. There is credible information indicating the child is in immediate danger of serious harm.
(2) There is credible information indicating the child will be in immediate danger of serious harm upon return home from school or other locations away from his or her home.

(3) There is credible information indicating the child may be intimidated from discussing the alleged abuse or neglect in his or her home.

(4) The child requests to be contacted at school or another location due to one of the circumstances listed above.

If a child is contacted without parental consent, then the same day, the PCSA shall attempt a face-to-face contact or complete telephone contact with the child's parent, guardian, or custodian to inform them that contact with his or her child occurred and provide the specific facts necessitating the child be contacted without parental consent.

The specific facts necessitating contact with the child be completed without parental consent shall be documented in the case record.

If the attempt to contact the child's custodian pursuant to paragraph (H)(G) of this rule is unsuccessful, the PCSA shall continue to attempt to complete face-to-face contact with the child's parent, guardian or custodian once every five working days until contact is made with the child's parent, guardian, or custodian, or until the PCSA is required to make a case decision pursuant to paragraph (T)(S) or (U)(T) of this rule.

The PCSA shall complete and document face-to-face contacts with each child residing within the home of the child(ren) who were the subject of the report.

The PCSA shall complete and document face-to-face contacts with all adults residing within the home of the child(ren) who were the subject of the report.

If the attempted face-to-face contacts with the family, as specified in paragraphs (K)(J) and (L)(K) of this rule are unsuccessful, the PCSA shall continue making attempts of face-to-face contact at least every five working days, at a minimum, until the child is seen or until the PCSA is required to complete a case decision pursuant to paragraph (T)(S) of this rule.

The PCSA shall convert a case from the alternative response pathway to the traditional response pathway if any of the following occur:

1. The family requests a pathway change from the alternative response pathway to the traditional response pathway.


3. The PCSA files a complaint with the juvenile court pursuant to section 2151.27 of the Revised Code alleging the child is abused, neglected or dependent child.

4. The PCSA screens in a report requiring assignment in a traditional response pathway pursuant to paragraph (L)(K) of rule 5101:2-36-01 of the Administrative Code.

The PCSA shall record a pathway switch in SACWIS no later than the next working day from the date of the event triggering the conversion of a case from the alternative response pathway to the traditional response pathway.

The PCSA shall notify the principals of the report of the pathway change either verbally or in writing within three working days upon the conversion of a case from the alternative response pathway to the traditional response pathway if the pathway switch is not the result of a subsequent report received and assigned to the traditional response pathway. The notification(s) shall be documented in the case record.

If the PCSA determines a child to be in immediate danger of serious harm, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.
The PCSA shall conduct and document face-to-face or telephone contact with any person identified as a possible source of information during the assessment to obtain relevant information regarding the safety of and risk to the child. The PCSA shall exercise discretion in the selection of collateral sources to protect the family's right to privacy.

If two or more PCSAs are involved in an assessment, the lead county shall be determined by the following criteria:

1. The PCSA located within the county where the parent, guardian, custodian of the child subject of the report resides.
2. If an order of shared parenting has been issued, and a residential parent has not been designated by the court, the PCSA located within the county of residence of the custodian who has physical care of the child subject of the report at the time the incident occurred.

If requested by the lead PCSA, either verbally or in writing, the non-lead PCSA located in a non-contiguous county shall conduct interviews of any principals of the report and collateral sources presently located within its jurisdiction to provide the lead agency with the information necessary to complete the JFS 01401, JFS 01419, and/or JFS 01423 within the time frames outlined in this rule. All PCSAs involved shall document the request in the case record.

The PCSA shall have an interpreter present for all interviews when the PCSA has determined that a principal of the report has a language or any other impairment that causes a barrier in communication, including but not limited to a principal of the report who is deaf or hearing impaired, limited English proficiency or is developmentally delayed.

For all reports involving an infant identified as affected by legal or illegal substance abuse or withdrawal symptoms resulting from prenatal or postnatal substance exposure pursuant to rule 5101:2-1-01 of the Administrative Code the PCSA shall:

1. Ensure the plan of safe care has been developed.
2. Ensure the plan of safe care addresses the safety needs of the infant.
3. Ensure the plan of safe care addresses the health and substance use disorder treatment needs of the affected family or caregiver.

The PCSA shall make a case decision by completing the JFS 01419 pursuant to rule 5101:2-37-03 of the Administrative Code no later than forty-five days from the date the PCSA screened in the referral as a report.

1. The PCSA may extend the time frame for completion of the JFS 01419 pursuant to rule 5101:2-36-11 of the Administrative Code with written justification and supervisory approval. The time frame for extension shall not exceed fifteen days.
2. The JFS 01419 shall be entered in SACWIS within three working days from the date of the case decision.

If the child abuse and/or neglect report involves a family member receiving services after the completion of the JFS 01419, the PCSA shall make the final case decision by completing the JFS 01423 pursuant to rule 5101:2-37-03 of the Administrative Code.

If the case decision is to transfer the case for ongoing PCSA services, and the case will continue to be assigned to the alternative response pathway, the agency shall provide ongoing services to the family pursuant to rule 5101:2-38-20 of the Administrative Code.

Within two working days of completion of the assessment, the PCSA shall do all of the following:

1. Notify the parent, guardian, or custodian of the final case decision in writing.
2. Refer to "Help Me Grow" any infant born and identified as affected by legal or illegal substance abuse, fetal alcohol syndrome, or withdrawal symptoms resulting from prenatal drug exposure.
3. Notify all participants involved in the plan of safe care of the final case decision. The final decision includes whether the case will be transferred for ongoing PCSA services, closed and
referral made to community services, or closed. The following plan of safe care participants shall be notified:

(a) Parents, guardians, custodians or other caregivers for the infant.
(b) Health care providers involved in the delivery or care of the infant.
(c) Collaborating professional partners and agencies involved in caring for the infant and family.

(3)(4) Notify the child's non-custodial parent, who holds residual parental rights to the child and maintains an ongoing relationship through visitation with the child and/or payment of child support, of the receipt of the report, and the case decision.

(Z) Documentation of the alternative response assessment, including any materials obtained during the assessment, shall be maintained in the case record.

(AA) The PCSA may extend time frames for completion or waive assessment activities pursuant to rule 5101:2-36-11 of the Administrative Code.

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Five Year Review (FYR) Dates: 5/24/2017 and 06/17/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 05/17/2018

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Prior Effective Dates: 07/01/11, 3/1/14
The public children services agency (PCSA) shall complete the **JFS 01401** "Comprehensive Assessment and Planning Model - I.S., Safety Assessment" (rev. 2/2006) for all of the following:

1. Intra-familial child abuse and neglect reports, including those which are screened in as a third party investigation.
2. Dependency reports.

The PCSA shall complete the JFS 01401 regarding the family of the alleged child victim/child subject of the report. For the purpose of completion of the JFS 01401, family includes all of the following individuals, as applicable:

1. Alleged child victim/child subject of the report.
2. Siblings of the alleged child victim/child subject of the report, including step or half siblings residing in the home.
3. Parent(s), guardian, or custodian of the alleged child victim/child subject of the report.
4. Paramour of the custodial parent, guardian, or custodian who is residing in the home.
5. Children of the paramour residing in the home.
6. Other children residing in the home of whom the parent, guardian, or custodian has custody or guardianship.
7. A related or unrelated adult residing in the home who has routine responsibility for the care of the alleged child victim/child subject of the report and siblings.

The PCSA shall document the assessment of safety threats, past history, child vulnerability, and family protective capacities on the JFS 01401 to determine the safety response.

The PCSA shall, at a minimum, conduct a face-to-face interview with each alleged child victim/child subject of the report and at least one parent, guardian, or custodian or a caretaker having routine responsibility for the care of the alleged child victim/child subject of the report within the first four working days from the date the report was screened in as a child abuse, neglect, or dependency report to assess the safety of the child and complete the JFS 01401. If the initial attempt to make face-to-face contact is unsuccessful, the PCSA shall make an additional attempt within the first four working days from the date the report was screened in.

If an order of shared parenting has been issued and there has not been a residential parent designated by the court, the PCSA shall complete the JFS 01401 with each alleged child victim/child subject of the report and at least one parent, guardian, or custodian or a caretaker having routine responsibility for the care of the alleged child victim/child subject of the report within the first four working days from the date the report was screened in as a child abuse, neglect, or dependency report to assess the safety of the child and complete the JFS 01401.

If the PCSA has attempted to make face-to-face contact with the alleged child victim/child subject of the report and at a minimum one parent, guardian, or custodian and one or more of the parties was
unavailable, the PCSA shall attempt at least one additional face-to-face contact within the first four working days from the date that the referral was screened in as a report, in order to complete the JFS 01401 pursuant to paragraph (D) of this rule.

(F) If the PCSA is not able to complete the JFS 01401 within four working days from the date the report was screened in due to the agency's inability to interview each alleged child victim and at least one parent, guardian, or custodian or caretaker having routine responsibility for the care of the alleged child victim, a justification to extend the completion time frame shall be completed by the caseworker and approved by the supervisor no later than the expiration of the four working day time frame pursuant to rule 5101:2-36-11 of the Administrative Code.

(G)(H) If the PCSA has attempted to make face-to-face contact pursuant to paragraphs (D) and (G) of this rule with the alleged child victim/child subject of the report and his or her parent, guardian, or custodian or caretaker having routine responsibility for the care of the alleged child victim/child subject of the report and they are unavailable, the PCSA shall do both all of the following:

(1) Create and approve a request to extend the completion time frame prior to the expiration of the fourth working day time frame from the date the report was screened in as a child abuse, neglect, or dependency report pursuant to rule 5101:2-36-11 of the Administrative Code.

(1)(2) Continue making attempts of face-to-face contact pursuant to rule 5101:2-36-03, 5101:2-36-05, or 5101:2-36-09 of the Administrative Code, as applicable.

(2)(3) Complete the JFS 140101401 within three the next working day days after face-to-face contact is made with each alleged child victim/child subject of the report and the parent, guardian, or custodian or caretaker having routine responsibility for the care of the alleged child victim/child subject of the report.

(H)(I) If additional child abuse, and/or neglect, and/or dependency reports are screened in for assessment/investigation within four working days after acceptance of a child abuse, and/or neglect, and/or dependency report and prior to the completion of the initial JFS 01401, the PCSA shall do one of the following: complete one JFS 01401 concerning all reports within four working days from the date the initial report was screened in for assessment/investigation.

(1) Complete one JFS 01401 concerning all reports within four working days from the date the initial report was screened in for assessment/investigation and record the JFS 01401 in SACWIS within seven working days.

(2) Complete a JFS 01401 for each report screened in for assessment/investigation within four working days from the date each report was screened in respectively and record the JFS 01401 in SACWIS within seven working days.

(J) The completion of one JFS 01401 shall be permitted if a request for an extension of the JFS 01401 has been approved and a subsequent report has been received prior to the PCSA successfully completing the required face-to-face contacts for the assessment of safety.

(I) If additional child abuse and/or neglect reports are screened in for assessment/investigation after the first four working days of the assessment/investigation have passed or after completion of the initial JFS 01401, the PCSA shall complete an additional JFS 01401 concerning the subsequent child abuse and/or neglect report pursuant to paragraph (F) of this rule.

(J) In addition to completion of the JFS 01401 pursuant to paragraph (A) of this rule, the PCSA may complete the JFS 01401 any time there are concerns regarding child safety.

(K) The PCSA shall maintain a copy of the JFS 01401 in the case record.

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The public children services agency (PCSA) shall immediately develop and implement a JFS 01409 "Comprehensive Assessment and Planning Model - I.S., Safety Plan for Children" (rev. 2/2006) if the PCSA determines a child is in immediate danger of serious harm.

At a minimum, the PCSA shall assess all of the following to determine the degree of intervention necessary to control safety threats and protect the child:

1. The presence of active safety threats.
2. The vulnerability of the child.
3. The protective capacities of the parent, guardian, or custodian.
4. The family's history of child abuse and/or neglect resulting in serious harm.

The PCSA shall document the assessment of safety outlined in paragraph (B) of this rule on the JFS 01401 "Comprehensive Assessment and Planning Model - I.S., Safety Assessment" (rev. 2/2006) pursuant to paragraph (A) of rule 5101:2-37-01 of the Administrative Code or on the safety re-assessment contained within the JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 2/2006) pursuant to paragraph (G) of rule 5101:2-38-09 of the Administrative Code. The JFS 01401 or the safety re-assessment shall be approved by the supervisor and documented in the case record.

If an infant is born and identified as affected by illegal substance use or withdrawal symptoms resulting from prenatal drug exposure, the PCSA shall develop a safety plan as needed, pursuant to paragraph (D)(C) or (P)(F) of this rule.

If, after the assessment of safety, the safety response is to implement an in-home safety plan or an out-of-home safety plan, the PCSA shall develop a safety plan utilizing the JFS 01409.

If, after the assessment of safety, the safety response is to implement a legally authorized out-of-home placement, the PCSA shall contact law enforcement and/or remove the child pursuant to rule 5101:2-39-01 of the Administrative Code. Completion of the JFS 01409 is not required for a legally authorized out-of-home placement safety response.

If developing the JFS 01409, the PCSA shall consider, at a minimum, all of the following:

1. How to involve the parent, guardian, or custodian, extended family, and community resources.
2. How to utilize the least restrictive and least disruptive strategies to control safety threats while securing the safety of the child.
3. Which methods will be utilized for receiving information from other involved persons or agencies assisting in monitoring the safety plan.
4. How the PCSA monitors the safety plan.

As applicable, the PCSA and the parent, guardian, or custodian shall mutually: identify each individual or community resource responsible for conducting an action step specified on the safety plan and agree to the participation of that individual or community resource on the safety plan.

1. Identify the action steps to control the active safety threats.
2. Identify each individual or community resource responsible for conducting an action step specified on the safety plan.
3. Agree to the participation of that individual or community resource on the safety plan.
To implement a safety plan utilizing the JFS 01409, the PCSA shall do one of the following: obtain signatures on the JFS 01409 from the parent, guardian, or custodian and all persons responsible for a safety plan action step indicating their willingness to participate in the safety plan.

1. Obtain signatures on the JFS 01409 from the custodial parent, legal guardian, or legal custodian and all persons responsible for a safety plan action step indicating their willingness to participate in the safety plan.

2. If an order of shared parenting has been issued, and there has not been a residential parent designated by the court, the PCSA shall obtain agreement and signatures on the JFS 01409 of both parents.

3. If a custodial parent, legal guardian, or legal custodian or person responsible for an action step is not present to sign the JFS 01409, the safety plan may be implemented with a verbal authorization. The PCSA shall document the date and time the verbal authorization was received.

If verbal authorization is obtained the PCSA shall complete an extension pursuant to rule 5101:2-36-11 of the Administrative Code and attempt to obtain the signature(s) on the JFS 01409 within five working days from receipt of the verbal authorization. All attempts to obtain the signature(s) and the reasons why the signature(s) cannot be obtained shall be documented in the case record. The PCSA shall implement alternative safety interventions if the signature(s) cannot be obtained.

The PCSA shall waive the signature of the custodial parent, legal guardian, or legal custodian outlined in paragraph (F) of this rule who is unable or unavailable to sign the safety plan if the PCSA has obtained one signature from another custodial parent, legal guardian, or legal custodian pursuant to rule 5101:2-36-11 of the Administrative Code. The reason(s) why the signature cannot be obtained shall be documented in the case record.

If the parents of the child are married or if the parents of the child are divorced and a court issued an order of joint custody, the PCSA shall obtain agreement and signatures from both parents.

If the parent, guardian, custodian or person responsible for an action step is not present to sign the JFS 01409, the safety plan may be implemented with a verbal authorization of at least one parent, guardian, or custodian. The verbal authorization shall be solidified with the signature(s) of the parent, guardian, or custodian and person responsible for an action step within twenty-four hours of receipt of the verbal authorization. The PCSA shall document the date and time the parent, guardian, or custodian and/or person responsible for an action step verbally authorized the implementation of a safety plan.

If the parent, guardian, custodian or person responsible for an action step is unable to sign the safety plan within twenty-four hours of the verbal authorization, a justification to extend the time frame for five working days pursuant to rule 5101:2-36-11 of the Administrative Code shall be documented in the case record.

Only one extension may be granted.

If the signature of the parent, guardian, custodian or person responsible for an action step is not obtained by the expiration of the extension, the safety plan shall be discontinued and other safety interventions implemented.

Documentation of the attempts to obtain the signature of the parent, guardian, custodian and person responsible for an action step shall be recorded in the case record.

The PCSA shall implement alternative safety interventions if a parent, guardian, or custodian or responsible person is unwilling to sign the JFS 01409.

The PCSA shall monitor safety plans to ensure the action steps are controlling the identified safety threats. The monitoring plan requires the following:

1. To monitor an in-home safety plan, the PCSA shall conduct weekly home visits. During the home visits, the PCSA shall make face-to-face contact with each child identified on the safety plan and each parent, guardian, or custodian involved residing in the home.
To monitor an out-of-home safety plan, the PCSA shall have weekly contact with the children or persons responsible for an action step either by telephone or face-to-face. The PCSA shall have face-to-face contact with each child, parent, guardian, or custodian involved every other week.

To monitor a legally authorized out-of-home placement safety plan where custody has been given to the PCSA or a relative or kin, the PCSA shall have face-to-face contact with the child, parent, guardian, custodian or caretaker residing in the home of the alleged child victim pursuant to rule 5101:2-38-05 or 5101:2-42-65 of the Administrative Code.

If the PCSA determines a safety threat is no longer active or is being controlled through the family's protective capacities and the child is no longer in immediate danger of serious harm, the JFS 01409 shall be discontinued. The PCSA shall notify the parent, guardian, or custodian and each responsible party in writing within one or two working days of the discontinuation of the JFS 01409.

If the JFS 01409 is modified, the signature of all participants on the modified JFS 01409 prior to its implementation shall serve as notification.

The PCSA shall not close a case if a JFS 01409 is an active safety plan exists.

The PCSA shall maintain a copy of the JFS 01409 in the case record and record the JFS 01409 in SACWIS within three working days from the date the first signature is obtained.

If after the assessment of safety the safety response is to implement a legally authorized out-of-home placement, the PCSA shall contact law enforcement and/or remove the child pursuant to rule 5101:2-39-01 of the Administrative Code. Completion of the JFS 01409 is not required for a legally authorized out-of-home placement safety response.

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(A) The public children services agency (PCSA) shall complete the JFS 01400 "Comprehensive Assessment and Planning Model - I.S., Family Assessment" (rev. 7/2006) for both of the following reports:

1. Intra-familial child abuse and neglect reports, including third party.
2. Dependency reports.

(B) If the report identified in paragraph (A) of this rule is linked to a case currently receiving ongoing protective services from the PCSA, the PCSA shall complete the JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/Investigation" (rev. 7/2006).

(C) The PCSA shall complete the JFS 01400 on all cases transferred for ongoing PCSA services prior to completion of the case plan pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code, except for the following family in need of services reports:

1. Deserted child.
2. Emancipated youth.
3. Permanent surrender.
4. Interstate compact on placement of children.

(D) The PCSA shall complete the JFS 01419 "Comprehensive Assessment Planning Model - I.S., Alternative Response Family Assessment" (rev. 7/2008) for intrafamilial abuse or neglect reports assigned to the alternative response pathway.

(E) If the report identified in paragraph (D) of this rule is linked to a case currently receiving ongoing protective services from the PCSA through the alternative response pathway, the PCSA shall complete the JFS 01423 "Comprehensive Assessment Planning Model - I.S., Alternative Response Ongoing Case Assessment" (rev. 7/2008).

(F) The PCSA shall complete on the JFS 01400, 01402, 01419, or 01423 per episode of PCSA case involvement regarding the family of the alleged child victim/child subject of the report. For the purpose of completing the JFS 01400, 01402, 01419, or 01423 family includes all of the following individuals, as applicable:

1. Alleged child victim/child subject of the report.
2. Siblings of the alleged child victim/child subject of the report, including step or half siblings residing in the home.
3. Parent, guardian, custodian or caretaker residing in the home of the alleged child victim/child subject of the report.
4. Paramour of the custodial parent, guardian, custodian or caretaker residing in the home.
5. Children of the paramour residing in the home.
6. Other children residing in the home of whom the parent, guardian, custodian or caretaker has custody or guardianship.
7. A related or unrelated adult residing in the home having routine responsibility for care of the alleged child victim/child subject of the report and siblings.

(G) If an order of shared parenting has been issued and there has not been a residential parent designated by the court, the PCSA shall complete the JFS 1400, 01402, 01419, or 01423 on the family members...
residing with the custodian who has physical care of the alleged child victim/child subject of the report at the time the incident occurred.

(D)(H) The PCSA shall complete the JFS 01400, 01402, 01419, or 01423 no later than thirty-four days from the date the PCSA screened in the report. The PCSA may extend the timeframe by a maximum of fifteen days if information needed to complete the JFS 01400, 01402, 01419, or 01423 cannot be obtained within thirty-four days and the reasons are documented in the case record pursuant to rule 5101:2-36-11 of the Administrative Code.

(E)(I) The PCSA shall complete and maintain the JFS 01400, 01402, 01419, or 01423 and the justification/documentation to extend the time frame, if applicable, in the case record.

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FCASMTL 312

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Most Current Prior Effective Date: October 1, 2009

(A) The public children services agency (PCSA) shall complete the JFS 01404 "Comprehensive Assessment and Planning Model - I.S., Reunification Assessment" (rev. 2/2006) to support and document the PCSA's assessment of the family's reunification readiness if the child has been placed out of the home through either a voluntary out-of-home safety plan or a legally authorized out-of-home placement for thirty days or more, regardless of the circumstances precipitating the child's placement out of the home or who holds custody of the child if reunification with the removal family is being considered and the child has been placed out of the home through either a voluntary out-of-home safety plan or a legally authorized out-of-home placement for thirty days or more.

(B) The PCSA shall complete the JFS 01404 in accordance with the following:

1. Prior to the reunification of a child to his removal home if the child has been out of said home for thirty days or more. This applies to both voluntary out-of-home safety plans and legally authorized out-of-home placement.

2. The risk level is reduced to moderate or below.

3. During the completion of the JFS 01412 "Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review" (rev. 9/2012) pursuant to rule 5101:2-38-10 of the Ohio Administrative Code for a child placed out of his home for thirty days or more if any one of the following apply:
   a. An out-of-home safety plan has been implemented.
   b. The case plan goal and services are to support reunification of the child to the removal home.
   c. A legally authorized out-of-home safety plan has been implemented.
   d. Parental rights have not been terminated.

4. No more than sixty days prior to any court hearing for a child in the PCSA's temporary custody.

(C) The PCSA shall complete the JFS 01404 to support and document the PCSA's assessment of the family's reunification readiness. The decision regarding the family's reunification readiness includes an assessment of the following:


2. Information pertaining to the parent, guardian, or custodian's compliance with court orders, if applicable.

3. An update on:
   a. Family conditions and dynamics.
   b. Family resources, strengths, and protective capacities.
   c. Child vulnerability.

4. Interventions necessary to support reunification.

(D) The PCSA shall complete the JFS 01404 regardless of circumstances precipitating the child's placement out of the home or who or what entity holds custody of the child.

1. If the PCSA determines, through the completion of a safety re-assessment, the child's placement out of the home for thirty days or more through either a voluntary out-of-home safety plan or a legally authorized out-of-home placement should be discontinued.
(2) If the PCSA determines, through the completion of the JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 7/2006), the risk level is reduced to moderate or below; and the child's placement out of the home for thirty days or more, through either a voluntary out-of-home safety plan or a legally authorized out-of-home placement, should be discontinued.

(3) No more than thirty days prior to any court hearing if the PCSA is requesting termination of custody and reunification of the child.

(4) Upon receipt of a court order requiring the child to be reunified.

(5) After a court hearing if the court ordered reunification.

(6) No more than thirty days prior to reunification.

(E) The PCSA may complete the JFS 01404 any time the PCSA deems appropriate or the case warrants it, regardless of the number of days the child is placed out of the home through either a voluntary out-of-home safety plan or a legally authorized out-of-home placement.

(F) The PCSA shall maintain the JFS 01404 in the case record and record in the statewide automated child welfare information system (SACWIS).

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(A) The public children services agency (PCSA) shall develop and complete a case plan utilizing the JFS 01410 "Comprehensive Assessment Planning Model - I.S., Case Plan" (rev. 2/2006) if in-home supportive services for the child and his or her child's parent, guardian, or custodian are agreed upon and there is no court order.

(B) The JFS 01410 shall be based on the completion of the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006).

(C) Completion of the JFS 01400 is not required in order to complete a JFS 01410 case plan resulting from the following family in need of service reports:

1. Deserted child.
2. Emancipated youth.
3. Permanent surrender.
4. Interstate compact on the placement of children.

(D) The following are considered parties to the case plan:

1. The child's parent, guardian or custodian.
2. The child age fourteen and older.
3. The child under age fourteen if developmentally appropriate.
4. The Indian custodian if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code, if applicable.

(E) If initiating the case planning process, the PCSA shall: provide the child's parent, guardian, or custodian, and child, if age and developmentally appropriate, with verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan no less than seven days prior to case plan completion. The date and method of notification shall be documented in the case record.

1. Provide verbal or written notification no less than seven days prior to case plan completion to the parties to the case plan as outlined in paragraph (D) of this rule of their responsibility to work with the agency in jointly developing, implementing, and reviewing the case plan.
2. Document the date and method of notification in the statewide automated child welfare information system (SACWIS).

(F) The PCSA shall obtain agreement on the contents of the JFS 01410; obtain signatures from the child's parent, guardian, or custodian; and provide each with a copy of the JFS 01410 no later than seven days from the child's parent, guardian, or custodian's signature, not including the date of signature.

(G) The PCSA shall develop and complete the case plan no later than thirty days after whichever of the following occurs first:

1. The case decision indicates the need for services and the child's parent, guardian, or custodian agrees to the provision of supportive services.
2. The child's parent, guardian, or custodian voluntarily requests services and the PCSA determines that the requested services can be provided.

(H) The JFS 01410 shall be considered complete once the child's parent, guardian, or custodian signs the case plan indicating their agreement to participate in services.
If sufficient information is not available to complete any element contained on the JFS 01410, the PCSA shall:

1. Specify in the JFS 01410, developed pursuant to paragraph (C)(E) of this rule, the additional information needed in order to complete all parts of the case plan and the steps to take to obtain the missing information.

2. Obtain the missing information and complete the missing elements of the JFS 01410 no later than thirty days after the date the incomplete JFS 01410 was signed.

The PCSA shall develop one case plan per case.

The PCSA shall make face-to-face contact with each parent, guardian, or custodian, and child participating in and being provided services through the JFS 01410 no less than monthly to monitor progress on the case plan objectives.

1. The PCSA shall have at least one contact every other month in the child's home.

2. The PCSA shall document home visits, attempts, and all contacts in the case activity log SACWIS.

If the initial attempt to complete a face-to-face contact pursuant to paragraph (J)(K) of this rule is unsuccessful, the PCSA shall make a minimum of two additional attempts to complete the face-to-face contact within the calendar month.

The PCSA shall complete an amendment to the JFS 01410 if the child is placed in substitute care or if there is a change in any of the following:

1. Services.
2. Participant(s).
3. Case plan goal.
4. Case plan activities.
5. Legal status of the child.
6. Completion of the JFS 01413 "Comprehensive Assessment Planning Model - I.S., Case Review" (rev. 8/2010) or the JFS 01402 "Comprehensive Assessment Planning Model - I.S., Ongoing Case Assessment/ Investigation Tool" (rev. 7/2006) indicates a change in the safety or risk to the child.

If an amendment to the JFS 01410 is required, the PCSA shall complete the JFS 01411 "Comprehensive Assessment Planning Model - I.S., Amended Case Plan Cover Sheet" (rev. 2/2006) and do the following as applicable in completing an amendment to the JFS 01410:

1. If the PCSA is providing in-home supportive services with no court order, the PCSA shall do all of the following:
   a. Contact the child's parent, guardian, or custodian and seek an agreement for an amendment of the JFS 01410.
   b. Obtain signatures from the child's parent, guardian or custodian.
   c. Implement the amendment to the case plan once the parent, guardian, or custodian agrees to the change.
   d. Provide each parent, guardian, or custodian with a copy of the amendment within seven days of the amendment not including the date of signature.

2. If the PCSA amends the JFS 01410 due to court ordered placement of the child in substitute care, the PCSA shall complete the amendment in accordance with rule 5101:2-38-05 of the Administrative Code and submit the amendment to the court within seven days of the child's placement in substitute care, not including the date of placement.
(3) If the PCSA amends the JFS 01410 due to change in legal status, the PCSA shall complete the amendment in accordance with rule 5101:2-38-05 of the Administrative Code and submit the amendment to the court within seven days of filing a complaint not including the date of filing.

(N)(O) If the PCSA and the child's parent, guardian, or custodian no longer agree on the case plan, the PCSA shall do one of the following:

1. Discontinue supportive services to the family by closing the case in accordance with paragraph (S) of this rule.
2. File a complaint with the court pursuant to section 2151.27 of the Revised Code if the child is an abused, neglected, or dependent child or may become abused, neglected or dependent; and intervention of the court is needed for the child's protection.

(O)(P) The PCSA shall review the progress of the case plan objectives by completing the JFS 01413 pursuant to rule 5101:2-38-09 of the Administrative Code.


(Q)(R) If a case review or a semiannual administrative review results in a recommendation for a case plan amendment, the PCSA shall involve the child's parent, guardian, or custodian and child, if age and developmentally appropriate, age fourteen and older in the development of the amendment.

(R)(S) The PCSA shall do all of the following to close a case:

1. Complete the JFS 01413 to assess there are no active safety threats and the overall level of risk is reduced.
2. Notify parties to the case plan as outlined in paragraph (D) of this rule of the intent to close the case.
3. Complete the JFS 01411 "Comprehensive Assessment Planning Model - I.S., Amended Case Plan Cover Sheet" (rev. 2/2006).

(S)(T) The PCSA shall maintain a copy of the original JFS 01410, all amendments, and documentation of the face-to-face contacts, including all attempts attempted contacts and home visits, to monitor progress on the case plan objectives in the case record and recorded in SACWIS.

Effective: 08/01/2016
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(A) If a public children services agency (PCSA) files a complaint with the court requesting an order of protective supervision, the agency shall also request the court impose reasonable restrictions on the child and the child's parent, guardian, or custodian, or any other person, as needed. Reasonable restrictions include, but are not limited to:

(1) Ordering a parent, guardian, or custodian, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time.

(2) Ordering a parent, guardian, or custodian to prevent a particular person from contact with the child.

(3) Restraining or otherwise controlling the conduct of any person if his or her conduct is not in the best interest of the child.

(B) For each child under an order of protective supervision:

(1) The PCSA shall prepare and maintain a JFS 01410 "Comprehensive Assessment Planning Model - I.S., Case Plan" (rev. 2/2006) pursuant to rule 5101: 2-38-01 or 5101: 2-38-05 of the Administrative Code.

(2) The PCSA shall make available appropriate supportive services to the child and the parent, guardian, or custodian, or, if applicable, pre-finalized adoptive parent. The PCSA shall comply with rule 5101: 2-40-02 of the Administrative Code if providing supportive services.


(C) No later than one year after the date the complaint was filed or the child was placed in shelter care, whichever is earlier, the PCSA shall file a written request with the court to either terminate, or extend for six months, the order of protective supervision.

(D) The PCSA shall provide written notice of the proposed extension or termination to all parties of the case plan and the child's guardian ad litem no later than the close of business of the day after the day of filing.

(E) If the PCSA requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order at the time the request is filed with the court.

(F) The PCSA has seven days from the date the court sends a notice of its proposed action, to object to and request a hearing on the proposed extension or termination.

(G) If the court grants an extension of the order for protective supervision the PCSA may, prior to termination of the extension, file with the court a request for one additional extension of six months or for termination of the order.

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If a private child placing agency (PCPA) files a complaint with the court requesting an order of protective supervision, the agency shall also request the court to impose reasonable restrictions on the child and the child's parent, guardian, or custodian, or any other person as needed. Reasonable restrictions may include, but not be limited to:

1. Ordering a parent, guardian, or custodian, within forty-eight hours after the issuance of the order, to vacate the child's home indefinitely or for a specified period of time.
2. Ordering a parent, guardian, or custodian, to prevent a particular person from having contact with the child.
3. Restraining or otherwise controlling the conduct of any person if his or her conduct is not in the best interest of the child.

For each child under an order of protective supervision:

1. The PCPA shall prepare and maintain a case plan pursuant to rule 5101:2-38-07 of the Administrative Code.
2. The PCPA shall make available appropriate supportive services to the child, parent, guardian, or custodian, or, if applicable, pre-finalized adoptive parent. The PCPA shall comply with rule 5101:2-40-02 of the Administrative Code if providing supportive services.
3. The PCPA shall review the progress in achieving the case plan objective and services by completing case reviews pursuant to rule 5101:2-38-09 of the Administrative Code. The PCPA shall document the case review on the JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (rev. 1/2014) in lieu of the JFS 01413 "Comprehensive Assessment Planning Model - I.S. Case Review" (rev. 8/2010).
4. The PCPA shall complete a semiannual administrative review pursuant to rule 5101:2-38-10 of the Administrative Code for any case if there is an order of protective supervision.

No later than one year after the date the complaint was filed or the child was placed in shelter care, whichever is earlier, the PCPA shall file a written request with the court to either terminate, or extend for six months the order of protective supervision. If the PCPA requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order at the time the request is filed with the court.

The PCPA shall provide written notice of the proposed extension, or termination, to all parties of the case plan, parent, guardian, custodian, and the child's guardian ad litem no later than the close of business of the day after the day of filing.

The PCPA has seven days from the date the court sends a notice of its proposed action, to object to and request a hearing on the proposed extension or termination.

If the court grants an extension of the order for protective supervision, the PCPA may, prior to termination of the extension, file with the court a request for one additional extension of six months or for termination of the order.

Replaces: 5101:2-39-30
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Each private child placing agency (PCPA) required to prepare a case plan for a child pursuant to rules 5101:2-38-07 and 5101:2-38-03 of the Administrative Code shall complete the JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (SAR) (rev. 7/2016) for the case plan.

The PCPA shall complete the SAR no later than every one hundred eighty days from whichever of the following activities occurs first:

1. Date the original court complaint was filed.
2. Date of placement.
3. Date of court ordered protective supervision.
4. Date of parent, guardian, or custodian's signature on the case plan for in-home supportive services only.

The PCPA shall continue to complete the SAR no later than every one hundred eighty days from the date established pursuant to paragraph (B) of this rule.

The PCPA shall complete the SAR no more than thirty days prior to the due date.

A court hearing may take the place of a SAR if all of the following requirements are met:

1. The hearing is held in time to comply with paragraph (B) of this rule.
2. Notification is made to the parties to the case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.
3. During the hearing, the court addresses each of the issues stated in paragraph (L) of this rule.
4. The court hearing documents each issue either on the JFS 01416 or by journal entry.

For in-home supportive services cases, a review panel of at least two people shall conduct the SAR. The review panel shall include but not be limited to:

1. A caseworker with day-to-day responsibility for, or familiarity with, the management of the case plan.
2. A supervisor or designee.

For protective supervision and substitute care cases, a review panel of at least three people shall conduct the SAR. The review panel shall include but not be limited to:

1. A caseworker with day-to-day responsibility for, or familiarity with, the management of the case plan.
2. A person, not responsible for the management of the case plan or for the delivery of services to the child, the child's parent, guardian, custodian, pre-finalized adoptive parent, or substitute caregiver.
3. A supervisor or designee.

No less than seven days prior to the SAR, the PCPA shall provide a written invitation including the date, time, and place to all of the following:

1. For in-home supportive services cases, all parties to the case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.
2. For protective supervision and substitute care cases:
   a. All parties to the case plan as outlined in paragraph (D) of rule 5101:2-38-07 of the Administrative Code.
   b. The substitute caregiver, as defined in rule 5101:2-01-01 of the Administrative Code.
(3) For substitute care cases in which the child is age fourteen and older, two individuals as outlined in paragraph (E)(1)(c) of rule 5101:2-38-07 of the Administrative Code.

(I) The PCPA does not have to include any individual listed in paragraph (H) of this rule if any of the following apply:

(1) Cannot be located after reasonable efforts to do so;
(2) Declines to participate in the SAR after being contacted; or
(3) Fails to appear for the scheduled review.

(J) For a child adjudicated as a deserted child, pursuant to section 2151.3519 of the Revised Code an invitation and participation of the child and parent in the SAR is not required.

(K) For in-home supportive services cases, the PCPA shall provide a copy of the SAR to all parties outlined in paragraph (H)(1) of this rule no later than seven days after completion of the SAR. A copy of the JFS 01416 shall be maintained in the case record.

(L) For protective supervision and substitute care cases the PCPA shall:

(1) File with the court a copy of the SAR no later than seven days after completion of the SAR and shall include a copy of the amended case plan as applicable.
(2) Provide a copy of the SAR to all parties to the case plan in accordance with paragraph (H)(2)(a) of this rule, before the end of the next business day, after filing the SAR with the court.
(3) Indicate, in writing, the parties identified in paragraph (H)(2)(a) of this rule shall have seven days after the date the notice is sent to object to proposed changes in the case plan as a result of the SAR and request a hearing of the proposed change.

(M) The PCPA shall maintain a copy of the SAR and any resultant amendments to the case plan in the case record.
The public children services agency (PCSA) shall develop and complete a case plan utilizing the JFS 01410 "Comprehensive Assessment Planning Model - I.S., Case Plan" (rev. 2/2006) if services are provided to the child in his or her own home or in a substitute care setting and file with the court no later than thirty days from when one of the following occurs:

1. The PCSA files a complaint pursuant to section 2151.27 of the Revised Code alleging the child is an abused, neglected, or dependent child.
2. The PCSA has court ordered temporary custody or permanent custody of the child.
3. The court orders the PCSA to provide protective supervision for a child living in his or her own home.
4. The court orders the PCSA to place the child, sixteen or older, in a planned permanent living arrangement.

Completion of the JFS 01400 "Comprehensive Assessment Planning Model - I.S., Family Assessment" (rev. 7/2006) is not required in order to complete a case plan resulting from the following family in need of service reports:

1. Deserted child.
2. Emancipated youth.
3. Permanent surrender.
4. Interstate compact on the placement of children.

Notification and participation of the child or parent is not required for the development of the case plan or any amendments to the case plan if the child has been adjudicated as a deserted child pursuant to section 2151.3519 of the Revised Code.

The PCSA shall develop one case plan per case unless directed otherwise by an order of the court.
(6) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code, if applicable.

(7) Child's attorney, if applicable.

(8) Any other party specifically identified by the court as a party to the case plan.

(F) The JFS 01410 shall be based on the completion of the JFS 01400.

(G) If initiating the case planning process, the PCSA shall:

(1) No less than seven days prior to case plan completion, provide verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan to the following:

   (a) All parties to the case plan as outlined in paragraph (E) of this rule.

   (b) The substitute caregiver as defined in rule 5101:2-1-01 of the Administrative Code.

   (c) For substitute care cases in which the child is age fourteen and older, two individuals, at the option of and as selected by the child, pursuant to rule 5101:2-42-90 of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook" (rev. 5/2015).

      (i) One of the individuals selected by the child may be designated to be the child’s advisor and advocate regarding application of the prudent parent standard.

      (ii) A PCSA may reject individuals referenced in paragraph (G)(1)(c) of this rule if the agency has good cause to believe the individual(s) would not act in the best interest of the child. The agency shall document in an activity log the individual's name and the reason the agency found the individual would not act in the best interest of the child.

(2) Work with all parties on the development, implementation, and review of the case plan; attempt to obtain agreement of the contents of the case plan by the parties outlined in paragraph (E) of this rule and provide each party with a copy of the JFS 01410 no later than seven days from the child’s parent, guardian, or custodian’s signature not including the date of signature.

(3) Inform all parties identified in paragraph (E) of this rule if agreement cannot be obtained on the contents of the case plan, the parties may present evidence at the dispositional hearing and the court will determine the contents of the case plan based upon the evidence presented.

(H) The JFS 01410 shall include a written visitation plan for siblings removed from their home and not jointly placed pursuant to rules 5101:2-42-92 and 5101:2-39-01 of the Administrative Code. The visitation plan shall provide for regular, ongoing visitation and interaction between the siblings no less than monthly unless the PCSA has documented that it would be contrary to the safety or well-being of any child.

(I) For all children receiving PCSA services pursuant to rule 5101:2-42-92 of the Administrative Code the JFS 01410 shall include a written visitation plan for the child's parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian.

(J) The PCSA shall attach the JFS 01443 "Child's Education and Health Information" (rev. 8/2010), to the JFS 01410 for each child placed in a substitute care setting.

(K) The PCSA shall act in accordance with Chapter 5101:2-53 of the Administrative Code for children identified as Indian. Services provided shall be specifically designed for the Indian family if available, including resources of the extended family, the tribe, Indian organizations, tribal family service programs and individual Indian caregivers.

(E) If initiating the case planning process, the PCSA shall:
Provide verbal or written notification to the following parties of their responsibility to work with the agency in jointly developing, implementing, and reviewing the case plan utilizing the JFS 01410 no less than seven days prior to case plan completion:

(a) Child's parent, guardian, or custodian.
(b) Pre-finalized adoptive parent, if applicable.
(c) Guardian ad litem and/or court-appointed special advocate, if one has been appointed.
(d) Child, if age and developmentally appropriate.
(e) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code, if applicable.

Work with all parties on the development, implementation, and review of the case plan; attempt to obtain agreement on the contents of the case plan by the parties mentioned in paragraph (E)(1) of this rule and provide each party with a copy of the JFS 01410.

Inform all parties, if agreement cannot be obtained on the contents of the case plan, the parties may present evidence at the dispositional hearing and the court will determine the contents of the case plan based upon the evidence presented.

Provide the substitute caregiver, including a relative or kin caregiver, or pre-finalized adoptive parent fulfilling this role, verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan no less than seven days prior to case plan completion. The date and method of notification shall be documented in the case record.

If a case plan is developed pursuant to paragraph (A) of this rule, the PCSA shall file the JFS 01410 with the court based upon whichever of the following occurs first:

(1) No later than thirty days from the date the complaint was filed or the child was placed in shelter care.
(2) Prior to the adjudicatory hearing on the complaint.

The JFS 01410 shall be considered complete once the court journalizes the case plan.

If sufficient information is not available to complete any element contained on the JFS 01410, the PCSA shall do all of the following:

(1) Specify in the JFS 01410 developed pursuant to paragraph (F)(G) of this rule, the additional information needed in order to complete all parts of the case plan and the steps needed to obtain the missing information and file with the court.
(2) Obtain the missing information, and complete the missing elements of the JFS 01410, and submit to the court no later than thirty days after the adjudicatory hearing or by the date of the dispositional hearing.

The JFS 01410 shall serve as the permanency plan for the child.

The JFS 01410 shall include a written visitation plan for siblings removed from their home and not jointly placed pursuant to rules 5101:2-42-92 and 5101:2-39-01 of the Administrative Code. The visitation plan shall provide for regular, ongoing visitation and interaction between the siblings no less than monthly unless the PCSA has documented that it would be contrary to the safety or well-being of the children.

The sibling’s visitation plan developed pursuant to paragraph (J) of this rule shall include a description of the following:

(1) Efforts made by the agency to place the siblings together and why those efforts were unsuccessful.
(2) Identification of any sibling who is not included in the visitation plan and an explanation of why visitation or interaction with the child would be contrary to the safety or well-being of the other sibling(s).
The JFS 01410 shall include a written visitation plan for the parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian pursuant to rule 5101:2-42-92 of the Administrative Code.

Once the court journalizes the JFS 01410, the parties including PCSA staff, are bound by the provisions outlined in the journalized case plan. Failure to comply with the case plan by any party to the case plan may result in a finding of contempt of court. The JFS 01410 provides such notice to all parties.

The PCSA shall complete contact in accordance with the following:

1. For court-ordered protective supervision cases the PCSA shall:
   a. Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and child participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.
   b. Complete at least one contact every other calendar month in the child's parent, guardian, or custodian's home, or if applicable, pre-finalized adoptive parent's home.

2. For cases with children in temporary custody of the PCSA, the PCSA shall:
   a. Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.
   b. Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.
   c. Complete at least one contact every other month in the child's parent, guardian, or custodian's home, or if applicable, pre-finalized adoptive parent's home.

3. For cases with children in the permanent custody of the PCSA, the PCSA shall:
   a. Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.
   b. Complete face-to-face contacts pursuant to rule 5101:2-48-17 of the Administrative Code, as applicable.

If the initial attempt to complete face-to-face contact pursuant to paragraph (O) of this rule is unsuccessful, the PCSA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

The PCSA may suspend home visits with the child's parent, guardian, or custodian of a child in PCSA custody if conducting visits in the home presents a threat to the safety of the caseworker. A written justification to suspend visits in the home shall be documented in the case record and shall include all of the following:

1. Identification of the specific threat to the caseworker's safety and the person posing the threat.
2. Documentation of other measures taken to assure worker safety prior to suspension of home visits.
3. The anticipated length of time home visits are to be suspended.
4. Authorization of the executive director or his or her designee to suspend home visits.

If home visits are suspended pursuant to paragraph (Q) of this rule, the PCSA shall complete face-to-face contact with the child's parent, guardian, or custodian no less than monthly in a location that assists in ensuring the safety of the caseworker.

If a voluntary case plan had been implemented pursuant to rule 5101:2-38-01 of the Administrative Code and the PCSA determines the involvement of the court is necessary, the PCSA shall amend the case plan by completing the JFS 01411 "Comprehensive Assessment Planning Model - I.S. Amended"
Case Plan Cover Sheet” (rev. 2/2006) and submit the amended JFS 01410 to the court within seven days of the event listed in paragraph (A) of this rule.

The PCSA shall contact the child's parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and the guardian ad litem and/or court appointed special advocate parties to the case plan as outlined in paragraph (E) of this rule and seek prior agreement and obtain the signatures of the parties to the case plan for any amendment to the case plan if any of the following occurs:

1. The conditions of either the child or his or her parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent change; and the change affects the legal status of the child or the provision of supportive services.

2. There is a change in the goal for the child and/or changes that family members need to address to alleviate concerns.

3. The child needs to be placed in a substitute care setting; returned to his or her reunified with the child's parent, guardian, custodian, or pre-finalized adoptive parent; or moved to another substitute care setting.

4. The child attains the age of sixteen and independent living and life skill services are offered.

5. The child attains the age of sixteen and the court orders the PCSA to place the child in a planned permanent living arrangement.

6. A change in the visitation plan for a child.

7. A party must be added or deleted from the JFS 01410.

The PCSA shall attempt to obtain the signatures of the parent, guardian, custodian, or if applicable, pre-finalized adoptive parent, and guardian ad litem and/or court appointed special advocate, if one has been appointed, if an amendment is made to the JFS 01410.

The PCSA shall record, on the JFS 01410, the reasons for any agreed upon amendment made and submit the amendment to the court within seven days of the agreement.

If an amendment agreement as described in paragraph (U) of this rule is not agreed upon by the parties obtained, the PCSA shall request a change in the case plan by filing the proposed change with the court and do the following:

1. The PCSA shall provide both of the following to all affected parties including the guardian ad litem and/or court appointed special advocate written notice of the proposed change to all parties listed in paragraph (E) of this rule.

   a. Written notice of the proposed change shall be provided no later than the close of business of the day after the proposed change is filed with the court.

   b. Written notice that an objection to the change requires a court hearing within seven days of the filing with the court, not including the date of filing.

2. The PCSA may implement the amendment fifteen days after it is filed with the court if:

   a. The court does not approve or disapprove the change.

   b. The court does not schedule a hearing.

   c. The court journalizes the case plan amendment.

In an emergency situation or if a child is in immediate danger of serious harm, the PCSA shall implement the change, amend the case plan, and do all of the following:

1. Implement the change and amend the case plan.

2. Notify all parties of the case plan, as outlined in paragraph (E) of this rule, the child's guardian ad litem, and the court of the change no later than the next day after the change is implemented.
(3)(2) File a statement of the change with the court within three days after the change is implemented.

(4)(3) Give to all parties to the case plan as outlined in paragraph (E) of this rule the following: notice of the filing along with a copy of the statement within three days of the change to the child's parent, guardian, custodian, or pre-finalized adoptive parent, and guardian ad litem and/or court appointed special advocate, if one is appointed.

(a) A copy of the statement filed with the court within three days of the change.

(b) Notification that if any party disagrees with the change in the case plan, the party has ten days to object to the change and to request a court hearing.

(4) Continue to implement the change unless the court disapproves.

(5) Revert back to implementing the provisions of the journalized case plan if the court does not approve the change.

(S) In an emergency situation, all parties to the case plan and the guardian ad litem and/or court appointed special advocate have ten days to object to the change in the case plan and to request a court hearing regarding the change. If the objection and request for a hearing is filed with the court, the PCSA shall continue to implement the change unless the court disapproves. If the court does not approve the change, the PCSA shall revert back to implementing the provisions of the journalized case plan.

(T) For court-ordered protective supervision cases, the PCSA shall:

(1) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and child participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(2) Complete at least one contact every other month in the child's home.

(1) Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.

(2) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(3) Complete at least one contact every other month in the parent, guardian, or custodian's, or if applicable, pre-finalized adoptive parent's home.

(V) If the initial attempt to complete face-to-face contact pursuant to paragraph (T) or (U) of this rule is unsuccessful, the PCSA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

(W) The PCSA may suspend home visits with the parent, guardian, or custodian of a child in PCSA custody if conducting visits in the home presents a threat to the safety of the caseworker. A written justification to suspend visits in the home shall be documented in the case record and shall include all of the following:

(1) Identification of the specific threat to the caseworker's safety and the person posing the threat.

(2) Documentation of other measures taken to assure worker safety prior to suspension of home visits.

(3) The anticipated length of time home visits are to be suspended.

(4) Authorization of the executive director or his or her designee to suspend home visits.

(X) If home visits are suspended pursuant to paragraph (W) of this rule, the PCSA shall complete face-to-face contact with the parent, guardian, or custodian of the child no less than monthly in a location assisting in ensuring the safety of the caseworker.

(Y)(X) The PCSA shall review the progress in achieving the case plan objectives and services by completing the JFS 01413 "Comprehensive Assessment Planning Model - I.S., Case Review" (rev. 8/2010)

(Z) The PCSA shall conduct semiannual administrative reviews of the case plan pursuant to rule 5101:2-38-10 of the Administrative Code.

(AA)(Y) The PCSA may develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. The supplemental plan shall not be considered a part of the case plan and does not require agreement or approval by the parties to the case plan as outlined in paragraph (E) of this rule. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian.

(BB)(Z) The PCSA shall maintain a copy of the original JFS 01410, all journalized amendments to the JFS 01410, all supplemental plans, and all documentation of the face-to-face contacts, home visits, including all attempts at contacts and home visits to monitor progress on the case plan objectives, in the child's case record, statewide automated child welfare information system (SACWIS) in accordance with rule 5101:2-33-23 of the Administrative Code.

(CC) The PCSA shall attach the JFS 01443 "Child's Education and Health Information" (rev. 8/2010), to the JFS 01410 for each child placed in a substitute care setting.

(DD) The PCSA shall close the case if:

(1) There are no active safety threats and the overall level of risk is reduced.

(2) The court has ordered the case closed.

(EE)(AA) Upon determining case closure the PCSA shall do all of the following:

(1) Complete the JFS 01413 pursuant to rule 5101:2-38-09 of the Administrative Code. Notify all parties of the case plan as listed in paragraph (E) of this rule of the case closure and document in SACWIS the date and method of notification.

(2) Complete and sign the JFS 01404 01411 "Comprehensive Assessment and Planning Model - I.S., Reunification Assessment" (rev. 2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code if applicable.

(3) Notify all parties of the case closure.

(4) Complete and sign the JFS 01411 "Comprehensive Assessment Planning Model - I.S., Amended Case Plan Cover Sheet" (rev. 2/2006).

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Prior Effective Dates: 1/14/83, 3/20/83, 3/21/83, 11/1/85 (Emer.), 1/1/86, 1/29/86 (Emer.), 1/31/86, 4/1/86 (Emer.), 1/1/87, 3/20/87, 9/28/87 (Emer.), 12/23/87 (Emer.), 3/15/88, 7/1/88 (Emer.), 9/1/88, 1/1/89, 10/1/90, 7/1/92, 9/1/93, 6/1/97, 3/18/99 (Emer.), 6/17/99, 4/1/01, 12/1/01, 09/19/05, 3/1/06, 10/1/09, 12/31/10, 5/30/14
The private child placing agency (PCPA) shall select one or more of the following case plan goals as applicable:

1. Maintain a child safely in the child's own home.
2. Reunify a child with the child's parent, guardian, or custodian.
3. Place a child in a safe, planned permanent living arrangement excluding adoption.
4. Prepare a child for independent living and emancipation.
5. Place a child for adoption.

The case plan shall include, but not be limited to, the following elements:

1. Parties involved in the case plan and their individual responsibilities.
2. Statement of goals and objectives to be achieved and conditions in the home that must be improved to ensure the child will be safe and will receive proper care.
3. Anticipated timeframes for attainment of goals and objectives.
4. Identification of services requested by or provided to the child or the child's parent, guardian, or custodian to achieve the goals identified in paragraph (B)(2) of this rule.
5. The appropriateness of supportive services offered or provided under the court order for protective supervision to prevent removal of the child from the child's parent, guardian, or custodian.
6. Specification of case management, casework services, and/or if appropriate, therapeutic counseling.

For each child placed in a substitute care setting, the case plan shall also include, but not be limited to, the following elements:

1. The type of substitute care placement.
2. The appropriateness and safety of the placement in accordance with rule 5101:2-42-05 of the Administrative Code.
3. The reasonable efforts made or will be made to make it possible for the child to return to the child's home or identify that reasonable efforts are not required pursuant to rule 5101:2-39-01 of the Administrative Code.
4. The steps to be taken to assure services are provided to the child and the child's parent, guardian, or custodian to do one of the following:
   (a) Facilitate the reunification of the child to the child's parent, guardian, or custodian.
   (b) Locate a safe, planned permanent living arrangement for the child.
5. The steps to be taken to assure services are provided to the child and substitute caregiver to address the needs of the child while the child is in the substitute care placement.
6. A schedule for regular and frequent visitation, including an explanation of the reason for any restrictions on location of visits or the need for supervision of visits, between the child and the child's parent, guardian, or custodian for children in temporary custody as specified in rule 5101:2-42-92 of the Administrative Code.
7. The reason why parental rights shall not be terminated pursuant to the requirements contained in rule 5101:2-42-95 of the Administrative Code.
(D) If the case plan goal is adoption or another planned permanent living arrangement, the case plan shall include the steps the PCPA is taking to do one of the following:

1. Place the child with an adult relative expressing an interest in adopting the child and meeting all relevant state child protection standards, a guardian, or an adoptive family.
2. Find an adoptive family, through child specific recruitment efforts, for the child.
3. Identify a planned permanent living arrangement for the child.
4. Finalize the adoption or guardianship.

(E) When a child is placed in substitute care, the case plan shall indicate that the substitute care setting is:

1. Safe and consistent with the best interest and special needs of the child.
2. The least-restrictive, most family-like setting available.
3. In close proximity to the home from which the child was removed or the home in which the child will be permanently placed.
4. In close proximity to the school in which the child was enrolled prior to the placement.
5. Designed to enhance reunification, if appropriate, in accordance with rule 5101:2-42-05 of the Administrative Code.

(F) The PCPA shall document in the case record the reason why certain elements were not contained in the case plan document due to the permanent custody status of a child.

Replaces: 5101:2-39-11
Effective:
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The private child placing agency (PCPA) shall develop and complete a case plan if services are provided to the child in the child's own home or in a substitute care setting and file with the court no later than thirty days from when one of the following occurs:

(A) The PCPA files a complaint pursuant to section 2151.27 of the Revised Code alleging the child is an abused, neglected, or dependent child.

(B) The PCPA has court ordered temporary custody or permanent custody of the child.

(C) The court orders the PCPA to provide protective supervision for a child living in his or her own home.

(D) The court orders the PCPA to place the child, sixteen or older, in a planned permanent living arrangement.

(E) The PCPA has not placed the child for adoption within six months after the JFS 01666 "Permanent Surrender of Child" (rev. 6/2006)(rev. 10/2013) is executed without juvenile court approval for a child in the custody of the PCPA who was under the age of six months at the time the permanent surrender was executed.

(B) Notification and participation of the child or parent is not required for the development of the case plan or any amendments to the case plan if the child has been adjudicated as a deserted child pursuant to section 2151.3519 of the Revised Code.

(B)(C) The PCPA shall develop one case plan per case unless directed otherwise by an order of the court.

(D) The following are considered parties to the case plan:

(1) Child's parent, guardian or custodian.

(2) Pre-finalized adoptive parent, if applicable.

(3) Guardian ad litem and or court appointed special advocate, if one has been appointed.

(4) Child age fourteen and over.

(5) Child under age fourteen if developmentally appropriate.

(6) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code, if applicable.

(7) The child's attorney, if applicable.

(8) Any other party specifically identified by the court as a party to the case plan.

(D)(E) If initiating the case planning process, the PCPA shall:

(1) No less than seven days prior to case plan completion, provide verbal or written notification to the following parties of their responsibility to work with the agency in jointly the opportunity to participate in the developing development, implementing implementation, and reviewing review of the case plan to the following: no less than seven days prior to case plan completion:

(a) Child's parent, guardian or custodian. All parties to the case plan as outlined in paragraph (D) of this rule.

(b) Pre-finalized adoptive parent, if applicable. The substitute caregiver as defined in rule 5101:2-01-01 of the Administrative Code.

(c) Guardian ad litem and/or court appointed special advocate, if one has been appointed. For substitute care cases in which the child is age fourteen and older, two individuals, at the
option of and as selected by the child, pursuant to rule 5101:2-42-90 of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook" (rev. 5/2015).

(i) One of the individuals selected by the child may be designated to be the child's advisor and advocate regarding application of the prudent parent standard.

(ii) A PCPA may reject individuals referenced in paragraph (E)(1)(c) of this rule if the agency has good cause to believe the individual(s) would not act in the best interest of the child. The agency shall document in an activity log the individual's name and the reason the agency found the individual would not act in the best interest of the child.

(d) Child, if age and developmentally appropriate.

(e) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code if applicable.

(2) Work with all parties on the development, implementation, and review of the case plan; attempt to obtain agreement on the contents of the case plan by the parties mentioned in paragraph (C)(1)(D) of this rule and provide each party with a copy of the case plan no later than seven days from the child's parent, guardian, or custodian's signature, not including the date of signature.

(3) Inform all parties, identified in paragraph (D) of this rule, if agreement cannot be obtained on the contents of the case plan, the parties may present evidence at the dispositional hearing and the court will determine the contents of the case plan based upon the evidence presented.

(4) Provide the substitute caregiver, foster caregiver, including a relative, kin caregiver or pre-finalized adoptive parent fulfilling this role, verbal or written notification of the opportunity to participate in the development, implementation, and review of the case plan no less than seven days prior to case plan completion. The date and method of notification shall be documented in the case record.

(D)(F) Notification and participation of the child or parent is not required for the development of the case plan or any amendments to the case plan if the child has been adjudicated as a deserted child. The case plan shall include a written visitation plan for siblings removed from their home and not jointly placed pursuant to rules 5101:2-42-92 and 5101:2-39-01 of the Administrative Code. The visitation plan shall provide for regular, ongoing visitation, and interaction between siblings no less than monthly unless the PCPA has documented that it would be contrary to the safety or well-being of any child.

(G) For all children receiving PCPA services pursuant to rule 5101:2-42-92 of the Administrative Code, the case plan shall include a written visitation plan for the child's parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation, and interaction between the child placed in substitute care and the parent, guardian, or custodian.

(H) The PCPA shall attach the JFS 01443 "Child's Education and Health Information" (rev. 8/2010) or the PCPA form being used in lieu of the JFS 01443, containing all documentation required on the JFS 01443 pursuant to rule 5101:2-38-08 of the Administrative Code, to the case plan for each child placed in a substitute care setting.

(I) PCPAs shall act in accordance with Chapter 5101:2-53 of the Administrative Code for children identified as Indian. Services provided shall be specifically designed for the Indian family if available, including resources of the extended family, the tribe, Indian organizations, tribal family service programs and individual Indian caregivers.

(E) If a case plan is developed pursuant to paragraph (A) of this rule, the PCPA shall file the case plan with the court no later than thirty days from whichever of the following occurs first:

(1) The date the PCPA complaint was filed or the child was placed in shelter care.

(2) The date of court ordered protective supervision.
(3) Prior to the adjudicatory hearing on the complaint.

(F) The case plan shall be considered complete once the court journalizes the case plan.

(G)(J) If sufficient information is not available to complete any element contained on the case plan, the PCPA shall do all of the following:

1. Specify in the case plan, developed pursuant to paragraph (A)(E) of this rule, the additional information needed in order to complete all parts of the case plan and the steps needed to obtain the missing information and file with the court.

2. Obtain the missing information, and complete the missing elements of the case plan, and submit to the courts no later than thirty days after the adjudicatory hearing or by the date of the dispositional hearing.

(H)(K) If a case plan is required pursuant to paragraph (A)(5) of this rule and the PCPA has not placed the child, who is under six months of age, for adoption within six months at the time the JFS 01666 is executed without juvenile court approval; the PCPA shall file a request for a review hearing and file the case plan.

(I)(L) The case plan shall serve as the permanency plan for the child.

(J) PCPA shall act in accordance with rule 5101:2-53-02 of the Administrative Code for children identified as Indian. Services provided shall be specifically designed for the Indian family if available, including resources of the extended family, the tribe, Indian organizations, tribal family service programs and individual Indian caregivers.

(K) The PCPA shall include a written visitation plan for siblings removed from their home and not jointly placed pursuant to rule 5101:2-42-92 and 5101:2-39-01 of the Administrative Code. The visitation plan shall provide for regular, ongoing visitation and interaction between the siblings no less than monthly unless the PCPA has documented that it would be contrary to the safety or well-being of the children.

(L) The sibling visitation plan developed pursuant to paragraph (K) of this rule shall include a description of the following:

1. Efforts made by the agency to place the siblings together and why those efforts were unsuccessful.

2. Identification of any sibling who is not included in the visitation plan, and an explanation of why visitation or interaction with the child would be contrary to the safety or well-being of the other sibling(s).

(M) The PCPA shall include a written visitation plan for the parent, guardian, or custodian. The visitation plan shall provide for regular, ongoing visitation and interaction between the child placed in substitute care and the parent, guardian, or custodian pursuant to rule 5101:2-42-92 of the Administrative Code.

(N)(M) Once the court journalizes the case plan, the parties including PCPA staff, are bound by the provisions outlined in the journalized case plan. Failure to comply with the case plan by any party to the case plan may result in a finding of contempt of court. The journalized case plan provides such notice to all parties.

(N) The PCPA shall complete contact in accordance with the following:

1. For court-ordered protective supervision cases the PCPA shall:

   a. Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and child participating in and being provided services listed in the case plan no less than monthly to monitor progress of the case plan objectives.

   b. Complete at least one contact every other calendar month in the child's parent, guardian, or custodian's home, or if applicable, pre-finalized adoptive parent's home.

2. For cases with children in temporary custody of the PCPA, the PCPA shall:

   a. Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.
(b) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the case plan no less than monthly to monitor progress of the case plan objectives.

(c) Complete at least one contact every other month in the child’s parent, guardian, or custodian’s home, or if applicable, pre-finalized adoptive parent’s home.

(3) For cases with children in the permanent custody of the PCPA, the PCPA shall:

(a) Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.

(b) Complete face-to-face contact with the child pursuant to rule 5101:2-48-17 of the Administrative Code as applicable.

(O) If the initial attempt to complete face-to-face contact pursuant to paragraph (N) of this rule is unsuccessful, the PCPA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

(P) The PCPA may suspend home visits with the child’s parent, guardian, or custodian of a child in PCPA custody if conducting visits in the home presents a threat to the safety of the caseworker. A written justification to suspend visits in the home shall be documented in the case record and shall include all of the following:

(1) Identification of the specific threat to the caseworker’s safety and the person posing the threat.

(2) Documentation of other measures taken to assure worker safety prior to suspension of home visits.

(3) The anticipated length of time home visits are to be suspended.

(4) Authorization of the executive director or his or her designee to suspend home visits.

(Q) If home visits are suspended pursuant to paragraph (P) of this rule, the PCPA shall complete face-to-face contact with the child’s parent, guardian, or custodian no less than monthly in a location that assists in ensuring the safety of the caseworker.

(R) If a voluntary case plan had been implemented pursuant to rule 5101:2-38-01 of the Administrative Code and the PCPA determines the involvement of the court is necessary, the PCPA shall amend the case plan by recording the revisions to the case plan and submit the amended case plan to the court within seven days of the event listed in paragraph (A) of this rule.

(S) The PCPA shall contact the child’s parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and the guardian ad litem and/or court appointed special advocate parties to the case plan as outlined in paragraph (D) of this rule and seek prior agreement and obtain the signatures of the parties to the case plan for any amendment to the case plan if any of the following occurs:

(1) The conditions of either the child or the child’s parent, guardian or custodian, or if applicable, pre-finalized adoptive parent change; and the change affects the child’s legal status or the provision of supportive services.

(2) There is a change in the goal for the child and/or changes that family members need to address to alleviate concerns.

(3) The child needs to be placed in a substitute care setting; returned to reunified with the child’s parent, guardian, or custodian, or pre-finalized adoptive parent; or moved to another substitute care setting.

(4) The child attains the age of sixteen and independent living and life skill services are offered.

(5) The child attains the age of sixteen and the court orders the PCPA to place the child in a planned permanent living arrangement.

(6) A change in the visitation plan for a child.
A party must be added or deleted from the case plan.

The PCPA shall attempt to obtain the signatures of the parent, guardian, custodian or if applicable, pre-finalized adoptive parent, and guardian ad litem and/or court appointed special advocate, if one has been appointed, if an amendment is made to the case plan.

The PCPA shall record, on the case plan, the reasons for any agreed upon amendment made and submit the amendment to the court within seven days of the agreement.

If agreement as described in paragraph (T) of this rule of the parties is not obtained, the PCPA shall request a change in the case plan by filing the proposed change with the court and do the following:

1. The PCPA shall provide written notice of the proposed change to all affected parties including the guardian ad litem and/or court appointed special advocate parties listed in paragraph (D) of this rule.
   a. Indicate in writing the proposed change which shall be provided no later than the close of business of the day after the proposed change is filed with the court.
   b. Notify parties to the case plan all parties to the case plan, and the guardian ad litem, and/or court appointed special advocate outlined in paragraph (D) of this rule; that if a party disagrees with the change in the case plan, the party may request a court hearing onof the proposed change within seven days of the filing with the court, not including the date of filing.

2. The PCPA may implement the amendment fifteen days after it is filed with the court if:
   a. The court does not approve or disapprove the change.
   b. The court does not schedule a hearing.
   c. The court journalizes the case plan amendment.

In an emergency situation or if a child is in immediate danger of serious harm, the PCPA shall implement the change, amend the case plan, and do all of the following:

1. Implement the change and amend the case plan.

2. Notify all parties, the child’s guardian ad litem, to the case plan as outlined in paragraph (D) of this rule and the court of the change no later than the next day after the change is implemented.

3. File a statement of the change with the court within three days after of the change is implemented.

4. Provide to all parties to the case plan as outlined in paragraph (D) of this rule the following: notice of the filing along with a copy of the statement within three days of the change to the child’s parent, guardian, custodian, or pre-finalized adoptive parent, and guardian ad litem and/or court appointed special advocate, if one has been appointed.
   a. A copy of the statement filed with the court within three days of the change.
   b. Notification that if any party disagrees with the change in the case plan, the party has ten days to object to the change and to request a court hearing.

4. Continue to implement the change unless the court disapproves.

5. Revert back to implementing the provisions of the journalized case plan if the court does not approve the change.

In an emergency situation, all parties to the case plan, the guardian ad litem and/or court appointed special advocate have ten days to object to the change in the case plan and to request a court hearing regarding the change. If the objection and request for a hearing is filed with the court, the PCPA shall continue to implement the change unless the court disapproves. If the court does not approve the change, the PCPA shall revert back to implementing the provisions of the journalized case plan.

For court-ordered protective supervision cases, the PCPA shall:
(1) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and child participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(2) Complete at least one contact every other month in the child's home.

(V) For cases with children in custody, the PCPA shall:

(1) Complete face-to-face contact with the child pursuant to rule 5101:2-42-65 of the Administrative Code.

(2) Complete face-to-face contact with each parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent participating in and being provided services listed in the case plan no less than monthly to monitor progress on the case plan objectives.

(3) Complete at least one contact every other month in the parent, guardian, or custodian's, or if applicable, pre-finalized adoptive parents' home.

(W) If the initial attempt to complete face-to-face contact pursuant to paragraph (U) or (V) of this rule is unsuccessful, the PCPA shall make a minimum of two additional attempts to complete the face-to-face contacts within the calendar month.

(X) The PCPA shall review the progress of achieving the case plan objectives and services pursuant to rule 5101:2-38-09 of the Administrative Code and conduct semiannual administrative reviews of the progress in achieving the case plan goal objectives and services pursuant to rule 5101:2-38-10 of the Administrative Code. The PCPA shall document the SAR on the JFS 01416 "Semiannual Administrative Review for Private Child Placing Agencies" (rev. 1/2014) pursuant to rule 5101:2-38-04 of the Administrative Code in lieu of the JFS 01412 "Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review (rev. 1/2014).

(Y) The PCPA may develop a supplemental plan for locating a permanent family placement for a child concurrently with reasonable efforts to preserve and reunify families. A case plan may include, as a supplement, a plan for locating a permanent family placement. The supplemental plan shall not be considered a part of the case plan and does not require agreement or approval by the parties to the case plan as outlined in paragraph (D) of this rule. Any supplemental plan shall be discussed and reviewed with the parent, guardian, or custodian.

(Z) For children in permanent custody, the PCPA shall document efforts to locate an adoptive placement or other planned permanent living arrangement in the case plan.

(AA) The PCPA shall maintain a copy of the original case plan, all journalized amendments to the case plan, all supplemental plans, and all documentation of the face-to-face contacts, home visits, including all attempted contacts and home visits to monitor progress on the case plan objectives in the child's case record and recorded in SACWIS.

(BB) The PCPA shall attach the JFS 01443 "Child's Education and Health Information" (rev. 8/2010) or the PCPA form being used in lieu of the JFS 01443, containing all documentation required on the JFS 01443 pursuant to rule 5101:2-38-08 of the Administrative Code, to the case plan for each child residing in a substitute care setting.

(CC) Upon determining case closure the PCPA shall close the case if notify all parties of the case plan as outlined in paragraph (D) of this rule of the case closure and document in the case record the date and method of notification:

(1) There are no active safety threats and the overall level of risk is reduced.

(2) The court orders the case closed.

(DD) The PCPA shall notify all parties of the case closure.

Effective: 08/01/2016

Five Year Review (FYR) Dates: 04/22/2016 and 08/01/2021

Certification: CERTIFIED ELECTRONICALLY
FCASMTL 324

Effective Date: May 30, 2014

Most Current Prior Effective Date: December 1, 2012

(A) The public children services agency (PCSA) shall complete and distribute the JFS 01443 "Child's Education and Health Information" (rev. 8/2010) form when a child is placed in a substitute care setting, or at the time the case plan document is completed pursuant to rule 5101:2-38-05 of the Administrative Code, whichever occurs first.

(B) The PCSA shall complete and distribute revise or update the JFS 01443 when any of the following occur:

1. A semiannual administrative review is conducted pursuant to rule 5101:2-38-10 of the Administrative Code.
2. Any-time there is a placement change.
3. Any-time there is a change in or update new information regarding the child's health or education information required on the JFS 01443.
4. There is a change in or new information regarding the child's education or school.

(C) The JFS 01443 shall contain the most recent information available regarding a child's medical history including, but not limited to, the following:

1. Name(s) and address(es) of the child's health care provider(s).
2. Child's known medical problems.
3. Child's medications.
4. A record of the child's immunizations.
5. Any other pertinent health information concerning the child such as:
   a. Child's medication allergies and any other known allergies.
   b. Childhood illnesses.
   c. Child's last physical, optical, and dental exams.

(D) The JFS 01443 shall contain the most recent information available regarding a child's educational placement and services including, but not limited to, the following:

1. Name and address of the child's educational provider at the time of placement.
2. Name(s) and address(es) of the child's current educational provider(s), if the child did not remain in the school the child was attending at the time of placement.
3. Documentation of efforts made to maintain the child in the same school the child was attending at the time of placement, or reasons why remaining in the same school was not in the child's best interest.
4. Documentation that the current educational setting is appropriate for the child's needs or that the agency is working to arrange immediate enrollment in an appropriate educational setting.
6. Child's school records, including, but not limited to the following:
   a. Child's grade level.
   b. Disciplinary and behavior issues.
   c. Attendance.
Any other pertinent educational information concerning the child’s educational placement and services, including, but not limited to the following:

(a) Special education requirements.
(b) Any developmental delays or learning disabilities.

If there are circumstances in which the most recent health and education records are unavailable, the PCSA shall provide written documentation on the JFS 01443 describing the reasons why this information is unavailable, and the steps being taken by the PCSA to obtain such information. Upon receiving the updated information, the PCSA shall complete the JFS 01443 within three working business days.

The PCSA shall provide the parent, guardian, or custodian, or if applicable, pre-finalized adoptive parent, and the substitute caregiver with a copy of the completed JFS 01443 at the time the case plan document is completed pursuant to rule 5101:2-38-05 of the Administrative Code and any time the JFS 01443 is updated pursuant to paragraphs (B) and (E) of this rule. A copy of the updated form shall be provided to the parent, guardian, or custodian, or if applicable pre-finalized adoptive parent, and substitute caregiver no later than seven calendar days after the PCSA received the information and completed the JFS 01443.

The PCSA shall provide foster children aging out of the system with a copy of the most recent JFS 01443 free of charge and document the activity in the case record.

If the PCSA determines sharing identifying information contained on the JFS 01443 may result in adverse or negative consequences to the child, the PCSA may redact any information identifying the current school of attendance or the medical provider from the copy of the JFS 01443 form provided to the parent, guardian, or custodian. A statement providing full explanation of the reasons for not sharing this information shall be contained in the PCSA case record and recorded in SACWIS prepared pursuant to rule 5101:2-33-23 of the Administrative Code.

The PCSA shall maintain a copy of the JFS 01443 in the case record.

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Each public children services agency (PCSA) required to prepare a case plan for a child pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code, shall complete the JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 8/2010) for the case plan no later than every ninety days from whichever of the following activities occurs first:

1. Original Date the original PCSA court complaint date was filed.
2. Date the PCSA received custody of the child of placement.
3. Date of court ordered protective supervision.
4. Date of parent, guardian, or custodian's signature on the case plan, for in-home supportive services only.

The purpose of the case review is to ensure continued efforts are made to:

1. Assess child safety.
2. Evaluate whether risk to the child is lowered or increased.
3. Evaluate the effectiveness of supportive services offered and provided to the child, his or her parent, guardian, custodian, or pre-finalized adoptive parent, or substitute caregiver.
4. Identify barriers to the provision of services.
5. Prevent placement, if possible, of the child in substitute care, assist in reunifying the child with the child's parent, guardian, or custodian, or establish a permanent placement for the child.

The PCSA shall continue to complete the JFS 01413 no later than every ninety days from the date established pursuant to paragraph (A) of this rule. The PCSA may review cases utilizing the JFS 01413 more frequently based upon PCSA policy or if the PCSA determines case circumstances require it.

The PCSA shall complete the JFS 01413 in conjunction with the JFS 01412 "Comprehensive Assessment and Planning Model - I.S. Semiannual Administrative Review (SAR)" (rev. 7/2016) semiannual administrative review according to the time frames outlined in rule 5101:2-38-10 of the Administrative Code.

The PCSA shall complete the JFS 01413 at the time of case closure unless:

1. The case is closed within thirty days after completion of the prior JFS 01413 and the intent to close the case is documented on the JFS 01413.
2. The case is closed prior to completion of the case plan and the timeframe for case plan completion has not lapsed pursuant to rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code.

When the PCSA has determined through the ongoing assessment of safety that a child is in immediate danger of serious harm and a safety plan must be implemented, the PCSA shall complete an assessment of safety and record the assessment on either the JFS 01401 "Comprehensive Assessment Planning Model - I.S., Safety Assessment" (rev. 2/2006) or the safety re-assessment contained within the JFS 01413 within three business days of the implementation of the safety plan. The JFS 01401 or the safety re-assessment shall be entered in SACWIS within three business days. The assessment of safety shall be approved by the supervisor and documented in the case record.

If a JFS 01413 safety response is for the PCSA to modify or discontinue and the child is out of the home thirty days or more, the PCSA shall complete the JFS 01404 “Comprehensive Assessment Planning Model – I.S., Reunification Assessment” (rev. 2/2006) pursuant to rule 5101:2-37-04 of the Administrative Code.
The PCSA shall maintain a copy of the JFS 01413 in the **case record** statewide automated child welfare information system (SACWIS).

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Five Year Review (FYR) Dates: 04/06/2016 and 08/01/2021

Certification: CERTIFIED ELECTRONICALLY

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Rule Amplifies: 2151.416, 5153.16

Prior Effective Dates: 03/1/06, 10/1/09, 5/30/14

The PCSA or PCPA shall complete the semianual administrative review (SAR) no later than every one hundred eighty days from whichever of the following activities occurs first:

1. Date the original PCSA or PCPA court complaint was filed.
2. Date of placement.
3. Date of court ordered protective supervision.
4. Date of parent, guardian, or custodian's signature on the case plan for in-home supportive services only.

The PCSA or PCPA shall continue to complete the SAR no later than every one hundred eighty days from the date established pursuant to paragraph (B) of this rule.

The PCSA or PCPA shall complete the SAR no more than thirty days prior to the due date.

The PCSA shall complete the JFS 01413 "Comprehensive Assessment and Planning Model - I.S., Case Review" (rev. 8/2010) in conjunction with the JFS 01412.

A court hearing may take the place of a SAR if all of the following requirements are met:

1. The hearing is held in time to comply with paragraph (B) of this rule.
2. Notification is made to all required participants the parties to the case plan pursuant to paragraphs (H) and (I) of this rule as outlined in paragraph (E) of rule 5101:2-38-05 of the Administrative Code.
3. During the hearing, the court addresses each of the issues stated in paragraph (M) or (O) of this rule.
4. The court hearing documents each issue either on the JFS 01412 or by journal entry.

For in-home supportive services cases, a review panel of at least two people shall conduct the SAR. The review panel shall include but not be limited to:

1. A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan.
2. A supervisor or designee.

For protective supervision and substitute care cases, a review panel of at least three people shall conduct the SAR. The review panel shall include but not be limited to:

1. A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan.
2. A person, not responsible for the management of the child's case plan, or for the delivery of services to the child, the child's parent, guardian, or custodian, or pre-finalized adoptive parent, or substitute caregiver.
3. A supervisor or designee.
The SAR shall consist of a meeting with the review panel, as defined in paragraph (G) or (H) of this rule, and the following individuals shall be invited to participate:

No less than seven days prior to the SAR, the PCSA shall provide a written invitation including the date, time, and place to all of the following:

(1) For in-home supportive services cases, all parties to the case plan as outlined in paragraph (D) of rule 5101:2-38-01 of the Administrative Code.

(2) For protective supervision and substitute care cases:
   (a) All parties to the case plan as outlined in paragraph (E) of rule 5101:2-38-05 of the Administrative Code.
   (b) The substitute caregiver, as defined in rule 5101:2-1-01 of the Administrative Code.
   (c) The two individuals selected by the child pursuant to rule 5101:2-42-90 of the Administrative Code and in accordance with the JFS 01677 "Foster Youth Rights Handbook" (rev. 5/2015), if applicable.

(3) For substitute care cases in which the child is age fourteen and older, two individuals as outlined in paragraph (G)(1)(c) of rule 5101:2-38-05 of the Administrative Code.
   (1) The child's parent, guardian, or custodian, unless the child is in permanent custody.
   (2) The pre-adoptive parent of the child in an adoptive placement.
   (3) The child, if age and developmentally appropriate.
   (4) The guardian ad litem and/or court appointed special advocate, if one has been appointed.
   (5) The child's substitute caregiver, including the relative providing care for the child, if applicable.
   (6) The child's attorney, if applicable.
   (7) The Indian custodian, if any, and child's Indian tribe and extended relatives as defined in rule 5101:2-53-01 of the Administrative Code if applicable.

The PCSA or PCPA shall provide written invitation including the date, time, and place for the SAR, to the child's parent, guardian, or custodian and child, if age and developmentally appropriate, no less than seven days prior to the SAR.

If a parent, guardian, or custodian, guardian ad litem, or substitute caregiver of the child cannot be located after reasonable efforts to do so; declines to participate in the SAR after being contacted; or fails to appear for the scheduled review, the PCSA or PCPA does not have to include him or her in the review. The PCSA does not have to include any individual listed in paragraph (I) of this rule if any of the following apply:

(1) Cannot be located after reasonable efforts to do so;
(2) Declines to participate in the SAR after being contacted; or
(3) Fails to appear for the scheduled review.

For a child adjudicated as a deserted child, pursuant to section 2151.3519 of the Revised Code, an invitation and participation of the child and parent in the SAR is not required.

The PCSA or PCPA shall prepare a written summary for each SAR required for a child receiving in-home supportive services using the JFS 01412. The summary shall contain all of the following information:

(1) The extent of progress made toward alleviating the safety threats, risk, and/or circumstances requiring the agency to provide supportive services to the child/family.
(2) A conclusion regarding the appropriateness of the supportive services provided to the child and the child’s parent, guardian, or custodian.
(3) An assessment of the appropriateness of the case plan for the child and the extent of compliance by all case plan participants.
(4) An estimated date in-home supportive services may be terminated.
(5) Description of how the child's current living arrangement provides for the child's specific safety needs and meets the child's basic and special needs.
(6) The agency’s recommendation regarding the child's custody arrangement for the next six-month period.
(7) A summary of why in-home supportive services shall be continued or terminated.
(8) The names of all parties participating in the SAR.

(N)(L) For in-home supportive services cases, the PCSA or PCPA shall provide a copy of the SAR summary to all parties outlined in paragraph (I)(1) of this rule participating in the SAR no later than seven days after completion of the SAR. A copy of the JFS 01412 or JFS 01416 shall be maintained in the statewide automated child welfare information system (SACWIS) case record.

(Q) The PCSA or PCPA shall prepare a written summary for each SAR required for a child under protective supervision using the JFS-01412. The summary shall contain all of the following information:

(1) The extent of progress made toward alleviating the safety threats, risk, and/or circumstances requiring the agency to assume protective supervision of the child.
(2) A conclusion regarding the appropriateness of the supportive services provided to the child and the child's parent, guardian, or custodian.
(3) An assessment of the appropriateness of the case plan for the child and the extent of compliance by all case plan participants.
(4) A summary of why protective supervision must be continued or terminated.
(5) An estimated date protective supervision may be terminated.
(6) Description of how the child's current living arrangement provides for the child's specific safety needs and meets the child's basic and special needs.
(7) The agency's recommendation regarding the child's custody arrangement for the next six-month period.
(8) The names of all parties participating in the SAR.

(P) For each child in the custody of the PCSA or PCPA who has attained the age of sixteen, the PCSA or PCPA shall request a credit report from each of the three major credit reporting agencies (CRA) each year until the child is discharged from substitute care. This may be completed simultaneously or separately throughout the year. A request shall be submitted to at least one CRA by the first SAR held after the child attains the age of sixteen.

(Q) The PCSA or PCPA shall prepare a written summary for each SAR required for a child in substitute care using the JFS 01412 or JFS 01416. The summary shall contain all of the following information:

(1) The extent of progress made toward alleviating the safety threats, risk, and/or circumstances requiring the agency to assume temporary custody of the child.
(2) A conclusion regarding the appropriateness of supportive services provided to the child and/or his or her parent, guardian, or custodian, or pre-finalized adoptive parent or substitute caregiver.
(3) An assessment of the appropriateness of the case plan for the child and the extent of compliance by all case plan participants.
(4) Evaluation of whether services provided to the child and the child's parent, guardian, or custodian will help the child return to a safe environment, if applicable.
(5) Description of how the child's current living arrangement is appropriate and provides for the child's specific safety needs and meets the child's basic and special needs.
(6) A summary of the ongoing efforts to identify an appropriate potential relative or kin placement.
(7) An estimated date the child may be returned and safely maintained at home, placed with a relative or other suitable non-relative, placed in a planned permanent living arrangement, placed for adoption or finalized in an adoptive home, or prepared for independent living.

(8) A determination of whether a child with a dispositional status of planned permanent living arrangement should continue in that status or whether the agency shall file a motion with the court requesting permanent custody of the child.

(9) The extent of progress made towards meeting the needs of the child in a planned permanent living arrangement or in the permanent custody of the agency.

(10) A determination of whether a supplemental plan needs to be developed to address locating a permanent family placement for the child which may be made concurrently with reasonable efforts to safely return the child to the child's own home.

(11) If a supplemental plan is developed, indicate the agency's progress toward implementation and whether any amendments need to be made.

(12) A plan to review the life skill services to assist a child attaining the age of sixteen to prepare for the transition from substitute care to independent living pursuant to rule 5101:2-42-19 of the Administrative Code.

(13) The agency's recommendation regarding the child's custody arrangement for the next six-month period.

(14) The names of all parties participating in the SAR.

(15) The agency's recommendation regarding termination of parental rights for the child who is in the temporary custody of a PCSA for twelve or more of the previous twenty-two consecutive months.


(17) The PCSA or PCPA shall document the date(s) the agency requested a copy of the consumer credit report from each of the three major CRAs pursuant to paragraph (P) of this rule.

(18) The PCSA or PCPA shall document the date(s) that each child in the custody of an agency, who has attained the age of sixteen, received the copy(ies) of their consumer credit report(s) and was assisted with the following:

(a) Interpreting the credit report.

(b) Resolving inconsistencies.

(R) For court involved cases, the PCSA or PCPA shall file with the court a copy of the SAR summary no later than seven days after completion of the SAR and shall include a copy of the amended case plan, if an amendment was completed.

(M) For protective supervision and substitute care cases the PCSA shall:

(1) File with the court a copy of the SAR no later than seven days after completion of the SAR and shall include a copy of the amended case plan as applicable.

(2) Provide a copy of the SAR to all parties to the case plan in accordance with paragraph (I)(2)(a) of this rule, before the end of the next business day, after filing the SAR with the court.

(3) Indicate, in writing, the parties identified in paragraph (I)(2)(a) of this rule shall have seven days after the date the notice is sent to object to proposed changes made in the case plan as a result of the SAR and request a hearing on the proposed change.

(S) For court involved cases, the PCSA or PCPA shall provide a copy of the SAR summary to all parties of the case plan in accordance with rule 5101:2-38-05 of the Administrative Code before the end of the next day after filing the summary with the court. A copy of the SAR summary shall be maintained in the case record.
At the time the PCSA or PCPA provides a copy of the SAR summary pursuant to paragraph (Q) of this rule, the agency shall also indicate, in writing, the parties shall have seven days from notice of filing the required SAR summary with the court to object to proposed changes made in the case plan as a result of the SAR and request a hearing on the proposed change. The substitute caregiver or relative providing care for the child are not considered parties to the SAR unless otherwise determined by the court.

The PCSA shall maintain a copy of the SAR and any resultant amendments to the case plan in SACWIS.

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This rule applies to public children services agencies (PCSAs) that received training and written approval from the Ohio department of job and family services (ODJFS) to participate in alternative response.

The PCSA shall complete and implement the following planning and review tools with the child's parent, guardian, or custodian agreement for screened in child abuse and neglect reports assigned to the alternative response pathway to receive ongoing services:


The PCSA shall do one of the following upon reaching a case decision to continue PCSA services after completion of the JFS 01419 "Alternative Response Family Assessment" (rev. 7/2008):

1. Develop and implement a JFS 01418 with the parent, guardian or custodian no later than thirty days from the completion date of the JFS 01419.
3. Continue to implement the JFS 01418 previously developed after the assessment of safety.

The PCSA shall obtain signatures from the child's parent, guardian, or custodian on the JFS 01418 or JFS 01410. The PCSA shall provide each with a copy of the JFS 01418 or JFS 01410. The PCSA shall obtain agreement on the contents of the JFS 01418 or JFS 01410; obtain signatures from the child's parent, guardian, or custodian; and provide each with a copy of the JFS 01418 or JFS 01410 within seven days of the agreement. If the JFS 01418 is developed outside of SACWIS, a copy of the handwritten document will be provided to the family.

The PCSA shall update the JFS 01418 or complete the amendment to the JFS 01410 if changes occur regarding any of the following:

1. The conditions of the child.
2. The family service plan participants.
3. The family service plan activities.
4. The provision of supportive services.
5. The safety or risk to the child resulting in legal intervention.

The PCSA shall seek agreement and obtain signatures from and provide a copy of the updated JFS 01418 or JFS 01410 to the child's parent, guardian, or custodian within seven days of the update.
(3) Implement the change once the parent, guardian, or custodian agrees to the change.

(4) Provide each parent, guardian, or custodian with a copy of the updated JFS 01418 or amended JFS 01410 within seven days of the agreement not including the date of signature.

(G) If the PCSA and the child’s parent, guardian no longer agree on the service or case plan, the PCSA shall do one of the following:

1. Discontinue supportive services and close the case.
2. File a complaint with the court pursuant to section 2151.27 of the Revised Code if the child is an abused, neglected, or dependent child or may become abused, neglected or dependent; and intervention of the court is needed for the child’s protection.

(G)(H) The PCSA shall make face-to-face contact with each parent, guardian or custodian, and child participating in and being provided services through the JFS 01418 or JFS 01410, at least two times each calendar month to monitor progress on the service plan activities. At least one contact every two months shall be made in the child’s home.

1. If one attempt to complete a face-to-face contact pursuant to paragraph (H) of this rule is unsuccessful, the PCSA shall make a minimum of one additional attempt to complete the face-to-face contact within the calendar month.
2. If both attempts to complete face-to-face contacts pursuant to paragraph (H) of this rule are unsuccessful, the PCSA shall make a minimum of two additional attempts to complete the face-to-face contact within the calendar month.

(H) If the initial attempt to complete a face-to-face contact pursuant to paragraph (G) of this rule is unsuccessful, within the calendar month the PCSA shall attempt to make a minimum of two additional attempts to complete the face-to-face contact.

(I) If the PCSA and the child’s parent, guardian, or custodian can no longer agree on the service plan, the PCSA shall do one of the following:

1. Close the case.
2. File a complaint with the court pursuant to section 2151.27 of the Revised Code if the child is or may become an abused, neglected, or dependent child, and intervention of the court is needed for the child’s protection.

(J)(I) The PCSA shall convert a case from the alternative response pathway to the traditional response pathway when either if any of the following occurs:

1. The family requests a pathway change from the alternative response pathway to the traditional response pathway.
2. The PCSA files a complaint with the juvenile court pursuant to section 2151.27 of the Revised Code alleging the child is or may become an abused, neglected or dependent child.
3. The PCSA receives an order from the juvenile court.
4. The PCSA screens in a report or obtains additional information during an assessment requiring assignment in a traditional response pathway pursuant to rule 5101:2-36-01 of the Administrative Code.

(J) The PCSA shall record a pathway switch in SACWIS no later than the next business day from the date of the event triggering the conversion of a case from the alternative response pathway to the traditional response pathway.

(K) The PCSA shall review the progress on the service plan activities every ninety days no later than every ninety days after the completion date of the JFS 01419 by completing either the JFS 01417 or the JFS 01413 “Comprehensive Assessment Planning Model - I.S., Case Review” (rev. 2/2006), pursuant to rule 5101:2-38-09 of the Administrative Code.

(L) The PCSA shall provide written invitation including the date, time, and place for the family service plan reviews, to the child’s parent, guardian, or custodian and child, if age and developmentally appropriate.
of the opportunity to participate in the meeting no less than seven days prior to the meeting encourage the participation of the child's parent, guardian, or custodian in all family service plan reviews and may involve others, as appropriate.

(M) The PCSA shall complete the JFS 01417 or the JFS 01412 "Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review (SAR)" (rev 2/2006) (rev. 1/2014) no later than every six months one hundred eighty days from completion of the JFS 01419 pursuant to rule 5101:2-38-10 of the Administrative Code. Written notification, including the date, time, and place for the SAR, shall be provided to the child, if age appropriate, and the child's parent, guardian, or custodian.

(N) The SAR shall, at a minimum, include the following individuals:

(1) A caseworker who has a connection with the family and knowledge of the family service plan.

(2) A supervisor or designee.

(O) The PCSA shall invite the following individuals to participate in the SAR:

(1) The child's parent, guardian, or custodian.

(2) The child, if age appropriate.

(P) If the PCSA determines a child to be in immediate danger of serious harm during the provision of ongoing services, the PCSA shall follow procedures outlined in rule 5101:2-37-02 of the Administrative Code.

(Q) The PCSA shall do all of the following to close a case: close the case when all of the following occur:

(1) The PCSA has determined Complete the JFS 01417 or JFS 01413 to assess there are no active safety threats and the overall level of risk is reduced.

(2) The PCSA and family agree that services are no longer needed.

(3) The PCSA has notified the principals Notify participants in the JFS 01418 or parties of the case JFS 01410 of the intent to close the case.

(4) The PCSA has completed the JFS 01417 or JFS 01413 documenting the intent to close the case.

(R) The PCSA shall maintain a copy of the original JFS 01418, JFS 01410, JFS 01413, JFS 01417, JFS 01412, JFS 01423, all updates and amendments and, documentation of the face-to-face contacts, including all attempts to monitor progress of the case or service plan objectives in the case record and any JFS 01417 in the case record pursuant to rule 5101:2-33-23 of the Administrative Code and recorded in SACWIS.

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R.C. 119.032 review dates: 03/12/2014
Certification
Date
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Rule Amplifies: 2151.429, 5153.16, 5153.166
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If the public children services agency (PCSAs) or private child placing agency (PCPA) has determined a child cannot be maintained safely through the implementation of voluntary safety planning, the PCSA or PCPA shall pursue removal of the child from the home.

If a child has Indian heritage, tribal eligibility or tribal membership and is removed from the child's own home, the PCSA or PCPA shall act in accordance with procedures outlined in rules 5101:2-53-03, 5101:2-53-04, and 5101:2-53-06 of the Administrative Code.

If removal of a child from the home is necessary, as determined by the PCSA or PCPA, the agency shall do one of the following:

1. File a complaint with the juvenile court with a motion requesting removal of the child.
   - Provide the court with documentation of the provision of reasonable efforts to prevent removal or documentation identifying reasonable efforts are not required pursuant to paragraph (K)(L) of this rule.
   - Request the court make a determination of one of the following:
     i. Reasonable efforts to prevent removal were made through the provision of supportive services.
     ii. Reasonable efforts were not possible due to the urgent nature of the child's removal.
     iii. Reasonable efforts were not required pursuant to paragraph (K)(L) of this rule.

2. Petition the court for an ex parte emergency order authorizing the continued placement of the child within twenty-four hours or the next business day from the date of the child's removal from the home.

3. Request the assistance of a law enforcement officer or a duly authorized officer of the court, if exigent circumstances requiring immediate intervention exist, and time does not permit obtaining a court order.

Upon removal of the child, the PCSA or PCPA shall provide the child if age and developmentally appropriate and the child's parent, guardian, or custodian with the following information verbally and in writing:

1. Reason for the removal.
2. PCSA or PCPA name, telephone number, address, and name of person to contact regarding the case.
3. Visitation schedule prior to a journalized case plan, inclusive of sibling visitation if not placed together.
4. Time and place of court hearings, if applicable.
5. The name and telephone number of the employee designated by the court to provide the appointment of counsel to a parent, guardian, or custodian who cannot afford to hire an attorney if known.

In the absence of the parent, guardian, or custodian, the PCSA or PCPA shall provide or attempt to provide the parent, guardian, or custodian with the information stated in paragraph (D) of this rule within twenty-four hours of the removal.
The PCSA or PCPA shall make reasonable efforts to place siblings in the same foster home, kinship home, or adoptive placement unless the PCSA or PCPA has documented that joint placement would be contrary to the safety or well-being of any of the siblings.

If siblings are not placed together the PCSA or PCPA shall do one of the following:

1. Develop a written visitation plan pursuant to rule 5101:2-38-05 of the Administrative Code.
2. Develop a written visitation plan pursuant to rule 5101:2-38-07 of the Administrative Code.

The PCSA or PCPA shall do all of the following within thirty days after removal of a child from his or her parent, guardian or custodian:

1. Exercise due diligence in identifying the following relatives: maternal and paternal grandparents and other adult relatives of the child, including any adult relatives suggested by the child's parents.
   (a) All maternal and paternal grandparents.
   (b) Other adult relatives of the child.
   (c) Any adult relatives suggested by the child's parents.
   (d) A parent who has legal custody of the child's sibling including blood, half-blood or adoption.

2. Provide notice to all adult relatives identified in paragraphs (H)(1)(a) to (H)(1)(d) of this rule maternal and paternal grandparents and other adult relatives of the child specifying all of the following and document documenting the date and method of notification in the case record in accordance with rule 5101:2-33-23 of the Administrative Code:
   (a) The child has been or is being removed from the parents' custody.
   (b) The options the relative has to participate in the care and placement of the child including any options that may be lost by failing to respond to the notice.
   (c) The requirements to become a licensed foster home and the additional services and supports available for children placed in a foster home.

3. Document in the case record if any adult relative identified pursuant to paragraph (H)(1) of this rule has a history of family violence. The PCSA or PCPA is not required to notify adult relatives with a history of family violence pursuant to paragraph (H)(2) of this rule.

4. Assess relative respondents pursuant to rule 5101:2-42-18 or 5101:2-52-04 of the Administrative Code to determine whether or not placement is approved. Upon placement of the child with an approved relative, the PCSA or PCPA is not required to assess any other relative respondent; but shall keep a recorded list of the identified adult relatives in the case record.

Nothing in paragraph (H) of this rule shall preclude the PCSA or PCPA from identifying and notifying relatives or kin not expressly identified in paragraph (H)(1) of this rule, that the child has been or is being removed from the parents' custody.

At any hearing on the continued placement of the child, the PCSA or PCPA shall provide the court with documentation and request the court make a determination of one of the following:

1. Reasonable efforts have been made and continue to be made to make it possible for the child to safely return home through the provision of supportive services.
2. Reasonable efforts were made and continuation of reasonable efforts to make it possible for the child to safely return home is inconsistent with the permanency plan for the child.

The PCSA or PCPA shall provide the court with documentation and request the court make a judicial determination that reasonable efforts have been made to finalize the permanency plan in accordance with rule 5101:2-47-22 of the Administrative Code.

Reasonable efforts to prevent removal or to return the child home are not required if the PCSA or PCPA finds the parent from whom the child was removed has:
(1) Been convicted of or pleaded guilty to one of the following:

(a) An offense under section 2903.01, 2903.02, or 2903.03 of the Revised Code or under an existing or former law of this state, another state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense was a sibling of the child or the victim was another child who lived in the parent's household at the time of the offense;

(b) An offense under section 2903.11, 2903.12, or 2903.13 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(c) An offense under division (B)(2) of section 2919.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense is the victim of the offense;

(d) An offense under section 2907.02, 2907.03, 2907.04, 2907.05, or 2907.06 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense;

(e) An offense under section 2905.32, 2907.21, and 2907.22 of the Revised Code or under an existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense is the victim of the offense;

(f) A conspiracy or attempt to commit, or complicity to committing, an offense described in paragraph (K)(L)(1)(a), or (K)(L)(1)(d), or (L)(1)(e) of this rule.

(2) Been required to register with a sex offender registry in accordance with section 113(a) of the Adam Walsh Child Protection and Safety Act of 2006.

(3) Repeatedly withheld medical treatment or food from the child if the parent has the means to provide the treatment or food. If the parent withholds medical treatment in order to treat the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body, the agency shall comply with the requirements of division (A)(1) of section 2151.419 of the Revised Code.

(4) Placed the child at substantial risk of harm two or more times due to alcohol or drug abuse and rejects treatment two or more times or refuses to participate in further treatment two or more times after a case plan is developed pursuant to rule 5101:2-38-07 or 5101:2-38-05 of the Administrative Code requiring treatment of the parent and is journalized as part of a dispositional order issued with respect to the child or an order is issued by any other court requiring such treatment of the parent.

(5) Abandoned the child.

(6) Had parental rights terminated pursuant to section 2151.353, 2151.414, or 2151.415 of the Revised Code with respect to a sibling of the child.

(7) Deserted the child pursuant to section 2151.3515 of the Revised Code.

(L)(M) If the PCSA or PCPA removes a child from the home due to abuse, neglect or dependency and the family is a participant in Ohio works first (OWF), the PCSA or PCPA shall notify the county department of job and family services (CDJFS) of the child's removal according to procedures contained in the OWF county plan of cooperation.
At the end of each month for the first five months after the PCSA or PCPA takes the child into custody, the agency shall provide the CDJFS with the following information:

(1) Whether or not the parent, guardian, or custodian is cooperating with the case plan prepared pursuant to rule 5101:2-38-05 or 5101:2-38-07 of the Administrative Code.

(2) Whether or not the PCSA or PCPA is making reasonable efforts to return the child to the home of the OWF assistance group.

The PCSA or PCPA shall document all activities, notifications, and copies of court documents required by this rule in the case record.

Effective: 07/15/2016

Five Year Review (FYR) Dates: 03/24/2016 and 07/15/2021

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Emergency Removal of a Child from Substitute Care Placement

**(A)** Emergency Removal of a child from an out-of-home substitute care setting shall be considered necessary if it is determined the child is in immediate danger of serious harm and in need of protection from child abuse or neglect or the presence of the child in the out-of-home substitute care setting places another child in the out-of-home substitute care setting in immediate danger of serious harm.

**(B)** If a child in the custody of a public children services agency (PCSA) is removed from a substitute care placement setting, the PCSA shall provide the child, if age-appropriate age and developmentally appropriate, and parent, guardian, or custodian; out-of-home care caretaker substitute caregiver; and guardian ad litem with the following information verbally and in writing within twenty-four hours:

1. Reason for emergency removal.
2. PCSA name, telephone number, address, and name of person to contact regarding the case.
3. Time and place of court hearings, as applicable.

**(C)** If a PCSA determines the need for an emergency removal of a child in the custody of another PCSA; private child placing agency (PCPA); or children services agency (CSA); the PCSA shall do all of the following:

1. Immediately contact the PCSA, PCPA or CSA holding custody of the child and notify the agency of the circumstances necessitating the recommendation for emergency removal.
2. Provide the custodial PCSA, PCPA or CSA with the agency’s name, telephone number, address, and name of person to contact regarding the case.
3. Provide all notifications required pursuant to this paragraph in writing within three working days.

**(D)** If emergency removal of a child occurs and attempts to notify the parent, guardian, or custodian; out-of-home setting caretaker substitute caregiver; and guardian ad litem pursuant to paragraph (A)(B) of this rule are unsuccessful, the PCSA shall provide written notice of the information listed in paragraph (A) of this rule within twenty-four hours no later than the next business day.

**(E)** The PCSA or PCPA holding custody of the child shall complete an amendment to the case plan in accordance with rule 5101:2-38-05 or 5101:2-39-105101:2-38-07 of the Administrative Code upon removal of a child from a substitute care placement setting.

**(F)** The PCSA shall document all activities and notifications required by this rule in the case record.

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The primary goals of all supportive services are:

1. To respect and support the integrity of the child's family unit.
2. To prevent placement of a child away from his or her family or caretaker.
3. To enable a child's return home or to an alternative permanent placement.
4. To assist a child who has attained the age of fourteen to prepare for transition from substitute care to independent living and self sufficiency.

Supportive services shall be made available by the public children services agency (PCSFA) to the child, his or her parent, guardian, or custodian through one or more of the following:

1. Information and referral services to community resources.
2. Direct services from the PCSFA.
3. Contract services from community service providers.
4. Compact services from community service providers.
5. Direct and indirect services from child abuse and neglect multidisciplinary teams.
6. Direct and indirect services through the county family and children first council or the county "Help Me Grow" provider.

Supportive services shall be based upon the PCSFA's assessment of safety and risk to the child and shall be available during all of the following:

1. The safety planning process.
2. The assessment/investigation process.
3. The supervision of a child in his or her own home without court order.
4. The protective supervision of a child as ordered by the court.
5. The child's substitute care placement.
6. The period immediately following reunification of the child, as appropriate.

Supportive services shall be available if one or more of the following exists:

1. The child, his or her parent, guardian, or custodian requests services, and the PCSFA determines the services are necessary.
2. The case decision or other information obtained during the assessment/investigation indicates the need for the services.
3. The PCSFA receives an order of protective supervision.
4. The child is placed in substitute care.

If one or more of the conditions listed in paragraph (D) of this rule exist, the JFS 01410 "Comprehensive Assessment and Planning Model I. S., Case Plan" (rev. 2/2006) or the JFS 01418 "Family Service Plan" (rev. 7/2011), shall be prepared in accordance with rules 5101:2-38-01, 5101:2-38-05, and 5101:2-38-20 of the Administrative Code.

The PCSFA shall establish procedures for referring a child who is the subject of a report and is not at risk of imminent harm, to a community organization or voluntary preventive services.
The PCSA may provide any of the mandated services identified in this paragraph directly, or may arrange service delivery with a community service provider:

1. Case management services. "Case management services" are activities performed by the PCSA, private child placing agency (PCPA), private non-custodial agency (PNA) or Title IV-E agency for the purpose of providing, recording and supervising services to a child and his or her parent, guardian, custodian, caretaker or substitute caregiver.

2. Counseling services. "Counseling services" may include one or both of the following:
   a. General counseling services performed by a PCSA or shelter for victims of domestic violence to assist a child, a child's parents, and a child's sibling in alleviating identified problems causing or may cause the child to be an abused, neglected, or dependent child.
   b. Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

3. Diagnostic services. "Diagnostic services" are medical, psychiatric, or psychological services performed by a licensed physician, psychiatrist, psychologist, licensed professional counselor with clinical endorsement, or a licensed independent social worker for the purpose of evaluating an individual's current physical, emotional, or mental condition.

4. "Help Me Grow" early intervention services. "Help Me Grow" early intervention services are means developmental services selected in collaboration with the parents of a child, birth through age two, who is eligible for services under part C of the Individuals with Disabilities Education Act, and designed to meet the developmental needs of the child and the needs of the child's family to assist appropriately in the child's development as identified in the individualized family service plan, services provided to a child under age three which can include developmental evaluations and assessments, speech and hearing services, family training and counseling, home visits, occupational or physical therapy, social and psychological services and service coordination.

5. Emergency shelter. "Emergency shelter" is the short-term crisis placement of any child threatened or alleged to be abused, neglected, or dependent to an extent there is imminent risk to the child's life, physical or mental health, or safety.

6. Home health aide services. "Home health aide services" are the personal care and maintenance activities provided to individuals for the purpose of promoting normal standards of health and hygiene.

7. Homemaker services. "Homemaker services" are the professionally directed or supervised simple household maintenance or management services provided by trained homemakers or individuals to families in their own homes.

8. Protective child care services. "Protective child care services" are services provided for a portion of the twenty-four hour day for the direct care and protection of children who have been harmed or threatened with harm, or at risk of abuse, neglect, or exploitation due to a psychological or social problem, or physical or mental handicap of a caretaker parent, or whose health or welfare is otherwise jeopardized by their home environment.

9. Substitute care. "Substitute care" is the care provided for a child apart from his or her parent or guardian, while the child's custody is held by a PCSA or PCPA.

10. Therapeutic services. "Therapeutic services" are medical, psychiatric or psychological services performed by licensed or certified physicians, psychiatrists, psychologists, professional counselors or independent social workers for the purpose of correcting or alleviating physical, mental, or emotional illnesses, or disorders.

If the PCSA determines an emergency exists and supportive services are necessary, the PCSA shall immediately, but no later than the next business day after making this determination, make available
any appropriate mandated services listed in paragraph (G) of this rule by providing or arranging the services in order to:

(1) Prevent child abuse or neglect.
(2) Prevent or eliminate the need for removal of the child from his or her home.
(3) Prevent placement of a child away from his or her kinship care family.
(4) Safely return a child to his or her parent, guardian, or custodian.

(I) The PCSA shall make available such mandated services listed in paragraph (G) of this rule by providing or arranging the services, no later than fourteen days from the earliest date of either of the following:

(1) The case plan has been signed and agreed upon by the parent, guardian, or custodian.
(2) The case plan has been journalized by the court.

(J) The PCSA shall no later than thirty days from the date the case plan is signed by the parent, guardian, or custodian or the court journalizes the case plan, if applicable, make available the mandatory services listed in this paragraph:

(1) Adoption. "Adoption" is the creation, by a court of competent jurisdiction, of parental rights and responsibilities between a child and an adult, along with the termination of all parental rights and responsibilities to the child held by any other persons, not previously surrendered or terminated by court order.

(2) Information and referral services. "Information and referral services" are services assisting any person in locating and/or using available and appropriate resources.

(3) Life skill services. "Life skill services" are a series of developmentally appropriate services or activities providing an opportunity for a child to gain the skills needed to live a self-sufficient adult life pursuant to rule 5101:2-42-19 of the Administrative Code.

(4) Unmarried parent services, as specified in rule 5101:2-42-70 of the Administrative Code.

(K) If there are barriers to the provision or arrangement of needed services, the PCSA caseworker shall identify them and have the immediate supervisor or the director review the information.

(L) The results of the supervisory review shall be documented in the case record showing the services needed, and the barriers causing the PCSA's inability to provide them directly, or arrange for their provision.

(M) The PCSA shall make available a minimum of three of the following supportive services within the county:

(1) Community education services. "Community education services" are a range of public information activities designed to increase the public awareness of child abuse or neglect and to promote appropriate utilization of services.

(2) Crisis services. "Crisis services" are services provided to families in crisis situations for the purpose of providing an immediate or temporary solution to the presenting problem.

(3) Emergency caretaker services. "Emergency caretaker services" are services provided by a person placed within a child's own home to act as a temporary caretaker if the child's own caretaker is unable or unwilling to fulfill the responsibility.

(4) Employment and training services. "Employment and training services" are services designed to assist individuals in obtaining paid employment. Such services include, but are not limited to, the use of social, psychological, and vocational diagnostic assessment, training, and placement.

(5) Environmental management services. "Environmental management services" are services offered to the child and his or her family or caretaker to improve physical living conditions and provide emergency funds. Such services may be provided, arranged, or ensured and include,
but are not limited to, housing repair, housing location, exterminating rodents or insects, lead abatement or making available financial assistance for outstanding utility bills.

(6) Parent aide services. "Parent aide services" are supportive services provided by a person assigned to families as a role model, and providing family support for a portion of the twenty-four-hour day.

(7) Parent education services. "Parent education services" is a teaching process to assist a parent, guardian, or custodian in developing the basic skills necessary to provide adequate care and support to a child in his or her own home.

(8) Day treatment services. "Day treatment services" are services provided for a portion of the day for a child living at home or in substitute care, who is at risk, or is or has been abused or neglected, and manifests emotional, psychological, behavioral, or social problems which cannot be resolved in nonspecialized educational or developmental settings, or in specialized settings such as learning behavioral disabilities classes.

(9) Volunteer services. "Volunteer services" are services performed by a person of his or her own free will and without monetary gain or compensation.

(N) The PCSA may consider contacting the county department of job and family services (CDJFS) to determine if any services or assistance can be provided to families coming to the PCSA's attention including but not limited to prevention, retention or contingency (PRC) services.

(O) Each PCSA participating in the regionalization of supportive services must identify regionalized services, and the other counties involved in the regionalization of services.

(P) If the PCSA identifies, through completion of an assessment of safety, a child is in immediate danger of serious harm because the parent, guardian, or custodian of the child has a chemical dependency problem or a chemical dependency problem is the basis for a court's determination the child is an abused, neglected or dependent child, the agency shall:

(1) Develop and implement a safety plan pursuant to rule 5101:2-37-02 of the Administrative Code in order to protect and keep the child safe.

(2) Refer the parent, guardian, or custodian to an alcohol or drug addiction program certified by the Ohio department of mental health and addiction services for initial screening, assessment, treatment or testing.

(3) Notify the CDJFS of the referral if the parent, guardian, or custodian is an Ohio works first (OWF) participant in order to determine if the self-sufficiency contract needs to be amended.

(Q) The PCSA may require the parent, guardian, or custodian to reimburse the agency for the costs incurred for alcohol or drug testing if the parent, guardian, or custodian is not a recipient of medicaid.

(R) At the conclusion of a diagnostic service, the PCSA shall request a written report from the service provider. Reports involving treatment shall contain information indicating the progress the parent, guardian, or custodian and child have made to resolve areas identified in the provider's service or treatment plan. Upon receipt of the report, it shall be maintained in the case record.

(S) At a minimum of once every three months and at the conclusion of any services or treatment, the PCSA shall request written or verbal reports from all service providers. Reports shall contain information indicating the progress the parent, guardian, or custodian and child have made to resolve areas identified in the provider's service or treatment plan. Upon receipt of the report, it shall be maintained in the case record. If the report is not written, the service provider's identity, the date of the verbal report, and the content of the verbal report shall be documented in the statewide automated child welfare information system (SACWIS).

(T) The PCSA shall document the following in SACWIS:

(1) Supportive services offered or provided.

(2) Supportive services planned, but not provided, and the reason the services were not provided.
Services made available by the PCSA can be paid for through utilization of the following funding sources, if appropriate:

1. Title IV-B funds.
2. Title IV-E funds.
3. Title XX funds, through the CDJFS.
4. State child protection allocation.
5. Temporary assistance for needy families (TANF) funds, through the CDJFS.
6. Local funds.

Utilization of the funding sources outlined in paragraph (U) of this rule shall be governed by the respective guidelines of each funding source.

The director of the PCSA shall be responsible for submitting a letter to the appropriate Ohio department of job and family services (ODJFS) field office by January first of every year containing the following assurances:

1. All supportive services mandated in paragraphs (G) and (J) of this rule are available to all children and families in need of services without regard to income, race, color, national origin, religion, social status, handicap, or sex.
2. There is a commitment to maintaining and improving the quality of services for the support of families and the protection of children.
3. There is a commitment to meeting staff resource requirements of the state and/or county civil service system.
4. There are written policies and procedures for reviewing and resolving complaints concerning the provision of supportive services pursuant to rule 5101:2-33-20 of the Administrative Code.

At the same time the director submits the letter, he or she may submit a request to obtain ODJFS approval to waive the requirement for the provision of homemaker or home health aide and/or protective child care services listed in paragraph (G) of this rule. A waiver for either or both of these services may be granted on an annual basis. In order for the waiver to be granted by ODJFS, the PCSA must provide the following information in the request for a waiver:

1. The number of requests for the provision of protective child care services or homemaker/home health aide services received during the last year.
2. The number of times the agency provided protective child care services or homemaker/home health aide services during the last year.
3. Whether or not protective child care services and/or homemaker/home health aide services are available within the county, and if not, where protective child care services or homemaker/home health aide services are available in proximity to the county.
4. The projected unit cost (per hour) for provision of protective child care services or homemaker/home health aide services.
5. The projected total cost for county/agency provision of protective child care services or homemaker/home health aide services.
6. The PCSA must also certify the service(s) are:
   - Not needed by a significant number of people within the county.
   - Not available from the PCSA or other community resources within the county.
   - An undue or excessive cost if compared to the benefits to be derived from the service(s).

Effective: 6/1/2019
Five Year Review (FYR) Dates: 1/25/2019 and 06/01/2024
The KPI program is designed to promote a permanent commitment by a kinship caregiver(s) through becoming guardians and custodians over minor children who would otherwise be unsafe or at risk of harm if they remained in their own homes. KPI provides up to eight incentive payments to families caring for their kin.

The following definitions are applicable to this rule and supersede any conflicting definitions contained in rule 5101:2-1-01 of the Administrative Code.

1. "Custodian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual who has legal custody of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.

2. "Family" means a kinship caregiver, spouse of the kinship caregiver, and all of the minor children for whom the kinship caregiver and spouse of the kinship caregiver are responsible, and who reside in the same household.

3. "Fraudulent incentive" means incentive funds provided to the kinship caregiver(s) as a result of fraud by the kinship caregiver(s), including an intentional violation of the program requirements. Fraudulent incentive does not include incentive payments provided due to an error of the agency in processing the application.

4. "Gross income" means income of the family as defined in paragraph (B)(2) of this rule before taxes and deductions.

5. "Guardian" has the same meaning as in section 5107.02 of the Revised Code, which is an individual that is granted authority by a probate court or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.

6. "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code, which is any of the following who is eighteen years of age or older and is caring for a child in place of the child's parents.

   a. Individuals related by blood or adoption to the child including:
      i. Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great."
      ii. Siblings.
      iii. Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand."
      iv. First cousins and first cousins once removed.
   b. Stepparents and stepsiblings of the child.
   c. Spouses and former spouses of individuals named in paragraphs (B)(6)(a)(i) to (B)(6)(a)(iv) and (B)(6)(b) of this rule.
   d. A legal guardian of the child.
   e. A legal custodian of the child.

7. "Minor child" has the same meaning as in 45 C.F.R. 260.30 (2003), which is either of the following:
   a. An individual who has not attained age eighteen.
(b) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.

(C) Eligible kinship caregiver(s) shall receive an initial incentive payment and may receive subsequent payments at six-month intervals to support the stability of the child's placement in the home.

(1) The maximum incentive amount may not exceed eight payments per child per kinship caregiver(s).

(2) Individuals who were approved for their sixth incentive payment prior to March 17, 2014 are not eligible for additional incentive payments.

(3) Individuals who submitted their sixth application to the public children services agency (PCSA) on or after March 17, 2014 may be eligible for additional incentive payments.

(4) Individuals who have not received their sixth incentive payment may be eligible for additional incentive payments.

(D) For each state fiscal year (SFY), the Ohio department of job and family services (ODJFS) shall determine the initial and subsequent payment amounts. At the beginning of each SFY, ODJFS shall provide notice to the PCSAs identifying the initial and subsequent payment amounts for that SFY.

(E) The PCSA shall determine the kinship caregiver(s) eligible for KPI when all of the following criteria are met:

(1) On July 1, 2005 or thereafter, a court issued an order granting legal custody or guardianship to the kinship caregiver(s). A temporary court order is not sufficient to meet this requirement.

(2) The minor child resides with the kinship caregiver(s). If the child is on temporary leave from the kinship caregiver's home (e.g., hospitalization, mental health treatment or respite) and the kinship caregiver retains legal custody or guardianship this shall not preclude eligibility for KPI.

(3) The kinship caregiver(s) is a resident of the state of Ohio.

(4) The gross income of the kinship caregiver's family does not exceed three hundred per cent of the federal poverty guidelines.

(5) The placement has been assessed and approved by the PCSA or private child placing agency (PCPA).

(a) For children placed by the PCSA or PCPA, the placement was assessed and approved pursuant to paragraphs (B) to (I) of rule 5101:2-42-18 of the Administrative Code.

(b) For children placed directly with a kinship caregiver by a court or relative, the PCSA shall assess the home in accordance with the requirements identified in paragraphs (B) and (D) to (I) of rule 5101:2-42-18 of the Administrative Code prior to the approval of KPI.

(F) The kinship caregiver(s) shall apply for the KPI program by submitting the following to the PCSA in the county in which the caregiver resides:

(1) The JFS 01501 "Application for Kinship Permanency Incentive" (rev. 7/20179/2017).

(2) Verification that the caregiver has obtained legal custody or guardianship on or after July 1, 2005.

(3) Verification of income. Exclusions of reported income are as follows and shall not be included in the income calculation for eligibility:

(a) Child support paid out to another custodian for a child in the other custodian's care. The total amount of child support paid out shall be deducted from the gross income.

(b) Up to one hundred dollars per month per child of any child support received on behalf of the child(ren) for whom the kinship caregiver is applying for the KPI program.

(c) Any Ohio works first (OWF) payments.
Any income of minor children, including employment income and social security benefits paid to a child.

Supplemental security income (SSI) payments and social security disability income (SSDI) payments.

Adoption subsidy payments and foster care reimbursements.

When the kinship caregiver(s) submits an application for re-determination, the PCSA shall review the eligibility requirements in paragraph (E)(1) to (E)(4) of this rule with the kinship caregiver(s) to ensure the requirements continue to be met by the kinship caregiver's family.

(1) The PCSA shall ensure that the requirements in paragraphs (E)(1) to (E)(4) of this rule continue to be met by the kinship caregiver's family.

(2) If there are any new adults in the home, the PCSA shall conduct background checks on the adult(s) pursuant to paragraphs (B)(3) and (B)(9) of rule 5101:2-42-18 of the Administrative Code.

(3) If the kinship caregiver(s) has moved to a new address, the PCSA shall ensure that the home meets the requirements listed in paragraph (B)(5) of rule 5101:2-42-18 of the Administrative Code.

At the time of the kinship caregiver's initial application or re-determination, the PCSA in the county in which the kinship caregiver(s) resides shall:

(1) Provide the kinship caregiver(s) with the JFS 01501 upon request.

(2) Determine eligibility for the initial incentive payment.

(3) Notify the kinship caregiver(s) of the approval, denial or incomplete application in accordance with paragraphs (I) and (J) of this rule.

(4) Inform the kinship caregiver(s) that subsequent payments require re-determination of eligibility every six months and that the kinship caregiver(s) must submit another application.

(5) Notify the kinship caregiver(s) at least thirty, but not more than sixty, calendar days prior to the eligibility for a subsequent incentive payment that the kinship caregiver(s) must submit a JFS 01501 and verifying documentation to enable the PCSA to determine eligibility.

(6) Determine continuing eligibility for subsequent incentive payments as long as the kinship caregiver(s) resides in that county.

(7) Notify the kinship caregiver(s) of the approval, denial or incomplete application for subsequent incentive payments in accordance with paragraphs (I) and (J) of this rule.

(8) Conduct a face-to-face or telephone interview with the kinship caregiver(s) to determine eligibility no less frequently than annually.

The PCSA shall approve or deny the application for KPI based on criteria identified in paragraphs (E)(1) to (E)(5) of this rule and provide written notification on the "Notice of Approval for Kinship Permanency Incentive Funds" or the "Notice of Denial for Kinship Permanency Incentive Funds" reports generated from the statewide automated child welfare information system (SACWIS) to the kinship caregiver(s) of its decision within fifteen business days of receipt of the completed JFS 01501, supporting documentation, and the results of the background checks.

When sufficient information is not available to enable the PCSA to approve or deny the application for incentive payments, the PCSA shall provide the kinship caregiver(s) with notification on the "Notice of Incomplete Kinship Permanency Incentive Application" generated from SACWIS that identifies the information needed and informs the kinship caregiver(s) that if information requested is not submitted within ten calendar days the application will be denied. This shall not prohibit the kinship caregiver(s) from reapplying.

If a kinship caregiver(s) relocates to another Ohio county, the PCSA in the new county of residence is responsible for determining eligibility for subsequent incentive payments. When known, the PCSA in
the county in which the kinship caregiver(s) currently resides shall coordinate with the PCSA in the county of former residence in order to secure information regarding prior incentive payments. The PCSA in the county in which the kinship caregiver(s) formerly resided shall share information regarding prior incentive payments and upon request, transfer the case to the PCSA of the kinship caregiver's new county of residence.

(L) When a PCSA conducts and approves a home assessment in accordance with rule 5101:2-42-18 of the Administrative Code for a child's placement with a relative or nonrelative substitute caregiver residing in another county, the PCSA in the county of residence may use the approved home assessment to support KPI program eligibility.

(M) The kinship caregiver(s) shall notify the PCSA of any status change in the household that may impact eligibility, including any new household members and any change of address.

(N)(M) The PCSA may develop an interagency agreement with the CDJFS to assist in gathering eligibility information necessary for the PCSA to approve or deny the application.

(O)(N) If a director of a PCSA determines that a kinship caregiver(s) has received a fraudulent incentive, the kinship caregiver(s) shall be ineligible to participate in the KPI program for any child. The PCSA that determines that a kinship caregiver(s) has received a fraudulent incentive shall indicate this in SACWIS.

(P)(O) The PCSA shall enter applications and incentive payments into SACWIS.

(Q)(P) In order to confine KPI expenditures to appropriated state funds, the director of the department of job and family services, or designee, may issue an order at any time suspending the intake of any applications for KPI. During a program suspension, all applicants will be advised that a suspension is in effect. All applications will be denied during the same time that a suspension is in effect. No waiting lists will be established during the periods of suspension.

(R)(Q) The PCSA shall inform the kinship caregiver(s) of the right to request a state hearing and provide the kinship caregiver(s) with a copy of the JFS 04059 "Explanation of State Hearing Procedures" (rev. 1/2015) upon approval or denial of their application. The kinship caregiver(s) has the right to request a state hearing if the PCSA denies eligibility for KPI, or the application has been acted upon erroneously, or not acted upon with reasonable promptness.

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A public children services agency (PCSA) or private child placing agency (PCPA) shall place a child in substitute care setting apart from his parents, guardian, or custodian only if custody of the child has first been assumed or retained by that agency. A PCSA or PCPA may provide placement services for a child through the direct placement of the child by his parent, guardian, or custodian into a facility operated by the PCSA or PCPA.

A PCSA or PCPA may assume or retain custody of a child through:

1. Temporary court order, including an ex parte emergency order, issued by a juvenile court.
2. Temporary custody issued or extended by a juvenile court exercising jurisdiction pursuant to section 2151.353, 2151.354, 2151.355, or 2151.417 of the Revised Code.
3. Execution of a JFS 01666 "Permanent Surrender of Child" in accordance with requirements of rule 5101:2-42-09 of the Administrative Code.
4. Permanent custody issued by a juvenile court exercising jurisdiction pursuant to section 2151.353, 2151.354, 2151.414, 2151.415, or 2151.417 of the Revised Code.
7. Planned permanent living arrangement order issued by a juvenile court exercising jurisdiction pursuant to division (A)(5) of section 2151.353 of the Revised Code.

A PCSA may place a child in substitute care upon acceptance of the child from a law enforcement officer or duly authorized officer of the court. Upon acceptance of the child the PCSA shall request an ex parte order from the court and shall file a petition authorizing the continued placement of the child within twenty-four hours or the next working day, pursuant to rule 5101:2-39-01 of the Administrative Code, if applicable.

A PCSA shall accept and take emergency temporary custody of a deserted child as defined in rule 5101:2-1-01 of the Administrative Code. The PCSA shall:

1. Provide temporary emergency care for the child.
2. Petition the juvenile court for an order within twenty-four hours or the next working day requesting that temporary custody be granted to the PCSA or a designated PCPA.
3. Perform such duties for the deserted child as required for any child in the agency's custody.

Upon the granting of the order for temporary custody the PCSA shall perform such duties for the deserted child as required for any child in the agency's custody.

Effective:
R.C. 119.032 review dates: 04/30/2014
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.166
Rule Amplifies: 2151.421, 5103.03, 5153.166
Prior Effective Dates: 1/14/83, 9/28/87 (Emer.), 12/27/87, 1/1/89, 1/1/90, 12/1/01, 10/9/06, 11/09/09.
When a child cannot remain in his or her own home, the public children services agency (PCSA) or private child placing agency (PCPA) shall explore both maternal and paternal relatives regarding their willingness and ability to assume temporary custody or guardianship of the child. Unless it is not in the child's best interest, the PCSA or PCPA shall explore placement with a non-custodial parent before considering other relatives.

If a suitable relative is not available to assume temporary custody or guardianship, or placement, the PCSA or PCPA shall explore placement with a suitable nonrelative who has a relationship with the child and/or family.

The PCSA or PCPA shall only place children in substitute care settings that are licensed, certified or approved by the agency of the state having responsibility for licensing, certifying or approving facilities of the type in which the child is placed or in homes of relatives or nonrelatives approved by the PCSA or PCPA in accordance with rule 5101:2-42-18 of the Administrative Code.

The PCSA or PCPA shall only place children:

1. In homes of relative or non-relatives approved by the PCSA or PCPA in accordance with rule 5101:2-42-18 of the Administrative Code.

2. In substitute care settings that are licensed, certified or approved by the agency of the state having responsibility for licensing, certifying or approving facilities of the type in which the child is placed.

The PCSA or PCPA shall attempt to place siblings in the same home unless it is not in the child's or siblings' best interest.

When the PCSA or PCPA has temporary custody of a child, it shall select a substitute care setting that is consistent with the best interest and special needs of the child and that meets the following criteria:

1. Is considered the least restrictive, most family-like setting available to meet the child's emotional and physical needs.

2. Is in close proximity to the home from which the child was removed or the home in which the child will be permanently placed.

3. Is in close proximity to the school in which the child was enrolled prior to placement.

4. Is designed to enhance the likelihood of achieving permanency plan goals.

5. Is able to provide a safe environment for the child.

The following allowable settings are listed in order from least restrictive to most restrictive:

1. The home of a suitable relative as defined in rule 5101:2-1-01 of the Administrative Code.

2. The home of a suitable nonrelative as defined in rule 5101:2-1-01 of the Administrative Code.

3. A foster home.

4. An independent living arrangement, as appropriate for the child.

5. A group home.

6. A maternity home.

7. An emergency shelter care facility.


9. A medical or educational facility.
For a child in the permanent custody of a PCSA or PCPA, an adoptive placement shall be considered the least restrictive setting. When selecting an adoptive placement, the agency shall follow rule 5101:2-48-16 of the Administrative Code.

Only when a PCSA or PCPA determines that a child's mental, physical or emotional needs indicate that a less-restrictive setting cannot address his or her needs, the PCSA or PCPA may place the child in a more restrictive setting.

This rule shall not contravene the placement of a child in a secure facility or other specified setting by law enforcement or any court of jurisdiction.

The PCSA or PCPA shall document the following in the child's case plan:

1. Educational, medical, psychological, and social information used by the agency to select a placement setting.
2. How the setting constitutes a safe and appropriate placement.
3. Why less-restrictive placements, if applicable, were not utilized.

The above provisions of this rule do not apply to a permanent surrender agreement executed in the child's best interest by a PCPA in accordance with division (B)(2) of section 5103.15 of the Revised Code for a child less than six months of age for the purpose of adoption on the date of the execution of the agreement.

All placement activities shall be in compliance with rules 5101:2-42-18.1 and 5101:2-48-13 of the Administrative Code and 42 U.S.C. sections 622(b)(9), 671(a)(18), 674(d) and 1996b (collectively, the Multiethnic Placement Act or MEPA as in effect January 1, 1997).

Effective:
R.C. 119.032 review dates: 01/21/2014
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.16
Rule Amplifies: 2151.55, 2151.551, 2151.552, 2151.553, 2151.554, 2152.72, 5103.02, 5103.03, 5153.16
Prior Effective Dates: 1/14/83, 9/23/87 (Emer.), 12/27/87, 1/1/89, 1/1/90, 10/1/90, 12/15/95 (Emer.), 3/1/96, 10/1/97, 12/30/97, 3/18/99 (Emer.), 6/17/99, 1/1/03, 10/4/04 , 12/19/2008
The JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) is the sole form prescribed by the Ohio department of job and family services (ODJFS), pursuant to section 5103.15 of the Revised Code. The JFS 01645 must be utilized for all such agreements.

Execution of the JFS 01645 creates the status of temporary custody with a public children services agency (PCSA) or private child placing agency (PCPA) for a specified time period subject to the provisions of rule 5101:2-42-08 of the Administrative Code. The agreement for temporary custody may be terminated at the request of either party prior to expiration of the specified time period.

By execution of the JFS 01645, a PCSA or PCPA accepts the responsibilities as specified on the JFS 01645, in addition to any further responsibility imposed by law on one who holds temporary custody of a child.

By execution of the JFS 01645, a PCSA or PCPA is given authority for action as specified on the JFS 01645, in addition to any further responsibility prescribed by law to one who holds temporary custody of a child.

By execution of the JFS 01645, the parent, guardian, or custodian accepts the responsibility as specified on the JFS 01645, in addition to those imposed by law.
FCASMTL 403

Effective Date: December 1, 2018

Most Current Prior Effective Date: April 20, 2008 (No Change)

(A) The JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) is the sole form prescribed by the Ohio department of job and family services pursuant to section 5103.15 of the Revised Code. The JFS 01645 must be utilized for an original or additional thirty-day extension of an agreement for temporary custody of a child.

(B) Court approval of the JFS 01645, either for an original or additional extension extends the status of the agreement with the public children services agency (PCSA) or private child placing agency (PCPA) for the specified time period in accordance with rule 5101:2-42-08 of the Administrative Code.

(C) An extension of the temporary custody by agreement may be terminated at the request of either party prior to expiration of the specified time period. The PCSA or PCPA shall notify the court of such termination within seven days.

(D) A PCSA or PCPA shall accept the responsibilities as specified on a court-approved JFS 01645, in addition to any further responsibility imposed by law on one who holds temporary custody of a child.

(E) A PCSA or PCPA is given authority for action as specified on the court-approved JFS 01645, in addition to any further responsibility imposed by law on one who holds temporary custody of a child.

(F) The parent, guardian, or custodian, accepts the responsibility as specified on the court-approved JFS 01645, in addition to those imposed by law.

Effective: 12/1/2018

Five Year Review (FYR) Dates: 8/13/2018 and 12/01/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 10/18/2018

Promulgated Under: 119.03

Statutory Authority: 5103.15, 5153.16

Rule Amplifies: 5103.15, 5153.16

Prior Effective Dates: 01/01/1989, 02/01/2003, 04/20/2008
(A) Agreement for temporary custody or an extension of the agreement may be accepted by a public children services agency (PCS A) or private child placing agency (PCPA) only by proper execution of the JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) and compliance with the conditions stated therein.

(B) For the purpose of this rule, the PCSA or PCPA shall execute the JFS 01645 in the county in which the parent, guardian or custodian has residence or legal settlement.

(C) Temporary custody by agreement shall be accepted only from a child's parent, guardian, or custodian.

(D) The JFS 01645 shall not be executed until the PCSA or PCPA has completed all of the following:

1. Evaluated the reason for the transfer of temporary custody.
2. Explored all reasonable less drastic alternatives for the care of the child by his: parent, guardian, custodian, relative or other interested nonrelative.
   - Parent
   - Non-custodial parent
   - Guardian
   - Custodian
   - Relative, or
   - Other interested nonrelative
3. Determined that appropriate placement resources are available for the child.
4. Reviewed the JFS 01645 with the parent, guardian, or custodian.

(E) When the child is less than six months of age on the date of the execution of the JFS 01645 and the purpose is adoption, the agreement for temporary custody shall be for a specified period of not more than sixty days. If the PCSA or PCPA determines temporary custody should continue beyond sixty days and the child's parent, guardian, or custodian concurs, the PCSA or PCPA shall file a request with the juvenile court of the county in which the parent, guardian or custodian has residence or legal settlement for a thirty-day extension of such agreement for temporary custody.

(F) When the agreement for temporary custody is not for the purpose of adoption, the agreement for temporary custody shall be for a specified period of not more than thirty days.

1. If the PCSA or PCPA determines temporary custody beyond thirty days is appropriate, and the child's parent, guardian, or custodian concur, the PCSA or PCPA shall file a request with the juvenile court for an original thirty-day extension of the agreement for temporary custody.
2. If the PCSA or PCPA determines temporary custody beyond the original thirty-day extension approved by the juvenile court is appropriate, and the child's parent, guardian, or custodian concur, the PCSA or PCPA shall seek approval from the juvenile court which granted approval of the original thirty-day extension for an additional thirty-day extension of the agreement.

(G) When requesting juvenile court approval for a thirty-day original extension or an additional thirty-day extension of an agreement, the PCSA or PCPA shall:

1. File the request in sufficient advance of the expiration date of the agreement, as directed by the court, to allow the court to determine whether the extension is in the best interest of the child; and
If the request is for an original extension, file a copy of the case plan prepared in accordance with new rules 5101:2-53-05 and 5101:2-39-08.1 5101:2-38-05 of the Administrative Code for PCSAs, and rule 5101:2-39-105101:2-38-07 of the Administrative Code for PCPAs; or

If the request is for an additional extension, file a copy of the amended case plan prepared in accordance with new rules 5101:2-53-05 and 5101:2-39-08.1 5101:2-38-05 of the Administrative Code for PCSAs, and rule 5101:2-39-105101:2-38-07 of the Administrative Code for PCPAs.

Document in the case record the reasons why an original or additional extension is necessary and efforts to be made during the extension period to fulfill the case plan.

If the PCSA or PCPA does not request an original thirty-day extension or an additional thirty-day extension, the PCSA or PCPA shall:

1. Return the child to his parent, guardian, or custodian; or
2. File a complaint with the juvenile court pursuant to section 2151.27 of the Revised Code requesting temporary or permanent custody.

When filing a complaint with the juvenile court, the complaint must be accompanied by a case plan prepared in accordance with rule 5101:2-39-08.1 5101:2-38-05 of the Administrative Code for PCSAs, and rule 5101:2-39-105101:2-38-07 of the Administrative Code for PCPAs.

If the PCSA or PCPA hasis denied an extension, it shall return the child unless it has obtained a court order authorizing it not to do so. Upon being denied an extension, the PCSA or PCPA may file a complaint and seek an emergency order permitting the PCSA or PCPA to retain custody pursuant to section 2151.33 of the Revised Code.

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Date
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Prior Effective Dates: 1/14/83, 6/1/85 (Emer.), 8/12/85, 9/29/87, 1/1/89, 1/1/90, 2/1/03, 4/20/2008
(A) The parents, guardian, or other persons having custody of a child may enter into an agreement with a public children services agency (PCSAs) or private child placing agency (PCPAs) to voluntarily surrender a child into the permanent custody of an agency when there is mutual agreement that a permanent surrender would be in the best interests of the child. The PCSA or PCPA shall use the JFS 01666 "Permanent Surrender of Child" (rev. 6/2006) (rev. 10/2013) when executing the agreement. The JFS 01666 shall not be executed until at least seventy-two hours after the birth of the child has elapsed.

(B) At least seventy-two hours prior to the PCSA or PCPA execution of the JFS 01666, the assessor shall meet with the parents, guardian or other persons having custody of the child to do the following:

1. Discuss with the parents, guardian, or persons having custody of the child other options available in lieu of surrendering the child.
2. Advise the parents, guardian, or persons having custody of the child that execution of a JFS 01666 will sever all parental rights to the child and will terminate all residual parental rights, privileges and responsibilities as defined in section 2151.011 of the Revised Code.
3. Advise the parents, guardian or persons having custody of the child that execution of a permanent surrender must be approved by the juvenile court unless the JFS 01666 is executed by a PCPA solely for the purpose of obtaining an adoption of a child who is less than six months of age on the date that the agreement is executed.
4. Advise the parents, guardian or persons having custody of the child of Ohio law regarding open adoption and Ohio adoption procedures.
5. Review, discuss and complete the JFS 01693 "Ohio Law and Adoption Materials" (rev. 1/2002) (rev. 5/2009). Only sections "I", "II", and "III" need to be completed for a child over six months of age on the date the JFS 01666 is executed.

(C) The PCSA or PCPA shall not execute the JFS 01666 until:

1. All activities outlined in paragraph (B) of this rule have occurred.
2. The social and medical histories and any releases of information have been obtained from the parents, guardian or persons having custody of the child in accordance with the requirements contained in rule 5101:2-48-03 of the Administrative Code.

(D) Except as provided in paragraph (F) of this rule, each PCSA or PCPA that executes a JFS 01666 shall seek approval of the permanent surrender by the juvenile court of the county in which the child has a residence or legal settlement. At the time the PCSA or PCPA files its request for approval of the permanent surrender with the court:

1. The PCSA shall file a case plan prepared in accordance with rules 5101:2-38-05 and 5101:2-33-99 of the Administrative Code and shall submit the JFS 01693.

(E) Except as provided in paragraph (F) of this rule, permanent custody of the child through execution of a JFS 01666, is not established until the juvenile court approves the permanent surrender.

(F) When a PCPA executes a JFS 01666 involving a child under six months of age where the agreement is executed solely for obtaining the adoption of the child and the parents(s) consent to the permanent surrender, approval by the juvenile court is not required. The PCPA shall notify the court no later than two business days after entering into the agreement that the JFS 01666 has been executed. At the time the PCPA notifies the court that an agreement has been executed, the JFS 01693 shall be
submitted. The PCPA shall also notify the court no later than two business days after the child is physically placed for adoption.

(G) If a child has not been placed for adoption within six months after the JFS 01666 is executed without juvenile court approval for any child in the custody of a PCPA who was under the age of six months at the time a JFS 01666 was executed, the PCPA shall:

(1) Request the juvenile court with continuing jurisdiction hold a review hearing as outlined in section 2151.417 of the Revised Code.


(H) If a final decree of adoption or an interlocutory order of adoption is not issued or does not become final within seven months after the JFS 01666 has been approved by the juvenile court, the PCSA or PCPA shall request the juvenile court with continuing jurisdiction hold a review hearing as outlined in section 2151.417 of the Revised Code.

(I) The PCSA or PCPA shall follow placement requirements pursuant to rule 5101:2-48-16 of the Administrative Code.

(J) A PCSA or PCPA shall not attempt to collect support payments from a biological parent, or legal guardian, for the cost of care incurred while a child is in the PCSA's or PCPA's permanent custody.

(K) A PCSA or PCPA shall not secure or attempt to secure the permanent surrender of a child by the parent, guardian, or custodian through threats, intimidation, or offers of gain or reward.

(L) The PCSA or PCPA shall document in the child's case record:

(1) The date, time, place and circumstances under which the activities listed in paragraph (B) of this rule occurred.

(2) The date, time, place and circumstances under which the JFS 01666 was executed.

Effective:
R.C. 119.032 review dates: 01/21/2014
Certification
Date
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Statutory Authority: 5101.03, 5103.15, 5103.16, 3107.083
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Prior Effective Dates: 12/30/66, 1/14/83, 6/1/85 (Emer.), 8/12/85, 1/1/89, 1/1/90, 5/1/94, 9/18/96, 2/13/98 (Emer.), 5/14/98, 8/18/03, 12/19/2008
Appendix A - Offenses Listed in Paragraph (H) (1) of Rule 5101:2-42-18 of the Administrative Code

(A) A public children services agency (PCSA) or private child placing agency (PCPA) having custody of a child, or upon interstate request by a state with jurisdiction, may approve placement with the following substitute caregivers in accordance with rule 5101:2-42-05 of the Administrative Code if the placement is determined to be in the child's best interest and the substitute caregivers are not certified through the Ohio department of job and family services:

(1) A relative by blood, adoption, or marriage who, in accordance with sections 5103.02 and 5103.03 of the Revised Code, is exempt from certification and who is being considered as a substitute caregiver; or

(2) A nonrelative who has a relationship with the child and/or family and who, in accordance with section 5153.161 of the Revised Code, is approved by the court.

(B) Prior to placing the child with the relative or nonrelative substitute caregiver, the PCSA or PCPA shall adhere to the following procedures and document its actions in approving the placement setting:

(1) Collect identifying information (first name, last name, maiden name, aliases, social security number, address, telephone number, place of employment) on the prospective caregiver and all household members.

(2) Require all adults in the home to identify prior PCSA or children services agency (CSA) involvement.

(2)(3) Assure that a search of the statewide automated child welfare information system (SACWIS) has been completed for the prospective caregiver and adult household members pursuant to rule 5101:2-33-22 of the Administrative Code.

(a) If the agency has the ability to access SACWIS pursuant to rule 5101:2-33-70 of the Administrative Code and section 5101.132 of the Revised Code, the agency shall complete an alleged perpetrator search of abuse and neglect report history through SACWIS for the prospective caregiver and each adult who resides in the home.

(b) If the agency does not have the ability to access SACWIS, the agency shall request a search of SACWIS from the Ohio department of job and family services (ODJFS) for the prospective caregiver and each adult who resides in the home and shall secure the necessary releases of information and initiate requests for information when applicable.

(4) When involvement with a CSA in another state is indicated or suspected, the PCSA or PCPA shall secure the necessary releases of information and initiate requests for information from the other CSAs.

(3)(5) Assess the safety of the home by checking on all of the following:

(a) Cleanliness of the home.

(b) Absence of hazardous conditions inside and outside.

(c) Storing of poisonous and otherwise dangerous or combustible materials.

(d) Proper heating, lighting and ventilation.

(e) Condition of indoor plumbing and toilet facilities.

(f) Installation of a working smoke alarm on each level of occupancy of the home.

(g) Safe storing of weapons, including firearms and ammunition, in inoperative condition and in a secured and locked area.
(h) Adequacy of each child’s bedding and appropriateness to his or her needs.

(i) Availability of a working telephone within the home or reasonable access to a working telephone for emergency situations.

(4)(6) Provide the prospective caregiver with known information regarding educational, medical, child care, and special needs of the child including information on how to access support services to meet the needs of the child.

(5)(7) Provide the prospective caregiver with the following information:

(a) How to apply for Ohio works first (OWF) child-only financial assistance and medicaid coverage.

(b) How to apply for certification as a foster caregiver.

(c) The requirements for foster caregiver certification and adoption approval and how those requirements differ from the requirements for approval as a relative or nonrelative substitute caregiver.

(d) The difference in payment between an OWF child-only payment and the foster care per diem.

(e) The difference (if any) in the eligibility for supportive services.

(6)(8) Assess the prospective caregiver’s ability and willingness to provide care and supervision of the child and to provide a safe and appropriate placement for the child.

(7) Require all adults in the home to identify prior PCSA or children services agency (CSA) involvement. When involvement with another PCSA or CSA is indicated or suspected, secure the necessary releases of information and initiate requests for information from the other PCSAs or CSAs.

(8)(9) Submit fingerprints for the prospective relative or nonrelative caregiver and all adults residing within the home according to the requirements of the bureau of criminal identification and investigation (BCII)(BCI). Information on how to obtain a criminal records check can be found at www.webcheck4.ag.state.oh.us. The agency shall request that BCII BCI include information from the federal bureau of investigation (FBI) in the criminal records check. The required criminal records check must be completed prior to an agency approving the prospective relative or nonrelative placement.

(9)(10) Require the prospective caregiver to submit written notification if a person at least twelve years of age but less than eighteen years of age residing within the home of the prospective caregiver has been convicted of or plead guilty to any offenses described in section 5103.0319 of the Revised Code, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation.

(C) If a child must be removed from his or her home immediately in accordance with rules 5101:2-39-01 and 5101:2-39-03 of the Administrative Code, the PCSA or PCPA may place the child with the prospective relative or nonrelative substitute caregiver, if there are no known safety concerns, and initiate the assessments required by paragraph (B) of this rule no later than the next business day. All activities required by paragraph (B) of this rule shall be completed no later than five days from the date the child was placed.

(1) The PCSA or PCPA shall complete all activities required by paragraph (B) of this rule no later than five business days from the date the child was placed.

(2) The PCSA or PCPA shall make a final decision to approve or not approve the placement of the child no later than five business days from the date the agency receives the BCI and FBI background check results and/or alleged perpetrator background check results.

(3) The PCSA or PCPA shall provide the relative or nonrelative caregiver with written notification of the decision to approve or not approve the placement within three business days of the date the final decision to approve or not approve the placement was made.
The PCSA or PCPA shall complete either the JFS 01447 "Assessment of Relative or Nonrelative Substitute Caregiver" (rev. 2/2014/2017) or an alternative form designed by the agency that includes all of the information on the JFS 01447. When the home assessment for relative or nonrelative substitute caregivers has been incorporated into SACWIS, the PCSA or PCPA shall use the SACWIS application to complete home assessments.

The PCSA or PCPA shall approve or deny the relative or nonrelative placement and provide him or her with written notification of the approval or denial no later than thirty days from the date that the assessment was initiated, or the child was placed, whichever comes first.

The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adult residing within the home has a felony conviction for spousal abuse, rape, sexual assault, or homicide.

The PCSA or PCPA may deny the placement if the relative or nonrelative had his or her parental rights involuntarily terminated.

The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adult residing within the home has a felony conviction for spousal abuse, rape, sexual assault, or homicide, or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of these offenses. The provisions of paragraph (G) of this rule do not apply to these offenses.

The PCSA or PCPA shall not approve the placement if the relative or nonrelative or other adults residing within the home have been convicted of or pleaded guilty to any offense listed in paragraph (I)(1)(H) of this rule unless the agency finds and documents that person has met all of the following conditions:

1. Except as provided in paragraph (H)(3) of this rule, where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction. A person who has had his record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.

2. Except as provided in paragraph (H)(3) of this rule, where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.

3. The victim of the offense was not one of the following:
   a. A person under the age of eighteen.
   b. A functionally impaired person as defined in section 2903.10 of the Revised Code.
   c. A mentally retarded person as defined in section 5123.01 of the Revised Code.
   d. A developmentally disabled person as defined in section 5123.01 of the Revised Code.
   e. A person with a mental illness as defined in section 5122.01 of the Revised Code.
   f. A person sixty years of age or older.

4. The person's approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's approval as a relative or nonrelative caregiver or the person's residency in the relative or nonrelative caregiver's household.
   a. The person's age at the time of the offense.
   b. The nature and seriousness of the offense.
   c. The victim of the offense was any of the following:
      i. A person under the age of eighteen.
(ii) A functionally impaired person as defined in section 2903.10 of the Revised Code.

(iii) A person with an intellectual disability as defined in section 5123.01 of the Revised Code.

(iv) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

(v) A person with a mental illness as defined in section 5122.01 of the Revised Code.

(vi) A person sixty years of age or older.

(c)(d) The circumstances under which the offense was committed.

(d)(e) The degree of participation of the person involved in the offense.

(e)(f) The time elapsed since the person was fully discharged from imprisonment or probation.

(f)(g) The likelihood that the circumstance leading to the offense will recur.

(g)(h) Whether the person is a repeat offender.

(h)(i) The person's employment record.

(i)(j) The person's efforts at rehabilitation and the results of those efforts.

(j)(k) Whether any criminal proceedings are pending against the person.

(k)(l) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (i)(H) of this rule, if the felony bears a direct and substantial relationship to being a relative or nonrelative caregiver or adult member of the caregiver's household.

(l)(m) Any other factors the agency considers relevant.

(I)(H) Except as provided in paragraph (H)(G) of this rule, a relative or nonrelative caregiver or other adult residing in the home shall not have been convicted of or pleaded guilty to, any of the following offenses:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.03, 2911.01, 2911.02, 2911.11, 2911.01, 2911.12, 2911.12, 2913.49, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised Code; a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more violations of section 4511.19 of the Revised Code or the equivalent violation from any other state committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A to this rule.

(2) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;

(3) A violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date;

(4) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense as defined in 2925.01 of the Revised Code;
Two or more violations of section 4511.19 of the Revised Code or the equivalent violation from any other state committed within the three years immediately preceding the start date of the home assessment;

Felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed in appendix A to this rule; or

A violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraphs (I)(1) and (I)(2)(H)(1) to (H)(6) of this rule.

The PCSA or PCPA shall complete the requirements of paragraph (B) of this rule and make a decision to approve or not approve the child’s placement with the relative or nonrelative caregiver within thirty calendar days from the date the assessment was initiated. If the BCI or FBI background check results and/or alleged perpetrator background check results have not been received by the PCSA or PCPA within thirty calendar days from the date the assessment was initiated, the PCSA or PCPA shall make a final decision to approve or not approve the placement of the child no later than five business days from the date the agency receives the BCI and FBI background check results and/or alleged perpetrator background check results.

The PCSA or PCPA shall provide the relative or nonrelative caregiver with written notification of the decision to approve or not approve the placement within three business days of the date the final decision to approve or not approve the placement was made.

If the PCSA or PCPA disapproves of a court ordered placement of a child, it shall notify the court in writing of its findings and recommend a suitable substitute care placement. The PCSA or PCPA shall continue to notify the court in writing of its findings and recommended substitute care placement at least every six months.

The PCSA or PCPA shall maintain documentation, in the case record, of all assessments and findings required by this rule that are used in approving or disapproving the placement.

Annually, based on the date of the original approval, the PCSA or PCPA shall complete a home assessment to assure that the placement continues to meet the requirements of this rule for approval of the placement.

If there are multiple children placed by one agency in the home, the agency may complete one annual assessment based on the date of the original placement approval, but shall consider the appropriateness of each placement on a child specific basis.

If there are any new adults in the home, the agency PCSA or PCPA shall conduct background checks on the new adult(s) pursuant to paragraphs (B)(2) and (B)(8)(B)(1) to (B)(4) and (B)(9) of this rule.

If the relative or nonrelative caregiver(s) have moved to a new address, the agency PCSA or PCPA shall ensure that the home meets the requirements listed in paragraph (B)(3)(B)(5) of this rule.

Once a child has been placed with a relative substitute caregiver and is not in need of a new placement, the PCSA or PCPA may continue to complete additional home assessments on other relative or nonrelative substitute caregivers. The PCSA or PCPA may extend the timeframe for completing these additional assessments by a maximum of thirty days past the requirements listed in paragraph (I) of this rule.

Nothing in this rule removes the PCSA’s responsibility for conducting parent assessments when a child reunifies with the parent from which the child was removed or when a child is being placed with a non-custodial or non-residential parent in accordance with rules 5101:2-37-01, 5101:2-37-02, and 5101:2-37-04 of the Administrative Code.

Effective: 07/01/2017
Five Year Review (FYR) Dates: 03/09/2017 and 07/01/2022
A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall not deny any person the opportunity to become a foster caregiver on the basis of race, color or national origin (RCNO) of that person, or of the child involved; nor shall the PCSA, PCPA, or PNA delay or deny the placement of a child into foster care on the basis of RCNO of the foster caregiver or of the child involved.


A PCSA, PCPA, or PNA shall not routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective foster caregiver to meet those needs.

Only the most compelling reasons may serve to justify the consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective foster caregiver. In those exceptional circumstances when RCNO need to be taken into account in a placement decision, such consideration shall be narrowly tailored to advance the child's best interests. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.

The following actions by a PCSA, PCPA, and PNA are permitted as it applies to the foster care placements.

1. Asking about and honoring any initial or subsequent choices made by prospective foster caregivers regarding what RCNO of child the prospective foster caregivers will accept.

2. Providing information and resources about fostering a child of another RCNO to prospective foster caregivers who request such information and making known to all families that such information and resources are available.

3. Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.

4. Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that the RCNO need to be a factor in the placement decision pursuant to paragraph (G) of this rule. Even when the facts of a particular case allow consideration related to the RCNO, this consideration shall not be the sole determining factor in the placement decision.

5. Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities and national origins as part of the training which is required of all applicants who seek to become foster caregivers.

6. Documenting verbal comments, verbatim, or describing in detail any other indication made by a prospective foster caregiver or prospective foster caregiver family member living in the household or any other person living in the household reflecting a negative perspective regarding the RCNO for whom the prospective foster family have expressed an interest in fostering.

   a. The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training that is required for all foster care applicants.
(b) The documentation shall be included in the family's homestudy, update, or an addendum to the homestudy or update prior to consideration of placement.

(F) The following actions by a PCSA, PCPA, and PNA are prohibited as it applies to the foster care process:

1. Using the RCNO of a prospective foster caregiver to differentiate between foster care placements for a child, unless the procedures in paragraphs (G) to (K) of this rule are followed.

2. Honoring the request of a birth parent(s) to place a child with a foster parent(s) of a specific RCNO unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards and the agency determines that the placement is in the best interests of the child.

3. Requiring a prospective foster family to prepare or accept a transracial foster care plan.

4. Using culture or ethnicity as a proxy for RCNO.

5. Delaying or denying placement of a child based upon the following:
   a. The geographical location of the neighborhood of the prospective foster caregiver if geography is being used as a proxy for the racial or ethnic composition of the neighborhood.
   b. The demographics of the neighborhood.
   c. The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.

6. Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective foster caregivers of children of a different RCNO than is required of other prospective foster caregivers.

7. Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

8. Relying upon general or stereotypical assumptions about the ability of prospective foster caregivers of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.

9. Steering prospective foster caregivers away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective foster caregivers from parenting a child of a particular RCNO.

(G) If a medical or psychological evaluation, school record, or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons to consider needs the child may have regarding RCNO in the placement process, the agency shall determine if the child should be referred for an assessment of whether the child has individual needs involving RCNO.

(H) One of the following licensed professionals shall conduct the assessment regarding RCNO:

1. A licensed child psychiatrist.

2. A licensed child psychologist.

3. A licensed independent social worker.

4. A licensed professional clinical counselor.

(I) The licensed professional conducting the assessment shall not be employed by the PCSA or PCPA making the referral.

(J) At the time of the referral, the PCSA or PCPA shall initiate and subsequently complete the JFS 01688 "Individualized Child Assessment" (rev. 5/2007) using the following procedures:
The caseworker shall complete section I of the JFS 01688 and submit the JFS 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the PCSA or PCPA MEPA monitor.

If both the supervisor and the MEPA monitor determine that the documented material contained in the case file indicates there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the child shall be referred within ten days of the signature of the caseworker for an individual child assessment as indicated in paragraph (G) of this rule. At the time of the referral, the agency shall forward to the licensed professional the following documents:

(a) The original JFS 01688.
(b) All relevant medical or psychological evaluations, and school records.
(c) All other relevant material documented in the child's case file.

The PCSA or PCPA shall request in writing that the licensed professional complete and sign section II of the original JFS 01688 and return it within sixty days to the PCSA or PCPA with a copy of the requested assessment attached.

The licensed professional shall determine whether the child has needs involving RCNO and any other needs of a psychological or behavior nature and, if so to specify what those needs are and how those needs may impact a potential substitute care placement.

The licensed professional shall not complete an assessment pursuant to paragraph (G) of this rule until the PCSA or PCPA has provided the licensed professional with copies of this rule and each of the following:

(a) JFS 01607 "MEPA Educational Materials" (rev. 1/2009).
(b) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009).
(c) Rule 5101:2-42-18.1 of the Administrative Code.
(d) Rule 5101:2-48-13 of the Administrative Code.
(e) Rule 5101:2-48-16 of the Administrative Code.

The licensed professional shall sign the JFS 01608 "Licensed Professional Statement" (rev. 1/2009) acknowledging receipt of the materials required in paragraph (J)(5) of this rule. A copy of the signed JFS 01608 shall be submitted to the PCSA or PCPA.

The PCSA or PCPA shall keep the JFS 01608 and attach a copy to each JFS 01688 the licensed professional completes. The PCSA or PCPA shall submit a copy of the JFS 01608 and JFS 01688, if applicable to the Ohio department of job and family services (ODJFS) ten days after receiving it.

Each completed JFS 01688 shall remain in effect for twelve months from the date of the final decision as documented on the JFS 01688.

(a) If it has been determined that RCNO should be a factor considered in the child's placement, an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.
(b) If it has been determined that RCNO should not be a factor considered in the child's placement, an updated JFS 01688 and assessment is not required prior to the twelve month expiration date. In such instance, the PCSA or PCPA may update the JFS 01688 and assessment as deemed necessary.

The PCSA or PCPA shall forward a copy of each completed JFS 01688 and the assessment of the licensed professional to ODJFS within ten days of receiving it.

The JFS 01688 shall be presented considered as part of the placement decision making process.
The PCSA or PCPA shall maintain in the child's case file the completed original JFS 01688 and all medical or psychological evaluations, school records, or other material in the file.

A PCSA, PCPA, or PNA shall not intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed an oral or written complaint, testified, assisted, or participated in any manner in the investigation of an alleged violation of MEPA and Title VI. This includes:

1. Any potential prospective or actual certified foster family.
2. Any employee of a PCSA, PCPA, or PNA.
3. Any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA, PCPA or PNA such as a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer.

Prohibited retaliatory conduct includes, at a minimum:

1. A reduction in the amount of foster care payments which a family should receive based on the child's needs.
2. Unwarranted poor evaluations of an employee by his or her supervisor.

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Requirements for the Provision of Independent Living Services to Youth In Custody

FCASMTL 405

Effective Date: March 1, 2019

Most Current Prior Effective Date: December 11, 2017

(A) Independent living services shall be provided to each youth in the custody of a public children services agency (PCSA) or private child placing agency (PCPA) who has attained the age of fourteen to prepare them for the transition from agency custody to self-sufficiency.

(B) If a PCSA is providing independent living services to an eligible unmarried minor female who is pregnant or has a child and is part of an "Ohio Works First" (OWF) assistance group, the PCSA shall inform the local county department of job and family services (CDJFS) of the PCSA's involvement with the family in order to ensure coordination of services.

(C) The PCSA or PCPA shall conduct a life skills assessment on each youth in agency custody, who has reached age fourteen. The assessment shall be completed no later than sixty days after the youth's fourteenth birthday or sixty days after the youth enters agency custody, if the youth is fourteen or older. A life skills assessment shall establish the need for independent living services identified in paragraph (D) of this rule. The life skills assessment shall be completed with documented input from the youth, the youth's caregiver, and the youth's case manager.

(D) The PCSA or PCPA shall determine which independent living services are and are not applicable, based on the assessment required by paragraph (C) of this rule and shall include, but not be limited to the following:

(1) Academic support including:
   (a) Academic counseling.
   (b) Preparation for a GED.
   (c) Assistance in applying for or studying for a GED exam.
   (d) Tutoring.
   (e) Help with homework.
   (f) Study skills training.
   (g) Literacy training.
   (h) Help accessing educational resources.

(2) Post secondary educational support including:
   (a) Classes for test preparation.
   (b) Counseling about college.
   (c) Information about financial aid and scholarships.
   (d) Help completing college or loan applications.
   (e) Tutoring while in college.

(3) Career preparation including:
   (a) Vocational and career assessment, career exploration and planning, guidance in setting and assessing vocational and career interests and skills and help in matching interests and abilities with vocational goals.
   (b) Job seeking and job placement support, identifying potential employers, writing resumes, completing job applications, developing interview skills, job shadowing, receiving job referrals, using career resource libraries, understanding employee benefits coverage, and securing work permits.
(c) Retention support and job coaching.
(d) Learning how to work with employers and other employees.
(e) Understanding workplace values such as timeliness and appearance.
(f) Understanding authority and customer relationships.

(4) Employment programs or vocational training including:
(a) Participation in an apprenticeship, internship, or summer employment program.
(b) Participation in vocational or trade programs and the receipt of training in occupational
    classes for such skills as cosmetology, auto mechanics, building trades, nursing,
    computer science, and other current or emerging employment sectors.

(5) Budget and financial management including:
(a) Living within a budget.
(b) Opening and using a checking or savings account.
(c) Balancing a checkbook.
(d) Developing consumer awareness and smart shopping skills.
(e) Accessing information about credit, loans and taxes.
(f) Filling out tax forms.

(6) Housing, education and home management training including:
(a) Assistance or training in locating and maintaining housing, filling out a rental application
    and acquiring a lease, handling security deposits and utilities, understanding practice for
    keeping a healthy and safe home, understanding tenants rights and responsibilities, and
    handling landlord complaints.
(b) Instruction in food preparation, laundry, housekeeping, living cooperatively, meal
    planning, grocery shopping, and basic maintenance and repairs, and driving instruction.

(7) Health education and risk prevention including:
(a) Hygiene, nutrition, fitness and exercise, and first aid information.
(b) Medical and dental care benefits, health care resources and insurance, prenatal care and
    maintaining personal medical records.
(c) Sex education, abstinence education, and HIV prevention, education and information
    about sexual development and sexuality, pregnancy prevention and family planning and
    sexually transmitted diseases and AIDS; substance abuse prevention and intervention,
    including education and information about the effects and consequences of substance
    use (alcohol, drugs, tobacco) and substance avoidance and intervention.

(8) Family support and healthy marriage education including education and information about safe
    and stable families, healthy marriages, spousal communication, parenting, responsible
    fatherhood, childcare skills, teen parenting and domestic and family violence prevention.

(9) Mentoring including being matched with a screened and trained adult for a one-on-one
    relationship that involves the two meeting on a regular basis. Mentoring can be short-term,
    but may also support the development of a long-term relationship.

(10) Supervised Supervision services for a youth placed in a supervised independent living
    arrangement including a youth who is living independently under a supervised arrangement paid
    for or provided by the county agency.

(11) Room and board financial assistance for rent deposits, utilities, and other household start-up
    expenses. The PCSA may only use up to thirty per cent of the Chafee federal independent living
    allocation for room and board pursuant to rule 5101:9-6-35 of the Administrative Code. The
PCSA or PCPA shall not use the Chafee allocation or TANF independent living funds for room and board pursuant to rules 5101:9-6-35 and 5101:9-6-08.6 of the Administrative Code for:

(a) Youth under the age of eighteen.
(b) Young adults that have reached their twenty first birthday.

(E) The PCSA or PCPA shall develop a written independent living plan within thirty days of the completion of the assessment required by paragraph (C) of this rule, to help the youth achieve self-sufficiency. The plan shall be based upon the assessment, the developmental age of the child and include input from the youth, the youth's case manager, the caregiver, and significant others in the youth's life. The independent living plan shall document the strengths, limitations, and resources of the youth and outline the services to be provided. The independent living plan shall be reviewed at least every ninety days thereafter until the agency's custody is terminated. A copy of the plan and any subsequent updates shall be provided to the youth and caregiver within thirty days of the development of the plan or the update as applicable.

(F) The PCSA or PCPA shall include in the independent living plan the contact information containing the names, addresses and phone numbers of significant others, such as former foster parents, friends, mentors, child's attorney, guardian ad litem (GAL) or court appointed special advocates (CASA) and extended family members as provided by the youth. The PCSA or PCPA shall use this information to work with the youth to develop and achieve meaningful, permanent connections with at least one caring adult.

(G) The PCSA or PCPA shall amend the case plan and submit it to the court within seven days following the completion of the initial independent living plan pursuant to rules 5101:2-38-05 and 5101:2-38-07 of the Administrative Code.

(H) The PCSA or PCPA shall review the independent living plan with the youth and substitute caregiver at least every ninety days until the agency's custody is terminated. Each review shall include:

1. Progress on current independent living goals and the opportunity to add new independent living goals, as necessary.
2. Review of youth's contacts including the development of meaningful, permanent connections.
3. Details regarding youth's access to and participation in age or developmentally appropriate activities, positive youth development and experiential learning similar to non-custodial youth.

(I) The PCSA or PCPA shall provide independent living services training opportunities to caregivers caring for adolescents.

(J) The PCSA or PCPA shall include in the independent living plan the contact information containing the names, addresses and phone numbers of significant others, such as former foster parents, friends, mentors, child's attorney, GAL/CASA and extended family members as provided by the young adult.

(K) For each child in the custody of the PCSA or PCPA who has attained the age of fourteen, the PCSA or PCPA shall request a credit report from each of the three major credit reporting agencies (CRA) each year until the child is discharged from substitute care. This may be completed simultaneously or separately throughout the year.

1. A request shall be submitted to at least one CRA by the first semi-annual review (SAR) held after the child attains the age of fourteen.
2. The PCSA or PCPA shall ensure each child in agency custody who has attained the age of fourteen or older until emancipation, annually receives all copies of their consumer credit report. The PCSA or PCPA shall assist the youth in interpreting the credit reports.
3. The PCSA or PCPA shall assist youth in the resolution of any inaccuracies reported on any of the credit reports by working with the Ohio attorney general's office.

(L) A PCSA shall ensure the following initial information is entered into statewide automated child welfare information system (SACWIS) and a PCPA shall ensure that the initial information is documented in
the case record each work day or as information becomes available in accordance with rule 5101:2-33-70 of the Administrative Code:

(1) All services provided to youth as indicated in paragraph (D) of this rule.

(2) Youth characteristics including:
   (a) Education levels.
   (b) Tribal membership.
   (c) Delinquency adjudication.
   (d) Special education.
   (e) Medical conditions.

(3) Basic demographics of the youth including:
   (a) Gender.
   (b) Race.
   (c) Ethnicity.

(K)(L) The PCSA shall enter in SACWIS and the PCPA shall document in the case record the date the independent living assessment and the independent living plan were completed. All review dates of the independent living plan shall be entered in SACWIS, in accordance with rule 5101:2-33-70 of the Administrative Code. The PCPA shall document all review dates in the case record.

(L)(M) The PCSA or PCPA shall provide the youth information on post emancipation services in accordance with rule 5101:2-42-19.2 of the Administrative Code and eligibility criteria to enroll in bridges in accordance with Chapter 5101:2-50 of the Administrative Code.

(1) At least one hundred eighty days prior to the youth's eighteenth birthday, the PCSA or PCPA shall determine if one of the following eligibility criteria can be met for the youth to be enrolled in the bridges program upon the youth emancipating from care.
   (a) Youth is completing secondary education or a program leading to an equivalent credential.
   (b) Youth is enrolled in an institution that provides post-secondary or vocation education.
   (c) Youth is participating in a program or activity designed to remove barriers to employment.
   (d) Youth is employed for at least eighty hours per month.
   (e) Youth is incapable of doing any of the activities described in paragraph (L)(1)(a)(M)(1)(a) to (L)(1)(d)(M)(1)(d) of this rule due to a medical condition, and incapacity is supported by regular documentation from a qualified practitioner.

(2) At least ninety days prior to the youth's emancipation if it is determined the youth is interested and meets at least one of the eligibility criteria described in paragraph (M)(1)(a) to (M)(1)(e), the PCSA or PCPA shall determine if the youth is interested and meets at least one of the eligibility criteria described in paragraphs (L)(1)(a) to (L)(1)(e) of this rule, the PCSA or PCPA shall:
   (a) Contact and introduce the youth to the bridges representative Refer the youth to the bridges program.
   (b) Assign the bridges representative to the ongoing case within SACWIS.
   (c) Introduce the youth to the bridges representative.
   (c)(d) Collaborate with the bridges representative until the youth reaches emancipation and custody has been terminated.

(3) At least fourteen days prior to the youth's emancipation, the PCSA or PCPA shall ensure the youth has all documentation required to enroll in the bridges program.
At least ninety days prior to the youth's emancipation from the agency's custody, the PCSA or PCPA shall work with the youth to develop a final transition plan. The plan shall be youth-driven and as detailed as the youth chooses. The PCSA shall complete the plan in SACWIS. For youth who have been referred to the bridges program, the final transition plan shall be shared with the bridges representative. The plan shall include information regarding:

1. The youth's option to receive post emancipation services identified in rule 5101:2-42-19.2 of the Administrative Code, provided or arranged by the PCSA or PCPA from which the youth emancipated.
2. Health care including:
   (a) Health insurance.
   (b) Health care power of attorney.
   (c) Youth's option to execute power of attorney.
3. Employment services.
5. Obtaining and paying for housing.
6. Budgeting for necessary living expenses.
7. Obtaining a credit report.
8. Registering for selective service.
9. Information on obtaining a driver's license.
10. Information on any existing court fees associated with the youth's name prior to emancipation.
11. Information on any existing benefits the youth receives, such as but not limited to social security benefits. If necessary, the PCSA or PCPA shall review with the youth instructions on how to apply for continuation of those benefits.

Prior to the youth's emancipation from the agency's custody, the PCSA or PCPA shall coordinate with the following agencies, to obtain necessary documents:

1. The department of health, office of vital statistics, to ensure the youth obtains an original birth certificate.
2. The social security administration, to ensure the youth obtains an original social security card.
3. The bureau of motor vehicles, to ensure the youth obtains a current state identification card and information on obtaining a driver's license.

The PCSA or PCPA shall provide a copy of the final transition plan to the youth when custody is terminated due to reaching the age of emancipation, along with the following:

1. A copy of the youth's health and education records.
2. A letter verifying that the youth emancipated from agency custody.

The PCSA shall document in SACWIS the date the agency provided the information in paragraphs (E), (M) and (N) to (O) of this rule. The PCPA shall document the information in the case record.

Effective: 3/1/2019
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Certification: CERTIFIED ELECTRONICALLY
Date: 01/14/2019
Promulgated Under: 119.03
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Rule Amplifies: 5101.141, 5103.03, 5153.166
(A) The public children services agency (PCSA) or private child placing agency (PCPA) shall place a youth in its custody who is at least sixteen years of age in an independent living arrangement, when appropriate. For youth aged sixteen or seventeen years of age, the placement must be a supervised or semi-supervised independent living setting. The PCPA making such arrangements shall be certified by the Ohio department of job and family services (ODJFS) pursuant to rule 5101:2-5-03 of the Administrative Code.

(B) The PCSA or PCPA shall assure that a youth's independent living arrangement meets the following standards:

1. All associated structures are maintained in a safe state of repair and inspected annually by a certified fire inspector or the state fire marshall.

2. The dwelling is safely and adequately heated, lighted and ventilated. Unvented kerosene heaters shall not be used, unless the heater has been approved by "Underwriter's Laboratory (www.ul.com)."

3. Firearms or other projectile weapons and ammunition are not on the premises.

4. An operating telephone is accessible.

5. The bathroom and toilet facilities are located within the building, connected to an indoor plumbing system and are operable.

6. Garbage is disposed of on a regular basis and outside garbage is stored in covered containers or closed bags.

7. Operable smoke alarms approved by "Underwriter's Laboratory" are on each level of occupancy.

8. A portable chemical fire extinguisher is maintained in the cooking area and is operable.

9. A written emergency procedure is in place that assures the youth will have twenty-four hour access to staff familiar with his or her situation.

10. No more than five youth reside in the home. Each youth shall be provided with a bed of his or her own with no more than two youth to a bedroom.

(C) The PCSA or PCPA shall follow procedures outlined in rule 5101:2-42-65 of the Administrative Code for visitation.

(D) Nothing in this rule shall preclude an agency from using additional site, safety, and supervision requirements for independent living arrangements.
FCASMTL 405

Effective Date: March 1, 2019

Most Current Prior Effective Date: December 11, 2017

(A) Each public children services agency (PCSA) shall, when requested, provide services and support to former foster care recipients, who emancipated from agency custody due to attaining eighteen years of age. A PCSA shall evaluate the strengths and needs of the young adult to determine the services to be offered. The services and supports are to complement the young adult's own efforts to achieve self-sufficiency and to assure that the program participant recognizes and accepts their personal responsibility for preparing for and then making the transition from adolescence to adulthood, and the services and supports shall be available until the young adult's twenty-first birthday.

(B) Before a PCSA provides services to a young adult between the ages of eighteen and twenty-one, the PCSA shall explore and coordinate services with other community resources. The PCSA shall coordinate with ODJFS programs and other community resources including, but not limited to the following:

(1) Bridges.
(2) Comprehensive case management and employment program (CCMEP).
(3) Other local community resources.

(C) Based on the evaluation required by paragraph (A) of this rule, the PCSA and the young adult shall develop a mutually agreed on written plan for the provision of services. The plan shall clearly outline the responsibilities of the young adult and the PCSA. The written plan shall be signed by the young adult and a representative of the agency.

(D) The PCSA shall include or update contact information in the written plan on any of the youth's connections with significant others, such as former foster parents, friends, mentors and extended family members. The contact information shall include names, addresses and phone numbers, whenever known and shall be documented in the state automated child welfare information system (SACWIS).

(E) The PCSA shall make available the following independent living services to young adults aged eighteen to twenty-one including, but not limited to:

(1) Academic support including:
   (a) Academic counseling.
   (b) Preparation for a GED.
   (c) Assistance in applying for or studying for a GED exam.
   (d) Tutoring.
   (e) Help with homework.
   (f) Study skills training.
   (g) Literacy training.
   (h) Help accessing educational resources.

(2) Post secondary educational support including:
   (a) Classes for test preparation.
   (b) Counseling about college.
   (c) Information about financial aid and scholarships.
   (d) Help completing college or loan applications.
(e) Tutoring while in college.

(3) Career preparation including:
(a) Vocational and career assessment, career exploration and planning, guidance in setting and assessing vocational and career interests and skills and help in matching interests and abilities with vocational goals.
(b) Job seeking and job placement support, identifying potential employers, writing resumes, completing job applications, developing interview skills, job shadowing, receiving job referrals, using career resource libraries, understanding employee benefits coverage, and securing work permits.
(c) Retention support and job coaching.
(d) Learning how to work with employers and other employees.
(e) Understanding workplace values such as timeliness and appearance.
(f) Understanding authority and customer relationships.

(4) Employment programs or vocational training including:
(a) Youths' participation in an apprenticeship, internship, or summer employment program.
(b) Youths' participation in vocational or trade programs and the receipt of training in occupational classes for such skills as cosmetology, auto mechanics, building trades, nursing, computer science, and other current or emerging employment sectors.

(5) Budget and financial management including:
(a) Living within a budget.
(b) Opening and using a checking/savings account.
(c) Balancing a checkbook.
(d) Developing consumer awareness and smart shopping skills.
(e) Accessing information about credit, loans and taxes.
(f) Filling out tax forms.

(6) Housing, education and home management including:
(a) Assistance or training in locating and maintaining housing, filling out a rental application and acquiring a lease, handling security deposits and utilities, understanding practice for keeping a healthy and safe home, understanding tenants rights and responsibilities, and handling landlord complaints.
(b) Instruction in food preparation, laundry, housekeeping, living cooperatively, meal planning, grocery shopping and basic maintenance and repairs and driving instructions.

(7) Health education and risk prevention including:
(a) Hygiene, nutrition, fitness and exercise, and first aid information.
(b) Medical and dental care benefits, health care resources and insurance, prenatal care and maintaining personal medical records.
(c) Sex education, abstinence education, and HIV prevention, education and information about sexual development and sexuality, pregnancy prevention and family planning and sexually transmitted diseases and AIDS, substance abuse prevention and intervention, including education and information about the effects and consequences of substance use (alcohol, drugs, tobacco) and substance avoidance and intervention.

(8) Mentoring including matched with a screened and trained adult for a one-on-one relationship involving the two meeting on a regular basis. Mentoring can be short-term, but may also support the development of a long-term relationship:
(9) **Supervised**

Supervision services for a young adult living in a supervised independent living arrangement including a youth living independently under a supervised arrangement that is paid for or provided by the county agency. A youth in supervised independent living is not supervised twenty-four hours a day by an adult and often is provided with increased responsibilities, such as paying bills, assuming leases, and working with a landlord, while under the supervision of an adult.

(10) Room and board financial assistance including room and board financial assistance that is a payment paid for or provided by the county agency for room and board, rent deposits, utilities, and other household start-up expenses.

(11) Education financial assistance including educational financial assistance that is a payment paid for or provided by the county agency for education or training, allowances to purchase textbooks, uniforms, computers, and other educational supplies; tuition assistance; scholarships; payment for educational preparation and support services, and payment for GED and other educational tests. The financial assistance also includes vouchers for tuition or vocational education or tuition waiver programs paid for or provided by the county agency.

(12) Other financial assistance including financial assistance for any other payments made or provided by the county agency to help the youth live independently.

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(F) The PCSA may only use up to thirty per cent of its Chafee federal independent living allocation for room and board pursuant to rule 5101:9-6-35 of the Administrative Code for eighteen to twenty-one year old youth who emancipated young adults. Bridges participants receiving Title IV-E maintenance are not eligible for the Chafee room and board allocation. Room and board may include but is not limited to:

1. Assistance with rent.
2. Initial rent deposit.
3. Utilities.
4. Utility deposits.

(G) Under no circumstances shall the PCSA use any of its independent living allocation for room and board for youth under the age of eighteen or past the young adult’s twenty-first birthday.

(H) PCSAs shall report applicable independent living services information for young adults as described in this rule, and any other information deemed necessary by the director of ODJFS, as required in rule 5101:2-33-70 of the Administrative Code, according to the statewide automated child welfare information system (SACWIS) reporting requirements.

(I) The PCSA shall provide a copy of the agency’s grievance policy as required by rule 5101:2-33-20 of the Administrative Code to each young adult requesting independent living services from the agency.

(J) The PCSA shall ensure that youth who have reached age nineteen or twenty-one are participating in state and federal studies in accordance with the Ohio department of job and family services (ODJFS). The PCSA shall inform the youth:

1. How to access the survey.
2. The benefits of participating in the survey include:
   a. Increase youth financial self-sufficiency.
   b. Improve youth educational, academic or vocational attainment.
   c. Increase youth connections with adults.
   d. Reduce homelessness among youth.
   e. Reduce high-risk behavior among youth.
   f. Improve youth access to health insurance.
3. They may be eligible for an incentive once they complete the survey.
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Rule Amplifies: 5101.141, 5153.166, 5103.03
FCASMTL 406

Effective Date: March 1, 2019
Most Current Prior Effective Date: June 1, 2016

(A) Public children services agencies (PCSA) are responsible for establishing policies and procedures for service coordination with correctional facilities and hospitals on behalf of infants born to women who are incarcerated.

(B) Upon notification by the correctional facility that postnatal services will be needed, the PCSA in the county in which the woman was a resident at the time of incarceration, or if not an Ohio resident, the PCSA in the county in which the woman was charged or sentenced shall:

1. Conduct an assessment of the person or persons recommended by the incarcerated woman and provide a copy of the recommendation of approval or non-approval to the correctional facility.
   (a) In the case of the child's father, the PCSA shall conduct a parent assessment in accordance with agency policy.
   (b) In the case of a relative or non-relative caregiver, the PCSA shall conduct a home assessment in accordance with rule 5101:2-42-18 of the Administrative Code.

2. Coordinate with the local children services agency in another state to request a home assessment, when the proposed relative or non-relative caregiver lives out-of-state.

3. Obtain temporary custody of the infant by execution of the JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) in accordance with rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code or by court order if:
   (a) The infant is not remaining with the mother as part of a prison nursery program;
   (b) The incarcerated woman has not recommended a caregiver; or
   (c) The home assessment conducted pursuant to paragraph (B)(1) of this rule does not recommend approval of the caregiver.

4. Assist the incarcerated mother, if the mother chooses a private child placing agency (PCPA) or Ohio attorney to participate in the planning for her infant by:
   (a) Advising the incarcerated woman that any out-of-state placements through a PCPA or Ohio attorney shall be coordinated with the Ohio interstate compact on the placement of children (ICPC) office in accordance with Chapter 5101:2-52 of the Administrative Code.
   (b) Contacting the PCPA or Ohio attorney to assure that a plan has been completed.

(C) When the PCSA of jurisdiction is not located in the county in which the infant is hospitalized, and due to circumstances beyond the PCSA's control, the PCSA is unable to obtain custody and care of an infant requiring immediate placement, the PCSA in the county in which the infant is hospitalized shall:

1. Obtain temporary custody of the infant by execution of the JFS 01645 in accordance with rules 5101:2-42-06 and 5101:2-42-08 of the Administrative Code or by court order.

2. Secure the infant's release from the hospital and place the infant in an appropriate substitute care setting.

3. Advise the PCSA of jurisdiction, as identified in paragraph (B) of this rule, of the action taken and the child's ongoing need for care.

(D) Upon notification, the PCSA of jurisdiction shall arrange for care and custody of the child.

(E) The PCSA which holds custody of the infant is responsible for costs of medical care and services to the infant, commencing at the time of the infant's birth if other financial resources are insufficient or do
not exist. If a local PCSA obtained temporary custody of the infant in accordance with paragraph (C) of this rule, the PCSA of jurisdiction shall reimburse the local PCSA for all its actual costs.

(F) The PCSA of jurisdiction and the local PCSA shall act in a timely manner in coordinating the transfer of custody and reimbursement costs.

Five Year Review (FYR) Dates: 11/21/2018 and 11/21/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 11/21/2018

Promulgated Under: 119.03

Statutory Authority: 5153.16

Rule Amplifies: 5153.16

Each PCSA or PCPA shall provide or arrange preplacement services to the child and his or her parent, guardian, or custodian when substitute care placement of the child is to occur. Preplacement services shall include, but not be limited to:

1. Counseling the child and his or her parent, guardian, or custodian regarding feelings of separation.
2. Establishing communication between the PCSA or PCPA, the child, and his or her parent, guardian, or custodian.
3. Arranging at least one preplacement visit with the caregiver.

When placement of a child occurs on an emergency basis as set forth in rules 5101:2-39-01 and 5101:2-39-03 of the Administrative Code, preplacement services listed in this rule may not be possible. The requirements of paragraph (A) of this rule may not apply to:

1. Children who are less than one year of age.
2. Children who are familiar with the caregiver, unless the PCSA determines that preplacement visits are in the child's best interest.
3. Placements involving children's residential centers or specialized placement facilities, when such visits conflict with the facility's or center's preplacement visitation policy.
4. Placements in accordance with the interstate compact on placement of children (ICPC) pursuant to rules 5101:2-52-04 and 5101:2-52-06 of the Administrative Code.

Documentation or other notes regarding the provision of preplacement services shall be maintained in the child's case record.

Effective:
R.C. 119.032 review dates: 04/30/2014
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5101.03, 5153.166
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Prior Effective Dates: 9/28/87, 1/1/89, 2/1/03, 10/20/06, 11/09/09.
The public children services agency (PCS) or private child placing agency (PCPA) that holds custody of a child shall comply with the provisions set forth in this rule regarding caseworker visits and contacts with the child and the substitute caregivers to ensure the child's safety and well-being, and to assess whether the placement and services continue to meet the child's needs in accordance with the case plan.

The PCSA or PCPA caseworker responsible for the child's case shall conduct the visits and contacts and assess the placement and services, except that:

1. The PCSA or PCPA may delegate another caseworker or supervisor employed or contracted by the PCSA or PCPA to conduct one or more of the required visits on behalf of the assigned caseworker if the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

2. The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

3. The PCSA or PCPA, as part of a managed care agreement, may contract with another agency to have the managed care caseworker assume responsibility for the child's case and caseworker visits required by this rule.

The minimum frequency of visits shall be as follows, with individual time for the child as appropriate to his or her ability to communicate:

1. For a child placed in a relative or non-relative home approved pursuant to rule 5101:2-42-18 of the Administrative Code or a foster home certified pursuant to Chapter 5101:2-5 of the Administrative Code:
   a. One face-to-face visit with the child and substitute caregiver within the substitute care setting during the first week of placement, not including the first day of placement.
   b. One face-to-face visit with the child and the substitute caregiver within the substitute care setting during the first four weeks of placement, not including the visit during the first week of placement.
   c. Monthly face-to-face visits with the child and substitute caregiver within the substitute care setting, which may include visits referenced in paragraphs (C)(1)(a) and (C)(1)(b) of this rule, provided that at least one of the visits occurs within each month.
   d. In a foster home which has two or more substitute caregivers on the certificate, assure that each caregiver receives at least one of the face-to-face visits referenced in paragraphs (C)(1)(a) to (C)(1)(c) of this rule in each three-month period. If a caregiver is out of the home for the entire three-month period (e.g. military leave or extended hospital stay) the caregiver is exempt from the visits for that time period.
   e. If the circumstances of the case require more than one monthly visit, the additional visit(s) may be conducted by a caseworker employed by an agency contracted by the PCSA or PCPA to provide services for the case.

2. For a child for whom a special, exceptional, or intensive needs difficulty of care payment is made pursuant to rule 5101:2-47-18 of the Administrative Code and placed in a treatment or medically fragile foster home certified pursuant to Chapter 5101:2-5 of the Administrative Code:
(a) One face-to-face visit with the child and substitute caregiver within the substitute care setting during the first week of placement, not including the first day of placement.

(b) One contact each week with the caregiver to monitor the child's progress.

(c) One face-to-face visit with the substitute caregiver and child should occur twice monthly, but not within the same week. One of the monthly visits shall occur within the treatment or medically fragile foster home.

(d) At least one of the monthly visits shall occur within the treatment or medically fragile foster home.

(e) In a foster home which has two or more substitute caregivers on the certificate, assure that each caregiver receives at least one of the face-to-face visits referenced in paragraphs (C)(2)(a) to (C)(2)(c) of this rule in each three-month period. If a caregiver is out of the home for the entire three-month period (e.g. military leave or extended hospital stay) the caregiver is exempt from the visits for that time period.

(f) At least one of the monthly visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case. Any additional visit(s) may be conducted by a caseworker employed by an agency contracted by the PCSA or PCPA to provide services for the case.

(3) For a child placed in a residential facility as defined in rule 5101:2-1-01 of the Administrative Code:

(a) One contact with the residential facility and the child as developmentally appropriate within ten days of placement, not including the first day of placement.

(b) Monthly face-to-face visits with the child, within the residential facility. Visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

(i) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

(ii) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

(c) The caseworker within the residential facility, performing casework duties, shall not conduct visits on behalf of the PCSA or PCPA.

(4) For a child who is sixteen years of age or older and placed in an independent living arrangement in which he or she has responsibility for his or her individual living environment:

(a) One face-to-face visit with the child within the living environment within the first week of placement, not including the first day of placement.

(b) Monthly face-to-face visits with the child, within the living environment, which may include the visit referenced in paragraph (C)(4)(a) of this rule. Visits shall be conducted by a caseworker within the PCSA or PCPA that has full responsibility for case planning and case management of the child's case.

(i) If the caseworker responsible for the child's case is unable to complete the visit, the caseworker completing the visit shall document in the child's case the reason someone other than the assigned caseworker visited the child.

(ii) The caseworker assigned to the child's case shall complete the majority of the required monthly visits.

(D) Contacts and visits for children in the custody of a PCSA or PCPA shall be documented in the child's case record as outlined in rules 5101:2-33-23 and 5101:2-33-70 of the Administrative Code and address the following:
(1) The child's safety and well-being within the substitute care setting. In assessing the child's safety and well-being, the caseworker shall consider the following through observation and information obtained during the contact or visit:

(a) The child's current behavior, emotional functioning and current social functioning within the substitute care setting, and any other settings/activities in which he or she is involved. The caseworker shall also document evidence that the caregiver is following the reasonable and prudent parent standard in allowing the child regular opportunities to participate in age or developmentally appropriate activities.

(b) The child's current vulnerability.

(c) The protective capacities of the child's caregiver(s).

(d) Any new information regarding the child, the substitute care setting, and impact on the substitute caregiver's willingness or ability to care for the child including but not limited to:

(i) Changes in the marital status.

(ii) Significant changes in the health status of a household member.

(iii) Placement of additional children.

(iv) Birth of a child.

(v) Death of a child or household member.

(vi) A criminal charge, conviction or arrest of any household member.

(vii) Addition or removal of temporary or permanent household members.

(viii) Family's relocation.

(ix) Child's daily activities.

(x) A change in the caregiver's employment or other financial hardships.

(e) Any supportive services needed for the child or caregiver to assure the child's safety and well-being.

(2) The child's progress toward any goals in the case plan as applicable from information obtained from the child and caregiver.

(3) Permanency planning in accordance with the child's case plan.

(E) For a child who is placed through the "Interstate Compact for the Placement of Children" into a substitute care setting outside of Ohio, the agency shall follow the directives in Chapter 5101:2-52 of the Administrative Code, and the regulations of the interstate compact, located at http://icpc.aphsa.org/content/AAICPC/en/ICPCRegulations.html.

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FCASMTL 401

Effective Date: August 1, 2018

Most Current Prior Effective Date: June 1, 2013

(A) The public children services agency (PCSA) or private child placing agency (PCPA) that holds custody of a child shall conduct a face to face exit interview with every child age five and older, as developmentally appropriate, within seven days after the child's exit from each foster care placement.

(1) The interview shall be completed by an individual allowed to make caseworker visits in accordance with rule 5101:2-42-65 of the Administrative Code.

(2) The information gathered during the interview shall be dependent on the age and developmental level of the child. The interviewer's observations and any information to explain the child's responses shall be recorded on the JFS 01678 "Foster Care Exit Interview" (04/201310/2013).

(3) If the child alleges abuse, neglect or any maltreatment during the exit interview, the interviewer shall make a report in accordance with section 2151.421 of the Revised Code.

(B) The PCSA shall complete the interview form and any other required documentation shall be placed in the statewide automated child welfare information system (SACWIS).

(1) In the child's case record.

(2) In the caregiver's record. If the caregiver is not certified by the custodial agency, the custodial agency shall send a copy of the interview form to the recommending agency of the caregiver within seven days of the completed interview.

(C) The PCPA shall complete the JFS 01678 and place it in the child's case record and the caregiver's record. If the caregiver is not certified by the PCPA, the PCPA shall send a copy of the form to the recommending agency of the caregiver within seven days of the completed interview.

[(C)D] Upon receipt of the form, the recommending agency shall discuss any concerns with the foster parent. If deemed necessary by the recommending agency, an action plan shall be developed within thirty days of the date the agency was notified of the concern. The plan may include but is not limited to providing more intense supervision, support, or training for the caregiver. If the concern warrants a rule violation investigation, then rule 5101:2-5-28 of the Administrative Code shall apply and may result in more formal enforcement, up to and including revocation of the foster home certificate.

[(D)E] The PCSA or PCPA is not required to complete the exit interview: when children in their custody are moved from residential care facilities or non-licensed providers. The PCSA or PCPA may choose to do so, depending on the situation that necessitated the move.

(1) When children in their custody are moved from residential care facilities or non-licensed providers.

(2) When a child was in the placement for less than twenty-four hours.

(3) When the child's placement type changes from foster care to adoption and the child remains in the same home.

Effective: 8/1/2018

Five Year Review (FYR) Dates: 4/24/2018 and 08/01/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 07/02/2018

Promulgated Under: 119.03

Statutory Authority: 5153.16, 5103.03, 2151.421, 2151.412

Rule Amplifies: 2151.412, 5153.16, 5103.03, 2151.421
FCASMTL 409

Effective Date: May 1, 2019

Most Current Prior Effective Date: April 20, 2008 (No Change)

(A) The early and periodic screening, diagnosis, and treatment (EPSDT) program is a federally mandated program of comprehensive preventive health services available to medicaid-eligible individuals from birth through age twenty years. In Ohio, the program is called healthchek and is administered by the county department of job and family services (CDJFS). A healthchek screening examination or its equivalent constitutes comprehensive health care for all children in placement.

(B) The public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall develop written interagency procedures to implement comprehensive health care for children in placement between the CDJFS and custody holding agency, if applicable. Interagency procedures shall include a tracking to document the substitute caregiver has been informed of healthchek services and transportation services and the substitute caregiver has been provided a copy of the ODM 03528 "Healthchek and Pregnancy Related Services Information Sheet" (rev. 3/2018), system to inform the other party of healthchek activity and training to implement comprehensive health care for children in placement.

(C) The PCSA, PCPA or PNA shall review and amend the interagency procedures developed pursuant to paragraph (B) of this rule, as needed.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2019

Promulgated Under: 119.03

Statutory Authority: 5153.166, 5153.16, 5103.03

Rule Amplies: 5103.03, 5153.166, 5153.16

The public children services agency (PCSA) or private child placing agency (PCPA) shall coordinate comprehensive health care for each child in its care or custody who is placed into substitute care or has a placement change. In coordinating comprehensive health care, the PCSA or PCPA shall attempt to arrange for health care from the child’s existing and previous medical providers as well as involve the parent, guardian, or custodian in the planning and delivery of health care services.

If applicable, when petitioning for custody, the PCSA or PCPA shall determine whether the parent, guardian or custodian has health care insurance and/or financial resources to provide comprehensive health care.

(1) If insurance or financial resources are available, the PCSA or PCPA shall request financial support.

(2) If insurance or financial resources are not available, the PCSA or PCPA shall assess the child’s eligibility for medicaid, Title IV-E, supplemental security income (SSI), or other assistance programs. Unless an application for Title IV-E has been submitted, the PCSA or PCPA shall apply for medicaid on behalf of the child no later than thirty days after the date of the child’s placement into substitute care.

The PCSA or PCPA shall arrange for a medical screening within seventy-two hours of each child entering into substitute care or when a child’s placement changes. No later than five working days after the date of the child’s most recent placement setting, unless medical care is needed sooner, the PCSA or PCPA shall secure a medical screening to prevent possible transmission of common childhood communicable diseases and to identify any symptoms of illness, injury, or maltreatment. A screening is not required for newborn children directly placed into substitute care from the hospital. The medical screening shall be conducted by one of the following:

(1) A licensed physician.

(2) An advanced practice nurse.

(3) A registered nurse.

(4) A licensed practical nurse.

(5) A physician’s assistant.

The PCSA or PCPA shall arrange for the following health care for a child who is in substitute care, the agency shall ensure:

(1) A comprehensive physical exam for children age three or over, including a review of physical, mental, developmental, vision and dental health is completed within thirty days after a child enters into substitute care. A comprehensive physical exam is not required if a comprehensive physical exam of the child has been conducted within six months prior to the child’s entry into substitute care and a copy of the exam is filed in the child’s case record. The agency shall ensure an annual comprehensive physical exam is completed no later than thirty days after the anniversary date of the child’s last physical, which shall include a vision and hearing screening. No later than sixty days after the child’s placement into substitute care the agency is to obtain a comprehensive physical exam which will include a vision and hearing screening. The agency shall secure an annual comprehensive physical exam no later than thirty days after the anniversary date of the child’s last physical which shall include a vision and hearing screening.

(2) Additional visits, as appropriate, during the first sixty to ninety days of the child entering substitute care to:

(a) Assess the child in the process of transition.
(b) Monitor the adjustment to care.
(c) Identify evolving needs and:
(d) Continue information gathering.

(2)(3) A child under the age three or under receives required pediatric care, which includes medical, developmental, mental, dental, vision and hearing as prescribed by a licensed physician pursuant to rule 5160-14-03 of the Administrative Code and the Bright Futures guidelines (rev. 2/2017). The guidelines can be reviewed at http://www.aap.org.

(3)(4) A child age three or under is referred to the county "Help Me Grow Program" when a screening or assessment indicates the child has or is at risk of a developmental disability or delay.

(5) Every child entering substitute care shall receive immunizations appropriate to age and health history. If a child's record of previous immunizations is unavailable at the time of the comprehensive physical exam, and it is reasonable to assume that the child has received immunizations, immunizations may be postponed until an immunization record is available for review.

(6) A dental examination is to be completed for a child three years of age and older no later than six months after the child's placement into substitute care. The agency shall ensure a follow-up dental examination is completed every six months from the date of the last dental examination with a thirty day grace period for scheduling purposes.

(7) Treatment for any diagnosed medical or psychological need is initiated within sixty days of the diagnosis, unless treatment is required sooner.

(8) Pursuant to section 2152.72 of the Revised Code, if a child has been adjudicated delinquent for any crimes listed in section 2152.72 of the Revised Code, the agency shall ensure a psychological examination of the child is completed within sixty days of the child's entry into substitute care. A psychological examination of the child is not required if a psychological examination of the child has been conducted within twelve months prior to the child's entry into substitute care and a copy is filed in the child's case record. Prior to any subsequent placements, the agency shall ensure a new psychological examination is completed unless either of the following apply:

(a) A psychological examination of the child has been conducted within twelve months prior to the child's placement.
(b) A psychological examination of the child has been conducted within twenty-four months prior to the date of the adoptive placement when the foster caregiver seeks to adopt the foster child.

(4) A psychological examination for a child adjudicated delinquent is conducted within sixty days of the child's entry into substitute care unless a psychological examination was conducted within twelve months prior to the date the child was placed in substitute care and a copy is filed in the child's case record. If no psychological examination of the child is available, an examination to detect mental and emotional disorders shall be performed by:

(a) A licensed independent social worker.
(b) A licensed social worker.
(c) A licensed professional clinical counselor.
(d) A licensed professional counselor.

(5) The arrangement for and secure appropriate immunizations. If a child's record of previous immunizations is unavailable at the time of the comprehensive physical exam, and it is reasonable to assume that the child has received immunizations, immunizations may be postponed until an immunization record is available for review.
(6) Treatment for any diagnosed medical or psychological need is initiated within sixty days of the diagnosis, unless treatment is required sooner.

(7) To document health information about the child in the child's case record within the state automated child welfare system (SACWIS) pursuant to rule 5101:2-42-66.2 of the Administrative Code for the PCSA. The PCPA shall document health information about the child in the child's case record.

(8) A dental exam for a child over three years of age no later than six months after the child's placement into substitute care. The agency shall secure annual dental re-examination no later than thirty days after the anniversary date of the child's last dental examination.

(E) A comprehensive health care screening or exam is not required when:

(1) A child has received a comprehensive physical exam within three months prior to placement in substitute care and the results of the comprehensive physical exam are obtained by the PCSA or PCPA and maintained in the case record.

(2) The newborn is placed directly from the hospital.

(F) For a medicaid eligible child, the PCSA or PCPA shall:

(1) Coordinate with the county department of job and family services (CDJFS) healthchek coordinator to secure a healthchek screening exam. The agency may authorize the substitute caregiver, managed care coordinator, medical providers and custodial parents to serve as a liaison with the CDJFS healthchek coordinator to schedule appointments and arrange transportation to those appointments.

(2) Complete the JFSODM 03528 "Healthcheck and Pregnancy Related Services Information Sheet" (rev. 3/2014) and return the form to the CDJFS healthchek coordinator within the following timelines:

(a) Within sixty days of the child's entry into substitute care or move to a subsequent placement.

(b) Annually based on the date the previous ODM 03528 form was completed and returned to the CDJFS healthchek coordinator.

(3) Inform the substitute caregiver(s) about healthcheck services within sixty days of placement into the caregiver's home by reviewing the ODM 03528 with the substitute caregiver and providing the caregiver a copy of the form.

(G) Comprehensive health care pursuant to paragraph (D) of this rule is not required if the child's placement episode is less than sixty days; however the PCSA or PCPA, shall coordinate health care whenever the child has a condition which indicates a need for treatment during the placement episode.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2019

Promulgated Under: 119.03

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Rule Amplifies: 5103.03, 5153.166

The custodial public children services agency (PCSA), private child placing agency (PCPA), and private noncustodial agency (PNA) shall document and maintain in the case record a record of physical health examinations, developmental and psychological assessments, and treatment for each child in the care or custody of a PCSA, PCPA, or PNA pursuant to rule 5101:2-5-10 of the Administrative Code.

A record of a child's health information may be collected from a variety of sources, including but not limited to:

1. The child's parent, caregiver, guardian, other relative(s) or other responsible adult familiar with the child's health history;
2. The child, if age-appropriate;
3. Medical providers;
4. Mental health providers;
5. Medical records;
6. School personnel and records;
7. County family and children first council;
8. Early intervention coordinators;
9. PCSA, PCPA, or PNA case records; and
10. Medicaid managed care plan; and
11. Other social service agency personnel and records.

A record of a child's health care shall contain, but not be limited to, the following, when applicable:

1. A listing of a child's most recent and current medical, mental health, dental, and other health care providers including early and periodic screening and diagnostic treatment (EPSDT)/healthchek providers.
2. A record of immunizations and dates of immunizations;
3. A record of a child's illnesses, hospitalizations, surgeries, impairments, injuries and other significant medical problems and dates for each event;
4. A record of physical health examination and treatment;
5. A record of dental examinations and treatment;
6. A record of vision examinations and treatment;
7. A record of speech and hearing assessments and therapy/treatment;
8. A record of developmental assessments and therapy/treatment;
9. A record of mental health assessments and therapy/treatment;
10. A record of drug screenings, assessments and therapy/treatment;
11. A record of the child's sexual development history, including any family planning methods;
12. A record of the child's sexual abuse;
13. A record of the child's prescription and nonprescription medications and any allergies to medications;
(14) A record of the child's food allergies and other allergies;

(15) The child's cultural background as it relates to nutrition, health care practices, and other relevant information;

(16) The health history of the biological parents and extended family; and

(17) Any other pertinent health information necessary to assure that those persons providing care for the child have adequate information to provide such care.

(D) The custodial PCSA, PCPA, or PNA shall keep the parents, guardian, or custodian informed of the physical health care, mental health care, and developmental care provided the child during the child's substitute care placement. Such information shall be shared at least every six months or at the time of each semiannual administrative review as required by rule 5101:2-38-08 of the Administrative Code. The parents, guardian or custodian shall be informed and consulted anytime a child in substitute care experiences a serious health, mental health problem or medical emergency.

(E) A substitute caregiver shall have access to all health care information to provide daily care for the child.

(F) The PCSA may use the child's health care record prepared pursuant to this rule as a source document in completing the JFS 01443 "Child's Education and Health Information" form (rev. 8/2010) or other comparable form as required in rule 5101:2-38-08 of the Administrative Code, if applicable.

(G) The PCSA may use a copy of the JFS 01443 form as a face sheet for the child's health record prepared pursuant to this rule.

(H) The custodial PCSA or PCPA shall provide a copy of a child's health care record to the child's parent, guardian, custodian, or prefinalized adoptive parent pursuant to this rule, and rule 5101:2-48-16 of the Administrative Code, as applicable.

(I) A PCSA shall maintain a record of a child's health care as a distinct part of the child's case record pursuant to rule 5101:2-33-23 of the Administrative Code, if applicable.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

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Promulgated Under: 119.03

Statutory Authority: 5153.166, 5103.03

Rule Amplifies: 5103.03, 5153.166

When a child remains in substitute care for longer than twelve month six months, the public children services agency (PCSA) or private child placing agency (PCPA) shall begin to prepare a lifebook no later than thirty days after the annual court review. The lifebook shall be updated every six months so long as the child remains in substitute care and may include information such as:

1. Information regarding the child's birth.
2. Information regarding the birth parent and birth family.
3. The child's developmental milestones.
4. Information on placements.
5. The child's education history.
6. Any sports and hobbies in which the child is involved.
7. The child's medical history.
8. Photos.

The PCSA or PCPA may prepare a lifebook for a child sooner than twelve months after the child's placement.

The PCSA or PCPA shall ensure that the lifebook is shared with the child during the placement, as appropriate to the child's age and understanding, and the lifebook should accompany the child when a placement move occurs and when the child is leaving substitute care should accompany the child when he or she leaves substitute care.

The PCSA or PCPA shall not place identifying information, as defined in rule 5101:2-1-01 of the Administrative Code, in the lifebook. The child may add identifying information to the lifebook.

The PCSA or PCPA shall document in the child's case record the date it began to prepare the lifebook, the date the lifebook was completed, and the date of each update to the lifebook as required in paragraph (A) of this rule.

If a child in the permanent custody of a PCSA or PCPA is placed for adoption, a copy of the lifebook shall be given to the child and a copy shall be maintained in the child's record.
(A) Each public children services agency (PCSA) or private child placing agency (PCPA) shall determine the necessity for continued substitute care placement of each child, whether the child's custody is by agreement or court commitment or whether the child's custody status is temporary or permanent. The agency shall conduct a case review and assess the need for continued substitute care placement no later than every three months after whichever activities occur first as outlined in rule 5101:2-38-09 of the Administrative code. The JFS 01413 "Comprehensive Assessment and Planning Model - I.S. Case Review" (rev. 8/2010) shall be completed and the assessment shall be documented in the case record.

(B) In the case of any child maintained in excess of thirty days in an emergency shelter care facility, the PCSA or PCPA shall determine and document in the child's case record the specific efforts undertaken to achieve a more appropriate placement for the child and the anticipated time frame for achieving such a placement. Documentation shall be completed promptly after each succeeding thirty day period as long as the child remains in an emergency shelter care facility.

(C) For children in temporary custody, the PCSA shall determine whether the:

(1) Continued substitute care placement is not needed because:
   (a) The child's vulnerability, if returned to his or her own home, to the conditions of abuse, neglect or dependency has diminished, and
   (b) The child's parent, guardian or custodian is able to show a protective capacity to the child and the child's needs.

(2) Continued substitute care placement is needed because:
   (a) The child remains vulnerable to conditions of abuse, neglect, or dependency, if returned to his or her own home, and
   (b) The child's parent, guardian or custodian does not show protective capacities to the child or the child's needs, and
   (c) Provision of supportive services could not reduce the child's vulnerability to the contributing factors requiring substitute care.

(D) Upon determining the need for continued temporary custody of a child, the PCSA or PCPA shall file a motion with the court that issued the order of disposition requesting a permanency review hearing for the court to grant any of the following:

(1) An order for the extension of temporary custody for six months. The PCSA or PCPA shall not petition the court for more than two six-month extensions of temporary custody.

(2) An order that the child be placed in the legal custody of a relative or nonrelative.

(3) An order that the child, sixteen or older, be placed in a planned permanent living arrangement and the following is completed at both the initial planned permanent living arrangement (PPLA) hearing and any subsequent hearings regarding permanency outcomes:
   (a) The PCSA shall document at each permanency hearing the efforts to place a child permanently with a parent, relative or in a guardianship or adoptive placement.
   (b) The PCSA should ensure the child's presence at the permanency hearing and the child is asked about his or her desired permanency outcome.
   (i) If there is any significant safety concerns deterring the youth from participating in the hearing, the PCSA must document the reason for the youth's absence in the child's case record.
(ii) In the youth’s absence, the PCSA must ensure a representative is present in court to address the youth’s desire regarding the permanency outcome.

(c) The PCSA must document a judicial determination was made at each hearing that PPLA is the best permanency plan for the child and the compelling reasons why it is not in the best interest of the child to be placed permanently with a parent, relative, or in a guardianship or adoptive placement.

(d) The PCSA shall document the steps the agency is taking to ensure the foster family follows the reasonable and prudent parent standard engaging the child with regular opportunities to participate in age or developmentally appropriate activities. The documentation of the activities shall be placed in the case record as outlined in rule 5101:2-33-23 of the Administrative Code.

(4) An order permanently terminating the parental rights of the child’s parents.

(E) The PCSA or PCPA shall file the motion prescribed by paragraph (D) of this rule no later than thirty days prior to the earlier of the following:

(1) One year from the date on which the complaint in the case was filed.

(2) One year from the date on which the child was first placed into shelter care.

(3) The date set at the last dispositional hearing for the review hearing of the child’s custody.

(F) The PCSA or PCPA must request that a permanency hearing be held within thirty days of a judicial determination that reasonable efforts are not required pursuant to rule 5101:2-39-01 of the Administrative Code. This permanency hearing is not mandatory if the requirements of the permanency hearing are fulfilled at the hearing in which the court determines that reasonable efforts are not required.

(G) The provisions of this rule do not apply to a PCPA which is providing services to a child who is the subject of a voluntary permanent custody surrender agreement. All reviews of these cases shall comply with the provisions found in section 5103.153 of the Revised Code and rules 5101:2-42-09 and 5101:2-53-06 of the Administrative Code.

Effective: 12/01/2015

Five Year Review (FYR) Dates: 09/01/2019

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Date: 10/27/2015

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.16

Rule Amplifies: 5103.03, 5153.16

The public children services agency (PCSA) shall provide or arrange for the provision of services to any unmarried minor female who meets both of the following:

1. Is adjudicated as an abused, neglected or dependent child.
2. Is pregnant or has delivered a child.

The PCSA shall develop and complete a case plan pursuant to the requirements set forth in rule 5101:2-38-01 or 5101:2-38-05 of the Administrative Code. The PCSA shall consider including the following:

1. Services to assist the unmarried minor female and the child's father in providing the necessary care for the child including, but not limited to:
   a. Parent education.
   b. Child development.
   c. Family budgeting.
   d. Self sufficiency.

2. Health related services for the unmarried minor female and child.

3. Referrals to:
   a. Ohio early start.
   b. Head start.
   c. Early intervention services.
   d. Child support enforcement agency.
   e. Services for the minor's parents, guardian or custodian.

The PCSA shall conduct semiannual administrative reviews of the case plan pursuant to the requirements contained in rule 5101:2-38-10 of the Administrative Code.

When the unmarried minor female is a member of an "Ohio Works First" (OWF) assistance group, the PCSA shall work with the county department of job and family service (CDJFS) in coordinating services to the unmarried minor female. At the request of the CDJFS, the PCSA shall assist with the following:

1. Determining if it would be in the best interests of an unmarried minor parent to reside in the household of a parent, legal guardian or specified relative of the unmarried minor parent.

2. Locating an adult-supervised living arrangement when it is determined that it would not be in the bests interests of an unmarried minor parent to reside in the household of her or his parent, legal guardian or specified relative.
Rule Amplifies: 5103.03, 5153.166
Prior Effective Dates: 4/1/86 (Emer.), 7/1/86, 3/1/96, 10/1/97 (Emer.), 12/30/97, 05/01/03, 10/9/06, 11/9/09.
An adult-supervised living arrangement means a family setting approved, licensed, or certified by the Ohio department of job and family services (ODJFS), the Ohio department of mental health (ODMH), the Ohio department of mental retardation and developmental disabilities (ODMRDD)(ODODD), the Ohio department of youth services (ODYS), a public children services agency (PCSA), a private child placing agency (PCPA), or a private noncustodial agency (PNA) which assumes responsibility for the care and control of a pregnant minor, unmarried minor parent, or child of a minor parent. An adult-supervised living arrangement includes the following:

1. A foster home certified by ODJFS pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

2. A residential parenting facility with five or fewer pregnant minors or minor parents or combination thereof certified by ODJFS pursuant to Chapters 5101:2-5 and 5101:2-9 of the Administrative Code.

3. A family setting which has been approved by a PCSA, PCPA or PNA, pursuant to the procedures contained in paragraph (C) of this rule which:
   a. Provides the unmarried minor parent, pregnant minor, or child of a minor parent with supportive services, including counseling, guidance and supervision.
   b. Is maintained by a person age eighteen or older who assumes responsibility for the care and control of the unmarried minor parent, pregnant minor, or child of a minor parent.

A pregnant minor, unmarried minor parent, or child of an unmarried minor parent exempt from the requirement of division (B)(1) of section 5107.24 of the Revised Code must reside in an adult supervised living arrangement to be eligible to participate in Ohio works first.

When approving an applicant to operate an adult-supervised living arrangement for a specified individual pursuant to paragraph (A)(3) of this rule the PCSA, PCPA or PNA shall:

1. Have the applicant complete the PCSA, PCPA, or PNA designed application for the operation of an adult-supervised living arrangement.

2. Conduct an evaluation of the applicant which shall, at a minimum, include:
   b. Determining whether the applicant is willing to be responsible for providing or arranging supportive services, including counseling, guidance and supervision, to the pregnant minor, unmarried minor unmarried parent, or child of an unmarried minor parent.
   c. Determining if the applicant is age eighteen or older.

The PCSA, PCPA, or PNA shall be responsible for investigating any complaint received on an adult-supervised living arrangement that the agency has approved and arrive at a determination to: continue approval of the setting, revoke the approval for the setting, or initiate a corrective action plan. If the complaint alleges child abuse and neglect, the PCPA or PNA shall immediately report the complaint to the PCSA for investigation. The PCSA shall follow investigation procedures found in rule 5101:2-34-34 or 5101:2-36-04 of the Administrative Code, if applicable.

1. Continue approval of the setting.

2. Revoke the approval for the setting.

3. Initiate a corrective action plan.
If the complaint alleges child abuse and neglect, the PCPA or PNA shall immediately report the complaint to the PCSA for investigation. The PCSA shall follow investigation procedures found in rule 5101:2-36-04 of the Administrative Code, if applicable.

The PCSA, PCPA, or PNA shall develop written procedures for reviewing complaints or disapprovals of agency actions involving adult-supervised living arrangements. Agency procedures shall include, at a minimum:

1. Operational procedures for conducting grievance reviews.
2. Reasonable time frames for conducting the grievance review and issuing a decision.

The PCSA, PCPA or PNA shall maintain a record of each adult-supervised living arrangement it evaluates. The record shall contain, but not be limited to, the following:

1. A copy of the of the approval, certificate, or license of a foster home, residential parenting facility, or other family setting pursuant to paragraphs (A)(1) to (A)(4) of this rule.
2. Adult-supervised living arrangement application.
4. Approval or disapproval of the adult-supervised living arrangement.
5. Statement signed by the operator of the adult-supervised living arrangement agreeing to be responsible for providing supportive services, including counseling, guidance and supervision, to the pregnant minor, unmarried minor parent, or child of a unmarried minor parent.

The PCSA, PCPA or PNA shall provide a copy of the approval or disapproval of the adult-supervised living arrangement to the applicant and the county department of job and family services requesting initiation of the approval of the applicant as an adult-supervised living arrangement.

The application to operate an adult supervised living arrangement is child specific. The approval expires when the adult supervised living arrangement is terminated.

Effective:
R.C. 119.032 review dates: 04/30/2014
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5107.05
Rule Amplifies: 5107.05, 5107.24
Prior Effective Dates: 6/1/98, 8/18/03, 10/9/06, 11/9/09.
Each public children services agency (PCSA) shall determine the necessity for continuing or terminating custody of a child, whether the child's custody is by agreement or court order or whether the child's custody status is temporary or permanent. The agency shall assess the need for continued custody at least every three months from date of initial placement and at each semiannual administrative review. Such assessment shall be documented in the case record. In making a determination that there is no need for continued custody, the agency shall:


2. Use the JFS 01404 as a guide to determine whether the child's parent, guardian, or custodian is available, able and willing to demonstrate protective capacities for the child.

3. Consider whether supportive services can provide adequate protection for the child if he or she were returned to his or her own home under a court order of protective supervision, or the agency's involvement is no longer deemed necessary and termination is sought.

The PCSA's or private child placing agency's (PCPA) custody shall automatically terminate when one of the following occur:

1. A court of jurisdiction issues an order terminating agency custody.

2. A **JFS 01645** "Agreement for Temporary Custody of Child" (rev. 4/2006) expires or is terminated early.

3. A probate court issues a final decree of adoption or an interlocutory order of adoption becomes final.

While in substitute care, a child may be on leave from his or her current placement for a trial visit with his or her parent, guardian or custodian up to sixty consecutive days.

When the PCSA or PCPA plans to recommend that the court terminate custody, the agency shall give the substitute caregiver and recommending agency at least five days advance notice. Advance notice shall not be required if a court of jurisdiction terminates agency custody on its own accord, or the substitute caregiver agrees to a lesser advance notice. Documentation evidencing notice of the notification (written or oral) to a caregiver, including the caregiver's agreement, no less than five days advance notice of removal from substitute care placement, shall be maintained in the caregiver's record, and shall be maintained in the child's case record.

When termination of substitute care occurs, those services offered to and provided to the child and his or her parent, guardian, or custodian in preparation for the child's reunification, adoption or emancipation shall be noted in the child's case record.

The agency shall provide the following services to prepare the child and his or her parent, guardian, or custodian when the child is to be returned home, which shall include, but not be limited to:

1. Arranging visits or other contacts as needed between the parent, guardian, or custodian and child to discuss what has transpired between the time of initial placement and the present.

2. Increasing the length and number of home visits to help the child become reacquainted with his or her family, when applicable.

3. Providing emotional support for feelings the child may have about leaving the substitute caregiver.
The custodial agency shall provide case planning services to emancipating youth pursuant to rules 5101:2-42-19 and 5101:2-38-05 of the Administrative Code and pursuant to rule 5101:2-38-07 of the Administrative Code, if applicable for the PCPA.

When termination of substitute care occurs, those services offered to and provided to the child and his or her parent, guardian, or custodian in preparation for the child's reunification, adoption or emancipation shall be noted in the child's case record.

The agency shall inform the county department of job and family services (CDJFS) healthchek coordinator when the child has been returned home and custody has been terminated.

The agency shall provide the parent, guardian, custodian, prefinalized adoptive parent, or a child who is emancipating with a copy of the child's health care record prepared pursuant to rules 5101:2-42-66.2 and 5101:2-38-08 of the Administrative Code upon termination of the child's custody. The agency shall provide the parent, guardian, custodian, prefinalized adoptive parent, or a child who is emancipating with information about the healthchek program, if the child was in the healthchek program during the child's stay in substitute care.

Effective: 09/01/2015
Five Year Review (FYR) Dates: 05/20/2015 and 09/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 08/12/2015
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.16
Rule Amplifies: 5103.03, 5153.16
When there is a disruption of a child's substitute care placement, the public children services agency (PCSA) or private child placing agency (PCPA) shall address and document in the child and caregiver's case record the following information:

1. Length of time the child was in the particular substitute care setting.
2. Circumstances which led to the child's removal.
3. Any efforts to maintain the placement, including supportive services offered to the child and caregiver.

A disruption of a child's substitute care placement shall require an amendment to the case plan pursuant to rule 5101:2-38-05 of the Administrative Code, if applicable for a PCSA or rule 5101:2-39-10 of the Administrative Code.

If a disruption of a child's substitute care placement occurs prior to the child's dispositional hearing, the PCSA or PCPA shall follow procedural requirements pursuant to rule 5101:2-42-93 of the Administrative Code.

Upon receiving notification that a child is absent without leave (AWOL) from a substitute care placement, the PCSA or PCPA shall immediately, and in no case later than twenty-four hours contact both:

1. Law enforcement for entry into the national crime information center (NCIC) database.
2. The national center for missing and exploited children (NCMEC).

The PCSA or PCPA shall document in the child's case record the following information:

1. The date, time and name of the law enforcement agency contacted.
2. The date and time NCMEC was contacted.
3. The last known location of the child.
4. The length of time the child has been AWOL.
5. Anyone the child may have been with prior to or during AWOL.
6. Efforts and resources used to locate the child.

Upon the child's return from AWOL, the PCSA or PCPA shall address and document in the child's case record the following information:

1. The circumstances that contributed to the child running away or being absent from care. When possible, these factors shall be considered when determining subsequent placements.
2. The events or experiences that took place while the child was AWOL, including if the child is found to be a sex trafficking victim. The PCSA shall follow procedural requirements pursuant to rule 5101:2-36-12 of the Administrative Code. The PCPA shall report any allegations of abuse or neglect to the PCSA.

The PCSA or PCPA shall maintain a copy of the information identified in this rule in the case record and the caregiver's record. The PCSA or PCPA shall send a copy, within fourteen days, of the documentation identified in this rule to the recommending agency of the caregiver, if the caregiver is not certified by the PCSA or PCPA. The recommending agency shall maintain the information in the caregiver's record.

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Rule Amplifies: 5103.03, 5153.16
**FCASMTL 323**

**Effective Date: May 30, 2014**

**Most Current Prior Effective Date: November 8, 2009**

(A) If a child in the temporary custody or a planned permanent living arrangement of a public children services agency (PCSA) or a private child placing agency (PCPA) dies, the PCSA or PCPA shall:

1. Notify the law enforcement agency with jurisdiction within one hour of its knowledge of the child’s death pursuant to rule 5101:2-33-26 of the Administrative Code.
2. Contact the parent, guardian or custodian within one hour of its knowledge of the child's death.
3. Complete the JFS 01987 "Child Fatality Report Face Sheet" (rev. 10/2009) and send it to the Ohio department of job and family services (ODJFS) within five working days after receiving the report. The JFS 01987 shall be sent electronically as directed by the JFS 01987I "Instructions for completing JFS 01987 child fatality report face sheet" (rev. 10/2009).
4. Notify the local health department and/or the child fatality review board.
5. Assist the family in planning funeral arrangements, if requested.

(B) If a child in the permanent custody of a PCSA or PCPA dies, the PCSA or PCPA shall:

1. Notify the law enforcement agency with jurisdiction within one hour of its knowledge of the child's death as described in paragraph (A)(1) of this rule.
2. Determine whether notification of the parent, guardian, custodian or other relatives is appropriate.
3. Complete the JFS 01987 and send it to ODJFS as described in paragraph (A)(3) of this rule.
4. Notify the local health department and/or the child fatality review board.
5. Assume responsibility for funeral arrangements.

(C) If the death of a child is the result of suspected child abuse or neglect, the PCSA shall:

1. Follow procedures set forth in its "Memorandum of Understanding" pursuant to rule 5101-2-33-26 of the Administrative Code regarding children with:
   a. Suspected child abuse and neglect as determined by law enforcement, medical or PCSA personnel.
   b. Prior involvement with the PCSA or any member of the household including:
      i. Open in-home voluntary cases.
      ii. Open court ordered protective supervision.
      iii. Open intake assessments within twelve months of the fatality.
      iv. A closed, inactive case within twelve months of the fatality.
2. Complete part three of the JFS 01987 and send electronically to the assigned ODJFS regional field office.

(D) The PCSA or PCPA shall maintain documentation regarding the provision of notices as required by this rule in the child’s case record and the custodial agency's provider record.
When a public children services agency (PCSA) or private child placing agency (PCPA) holds custody of a child and plans to place the child into a substitute care setting or respite care setting, the PCSA or PCPA shall share information with the caregivers in accordance with paragraphs (B), (C), and (D) of this rule to allow them to make an informed decision regarding whether they can care for the child.

(B) The PCSA or PCPA shall share the information identified in paragraphs (C)(1) to (C)(9) of this rule with the caregivers:

1. Within ninety-six hours of either an emergency placement or change in the case plan in accordance with section 2151.31 or 2151.412 of the Revised Code.

2. Or prior to placing the child.

(B)(C) Prior to placing the child, or within ninety-six hours of an emergency placement or a change in the case plan in accordance with section 2151.31 or 2151.412 of the Revised Code, the PCSA or PCPA shall share information identified in paragraphs (B)(1) to (B)(9) of this rule with caregivers of a substitute care setting. The PCSA shall maintain a detailed record of the information that was shared, and the caregivers' acknowledgement of receipt of the information, by the date of the caregivers' signature, in the child's case record. The PCSA shall maintain this information in the state automated child welfare system (SACWIS). The PCPA shall maintain this information in the child's case record. The information shall include:

1. The child's health, behavioral characteristics, treatment and service needs, and plans to meet those needs as identified in the case plan.

2. Any special needs the child may have such as special diets, therapy, tutoring, or learning disabilities.

3. The child's prior history of maltreatment. Provision of information regarding child abuse or neglect assessments/investigations shall comply with rule 5101:2-33-21 or 5101:2-33-22 of the Administrative Code, if applicable.

4. Information on any acts committed by the child that placed the health, safety, or well-being of others at risk such as victimization of other children or animals, or fire-setting-fires.

5. The type of school the child will attend, if applicable.

6. The child's visitation schedule with his/her parents or guardian.

7. The substitute caregivers' responsibilities.

8. A written report containing the information specified in paragraph (B)(C)(9) of this rule, for a child who has been adjudicated delinquent for commission of any of the following offenses:

   a. Aggravated murder.

   b. Murder.

   c. Voluntary manslaughter.

   d. Involuntary manslaughter.

   e. Felonious assault.

   f. Aggravated assault.

   g. Assault.

   h. Rape.

   i. Sexual battery.
(j) Gross sexual imposition.
(k) Conspiracy involving an attempt to commit aggravated murder or murder.
(l) Any other offense that would be a felony if committed as an adult, and the child, upon committing the offense, was found to be using or in possession of a firearm.

(9) The PCSA shall make a written request of the juvenile court that placed the child in the agency's custody, for the information identified in paragraphs (B)(C)(9)(a) to (B)(C)(9)(d) of this rule and share this information with the substitute caregiver. The PCSA shall maintain in the child's case record a copy of the written request for information, a copy of the written report shared with the caregivers, the date it was shared, and the caregivers' acknowledgement of receipt of the information in the child's case record. The PCSA shall maintain this information in the statewide automated child welfare information system (SACWIS). The PCPA shall maintain this information in the child's case record.

(a) The child's social history;
(b) A description of all the known acts committed by the child that resulted in the child being adjudicated delinquent and the disposition made by the court, unless a child's record has been sealed pursuant to section 2151.358 of the Revised Code;
(c) A description of any other violent acts committed by the child.
(d) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child or, if not available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4757. of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.

(C)(D) Prior to the child's placement in a respite care setting, the PCSA or PCPA shall share with the respite caregiver pertinent information identified in paragraph (B)(C) of this rule that could impact the health, safety, or well-being of the child or others within the temporary setting. The PCSA or PCPA shall maintain this information in accordance with paragraph (T) of this rule The PCSA shall maintain a detailed record of the information that was shared, and the caregivers' acknowledgement of receipt of the information, by the date of the caregivers' signature, in the child's case record. The PCSA shall maintain this information in SACWIS. The PCPA shall maintain this information in the child's case record.

(D)(E) The PCSA or PCPA shall provide foster caregivers with a written report which contains substantial and material conclusions and recommendations of any psychological, psychiatric, or mental health examination contained in the child's case record. This shall include, but is not limited to, examinations conducted in accordance with paragraph (B)(C)(9)(d) of this rule and rule 5101:2-42-66.1 of the Administrative Code. The written report shall be provided to the foster caregivers as soon as possible, but no later than sixty days after placing the child in the foster home. The PCSA or PCPA shall maintain this information in accordance with paragraph (T) of this rule The PCSA shall maintain a copy of the information provided, the date the information was provided, and the foster caregivers' acknowledgement of receipt of the information in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record.

(F) The PCSA or PCPA holding custody of a child who is placed in a planned permanent living arrangement in a family setting shall provide the caregiver a notice that addresses the following:

(1) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.
(2) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided
in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition to adulthood.

(E)(G) Prior to placing a child in a foster home in another county or in a foster home operated by a private agency whose headquarters are in another county, the PCSA or PCPA shall be responsible for sharing information with the prospective foster caregivers and the board of education for the school district in which the child will be enrolled. The PCSA or PCPA shall share this information orally and send this information in writing no later than five days after the child's placement in the new school district. The PCSA shall maintain a copy of the information shared, the date the information was provided both orally and in writing, and the foster caregivers' acknowledgement of receipt of the information, in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record. The information shall include:

1. A discussion of safety and well-being concerns regarding the child and, if the child attends school, the students, teachers, and personnel of the school.
2. A brief description of the reasons the child was removed from his home.
3. The services the child is or will be receiving.
4. The name, address and telephone number of the agency that is or will be directly responsible for monitoring the child's placement and the name and telephone number of the contact person for the agency.
5. The name, address, and telephone number of the agency having custody of the child and the name and telephone number of the contact person for the agency.
6. The previous school district attended by the child.
7. The last known address of the child's parents.

(F)(H) When the PCSA or PCPA places a child who has been adjudicated unruly or delinquent in a foster home in another county or in a foster home operated by a private agency whose headquarters are in another county, the PCSA or PCPA shall provide the prospective foster caregivers and the juvenile court where the prospective foster home is located with written information about the child no later than five days after the child's placement. The PCSA shall maintain a copy of the information shared, the date the information was provided, and the foster caregivers' acknowledgement of receipt of the information in the child's case record in SACWIS and the PCPA shall maintain a copy in the child's case record. The information to be provided shall include:

1. The information listed in paragraphs (E)(G)(3), (E)(G)(4) and (E)(G)(5) of this rule.
2. A brief description of the facts supporting the adjudication that the child is unruly or delinquent.
3. The name and address of the foster caregivers.
4. The safety and well-being concerns with respect to the child.
5. The safety and well-being concerns with respect to the community.

(G)(I) When the PCSA or PCPA contracts with a private non-custodial agency (PNA), the PCSA or PCPA shall share information with the PNA in accordance with paragraphs (B) and (C) and (D) of this rule. The PCSA shall maintain a copy of the information shared in SACWIS in the child's case record. The PCPA shall maintain a copy in the child's case record. The PCSA shall maintain this information in SACWIS. The PCPA shall maintain this information in the child's case record.

(H)(J) The PCSA or PCPA shall develop an individual child care agreement (ICCA) each time a child is placed in a substitute care setting, including a children's residential center (CRC) administered by the PCSA. An ICCA is not required for temporary leaves from a substitute care setting (e.g., respite or hospital stays) or direct placements ordered by the court (e.g., detention). The ICCA shall be signed by all parties and a copy provided to the substitute caregivers prior to placement, or within seven days of an emergency placement. The ICCA shall include, but is not limited to, the following:
(1) The name, address, and telephone number of the PCSA or PCPA; the name of the child's caseworker; information regarding how the caseworker may be contacted during regular hours and for emergencies; and the date of the agreement.

(2) The child's name and date of birth.

(3) History and background information known about the child, including, but not limited to:
   (a) Positive attributes, characteristics, or strengths such as friendliness, talents, interests, or educational achievements.
   (b) Physical, intellectual, and social development.
   (c) Immediate health needs and current medications.
   (d) Psychiatric and/or psychological evaluations of the child.
   (e) Attachment and bonding of the child to caregivers and siblings.
   (f) History of abuse or neglect of the child.
   (g) If applicable, a description of all acts which resulted in the child being found delinquent and the disposition made by the court.
   (h) Information on any other violent acts committed by the child that may or may not have resulted in the child being adjudicated delinquent, including, but not limited to: arson, kidnapping, domestic violence, and/or animal cruelty.

(4) The child's need for placement and estimated timeframe for placement.

(5) Procedures for meeting the child's emergency and non-emergency medical needs, and information regarding the child's eligibility for Title XIX medical assistance.

(6) Any services, including, but not limited to, mental health and substance abuse services to be provided to the child or substitute caregivers and the party responsible for providing the services.

(7) Visitation plan with parents, guardian, custodian and other persons when applicable, pursuant to rule 5101:2-42-92 of the Administrative Code.

(8) Transportation arrangements for visits and other activities, and the party responsible for providing the transportation.

(9) Case plan goal for the child, pursuant to rule 5101:2-38-05 of the Administrative Code, if applicable, for a PCSA and rules 5101:2-39-10, 5101:2-38-06 and 5101:2-39-11, 5101:2-38-07 of the Administrative Code for a PCPA.

(10) Any special needs the child may have such as supervision level, special diets, therapy, tutoring, learning disabilities and any other needs requiring assistance from the substitute caretaker.

(11) A statement that the methods of discipline used for the child shall comply with either rule 5101:2-7-09 or 5101:2-9-21 of the Administrative Code, as applicable.

(12) The agency's invoicing procedures, if applicable.

(13) The rights and responsibilities of the PCSA or PCPA, the agencies providing services to the child, and the substitute caregivers.

(14) For children in the custody of a PCSA, a statement that assures that the substitute caregivers and agencies providing services will provide all applicable data to the PCSA for the "Adoption and Foster Care Analysis and Reporting System" (AFCARS) as required by section 479 of the Social Security Act (42 USC Section 679, 1994, 108 stat. 4459).

(K) If the PCSA or PCPA is unable to complete any part of the ICCA within the timeframe required in paragraph (H)(J) of this rule, the PCSA or PCPA shall document in the ICCA the information needed and the steps that will be taken to obtain the information.
When the child's placement is in a children's residential center (CRC) under the direction of another agency, the PCSA or PCPA shall develop and execute the ICCA with the other agency and provide a copy of the ICCA to both the agency and the CRC.

When the child's placement is in a foster home certified by another agency, a second ICCA shall be executed between the certifying agency and the substitute caregivers, with a copy maintained in the child's case record.

The PCSA or PCPA shall review and update the ICCA or develop a new ICCA when there is a change in any information required by paragraph (G)(J) of this rule. The PCSA or PCPA shall provide a copy of the updated or revised ICCA to the substitute caregivers no later than seven days after any information changes, and document its provision on the case plan document.

The PCSA or PCPA shall maintain copies of all ICCAs and updates in the child's case record and the substitute caregivers' record.

The PCSA shall provide the substitute caregiver with a copy of the JFS 01443 "Child's Education and Health Information" (rev. 2/2008/2010), or its alternative pursuant to rule 5101:2-38-08 of the Administrative Code.

The PCSA or PCPA holding custody shall provide the JFS 01677 "Foster Youth Rights Handbook" (6/2014) to any child being placed in substitute care who is fourteen years of age or older.

If the child is placed on or after the effective date of this rule, the child shall be given the JFS 01677 within seven days after the placement. At the time of receipt, the caseworker shall have the child sign the signature form of the JFS 01677.

If the child attains the age of fourteen while in custody, the child shall be given the JFS 01677 within seven days after their fourteenth birthday. At the time of receipt, the caseworker shall have the child sign the signature form of the JFS 01677.

Any child, age fourteen or older, who was placed prior to the effective date of this rule and has not already received the JFS 01677 shall be given the JFS 01677 within sixty days after the effective date of this rule.

The JFS 01677 shall be reviewed with the child. At the time of review, the caseworker shall have the child sign the additional signature line of the JFS 01677. Once both signatures are received, the signature page shall be included with the child's case plan, whether initial or amendment, for submission to court.

The custodial agency may provide the JFS 01677 to a child younger than age fourteen.

The PCSA shall maintain in SACWIS and in the child's case record, a detailed record of all information shared with the caregivers, the date it was shared, and the caregivers' acknowledgment of receipt of the information pursuant to this rule. The PCPA shall maintain this information in the child's case record.

Effective: 09/01/2015
Five Year Review (FYR) Dates: 05/20/2015 and 09/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 08/12/2015
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5153.166
Rule Amplifies: 5103.03, 5153.166
Each public children services agency (PCSA) or private child placing agency (PCPA) shall arrange for and provide each child in temporary custody, whether custody is by agreement or commitment, an opportunity for regular and frequent visitation with his parent, guardian or custodian. Such visitation schedule shall be developed in accordance with the requirements of this rule and contained in the case plan as required by rule 5101:2-39-08.1 or 5101:2-38-05 of the Administrative Code, if applicable for the PCSAs and rules 5101:2-39-105101:2-38-06 and 5101:2-39-115101:2-38-07 of the Administrative Code for the PCPA.

The PCSA or PCPA shall consult with the parent, guardian, or custodian, child, when age-appropriate, and other service providers, when applicable, in developing the plan for visits. The PCSA or PCPA shall address the following criteria for planning the visits.

1. Frequency of the visits shall be based on:
   a. The attitudes and feelings between the child and parent, guardian, or custodian in the present relationship.
   b. Whether the case plan goal is reunification or an alternative living situation.
   c. The need to maintain or enhance the bonding relationship between the parent, guardian, or custodian and child.
   d. What is determined to be in the child's best interest, and is conducive to his physical and emotional well-being.

2. Duration of the visit shall be based on:
   a. The amount of time needed to maintain or enhance the bonding relationship between the parent, guardian, or custodian and child.
   b. A determination based upon the current relationship between the child and parent, guardian, or custodian on the length of time that would be in the child's best interest.

3. Location of the visit shall be in:
   a. The least-restrictive setting consistent with the goals of the case plan. The following list represents the order of least-restrictive to most-restrictive settings.
      i. Visitation in the home of the parent, guardian, or custodian.
      ii. Visitation in the home of a friend, relative, substitute caregiver or other noninstitutional setting.
      iii. Visitation at the agency or other substitute care setting.
   b. A location providing a safe setting for the child.

4. Restrictions on the frequency, duration, location of visits, and supervision of visits shall be based on factors related to:
   a. Potential harm to the child as a result of the parent's, guardian's or custodian's behavior or pattern of conduct toward the child.
   b. Special needs or problems of the child.
   c. The parent's, guardian's, or custodian's failure to be available for more frequent or longer visits.

5. The PCSA shall review the JFS 01500, "Family Risk Assessment Model, Part I: Family Risk Assessment Matrix" (rev. 1/2001) or the JFS 1413 "Comprehensive Assessment and Planning
Model - I.S., Case Review" (rev. 7/2006)(rev. 8/2010) pursuant to rule 5101:2-38-09 of the Administrative Code, if applicable to assist in arriving at a decision to restrict guide the frequency, duration and location of visits or to determine the level of supervision needed during visits.

(C) The PCSA or PCPA also shall ensure that the child has an opportunity for other forms of communication with his parent, guardian, or custodian on a regular basis.

(D) In the child's best interest, the PCSA or PCPA shall make arrangements for visitation and communication with siblings and other family members or individuals and significant others integral to maintaining connections to visit or communicate with the child with those individuals. The agency shall also make arrangements for visitations related to the maintenance and connection with Indian tribes pursuant to rule 5101:2-53-06 of the Administrative Code.

(E) Withholding of visits shall never be used as a threat or form of discipline to the child or to control or punish the parent for failure to work with the agency or other community providers.

(F) The PCSA's or PCPA's decision on each of the criteria identified in paragraph (B) of this rule and the need for visitation restrictions and supervision and the reason for the decision must be recorded in the case plan as required by rule 5101:2-39-08.1 or 5101:2-38-05 of the Administrative Code, if applicable for PCSAs and rules 5101:2-39-10 5101:2-38-06 and 5101:2-39-11 of the Administrative Code, if applicable for PCPAs.

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R.C. 119.032 review dates: 03/12/2014
Certification
Date
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When a child's placement or visitation plan has been specified by type or location in a court order, or the court has ordered that no change in the child's placement can occur without the court's approval, the PCSA or PCPA shall file a motion to modify such an order and receive court approval prior to effecting a change in the child's placement or visitation plan. Such motion to modify may be filed and court approval obtained after the change in placement or visitation plan only where there exists reasonable cause to believe the child is in immediate danger of serious harm by reason of the current placement or visitation plan. In such an emergency, the motion to modify must be filed or court approval obtained within seven days after the change in placement or visitation plan occurs.

When a child's visitation plan has been specified in a court order, or the court has ordered that no change in the child's visitation plan can occur without the court's approval, the PCSA or PCPA shall file a motion to modify such an order and receive court approval prior to effecting a change in the child's visitation plan. Such motion to modify may be filed and court approval obtained after the change in visitation only when there exists reasonable cause to believe the child is in immediate danger of serious harm by reason of the current visitation plan. In such an emergency, the motion to modify must be filed or court approval obtained within seven days after the change in the visitation plan occurs.

Where a child's placement or visitation plan is not the subject of a court order described in paragraph (A) or (B) of this rule, the PCSA or PCPA shall provide written notice to the parent, guardian, or custodian and guardian ad litem of the opportunity for a review to be conducted by the PCSA or PCPA prior to effecting a change in the child's placement or visitation plan or shall obtain advance court approval of the change pursuant to court action pursuant to division (B) of section 2151.33 or division (B)(4) of section 2151.35 of the Revised Code. Such notice and review may occur after the change as identified in paragraph (D) of this rule. Such notice shall, at a minimum, advise of:

1. The proposed action and reasons for that action.
2. The date of the proposed action, unless the parent agrees to an earlier date.
3. The opportunity for a review and the method by which such review can be requested.
4. The time within which the review must be requested.

When the PCSA or PCPA determines that the child, as identified in paragraph (B) or (C) of this rule, by reason of his current placement or visitation, is in immediate danger of serious harm, a change in the child's placement or visitation may occur. In such an emergency, the agency shall notify the parent, guardian or custodian and guardian ad litem, within twenty-four hours or verbally of the change by the next working day of changing the child's placement or visitation, and send written notice to the child's parent, guardian, or custodian and guardian ad litem, which identifies all of the following:

1. The change in placement or visitation.
2. The reasons for such change.
3. The opportunity for judicial or PCSA or PCPA review, as applicable, and the method by which such review can be requested.
4. As applicable, the method and the timeframe within which such review must be requested.

The requirements set forth in paragraph (C) of this rule do not apply in the following situations:

1. A change from an emergency placement to a nonemergency placement.
2. A change to a less-restrictive placement.
(3) A determination affecting visitation privileges of parents which does not reduce or significantly alter the visitation privileges of the parents.

(4) A change in placement or visitation plan to which the guardian ad litem and parents agree.

(E) A parent, guardian, custodian or guardian ad litem must request an agency review within ten days after the mailing of the notice described in paragraph (C) of this rule. A PCSA or PCPA review must occur within a reasonably prompt period no later than ten days after receipt of the request for review.

(F) The PCSA or PCPA review shall be held before a review agent. The review agent shall conduct the review in a nonadversarial atmosphere. The review agent shall be:

(1) A person not involved in the decision to effect a change in placement or visitation unless the person is the administrator or assistant administrator of the agency.

(2) Neither a co-worker nor a person directly in the chain of supervision of any of the persons involved in the decision affecting a change in placement or visitation unless the agent is the administrator or assistant administrator of the agency.

(2) A person knowledgeable in child welfare services and capable of objectively reviewing the decision.

G) A parent, guardian, custodian or guardian ad litem requesting the review, the PCSA or PCPA, and their respective legal counsel, if they choose to be represented, shall be free to examine all documents and physical evidence introduced by parties to the review, with the exception of: reports made pursuant to section 2151.421 of the Revised Code and rules 5101:2-33-21 and 5101:2-33-22 of the Administrative Code; documents or other evidence which disclose the identity of persons complaining of parental misconduct; and any other confidential document or report the confidentiality of which is required or protected by law. The parties to the review may also present and examine witnesses.

(H) The review agent shall render a written decision stating the reasons for such decision. The decision must be based upon the evidence presented at the review. Copies of the decision shall be provided to all parties to the agency review within fifteen days of the review.

(I) The requirements of this rule shall be satisfied if a hearing concerning the issues of change in placement or visitation has been conducted by a court of jurisdiction.

(J) All documentation related to notices to changes in placements or visitation plans and/or written decisions of a review agent required by this rule shall be maintained by the agency in the child's case record.

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R.C. 119.032 review dates: 04/30/2014
Certification
Promulgated Under: 119.03
Statutory Authority: 5153.166, 5103.03
Rule Amplifies: 5153.166, 5103.03
Unless the public children services agency (PCSA) or private child placing agency (PCPA) has compelling reasons for not pursuing a request for permanent custody of a child, the agency, pursuant to section 2151.413 of the Revised Code, shall petition the court that issued the current order of disposition to request permanent custody of a child when any of the following conditions are present:

(1) A court of competent jurisdiction has determined that the parent from whom the child was removed has:

(a) Been convicted of or pleaded guilty to one of the following:

(i) An offense under section 2903.01 (aggravated murder), 2903.02 (murder), or 2903.03 (voluntary manslaughter) of the Revised Code or under existing or former law of this state, another state, or the United States that is substantially equivalent to an offense described in those sections and the victim was a sibling of the child or the victim was another child who lived in the parent's household at the time of the offense.

(ii) An offense under section 2903.11 (felonious assault), 2903.12 (aggravated assault), or 2903.13 (assault) of the Revised Code or under existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense.

(iii) An offense under division (B)(2) of section 2919.22 (endangering children) of the Revised Code or under existing or former law of this state, any other state, or the United States that is substantially equivalent to the offense described in that section and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense.

(iv) An offense under section 2907.02 (rape), 2907.03 (sexual battery), 2907.04 (sexual corruption of a minor)(unlawful sexual conduct with a minor), 2907.05 (gross sexual imposition), or 2907.06 (sexual imposition) of the Revised Code or under existing or former law of this state, any other state, or the United States that is substantially equivalent to an offense described in those sections and the victim of the offense is the child, a sibling of the child, or another child who lived in the parent's household at the time of the offense.

(v) A conspiracy or attempt to commit, or complicity to committing, an offense described in paragraph (A)(1)(a)(i) or (A)(1)(a)(iv) of this rule.

(b) Repeatedly withheld medical treatment or food from the child when the parent has the means to provide the treatment or food. If the parent has withheld medical treatment in order to treat the physical or mental illness or defect of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body, the court or agency shall comply with the requirements of division (A)(1) of section 2151.419 of the Revised Code.

(c) Placed the child at substantial risk of harm two or more times due to alcohol or drug abuse and has rejected treatment two or more times or refuses to participate in further treatment two or more times after a case plan was developed pursuant to rule 5101:2-39-10, 5101:2-38-05, 5101:2-39-11 or 5101:2-40-02 of the Administrative Code, if applicable, requiring such treatment of the parent and was journalized as part of the
dispositional order issued with respect to the child or an order was issued by any other court requiring such treatment of the parent.

(d) Abandoned the child pursuant to rule 5101:2-1-01 of the Administrative Code.

(e) Had parental rights involuntarily terminated pursuant to section 2151.353 (disposition of abused, neglected or dependent child), 2151.414 (hearing on motion for permanent custody), or 2151.415 (motion requesting disposition order upon expiration of temporary custody order) of the Revised Code with respect to a sibling of the child.

(2) A court of competent jurisdiction has determined the child to be a deserted child pursuant to section 2151.3520 of the Revised Code.

(3) Any PCSA or PCPA has had temporary custody of the child under one or more orders of disposition for twelve or more months (three hundred and sixty-five days or more) of a consecutive twenty-two month period ending on or after March 18, 1999. For the purpose of calculating the twelve or more months of a consecutive twenty-two month period, a child shall be considered to have entered the temporary custody of an agency on the earlier of the following:

(a) The date the child is adjudicated abused, neglected or dependent pursuant to section 2151.28 of the Revised Code.

(b) Sixty days after the child was removed from his or her home and placed into substitute care.

The PCSA or PCPA must not include trial home visits or runaway episodes when calculating the twelve of the most recent twenty-two months. Trial home visits and runaway episodes are included when calculating the twenty-two month period.

(B) The PCSA or PCPA is not required to file a motion for permanent custody of a child when one of the following is met:

(1) The PCSA or PCPA has documented in the case plan there is a compelling reason for determining that the filing of a motion to seek permanent custody of the child and terminate parental rights is not in the best interest of the child.

(2) The PCSA or PCPA has documented in the case plan that the agency has not provided the child's parent, guardian, or custodian with services outlined in the case plan which were deemed necessary for the safe return of the child to the child's home.

(C) The PCSA or PCPA shall meet with the parent to review the agency's decision to file a motion with the court to terminate parental rights. The PCSA or PCPA shall seek to amend the case plan prior to filing a motion to terminate parental rights.

(D) At the time a motion is filed with the court to obtain permanent custody of the child, the PCSA or PCPA shall submit a case plan to the court which includes a specific plan to seek an adoptive family or planned permanent living arrangement for the child and to prepare the child for adoption or permanency with a specified individual.
The "Ohio 'Putative Father Registry" (OPFR), as defined in rule 5101:2-1-01 of the Administrative Code, is designed to:

(1) Facilitate the registration of putative fathers who want to be notified in the event that their child may be placed for adoption.

(2) Facilitate interested parties' efforts to identify a putative father through submission of a request for a search to be conducted on the OPFR.

When a putative father contacts the public children services agency (PCSA) or private child placing agency (PCPA), the PCSA or PCPA shall provide the JFS 01694 "Putative Father Registry Registration Form" (rev. 11/2010) and the JFS 01694I "Instructions for Completing JFS 01694" (rev. 3/2015) to the putative father or refer the putative father to the ODJFS putative father registry website, https://pfrpub.odjfs.state.oh.us/pfrweb/webforms/home.aspx.

To register, a putative father shall register online or complete the JFS 01694 and submit it to the Ohio putative father registry at ODJFS.

The putative father may register prior to the birth of the child or within thirty days following the birth of the child.

The mother of the child, the PCSA or PCPA involved in arranging the child's adoption, or attorneys representing any of these parties may request a search of the OPFR by completing the JFS 01695 "Application for Search of Ohio Putative Father Registry" (rev. 11/2010) and submitting it to the Ohio putative father registry at ODJFS or by submitting the request online via the ODJFS putative father registry website, https://pfrpub.odjfs.state.oh.us/pfrweb/webforms/home.aspx.

The PCSA or PCPA shall determine if there is a putative father by doing the following:

(1) Work with the mother to identify the name of the child's father and determine if either parent is eligible for membership with an American Indian tribe.

(2) Contact the Ohio putative father registry to request a search be conducted on the OPFR to determine if the child's father is registered on the OPFR. A request for a search of the OPFR may be made at any time. A final search of the OPFR shall be made no sooner than thirty-six days after the birth of the child.

Any party referenced in paragraph (E) of this rule may request the status of a final search if results have not been received within seven business days of the date the final request was submitted.

The PCSA or PCPA is not required to search the OPFR for court proceedings on adoption of a child if:

(1) The mother was married at the time the child was born or conceived.

(2) The parent placing the child previously adopted the child.

(3) Prior to the date the petition to adopt the child is filed, a man has been determined to have a parent and child relationship with the minor by:

(a) A court proceeding pursuant to sections 3111.01 to 3111.18 of the Revised Code.

(b) A court proceeding in another state.
(c) An administrative agency proceeding pursuant to sections 3111.38 to 3111.54 of the Revised Code.

(d) An administrative agency proceeding in another state.

(e) A signed acknowledgment pursuant to section 2151.232, 3111.25 or 3111.821 of the Revised Code.

(4) The PCSA or PCPA has permanent custody of the child pursuant to Chapter 2151. or division (B) of section 5103.15 of the Revised Code.

(l) The PCSA or PCPA agency or attorney arranging the adoption shall file the response received from the Ohio putative father registry's office with the court prior to the issuance of the final adoption decree or the interlocutory order of adoption.

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Five Year Review (FYR) Dates: 05/14/2015 and 08/01/2020

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(A) The public children services agency (PCS A), private child placing agency (PCPA) or private noncustodial (PNA) shall obtain information for the social and medical histories of the biological parents from the following sources:

(1) Written information and interviews with the biological parents of the child.

(2) Written information and interviews with other persons having knowledge of the biological parents and their ancestors.

(3) Any available records, if the biological parents or the legal guardian of the biological parents consents to release of information contained in the record.

(4) Results of a medical examination that the PCSA, PCPA or PNA may have requested for the biological parent. In the event the biological parents refuse to consent to a medical examination, this shall be noted on the JFS 01616 "Social and Medical History" (rev. 6/20062009).

(B) Blank copies of the JFS 01616 shall be provided to the biological parents or other persons who can supply social and medical information on the biological parents and their ancestors.

(C) The PCSA, PCPA, or PNA shall complete an initial JFS 01616 prior to termination of parental rights, whether by court commitment or permanent surrender to assure:

(1) There is sufficient information available to place the child appropriately.

(2) The prospective adoptive family has sufficient information on the social and medical history of the biological family in order to make an informed decision about accepting placement of the child.

(3) Appropriate subsidies can be planned for the child and family.

(D) Following termination of parental rights, the PCSA, PCPA, or PNA shall continue to obtain additional social and medical information on the biological parents and the ancestors of the minor which can be used to update or complete the JFS 01616. All social and medical history information needed to complete the JFS 01616 shall be obtained prior to submission of the JFS 01699 "Prefinalization Adoption Assessment Report" (rev. 12/2006) to the court in accordance with the requirements contained in rule 5101:2-48-17 of the Administrative Code.

(E) When completing the JFS 01616, the PCSA, PCPA, or PNA shall not include identifying information about the biological parents or other ancestors of the minor.

(F) If any of the social and medical history information is not available, the agency shall document and maintain in the case record attempts to obtain this information.

(G) The PCSA, PCPA or PNA shall advise the biological parents or other persons supplying information of the right to correct or expand upon the information contained on the JFS 01616 at any time prior to or subsequent to the adoption of the child, including any time after the child becomes an adult, by submitting such correction or expansion to the assessor, the court involved in the adoption, the Ohio department of health (ODH), or the Ohio department of job and family services (ODJFS).

(H) The assessor, court, ODH or ODJFS receiving corrected or additional information to include on the JFS 01616 shall determine compliance with section 3107.09 or 3107.091 of the Revised Code prior to filing it with the court that issued the interlocutory order or final decree of adoption.

(I) If the assessor, court, ODH or ODJFS determines that the information supplied for inclusion in the social and medical history cannot be included in the record, written notification of this decision shall be made to the biological parent or other person supplying the information. The written notification shall also indicate that upon receipt of the notification, a petition can be filed with the court which was
involved in the adoption to request the court review the information and determine whether the information may be included in the social or medical history.

(J) The PCSA, PCPA, or PNA shall provide biological parents with a copy of the social and medical history information obtained at the time of termination of parental rights.

(K) The assessor shall provide the completed copy of the JFS 01616 to the:

(1) Prospective adoptive family.
(2) Court where the petition for adoption has been filed at the time the JFS 01699 is submitted in accordance with the requirements contained in rule 5101:2-48-17 of the Administrative Code.

(L) The court may refuse to issue an interlocutory order or final decree of adoption if the assessor has not filed the JFS 01616 unless the assessor certifies to the court that information needed to prepare the histories is unavailable for reasons beyond the assessor's and the PCSA, PCPA or PNA's control.

(M) The assessor shall advise the adoptive parents that if they wish to be notified when social and medical histories are updated or expanded pursuant to paragraph (G) of this rule, the JFS 01679 "Request for Notification" (rev. 6/2006) can be completed and filed with the court at any time.

(N) The assessor shall advise adoptive parents that:

(1) They may inspect all forms pertaining to the social and medical history of biological parents filed with the court prior to the child reaching age eighteen.
(2) After the child reaches age eighteen, only the adopted person may inspect the court files.

(O) The assessor is not required to complete the JFS 01616 if the child is being adopted by a stepparent or grandparent.

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(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that places children for adoption or participates in the placement of children for adoption shall have a current written adoption policy.

(B) The policy shall include:

(1) The geographic area within which the agency conducts adoption homestudy assessments.

(2) A description of the adoption application process, the adoption homestudy, and the adoption homestudy update and amendment procedures, including:

(a) Eligibility requirements for an adoptive applicant(s).

(b) Timeframe for commencing and completing an adoption homestudy.

(c) Process for simultaneously certifying an applicant for foster care placement and approving an applicant for adoption.

(d) Preservice training requirements for an adoptive applicant(s).

(e) Criminal records check requirements and fees associated with obtaining a criminal records check pursuant to rule 5101:2-48-10 of the Administrative Code.

(f) If the agency requires additional assessment activities not specified in Chapter 5101:2-48 of the Administrative Code, then the agency shall include a description of those activities in their policy and require them of all adoptive applicants and approved adoptive parents.

(g) The requirement that an assessor shall complete the JFS 01530 "Multiple Children/Large Family Assessment" (12/2014) if:

(i) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;

(ii) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care and the number of children the family will be approved to adopt.

(h) The requirement that an assessor shall complete a new JFS 01530 at the time of the update if the family circumstances have changed substantially or if a JFS 01530 was not completed at the time of the homestudy but is required at the time of the update.

(3) Notification procedures which, at a minimum, include:

(a) The requirements that an adoptive applicant(s) or approved adoptive parent(s) shall notify the agency in writing if a person residing in the home who is twelve years old, but under eighteen years old, has been convicted or pleaded guilty to any offense listed in appendix A to rule 5101:2-48-10 of the Administrative Code or has been adjudicated to be a delinquent child for committing an act that if committed by an adult, would constitute one of those offenses.

(b) The requirements that the PCSA, PCPA, or PNA shall notify in writing the PCSA in the county in which the adoptive applicant resides within ten days after the initiation of a homestudy pursuant to rule 5101:2-48-12 of the Administrative Code.

(c) The requirements that the PCSA, PCPA or PNA shall notify in writing the PCSA in the county in which the adoptive parent(s) resides, of an impending adoptive placement no
later than ten days prior to the placement of the child pursuant to rule 5101:2-48-16 of the Administrative Code.

(d) The requirements that the PCSA or PCPA shall notify the foster or kinship caregiver if the PCSA or PCPA seeks permanent custody of a child placed with the caregiver and if a child placed with the caregiver becomes available for adoption. The notification shall also be given to the recommending agency when the custodial agency is different than the recommending agency. The notification shall be consistent with the requirements contained in section 5103.161 of the Revised Code.

(4) A procedure to provide access to approved adoption homestudies and other related documents to a PCSA or PCPA that requests a copy of the adoption homestudy for purposes of matching a child pursuant to rule 5101:2-48-19 of the Administrative Code.

(5) A procedure for the receipt and maintenance of approved adoptive homestudies from other agencies or states, including the length of time that homestudies received shall be maintained in the agency's files.

(6) A procedure pursuant to rule 5101:2-48-24 of the Administrative Code, to review grievances or complaints, received from the prospective adoptive applicant(s), adoptive applicant(s), or approved adoptive parent(s).

(a) The requirements for hearing grievances and for resolving differences with the prospective adoptive applicant(s), adoptive applicant(s), or approved adoptive parent(s), relative to the requirements of Chapter 5101:2-48 of the Administrative Code and other agency policies.

(b) The requirements of review by the highest administrative employee of the agency or designee for any unresolved grievance within thirty calendar days of the filing of the grievance.

(7) A statement that the requirements contained in rule 5101:2-33-03 of the Administrative Code supersede the requirements of rule 5101:2-48-24 of the Administrative Code when the grievance or complaint involve alleged discriminatory acts, policies, or practices pertaining to the foster care and adoption process that involve race, color or national origin (RCNO).

(8) A requirement that the child's custodial agency hold the initial matching conference 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 as outlined in rule 5101:2-48-16 of the Administrative Code.

(9) The following procedures as outlined in rule 5101:2-48-16 of the Administrative Code:

(a) Matching procedures as outlined in paragraph (V) of rule 5101:2-48-16 of the Administrative Code.

(b) Child specific recruitment procedures as outlined in paragraph (X) of rule 5101:2-48-16 of the Administrative Code when there are no families to be considered at a matching conference.

(c) When subsequent matching conferences are not required as outlined in paragraph (Y) of rule 5101:2-48-16 of the Administrative Code.

(10) A non-discriminatory policy on determining the approved adoptive parents who will be presented as a potential adoptive parent for the child in the matching conference. If there are more than five families who are potential matches for the child, the agency may narrow the number of families to a minimum of five based on:

(a) The preference to keep siblings together if it is in their best interest.

(b) The level of experience the family has in working with children who have the specific behavior, medical or mental health challenges that a specific child presents.
(11) If a family was previously considered for a child in a matching conference and was not interested in the child, the agency does not have to consider the family for the same child in subsequent matching conferences.

(12) The availability of open adoptions between the birth parent(s) and the adoptive parent(s) and the referral process if the agency does not provide open adoptions.

(13) A procedure for the agency to report an adoptive applicant(s) or adoptive parent(s) who it feels has made a false statement in the application or homestudy process according to rule 5101:2-33-13 of the Administrative Code.

(14) A description of all state and federal adoption assistance, including eligibility and application requirements:

(a) Eligibility requirements of each program.

(b) Application requirements of each program.

(c) Availability of and process for requesting mediation, as described in rule 5101:2-49-05 of the Administrative Code.

(d) Availability of and process for requesting a state hearing, as described in section 5101.35 of the Revised Code and in accordance with division 5101:6 of the Administrative Code.

(e) Any alternative review process utilized by the PCSA for determining post adoption special services subsidies, in accordance with rule 5101:2-44-13 of the Administrative Code.

(15) Schedule of fees for service, if applicable.

(16) Religious affiliation requirements, if applicable.

(17) Provision of prefinalization and postfinalization services.

(18) Availability of a state hearing, as described in section 5101.35 of the Revised Code, if a prospective applicant(s) believes that an adoptive placement was denied or will be denied solely for the reason of geographic location of the family.

(19) The complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.


(D) The agency may prepare a summary of its adoption policy to respond to inquiries pursuant to rule 5101:2-48-08 of the Administrative Code. If the agency prepares a summary, it shall include:

(1) A written notice of the procedure for any complaints of discrimination in the adoption process that involve race, color or national origin (RCNO), pursuant to rule 5101:2-33-03 of the Administrative Code.

(2) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009). No additional language regarding non-discrimination in the adoptive placement process based upon RCNO shall be included in the agency's policy or other recruitment materials.

(E) The PCSA, PCPA, or PNA shall maintain its written policies to reflect requirements contained in Chapter 5101:2-48 of the Administrative Code. When an agency revises a policy, the revision shall be submitted to ODJFS within thirty-nine days of the change. If a change in the Administrative Code or the Revised Code requires the agency policy to change, the agency shall submit the affected policy to
ODJFS within thirty-nine days of the effective date of the change in Administrative Code or Revised Code.

(F) Recruitment of prospective adoptive parents shall be an ongoing activity of the PCSA, PCPA, or PNA. The agency shall not deny any person the opportunity to become an adoptive parent on the basis of RCNO of the person or the child involved.

(G) The PCSA, PCPA or PNA shall develop, maintain and implement a comprehensive recruitment plan that identifies the agency’s diligent recruitment efforts of parents and which reflects the diversity of waiting children for whom adoptive homes are needed. The plan shall be signed by the agency director or designee.

(H) If the PCSA, PCPA, or PNA amends its recruitment plan at any time the agency shall submit the amended recruitment plan to ODJFS within ten ninety days following the amendment.

(I) The PCSA, PCPA and PNA, at a minimum, shall include in its recruitment plan the following:

(1) A fee structure that is non-discriminatory to applicants and approved adoptive parents and that allows parents of various income levels the opportunity to adopt. Fees may be charged according to a standardized and uniformly applied sliding scale, based on a family's ability to pay. The ability to pay a fee shall not influence the choice of the most appropriate parent(s) for a child.

(2) Specific strategies to reach all parts of the community.

(a) The PCPA or PNA shall define its own community.

(b) The PCSA shall define the community as the county in which the PCSA is located.

(3) Specific methods of disseminating both general and targeted recruitment.

(4) Strategies for assuring that all prospective adoptive applicants will receive information regarding adoption procedures within seven days of inquiry.

(5) Strategies for assuring that all applicants have access to the homestudy process, including location and hours of services that facilitate access to all members of the community.

(6) Strategies for training staff to work with diverse cultural, racial, ethnic and economic communities.

(7) Strategies for dealing with linguistic barriers between the PCSA, PCPA, or PNA and the prospective adoptive applicant(s).

(J) The PCSA and PCPA shall include in its recruitment plan the following:

(1) A description of the characteristics of children in the permanent custody or permanent surrender of the agency, including:

(a) Age.

(b) Gender.

(c) Race and ethnicity.

(d) Developmental needs.

(e) Emotional and mental health needs.

(f) Physical needs.

(2) A comparison of the racial and ethnic diversity of the children in permanent custody with the racial and ethnic diversity of the approved adoptive family resources in the agency.

(3) Any racial or ethnic category of family that is under-represented and the strategies the agency will initiate to increase the category.

(4) Criteria to determine when the agency will conduct child specific recruitment strategies for a child.
Identification of the type of specific recruitment techniques the PCSA or PCPA will have available and will utilize when child specific recruitment is warranted, pursuant to rule 5101:2-48-16 of the Administrative Code. Child specific recruitment activities shall include, at a minimum, distribution of information on the child to other adoption agencies.

The PCSA, PCPA, or PNA shall maintain case records in a consistent and organized manner. If the PCSA, PCPA, or PNA maintains any required information set forth in this rule in a location other than the case record, it shall be stated in the agency policy or noted in the case record where the information can be found for the purpose of: preservation of agency records, searching for potential placement/adoptive resources, providing needed or requested services and/or screening/assessing families.

An agency shall ensure that employees and contractors performing work related to the functions listed in rule 5101:2-5-03 of the Administrative Code shall implement all current written policies of the agency related to those functions and that all activities and programs related to those functions occur in accordance with agency policies.

All policies required by this chapter shall be provided to any person affected by the policy. Any policy required by this chapter shall be provided to any person upon request.

If ODJFS determines an agency's adoption policy, policy revisions or recruitment plan are noncompliant with this rule, the agency shall accept technical assistance from ODJFS until such time that the policy or recruitment plan is in compliance.

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A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) or court that engages in the provision of foster care or adoption services shall employ or have under contract assessors who are responsible for, but not limited to, performing the following duties:

1. Works with parents, guardians or persons having custody of a child who express the intent to surrender their child for adoption.

2. Works with people seeking to adopt or provide foster care for a child, including but not limited to the following duties, completing home studies on prospective adoptive applicants and completing prefinalization adoption assessments. To avoid conflict of interest, or the appearance of a conflict of interest, an assessor shall not conduct or approve an adoptive homestudy or homestudy update for any of the following:
   a. Him or her self. Completing home study assessments for foster care and adoptive applicants.
   b. Any person who is a family member of the assessor. Completing adoption amendments and updates.
   c. Any agency employee for whom the assessor has any supervisory responsibility. Completing foster care recertifications.
   d. Any agency employee who has any supervisory responsibility for the assessor. Completing prefinalization adoption assessments.

3. Works with the child in the permanent custody of an agency to prepare the child for adoption.

4. Initiates and/or supervises the foster care or adoptive placement.

5. Completes the JFS 01616 "Social and Medical History" (rev. 6/2006/2009) which shall be filed with the court.


9. Completes the JFS 01530 "Multiple Children/Large Family Assessment" (12/2006).

10. Completes the JFS 01699 "ODJFS Prefinalization Adoption Assessment Form" (rev. 12/2006).

11. Completes the JFS 01673-A "Child Characteristics Checklist For Foster Care and/or Adoption" (12/2006).

12. Completes the JFS 01698 "Step-Parent Adoption Homestudy" (10/2006).

To avoid a conflict of interest, or the appearance of a conflict of interest, an assessor shall not complete any of the documents or services listed in paragraph (A) of this rule for any of the following persons:

1. Him or her self.

2. Any person who is a relative of the assessor.

3. Any agency employee for whom the assessor has any supervisory responsibility.

4. Any agency employee who has any supervisory responsibility for the assessor.
The PCSA, PCPA, or PNA, or court shall ensure that employees or persons under contract with the agency meet the following assessor qualifications: to perform assessor duties comply with the requirements in the assessor definition contained in rule 5101:2-1-01 of the Administrative Code and section 3107.014 of the Revised Code.

(1) Complies with the requirements in the definition of assessor contained in rule 5101:2-1-01 of the Administrative Code.

(2)(D) Effective July 1, 2009, the PCSA, PCPA, PNA, or court shall ensure a student hired to perform assessor duties meets all requirements of an assessor in rule 5101:2-1-01 of the Administrative Code and section 3107.014 of the Revised Code. The student shall be supervised by a professional counselor, social worker, marriage and family therapist or psychologist who has completed tier two assessor training and continues to comply with all requirements outlined in this rule and rule 5101:2-1-01 of the Administrative Code and section 3107.014 of the Revised Code.

(3)(E) The PCSA, PCPA, PNA, or court shall ensure the assessor completes or has completed all the prescribed Ohio department of job and family services (ODJFS) tier one assessor training sessions within one year of the start date of the tier one assessor training. An employee or contractor can only conduct assessor duties after he or she begins tier one training. If the employee or contractor is performing assessor duties prior to completion of the required training, the agency shall ensure that the employee or contractor is supervised by an assessor who has completed tier two assessor training and any applicable ongoing training required by this rule. An assessor who fails to complete the tier one training within one year of the start date of the tier one assessor training is not authorized to perform any assessor duties until the tier one assessor training has been completed.

(4)(F) The PCSA, PCPA, PNA, or court shall ensure the assessor completes or has completed the prescribed ODJFS tier two assessor training within three years of the completion date of tier one assessor training. A person who has not completed all of the tier one assessor training is not eligible to begin tier two assessor training.

(a)(1) An assessor who did not complete the required tier two assessor training within the three years of the completion date of tier one assessor training is not authorized to perform assessor duties until tier two assessor training requirements are properly met. An extension of no more than one year may be granted by the agency’s director of the PCSA, PCPA, PNA or court due to justifiable organizational circumstances which impede the ability of the assessor to attend offered training. The extension shall be documented on a signed JFS 01680 "Verification of Adoption Assessor Qualifications" (rev. 5/2007).

(b)(2) An assessor who did not complete the tier two assessor training within the required time periods of this rule shall immediately cease performing the duties of an assessor until the person has completed the tier two assessor training.

(c)(3) An assessor who did not complete the tier two training requirements of paragraph (B)(4)(a)(F)(1) of this rule, shall repeat the tier two assessor training in its entirety. Tier two training shall be completed within one year of the start date of the tier two assessor training. A person who fails to complete tier two assessor training within one year shall repeat the entire training process beginning with tier one.

(5)(G) The PCSA, PCPA, PNA, or court shall ensure the assessor completes or completed six hours of ongoing training on adoption or foster care related issues, within two years of the completion date of tier two assessor training, to renew their assessor status. Completion of an additional six accredited training hours is required within each subsequent two year period from the completion date of the tier two assessor training. Assessors who fail to complete the training within any two year period must immediately cease performing the duties of an assessor until the six accredited training hours required have been completed.

(a) Assessors who fail to complete the training within any two year period must immediately cease performing the duties of an assessor until the six accredited training hours required have been completed.
(b) Assessors who have completed tier two assessor training prior to December 11, 2006, shall complete the six accredited training hours by December 11, 2008.

(C)(H) The assessor PCSA, PCPA, PNA or court shall verify document the assessor's compliance with paragraph (B) of this rule by completing the JFS 01680 and having it signed by the assessor and the PCSA, PCPA, PNA director, designee or court. This document shall be kept in the agency personnel records with a copy provided to the assessor and a copy shall be sent to the ODJFS adoption services section. An assessor shall be able to produce a copy of the JFS 01680 upon request. The assessor shall notify ODJFS within ten business days when any of the following occur.

1. The assessor completes any level of training required by this rule.
2. The assessor terminates his employment or contract with a PCSA, PCPA, PNA or court.
3. The assessor begins employment or enters into a contract with a new PCSA, PCPA, PNA or court.
4. The assessor is no longer employed with the PCSA, PCPA, PNA or court but plans to continue to complete the six hour training requirement. The assessor shall, within ten business days of completing the six hour training requirement, submit the updated JFS 01680 to the ODJFS adoption services section.
5. The assessor is not able to conduct assessor duties due to non-compliance with the training requirements outlined in this rule.

(D)(I) The PCSA, PCPA, PNA or court that employs or has a contract with the assessor shall notify ODJFS via the JFS 01680 within ten business days when as assessor terminates his or her employment or contract with the agency or court.

(E)(J) A person who is no longer employed by or under contract with a PCSA, PCPA, PNA or court to perform assessor duties may continue completing the additional six accredited training hours every two years or any other required assessor training to maintain assessor status. However, an individual who is not employed by or in contract with a PCSA, PCPA, PNA or court shall not perform assessor duties. Upon resuming employment or contract with a PCSA, PCPA, PNA or court to perform assessor duties, the assessor may immediately perform assessor duties as long as the six hour training or other training requirement was met in accordance with this rule while the person was not employed or contracting with the PCSA, PCPA, PNA or court.

(F)(K) A person who is no longer employed with the PCSA, PCPA, PNA or court to perform assessor duties and who did not elect to continue to complete the assessor training hours to maintain their assessor status shall resume the assessor duties only after complying with all of the following:

1. Be in an active employment or contract status with a PCSA, PCPA, PNA or court to perform assessor duties.
2. Complete twelve hours "Assessor Refresher" training as prescribed by ODJFS.
3. The cycle of having an additional ongoing six accrediting training hours required every two years begins with the completion of the twelve hour "Assessor Refresher" of training.

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FCASMTL 352

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(A) The public children services agency (PCSA), private child placing agency (PCPA) and private noncustodial agency (PNA) shall maintain a log of inquiries from persons interested in being adoptive parents. The agency shall document in the log any follow-up for each inquiry.

(B) The PCSA, PCPA or PNA shall follow-up with all inquirers within seven working days.

(B) If the inquirer resides in Ohio, the PCSA, PCPA or PNA shall provide the following to the inquirer within seven business days of the inquiry:

1. A copy of the JFS 01675 "Ohio Adoption Guide: Handbook for Prospective Adoptive Families" (rev. 9/20085/2014) or the link to access the guide electronically.

2. A description of Title IV-E adoption assistance and state adoption subsidy programs including eligibility requirements and the application process.

3. Instructions on how to get an application for adoption.

4. A copy of the PCSA, PCPA or PNA adoption policy, or summary of the policy, prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

5. The criminal records check requirement pursuant to rule 5101:2-48-10 of the Administrative Code.

6. The foster care/adoption homestudy assessment process.

7. Information regarding the state adoption assistance loan program as outlined in section 3107.018 of the Revised Code.

(C) If the inquirer resides out of state and has an approved homestudy, the PCSA, PCPA or PNA shall send the inquirer a copy of the JFS 01675, or the link to access the guide electronically. If the family has identified a child they are interested in, the family should be given the telephone number to the custodial agency. This information shall be provided to the inquirer within seven business days of the inquiry.

(D) If the inquirer resides out of state and does not have an approved homestudy, the PCSA, PCPA or PNA shall send the inquirer a copy of the JFS 01675, or the link to access the guide electronically. The PCSA, PCPA or PNA shall also inform the inquirer that they will need a completed and approved homestudy from their state of residence in order to adopt an Ohio waiting child. This information shall be provided to the inquirer within seven business days of the inquiry.

(E) The PCSA, PCPA and PNA shall develop and implement referral procedures whereby an inquiry from an Ohio resident, who does not meet requirements for adoption services as identified in the agency's adoption policy, is referred to another agency for adoption services. If the inquirer resides in an Ohio county other than the county where the PCSA, PCPA or PNA is located, a referral shall include, at a minimum, the name, address and telephone number of the PCSA in the county of the inquirer's residence. This information shall be given to the inquirer within seven business days of the inquiry.

(F) If the agency has appropriate access to the statewide automated child welfare information system (SACWIS), the agency shall maintain any requirement of this rule in SACWIS if the system has the ability to record the required information.

Effective:

Five Year Review (FYR) Dates: 03/11/2015

Certification
A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) in recommending foster homes for certification or that participates in the placement of children in foster homes and for adoption shall:

1. Inform all individuals applying for approval for adoptive placement that they can also be studied for foster home certification.

2. Conduct a joint homestudy pursuant to the requirements contained in rule 5101:2-5-20 of the Administrative Code which can result in the simultaneous approval of the applicant for:
   a. Adoptive placement.
   b. Foster care placement.

A PCSA, PCPA and PNA shall utilize the JFS 01691 "Application for Child Placement" (rev. 6/2009/12/2014) as the standard form when accepting applications for adoptive placement. A PCSA, PCPA or PNA shall send the JFS 01691 to any individual requesting an application for adoption within seven business days of receipt of a request for an application.

An application submitted with a knowingly false statement shall not be used to initiate the homestudy. If a PCSA, PCPA or PNA determines that an application has been falsified, the PCSA, PCPA or PNA shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code.

An agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the adoptive parent(s).

An agency shall not accept an application for approval for adoptive placement which does not contain complete and accurate information.

Upon receipt of the completed JFS 01691, the PCSA, PCPA, or PNA shall commence the homestudy process and request the applicant provide additional information including at a minimum:

1. Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.

2. To show the household has an income sufficient to meet the basic needs of the household, an adoptive applicant shall provide at a minimum:
   b. Proof of income for the household for the most recent tax year prior to the date of application.
   c. Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency’s approval.
   d. At least one utility bill for each utility necessary to maintain the household. The bill or bills shall not be dated more than six months prior to the agency’s approval.

3. The report of any criminal records check conducted in accordance with section 2151.86 of the Revised Code. Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not recommend a person to be approved as an adoptive parent if the person or any adult member of the applicant’s household has been convicted of any crime listed in paragraph (C) of rule 5101:2-48-10 of the Administrative Code.

The PCSA, PCPA or PNA shall search the statewide automated child welfare information system (SACWIS) or the central registry of abuse and neglect for each adoptive applicant and each adult...
household member of the applicant's home prior to approval of the adoptive home. This search is to be used to determine the suitability of the adoptive applicant as an adoptive parent. The search shall also be conducted within ten days of the addition of any new adult member of the household.

(H) The recommending agency shall request a check of the child abuse and neglect registry of any other state in which an adoptive applicant or other adult household member in the applicant's home has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(I) A summary report of the results of each search shall be placed in the adoptive home record.

(J) If the PCSA, PCPA, or PNA determines that an adoptive homestudy cannot be initiated, the agency shall send written notification to the applicant stating the reason for not initiating the homestudy and a description of procedures for requesting a review of the agency's decision. The notification shall be sent to the applicant no later than fifteen days after the application was submitted.

(K) An applicant shall have the opportunity to revise the JFS 01691 at any time regarding the characteristics or number of children desired. If the agency, based upon receipt of a revised JFS 01691, determines that the applicant is now seeking a special needs child, requirements and time frames for the application and homestudy process shall begin with the date that the revised JFS 01691 is received by the agency. If the applicant revises the JFS 01691 and does not seek to adopt a special needs child, the time frames for the application and homestudy process shall be consistent with the agency's adoption policy prepared pursuant to rule 5101:2-48-05 of the Administrative Code.

(L) Upon request, the PCSA, PCPA or PNA shall assist the applicant in completing the application and securing all required documents and information.

(M) The PCSA, PCPA or PNA shall not continue with the homestudy process if all required documentation is not submitted within one hundred eighty days of the receipt of the initial or revised JFS 01691 unless the agency makes a determination that the homestudy should not be terminated and documents this on the JFS 01673 "Assessment for Child Placement" (rev. 6/2011 12/2014). The applicant shall be notified, in writing, at least thirty days prior to the termination of the application. Written notification shall contain an explanation of the reason for termination and a description of the procedures for requesting a review of the agency's decision.

(N) The PCSA, PCPA, or PNA shall document that each person seeking adoption approval successfully completes preservice training, prior to approval of the homestudy. Preservice training shall address the following components:

1. The legal rights and responsibilities of adoptive parents.
2. The recommending agency's policies and procedures.
3. ODJFS requirements for approving adoptive applicants.
4. The effects placement, separation and attachment issues have on children and their families.
5. Caregivers' involvement in permanency planning for children and their families and post adoptive issues for children and families including availability of adoption subsidies.
6. The dynamics of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on human growth and development.
8. Effects of caregiving on children's families.
10. Community health and social services available to children and their families.
11. At least three hours of training on cultural issues including cultural diversity training and an overview of the Multiethnic Placement Act, of 1994, 42 U.S.C. 622(b)(9), 671(a)(18), 674(d) and 1996(b) (1/2/06) and Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (1/2/06) 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.

(12) The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a prospective adoptive parent before a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed with a prospective adoptive parent. A course addressing section 2152.72 of the Revised Code shall not be less than one hour long.

(O) A PCSA, PCPA, or PNA may waive components of the training if the assessor determines that the family has received training previously or the family has the skills to care for the needs of the child that will be placed in the home. The three hour requirement for cultural issues shall not be waived. When a waiver has been granted by the agency, it shall document the waiver in the case record pursuant to rule 5101:2-48-22 of the Administrative Code.

(P) No agency shall deny the acceptance of the JFS 01691 based on race, color, national origin, handicap, age, gender, sexual identity, or sexual orientation of the applicant.

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A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall request that the bureau of criminal identification and investigation (BCII) conduct a criminal records check on prospective adoptive parents and adult members of the prospective adoptive parent’s household pursuant to the procedures set forth in section 2151.86 of the Revised Code.

The PCSA, PCPA or PNA shall request that BCII include information from the federal bureau of investigation (FBI) in the criminal records check for each person subject to a criminal records check in accordance with division (A)(8)(4) of section 109.572 of the Revised Code.

Except as provided in paragraph (D) of this rule, a PCSA, PCPA or PNA shall not approve an adoptive placement if the results of the BCII criminal records check or the FBI check indicate that a prospective adoptive parent or, when applicable, any adult who resides with the prospective adoptive parent has been convicted of or pleaded guilty to any of the following:

1. A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12 or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, two or more OVI or OVUAC violations committed within the three years immediately preceding the submission of the application or petition that is the basis of the request, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code.

2. A violation or an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in paragraph (C)(1) of this rule.

No person who has been convicted of or pleaded guilty to an offense listed in paragraph (C) of this rule shall be considered for adoptive placement or be an adult resident of the prospective adoptive parent’s household unless the PCSA, PCPA or PNA finds and documents that person has met all of the following conditions:

1. Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction. A person who has had his record of misdemeanor conviction sealed by a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.

2. Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation. If a person has a felony conviction for spousal abuse, rape, sexual assault, or homicide, the home shall not be approved.

3. The victim of the offense was not one of the following:
   (a) A person under the age of eighteen or a person sixty years of age or older.
(b) A functionally impaired person as defined in section 2903.10 of the Revised Code.

c) A mentally retarded person as defined in section 5123.01 of the Revised Code.

d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.

e) A person with a mental illness as defined in section 5122.01 of the Revised Code.

(f) A person sixty years of age or older.

(4) The prospective adoptive parent's approval, or the person's residency in the prospective adoptive parent's household, will not jeopardize in any way the health, safety, or welfare of the children the PCSA, PCPA, or PNA serves. The following factors shall be considered in determining the person's approval as an adoptive parent or the person's residency in the adoptive parent's household:

(a) The person's age at the time of the offense.

(b) The nature and seriousness of the offense.

(c) The circumstances under which the offense was committed.

(d) The degree of participation of the person involved in the offense.

(e) The time elapsed since the person was fully discharged from imprisonment or probation.

(f) The likelihood that the circumstances leading to the offense will recur.

(g) Whether the person is a repeat offender. "Repeat offender" means a person who has been convicted of or pleaded guilty to the commission of any of the offenses listed in paragraph (C) of this rule two or more times in separate criminal actions. Convictions or guilty pleas resulting from or connected with the same act, or resulting from offenses committed at the same time, shall be counted as one conviction or guilty plea.

(h) The person's employment record.

(i) The person's efforts at rehabilitation and the results of those efforts.

(j) Whether any criminal proceedings are pending against the person.

(k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (C) of this rule, if the felony bears a direct and substantial relationship to being an adoptive parent or adult member of the adoptive parent's household.

(l) Any other factors the PCSA, PCPA, or PNA considers relevant.

(E) It is the prospective adoptive parent's duty to provide written verification that the conditions specified in paragraph (D) of this rule are met. If the prospective adoptive parent fails to provide such proof or if the PCSA, PCPA, or PNA determines that the proof offered by the prospective adoptive parent is inconclusive, the prospective adoptive parent shall not be considered. Any doubt shall be resolved in favor of protecting the children the PCSA, PCPA, or PNA serves.

(F) All sections of this rule are applicable to records of convictions that have been sealed pursuant to section 2953.32 of the Revised Code because the information contained in those sealed records bears a direct and substantial relationship to the care to be provided to any child who may be placed in the home.

(G) A conviction of, or a plea of guilty to, an offense listed in paragraph (C) of this rule shall not prevent a person's approval as an adoptive parent or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. For purposes of this rule, "unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or have transpired.

(H) The report of any criminal records check conducted by BCII in accordance with section 109.572 of the Revised Code and pursuant to a request made by the PCSA, PCPA or PNA is not a public record for
purposes of section 149.43 of the Revised Code. The report shall be made available only to the following persons:

(1) The person who is the subject of the criminal records check or his representative.
(2) The PCSA, PCPA, or PNA requesting the criminal records check or its representative.
(3) The department of job and family services, a county department of job and family services or a public children services agency.
(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of a final decree of adoption or interlocutory order of adoption.

(I) Prospective adoptive parents who are applying for simultaneous approval for adoptive placement and certification as a foster home must be at least twenty-one years of age in order to meet the foster care requirements contained in rule 5101:2-7-02 of the Administrative Code.

(J) Foster parents who are being considered for adoption of a foster child residing in their home shall be assessed according to the standards contained in rules 5101:2-5-09, 5101:2-48-11, and 5101:2-7-02 or 5101:2-48-11.1 of the Administrative Code, as applicable.

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(A) Except as outlined in rule 5101:2-48-11.1 of the Administrative Code, when a foster caregiver who is not an approved adoptive parent through the joint homestudy process expresses an interest in being approved as an adoptive parent, the agency's assessor is responsible for completing the following:

(1) Assist the foster caregiver in completing the applicable sections of the current JFS 01691, "Application for Child Placement" (rev. 6/2009) on file or completing a new JFS 01691. The foster caregiver shall sign the revised JFS 01691 or a new JFS 01691 indicating they would like to be approved for adoption.

(2) Review and attach the following information to determine the appropriateness of the foster caregiver for adoptive placement:

(a) The most recent JFS 01653, "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009), if deemed necessary by the agency.

(b) JFS 01349, "Foster Home Homestudy" (rev. 01/2003) or the JFS 01673, "Assessment for Child Placement (Homestudy)" (rev. 8/20056/2011), the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 08/200512/2006) and the JFS 01530 "Multiple Children/Large Family Assessment" (rev. 12/2006), as applicable.

(c) All JFS 01385 "Assessment for Child Placement Update" (rev. 12/2006) forms, if applicable.

(d) Foster Documentation from the foster home record including but not limited to the most recent training records, fire inspection reports, safety audits, foster home exit interviews, and copies of all complaint or rule violation investigations and any applicable corrective action plans. If there are any outstanding complaints or rule noncompliance investigations, or corrective action plans that have not been fully implemented, the sending agency, if different, shall notify the agency completing the adoption approval of the nature of the investigations or corrective action plans.

(e) The bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code, if deemed necessary by the agency.

(f) Case record information documented by the placement worker's visits to the foster home.

(3) If the agency initiates an adoptive homestudy with an applicant from another county, it shall notify the PCSA in the county the applicant resides in accordance with the procedures outlined in rule 5101:2-48-12 of the Administrative Code.

(3)(4) Have an—Once the documentation in paragraph (A)(2) of this rule is received, the assessor shall:

(a) Review information contained on the JFS 01691 and all supporting documentation.

(b) Conduct a home visit.

(c) Complete the JFS 01530, if applicable, as outlined in rule 5101:2-48-12 of the Administrative Code when a family has a total of five or more children residing in the home, including foster children and children in kinship care; or if the family will have a
(d) Observe the interaction between the child, foster caregiver and other members of the household, if applicable.

(e) Discuss how the foster caregiver is working with the child on problems identified in the case plan and how they will deal with long term issues the child may have.

(f) Discuss the differences between foster care and adoption with the foster caregiver, and the reason for the request for adoption approval at this time.

(f)(g) Discuss the availability of adoption assistance and postfinalization adoption services with the foster caregiver.

(h) Complete the bureau of criminal identification and investigation (BCII) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code.

(i) If the agency has the ability to complete the search in SACWIS, the agency shall complete a search of abuse and neglect report history through the system for each foster caregiver and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each foster caregiver and each adult household member. The report with the results of the search shall be placed in the foster home record.

(i) This search is to be used to determine the suitability of the adoptive applicant as an adoptive parent.

(ii) The search shall also be conducted within ten days of the addition of any new adult member of the household once the homestudy has been approved.

(j) Request a check of the child abuse and neglect registry of any other state an applicant or other adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(4)(5) Based upon information obtained through interviews and the review of documentation outlined in paragraph (A) of this rule, the assessor shall complete the sections of the JFS 01673 not previously completed on the JFS 01349, and attach the JFS 01349 and most recent JFS 01385, if applicable, to the JFS 01673 on the previous homestudy.

(B) The PCSA, PCPA or PNA shall search the statewide automated child welfare information system (SACWIS) or the central registry of abuse and neglect if SACWIS is not fully implemented, in accordance with the procedures outlined in rule 5101:2-48-09 of the Administrative Code for each applicant, adult household member and any new adult household member.

(C) If a PCSA, PCPA, PNA or attorney arranging an adoption initiates an adoptive homestudy with an applicant from another county, it shall notify the PCSA in the county the applicant resides in accordance with the procedures outlined in rule 5101:2-48-12 of the Administrative Code. This requirement does not apply to:

(1) Step-parent adoptions.
(2) Adoptions where the PCSA in the county the adoptive applicant resides contracted with a PCPA or PNA to complete the adoptive applicant’s homestudy.

(D)(B) The PCSA or PCPA shall follow procedures contained in rule 5101:2-48-12 of the Administrative Code for approval or denial of an applicant for adoptive placement. The approval date shall be the same as the approval signature date. The expiration date of the adoption approval span shall be equal to the expiration date of the current foster care certification span, not to exceed two years.

(E)(C) When a PCSA, PCPA, or PNA determines any statement in a homestudy or document provided during the homestudy process is falsified, the PCSA or PCPA or PNA shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code.
(D) No PCSA, PCPA or PNA shall release a homestudy to any other agency or probate court if the application, or homestudy, or any document provided during the homestudy process is determined to contain a false statement knowingly made or submitted by the applicant(s) included in the written report of the homestudy.

(E) The agency shall complete the homestudy assessment within one hundred eighty days of the date the agency received the application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.

(F) If a homestudy is not completed within one year of the application date it shall be terminated unless the agency makes the determination the homestudy should not be terminated. The decision not to terminate shall be made at the agency’s discretion and documented on the JFS 01673. If the agency decides to terminate the homestudy, it shall notify the adoptive applicant in writing no less than thirty days prior to the termination. Written notification shall include an explanation of the reason for termination and the procedures for requesting a review of the agency’s decision.

(G) Homestudies initiated prior to the effective date of this rule shall be in compliance with Administrative Code rules in effect prior to the effective date of this rule. These homestudies shall be updated in accordance with the update process outlined in rule 5101:2-48-12.1 of the Administrative Code.

(H) Paragraph (H) of this rule does not apply to a homestudy determined to have knowingly false statements. The adoption assessor shall follow procedures according to rule 5101:2-33-13 of the Administrative Code.

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5101:2-48-11.1 Foster Caregiver Adoption of a Foster Child or Sibling Group Who has Resided with the Caregiver for At Least Six Consecutive Months

FCASMTL 349

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(A) If a foster caregiver expresses the desire to adopt a foster child or sibling group who is and has been residing with the foster caregiver for at least six consecutive months, the public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall provide the foster caregiver with a JFS 01692 "Application For Adoption of a Foster Child or Sibling Group" (rev. 6/2009 12/2014). The JFS 01692 is a child specific application and expires once the foster child or sibling group is adopted as evidenced by a final decree of adoption or interlocutory decree.

(B) A completed JFS 01692, with supporting documentation, and if applicable, the JFS 01530 "Multiple Children/Large Family Assessment" (12/2006), serves as a shortened homestudy, replacing the JFS 01691, "Application for Child Placement" (rev. 12/2009 12/2014) and the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 08/2009 12/2014) required by rule 5101:2-48-12 of the Administrative Code.

(C) The assessor shall complete the JFS 01530, "Large Family Assessment" (rev. 12/2014) as outlined in rule 5101:2-48-12 of the Administrative Code prior to the approval of the JFS 01692, if: the foster family has a total of five or more children residing in the home, including the foster children and any children in kinship care.

(1) A family has a total of five or more children residing in the home, including foster children and children in kinship care.

(2) The family will have a total of five or more children residing in the home upon the adoptive placement of a child.

(D) The PCSA, PCPA, or PNA shall inform the foster caregiver consideration is given to the application if the placement is in the best interests of the child pursuant to rule 5101:2-48-16 of the Administrative Code.

(E) If a PCSA, PCPA or PNA determines any statement in a homestudy is falsified, or any document submitted throughout the homestudy process contains a false statement, the PCSA, PCPA or PNA agency shall follow the procedures outlined in rule 5101:2-33-13 of the Administrative Code.

(F) The PCSA, PCPA or PNA shall not release a homestudy to any other agency or probate court if it is determined the application, or homestudy, or any document submitted through the homestudy process contains a false statement knowingly made by the applicant(s) included in the written report of the homestudy.

(G) Upon receipt of a completed JFS 01692 from the foster caregiver, the PCSA, PCPA, or PNA shall review the application with the foster caregiver. A PCSA, PCPA, or PNA agency shall not require the foster caregiver to undergo a bureau of criminal identification and investigation (BCII)(BCI) or federal bureau of investigation (FBI) check as a condition of acceptance or approval of the application for adoption of a foster child; however, the agency shall inform the foster caregiver a criminal records check, pursuant to rule 5101:2-48-10 of the Administrative Code, is required before a court issues a final decree of adoption or an interlocutory order of adoption.

(H) If the PCSA, PCPA, or PNA receives a completed JFS 01692 from the foster caregiver, it shall provide the foster caregiver with both of the following:

(1) Information about the requirement for adoption training as outlined in rule 5101:2-48-09 of the Administrative Code.

(2) Information about the application process and eligibility requirements of Title IV-E adoption assistance, state adoption maintenance, post adoption special services subsidy, and non-recurring adoption expenses.
Prior to the approval of the adoption homestudy, the PCSA, PCPA or PNA shall document in the case file the foster caregiver has fulfilled the required adoption training as outlined in rule 5101:2-48-09 of the Administrative Code.

In addition to the completion of the JFS 01692, the agency shall review the following information to determine the appropriateness of the foster caregiver for adoptive placement:

1. The homestudy and all subsequent updates.
2. The JFS 01530, if applicable.
3. The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009), if deemed necessary by the agency.
4. JFS 01673, the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 08/2005), and the JFS 01530 as applicable.
5. The most recent BCI and FBI reports for all adult household members.
7. The BCII and FBI reports as outlined in rule 5101:2-48-10 of the Administrative Code, if deemed necessary by the agency.
8. Case record information documented by the placement worker's visits to the foster home regarding the ability of the foster parent to meet the needs of the child(ren) to be adopted.

The PCSA, PCPA or PNA shall search the statewide automated child welfare information system (SACWIS) or the central registry of abuse and neglect if SACWIS is not fully implemented, for each applicant and adult member of the applicant's household in accordance with rule 5101:2-48-09 of the Administrative Code.

The PCSA, PCPA or PNA assessor shall process review the information listed in paragraph (J) of this rule, as well as the completed JFS 01692 and the assessor shall arrive at one of the following recommendations:

1. Approve the applicant(s) as a prospective adoptive parent for the child(ren) residing in the applicant's home for at least six consecutive months.
2. Deny the application.

The assessor shall provide written notification to the applicant(s) of approval or denial of the adoption homestudy within ten days after the homestudy has been approved or denied.

Adoption homestudy approval notification shall include, at a minimum, the following information:

(a) Date of approval of the JFS 01692.
(b) The name of the child or children for whom the homestudy is being approved.

Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.
(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.
If the decision of the agency is to approve the applicant(s) as a prospective adoptive parent for the specific child residing in the home for six consecutive months, the written notification shall include, but not be limited to the date of approval of the JFS 01692.

If the decision of the assessor is to deny the applicant(s) of adoption for the specific child(ren) residing in the home for six consecutive months, the written notification shall contain the following:

1. A detailed explanation of the reason for the denial setting forth all of the reasons.

The JFS 01692 shall only be used in consideration of the adoptive placement for the child(ren) for whom the homestudy was conducted. A separate JFS 01692 or JFS 01673 and JFS 01673-A, as applicable, shall be used for any other child(ren) the family is considering adopting. Once approved, the adoption homestudy shall be amended pursuant to rule 5101:2-48-12.2 of the Administrative Code, as needed.

Upon approval of the foster caregiver for the adoptive placement, the agency shall follow the adoptive placement procedures as outlined in rule 5101:2-48-16 of the Administrative Code including, but not limited to, conducting a matching conference.

Effective: 11/01/2015

Five Year Review (FYR) Dates: 06/25/2015 and 11/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 09/09/2015

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Rule Amplifies: 2151.86, 3107.011, 3107.031, 3107.032, 3107.033, 3107.034

Prior Effective Dates: 2/15/02, 9/1/03, 2/1/05, 12/11/06, 9/9/08, 7/1/09, 3/1/10
All adoption homestudies shall be updated every two years from the date of approval of the initial homestudy or the date of approval of the most current update, whichever is more recent. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.

(1) If an approved adoptive home is subsequently certified for foster care by the same agency that approved the home for adoption, the adoptive homestudy shall be updated at the same time the home is initially certified for foster care so that the spans will coincide.

(2) If a certified foster home is subsequently approved for adoption by the same agency that certified the home for foster care, the next adoption update shall be completed when the current foster care certificate is recertified so that the spans will coincide.

The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete adoption homestudy updates comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

The agency shall notify the adoptive parent(s) of the date of expiration of the homestudy not fewer than ninety days or more than one hundred fifty days prior to the expiration date. The notification shall:

(1) Identify any information or documentation that is required for the homestudy update.

(2) Be completed on the JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" (rev. 12/2014).

Following agency notification to the adoptive parent as required by paragraph (C) of this rule, if the adoptive parent fails to either reapply or voluntarily terminate prior to the expiration date of the approval, the homestudy approval shall expire. If the family wishes to have an adoption homestudy approval after the expiration date, they shall reapply through the initial homestudy application process pursuant to rule 5101:2-48-09 of the Administrative Code.

Following the expiration of an adoption homestudy approval:

(1) If the agency has access to the statewide automated child welfare information system (SACWIS), the agency shall enter the appropriate data into the system to close the adoption homestudy.

(2) If the agency does not have access to SACWIS, the agency shall submit a JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to the Ohio department of job and family services (ODJFS) to close the adoption homestudy.

If the adoptive parent has applied to update an adoption homestudy prior to the expiration of a current adoption approval, an assessor shall complete a JFS 01385 "Assessment for Child Placement Update" (rev. 12/2014), ensure that the adoptive parent remains in compliance with the requirements of Chapter 5101:2-48 of the Administrative Code, and determine the continued suitability of the adoptive family. The agency shall compile and review the following documents, in addition to completing the JFS 01385:

(1) The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed for the applicant and all household members by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or
certified nurse-midwife. The agency may require a new JFS 01653 if the agency deems it necessary.

(2) The agency may require a report of a physical, psychiatric or psychological examination or treatment of the adoptive parent(s) or other household member in order to ensure the safety, health or care of an adoptive child. The examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

(3) The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection. The agency may require a new fire inspection at the time of the update if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of an adoptive child.

(4) The most recent JFS 01681 "Applicant Financial Statement" (rev. 10/2000). The agency may require a new JFS 01681 if there have been any substantial changes to the adoptive family's financial situation.

(5) The most recent well water test approved by the health department, if applicable. The agency may require a new well water test if the agency deems it necessary.

(6) The most recent JFS 01530 "Large Family Assessment" (rev. 12/2014), if applicable. If the family circumstances have changed substantially since the previous JFS 01530, or if a JFS 01530 was not previously completed and is now required, the agency shall complete a new JFS 01530 at the time of the update.

(7) If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each adoptive parent and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each adoptive parent and each adult household member.
   (a) A report with the results of the search shall be placed in the adoptive provider record.
   (b) This report is to be used to determine the continued suitability of the adoptive family.

(8) The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" (rev. 12/2014) completed within six months prior to the approval of the adoption homestudy update, documenting the residence continues to meet all safety standards.

(9) The most recent criminal records check for the adoptive parents and adult household members. Once a homestudy is approved, a new criminal records check shall be conducted, pursuant to section 2151.86 of the Revised Code, for the adoptive parent(s) and each adult household member every four years prior to approving the adoption update. If an existing resident of the home, including youth placed in the home, turned eighteen years of age during the current approval span, the agency shall have criminal records checks completed at the time of the next update and every four years thereafter at the time of update.

(10) A minimum of one written reference from a professional who is knowledgeable of the family dynamics and family functioning. If a reference is not available from a professional, a personal reference from someone aware of the adoptive family's functioning is permissible. This reference shall not be completed by a relative or a household member. This reference is required for families who are only approved for adoption by the recommending agency. If the family is also certified for foster care by the recommending agency, the reference is not required.

(F) An assessor's update of an adoption homestudy shall include at least one home visit and one interview with each member of the household (except foster children) over the age of four years currently residing in the home. This may be a joint interview or individual interviews.
If an agency receives a completed JFS 01331 at least thirty days prior to the expiration date of the adoption approval, an agency shall follow the requirements listed in this rule to complete the assessment for the update of the adoption approval.

(1) At the completion of the assessment and prior to the expiration of the current adoption homestudy approval span:
   (a) An agency with access to SACWIS shall enter the required data into the system documenting one of the following:
       (i) Adoption update approval.
       (ii) Denial of the adoption update and closure of the adoption homestudy.
       (iii) Closure, based on receipt of voluntary withdrawal.
   (b) An agency without access to SACWIS shall submit a JFS 01318 to ODJFS documenting one of the following:
       (i) Adoption update approval.
       (ii) Denial of the adoption update and closure of the adoption homestudy.
       (iii) Closure, based on receipt of voluntary withdrawal.

(2) The effective date of the adoption homestudy approval shall be the first day following the expiration of the previous approval span.

If an agency receives a completed JFS 01331 less than thirty days prior to the expiration of the adoption approval, the agency may complete the requirements listed in this rule if they have sufficient time and resources to complete the assessment and submit the requirements in paragraph (G) of this rule prior to the expiration date of the current approval span.

(1) If the agency is unable to complete the update of the adoption approval prior to the expiration, the adoption approval will expire on the date of expiration.

(2) If the adoption approval expires, the agency shall, within ten days after the expiration date of the current approval span:
   (a) Provide written notification to the family of the following:
       (i) That the adoption homestudy approval has expired.
       (ii) That the family must reapply for initial adoption approval pursuant to rule 5101:2-48-12 of the Administrative Code if they would like to obtain adoption homestudy approval.
   (b) An agency with access to SACWIS shall enter the required data into the system to document the provider has closed because the adoption homestudy approval has expired.
   (c) An agency without access to SACWIS shall submit a JFS 01318 to ODJFS documenting the provider has closed because the adoption homestudy approval has expired.

The assessor shall provide written notification to the applicant(s) of approval or denial of the update to the adoption homestudy. The written notification shall be provided to the adoptive family within ten days of completion of the adoption approval update.

(1) Adoption homestudy update approval notification shall include, at a minimum, the following information:
   (a) Date of approval of the adoption homestudy update with the date the update expires.
   (b) A description of the characteristics of the child or children for whom the update is being approved.

(2) Adoption homestudy update denial shall include, at a minimum, the following information:
(a) A detailed explanation of the reasons for the denial.
(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

Replaces: 5101:2-48-12.1
Effective: 11/01/2015
Five Year Review (FYS) Dates: 11/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 09/09/2015
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Rule Amplifies: 2151.86, 3107.031, 5103.18
Prior Effective Dates: 12/11/2006, 8/14/08, 7/1/09
5101:2-48-12.2 Required Notification and Adoption Homestudy Amendments

FCASMTL 349

Effective Date: November 1, 2015

Most Current Prior Effective Date: July 1, 2009

(A) An approved adoptive parent shall notify the recommending agency within one hour of any of the following circumstances involving an adoptive child whose adoption is not finalized:
   (1) A serious injury or illness involving medical treatment of the adoptive child.
   (2) Unauthorized absence of the adoptive child from the home.
   (3) Removal of the adoptive child from the home by any person or agency other than the placing agency, or attempts at such removal.
   (4) Any involvement of the adoptive child with law enforcement authorities.
   (5) The death of the adoptive child.

(B) An approved adoptive parent shall notify the recommending agency within twenty-four hours or the next working day if any of the following occur:
   (1) A change in the marital status of an approved adoptive parent(s).
   (2) Any serious illness or death of an approved adoptive parent or household member.
   (3) The finalization of an adoptive child placed by a different agency.
   (4) A change in the number of household members, not including foster children.
   (5) A criminal charge or conviction of any approved adoptive parent or other adult household member(s).
   (6) A significant change in financial status or income.
   (7) A change of address for the adoptive family that is different than the address listed on the most recent homestudy or update.

(C) If the agency is notified of any of the following changes for the adoptive family, the agency shall amend the homestudy:
   (1) A change in the marital status of the approved adoptive parent(s).
   (2) The death of an approved adoptive parent or household member.
   (3) A change in household members, not including foster children.
   (4) A change of address for the adoptive family that is different than the address listed on the most recent homestudy or update.

(D) The public children services agency (PCSA), private child placing agency (PCPA), private noncustodial agency (PNA), or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.
   (1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.
   (2) Rule 5101:2-48-06 of the Administrative Code.
   (3) Section 3107.014 of the Revised Code.

(E) An amendment is a narrative of the assessor's evaluation of the change that has occurred in the approved adoptive family. The agency shall document the date of notification in the amendment.
   (1) The amendment shall be completed within thirty days of the date of the change, or within thirty days of the date the agency became aware a change occurred if notification did not occur pursuant to paragraphs (A) or (B) of this rule.
If the change is to add an adoptive parent to the homestudy, the amendment shall not be completed until the preservice training has been completed or waived pursuant to rule 5101:2-48-09 of the Administrative Code.

In completing the amendment, the agency shall, if necessary, redetermine the specific number, age, and gender of children the family is approved to adopt. The amendment shall address sleeping arrangements, beds and bedrooms, and shall evaluate whether the adoptive family remains in compliance with all applicable requirements.

The amendment shall be completed in the statewide automated child welfare information system (SACWIS) if the agency has access to the system.

An agency that does not have access to SACWIS shall document the amendment in the caregiver record. The agency may do this by completing the applicable sections of the JFS 01385 "Assessment for Child Placement Update" (rev. 12/2014) in addition to completing the applicable requirements identified in this rule. At the completion of the amendment, an agency that does not have access to SACWIS shall submit a JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to the Ohio department of job and family services (ODJFS) so that information in the SACWIS provider record may be updated.

If the amendment is due to a new household member, the agency shall ensure the following:

New household members residing with the adoptive parent shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed documenting they are free from any physical, emotional, or mental condition which would endanger children or seriously impair the ability of the household member to care for the child placed in the home.

If the new occupant is an adopted child who immediately prior to the adoption resided in the home as a foster child, a JFS 01653 is not required.

The JFS 01653 shall be dated within ninety days of the date the person becomes a household member.

If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the agency shall ensure the new household member completes the JFS 01653 within ninety days of the date the agency became aware of the new household member.

New adult household members residing with the approved adoptive parent shall have a bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) records check, as outlined in rule 5101:2-48-10 of the Administrative Code.

The criminal records checks shall be conducted within ten working days of the date the person becomes a household member.

If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the criminal record checks shall be conducted within ten working days of the date the agency became aware of the new household member.

New adult household members shall provide the name of any agency they have applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The new adult household member shall complete a written and signed release of information so that any such reference may be contacted.

If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for the new adult household member within ten working days of the date the person becomes a household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for the new adult household member within ten working days of the date they become a household member. If the agency was not notified of the new household member pursuant to paragraph (B) of this rule, the agency shall ensure
the search is conducted within ten working days of the date the agency became aware of the new household member.

(a) A report with the results of the search shall be placed in the adoptive record.
(b) This report is used to determine the continued suitability of the adoptive family.

(5) The agency shall request a check of the child abuse and neglect registry of any other state the new adult household member has resided in for the five years immediately prior to the date of the criminal records check for the new household member, as required by division (A) of section 2151.86 of the Revised Code.

(6) If the new household member is the spouse of the approved adoptive parent and shall therefore be added as an approved adoptive parent, the agency shall ensure the following is completed in addition to the requirements found in paragraph (F) of this rule:

(a) The agency shall contact all adult children of the new spouse for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the amendment process and documented in the amendment.

(b) If the new spouse has not previously completed the preservice training, the agency shall ensure the spouse completes the training or meets the requirements for a waiver pursuant to rule 5101:2-48-09 of the Administrative Code no later than one hundred eighty days after becoming a household member. The spouse shall not be added to the adoption approval until the training or waiver has been completed.

(G) If the amendment is due to a change of address of the adoptive family, the agency shall ensure the following:

(1) The agency shall conduct a safety audit documenting the new residence satisfactorily meets all safety standards.

(a) The safety audit shall be completed on the JFS 01348 "Safety Audit" (rev. 12/2014).
(b) The safety audit shall be conducted within ten working days after the change of address.
(c) If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, the agency shall conduct the safety audit within ten working days of the date they became aware of the change of address.

(2) The agency shall require the approved adoptive parent to obtain a fire safety inspection certifying the new residence is free from conditions hazardous to the safety of an adoptive child.

(a) The fire safety inspection shall be completed on the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection.
(b) The fire safety inspection shall be requested prior to or within thirty days of the date of the change of address. If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, then the fire safety inspection shall be requested within thirty days of the date the agency became aware of the change of address.
(c) The fire safety inspection shall be conducted prior to or within ninety days of the date of the change of address. If the agency was not notified of the change of address pursuant to paragraph (B) of this rule, then the fire safety inspection shall be conducted within ninety days of the date the agency became aware of the change of address.

(H) The assessor shall provide written notification to the adoptive parent of approval or denial of the amendment to the adoption homestudy. The written notification shall be provided to the adoptive family within ten days of completion of the homestudy amendment. If an amendment is denied, the adoption homestudy is no longer approved.

(1) Amendment approval notification shall include, at a minimum, the following information:

(a) A summary of the change requiring the amendment.
(b) The date of the notification provided pursuant to paragraph (B) of this rule.

(c) The date the change occurred that required the amendment.

(d) Date of approval of the adoption amendment.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

Replaces: 5101:2-48-12.2

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Five Year Review (FYR) Dates: 11/01/2020

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Prior Effective Dates: 12/11/2006, 8/14/08, 7/1/09
Completion of the Adoption Homestudy

FCASMTL 382

Effective Date: August 1, 2017

Most Current Prior Effective Date: November 1, 2015

(A) A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) that acts as a representative of the Ohio department of job and family services (ODJFS) shall:

(1) Inform all individuals applying for adoption homestudy approval that they can also be studied for foster home certification.

(2) Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:

(a) Adoption homestudy approval.

(b) Foster care placement.

(3) If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency must inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

(B) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

(1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.

(2) Rule 5101:2-48-06 of the Administrative Code.

(3) Section 3107.014 of the Revised Code.

(C) To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor shall not perform any assessor duties for any of the following persons:

(1) Him or her self.

(2) Any person who is a relative of the assessor.

(3) Any agency employee for whom the assessor has any supervisory responsibility.

(4) Any agency employee who has any supervisory responsibility for the assessor.

(D) To avoid a conflict of interest, or the appearance of any conflict of interest:

(1) The agency administrator and a relative of the agency administrator shall not have an adoption homestudy completed by the agency with which the administrator is employed.

(2) A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not have an adoption homestudy completed by the agency with which the member is associated.

(3) Adoption inquiries from anyone mentioned in this paragraph wishing to have an adoption homestudy completed shall be referred to another agency with no such appearance of a conflict of interest.

(4) An existing approved adoption homestudy of any person referred to in paragraph (D) of this rule shall be transferred to another adoption agency within sixty days of the effective date of this rule.

(5) If the agency becomes aware an approved adoptive parent of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the adoption homestudy. The transfer shall be completed within sixty days of the discovery.
A PCSA, PCPA or PNA may selectively recruit on the basis of the need for adoptive parents that reflect the diversity of waiting children for whom adoptive homes are needed as specified in the agency’s recruitment plan as required by rule 5101:2-48-05 of the Administrative Code.

(1) The agency shall not consider the age, gender, sexual identity, or sexual orientation of a family for whom that agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(2) The agency shall not consider the age, gender, sexual identity, or sexual orientation of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.


(4) The agency shall not consider the race, color or national origin of a family for whom the agency is conducting a homestudy in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(1) As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996), (MEPA)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), agencies may not deny any person the opportunity to become an adoptive parent on the basis of race, color, or national origin of the person or of any children involved.

(2) The agency shall not consider the race, color, or national origin of a child being considered for adoption in determining whether a homestudy is approved or disapproved or a child is placed in the home.

(3) The agency may consider a child's race, color, or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-48-13 of the Administrative Code.

The agency shall use the JFS 01691 "Application for Child Placement" (rev. 12/2014) for all initial adoption homestudy applications.

(1) The agency shall not accept an incomplete JFS 01691.

(2) The agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the applicant(s).

(3) If a foster care applicant decides during the homestudy process to also become approved for adoption, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants shall not be required to duplicate documentation as a result of a new application date.

The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the adoptive applicant(s).

(1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed of the necessary materials required for the assessor to complete the homestudy.

(2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" (rev. 12/2014) the reason(s) the agency is unable to meet this requirement.

The agency shall complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.
If a homestudy is not completed within one year of the application date it shall be terminated unless the agency makes the determination the homestudy should not be terminated. The decision not to terminate shall be made at the agency's discretion and documented on the JFS 01673. If the agency decides to terminate the homestudy, it shall notify the adoptive applicant in writing no less than thirty days prior to the termination. Written notification shall include the reason for termination and the procedures for requesting a review of the agency's decision.

If a PCSA initiates an adoptive homestudy with an applicant who resides in another county, the PCSA shall notify the PCSA in the county the applicant resides. 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 the adoptive applicant resides contracts with another PCSA to complete the adoptive applicant's homestudy.

If a PCPA, PNA or attorney arranging an adoption initiates an adoptive homestudy with an applicant, they shall notify the PCSA in the county the applicant resides. 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 the adoptive applicant resides contracts with the PCPA or PNA to complete the adoptive applicant's homestudy.

The written notification to the PCSA, required in paragraphs (K) and (L) of this rule, shall be sent within ten days of the initiation of the homestudy, and shall include the following information:

1. The applicant's name.

2. The applicant's address.

3. The applicant's telephone number.

4. The names and dates of birth of all household members at the time of the application.

5. A request for any relevant information, if known, including, at a minimum:
   (a) Confirmation of household members as determined by a review of agency records.
   (b) Information relating to any previous foster care or adoption applications and/or placements, such as:
      (i) Past or present functioning of the prospective adoptive parent and household members.
      (ii) Rule violations.
      (iii) Information on the events leading to a removal of any child from the prospective adoptive family home.

When a PCSA in the county the adoptive applicant resides receives a notification letter, the PCSA shall provide, in writing, any relevant information listed in paragraph (M)(5) of this rule to the requesting agency within fifteen days of the receipt of the letter. If the PCSA does not have any relevant information regarding the adoptive applicant or any household members, the PCSA shall respond to the requesting agency that no information was found.

The PCSA in the county the adoptive applicant resides shall maintain written documentation on each family for whom they receive a notification letter. If the family is known to the agency and a record exists, the information shall be merged with the existing file.

If an agency determines any applicant knowingly provided false information for the homestudy or application, or any document submitted by the applicants during the homestudy process contains false information, the agency shall follow procedures outlined in rule 5101:2-33-13 of the Administrative Code.

The following is required for the homestudy:
(1) An assessor shall conduct a face to face interview with all members of the household over the age of four years. The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.

(2) Documentation of current marital status, which shall include a marriage certificate, divorce decree, or other verification of marital status, if applicable.

(3) The bureau of criminal investigation (BCI) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code for all persons subject to a criminal records check.
   (a) The criminal records check(s) must be completed and the results received by the agency prior to approval of the homestudy.
   (b) Except as provided in paragraph (D) of rule 5101:2-48-10 of the Administrative Code, an agency shall not approve an adoption homestudy if the applicant or any adult member of the household has been convicted of any crime listed in paragraph (C) of rule 5101:2-48-10 of the Administrative Code.

(4) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each adoptive applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each adoptive applicant and each adult who resides with the applicant.
   (a) A report with the results of the search shall be placed in the adoptive record.
   (b) This report is used to determine the suitability of the adoptive applicant as an adoptive parent.

(5) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or other adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(6) Completion of the JFS 01530 "Large Family Assessment" (rev. 12/2014) is required at the time of the adoption homestudy when:
   (a) A family has a total of five or more children residing in the home at the time of the homestudy, including foster children and children in kinship care, or;
   (b) A family will have a total of five or more children residing in the home based upon the number of children residing in the home at the time of the homestudy, including foster children and children in kinship care, and the number of children the family will be approved to adopt.

(7) The JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife within one year prior to approval of the homestudy for the applicant and all household members.
   (a) Any written documentation of a physical examination shall be completed by the individual conducting the examination.
   (b) The form shall document that the applicant and all members of the household are free from any physical, emotional or mental condition which would endanger children or seriously impair the ability of the household members to care for the child being adopted.
   (c) The agency may require an applicant to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:
(i) The applicant or any household member has suffered a serious illness or injury within the past year.

(ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any child who may be placed in the home of the applicant.

(8) The applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant shall provide at a minimum:

(a) A completed JFS 01681"Applicant Financial Statement" (rev. 10/2000).

(b) Proof of income for the household for the most recent tax year prior to the date of application.

(c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency’s approval of the adoption homestudy.

(d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency’s approval of the adoption homestudy.

(9) Prior to approving the homestudy for adoption, the agency shall document that each person seeking adoption approval successfully completes preservice training in accordance with rule 5101:2-48-09 of the Administrative Code. Each person seeking adoption approval shall receive training on the Administrative Code rules and the agency’s policies and procedures that are in effect on the date the agency approves the adoption homestudy.

(10) References shall be received by the agency prior to the approval of the homestudy.

(a) The applicant shall provide the names and contact information of at least three people who are unrelated to the applicant and do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency approves the homestudy.

(b) The applicant and all adult household members shall provide the name of any other agency or organization the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and all adult household members shall complete a written and signed release of information statement so any such reference may be contacted.

(c) The agency shall contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the homestudy process and documented on the homestudy.

(d) All contacts with references listed in this rule are required and shall be documented in the narrative section of the homestudy.

(11) The JFS 01200 "Fire Inspection Report for Homes or Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not be dated more than twelve months prior to the agency’s approval of the homestudy.

(12) The JFS 01348 "Safety Audit" (rev. 12/2014) completed not more than six months prior to the agency’s approval of the homestudy, documenting the residence satisfactorily meets all safety standards.

(13) There shall be a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to approval of the adoption homestudy.
Prior to the end of the assessment process, applicants shall complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) indicating the acceptable characteristics of the child the applicant is willing to adopt.

(a) The determination of the specific number, age, and gender of children the adoptive applicant is approved for is the joint decision of the applicant and the assessor, based on the applicant's strengths and needs.

(b) Upon the request from an applicant or approved adoptive parent, the JFS 1673-A may be updated as often as needed.

(c) International and step-parent adoptions are exempt from this form requirement.

The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be approved as an adoptive parent considering all household members.

(1) In completing the evaluation, a written narrative shall be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.

(2) This evaluation shall be a completed JFS 01673 or JFS 01692 "Application for Adoption of a Foster Child or Sibling Group" (rev. 12/2014), as applicable.

(3) Step-parent and international homestudies are exempt from this form requirement. The JFS 01698 "Step-parent Adoption Homestudy Report" (rev. 12/2014) may be used when the court requests an agency to conduct a homestudy involving a step-parent adoption.

In addition to the requirements of Chapter 5101:2-48 of the Administrative Code, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not approve an adoption homestudy prior to the completion of those requirements, in addition to all requirements of Chapter 5101:2-48 of the Administrative Code that are applicable to the approval of the adoption homestudy.

The assessor shall make one or more of the following recommendations at the completion of the adoption homestudy:

(1) Approve the applicant(s) as adoptive parent(s).

(2) Approve the applicant(s) as adoptive parents and recommend the applicant(s) for certification as a foster caregiver(s) simultaneously.

(3) Deny the adoption application.

The assessor shall provide written notification to the applicant(s) of approval or denial of the adoption homestudy. The written notification shall be provided within ten days after the homestudy is approved or disapproved.

(1) Adoption homestudy approval notification shall include, at a minimum, the following information:

(a) Date of approval of the adoptive homestudy with the date the approved homestudy expires.

(b) A description of the characteristics of the child or children for whom the applicant is being approved.

(2) Adoption homestudy denial shall include, at a minimum, the following information:

(a) A detailed explanation of the reasons for the denial.

(b) A description of procedures for an agency review pursuant to rule 5101:2-48-24 of the Administrative Code.

No later than ten days after the homestudy is completed, the agency shall document the results of the homestudy on the JFS 01609 "Family Permanency Planning Data Summary" (rev. 2/2005).
If the agency has access to SACWIS, the agency shall enter the appropriate data into the system to complete the provider record and approve the adoption homestudy. If the agency does not have access to the system, the agency shall submit the completed JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS.

No agency shall release a homestudy to any other agency or probate court if it is determined that the application, homestudy or any document provided during the homestudy process contains a false statement knowingly made by the applicant.

The homestudy shall be updated every two years from the date of approval of the initial homestudy in accordance with rule 5101:2-48-12.1 of the Administrative Code. The homestudy shall be amended, if applicable, in accordance with rule 5101:2-48-12.2 of the Administrative Code.

If a child has been placed in an approved adoptive home, the agency shall assure that the home continues to be in an approved status until the adoption is finalized by updating and amending the homestudy in accordance with rules 5101:2-48-12.1 and 5101:2-48-12.2 of the Administrative Code.

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A public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall not deny any person the opportunity to become an adoptive parent on the basis of race, color or national origin (RCNO) of that person, or of the child involved; nor shall the PCSA, PCPA or PNA delay or deny the placement of a child for adoption on the basis of RCNO of the adoptive parent, or of the child involved.


A PCSA, PCPA, or PNA shall not routinely consider RCNO as a factor in assessing the needs or best interests of children. In each case, the only consideration shall be the child's individual needs and the ability of the prospective adoptive parent to meet those needs.

Only the most compelling reasons may serve to justify consideration of RCNO as part of a placement decision. Such reasons emerge only in the unique and individual circumstances of each child and each prospective adoptive parent. In those exceptional circumstances when RCNO needs to be taken into account in a placement decision, such consideration shall be narrowly tailored to advance the child's best interests. Even when the facts of a particular case allow consideration related to RCNO, this consideration shall not be the sole determining factor in the placement decision.

A JFS 01689 "Documentation of the Placement Decision-Making Process", (rev. 7/2012) shall be completed at each matching conference where families are considered as potential matches and prior to the placement selection by the custodial agency, pursuant to rule 5101:2-48-16 of the Administrative Code.

Each PCSA, PCPA and PNA involved in the placement of children for adoptive purposes or in the recruitment and completion of adoptive home studies, shall complete the JFS 01668 "MEPA Biennial Comprehensive Self-Assessment Report" (rev. 4/20148/2015).

The following actions by a PCSA, PCPA, or PNA are permitted as it applies to the adoptive placement:

1. Asking about and honoring any initial or subsequent choices made by prospective adoptive parents regarding what RCNO of child(ren) the prospective adoptive parents will accept.
2. Honoring the decision of a child over twelve years of age not to consent to an adoption, unless the court finds that the adoption is in the best interest of the child and the child's consent is not required.
3. Providing information and resources about adopting a child of another RCNO to prospective adoptive parents who request such information and making known to all families that such information and resources are available.
4. Considering the request of a birth parent(s) to place the child with a relative or non-relative identified by name.
5. Considering the RCNO of the child as a possible factor in the placement decision when compelling reasons serve to justify that the RCNO needs to be a factor in the placement decision pursuant to paragraph (J) of this rule. Even when the facts of a particular case allow consideration related to the RCNO, this consideration shall not be the sole determining factor in the placement decision.
(6) Promoting cultural awareness, including awareness of cultural and physical needs that may arise in the care of children of different races, ethnicities, and national origins as part of the training which is required of all applicants who seek to become adoptive parents.

(H) The agency is required to document verbal comments, verbatim, or describing in detail any other indication made by a prospective adoptive parent or 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 prospective adoptive family have expressed an interest in adopting.

(1) The documentation shall indicate whether those comments were made before or after completion of the cultural diversity training that is required for all adoptive applicants.

(2) The documentation shall be included in the prospective adoptive family's homestudy, update, or in an addendum to the homestudy or update prior to consideration of placement or a matching conference. The matching conference committee shall consider the information to determine if it will impact the placement.

(I) The following actions by a PCSA, PCPA, or PNA are prohibited as it applies to the adoption process:

(1) Using the RCNO of a prospective adoptive parent to differentiate between adoptive placements for a child(ren), unless the procedures in paragraphs (J) to (N) of this rule are followed.

(2) Honoring the request of a birth parent(s) to place a child with a prospective adoptive parent(s) of a specific RCNO unless the birth parent(s) identifies a relative or non-relative by name and that person is found to meet all relevant state child protection standards and the agency determines that the placement is in the best interests of the child.

(3) Requiring a prospective adoptive family to prepare or accept a transracial adoption plan.

(4) Using culture or ethnicity as a proxy for RCNO.

(5) Delaying or denying placement of a child based upon any of the following:
   (a) The geographical location of the neighborhood of the prospective adoptive family if geography is being used as a proxy for the racial or ethnic composition of the neighborhood.
   (b) The demographics of the neighborhood.
   (c) The presence or lack of presence of a significant number of people of a particular RCNO in the neighborhood.

(6) Requiring extra scrutiny, additional training, or greater cultural awareness of individuals who are prospective adoptive parents of children of a different RCNO than required of other prospective adoptive parents.

(7) Relying upon general or stereotypical assumptions about the needs of children of a particular RCNO.

(8) Relying upon general or stereotypical assumptions about the ability of prospective adoptive parents of a particular RCNO to care for or nurture the sense of identity of a child of another RCNO.

(9) Steering prospective adoptive parents away from parenting a child of another RCNO. "Steering" is any activity that attempts to discourage prospective adoptive parents from parenting a child of a particular RCNO.

(J) If a medical or psychological evaluation, school record, or other material documented in the file, including statements made by the child to a caseworker, indicate that there may be compelling reasons to consider needs the child may have regarding RCNO in the placement process, the agency shall determine if the child should be referred for an assessment of whether the child has individual needs involving RCNO.

(K) One of the following licensed professionals shall conduct the assessment regarding RCNO:

(1) A licensed child psychiatrist.
A licensed child psychologist.

A licensed independent social worker.

A licensed professional clinical counselor.

The licensed professional conducting the assessment shall not be employed by the PCSA or PCPA making the referral.

At the time of the referral, the PCSA or PCPA shall initiate and subsequently complete the JFS 01688 "Individualized Child Assessment" (rev. 4/2014) using the following procedures:

1. The caseworker shall complete section I of the JFS 01688 and submit the JFS 01688 and all relevant medical or psychological evaluations, school records, or other material documented in the file to the caseworker's supervisor and the PCSA or PCPA MEPA monitor.

2. If both the supervisor and the MEPA monitor determine that the documented material contained in the case file indicates there may be compelling reasons to consider the needs the child may have regarding RCNO in the placement process, the child shall be referred within ten days of the signature of the caseworker for an individual child assessment as indicated in paragraph (J) of this rule. At the time of the referral, the agency shall forward to the licensed professional the following documents:
   (a) The original JFS 01688.
   (b) All relevant medical or psychological evaluations, and school records.
   (c) All other relevant material documented in the child case file.

3. The PCSA or PCPA shall request in writing that the licensed professional complete and sign section II of the original JFS 01688 and return it within sixty days to the PCSA or PCPA with a copy of the requested assessment attached.

4. The licensed professional shall determine whether the child has needs involving RCNO and any other needs of a psychological or behavior nature and, if so to specify what those needs are and how those needs may impact a potential adoptive placement.

5. A licensed professional shall not complete an assessment pursuant to paragraph (J) of this rule until the PCSA or PCPA has provided the licensed professional with copies of the following:
   (a) The JFS 01607 "MEPA Educational Materials" (rev. 1/2009).
   (b) The JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009).
   (c) Rule 5101:2-42-18.1 of the Administrative Code.
   (d) Rule 5101:2-48-13 of the Administrative Code.
   (e) Rule 5101:2-48-16 of the Administrative Code.

6. The licensed professional shall sign the JFS 01608 "Licensed Professional's Statement" (rev. 10/2014) acknowledging receipt of the materials required by paragraph (M)(5) of this rule. A copy of the signed JFS 01608 shall be submitted to the PCSA or PCPA.

7. The PCSA or PCPA shall keep the JFS 01608 and attach a copy to each JFS 01688 the licensed professional completes. The PCSA or PCPA shall submit a copy of the JFS 01608 and JFS 1688, if applicable to ODJFS within ten days after receiving it.

8. Each completed JFS 01688 shall remain in effect for twelve months from the date of the final decision as documented on the JFS 01688.
   (a) If it has been determined that RCNO should be a factor considered in the child's placement, an updated JFS 01688 and assessment shall be completed prior to the twelve month expiration date.
(b) If it has been determined that RCNO should not be a factor considered in the child's placement, an updated JFS 01688 and assessment is not required prior to the twelve month expiration date. In such instance, the PCSA or PCPA may update the JFS 01688 and assessment as deemed necessary.

(9) The following documents shall be presented as part of the placement decision making process at each matching conference in which the child is considered for a match with a prospective adoptive family:
   (a) The JFS 01688, if applicable.
   (b) The JFS 01690 "Documentation of the Pre-Adoptive Staffing and Updates" (rev. 2/2014.)
   (c) All other relevant supporting materials.

(10) Documentation of how RCNO impacted the placement decision shall be documented on the JFS 01689 pursuant to rule 5101:2-48-16 of the Administrative Code.

(11) The PCSA or PCPA shall submit the JFS 01689 to ODJFS within ten days of the matching conference if the PCSA or PCPA determined that RCNO should be a factor considered in the child’s placement.

(N) The PCSA or PCPA shall maintain in the child's case file the completed original JFS 01688 and all medical or psychological evaluations, school records or other material documented in the file.

(O) A PCSA, PCPA, or PNA shall not intimidate, threaten, coerce, or in any way discriminate or retaliate against any person who has filed any complaint orally or in writing, testified, assisted, or participated in any manner in the investigation of any alleged violation of MEPA and/or Title VI, including:
   (1) Any potential or approved adoptive family or foster caregiver.
   (2) Any employee of a PCSA, PCPA, or PNA.
   (3) Any employee of any other agency with responsibilities regarding the care or placement of a child in the temporary custody or permanent custody of the PCSA or PCPA, such as a guardian ad litem (GAL) or court appointed special advocate (CASA) volunteer.

(P) Prohibited retaliatory conduct includes, at a minimum:
   (1) A reduction in the size of an adoption subsidy which a family should receive based on the child's individual needs.
   (2) Unwarranted poor evaluations of an employee by his or her supervisor.

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Prior to the day that a child is placed with the adoptive parent(s), the public children services agency (PCSA) or private child placing agency (PCPA) shall provide the prospective adoptive parent(s) with information about the child and any special needs of the child, identified or anticipated, and available resources to assist the prospective adoptive parent(s) in making an informed decision about the placement.

Prior to the date of adoptive placement, the PCSA or PCPA shall, as applicable:

1. Provide the prospective adoptive parent(s) with the child study inventory. The information disclosed to the adoptive parent(s) shall include all background information available on the child in accordance with rule 5101:2-48-21 of the Administrative Code. All identifying information regarding the child's biological family shall be removed.

2. Provide the adoptive family with written information describing types of behavior that the prospective adoptive parent may anticipate from children who have experienced abuse and neglect, suggested interventions, and the post adoption services available if the child exhibits those types of behavior after adoption.

3. Provide the prospective adoptive parent(s) with information regarding any child-specific financial and medical resources, known or anticipated, including subsidy information.

4. Provide the prospective adoptive parent(s) with the child's lifebook.

5. Provide the prospective adoptive parent(s) with materials the biological parent(s) requested be given to the adopted person or adoptive parent(s), if authorization is given on the JFS 01693 "Ohio Law and Adoption Materials" (rev. 5/2009).

6. Provide the prospective adoptive parent(s) with photographs of the biological parent(s) that the birth parent requested be given to the adopted person or adoptive parent(s), if authorization is given on the JFS 01693.

7. Provide the prospective adoptive parent(s) with the biological parent's first name, if authorization is given on the JFS 01693.

8. Provide the prospective adoptive parent(s) with the child's social security number, if applicable.

If a newborn child is placed from a hospital into an adoptive home, the PCSA or PCPA shall provide the information required in paragraph (B) of this rule to the adoptive parent(s) within thirty days of the adoptive placement.

Prior to the adoptive placement, the PCSA or PCPA shall provide a written report to the adoptive parent(s) if the child has been adjudicated a delinquent for an act to which any of the following offenses apply:

1. Aggravated murder.
2. Murder.
3. Voluntary manslaughter.
4. Involuntary manslaughter.
5. Felonious assault.
6. Aggravated assault.
7. Assault.
(h)(8) Rape.
(h)(9) Sexual battery.
(h)(10) Gross sexual imposition.
(h)(11) Conspiracy involving an attempt to commit aggravated murder or murder.
(h)(12) Any other offense that would be a felony if committed by an adult, and the child, upon committing the offense, was found to be using or in possession of a firearm when the child committed the offense.
(h)(13) Any other offense that would be a felony if committed by an adult, and the child, upon committing the offense, was found to be wearing or carrying body armor when the child committed the offense.

(9)(E) Provide the prospective adoptive parent(s) with a written report required by paragraph (B)(8)(D) of this rule containing the following information:

(a)(1) A descriptive summary of the child's social history.

(b)(2) Unless a child's record has been sealed pursuant to section 2151.3582151.356 of the Revised Code, a description of all the known acts committed by the child that resulted in the child being adjudicated a delinquent and the disposition made by the court making a disposition that the child is adjudicated delinquent. If the agency knows the child's record has been sealed, the prospective adoptive parent(s) shall be informed in writing by the agency that the child's record of a prior delinquency adjudication has been sealed.

(c)(3) A description of any other violent act(s) committed by the child of which the PCSA or PCPA is aware.

(d)(4) The substantial and material conclusions and recommendations of any psychiatric or psychological examination conducted on the child, or, if no psychological or psychiatric examination of the child is available, the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4756 of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.

(a) If no psychological or psychiatric examination of the child is available, the agency shall include the substantial and material conclusions and recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 4756 of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.

(i) An independent social worker.
(ii) A social worker.
(iii) A licensed professional clinical counselor.
(iv) A licensed professional counselor.
(v) An independent marriage and family therapist.
(vi) A marriage and family therapist.

(b) The agency shall not provide any part of the examination to the adoptive parent(s) other than the substantial and material conclusions and recommendations.

(10) Provide the adoptive family with written information describing types of behavior that the prospective adoptive parent may anticipate from children who have experienced abuse and neglect, suggested interventions, and the post adoption services available if the child exhibits those types of behavior after adoption.
(C) If a newborn child is placed from a hospital into an adoptive home, the PCSA or PCPA shall provide the information required in paragraph (B) of this rule to the adoptive parent(s) within thirty days of the adoptive placement.

(D) The adoptive family case record shall contain documentation of the information provided to the adoptive family and of the family's receipt of information described in paragraph (B) of this rule.

(E)(F) In accordance with paragraph (B)(8) of this rule Pursuant to section 2152.72 of the Revised Code, if a child has been adjudicated delinquent for any of the crimes listed in paragraph (D) of this rule, the custodial agency holding custody of the child shall assure ensure that a current psychological examination of the child has been conducted and that a written report detailing the substantial and material conclusions and recommendations of the examination are provided to the prospective adoptive parent(s) no later than sixty days after placing the child in the prospective adoptive home except under the following circumstances unless either of the following apply:

1. A psychological examination of the child has been conducted within twelve months prior to the child’s placement, and paragraph (E)(2) of this rule does not apply in the adoptive home.

2. A psychological examination of the child has been conducted within twenty four months prior to the date the child is placed of the adoptive placement when the foster caregiver seeks to adopt the foster caregiver's foster child.

(F)(G) If a current psychological examination was required pursuant to paragraph (F) of this rule, the custodial agency shall provide the prospective adoptive parent with the substantial and material conclusions and recommendations within sixty days of the date of the adoptive placement. The PCSA or PCPA custodial agency shall not provide any part of a psychological, psychiatric, or mental and emotional disorder examination required by paragraph (B)(9) or (E) of this rule to the prospective adoptive parent other than the substantial and material conclusions and recommendations.

(G)(H) In accordance with sections 2152.72 and 2152.99 of the Revised Code, it is a minor misdemeanor for any person, including staff of a PCSA or PCPA responsible for a child's placement in a prospective adoptive home or staff of a PNA responsible for the supervision of a child's placement in a prospective adoptive home, to fail to provide the prospective adoptive parent(s) with the information required by paragraph (B)(8)(D), (B)(9)(E), or (G) of this rule. It is not a violation of confidentiality to provide such information.

(H)(I) If a custodial agency places the a child who has been adjudicated delinquent for any of the offenses listed in paragraph (D) of this rule in a prospective adoptive home with the assistance of or by contracting with another agency, then all of the following apply: the custodial agency shall provide the supervising agency with information concerning the child’s social history, adjudication(s), other violent acts committed by the child of which the custodial agency is aware, and provide the substantial and material conclusions of a psychiatric, psychological, or mental and emotional disorder examination. The custodial agency shall pay the expenses of preparing the information. If a new examination is required, the custodial agency shall pay the expenses of conducting the examination described in paragraph (E) of this rule.

1. The custodial agency shall provide the other agency with the information outlined in paragraph (E) of this rule.

2. The supervising agency providing assistance to or contracting with the custodial agency shall provide the custodial agency with written acknowledgment that the supervising other agency received the information outlined in paragraph (H)(E) of this rule and has provided that information to the prospective adoptive parent(s).

3. The custodial agency shall keep the acknowledgment and provide a copy to the supervising other agency.

4. If the PCSA or PCPA custodial agency does not receive the acknowledgement as required by paragraph (I) of this rule, the custodial agency shall remain responsible for providing the prospective adoptive parents with information defined outlined in paragraph (H)(E) of this rule.
The adoptive family case record shall contain documentation of the information provided to the adoptive family and of the family's receipt of the information required in this rule.

The custodial agency shall maintain the following in the child's case record information indicating:

1. The date information required by this rule was provided to the prospective adoptive parent(s).
2. The JFS 01667 "Adoption Information Disclosure" (rev. 9/2003) containing the required signatures.

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The public children services agency (PCS) 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.

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. The assessor may also serve as the child's caseworker. 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.

If the order is under appeal, the agency may hold a pre-adoptive staffing prior to the issuance of the final decision.

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.

The PCSA or PCPA shall document the services provided to prepare the child for adoption in the case record.

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.

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) or the birth of the child if the child is being adopted as an infant less than six months of age.
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.

If the order is under appeal, the agency may hold a pre-adoptive staffing prior to the issuance of the final decision.

Unless the child to be adopted is an infant less than six months of age, the invitation to the pre-adoptive staffing shall be in written form, shall be documented in the case file, and shall be received by 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 agency staff 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.

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, and limitations andor other special needs considerations, including previous or current relationships with siblings or other birth relatives or kin.
5. Current therapeutic assessments andor other needs to be considered in determining the child's adoptive placement.
6. Planning for 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.
10. Any families who may be interested in adopting the child.
11. Other preparation for adoption.

The PCSA or PCPA shall document the pre-adoptive staffing on the JFS 01690 "Documentation of the Pre-adoptive Staffing-and-Updates" (rev. 2/2014/4/2017) and maintain the form in the child's adoptive case record. Within fifteen days after the pre-adoptive staffing, the PCSA or PCPA shall distribute the JFS 01690 to assessors in the agency who complete adoption homestudies. Following the pre-adoptive staffing, the agency may distribute the JFS 01690 to assessors who are responsible for completing or maintaining adoption homestudies.
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.

The JFS 01530 "Multiple Children/Large Family Assessment" (rev. 12/2014) as outlined in rule 5101:2-48-12 of the Administrative Code shall be discussed, if applicable.

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.

Unless the child to be adopted is an infant less than six months of age, the invitation to the matching conference shall be in written form, shall be documented in the case file, and shall be received by 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 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 PCSA or PCPA staff 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 adoption caseworker who has responsibility for an approved adoptive family where the JFS 01673 "Assessment for Child Placement (Homestudy)" (rev. 12/2014) and the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) indicates acceptance of the special needs of the child and the family is interested in being considered for the child.
9. The GAL, if one has been assigned to the case.
10. The CASA, if one has been assigned to the case.
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.

The PCSA or PCPA MEPA monitor.

The ODJFS MEPA coordinator at matchingconference@jfs.ohio.gov.

The following individuals shall attend/participate in the matching conference and be included in the placement decision-making process:

1. The adoption caseworker for the child.
2. The caseworker 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.

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.

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.

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.

The PCSA or PCPA shall document matching conference information as specified on the JFS 01689 "Documentation of the Placement Decision-Making Process." (rev. 7/2014/2017).

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).

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.

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

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

Any adult relative, adult non-relative, or the child's current foster caregiver, whose placement would be in the best interest of the child, 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:

(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) If an adult non-relative is interested in adopting the child, the adult non-relative must have been named by the biological parent in order to be considered at the matching conference. Placement with the adult would establish permanency for the child and be in the best interest of the child.

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.

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.

Subsequent matching conferences shall be held for the child, except as referenced in paragraph (Y) of this rule, at least once every ninety days. At least fourteen days prior to each matching conference, the JFS 01690 shall be updated and made available to all adoption assessors responsible for the completion of adoptive homestudies, and on the statewide automated child welfare information system (SACWIS).

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. 2/2014/2017) 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 below at a minimum:

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 the ability of individuals with whom the child is familiar who may be able and willing to adopt the child and provide a permanent home for the child.

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 have been completed on the JFS 01654.

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.
The child's custody changes to a status other than permanent custody.

If the child's adoptive placement disrupts and there is a permanent surrender or if the child is placed in the permanent custody of the PCSA or PCPA, 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.

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.

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.

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.

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.

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. 9/20037/2016) in accordance with rule 5101:2-48-21 of the Administrative Code.

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, or PNA or out of state agency providing adoption services, if applicable.

A copy of the signed JFS 01654 shall be given to the adoptive parent and any other signer of the agreement. The agreement shall explain the responsibilities and authority of all signers of the agreement.

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.

If the permanent custody of a child is under appeal through a court of appropriate jurisdiction or awaiting journalization of a court order, the PCSA or PCPA shall not make an adoptive placement or in the substitute care placement certified as a foster home pursuant to Chapter 5101:2-7 of the Administrative Code that is also approved as an adoptive placement. 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.

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.


(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.

(PP) 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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(A) Visits and contacts shall be conducted by an assessor within the public children services agency (PCSA) or private child placing agency (PCPA) who is responsible for the child's case, or another assessor employed or contracted by the PCSA or PCPA who has been delegated to act on behalf of the assigned assessor in his or her absence that has full responsibility for case planning and case management of the child's case.

(1) If the assessor assigned to the child's case is unable to complete the visit, the assessor from the same agency who is completing the visit shall document in the child's case the reason someone other than the assigned assessor visited the child.

(2) The assessor assigned to the child's case shall complete the majority of the required monthly visits.

(B) The frequency of visits with the child and the adoptive parent(s) shall be as follows:

(1) At a minimum, one face-to-face visit with the child and adoptive parent(s) in the adoptive home shall be made during the first seven days of the adoptive placement, not including the date of placement.

(2) At a minimum, one face-to-face visit with the child and adoptive parent(s) in the adoptive home shall be made during the first thirty days of placement, not including the visit during the first seven days of placement.

(3) After the first thirty days, a minimum of one face-to-face visit with the child and adoptive parent(s) in the adoptive home shall be made monthly.

(4) If the circumstances of the case require more than one monthly visit, the additional visit(s) may be conducted by an assessor employed by an agency contracted by the PCSA or PCPA to provide services for the case.

(C) The frequency of visits with any other household member shall be as follows:

(1) At a minimum, one face-to-face visit in the home with any household member whose permanent residence is the adoptive home shall be made every sixty days.

(2) At a minimum, two face-to-face visits in the home prior to finalization with any household member whose permanent residence is the adoptive home although he or she may temporarily reside elsewhere. No less than sixty days between visits.

(D) During each visit, the assessor shall gather information on how the placement is progressing from the child, as appropriate to his or her ability to communicate, the adoptive parent(s) and other household members, in applicable visits. All contacts and visits shall be documented in the child's case record and address the following:

(1) The child's safety and well-being within the adoptive home. In assessing the child's safety and well-being, the assessor shall consider the following through observation and individualized interviews with each person obtained during the visit:

   (a) The child's current behavior and emotional and social functioning in the adoptive home and any other settings.

   (b) The child's adjustment to the placement.

   (c) The child's feelings around loss, separation and the reasons for being adopted.

(2) Any new information regarding the child, the adoptive parent(s) or the other household members, including, but not limited to:
(a) Changes in the marital status.
(b) Significant changes in the health status of a household member.
(c) Placement of additional children.
(d) Birth of a child.
(e) Death of a child or household member.
(f) A criminal charge, conviction or arrest of the child, adoptive parent(s) or any household member.
(g) Addition or removal of temporary or permanent household members.
(h) Family's relocation.
(i) Child's daily activities.
(j) A change in the adoptive parent(s) employment or any financial hardships.
(k) Any supportive services needs for the child or adoptive parent(s) to assure the child's safety and well-being.

(E) For a child who is placed through the "Interstate Compact for the Placement of Children" into an approved adoptive home outside of Ohio, the agency shall follow procedures pursuant to Chapter 5101:2-52 of the Administrative Code and the regulations of the interstate compact, located at http://icpc.aphsa.org/content/AAICPC/en/ICPCRegulations.html.

(F) If the adoptive parent(s) or other household member(s) knowingly makes a false statement that results in the assessor reassessment of an approved or updated homestudy, the assessor shall report incidents of falsification according to procedures pursuant to rule 5101:2-33-13 of the Administrative Code.

(G) The assessor shall complete the JFS 01699 "ODJFS Prefinalization Adoption Assessment Report" (rev. 12/2006) prior to the issuance of a final decree of adoption or finalization of an interlocutory order of adoption. The report shall include the following information:

1. Dates and location of contact with the adoptive parent(s), the child and all other household members according to this rule.
2. Information regarding the child, adoptive parent(s) and all other household members' adjustment to the adoptive placement.
3. Present and anticipated needs of the child, the adoptive parent(s) and all other household members for adoptive services, adoption subsidies assistance and medicaid.
4. Physical, mental and developmental condition of the child.
5. Biological family background of the child, including identifying information about the biological or other legal parent(s), if known.
6. Reasons for the child’s placement with the adoptive parent(s) and the circumstances under which the child was placed in the home of the adoptive parent(s).
7. Adoptive parent(s) and all household members' attitudes toward the proposed adoption.
9. Prefinalization services which have been requested, provided or agreed upon.
10. Prefinalization services planned, but not provided, and the reason the services were not provided.
11. The child's psychological background, if known, including prior history of abuse and behavioral problems of the child.
(H) The assessor shall file the JFS 01699 with the court where the adoption petition is pending no later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date.

(I) The assessor shall provide a copy of the JFS 01699 to the prospective adoptive parent(s) no later than twenty days prior to the date scheduled for the final hearing on the adoption. All identifying information about the biological or other legal parent(s) shall be deleted prior to providing a copy of this report to the prospective adoptive parent(s).

(J) The agency having custody of the child shall maintain in the child's case record a copy of the JFS 01699 provided to the prospective adoptive parent(s), including the date the information was provided, and the prospective adoptive parent's written acknowledgment of receipt. The agency shall provide a copy of the acknowledgment of receipt to the prospective adoptive parent(s).

(K) The adoptive family case record shall contain a copy of the JFS 01699 provided to the adoptive family and written acknowledgment of the family's receipt of the information.

(L) Unless a court determines that it is in the best interest of the child and orders that an assessor conduct a prefinalization assessment, the JFS 01699 is not required if the prospective adoptive parent(s) is the child's stepparent.

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For the purpose of this rule, "Agency" means a public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) certified by ODJFS that places a child or assists in placing a child for adoption.

Each agency shall have a written policy on the type and extent of postfinalization adoption services that will be provided by the agency.

The agency shall make postfinalization adoption services available upon the request of the birth parent, the adoptive parent or the adoptee. The agency may provide these services either directly or by referral as described in paragraph (D) of this rule.

If the agency does not provide direct postfinalization adoption services, the agency shall:

1. Refer each person who requests postfinalization adoption services to an agency that provides such services.
2. Upon written request of a parent, legal custodian, or guardian, provide consultation on adoption-related issues to nonagency professionals who are working with the family.
3. Provide information regarding the procedures for releasing identifying information pursuant to rule 5101:2-48-20 of the Administrative Code.

If an adoptive parent, adoptee or birth parent contacts an agency for postfinalization adoption services and the agency determines that another agency made the adoptive placement, the agency may contact that agency for assistance in providing postfinalization services.

If an adoptive parent, adoptee or birth parent is unable to access postfinalization adoption services, the PCSA located in the county of residence of the adoptive family, adoptee or birth parent, respectively, is the agency ultimately responsible for the provision of, or referral to, appropriate postfinalization services.

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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 (PCSAs), private child placing agency (PCPs), 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.

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.

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.

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.

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.

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.

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.
The sending agency shall respond within fifteen days from the date of receipt of the written notification from the receiving agency.

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.

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.

(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) 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.

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.

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.

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.

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.

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.

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.

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.

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.
The assessor shall inform birth parents who enter into a voluntary surrender agreement that:

(A) Birth parents will be required to complete the JFS 01693, "Ohio Law and Adoption Materials" (rev. 5/2009) which will indicate their decision regarding the release of identifying information to the adopted person or adoptive parent. The JFS 01693 shall not be signed fewer than at least seventy-two hours prior to the date time they will execute the consent to the adoption is executed.

(B) The assessor shall inform the adoptive parent(s) that when:

1. The adopted person is under eighteen years of age, the adoptive parent can submit a request to ODH to request a copy of the contents of the adoption files which may include identifying information about the birth parents.

2. The adopted person is eighteen years of age or older, the adopted person can submit a request to ODH to request a copy of the contents of the adoption files which may include identifying information about the birth parents.

3. The adopted person is eighteen years of age or older, the adopted person can submit a request to ODH authorizing ODH to assist the adopted person's birth parents or birth siblings in finding the adopted person's name by adoption. The adopted person may alter this decision at any time or for as many times as the adopted person wants by submitting a request to ODH.

(C) The public children services agency (PCSA) or private child placing agency (PCPA) shall provide the birth parent with the address for ODH to obtain instructions regarding the filing of authorizations.

(D) Upon written request, the PCSA or PCPA shall provide the following nonidentifying information to the adopted person age eighteen or older, an adoptive parent of an adopted person under age eighteen or an adoptive family member relative of a deceased adopted person:

1. A birth parents' age at the time the birth parents' child was adopted.

2. The medical and genetic history of the birth parents.

3. The age, sex, and medical and genetic history of an adopted person's birth siblings and extended family members.

4. The heritage and ethnic background, educational level, general physical appearance, religion, occupation, and cause of death of the birth parents, birth siblings and extended family members.

5. Any information that may be included on the JFS 01616, "Social and Medical History" (rev. 6/2006).
Any information that is not deemed as identifying information as defined in rule 5101:2-1-01 of the Administrative Code.

Subject to a determination made pursuant to division (E) of section 3107.66 of the Revised Code, the PCSA or PCPA shall provide, upon written request, the following nonidentifying information to the birth parent of an adopted person eighteen years of age or older, a birth sibling age eighteen or older or a birth family member of a deceased birth parent:

1. An adoptive parent's age at the time of adoption.
2. An adoptive sibling's age at the time of adoption.
3. The heritage, ethnic background, religion, educational level and occupation of the adoptive parent.
4. General information known about the well-being of the adoptee before and after the adoption.

Effective: 10/01/2014

Five Year Review (FYR) Dates: 07/09/2014 and 10/01/2019

Certification: CERTIFIED ELECTRONICALLY

Date: 09/16/2014

Promulgated Under: 119.03

Statutory Authority: 3107.083, 5153.166

Rule Amplifies: 3107.083, 3107.09, 3107.40, 3107.41, 3107.46, 3107.47, 3107.60

Prior Effective Dates: 1/14/83, 6/1/85 (Emer.), 8/12/85, 7/1/90, 9/1/94, 9/18/96, 2/13/98 (Emer.), 5/14/98, 9/1/03, 9/15/08, 8/17/09
A child study inventory (CSI) shall be developed and completed within thirty days after the public children services agency (PCSA) or private child placing agency (PCPA) receives permanent custody of a child.

The CSI shall be reviewed and updated at the time of each semiannual administrative review, adoptive placement and removal from the adoptive placement.

The CSI shall include, at a minimum, the following information, as applicable to the age and circumstances of the child:

1. A summation of the history of the child's biological family, which shall include, but is not limited to the biological parents':
   a. Age.
   b. Marital status.
   c. Educational and occupational background.
   d. Ethnic and racial background, religious, and other cultural characteristics.
   e. Talents and hobbies.
   f. Mental and physical disabilities.
   g. Medical conditions such as genetic/inherited diseases, malformations, etc.
   h. Social and medical information on the adoptive child's sibling(s).
   i. Social and medical information on the adoptive child's ancestors.

2. The child's substitute care placement history, including reasons for the original placement and reasons for subsequent placement moves.

3. The JFS 01616 "Social and Medical History" (rev. 6/20062009).

4. A listing of the child's identified and anticipated special needs, and documentation verifying those special needs.

5. A summation of the history and background information known about the child which shall include, but is not limited to:
   a. Positive attributes, characteristics or strengths of the child such as friendliness, talents, interests or education achievements.
   b. Physical, intellectual and social development of the child.
   c. Immediate health needs and current medications of the child.
   d. A summary of a psychiatric or psychological evaluation of the child, and/or summary of recommendations of an examination to detect mental and emotional disorders conducted in compliance with the requirements of Chapter 47564757. of the Revised Code by a licensed independent social worker, licensed social worker, licensed professional clinical counselor, or licensed professional counselor.
   e. Attachment and bonding of the child to caregivers and siblings.
   f. If the child has been adjudicated a delinquent, a description of the act which resulted in the child being found delinquent and the disposition made by the court in accordance with rule 5101:2-48-15 of the Administrative Code.
(g) Information on any other violent acts committed by the child which the PCSA or PCPA has knowledge.

(6) Written information describing the types of behavior that the prospective adoptive parent(s) may anticipate from a child who has experienced abuse and neglect, suggested interventions, and the post adoption services available if the child exhibits those types of behavior after adoption.

(7) The signature of the adoptive parent(s) documenting the date the CSI was received and documenting that the parent(s) has read the CSI, discussed it with the agency, and comprehended the information provided.

(8) A completed JFS 01667 "Adoption Information Disclosure" (rev. 9/2003) containing required signatures and documenting the date the adoptive parent(s) received the CSI.

(D) If sufficient information is not available to complete any element of the CSI, the caseworker shall document in the child's case record efforts that were made to secure such information.

(E) Copies of the CSI, prepared pursuant to paragraphs (A), (B) and (C) of this rule, shall be shared with a PCSA, PCPA, or private noncustodial agency (PNA) assisting in the adoptive placement of the child prior to the adoptive placement.

(F) All identifying information regarding the child's birth family shall be removed from the CSI.

(G) The signed CSI and signed JFS 01667 shall be provided to the prospective adoptive parent(s) prior to the adoptive placement.

(H) A signed CSI and a signed JFS 01667 shall be maintained in the child's adoptive case record.

Effective: 10/01/2014

Five Year Review (FYR) Dates: 07/09/2014 and 10/01/2019

Certification: CERTIFIED ELECTRONICALLY

Date: 09/16/2014

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Statutory Authority: 2152.72, 3107.017, 5153.16

Rule Amplifies: 2152.72, 3107.017

Prior Effective Dates: 12/30/66, 10/1/86, 7/1/90, 9/1/94, 2/13/98 (Emer.), 5/14/98, 9/1/03, 5/15/09
FCASMTL 357

Effective Date: October 1, 2015

Most Current Prior Effective Date: March 1, 2010

(A) The public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) shall prepare and maintain adoptive family case records at the time that the JFS 01691 "Ohio Department of Job and Family Services Application for Child Placement" (rev. 6/2009) is received.

(B) Each adoptive family case record, as applicable to the involvement of the PCSA, PCPA or PNA, shall contain, but not be limited to:

   1. The JFS 01691.

   2. Case notes and dictation concerning adoption services.

   3. A copy of the homestudy report, updated homestudy reports and all documents completed, identified in or collected pursuant to rule 5101:2-48-11, 5101:2-48-11.1 or 5101:2-48-12 of the Administrative Code; as applicable.

   4. A copy of the JFS 01530, "Multiple Children/Large Family Assessment" (rev. 12/2006), if applicable.

   5. A copy of all documentation relating to falsification of an adoptive applicant or homestudy if the application or any document submitted during the homestudy process has been determined to be falsified.

   6. A copy of the denial or approval notification sent to the applicant regarding the adoptive homestudy, updates, or updated adoptive homestudy amendments as required by rule 5101:2-48-11, 5101:2-48-11.1 or 5101:2-48-12 of the Administrative Code.

   7. If applicable, a copy of the documentation explaining the circumstances of any delay in the commencement of the adoptive homestudy beyond the thirty day requirement in rule 5101:2-48-12 of the Administrative Code.

   8. If applicable, a copy of the documentation explaining the circumstances of any delay in the completion of the adoptive homestudy beyond the one hundred eighty day requirement in rule 5101:2-48-12 of the Administrative Code.

   9. A signed copy of the child study inventory prepared pursuant to rule 5101:2-48-21 of the Administrative Code.

   10. Documentation of information provided to the adoptive family pursuant to rule 5101:2-48-15 of the Administrative Code and the adoptive family's receipt of the information.


   12. A copy of the child's case plan prepared pursuant to rule 5101:2-38-05 of the Administrative Code as appropriate or a copy of the child's case plan prepared pursuant to rule 5101:2-38-07 of the Administrative Code, as appropriate.


   14. Documentation regarding the activities surrounding the removal of the child from the adoptive placement, if applicable.

   15. Documentation regarding any agency review.

   16. Documentation constituting or referring to a complaint or grievance by the family, if applicable.

   17. Documentation of verbal comments, verbatim, or a detailed description of any other indication 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 race, color or national
origin of a child for whom the prospective adoptive family has expressed an interest in adopting.
The documentation shall indicate whether those comments were made before or after
completion of the cultural diversity training which is required for all prospective adoptive
applicants, if applicable.

(18) Documentation regarding **the existence of a state any adoption subsidy record or Title IV-E
adoption assistance record or any subsidy or adoption assistance application and/or agreement.**

(19) Documentation of education and training activities attended by the adoptive applicant/family.

(20) A copy of the **JFS 01689**, "Documentation of the Placement Decision Making Process", (rev.
12/2006/7/2012).

(21) A copy of the **JFS 01609** "Family's Permanency Planning Data Summary" (rev. 02/2005).

(22) A copy of the **JFS 01688** "Individualized Child Assessment" (rev. 05/2007/4/2014) and any
report(s) submitted by the licensed professional associated with the JFS 01688, if applicable
pursuant to rule **5101:2-48-13** of the Administrative Code.

(23) A copy of the **JFS 01690** "Documentation of the Pre-adoptive Staffing and Updates" (rev.
42/2006/2/2014).

(24) A copy of the notification letter to the local PCSA or documentation of the telephone call related
to the initiation of an adoption homestudy, as well as any response received from the PCSA.

(25) A copy of the notification letter to the local PCSA related to the impending placement of an
adoptive child.

(C) The agency shall maintain case records in a consistent and organized manner such that required
information set forth in this rule can be readily located. When the agency maintains any required
information set forth in this rule in a location other than the case record, it shall be stated in the agency
policy or noted in the case record where the information can be found.

Effective: 10/01/2015

Five Year Review (FYR) Dates: 05/06/2015 and 10/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 07/16/2015

Promulgated Under: 119.03

Statutory Authority: 5101.141, 5103.03, 5153.166

Rule Amplifies: 3107.031

Prior Effective Dates: 12/30/66, 10/1/86, 7/1/90, 9/1/94, 9/18/96, 2/13/98 (Emer.), 5/14/98, 4/1/99, 9/1/03,
2/1/05, 12/11/06, 3/1/10
The public children services agency (PCSAs) or private child placing agency (PCPAs) which has placed a child for adoption and for whom the adoption has been finalized, shall permanently maintain an adoptive child case record.

An adoptive child case record shall contain all papers and records pertaining to the adoption, including:

1. A copy of the petition to adopt filed in a probate court.
2. A copy of the child's original birth certificate.
5. A copy of the final decree of adoption or the interlocutory order of adoption.
8. The JFS 01688 "Individualized Child Assessment" (rev. 02/20054/2014) and any reports(s) submitted by the licensed professional associated with the JFS 01688, if applicable pursuant to rule 5101:2-48-13 of the Administrative Code.
10. A copy of all medical or psychological evaluations, school records or other material documented.
11. A copy of the JFS 01690 "Documentation of the Pre-adoptive Staffing and Updates" (rev. 12/20062/2014).

The agency shall maintain case records in a consistent and organized manner such that the required information set forth in this rule can be readily located. When the agency maintains any required information set forth in this rule in a location other than the case record, it shall be stated in the agency policy or noted in the case record where the information can be found.

Upon the issuance of a final decree of adoption by a probate court or the finalization of an interlocutory order of adoption, the PCSA or PCPA shall mark the adoptive child case record as confidential and permanently secure such record from release or inspection of any information, except under the following conditions:

1. Consent is given by the probate court.
2. The PCSA or PCPA needs to examine its own papers, books, and records pertaining to a placement or adoption for official administrative purposes, including examining the records to obtain non-identifying information.

ODJFS may examine its own papers, books and records pertaining to a placement or adoption of a child and ODJFS may inspect the papers, books and records of a PCSA or PCPA for official administrative, certification and eligibility determination purposes once the adoptive child case records have been secured after a final decree of adoption has been issued or an interlocutory order of adoption has been finalized.
(F) If an agency has maintained any of the original documents outlined in paragraph (B) of this rule, the agency shall return the original documents to the PCSA or PCPA that had permanent custody of the child prior to finalization.

(G) The PCSA, PCPA and PNA shall comply with requirements of section 3107.17 of the Revised Code and paragraph (D) of this rule regarding the release of information pertaining to the adoption.

Effective: 10/01/2015

Five Year Review (FYR) Dates: 05/06/2015 and 10/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 07/16/2015

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5153.166

Rule Amplifies: 3107.17

Prior Effective Dates: 12/30/66, 10/1/86, 7/1/90, 9/1/94, 9/18/96, 2/13/98 (Emer.), 5/14/98, 12/31/98, 4/1/99, 9/1/03, 2/1/05, 12/11/06, 3/1/10
Each public children services agency (PCSA), private child placing agency (PCPA) and private noncustodial agency (PNA) shall develop and implement written procedures to review complaints from adoptive applicants, prospective adoptive families and adoptive families.

If requested, the agency review shall occur within thirty days of receipt of a request and shall include a face-to-face meeting with the following individuals:

1. The adoptive applicant, prospective adoptive family or adoptive family requesting an agency review.
2. The adoptive family caseworker.
3. The adoptive child's caseworker, if applicable.
4. The agency administrator or designee.
5. Any other individual with information regarding the complaint, as deemed appropriate by the agency administrator or designee.

A written decision, including the reason for the decision, shall be rendered by the administrator of the PCSA, PCPA or PNA or his designee. The decision shall be based upon the evidence presented at the review. A copy of the decision shall be provided to all parties to the agency review within fifteen days of the review.

All documentation related to notification regarding rights to an agency review and written decisions of the agency review required by this rule shall be maintained in the child and family case record.

When an approved adoptive family requests an agency review because the family believes an adoptive placement was denied or will be denied solely on the basis of geographic location, the PCSA or PCPA shall provide the family with notices and copies of all materials related to requesting a state hearing.

For complaints involving alleged discriminatory acts, policies, or practices pertaining to the foster care and adoption process that involve race, color or national origin, the procedures contained in rule 5101:2-33-03 of the Administrative Code supercede the requirements of this rule.

Each agency shall follow procedures as outlined in rule 5101:2-33-13 of the Administrative Code when an agency determines there may knowingly be falsification on an adoptive application or homestudy, or any document submitted during the homestudy process.

Effective: 08/01/2017
Five Year Review (FYR) Dates: 03/29/2017 and 08/01/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 06/06/2017
Promulgated Under: 119.03
Statutory Authority: 3107.033, 5103.03
Rule Amplifies: 3107.031, 5103.03
Prior Effective Dates: 7/1/90, 9/1/94, 2/13/98 (Emer.), 5/14/98, 12/31/98 (Emer.), 4/1/99, 9/1/03, 2/1/05, 12/11/06, 3/1/10, 10/1/15
The following definitions apply to this rule:

(1) Inter-country adoption is a type of adoption in which an individual or couple becomes the legal and permanent parents of a child born in another country.

(2) A "disruption" is the interruption of a placement for adoption during the post-placement period.

(3) A "dissolution" is the termination of the adoptive parent's parental rights after the adoption is finalized.

A public children services agency (PCSA), or private child placing agency (PCPA) and private non-custodial agency (PNA) shall complete a JFS 01670 "Inter-Country Adoption Data Collection" (rev. 1/2009) for each child who was adopted via inter-country and who entered foster care due to an adoptive placement disruption or an adoption dissolution.

The PCSA, or PCPA or PNA shall complete submit the JFS 01670 and submit it to the Ohio department of job and family services (ODJFS) within ten days after a disruption of a child's adoption or within ten days after the dissolution of an adoption.

The PCSA, or PCPA or PNA shall complete a JFS 01670 even if the child is already in foster care when the adoption dissolved.

The PCSA, or PCPA or PNA shall report a disruption even if the child's plan is reunification with the prospective adoptive parent and the child's stay in foster care is intended to be brief.

The PCSA, or PCPA or PNA shall not complete a JFS 01670 for a child who enters foster care after a finalized adoption if the adoptive parent's legal rights to the child remain intact.

Effective:
R.C. 119.032 review dates: 05/28/2014
Certification
Date
Promulgated Under: 119.03
Statutory Authority: 5103.03 , 5153.166
Rule Amplifies: 5103.03, 5153.166
Prior Effective Dates: 1/11/09
This rule contains the definitions of terms used in Chapter 5101:2-50 of the Administrative Code.

1. "Bridges applicant" is an individual applying for bridges.
2. "Bridges liaison" is an individual acting on behalf of a bridges regional grantee to provide case management to, and advocacy for, a bridges participant.
3. "Bridges participant" is an emancipated young adult approved for and actively receiving bridges services.
4. "Bridges regional grantee" is the agency or consortium selected by ODJFS as a result of the procurement process that will be providing services to emancipated young adults in a region or regions of the state.
5. "Bridges representative" is an individual acting on behalf of a bridges regional grantee.
6. "Business day" is any day, Monday through Friday, excluding the ten federal holidays.
7. "Calendar day" is any day in the month including weekends and holidays.
8. "Designee" means a person designated by the governing body of an agency who is responsible for the management and administration of a program on behalf of the agency.
9. "Emancipation" means the termination of custody because an individual has reached the age of majority and who was in the custody of a public children services agency.
10. "Foster care maintenance" is an individual entitlement for financial assistance for board and care of children who meet the eligibility requirements as outlined in rule 5101:2-50-04 of the Administrative Code, who are in the care and placement of a Title IV-E agency and are in an approved substitute care placement.
11. "Issued," when used in reference to notices, decisions, and other documents, means the date the document is sent by U.S. mail or hand delivered, whichever is earlier.
12. "Qualified practitioner," for the purposes of bridges, is a licensed professional qualified to diagnose an individual with a physical, mental, or developmental medical condition.
13. "Statewide Automated Child Welfare Information System (SACWIS)," as established and maintained in accordance with the requirements of 42 U.S.C. 674 (a)(3)(C) (10/2008), is a comprehensive automated case management tool that supports child protective and family preservation services.
14. "Supervised setting" means any setting in which a bridges participant resides that is visited by a bridges liaison, at a minimum, once per month.
15. "Voluntary Participation Agreement (VPA)" is a written agreement, binding on the parties to the agreement, between ODJFS and a young adult which specifies, at a minimum, the legal status of the young adult and the rights and obligations of the young adult and ODJFS while the young adult is involved in bridges.
16. "Young adult" means a person who has attained the age of eighteen but not attained the age of twenty-one.
Rule Amplifies: 5101.1411, 5101.1412, 5101.1413
FCASMTL 390

Effective Date: December 11, 2017

Bridges is a voluntary benefits program, funded by Title IV-E of the 42 U.S.C. 675(8)(12/2015) per section 5101.1414 of the Revised Code, with the intended outcome of an eligible young adult gaining skills to self-sufficiency. Bridges provides an eligible young adult assistance with stable housing, support to complete educational goals, employment resources, and access to community resources.

(A) A bridges representative must be contacted to apply for services.

(B) In order for an applicant to be eligible for bridges, all of the following must be met:

1. An applicant was in the custody of a public children services agency (PCSA) in Ohio upon attaining the age of eighteen; and
2. An applicant has attained the age of eighteen but not attained the age of twenty-one; and
3. An applicant has left the custody of a PCSA; and
4. An applicant satisfies at least one of the following eligibility criteria:
   (a) Completing a secondary education or a program leading to an equivalent credential;
   (b) Enrolled in an institution that provides post-secondary or vocational education;
   (c) Participating in a program or activity designed to promote, or remove barriers to, employment;
   (d) Employed for at least eighty hours per month;
   (e) Incapable of doing any of the activities as described in paragraphs (B)(4)(a) to (B)(4)(d) of this rule due to a diagnosed physical or mental health condition.

(C) The applicant, with the assistance of the bridges representative, shall submit the necessary supporting documentation to verify eligibility criteria. Documentation may include but is not limited to any of the following:

1. School or college enrollment letter;
2. Current class schedule;
3. Most recent employment paystub;
4. Letter from job training program verifying participation;
5. Written verification from a qualified practitioner stating how a physical or mental health condition prevents participation in activities described in paragraphs (B)(4)(a) to (B)(4)(d) of this rule due to a diagnosed physical or mental health condition.

(D) The bridges representative shall submit a completed and signed application along with supporting documentation to the Ohio department of job and family services (ODJFS) for the approval process.

(E) An applicant approved for bridges participation shall sign a JFS 01617 "Bridges Voluntary Participation Agreement" (12/2017) pursuant to section 5101.1412 of the Revised Code.

(F) Within forty-five calendar days of the JFS 01617 effective date, a bridges liaison shall work with the bridges participant to develop a bridges plan. The plan shall be personalized at the direction of the participant and as detailed as the participant chooses, which includes a review of the final transition plan completed by the PCSA or PCPA as outlined in rule 5101:2-42-19 of the Administrative Code.

1. The plan shall include options regarding:
   (a) Health care including:
      (i) Health insurance;
      (ii) Healthcare power of attorney;
(iii) Participant's option to execute power of attorney.
(b) Employment services and work force supports.
(c) Secondary and post secondary education and training.
(d) Obtaining and paying for housing.
(e) Mentor opportunities and ongoing supportive services.

(2) A copy of the plan shall be provided to the bridges participant within seven calendar days of its approval date.
(3) The bridges plan will be reviewed ninety calendar days after its approval date, with subsequent reviews occurring every ninety calendar days thereafter.
(4) Any bridges plan amendment needed based on a review shall be completed within seven calendar days of the review approval date.
(5) The bridges plan and review shall be submitted to court fourteen calendar days prior to any scheduled hearing.

(G) A bridges participant must maintain continued eligibility which may be reviewed by the bridges representative at anytime. If a participant fails to maintain eligibility, the bridges representative shall notify the participant in writing of ineligibility and possible termination from bridges as outlined in rule 5101:2-50-03 of the Administrative Code.

(H) If a bridges application is denied, the applicant shall be sent a JFS 01618 "Bridges Notice of Denial" (12/2017) by the bridges representative no later than three business days after the application is denied by ODJFS. The denial notice shall inform the applicant of the reason for denial and the right to appeal the decision as outlined in rule 5101:2-50-05 of the Administrative Code.

Effective: 12/11/2017
Five Year Review (Fyr) Dates: 12/11/2022
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Date: 11/30/2017
Promulgated Under: 119.03
Statutory Authority: 5101.1414
Rule Amplifies: 5101.1411, 5101.1412, 5101.1413
Bridges participants shall be terminated from bridges when any of the following occurs:

(A) Participant no longer meets bridges eligibility requirements as outlined in rule 5101:2-50-02 of the Administrative Code; or

(B) Participant fails to be in face to face contact with bridges representative for more than sixty calendar days; or

(C) Participant is incarcerated for more than sixty calendar days; or

(D) Participant voluntarily withdraws from bridges; or

(E) Participant reaches the age of twenty-one; or

(F) Death of the participant; or

(G) ODJFS discretionary action to terminate as described in paragraph (F) of this rule.

A bridges participant deemed ineligible for bridges based on circumstances as outlined in paragraphs (A)(1) to (A)(3) of this rule will be provided the JFS 01619 "Bridges Notice of Ineligibility" (12/2017) that indicates the date of ineligibility and date of termination. The date of termination will be sixty calendar days following the date of ineligibility.

Bridges eligibility can be reestablished within those sixty calendar days prior to the termination date by the bridges participant submitting documentation to the bridges representative that verifies eligibility criteria has been reestablished as outlined in rule 5101:2-50-02 of the Administrative Code, resuming face to face contact with the bridges representative, or no longer being incarcerated.

Upon termination, the bridges representative shall provide the JFS 01620 "Bridges Notice of Termination" (12/2017) to the bridges participant. The termination notice shall state the date of termination, the reason for termination and the right to appeal the decision as outlined in rule 5101:2-50-05 of the Administrative Code.

A bridges participant choosing to voluntarily withdraw from bridges shall submit a JFS 01621 "Bridges Voluntary Withdrawal Form" (12/2017) to the bridges representative. The bridges participant shall be terminated from the program on the date indicated as such on the form.

On a situational basis, the ODJFS' deputy director or their designee has the discretion to terminate a bridges' participant without providing a sixty day notice if the participant's actions are in opposition to the intent and the design of bridges. The bridges representative shall provide the participant the JFS 01620 stating the reason for the discretionary termination and the date services terminate.

Reapplication for bridges can be made any time after termination if eligibility criteria is established and a new application is submitted as outlined in rule 5101:2-50-02 of the Administrative Code.

No individual can receive benefits from bridges upon turning the age of twenty-one. No later than sixty calendar days prior to the bridges participant's twenty-first birthday, the bridges representative shall provide the participant the JFS 01620 stating that services will terminate upon the participant's twenty-first birthday.
Rule Amplifies: 5101.1411, 5101.1412, 5101.1413
Effective Date: December 11, 2017

(A) Pursuant to section 475(8)(B) of the Social Security Act, 94 Stat. 501, 42 U.S.C. 675 (1980) (the "Act"), a Title IV-E agency can extend foster care assistance for a young adult age eighteen but less than age twenty-one. This funding is provided in accordance with the federal Fostering Connections to Success & Increasing Adoptions Act of 2008 to cover foster care maintenance (FCM) payments, administration and training payments.

(B) The Title IV-E FCM program eligibility shall be determined in the statewide automated child welfare information system (SACWIS) by the Title IV-E agency representative within sixty calendar days of all parties signing the voluntary participation agreement (VPA).

(C) A young adult shall be considered Title IV-E FCM program eligible if, at the time eligibility is being determined:

(1) The young adult is program eligible for bridges and has signed a VPA pursuant to rule 5101:2-50-02 of the Administrative Code.

(2) The young adult met the aid to families with dependent children (AFDC) eligibility requirements per section 472(a)(3) of the "Act". AFDC eligibility is based on the young adult without regard to the parents/legal guardians or others in the assistance unit in the home from which the young adult was removed as a child.

(D) Once Title IV-E FCM eligibility is established, the young adult remains program eligible for the entire care and placement episode through the end of the month of the young adult's twenty-first birthday.

(E) The young adult is no longer program eligible for Title IV-E FCM when any of the following occur:

(1) The young adult has been terminated from bridges pursuant to rule 5101:2-50-03 of the Administrative Code; or

(2) The Title IV-E agency failed to acquire a best interest statement from the juvenile court in accordance with section 5101.1412 of the Revised Code. Eligibility ends at the end of the one hundred eightieth day of the signed VPA; or

(3) At the end of the month of the young adult's twenty-first birthday; or

(4) The young adult dies. Eligibility ends on the date of death.

(F) A new FCM eligibility determination in SACWIS must be completed if a young adult is terminated from bridges or voluntarily leaves the program and reenters the program by signing a new VPA.

(G) Title IV-E program reimbursability shall be determined for a young adult who is Title IV-E FCM program eligible at the time all parties signed the VPA. A Title IV-E FCM program eligible young adult shall be reimbursable when both of the following apply:

(1) The young adult's countable income is less than the cost of care paid by the Title IV-E agency.

(2) The young adult is residing in an approved supervised setting, in accordance with section 5101.1411 of the Revised Code.

(H) The young adult is no longer program reimbursable for Title IV-E when any of the following occur:

(1) Reasonable efforts to finalize the permanency plan are not met in accordance with section 472(a)(2)(A)(ii) of the "Act" and 45 C.F.R. 1356.21(b)(2)(2012).

(2) The young adult is not residing in an approved supervised setting, as outlined in paragraph (G)(2) of this rule.

Effective: 12/11/2017

Five Year Review (FYR) Dates: 12/11/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 11/28/2017
Promulgated Under: 119.03
Statutory Authority: 5101.1414
Rule Amplifies: 5101.1412, 5101.1413, 5101.1411
This rule describes the appeals process for a young adult who has been denied or terminated from bridges.

(A) Any young adult who was denied enrollment or who was terminated from bridges may request a state hearing, as described in paragraph (B) of this rule.

(B) In the event the young adult receives a denial notice pursuant to rule 5101:2-50-02 of the Administrative Code or a termination notice pursuant to rule 5101:2-50-03 of the Administrative Code, the young adult has the right to appeal the decision by requesting a state hearing.

   (1) The young adult has ninety calendar days from the mailing date of the denial or termination notice to request a state hearing. If the ninetieth day falls on a weekend or holiday, then the next business day shall be recorded as the ninetieth day.

   (2) If the young adult submits a hearing request to the state or local agency within fifteen calendar days of the mailing date of the termination notice, then bridges benefits shall continue pursuant to division 5101:6 of the Administrative Code until a state hearing decision is issued.

   (3) The young adult may withdraw the state hearing request at any time prior to a state hearing decision being issued.

(C) Denial notices and termination notices issued by ODJFS may be sent by U.S. mail or hand delivered to the individual. While the individual may also choose to receive electronic notices, any electronic notifications will be in addition to, and not in place of, notification by U.S. mail or in-person delivery. Denial notices shall be issued to the young adult and, when applicable, to the regional grantee in writing or by its electronic equivalent, as permitted by federal law.

(D) A young adult may submit their request for a state hearing through the following methods:

   (1) Send the appeal notice via U.S. mail;

   (2) A scanned copy via email;

   (3) Facsimile; or

   (4) Verbal request by contacting the bridges notice provider, ODJFS, or bureau of state hearings.

(E) Rules 5101:6-6-01 to 5101:6-6-04 of the Administrative Code detail the process for preparing and conducting state hearings.

Effective: 12/11/2017

Five Year Review (FYR) Dates: 12/11/2022
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Statutory Authority: 5101.1414
Rule Amplifies: 5101.1411, 5101.1412, 5101.1413
The public children services agency (PCSA) director or other designated administrator or their designee shall serve as the assistant deputy compact administrator (ADCA) for the agency in carrying out responsibilities involving interstate compact on the placement of children (ICPC). The ADCA shall meet the qualifications of a child welfare caseworker. These responsibilities of the ADCA include:

1. Receiving, reviewing, and authorizing all interactions, documents, and communications between the PCSA and compact administrators for sending states and territories who are requesting services from the PCSA for children in the custody of an out-of-state children services agency. This excludes incoming residential requests and requests for foster or adoptive placement with a family already licensed or approved through a private agency with which the PCSA has not contracted.

2. Reviewing and authorizing all interactions, documents, and communications in which the PCSA is requesting placement approval and/or services for children in the agency's custody who are being considered for placement out-of-state and/or require supervision by a children services agency of a receiving state or territory.

3. Ensuring all required documentation sent and received is in compliance with all regulations as listed at https://aphsa.org/AAICPC/AAICPC/Resources.aspx.

4. Reviewing the home study and information on the child to determine if placement appears to be safe and appropriate for the specific child and signing the ICPC 100A indicating approval or denial of the placement based on the information reviewed.

5. Entering data into the statewide automated child welfare information system (SACWIS) for all incoming and outgoing ICPC cases to enable the Ohio department of job and family services (ODJFS) to pull data for federal reporting purposes.

6. Coordinating with ODJFS for technical assistance and assurance of compliance with ICPC requirements.

Visits are exempt from ICPC if all of the following apply:

1. The intention is to provide the child with a social or cultural experience of a short duration such as a stay in a camp or with a friend or relative.

2. The party with whom the child is staying is not proposed to assume legal responsibility or serve as a placement resource on a temporary or permanent basis.

3. No services are being requested of the receiving state during the time of the visit.

4. The visit has a defined ending date and will not be extended or renewed in a manner which causes the visit to exceed thirty days or a school vacation period.

The PCSA shall not place any child in another state or territory without the approval by the compact or deputy compact administrator of the receiving state or territory as evidenced by the signed JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" (rev. 6/2009 7/2016) indicating placement may be made. All regulations as listed at https://aphsa.org/AAICPC/AAICPC/Resources.aspx shall be followed when placing a child into another state.

If a PCSA is planning to place a child in its custody in another state or territory, the PCSA shall initiate a request by sending the following to the compact or deputy compact administrator of the receiving state or territory for each placement resource being considered. Multiple copies shall be sent only when paper documents are being mailed. Only one copy shall be provided when being sent electronically. The request shall be sent using the NEICE interface in SACWIS when applicable.
(1) Four copies of the JFS 01661 (ICPC 100A) for each child, signed by the assistant deputy compact administrator for the agency.

(2) Two packets containing the following information:

(a) A cover letter clearly identifying the service being requested and the name, office location, and telephone number of the originating supervisor making the request.

(b) A signed statement from the assigned sending agency case manager that includes the following:

(i) Confirmation the potential placement resource is interested in being a placement resource for the child and is willing to cooperate with the ICPC process.

(ii) The name and current physical and mailing address of the placement resource and all available telephone numbers and other contact information for the potential placement resource.

(iii) A description of the number and type of bedrooms in the home of the potential placement resource to accommodate the child(ren) under consideration for placement and the number of people, including the children, who will be residing in the home if placement is made.

(iv) Acknowledgment by the potential placement resource that he or she has sufficient financial resources or will access financial resources to feed, clothe, and care for the child(ren), including child care, if needed.

(v) Acknowledgment by the potential placement resource that a criminal records check and child abuse history check will be completed for any persons residing in the home who are required to be screened according to the laws of the receiving state.

(c) A current case history summary that includes:

(i) All available social, medical, developmental, psychological and educational information. Medical information shall include immunization records, if available to the PCSA.

(ii) The family history of the biological parents, including history of the family's involvement with the PCSA and the court system. If the request is for a sibling group, family history need not be duplicated for each child.

(iii) The reason for placement in another state. If the child(ren) were previously placed with the potential placement resource in the sending state the PCSA shall provide all relevant information regarding that placement to the receiving state, if available.

(d) The case plan prepared pursuant to Chapter 5101:2-38 of the Administrative Code for each child.

(e) The child's social security number and birth certificate if available.

(f) A copy of the most recent court order within the last year.

(g) A copy of a JFS 02424 "ICPC Placement Financial Information Form" (rev. 6/2009).

(h) If the PCSA is placing a child into a children's residential center, each packet shall include:

(i) If the child is adjudicated delinquent, court documentation shall be provided indicating a placement for the child is not available in the PCSA's jurisdiction and the placement is in the best interest of the child and will not produce undue hardship on the child.

(ii) A letter of acceptance from the residential facility.

(i) If the PCSA is placing a child into an adoptive home, each packet shall include:
(i) Documentation indicating the child is legally free for adoption by submitting the JFS 01666 "Permanent Surrender of a Child" (rev. 10/2013) or a court document demonstrating that parental rights have been terminated; and the agency has authority to place the child for adoption.


(iv) The JFS 01616 "Social And Medical History" (rev. 6/2009) for the biological family.

(v) A copy of the approved adoptive homestudy on the proposed placement resource, if available.

(j) If a court has ordered the priority placement of a child, the PCSA shall include the JFS 01663 "Sending State's Priority Home Study Request" (ICPC 101) (rev. 8/2006 7/2016) with the court order. The court may only order priority placements when both of the following conditions apply:

(i) The proposed placement is a relative in one of the following categories:
   - Parent.
   - Step-parent.
   - Grandparent.
   - Adult brother or sister.
   - Adult uncle or aunt.
   - Legal guardian.

(ii) At least one of the following conditions applies to at least one child who is being considered in the placement request:
   - The child is four years of age or younger.
   - The child is in an emergency shelter.
   - The child has spent a substantial amount of time in the home of relationship with the parent or relative who is the potential placement resource. For the purposes of this rule, substantial relationship means the proposed placement has a familiar or mentoring role with the child, has spent more than cursory time with the child, and has established more than a minimal bond with the child.
   - An unexpected dependency due to a sudden or recent incarceration, incapacitation, or death of a parent or guardian. For the purposes of this rule, incapacitation means a parent or guardian is unable to care for a child due to a medical, mental, or physical condition of the parent or guardian.

(E) Upon approval by the receiving state or territory as evidenced by a signed JFS 01661 (ICPC 100A) indicating that the placement may be made, the PCSA holding custody of the child shall:

(1) Make arrangements for the child to travel to the receiving state if deciding to place.

(2) Submit the JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100B)" (rev. 6/2009 7/2016) to the compact or deputy compact administrator of the other state within ten business days of the child's placement or within ten business days of determining the placement will not be made. If the JFS 01662 (ICPC 100B) is not submitted within the six month timeframe, the approval for the placement will expire.
(3) Maintain financial responsibility for the care, medical care and education of the child and retain jurisdiction of the child until one of the following occurs:

(a) The child is adopted.

(b) The child reaches the age of majority or is legally emancipated, as defined by the association of administrators of the interstate compact on the placement of children (AAICPC.)

(c) The child returns to Ohio.

(d) The child's custody is transferred to the placement resource, with concurrence from the receiving state.

(F) The PCSA shall submit two copies of the JFS 01662 (ICPC 100B) if being sent via mail or one copy if being sent electronically to the compact or deputy compact administrator of the receiving state within ten business days if any of the following occurs for a child the PCSA has placed:

(1) The placement disrupts.

(2) The child has been discharged from placement.

(3) The adoption has finalized.

(4) The agency's custody has terminated. The receiving state or territory must concur with custody terminations and case closure unless the child has legally emancipated after the age of eighteen.

(G) Upon notification from the appropriate authority in the receiving state, from the agency supervising the placement, or from the Ohio ICPC office, that a child's return is necessary, the PCSA holding custody of the child shall arrange for the child's return or for an alternative placement. All costs associated with the child's return or alternative placement shall be the responsibility of the PCSA.

(H) If the placement is for a foreign born child being placed across state lines subsequent to the child's arrival to the United States, the original documentation and a certified translation of all legal documents verifying the child's birth and the agency's or adoptive parent's authority to place the child shall be included.

(I) For all interstate placements from Ohio into another state, the PCSA shall continue to follow:

(1) Case planning requirements pursuant to Chapter 5101:2-38 of the Administrative Code, if applicable.

(2) Semiannual administrative reviews pursuant to rule 5101:2-38-10 of the Administrative Code, if applicable.

(3) Supervision requirements pursuant to the regulations of the interstate compact, located at http://icpc.aphsa.org/content/AAICPC/en/ICPCRegulations.html

(J) If a PCSA receives a request from the compact or deputy compact administrator of a sending state or territory to conduct a home assessment for an Ohio placement resource, the PCSA shall:

(1) Record the information into SACWIS pursuant to rule 5101:2-36-01 of the Administrative Code.

(2) Prepare the home assessment in accordance with the administrative rule governing the placement resource being considered. The assistant deputy compact administrator of the PCSA cannot sign as the person approving the homestudy.

(a) A foster home shall be evaluated pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

(b) An adoptive home shall be evaluated pursuant to Chapter 5101:2-48 of the Administrative Code.
(c) A relative or non-relative kin home shall be evaluated pursuant to rule 5101:2-42-18 of the Administrative Code unless the sending state requires the relative or non-relative kin to be certified as a foster home.

(d) If a parent home is to be evaluated, rule 5101:2-42-18 of the Administrative Code may be used as a guideline, however the restrictions listed in paragraphs (F) and (G) of rule 5101:2-42-18 of the Administrative Code do not apply to parent home assessments, unless the sending state requires the parent to be certified as a foster parent or approved as an adoptive home.

(3) Submit two packets containing the results of the home assessment if sent via mail or one packet if sent electronically to the compact or deputy compact administrator of the sending state within sixty days from the date in which the PCSA received the request. Each packet shall contain the following information:

(a) The home assessment narrative.

(b) A written statement that assures:

(i) The prospective caregivers were provided all available information about the child.

(ii) The agency's recommendation of the approval or denial of the placement resource is based on the caregivers' ability and willingness to care for the specific child proposed for placement.

(iii) A signed 100A form from the sending state or territory, equivalent to the JFS 01661, approving or denying the placement of the child.

(iv) All required attachments to the narrative in accordance with the rule for the type of home that is the subject of the assessment, such as copies of criminal background checks, references, etc.

(4) If an initial home assessment cannot be completed and a recommendation made within sixty days, send written notice of the delay to the compact or deputy compact administrator of the sending state or territory prior to the expiration of the sixty day period. Delays of initial home assessments can result in federal financial sanctions to state and/or receiving agencies found out of compliance. The written notice shall include the narrative portion of the home study along with information regarding documentation not yet completed and approximate expected completion date. The date the narrative was sent shall be entered in the appropriate field on the ICPC record in SACWIS.

(K) If a court in the sending state or territory has ordered the placement of the child to be a priority, the PCSA shall conduct the home assessment and submit the requested packets outlined in paragraph (J) of this rule to the compact or deputy compact administrator of the sending state or territory within twenty business days from the date the overnight mailing or electronically submitted packet was received. The court may only order priority placements if conditions referenced in paragraph (D)(2)(j) of this rule apply.

(L) If a PCSA has been requested to provide supervision for a placement the PCSA has approved, upon notification a child has been placed in a placement the PCSA has approved as indicated by the signed 100A form from the sending state or territory, equivalent to the JFS 01661, the PCSA shall:

(1) Begin providing supervision and submit supervisory reports in accordance with the regulations of the interstate compact as referenced in paragraph (I)(3) of this rule and as requested by the compact or deputy compact administrator of the sending state or territory.

(2) Notify the compact or deputy compact administrator of the sending state or territory if the child's placement disrupts and there is a need to make immediate plans for the child's return to the sending state or for an alternative placement.

(M) The PCSA shall maintain information in SACWIS or other information system regarding services it requests and provides on behalf of children being considered for placement or placed across state
lines to enable ODJFS to comply with federal reporting requirements related to interstate requests and placements.

Effective: 8/1/2019

Five Year Review (FYR) Dates: 4/17/2019 and 08/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 06/24/2019

Promulgated Under: 119.03

Statutory Authority: 5103.23

Rule Amplifies: 2151.39, 5103.23

(A) The Ohio interstate compact on the placement of children (ICPC) office within the Ohio department of job and family services (ODJFS) shall serve as the central approving authority for all requests for services related to the placement of children into or outside of Ohio by private child placing agencies (PCPA), private noncustodial agencies (PNA) and courts. The PCPA, PNA or court shall not place any child in another state or territory without the prior approval of the Ohio ICPC office and the sending state ICPC office as evidenced by the signed JFS 01661 "Interstate Compact Placement Request (ICPC-100A)” (rev. 6/2009) indicating placement may be made.

(B) If the potential resource is not already certified or approved, and the PCPA, PNA, or court receives a request from the Ohio ICPC office for the evaluation of an Ohio placement resource, the PCPA, PNA, or court shall:

1. Prepare the home assessment in accordance with the administrative rule governing the placement resource being considered.
   - A foster home shall be evaluated pursuant to Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.
   - An adoptive home shall be evaluated pursuant to Chapter 5101:2-48 of the Administrative Code.
   - A relative or non-relative kin home shall be evaluated pursuant to rule 5101:2-42-18 of the Administrative Code unless the sending state requires the relative or non-relative kin to be certified as a foster home or approved as an adoptive home.
   - If a parent home is to be evaluated, rule 5101:2-42-18 of the Administrative Code may be used as a guideline, however the restrictions listed in paragraphs (F) and (G) of rule 5101:2-42-18 of the Administrative Code do not apply to parent home assessments, unless the sending state requires the parent to be certified as a foster parent or approved as an adoptive home.

2. Prior to the final approval of the interstate placement, the following documentation must be submitted to the Ohio ICPC office:
   - The home assessment narrative.
   - A written statement that assures:
     i. The prospective caregivers were provided all available information about the child.
     ii. The PCPA, PNA, or court will be supervising the placement.
   - All required attachments to the homestudy in accordance with the rule for the type of home that is the subject of the assessment, such as copies of criminal background checks, references, etc.

3. If a homestudy cannot be completed and a recommendation made within thirty business days, notification of the delay shall be sent to the Ohio ICPC office prior to the expiration of the thirty day period so that the sending state may be notified.

(C) If the Ohio ICPC office approves the placement of a child for whom the PCPA, PNA, or court has an agreement to provide supervision, the PCPA, PNA, or court shall:

1. Begin providing monthly face to face supervision.
(2) Submit progress reports to the Ohio ICPC office monthly.

(3) Notify the sending agency and the Ohio ICPC office if the child's placement disrupts and there is a need to make immediate plans for the child's return to the sending state or for an alternative placement.

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Promulgated Under: 119.03

Statutory Authority: 5103.23

Rule Amplifies: 2151.39, 5103.23

Prior to placing a child into another state or territory for an adoptive placement, an Ohio parent, legal guardian, PCPA, or attorney, hereafter referred to as the sending agent, shall receive written approval, as documented on the JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" (rev. 6/2009 7/2016) from the Ohio "Interstate Compact on the Placement of Children" (ICPC) office and the receiving state ICPC office. If the sending agent is a parent or legal guardian, the parent or legal guardian shall be represented by an adoption agency or private attorney.

Visits, as defined by the association of administrators of the interstate compact on the placement of children (AAICPC) "Regulation 9" located at http://www.aphsa.org/content/AAICPC/en/ICPCRegulations.html https://aphsa.org/AAICPC/AAICPC/Resources.aspx are exempt from ICPC. Situations in which the intent is to place the child either on a temporary or permanent basis and for which a homestudy or supervision is or will be requested do not meet the requirements of a visit and are therefore not exempt from ICPC. The following are additional criteria for a visit:

1. The purpose of the visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in a camp or with a friend or relative who has not assumed legal responsibility for the daily care of the child.

2. A visit shall have a defined ending date and shall not be extended or renewed in a manner which causes the visit to exceed thirty days or the school vacation period.

To initiate an interstate placement of an Ohio child for the purpose of adoption, the sending agent shall send three hard copy packets or one electronic copy of the following documents to the Ohio ICPC office:

1. The completed JFS 01661 (ICPC 100A). Section 1 of the form shall identify the person or agency having financial and planning responsibilities for the child. Section 3 of the form shall indicate that monthly supervisory reports are requested.

2. A cover letter requesting interstate approval signed by the sending agent that includes the following:

   a. Name of the child(ren) to be placed.

   b. Name of the birthparents.

   c. Name(s), address, email address and contact phone number(s) of the prospective adoptive parents.

   d. Name, contact person, address, email address, and contact phone number(s) of the supervising agency or person in the receiving state.

   e. A statement as to how the match was made, including the reason for placement into another state.

   f. If the sending agent is an attorney, their Ohio supreme court number shall be included in the cover letter.

3. A legal risk acknowledgment signed by the prospective adoptive parent(s), if applicable, in the receiving state.

4. Documentation giving the prospective adoptive parents authority to provide medical care, if applicable.
Copy of the approved adoptive homestudy on the prospective adoptive family, in accordance with the laws of the receiving state. If a homestudy is completed by a licensed private agency in the receiving state, the sending state shall not impose any additional requirements to complete the homestudy that are not required by the receiving state unless the adoption is finalized in the sending state. In addition to the homestudy, documentation is to include:

(a) Verification of compliance with federal and state background clearances, including state and federal bureau of investigation (FBI) fingerprint clearances and child abuse and neglect clearances.

(b) Sex offender registry clearance, available at www.nsopw.gov.

(c) A copy of any court order approving the adoptive home, if required in the receiving state.

(d) A statement by the person or entity who completed the homestudy verifying that the home is approved. This statement may be located within the homestudy.

(e) If the homestudy is more than twelve months old, an update to the homestudy must be provided.

A statement from the person or entity in the receiving state that will be providing post-placement supervision acknowledging the obligation to provide post-placement supervision. This statement may be located within the homestudy. Supervision shall be pursuant to the regulations of the interstate compact, located at http://icpc.aphsa.org/content/AAICPC/en/ICPCRegulations.html https://aphsa.org/AAICPC/AAICPC/Resources.aspx. A copy of the supervising agent's license or certification shall be submitted, if applicable to the laws of the receiving state.

A current case history that includes:

(a) A summary of all available social, medical, including immunization record, developmental, psychological, and educational information. If the child is an infant and has been discharged from the hospital, a copy of the discharge documentation is required.

(b) The JFS 01616 "Social and Medical History" (rev. 6/2009).

Documentation verifying the sending agent's legal authority to place the child. If placement is being requested with only one parent's consent, there shall be documentation addressing the other person's parental rights.

The JFS 01695 "Application for Search of Ohio's Putative Father Registry" (rev. 3/2015). If the sending agent has received preliminary or final results, copies of those results shall also be submitted.

The JFS 01674 "Statement of Assurance" (rev. 8/2006) completed and signed by the person or entity identified in Section I on the 100A as being financially responsible.

Documentation pursuant to rule 5101:2-53-03 Chapter 5101:2-53 of the Administrative Code ensuring that the requirements are met regarding the Indian Child Welfare Act of 1978 (Pub. L. 95-608).

The JFS 01693 "Ohio Law And Adoption Materials" (rev. 5/2009).

The child's social security number and birth certificate, if available.

Affidavit of expenses and fees, if applicable in the receiving state.

If the sending agent is a PCPA, a copy of their agency license.

If the placement request is for a foreign born child being placed across state lines subsequent to the child's arrival in the United States and prior to finalization of the adoption, the original documentation and a certified translation of all legal documents verifying the child's birth and the agency's or adoptive parent's authority to place the child shall be included.

Upon approval by the receiving state as evidenced by a signed 100A indicating that the placement may be made, the sending agent shall:
(1) Make arrangements for the child to travel to the receiving state or territory.

(2) Submit the JFS 01662 "Interstate Compact Report on the Child's Placement Status (ICPC 100B)" (rev. 6/2009 7/2016) to the Ohio ICPC office within five business days of the child's placement in the receiving state.

(3) Maintain financial responsibility for the care, medical care and education of the child throughout the duration of placement, unless the case contains a contractual agreement to the contrary or a statement by the prospective adoptive parent(s) that they will assume financial responsibility.

(4) Retain jurisdiction of the child until one of the following occurs:
   (a) The child is adopted.
   (b) The child returns to Ohio.

(E) The sending agent shall submit a JFS 1662 (ICPC 100B) to the Ohio ICPC office within thirty business days when any of the following occurs:
   (1) The child will not be placed.
   (2) The placement disrupts.
   (3) The child's adoption has been finalized. The sending agent shall also include a copy of the final judgment or decree of adoption.

(F) Upon notification from the appropriate authority in the receiving state from the agency supervising the placement, or from the Ohio ICPC office that a child's return to Ohio is necessary, the sending agent shall arrange for the child's return or alternative placement. The return shall be within five business days from the date of the notice of removal unless otherwise agreed upon between the sending and receiving state ICPC offices. All costs associated with the child's return or alternative placement shall be the responsibility of the sending agent.

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Five Year Review (FYR) Dates: 4/17/2019 and 08/01/2024

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Interstate Placement Requirements for Ohio Courts, Parents, or Legal Guardians when Placing a Child in a Residential Placement in Another State or Territory

**FCASMTL 419**

**Effective Date: August 1, 2019**

**Most Current Prior Effective Date: May 14, 2014**

(A) If an Ohio court is planning to place a child in a residential facility in another state or territory, the court shall send the following to the Ohio Interstate Compact on the Placement of Children (ICPC) office for each placement resource being requested:

1. Five hard copies or one electronic copy of the JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" (rev. 6/2009 7/2016.)

2. Three hard copy packets or one electronic copy containing the following information:
   - A cover letter clearly identifying the child being placed and the facility where the child is to be placed, office location and telephone number of the originating supervisor making the request.
   - A child summary that includes:
     - Custodial, court and social history.
     - Special needs of the child.
     - Reason for placement.
   - The child's social security number, birth certificate, and immunization record, if available.
   - A copy of the court order showing custody status and any subsequent court entries within the last year.
   - The child's current case plan, if applicable.
   - If the child is adjudicated delinquent, a court entry indicating a placement for the child is not available within the court's jurisdiction, the placement is in the best interests of the child and will not produce undue hardship for the child shall be provided.
   - Letter of acceptance from the residential facility.

(B) If a parent or legal guardian is planning to place a child in a children's residential center in another state or territory, the parent or legal guardian shall send three hard copy packets or one electronic copy of the following documents to the Ohio ICPC office:

1. The completed JFS 01661 (ICPC 100A). Section 1 of the form shall identify the parent or legal guardian as the person having financial and planning responsibilities for the child. Section 3 of the form shall indicate that monthly supervisory reports are requested.

2. A cover letter identifying the parent or guardian and the placement resource including name, address, and telephone number, the reason for the placement and the services requested.

3. If a person other than the parent is placing the child, documentation verifying the person’s legal authority to place the child (i.e., child’s birth verification or guardianship order). If placement is being requested by only one parent, documentation supporting the other parent’s consent shall also be provided.

4. A notarized JFS 01674 "Statement of Assurance" (rev. 8/2006) completed and signed by the person identified on the JFS 01661 as being financially responsible.

5. Letter of acceptance from the residential facility.
A parent, guardian, or court shall not place any child in another state or territory without the prior approval of the Ohio ICPC office and the receiving state ICPC office as evidenced by the signed JFS 1661 indicating placement may be made.

Upon approval by the receiving state or territory as evidenced by a signed JFS 01661 indicating that the placement may be made, the parent, legal guardian or Ohio court shall:

1. Make arrangements for the child to travel to the receiving state.
2. Submit the JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100B)" (rev. 6/2009 7/2016) to the Ohio ICPC office within ten business days of the child's placement or within ten business days of determining the placement will not be made. If the JFS 01662 is not submitted within the six month timeframe, the placement for approval will expire.
3. Maintain financial responsibility for the care, medical care and education and retain jurisdiction of the child throughout the duration of placement until one of the following occurs:
   a. The child reaches the age of majority.
   b. The child returns to Ohio.

The parent, legal guardian or court shall submit two hard copies or one electronic copy of the JFS 01662 to the Ohio ICPC office within ten business days of when any of the following occurs for a child the parent, legal guardian or court has placed:

1. The placement disrupts.
2. The child has been discharged from placement.

Upon notification from the appropriate authority in the receiving state, from the agency supervising the placement, or from Ohio ICPC office, that a child's return is necessary, the parent, legal guardian or Ohio court shall arrange for the child's return or for an alternative placement. All costs associated with the child's return or alternative placement shall be the responsibility of the Ohio sending entity.

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Rule Amplitudes: 2151.39, 5103.23
"Active efforts" means prompt and diligent efforts to: affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family. Where an agency is involved in the child custody proceeding, active efforts involve assisting the parent or parents or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan. To the maximum extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and should be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe. Active efforts shall be tailored to the facts and circumstances of the case and may include, for example:

1. Determine the child's tribe(s) for which he or she may qualify for membership.
2. Contact the child's tribe(s) when known.
3. Provide remedial services and rehabilitative programs designed to prevent the breakup of the family.
4. Coordinate with the child's tribe or any Indian organization to assist the Indian parent or Indian custodian with services needed to avoid the need for placement, or in the event placement becomes necessary, to serve as a placement for the child.
5. Make arrangements to ensure visitation with the extended family, or if there is not family in the area, with other tribal members to support the child's cultural connections.
6. Coordinate with the child's tribe and family to identify significant cultural and important familial events and arrange for the child's attendance.
7. Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal;
8. Identifying appropriate services and helping the parents to overcome barriers, including actively assisting the parents in obtaining such services;
9. Identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues;
10. Conducting or causing to be conducted a diligent search for the Indian child's extended family members, and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child's parents;
11. Offering and employing all available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the child's tribe;
12. Taking steps to keep siblings together whenever possible;
13. Supporting regular visits with parents or Indian custodians in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the child;
14. Identifying community resources including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parents or, when appropriate, the child's family, in utilizing and accessing those resources;
15. Monitoring progress and participation in services;
16. Considering alternative ways to address the needs of the Indian child's parents and, where appropriate, the family, if the optimum services do not exist or are not available; and
Providing post-reunification services and monitoring.

"Agency" means a nonprofit, for-profit, or governmental organization and its employees, agents, or officials that performs, or provides services to biological parents, foster parents, or adoptive parents to assist in the administrative and social work necessary for foster, preadoptive, or adoptive placements.

"Child custody proceedings" include foster care placements, termination of parental rights, preadoptive placements, and adoptive placements. A placement that meets the definition of foster care placement and results from an act that would not be deemed a crime if committed by an adult such as a status offense, is a child custody proceeding under the Indian Child Welfare Act (ICWA) as reauthorized by the "Child and Family Services Improvement Act" of 2006. A child custody placement pursuant to a divorce where someone other than one of the parents will obtain custody of the child is also a child custody proceeding under ICWA.

"Child custody proceeding" means and includes the following:

(1) Any action, other than an emergency proceeding, that may culminate in one of the following outcomes:
   (a) Foster care placement, which is any action removing an Indian child from his or her parent or Indian custodian for temporary placement in a foster home or institution or the home of a guardian or conservator where the parent or Indian custodian cannot have the child returned upon demand, but where parental rights have not been terminated;
   (b) Termination of parental rights, which is any action resulting in the termination of the parent-child relationship;
   (c) Preadoptive placement, which is the temporary placement of an Indian child in a foster home or institution after the termination of parental rights, but prior to or in lieu of adoptive placement; or
   (d) Adoptive placement, which is the permanent placement of an Indian child for adoption, including any action resulting in a final decree of adoption.

(2) A status offense proceeding that results in a child being placed into foster care or another out-of-home placement.

"Continued custody" means physical custody, legal custody or both, under any applicable tribal law, tribal custom or state law, that a parent or Indian custodian already has or had at any point in the past.

"Custody" means physical custody, legal custody or both, under any applicable tribal law, tribal custom or state law. A party may demonstrate the existence of custody by looking to tribal law or tribal custom or state law.

"Domicile" means:

(1) For a parent or Indian custodian, the place at which a person has been physically present and that the person regards as home; a person's true, fixed, principal, and permanent home, to which that person intends to return and remain indefinitely even though the person may be currently residing elsewhere.

(2) For an Indian child, the domicile of the Indian child's parents or Indian custodian or guardian. In the case of an Indian child whose parents are not married to each other, the domicile of the Indian child's custodial parent.

"Emergency proceeding" means and includes any court action that involves an emergency removal or emergency placement of an Indian child.

"Extended family member" is defined by the law or custom of the Indian child's tribe, or, in the absence of such law or custom, is a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or step-parent.
"Foster care placement" is any action where an Indian child is removed from his or her parents or Indian custodian for temporary placement in a home or institution, including guardianship and conservatorship, and where the parent or custodian cannot have the child returned upon demand but where parental rights have not been terminated.

"Indian" means any person who is a member of an Indian tribe, or who is an Alaskan native who is a member of a regional corporation as defined by the Alaska Native Claims Settlement Act, 43 U.S.C. Sec. 1606 (2008).

"Indian child" means any unmarried person under age eighteen and is either:

1. A member or citizen of an Indian tribe;
2. Eligible for tribal membership or citizenship in an Indian tribe and is the biological child of a member or citizen of an Indian tribe, or an Alaskan native who is a member of a regional corporation as defined by the Alaska Native Claims Settlement Act.

"Indian child's tribe" is the Indian tribe in which an Indian child is a member or eligible for membership, or in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.

"Indian custodian" means any Indian person who has legal custody of an Indian child under either applicable tribal law or custom or under state applicable state law, or to whom temporary physical care, custody, or control has been transferred by the parent of the child.

"Indian foster home" means a foster home where one or more of the licensed or approved foster parents is an "Indian" as defined in 25 U.S.C. 1903(3) (1978).

"Indian organization" means any group, association, partnership, corporation, or other legal entity owned or controlled by Indians or a tribe, or a majority of whose members are Indians.

"Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians federally recognized by the secretary of the interior as eligible for the services provided to Indians by the secretary because of their status as Indians, including any Alaska native village as defined in section 3(c) of the Alaska Native Claims Settlement Act, 43 U.S.C. Sec. 1602(c) (2000).

"Involuntary proceeding" means a child custody proceeding in which the parent does not consent of his or her free will to the foster care, preadoptive, or adoptive placement or termination of parental rights or in which the parent consents to the foster care, preadoptive, or adoptive placement under threat of removal of the child by a state court or agency.

"Parent or parents" means the any biological parent or parents of an Indian child, or an Indian person who has lawfully adopted an Indian child, either under state law or including adoptions under tribal law or custom. This includes the non-Indian biological parent but it does not include a putative unwed biological father whose where paternity has not been acknowledged or established.

"Qualified expert witness" means an expert on the child's tribe. In addition, the bureau of Indian affairs has promulgated "Guidelines for State Courts" which interpret the ICWA. The following characteristics are set forth at 44 Federal Register 67,593 (1979) as those most likely to qualify a witness as an expert under ICWA:

1. A member of the Indian child's tribe who is recognized by the tribal community as knowledgeable in tribal customs as they pertain to family organization and child rearing practices.
2. A lay expert witness having substantial experience in the delivery of child and family services to Indians, and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe.
A professional person having substantial education and experience in the area of his or her specialty.

"Qualified expert witness" means a person who is qualified to testify regarding whether the child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe. The agency may request the assistance of the Indian child's tribe or the bureau of Indian affairs (BIA) office serving the Indian child's tribe in locating persons qualified to serve as expert witnesses. The social worker regularly assigned to the Indian child shall not serve as a qualified expert witness in child custody proceedings concerning the child.

"Reservation" means Indian country as defined in section 1151 of Title 18, U.S.C. 1151 (1949) and any lands, not covered under that section, title to which is held by which are either held by the United States in trust for the benefit of any Indian tribe or individual, or held by any Indian tribe or individual or held by any Indian tribe or individual subject to a restriction by the U.S. against alienation.

"Secretary" means the secretary of the interior or the secretary's authorized representative acting under delegated authority.

"State court of competent jurisdiction" means an Ohio juvenile court.

"Secretary" means U.S. secretary of the interior.

"Status offenses" mean offenses that would not be considered criminal if committed by an adult; they are acts prohibited only because of a person's status as a minor.

"Tribal court" is means a court having jurisdiction over child custody proceedings. It may be an Indian court of offenses and which is either a court of Indian offenses, a court established and operated under tribal law the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.

"Tribal government" means the federally recognized governing body of an Indian tribe.

"Tribal intervention" means a tribe may act on its right to participate in a child custody proceeding. This intervention can be wide in its interpretation; the tribe may request to transfer the case to tribal court (a transfer of jurisdiction) or the tribe may choose to only monitor the case through court records. Transfer of jurisdiction can be requested by either the parent or the tribe. A tribe may intervene at any point in an Indian child custody proceeding.

"Upon demand" means that the parent or Indian custodian can regain custody simply upon verbal request, without any formalities or contingencies.

"Voluntary proceeding" means a child custody proceeding that is not an involuntary proceeding, such as a proceeding for foster care, preadoptive, or adoptive placement that either parent, both parents, or the Indian custodian has, of his or her or their free will, without a threat of removal by a state agency, consented to for the Indian child, or a proceeding for voluntary termination of parental rights.

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5101:2-53-02 General provisions of the Indian child welfare act (ICWA)

FCASMTL 393

Effective Date: February 1, 2018

(A) The public children services agency (PCSA) or the private child placing agency (PCPA) shall follow all of the Indian child welfare rules and guidelines as outlined by the Indian Child Welfare Act (ICWA)(1978) as reauthorized by the Child and Family Services Improvement Act of 2006. Failure to identify Indian children can nullify court proceedings that have not been conducted in accordance with ICWA.

(B) The requirements of ICWA apply when a child is:

(1) Determined to be an Indian child in accordance with rule 5101:2-53-03 of the Administrative Code; and

(2) The subject of:

(a) A child custody proceeding, including:

(i) An involuntary proceeding;

(ii) A voluntary proceeding that could prohibit the parent or Indian custodian from regaining custody of the child upon demand;

(iii) A proceeding involving status offenses if any part of the proceeding results in the need for out-of-home placement of the child, including a foster care, preadoptive, or adoptive placement, or termination of parental rights.

(b) An emergency proceeding.

(C) When determining whether the requirements of ICWA apply to a proceeding identified in paragraph (B) of this rule, the agency shall not consider factors such as the participation of the parents or the Indian child in tribal cultural, social, religious, or political activities, the relationship between the Indian child and his or her parents, whether the parent ever had custody of the child, or the Indian child's blood quantum.

(D) If the requirements of ICWA apply at the commencement of a proceeding, they do not cease to apply simply because the child reaches eighteen years of age during the pendency of the proceeding.

(E) ICWA requirements do not apply to:

(1) A tribal court proceeding;

(2) A proceeding regarding a criminal act that is not a status offense;

(3) An award of custody of the Indian child to one of the parents including, but not limited to, an award in a divorce proceeding; or

(4) A voluntary placement that either parent, or both parents, or the Indian custodian has, of his or her or their free will, without a threat of removal by a state agency, chosen for the Indian child and that does not operate to prohibit the child's parent or Indian custodian from regaining custody of the child upon demand.

(F) An agency has reason to know that a child is an Indian child if:

(1) Any individual or agency relevant to the case informs the agency that the child is an Indian child or has discovered information indicating that the child is an Indian child;

(2) The child gives the agency reason to know he or she is an Indian child;

(3) The agency is informed that the domicile or residence of the child, the child’s parent, or the child’s Indian custodian is on a reservation or in an Alaska native village;

(4) The agency is informed that the child is or has been a ward of a tribal court; or
(5) The agency is informed that either parent or the child possesses an identification card indicating membership in an Indian tribe.

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Statutory Authority: 5103.03, 5153.166

Rule Amplifies: 5103.03, 5153.16
(A) The public children services agency (PCSA) or the private child placing agency (PCPA) shall follow all of the Indian child welfare rules and guidelines as outlined by the Indian Child Welfare Act (ICWA) as reauthorized by the "Child and Family Services Improvement Act" of 2006. Failure to identify Indian children can nullify court proceedings that have not been conducted in accordance with ICWA.

(B)(A) For each referral the agency screens in, the agency public children services agency (PCSA) or private child placing agency (PCPA) shall make sufficient inquiry to determine whether the case participants, whether the participant knows or has reason to know pursuant to rule 5101:2-53-02 of the Administrative Code that the child or a family member of the child is a member or eligible for membership in an Indian tribe is an Indian child as defined in rule 5101:2-53-01 of the Administrative Code. The agency shall make this inquiry upon the initial face to face contact with the child or the child's parent, guardian or custodian.

(C) If the child's parents, guardian or custodian are unavailable or unable to provide information regarding the Indian heritage whether the child may be an Indian child, the agency shall consider the following and document in the case record:

(1) A consultation with relatives or collaterals providing information which suggests the parent may or may not be a member of an Indian tribe or the child may or may not be of Indian heritage, a member of or eligible for membership in an Indian tribe.

(2) An examination of any other information bearing on the determination of the child's Indian heritage status of membership or eligibility for membership in an Indian tribe, such as a review of all documentation in the file, including contact with previous caseworkers and communication from other sources, (e.g., Indian tribes and Indian organizations).

(C) If there is reason to know that the child is an Indian child, but the agency does not have sufficient evidence to determine that the child is or is not an Indian child, the agency shall:

(1) Use due diligence to identify and work with all of the tribes of which there is reason to know that the child may be a member or eligible for membership and to verify that the child is a member or a biological parent is a member and the child is eligible for membership; and

(2) Treat the child as an Indian child, unless and until it is determined that the child does not meet the definition of an Indian child.

(D) If the agency is initiating court action for removal or custody of the child and information is obtained that suggests a child may be of Indian heritage an Indian child but the tribe cannot be identified, the agency shall seek assistance in identifying and locating the tribe by sending the notice described in rule 5101:2-53-04 of the Administrative Code to the bureau of Indian affairs (BIA), pursuant to paragraph (E) of this rule, to determine if:

(1) The birth place of the child or parent is known to be a common residence of an Indian family.

(2) The surname of the child or parent is one identified to be common among members of Indian tribes.

(E) If the agency is initiating court action for removal or custody of the child and information is obtained that suggests a child is of Indian heritage, is a tribal member or is eligible for membership an Indian child and a tribe or possible tribes have been identified, the agency shall do all of the following:

(1) Contact the tribe or possible tribes within fourteen calendar days of the date the information was obtained; and
(2) Submit a request to the tribe each possible tribe by certified letter for written verification from the tribe regarding the child's tribal membership or eligibility for tribal membership. The agency's inquiry to the tribe shall be sent by registered or certified mail with "return receipt requested" to a membership committee, or an enrollment clerk, or individual who is accustomed to responding to questions about tribal membership. A list of federally recognized tribes which includes a contact person and address for each tribe is available on the BIA website at www.bia.gov. If the tribe does not respond to written inquiries, the caseworker shall contact the tribe by telephone and document contacts made in the case record. Seek assistance in contacting the Indian tribe from the BIA regional office in Minnesota or the BIA’s central office in Washington D.C. Sources of verification include, but are not limited to, the following:

(a) "U.S. Bureau of Indian Affairs, Minneapolis Area Midwest Regional Director, Bureau of Indian Affairs, One Federal Drive, Room 550, Fort Snelling, Minnesota 55111-4007."
(b) "Bureau of Indian Affairs, MS-4606-MIB, 1849 C Street, N.W., Washington, D.C. 20240."

(3) Bring to the juvenile court's attention, if applicable, any documentation submitted by the tribe and the agency's efforts to verify the child's Indian status, whether the child is or is not an Indian child.

(4) Include the following information with the petition filed in such proceeding:

(a) The name, age, tribal affiliation(s) and last known address of the Indian child.
(b) The name and address of the child's parent(s) and/or Indian custodian(s), if any, and tribe. The agency shall provide a detailed explanation of active efforts made to locate the parents, Indian custodian and/or the Indian child's tribe.
(c) A detailed account of the circumstances which led the agency to conclude that the child would suffer imminent physical damage or harm.
(d) A specific plan of action the agency is following, including services provided, to restore the child to his or her parent(s) or Indian custodian, or to transfer the child to the jurisdiction of the appropriate Indian tribe.

(F) If the juvenile court takes action to verify the child's Indian heritage whether the child is or is not an Indian child, the agency shall provide the court with assistance if so requested.

(G) The agency shall assist the family in filing required documents if the family wishes to submit an application for the child to become a member of his or her tribe.

(H) If the Indian child is a member or eligible for membership in only one tribe, that tribe shall be designated as the Indian child's tribe.

(I) If the child meets the definition of "Indian child" through more than one tribe, deference should be given to the tribe in which the Indian child is already a member, unless otherwise agreed to by the tribes.

(J) If a child meets the definition of "Indian child" through more than one tribe because the child is a member in more than one tribe or the child is not a member of but is eligible for membership in more than one tribe, the court must provide the opportunity in any involuntary child custody proceeding for the tribes to determine which should be designated as the Indian child's tribe.

(1) If the tribes are able to reach an agreement, the agreed-upon tribe shall be designated as the Indian child's tribe.

(2) If the tribes are unable to reach an agreement, the court will designate, for the purposes of the Indian Child Welfare Act (ICWA), the Indian tribe with which the Indian child has the more significant contacts as the Indian child's tribe, taking into consideration the following:

(a) Preference of the parents for membership of the child;
(b) Length of past domicile or residence on or near the reservation of each tribe;
(c) Tribal membership of the child's custodial parent or Indian custodian;
(d) Interest asserted by each tribe in the child custody proceeding;
(e) Whether there has been a previous adjudication with respect to the child by a court of one of the tribes; and

(f) Self-identification by the child, if the child is of sufficient age and capacity to meaningfully self-identify.

(3) A determination of the Indian child's tribe for the purposes of ICWA does not constitute a determination for any other purpose.

(K) A child who is determined by the tribe not to be a member nor eligible for membership is not subject to the requirements of the ICWA. Once tribal ineligibility has been determined, tribal status should shall be clearly documented in the case record, along with the date and source of documentation. In such cases, agency staff shall:

(1) Document in the case record steps taken to determine the child's Indian/tribal ancestry if the child is or is not an Indian child and the tribe's written statement declaring the child ineligible for membership.

(2) Incorporate in any court hearing the tribe's written statement declaring the child ineligible for membership.

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When a public children services agency (PCSA) or private child placing agency (PCPA) knows or has reason to know that an Indian child is the subject of an involuntary foster care placement or termination of parental rights proceeding, the agency shall send notice of each proceeding to:

(A) Each tribe where the child is or may be a member, or eligible for membership if a biological parent is a member;

(B) The child's parents; and

(C) The child's Indian custodian, if applicable.

If the identity or location of the child's parents, the child's Indian custodian, or the tribes in which the Indian child is a member or eligible for membership cannot be determined, but there is reason to know the child is an Indian child, the agency shall send the notice to the regional office of the bureau of Indian affairs (BIA) that is identified in paragraph (E) of this rule.

The agency shall send the notice by registered or certified mail with return receipt requested. The agency may also send the notice via personal service or electronically. Such alternative methods do not replace the requirement for notice to be sent by registered or certified mail with return receipt requested.

The notice shall be in clear understandable language and include the following:

(1) The child's name, birthdate, and birthplace;

(2) All known names (including maiden, married, and former names or aliases) of the parents, the parents' birthdates and birthplaces, and tribal enrollment numbers, if known;

(3) The names, birthdates, birthplaces, and tribal enrollment information of other direct lineal ancestors of the child, such as grandparents, if known;

(4) The name of each Indian tribe in which the child is a member, or may be eligible for membership if a biological parent is a member;

(5) A copy of the petition, complaint, or other document by which the child custody proceeding was initiated and, if a hearing has been scheduled, the date, time, and location of the hearing;

(6) Statements setting out the following:

(a) The name of the petitioner and the name and address of the petitioner's attorney;

(b) The right of any parent or Indian custodian of the child, if not already a party to the child custody proceeding, to intervene in the proceedings;

(c) The Indian tribe's right to intervene at any time in a state court proceeding for the foster care placement of or termination of parental rights to an Indian child;

(d) That, if the child's parent or Indian custodian is unable to afford counsel based on a determination of indigency by the court, the parent or Indian custodian has the right to court-appointed counsel;

(e) The right to be granted, upon request, up to twenty additional days to prepare for the child custody proceedings;

(f) The right of the parent or Indian custodian and the Indian child's tribe to petition the court for transfer of the foster care placement or termination of parental rights proceeding to tribal court as provided by 25 U.S.C. 1911 (1978);

(g) The mailing addresses and telephone numbers of the court and information related to all parties to the child custody proceeding and individuals notified in accordance with this rule.
(h) The potential legal consequences of the child custody proceedings on the future parental and custodial rights of the parent or Indian custodian; and

(i) That all parties notified must keep confidential the information contained in the notice and the notice should not be handled by anyone not needing the information to exercise rights under ICWA.

(E) The agency shall send a copy of the notice described in paragraph (D) of this rule to the regional office of the BIA at the following address: "Minneapolis Regional Director, Bureau of Indian Affairs, 331 Second Avenue South, Minneapolis, Minnesota 55401-2241." The copy of the notice shall be sent by registered or certified mail with return receipt requested, or by personal delivery.

(F) If the agency does not have accurate contact information for a tribe, or the tribe contacted fails to respond to written inquiries, the agency should seek assistance in contacting the Indian tribe from the regional office of the BIA that is identified in paragraph (E) of this rule or the BIA's central office in Washington DC.

(G) If there is a reason to know that a parent or Indian custodian possesses limited English proficiency and is not likely to understand the contents of the notice, the agency shall provide language access services as required by Title VI of the Civil Rights Act (1964). The agency may contact or direct a party to contact the Indian child's tribe or the regional BIA office for assistance in locating and obtaining the name of a qualified translator or interpreter.

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Date: 12/18/2017
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Statutory Authority: 5103.03, 5153.166
Rule Amplifies: 5103.03, 5153.16
A public children services agency (PCSA) or private child placing agency (PCPA) may accept a voluntary placement agreement for temporary custody of an Indian child from a parent, guardian or Indian custodian for the purpose of placing the child in substitute care only if the agreement is executed upon an JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006) and is recorded before a juvenile court, or a tribal court, if jurisdiction has been transferred there.

1. Be executed upon a completed JFS 01645 "Agreement for Temporary Custody of Child" (rev. 4/2006);
2. Be recorded before a juvenile court, or a tribal court, if jurisdiction has been transferred there; and
3. Include the tribal enrollment number for the parent and for the Indian child, when known, or some other indication of the child’s membership in the tribe; the name and address of the person or entity who arranged the placement; the name and address of the prospective foster parents, if known at the time; and any conditions to the agreement.

Where confidentiality is requested or indicated, execution of the agreement shall be made before a court of competent jurisdiction, but is not required to be made in a session of court open to the public.

The agency shall submit a notification of the voluntary placement agreement to the tribe’s designated agent or tribal court pursuant to rule 5101:2-53-03 of the Administrative Code. The tribe retains the right to participate as an interested party or to intervene at any point, even if the tribe has declined to be involved.

An agency shall abide by the agreement for temporary custody requirements set forth in rules 5101:2-42-06, 5101:2-42-07 and 5101:2-42-08 of the Administrative Code, and shall document in the child’s case record that:

1. The agreement for temporary custody was not executed until at least ten days after the birth of the Indian child. Any consent given or agreement entered into prior to, or within ten days after, birth of the Indian child shall not be valid.

2. The terms and consequences of the agreement for temporary custody were fully explained in detail prior to the agency accepting the agreement. If the agency has reason to believe that the parent or Indian custodian will not understand the agreement for temporary custody because of possible limited English proficiency, a copy of the agreement shall be sent to the bureau of Indian affairs (BIA) area office nearest to the residence of that person, and a request made of BIA to arrange for translation in the language that the parent or Indian custodian best understands for assistance in locating and obtaining the name of a qualified translator or interpreter. The voluntary agreement for temporary custody shall not be executed until it has been translated into the language that the parent or Indian custodian best understands.

3. The parent or legal guardian Indian custodian is requesting the agency take custody and provide services because one of the following conditions exists:
   (a) The child cannot remain at home due to a temporary crisis in the family, and cannot safely stay with a member of the extended family or another responsible adult well known to the child.
   (b) The child needs to be placed outside the home due to problems in the family that could compromise the safety of a family member, and a placement of limited duration with assistance from the agency providing intensive services that are likely to reunite the family and reduce the safety concerns is needed.
The parent or legal guardian or Indian custodian is immediately and temporarily unable to fulfill his or her parental responsibilities and this inability will be alleviated with short-term placement.

Any parent or Indian custodian may withdraw consent to a foster care placement request the termination of the voluntary agreement under law for any reason at any time, orally or by written notification and, upon such withdrawal request, the child shall be returned to the parent or Indian custodian as soon as practicable.

If a parent or Indian custodian requests the termination of the voluntary agreement and the agency has reason to believe the child will be unsafe if returned home to the parent or Indian custodian, the agency shall submit a request to the juvenile court requesting temporary or permanent custody.

If anything in this rule conflicts with the requirements in Chapter 5101:2-42 of the Administrative Code, the agency shall follow the requirements outlined in this rule, or whichever rule favors the tribe.

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A public children services agency (PCSA) can take emergency protective custody of any Indian child pursuant to paragraph (C) of rule 5101:2-39-01 of the Administrative Code regardless of the jurisdictional status of his or her tribe as long as the child is in danger of imminent physical damage or harm.

When emergency removal of a child from his or her own home is necessary, the PCSA shall consider the child's racial or ethnic background to determine whether the child may be an Indian child. In such cases where the circumstances during the removal are not favorable to identify or inquire if a child is an Indian child, upon the agency's initial contact the case worker shall take the required steps to determine the Indian status of eligibility and membership. The agency shall act in accordance with the requirements set forth in paragraph (C)(B) of rule 5101:2-53-03 of the Administrative Code.

Any emergency removal or placement of an Indian child shall terminate immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the child.

A petition for a court order authorizing the emergency removal or continued emergency placement should contain a statement of the risk of imminent physical damage or harm to the Indian child and any evidence that the emergency removal or placement continues to be necessary to prevent such imminent physical damage or harm to the child. The petition or its accompanying documents should also contain the following information:

1. The name, age, and last known address of the Indian child;
2. The name and address of the child's parents and Indian custodians, if any;
3. The steps taken to provide notice to the child's parents, custodians, and tribe about the emergency proceeding;
4. If the child's parents and Indian custodians are unknown, a detailed explanation of what efforts have been made to locate and contact them, including contact with the regional office of the bureau of Indian affairs (BIA) at the following address: "Minneapolis Regional Director, Bureau of Indian Affairs, 331 Second Avenue South, Minneapolis, Minnesota 55401-2241";
5. The residence and the domicile of the Indian child;
6. If either the residence or the domicile of the Indian child is believed to be on a reservation or in an Alaska native village, the name of the tribe affiliated with that reservation or village;
7. The tribal affiliation of the child and of the parents or Indian custodians;
8. A specific and detailed account of the circumstances that led the agency responsible for the emergency removal of the child to take that action;
9. If the child is believed to reside or be domiciled on a reservation where the tribe exercises exclusive jurisdiction over child custody matters, a statement of efforts that have been made and are being made to contact the tribe and transfer the child to the tribe's jurisdiction; and
10. A statement of the efforts that have been taken to assist the parents or Indian custodians so the Indian child may safely be returned to their custody.

An emergency proceeding regarding an Indian child should not be continued for more than thirty days unless the court makes the following determinations:

1. Restoring the child to the parent or Indian custodian would subject the child to imminent physical damage or harm;
(2) The court has been unable to transfer the proceeding to the jurisdiction of the appropriate Indian tribe; and

(3) It has not been possible to initiate a child custody proceeding.

(C)(F) Prior to an involuntary custody court proceeding, the PCSA or private child placing agency (PCPA) shall provide the court with information which either proves or suggests a child is a member of an Indian tribe and is eligible to be within the jurisdiction of a tribal court pursuant to rule 5101:2-53-03 of the Administrative Code.

(D)(G) In any involuntary proceeding where the agency knows or has reason to know that the child subject to the proceeding is an Indian child, the agency shall notify the parents or Indian custodian and the Indian child’s tribe or tribal court, region director at the bureau of Indian affairs (BIA), and the U.S. secretary of the interior of all juvenile court proceedings involving foster care placement, termination of parental rights, pre-adoptive or adoptive placement. The agency shall send the notice by registered mail with "return receipt requested" and the notice shall include: adhere to the notice requirements outlined in rule 5101:2-53-04 of the Administrative Code. The agency shall file with the court a copy of the notice and any return receipts or other proof of service.

(1) The name of the Indian child.

(2) The Indian child’s tribal affiliation.

(3) A copy of the petition, complaint, or other document by which the proceeding was initiated.

(4) The name of the petitioner and the name and address of the petitioner's attorney.

(5) A statement of the right of the parent or Indian custodian and the child’s tribe to intervene in the proceeding.

(6) A statement of the right of the parent or Indian custodian and the Indian child's tribe that no temporary or permanent court commitment proceeding shall be held until at least ten days after the parent or Indian custodian and the Indian child's tribe have received notice of the agency’s intention to commence such an involuntary court action. This statement shall also include the provision that, upon request, the parent or Indian custodian or the Indian child’s tribe shall be granted up to twenty additional days to prepare for the proceedings.

(7) The location, mailing address, and telephone number of the juvenile court.

(8) A statement of the right of the parent or Indian custodian or the Indian child’s tribe to petition the juvenile court to transfer the proceeding to the Indian child’s tribal court.

(9) A statement of the potential legal consequences of an adjudication on future custodial rights of the parents or Indian custodians.

(10) A statement regarding the confidential nature of child custody proceedings.

(H) No foster care placement or termination of parental rights proceeding may be held until at least ten days after receipt of the notice by the parent or Indian custodian and by the tribe or the director of the BIA regional office in Minneapolis. The parent, Indian custodian, and tribe each have a right, upon request, to be granted up to twenty additional days from the date upon which notice was received to prepare for participation in the proceeding.

(I) Except as provided in paragraph (A) of this rule, no foster-care or termination of parental rights proceeding may be held until the waiting periods to which the parents or Indian custodians and to which the Indian child’s tribe are entitled have expired in accordance with the following:

(1) Ten days after each parent or Indian custodian, or the director of the BIA regional office in Minneapolis where the parent or Indian custodian is unknown, has received notice of that particular child custody proceeding in accordance with rule 5101:2-53-04 of the Administrative Code.
Ten days after the Indian child's tribe, or the director of the BIA regional office in Minneapolis if the Indian child's tribe is unknown, has received notice of that particular child custody proceeding in accordance with rule 5101:2-53-04 of the Administrative Code.

Up to thirty days after the parent or Indian custodian has received notice of that particular child custody proceeding in accordance with rule 5101:2-53-04 of the Administrative Code, if the parent or Indian custodian has requested up to twenty additional days to prepare for the proceeding.

Up to thirty days after the Indian child's tribe has received notice of that particular child custody proceeding in accordance with rule 5101:2-53-04 of the Administrative Code, if the Indian child's tribe has requested up to twenty additional days to prepare for the proceeding.

Additional time beyond the minimum required by this rule may also be available pursuant to extensions granted by the court.

If there is reason to believe that the parent or Indian custodian will not understand the notice because of possible limited English proficiency, a copy of the notice shall be sent by the agency to the BIA area office nearest to the residence of that person, and a request made of BIA to arrange for translation in the language that the parent or Indian custodian best understands. The PCSA or PCPA shall document the request for translation in the file.

The agency shall notify the tribe's designated agent or tribal court affecting their tribal member even if the tribe has declined to be involved. The tribe retains the right to participate as an interested party or to intervene at any point in the proceeding.

If the identity or location of the parent or Indian custodian and the tribe cannot be identified, the agency shall send the same type of notification identified in paragraph (D) of this rule in the same manner to the region director at BIA and U.S. secretary of the interior, who shall have fifteen days after receipt to notify the parents or Indian custodian and the tribe.

If the agency recommends foster placement, an affidavit documenting active efforts shall be submitted to the court containing all of the following information:

1. A description of active efforts to coordinate with the child's tribe or any Indian organization in assisting the Indian parent or Indian custodian with services needed to prevent the need for placement, and an explanation of why these services were unsuccessful in maintaining the child in the home.

2. An explanation of why the child cannot be protected from serious emotional or physical harm if the child remains in the home even if services are provided to the child and family.

3. An explanation of the diligent efforts made to contact the child's extended family about providing a placement for the child or, if any members are not known, diligent efforts made to contact the child’s tribe and other local Indian organizations for assistance in identifying and contacting extended family, other tribal members, or Indian families for placement.

4. Clear and convincing evidence, including testimony of one or more qualified expert witnesses, demonstrating that the child's continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The evidence must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the particular child who is the subject of the child custody proceeding. Without such a causal relationship, evidence that shows only the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or nonconforming social behavior does not by itself constitute clear and convincing evidence.

The agency shall submit a report that contains the following information at the review hearing:

1. A description of active efforts to reunify the family since the last disposition or review hearing and if those efforts were not successful, an explanation regarding why.
That efforts were made by the agency to arrange for the child's visitation with extended family, or with other tribal members, to ensure the child's ongoing participation in his or her culture.

A statement of family changes needed to correct the problems necessitating intervention, with timetables for accomplishing them.

A description of services to be provided to assist the family, specifically identifying those made available with assistance from the tribe or an Indian organization.

A description of services to be provided to ensure the child's ongoing connection to his or her culture while placed outside of his/her family, including attendance at significant cultural events.

A description of actions to be taken by the parents or Indian custodian to correct the identified problems, and of the parents' compliance with the case plan thus far.

A statement that active efforts have been made to provide services to rehabilitate or prevent the breakup of the Indian family and that these efforts were not successful.

If the agency petitions the court for termination of parental rights, the agency shall include the following information in the petition:

Evidence beyond a reasonable doubt, including testimony of one or more qualified expert witnesses, demonstrating that the child's continued custody by the child's parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The evidence must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the child will result in serious emotional or physical damage to the particular child who is the subject of the child custody proceeding. Without such a causal relationship, evidence that shows only the existence of community or family poverty, isolation, single parenthood, custodian age, crowded or inadequate housing, substance abuse, or nonconforming social behavior does not by itself constitute clear and convincing evidence.

The description of circumstances supporting the grounds for termination.

A description of the active efforts made to provide remedial services and rehabilitative programs as coordinated efforts to prevent the breakup of the family and why these efforts were unsuccessful.

A description of the active efforts made to assist the Indian parent or custodian with services needed to avoid termination of parental rights and an explanation of why these efforts were unsuccessful.

An explanation of why the child cannot be protected from the identified problems in the home.

A summary of the tribe's position regarding the permanency plan, including any attachments or supporting documents sent by the tribe to the agency.

An explanation of the efforts completed pursuant to rule 5101:2-53-08 of the Administrative Code.

A description of arrangements made by the agency to ensure visitation and all efforts made to maintain the child's cultural connections.

A permanency plan for the child.

Each party to an emergency proceeding or a foster care placement or termination of parental rights proceeding under state law involving an Indian child has a right to timely examine all reports and other documents filed or lodged with the court upon which any decision with respect to such action may be based.

Upon the agency's determination that there are compelling reasons not to pursue termination of parental rights or reunification for children ages sixteen or older, the agency shall petition the court for a planned permanent living arrangement disposition in accordance with rule 5101:2-42-68 of the Administrative Code. The planned permanent living arrangement petition shall include the following:
(1) Documented facts and circumstances refuting the grounds for termination of parental rights. The agency has to show that although the child cannot be returned home, termination of parental rights is not in the child's best interest.

(2) A description of why the planned permanent living arrangement is in the child's best interest.

(3) A description of the active efforts made to provide remedial services and rehabilitative programs as coordinated efforts to prevent the breakup of the family and why these efforts were unsuccessful.

(4) An explanation of the active efforts made to contact the child's tribe, extended family, and other local Indian organizations for assistance in identifying a culturally appropriate placement for the child.

(5) An explanation of why the child cannot be moved to a placement that meets the preferences established in accordance with rule 5101:2-53-08 of the Administrative Code if the child is not placed with the tribal placement preference.

(6) A description of arrangements made by the agency to ensure visitation with extended family, or, if there is no extended family, with other tribal members, to support the child's cultural connections.

(7) A summary of the tribe's position regarding the permanency plan, including any attachments or supporting documents sent by the tribe to the agency.

(8) A plan to ensure the stability of the planned permanent living arrangement.

(9) Documentation that the requirements in paragraph (D)(3) of rule 5101:2-42-68 of the Administrative Code have been met.

(P) If, in the course of any child custody proceeding, any party asserts or the court has reason to believe that the Indian child may have been improperly removed from the custody of his or her parent or Indian custodian, the court will expeditiously determine whether there was improper removal. If the court finds that the Indian child was improperly removed, the court will terminate the proceeding and the child shall be returned immediately to his or her parent or Indian custodian, unless returning the child to his or her parent or Indian custodian would subject the child to substantial and immediate danger or threat of such danger.

(Q) Any of the following may petition the court to invalidate an action for foster care placement or termination of parental rights under state law where it is alleged that 25 U.S.C. 1911 (1978), 25 U.S.C. 1912 (1978), or 25 U.S.C. 1913 (1978) has been violated:

(1) An Indian child who is or was the subject of any action for foster care placement or termination of parental rights;

(2) A parent or Indian custodian from whose custody such child was removed; and

(3) The Indian child's tribe.

(R) Upon a showing that an action for foster-care placement or termination of parental rights violated any provision of 25 U.S.C. 1911, 25 U.S.C. 1912, or 25 U.S.C. 1913, the court will determine whether it is appropriate to invalidate the action.

(S) To petition for invalidation of an action for foster-care placement or termination of parental rights, there is no requirement that the petitioner's rights under the Indian Child Welfare Act (ICWA) (1978) were violated; rather, a petitioner may challenge the action based on any violations of 25 U.S.C. 1911, 25 U.S.C. 1912, or 25 U.S.C. 1913 during the course of the child custody proceeding.

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5101:2-53-07  Permanent surrender or parental consent to adoptive placement of Indian children.

FCASMTL 393

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Most Current Prior Effective Date: April 20, 2008 (No Change)

(A) A public children services agency (PCSA) or private child placing agency (PCPA) may accept a permanent surrender of an Indian child by a parent or Indian custodian, only if the surrender is executed on a JFS 01666 "Permanent Surrender of Child" (rev. 6/2006)(rev. 10/2013) and is recorded before a juvenile court, or a tribal court if jurisdiction has been transferred there.

(B) The agency shall act in accordance with the permanent surrender requirements set forth in rules 5101:2-42-09 and 5101:2-42-95 of the Administrative Code with the exception that a permanent surrender for an Indian child cannot be executed until at least ten days after his or her birth.

(C) The agency shall provide notification of all juvenile court proceedings affecting their tribal member to the tribe’s designated agent or tribal court by the agency of every proceeding affecting their tribal member, even if the tribe has declined to be involved. The tribe still retains the right to participate as an interested party or to intervene at any point in the proceedings.

(D) The agency shall recognize and adhere to the following rights of parents of Indian children relative to the withdrawal of permanent surrender or parental consent to adoptive placements:

1. A permanent surrender action or consent to adoption may be withdrawn at any time for any reason prior to the issuance of a final decree of adoption. Upon such withdrawal, the Indian child is to be returned to his or her parent or Indian guardian.

2. A parent or Indian custodian may withdraw a permanent surrender or consent to adoption for any reason, at any time prior to the entry of the final decree of adoption. To withdraw the permanent surrender or consent, the parent or Indian custodian must file a written document with the court or otherwise testify before the court. Upon such withdrawal, the Indian child shall be returned to his or her parent or Indian custodian as soon as practicable.

3. Within two years after the entry of a final decree of adoption, the parent or Indian custodian may withdraw consent to adoption if the parent or Indian custodian can prove parental consent was obtained through fraud or duress. Upon court order to vacate the final decree of adoption, the Indian child is to be returned to the parent or Indian custodian.

(E) If the agency has reason to believe that the parent or Indian custodian will not understand the permanent surrender because of possible limited English proficiency, a copy of the JFS 01666 form shall be sent to the bureau of Indian affairs (BIA) area office nearest to the residence of that person, and a request is made of BIA to arrange for translation in the language that the parent or Indian custodian best understands.

(F) Upon application by an Indian who has reached age eighteen who was the subject of an adoptive placement, the agency that facilitated the adoption shall inform the individual of the tribal affiliations, if any, of the individuals' biological parents and provide such other information necessary to protect any rights, which may include tribal membership, resulting from the individual's tribal relationship.

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When the public children services agency (PCSA) or private child placing agency (PCPA) has temporary custody of an Indian child, it shall select a least restrictive substitute care setting that is consistent with the best interest and special needs of the child and that meets the following criteria:

1. Most approximates a family, taking into consideration sibling attachment;
2. Is considered the least restrictive, most family-like setting available to meet the child's emotional and physical needs. Allows the Indian child's special needs to be met; and
3. Is in close reasonable proximity to the home from which the child was removed or the home in which the child will be permanently placed. Indian child's home, extended family, or siblings.
4. Is in close proximity to the school in which the child was enrolled prior to placement.
5. Is designed to enhance the likelihood of achieving permanency plan goals.
6. Is able to provide a safe environment for the child.

In any substitute or pre-adoptive placement consideration of an Indian child where the Indian child's tribe has not established a different order of preference pursuant to paragraph (D) of this rule, the agency shall consider placement give preference to in the following in order from least restrictive to most restrictive placement of the child with:

1. A member of the Indian child's extended family.
2. A foster home that is licensed, approved, or specified by the Indian child's tribe.
3. An Indian foster home certified by the Ohio department of job and family services (ODJFS) or another state agency with such authority; or
4. An institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs.

The agency shall attempt to place siblings in the same home unless it is not in the child's or siblings' best interest.

When the Indian child's tribe establishes a different order of preference by resolution for a non-adoptive substitute care placement or an adoptive placement, the agency or court effecting the placement shall abide by the tribe's order so long as the placement is the least restrictive setting appropriate to the particular needs of the child.

In any adoptive placement of an Indian child, where the Indian child's tribe has not established a different order of preference pursuant to paragraph (F) of this rule, a placement preference shall be given in the following order, to the following, to placement of the child with:

1. A member of the child's extended family.
2. Other members of the Indian child's tribe.
3. Other Indian families; or
4. Other non-Indian prospective adoptive families.

When the Indian child's tribe establishes a different order of preference by resolution for an adoptive placement, the agency shall abide by the tribe's order.

In any substitute, pre-adoptive, or adoptive placement, where appropriate, the agency shall also consider the preference of the Indian child or the Indian child's parent.

If the agency believes that there is good cause not to abide by the order of placement preference, then its findings shall be based on one or more of the following considerations:
(1) The request of the one or both of the biological Indian child's parents or, when age-appropriate, by the Indian child, upon their review of the placement options;

(2) The request of the child, if the child is of sufficient age and capacity to understand the decision that is being made;

(3) The presence of a sibling attachment that can be maintained only through a particular placement;

(2)(4) The extraordinary physical, mental, or emotional needs of the Indian child, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live, as determined by a qualified expert witness;

(3)(5) The unavailability of preferred families, a suitable placement after a determination by the court that a diligent search for such families has been conducted.

(G)(I) The burden of establishing the existence of good cause not to follow the order of placement preference is the responsibility of the agency, if the agency's decision is that the placement preference not be followed.

(J) A placement of an Indian child shall not depart from the preferences based on:

(1) The socioeconomic status of any placement relative to another placement; or

(2) Ordinary bonding or attachment that flowed from time spent in a non-preferred placement that was made in violation of the Indian Child Welfare Act (ICWA) (1978).

(H) Whenever an Indian child is placed by or leaves the custody of an agency, the agency shall complete a JFS 01646 "Report of Indian Child Placement" (rev. 11/2007). The JFS 01646 shall be submitted to ODJFS or documented in the statewide automated child welfare information system (SACWIS) within fourteen calendar days of the child's placement or termination from custody.

(I)(K) The Indian child's case record shall contain the complete record of placement determination. The agency shall maintain a record of every voluntary or involuntary foster care, preadoptive, and adoptive placement of an Indian child and make the record available within fourteen days of a request by an Indian child's tribe or the secretary. The record shall contain, at a minimum, the petition or complaint, all substantive orders entered in the child custody proceeding, the complete record of the placement determination, and if the placement departs from the placement preferences, detailed documentation of the efforts to comply with the placement preferences.

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Either parent, the Indian custodian, or the Indian child's tribe may request, at any time, orally on the record or in writing, that the court transfer a foster care or termination of parental rights proceeding to the jurisdiction of the child's tribe. The right to request a transfer is available at any stage in each foster care or termination of parental rights proceeding.

Upon receipt of a transfer petition, the court must promptly notify the tribal court in writing of the transfer petition and may request a timely response regarding whether the tribal court wishes to decline the transfer. The court must transfer the child custody proceeding unless it determines that transfer is not appropriate because one or more of the following criteria are met:

1. Either parent objects to the transfer;
2. The tribal court declines the transfer; or
3. Good cause exists for denying the transfer.

If the public children services agency (PCSA) or private child placing agency (PCPA) asserts that good cause exists for the court to deny transfer, the agency shall state the reasons orally on the record or provide them in writing on the record and to the parties to the child custody proceeding. In determining whether good cause to deny transfer exists, the court must not consider:

1. Whether the foster care or termination of parental rights proceeding is at an advanced stage if the Indian child's parent, Indian custodian, or tribe did not receive notice of the child custody proceeding until an advanced stage;
2. Whether there have been prior proceedings involving the child for which no petition to transfer was filed;
3. Whether transfer could affect the placement of the child;
4. The Indian child's cultural connections with the tribe or its reservation; or
5. Socioeconomic conditions or any negative perception of tribal or bureau of Indian affairs (BIA) social services or judicial systems.

If the tribal court accepts the transfer, the state court will expeditiously provide the tribal court with all records related to the proceeding. The agency shall work with the state court and the tribal court to ensure that the transfer of the custody of the Indian child and of the proceeding is accomplished smoothly and in a way that minimizes the disruption of services to the family.

An Indian tribe may request transfer of jurisdiction from a county court to a tribal court at any point throughout the life of the case. In order to ensure a Title IV-E eligible child remains eligible when transferring jurisdiction to a tribal court, the tribe must be a tribal Title IV-E agency or enter into a Title IV-E agreement with the public children services agency (PCSA). The tribe may request:

1. Transfer of jurisdiction to a tribal court. If the jurisdiction is transferred to the tribal court, the tribe assumes transfer of placement and care responsibility.
2. Transfer of placement and care responsibility to a tribe. The tribe may assume placement and care responsibility of an Indian child, while the jurisdiction remains with the county court.

Upon a tribe's request for the transfer of jurisdiction or the transfer of placement and care responsibility to the tribe, the PCSA shall consult, collaborate, and coordinate with the tribe to establish a Title IV-E agreement and procedures to ensure the transfer of jurisdiction is in compliance with federal regulations as outlined in 45 C.F.R. 1356.67 (2012).

The PCSA that has placement and care responsibilities for the child shall:
(1) Determine foster care maintenance eligibility at the time of transfer, if an eligibility determination is not already completed.

(2) Provide a copy of the Title IV-E determination and supporting documentation to the tribe to support the Title IV-E determination. This documentation includes:

   (a) All judicial determinations to the effect that continuation in the home from which the child was removed would be contrary to the welfare of the child in accordance with rule 5101:2-47-13 of the Administrative Code;

   (b) Reasonable efforts that have been made to prevent the removal in accordance with rule 5101:2-47-22 of the Administrative Code;

   (c) Documentation of how the child met the relatedness to the aid to dependent children (ADC) program authorized under Title IV-A of the Social Security Act as of July 16, 1996 in accordance with rule 5101:2-47-14 of the Administrative Code.

(D)(H) In order to facilitate consistency in the structure of the file transfer and for purposes of the continuity of eligibility and services to the child, the PCSA shall ensure the records are organized and include the following:

   (1) A file stamped copy of all judicial orders and court reports for the foster care episode, especially those orders that include judicial determinations supporting continued Title IV-E eligibility.

   (2) A copy of the child's placement history for the foster care episode, which shall include:

      (a) A copy of the initial complaint;

      (b) A copy of the caregiver's license or approval for the child's most recent placement, including background check documentation verifying clearances for all adults in the caregiver's household; and

      (c) If a child is currently placed out-of-state by the PCSA pursuant to the Interstate Compact on the Placement of Children (ICPC), the approved JFS 01661 "Interstate Compact Placement Request (ICPC 100A)" (rev. 6/2009)(rev. 7/2016) and JFS 01662 "Interstate Compact Report on Child's Placement Status (ICPC 100B)" (rev. 6/2009)(rev. 7/2016), or equivalent forms, including copies of reports by the supervising agency.

   (3) Journalized copies of all case plans including case plan goals for the foster care episode and documentation of services provided to the child and family.

   (4) A current copy of the child's health and education forms.

   (5) Other federal benefit documentation including information about the child's eligibility for medicaid, child support, social security, supplemental security income (SSI), or other benefits, which are known to the PCSA and/or are in pending status.

(E)(I) When a child is placed under the ICPC, upon receipt of the petition to transfer, the PCSA shall notify the receiving state that the jurisdiction over the child may be transferred to a Title IV-E tribe or tribal agency. PCSAs are encouraged to initiate and foster communication between the tribe or tribal agency and the receiving state in order to avoid disruption of the placement and/or federal eligibility for foster care maintenance payments to the child's caregivers.

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Certification: CERTIFIED ELECTRONICALLY

Date: 12/18/2017

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5101.141, 5153.166

Rule Amplifies: 5101.141, 5103.03, 5153.16
Prior Effective Dates: 11/01/2016
Foster Care Licensing
An applicant seeking to operate a private child placing agency (PCPA) or a private noncustodial agency (PNA) with the purpose of performing any of the functions specified in rule 5101:2-5-03 of the Administrative Code shall electronically submit a complete and correct JFS 01290 "Application for Certification of Agency Functions" (rev. 9/20069/2014) with the Ohio department of job and family services (ODJFS) not less than one hundred-twenty days prior to the intended date of commencing operation.

A local public entity (LPE) that is not a public children services agency (PCSA) that operates one or more of the functions specified in rule 5101:2-5-03 of the Administrative Code shall be considered by ODJFS as though the local public entity is a PNA. Unless a specific exception is made, references throughout Chapters 5101:2-5, 5101:2-7 and 5101:2-9 of the Administrative Code to a PNA or to an agency shall apply to a LPE that is not a PCSA. "Local public entity" (LPE) as used in this Chapter of the Administrative Code means a county, including county courts, a municipal corporation, a combination of counties, a combination of municipal corporations, or a combination of one or more counties and one or more municipal corporations and that is not a PCSA.

An applicant shall submit all materials and documentation required by the JFS 01290.

Any PCSA which intends to operate a residential facility shall electronically file a complete and correct JFS 01290 with ODJFS to be certified to operate the facility not less than one hundred-twenty days prior to the intended date of commencing operation.

Applicable rules for agencies.

(1) Any PCSA, PCPA or PNA certified to perform functions listed in rule 5101:2-5-03 of the Administrative Code shall comply with all provisions of the Administrative Code applicable to the agency's performance of functions listed on its certificate. For agency noncompliance with applicable administrative rules, ODJFS may require the agency to submit and comply with a corrective action plan or may deny initial certification, or in the case of a certified agency, deny renewal of a certificate or revoke the PCSA's, PCPA's or PNA's certificate pursuant to Chapter 119. of the Revised Code.

(2) Any PCSA performing any function listed in rule 5101:2-5-03 of the Administrative Code not requiring certification by ODJFS shall comply with all applicable provisions of the Administrative Code. For PCSA noncompliance with applicable administrative rules when performing any function not requiring certification, ODJFS may take any action permitted under division (C) of section 5101.24 of the Revised Code.

The application shall be submitted to the appropriate ODJFS field office. The date of initial application shall be the date of receipt as noted by the ODJFS district office date stamp. The application shall not be considered to have been filed until it is submitted to the appropriate ODJFS field office in complete and correct form.

An application may be denied by ODJFS for failure to comply with any requirement of this rule or for any reason specified in rule 5101:2-5-07 of the Administrative Code.

An agency shall not operate until a certificate is issued by ODJFS.

When an application to amend the certificate is required.

(1) When an agency certified to operate a function listed in rule 5101:2-5-03 of the Administrative Code seeks to operate another function that is required to be certified by rule 5101:2-5-03 of the Administrative Code, not less than one hundred-twenty days prior to the anticipated operation of the new function, it shall electronically submit a complete and correct amended JFS 01290 to ODJFS.
ODJFS requesting certification of the additional function. All additional information required by ODJFS for certification of the new function shall be submitted with the JFS 01290.

(2) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or operate a residential facility, except in an emergency situation where residential facility becomes uninhabitable for any reason, it shall notify ODJFS not less than sixty days prior to the intended relocation or operation by submitting an amended JFS 01290 to ODJFS requesting certification of the residential facilities at the new location.

(3) If a residential facility has become uninhabitable, due to an emergency situation, the agency shall:
   (a) Immediately notify any agency with children in placement and ODJFS of the emergency.
   (b) Relocate the facility and any children in placement.
   (c) Submit an amended JFS 01290 to ODJFS immediately after relocating.

(4) When an agency certified to operate one or more functions listed in rule 5101:2-5-03 of the Administrative Code seeks to relocate or add an office it shall submit a JFS 01290 which lists the office to ODJFS not less than thirty days prior to the anticipated operation of the new office. In emergency situations the agency shall follow the procedures in their agency policy developed pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(5) An agency shall submit a JFS 01290 to ODJFS not less than ten days prior to any of the following changes:
   (a) When an agency ceases to operate a certified function.
   (b) When an agency ceases to operate a branch office.
   (c) When an agency ceases to operate a residential facility.

(6) Not less than sixty days An agency shall request and receive approval from ODJFS prior to implementing a change in a private, nonprofit therapeutic wilderness camp, children's residential center or a group home, an agency shall submit a JFS 01290 and any supporting documentation to ODJFS indicating the agency wishes to change any of the following:
   (a) Sex of the children served.
   (b) Age range of the children served.
   (c) Number of the children served.

(7) An agency shall submit a JFS 01290 to notify ODJFS within ten days after implementing a change to any of the following positions of its governing body:
   (a) The administrator.
   (b) The chairperson.
   (c) The president.

(8) If an agency wishes to change the agency name, the agency shall submit a JFS 01290 to notify ODJFS not later than thirty days prior to implementing a name change. The agency shall submit the following information along with the JFS 01290:
   (a) A copy of any amended articles of incorporation authorizing the name change.
   (b) A copy of the minutes of the governing body meeting authorizing the name change.

(J) An agency shall not operate any function requiring certification by ODJFS that has not been certified by ODJFS. An agency shall not operate an office or residential facility that is not correctly listed on the most recent JFS 01290 on file with ODJFS.

(K) The certificate issued by ODJFS to the agency shall be posted in a prominent place so that visitors to the agency may view it.
When a PCSA, PCPA or PNA is currently operating one or more functions requiring certification by ODJFS on a temporary certificate, the agency shall not request certification of another function by ODJFS or expansion of an existing certified function.

Effective: 07/01/2016

Five Year Review (FYR) Dates: 02/01/2016 and 07/01/2021

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Date: 04/08/2016

Promulgated Under: 119.03

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Specific functions of a public children services agency (PCSA) which require certification by the Ohio department of job and family services (ODJFS) are:

1. To operate children's residential center(s).
2. To operate group home(s).
3. To operate residential parenting facilities.
4. To operate children's crisis care facilities.

Functions performed by a PCSA that do not require certification by ODJFS shall comply with the Administrative Code rules applicable to the functions performed. ODJFS may take any appropriate action permitted under division (D) of section 5101.24 of the Revised Code for noncompliance with applicable rules.

Specific functions of a private child placing agency (PCPA) which require certification by ODJFS are:

1. To operate children's residential center(s).
2. To operate group home(s).
3. To operate or provide independent living arrangements.
4. To operate residential parenting facilities.
5. To operate children's crisis care facilities.
6. To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.
7. To act as a representative of ODJFS in recommending family foster homes for certification.
8. To act as a representative of ODJFS in recommending treatment foster homes for certification.
9. To act as a representative of ODJFS in recommending medically fragile foster homes for certification.
10. To accept temporary, permanent or legal custody of children.
11. To place children for foster care or adoption.

Specific functions of a private noncustodial agency (PNA) or a local public entity that is not a PCSA which require certification by ODJFS are:

1. To operate children's residential center(s).
2. To operate group home(s).
3. To operate or provide independent living arrangements.
4. To operate residential parenting facilities.
5. To operate children's crisis care facilities.
6. To operate private, nonprofit therapeutic wilderness camp(s).
7. To act as a representative of ODJFS in recommending pre-adoptive infant foster homes for certification.
8. To act as a representative of ODJFS in recommending family foster homes for certification.
9. To act as a representative of ODJFS in recommending treatment foster homes for certification.
(9)(10) To act as a representative of ODJFS in recommending medically fragile foster homes for certification.

(10)(11) To participate in the placement of children in foster homes or for adoption.

(E) Any certificate issued by ODJFS shall not be transferable from one agency, owner, operator, corporation, partnership, or association to another.

(F) A PCPA shall maintain compliance with any applicable rules of Chapters 5101:2-38, 5101:2-39, and 5101:2-42 and 5101:2-53 of the Administrative Code for any child it is serving under a court order for protective supervision or for any child in the temporary, permanent or legal custody of the PCPA.

(G) During a complaint investigation or review of an agency acting as representative of ODJFS in recommending foster homes for certification, ODJFS may inspect any foster home recommended for certification by the agency. The inspection may be announced or unannounced.

(H) An agency may voluntarily terminate certification of any or all of its authorized functions upon written notice to ODJFS.

Effective: 07/01/2016

Five Year Review (FYR) Dates: 02/01/2016 and 07/01/2021

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2016

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Rule Amplifies: 5101.24, 5103.02, 5103.03, 5153.16, 5153.27

Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96 (Emer.), 10/21/96, 7/1/00, 1/1/03, 12/11/06, 8/1/10
To apply for recertification an agency shall submit a JFS 01290 "Application for Certification of Agency Functions" (rev. 9/2006/7/2016). The agency shall, at the time of recertification and whenever the agency changes their certification information, submit the following documentation with the JFS 01290:

1. Any information required by rule 5101:2-5-02 of the Administrative Code.
2. An audit if one is required.
3. The first time a private child placing agency (PCPA) or private noncustodial agency (PNA) seeks recertification, it shall submit to the Ohio department of job and family services (ODJFS) with its application:
   a. A copy of an independent financial statement audit performed by a licensed public accounting firm following applicable American Institute of Certified Public Accountants (AICPA) auditing standards for the most recent fiscal year.
   b. The independent audit shall demonstrate the agency operated in a fiscally accountable manner as determined by ODJFS.
4. After the first recertification, when a PCPA or PNA seeks recertification, it shall submit to ODJFS with its application, as a condition of recertification:
   a. A copy of an independent financial statement audit performed by a licensed public accounting firm following applicable AICPA auditing standards for the two most recent previous fiscal years it is possible for an independent audit to have been conducted.
   b. The independent audit shall demonstrate the agency operated in a fiscally accountable manner as determined by ODJFS.
5. All audits required by this rule shall be conducted in accordance with AICPA auditing standards. As used in this rule, "AICPA auditing standards" has the same definition as in division (A) of section 5103.0323 of the Revised Code.

If fiscal accountability cannot be readily determined for a PCPA or PNA, the agency may be issued a temporary certificate and be placed on fiscal watch during that period. During a fiscal watch period, the agency may be expected to submit, but is not limited to, the following:

1. An explanation of any internal or external factors that may be affecting the provider's financial status and any action plan as to how provider intends to address such factors.
2. A corrective action plan to address any significant audit issues noted in the financial audit.
3. Any business plan which may specifically address actions taken, or to be taken, by the provider to improve financial condition which could help demonstrate that provider is or can be fiscally accountable.
4. Any subsequent financial audits performed beyond the submitted audit period.
5. Monthly financial statements.
6. Monthly bank statements or similar information.
7. Placement records and related financial activity records.

ODJFS will recommend work closely with the agency during the fiscal watch period to monitor financial activity to help ensure the agency can remain fiscally viable and financial resources are sufficient for providing the necessary level of care for the well-being of children placed with the agency. At any point up to and including the end of the fiscal watch period, ODJFS will recommend the agency:
(1) Be removed from the temporary certificate and reinstated to a full certificate.

(2) Be placed on a second fiscal watch period and the fiscal watch process will be repeated. The agency will also be issued a second temporary certificate.

(3) Be revoked.

(D) The requirements of paragraph (A) of this rule do not apply to a public children services agency (PCS A) or to a local public entity that is not a PCSA.

(E) An agency seeking recertification shall electronically submit all information and documentation required for recertification to the appropriate ODJFS field office not less than one hundred twenty days prior to the date of expiration of its current certificate. Failure of an agency to submit an application for recertification within the timeframes required by this rule may cause a lapse in certification or a delay in issuance of a certificate.

(F) When an application for recertification is received and found to be incomplete or incorrectly completed, the recertification application shall be returned to the applicant for completion and resubmission to ODJFS. A recertification application shall not be considered to have been submitted until it is received by the appropriate ODJFS field office in complete and correct form.

(G) An agency shall submit a list of all records, as requested by ODJFS, from which a sample will be selected for review during the site inspection.

(H) An agency shall return the list of records requested by ODJFS, pursuant to paragraph (G) of this rule, within fourteen calendar days of receipt of the ODJFS request. Failure of an agency to submit the list of records as requested shall not cause the start of the recertification review to be delayed but may cause a lapse in certification or a delay in issuance of a certificate.

(I) If an agency's list of records as requested by ODJFS, pursuant to paragraph (G) of this rule, is received by ODJFS within the timeframe specified in paragraph (H) of this rule, ODJFS may select a random sample of records from the list to be reviewed during the site inspection and shall provide the identity of these records to the agency two weeks prior to the scheduled site inspection.

(J) If an agency's list of records is not received by ODJFS within the timeframes specified in paragraph (H) of this rule, ODJFS may elect to do a random selection of records at the time of the site inspection with no prior notice to the agency of the identity of the records to be reviewed.

(K) An agency administrator or staff person shall not deny ODJFS access to any relevant records, information, personnel, residential facility, residents, offices or areas of the agency in the course of a recertification study or at any other time.

Effective: 5/1/2019
Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024
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Date: 03/14/2019
Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.0323, 5103.03
The Ohio department of job and family services (ODJFS) may consider an agency to have met a certification requirement if the agency can document to the satisfaction of ODJFS that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

The agency requesting such consideration shall submit a written request to the assigned ODJFS district office licensing specialist at the time of application for initial certification or at recertification, with the following documentation:

1. A copy of the certificate, license or award letter of accreditation.
2. A copy of the written accreditation report.
3. A copy of any corrective action plans and the approval from the accreditation organization of such plans.
4. Specific documentation on which certification requirements are met by accreditation, including a copy of the standards met.

If the accreditation organization does not have a comparable standard to an ODJFS certification requirement, the agency shall meet the ODJFS certification requirement.

The acceptance of accreditation in lieu of an ODJFS certification requirement is restricted to the accreditation period or current ODJFS certificate, whichever expires first.

The acceptance of accreditation in lieu of an ODJFS certification requirement rests solely at the discretion of ODJFS. The refusal of ODJFS to accept accreditation, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.

Five Year Review (FYR) Dates: 4/2/2018 and 04/02/2023
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Statutory Authority: 5103.03
Rule Amplifies: 5103.03
FCASMTL 354

Effective Date: December 1, 2015

Most Current Prior Effective Date: August 1, 2010

(A) If the administrator or designee of an agency disagrees with any of the findings of noncompliance presented at an exit interview, the administrator or designee may submit a written appeal, with supporting documentation, to the appropriate Ohio department of job and family services (ODJFS) licensing supervisor. The appeal shall be submitted to the licensing supervisor not later than five working ten business days following the agency's receipt of the summary of findings of noncompliance. The licensing supervisor shall, if requested, arrange a meeting by phone or in person with the appellant prior to the review of the appeal. Upon the review of the appeal and the findings the supervisor shall render a written decision and explanation within ten business days. The decision of the licensing supervisor shall be final and does not entitle the agency to any hearing rights under Chapter 119. of the Revised Code unless ODJFS initiates action to deny or revoke certification.

(B) Any form of retaliation by ODJFS employees against agency administrators, designee or employees of agencies, who make appeals regarding findings of non-compliance, is prohibited.

Effective: 12/01/2015

Five Year Review (FYE) Dates: 08/03/2015 and 12/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 10/27/2015

Promulgated Under: 119.03

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Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 7/1/00, 12/11/06, 8/1/10
An agency shall submit a corrective action plan, as prescribed by the Ohio department of job and family services (ODJFS), for any finding of noncompliance cited by ODJFS on a summary of noncompliance, to the appropriate ODJFS regional office within ten working days of the exit interview or of the receipt of an appeal decision pursuant to rule 5101:2-5-05 of the Administrative Code. An agency may take longer than fifteen days to submit the corrective action plan if the agency has requested and received an extension from ODJFS.

A corrective action plan submitted by an agency pursuant to paragraph (A) of this rule shall specify:

1. What the agency is going to do to correct an area of noncompliance.
2. How noncompliance will be prevented in the future.
3. Who in the agency will be responsible for the implementation of the corrective action plan.
4. How the agency will document that the corrective action plan has been implemented.

The timeframe for implementation of all corrective action plans shall be no longer than thirty calendar days from the date ODJFS approves the corrective action plan unless more time is given by written approval of the appropriate ODJFS licensing supervisor.

When a corrective action plan is disapproved by ODJFS, the agency shall submit another corrective action plan to ODJFS within ten working days of receipt of the ODJFS written notification that the corrective action plan was disapproved. The action of ODJFS to approve or disapprove a corrective action plan shall have no effect on the decision of ODJFS to deny or revoke an agency's certification.
Denial or Revocation of an Agency’s Certificate or Certification to Perform Specific Functions; Temporary Certificates

**Effective Date:** December 1, 2015

**Most Current Prior Effective Date:** August 1, 2010

(A) An application for an agency certificate or for any of the functions an agency intends to perform may be denied and an existing certificate or certification to perform specific functions may be revoked for any of the following reasons:

1. An agency has failed to comply with any applicable requirement of Chapter 5101:2-5 of the Administrative Code or any requirement of any other applicable chapter of the Administrative Code relevant to the intended or certified functions of the agency.

2. An agency has failed to comply with an approved corrective action plan for previously cited areas of noncompliance.

3. An agency is found to have furnished or made misleading or false statements or reports to the Ohio department of job and family services (ODJFS).

4. An agency refuses or fails to submit to ODJFS required policy statements, application materials, plans or reports requested by ODJFS within required time frames.

5. An agency has refused to admit onto its premises any person performing duties required by Chapter 5101:2-5 of the Administrative Code or other applicable chapters of the Administrative Code relevant to the intended or authorized functions of the agency, state or federal law or regulations or municipal ordinance.

(B) All actions of ODJFS with respect to denial or revocation shall be by prior adjudicatory hearing pursuant to and subject to the requirements of Chapter 119. of the Revised Code.

(C) Any act of omission or commission by an agency which results in the death, injury, illness, abuse, neglect or exploitation of a child in the care of the agency may be grounds for the revocation or denial of the agency's certification to perform any or all certified functions. This shall include any situation in which an agency has failed to inform any agency employee of the employee's obligation, pursuant to section 2151.421 of the Revised Code, to report any knowledge or suspicion of any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another child, to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect has occurred or is occurring.

(D) At the time ODJFS proceeds with an agency denial or revocation, ODJFS shall notify all public children services agencies (PCSAs) and private child placing agencies (PCPAs) of the proposed adjudication order. If an order of denial or revocation is not upheld after any administrative hearing held pursuant to Chapter 119. of the Revised Code or if an order of denial or revocation is overturned on appeal to a court of competent jurisdiction, ODJFS shall notify all PCSAs and PCPAs of the decision.

(E) When ODJFS enters an adjudication order to deny or revoke an agency's certificate pursuant to Chapter 119. of the Revised Code, the agency and those parties identified as the principals of the agency shall not be eligible for certification for any ODJFS children services license or certification for five years from the date of the denial or revocation or the exhaustion of all appeals, whichever is later. As used in this rule, "principal" means the agency's administrator(s) or director(s) and the agency's owners, partners, or members of the agency's governing body. In any denial or revocation action, ODJFS shall identify the principals of the agency against whom the denial or revocation action is taken.

(F) When an agency certified to operate one or more of the functions listed in rule 5101:2-5-03 of the Administrative Code is found to be operating at less than an acceptable level of compliance with applicable rules of the Administrative Code ODJFS may issue a temporary certificate for one or more of the functions to the agency. A temporary certificate shall not be issued for an initial certification of a function requiring certification pursuant to rule 5101:2-5-03 of the Administrative Code and shall be
effective for less than one year. A temporary certificate allows an agency to operate until ODJFS is satisfied that minimum requirements have been met. Whenever ODJFS issues a temporary certificate to an agency, the word "temporary" shall appear on the certificate in a contrasting color to words on the certificate in letters not less than one-half inch in height.

(1) A temporary certificate shall not be issued for an initial certification of a function requiring certification pursuant to rule 5101:2-5-03 of the Administrative Code.

(2) A temporary certificate shall be effective for less than one year.

(3) A temporary certificate allows an agency to operate until ODJFS is satisfied that minimum requirements have been met.

(4) Whenever ODJFS issues a temporary certificate to an agency, the word "temporary" shall appear on the certificate in a contrasting color to words on the certificate in letters not less than one-half inch in height.

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Rule Amplifies: 5103.02, 5103.03
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 7/1/00, 9/1/02, 12/11/06, 8/1/10
A private child placing agency (PCPA) or private noncustodial agency (PNA) shall have an identifiable governing body responsible for establishing policies and assuring the effectiveness and efficiency of the PCPA or PNA in achieving its purposes. A local public entity that is not a public children services agency (PCSA) shall identify in writing to the Ohio department of job and family services (ODJFS) how the requirements of this rule are met by the local public entity, even if the local public entity does not have a governing body. The duties of the governing body shall include the following:

1. Hiring an administrator who meets the minimum qualifications pursuant to rule 5101:2-5-09 of the Administrative Code.
2. Annually evaluating the performance of the agency’s administrator in writing.
3. Assuring the PCPA’s or PNA’s compliance with requirements of Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-38, 5101:2-39, 5101:2-42, 5101:2-47, and 5101:2-48 and 5101:2-53 of the Administrative Code as applicable to the PCPA's or PNA’s certified functions.
4. Reviewing, approving and monitoring a written annual budget for the PCPA or PNA. Such budget shall ensure funding to provide services relevant to all certified functions and detail anticipated income and expenditures.
5. Authorizing, reviewing and submitting to ODJFS an audit, if one is required pursuant to rule 5101:2-5-04 of the Administrative Code. This provision shall not apply to a local public entity that is not a PCSA.
6. Conducting an annual review of the PCPA's or PNA's written policies relevant to the agency's certified functions.

The governing body of a PCPA or PNA shall identify the names and current addresses of: all board members, current officers of the board, and any association, partnership or other arrangement under which the board has been established or operates, and the names and current addresses of all partners or principal owners of such association.

1. Board members.
2. Current officers of the board.
3. Partners or principal owners of any association, partnership or other arrangement under which the board has been established or operates.

A PCPA or PNA shall submit a copy of any proposed articles of incorporation or amendments thereto to ODJFS prior to filing them with the secretary of state pursuant to section 5103.04 of the Revised Code.

A PCPA or PNA shall have an office located within the state.

The minutes of all governing body meetings shall be maintained at the PCPA or PNA in an organized, permanent and current manner and shall include, at a minimum:

1. Dates of meetings;
2. Names of those governing body members present; and
3. Issues discussed and actions taken.

A PCPA or PNA shall compile and maintain a current written table of organization.

A PCPA or PNA shall not permit funds to be paid or committed to be paid to any corporation, firm, association or business in which any of the members of the governing body of the agency, the
executive personnel or their immediate families have any direct or indirect financial interest, or in which any of these persons serve as an officer or employee, unless the services or goods involved are provided at a competitive cost or under terms favorable to the PCPA or PNA. The PCPA or PNA shall make a written disclosure, in the minutes of the board, of any financial transaction of the PCPA or PNA in which a member of the board or his/her immediate family is involved.

(H) A person who is employed by a PCPA or PNA certified under this chapter or any person who is a member of the governing body shall not be eligible to vote on or participate in the decision making process with respect to any matter or issue in which he/she could benefit financially or materially.

(I) A PCPA or PNA shall have a written mission statement and a description of its programs.

Effective: 12/01/2015

Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 10/27/2015

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Appendix A - Offenses Listed in Paragraph (I) of Rule 5101:2-5-09 of the Administrative Code

(A) An agency, as defined in rule 5101:2-1-01 of the Administrative Code, shall have written descriptions specific for each position or group of positions within the agency's certified function for all college interns, volunteers, and employees.

(B) Prior to hire, an agency shall obtain, from persons not related to the subject of reference, at least three written references or written notes on verbal references regarding prospective college interns, volunteers, and employees who will have direct contact with children.

(C) An agency shall hire qualified employees to provide the services which it is certified to provide.

(1) The person employed as the administrator of the agency shall possess at least a bachelor's degree from a college or university accredited by a nationally recognized accrediting organization and other qualifications and experience as determined by the governing body in writing.

(2) An agency shall assure that all staff hired or who are under any personal service contract who are required by law to possess any professional license or certification are so licensed or certified.

(3) Persons employed in positions responsible for the daily direct care or supervision of children shall be at least twenty-one years of age and possess a high school diploma or equivalency certificate. As an alternative to the educational requirement such persons shall have at least one year of full-time equivalent paid or volunteer experience in the direct provision of care to children.

(D) In those instances when an employee is responsible for varied job responsibilities and, as such, falls within more than one category of paragraph (C) of this rule, such employee shall meet those qualifications which are the most rigorous among the competing criteria.

(E) An agency shall require a JFS 01390 "ODJFS Medical Statement for Child Care Staff in Residential Facilities" (rev. 6/2001) to be completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within six months prior to employing any person who will have direct contact with children.

(F) An agency shall, at its own discretion or at the request of the Ohio department of job and family services (ODJFS), require an employee or prospective employee to provide reports on the individual's physical or mental health from qualified professionals when the individual exhibits signs of a physical or mental health problem which might impair the individual's ability to ensure the health and safety of children.

(G) An agency shall document that any person hired after October 29, 1993 as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home care shall not have been convicted of or pleaded guilty to any of the offenses listed in paragraph (I) of this rule except as provided in paragraph (H) of this rule.

(H) A prospective employee convicted of or who has pleaded guilty to an offense listed in paragraph (I) of this rule may be hired by an agency as an administrator, child care staff or caseworker, or in any other position responsible for a child's care in out-of-home care only if the following conditions have been met:

(1) Where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the prospective employee was fully discharged from any imprisonment or probation arising from the conviction. A prospective employee who has had a misdemeanor record of conviction sealed by...
a court pursuant to section 2953.32 of the Revised Code shall be considered to have met this condition.

(2) Where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment or probation.

(3) The victim of the offense was not one of the following:
   (a) A person under the age of eighteen or person sixty years of age or older.
   (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
   (c) A mentally retarded person as defined in section 5123.01 of the Revised Code.
   (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
   (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
   (f) A person sixty years of age or older.

(4) Hiring the prospective employee will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining whether to hire the prospective employee:
   (a) The person's age at the time of the offense.
   (b) The nature and seriousness of the offense.
   (c) The circumstances under which the offense was committed.
   (d) The degree to which the person participated in the offense.
   (e) The time elapsed since the person was fully discharged from imprisonment or probation.
   (f) The likelihood that the circumstances leading to the offense will recur.
   (g) Whether the person is a repeat offender.
   (h) The person's employment record.
   (i) The person's efforts at rehabilitation and the results of those efforts.
   (j) Whether any criminal proceedings are pending against the person.
   (k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (I)(1) of this rule, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled.
   (l) Any others factors the agency considers relevant.

(I) Except as provided in paragraph (H) of this rule, an agency shall not, as of October 29, 1993, hire a prospective employee as administrator, child care staff, caseworker, or in any other position responsible for a child's care in out-of-home-care if the person has been convicted of or pleaded guilty to any of the following offenses:

   (1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 2903.07, 2903.08, 2903.09, 2903.10, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.22, 2903.23, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3), 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2919.12, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2925.13, 2925.13, 2923.16.1 (2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.12 or 3716.11 of the Revised Code.

   (2) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession
offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit
aggravated murder or murder, a violation of section 4511.19 of the Revised Code if the person
previously was convicted of or plead guilty to two or more violations within the three years
immediately preceding the current violation, or felonious sexual penetration in violation of former
section 2907.12 of the Revised Code as listed in appendix A of this rule.

(3) A violation of an existing or former law of this state or the United States that is substantially
equivalent to any of the offenses listed in paragraph (I)(1) of this rule.

(J) It is the prospective employee's duty to provide written verification that the conditions specified in
paragraph (H) of this rule are met. If the prospective employee fails to provide such proof or if the
agency determines that the proof offered by the prospective employee is inconclusive or insufficient,
the person shall not be hired. Any doubt shall be resolved in favor of protecting the children the agency
serves.

(K) To determine whether a prospective employee is qualified to be hired pursuant to paragraph (I) of this
rule, a criminal records check shall be conducted pursuant to rule 5101:2-5-09.1 of the Administrative
Code.

(L) An agency may conditionally hire a prospective employee until the criminal records check required by
rule 5101:2-5-09.1 of the Administrative Code is completed and the agency receives the results of the
criminal record check, if the prospective employee submits to the agency a signed statement attesting
that the prospective employee has not been convicted of or pleaded guilty to any offense listed in
paragraph (I) of this rule. If the results of the criminal record check indicate that the person does not
qualify for employment, the agency shall release the person from employment.

(M) The provisions of paragraph (H) of this rule must be considered for any prospective employee who has
been convicted of, or pleaded guilty to, one or more of the offenses listed in paragraph (I) of this rule
even if the person's record has been sealed by a court pursuant to section 2953.32 of the Revised
Code because the information contained in the sealed record bears a direct and substantial
relationship to the care of children who may be entrusted to the person's care.

(N) A conviction of, or plea of guilty to, an offense listed in paragraph (I) of this rule shall not prevent a
prospective employee's hire if the person has been granted an unconditional pardon for the offense
pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside
pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all
conditions have been performed or have transpired.

(O) An agency shall have a separate personnel file for each employee which shall include at a minimum:

(1) The employee's application for employment.

(2) Copies of references.

(3) A copy of the employee's current job description.

(4) A copy of each job evaluation performed.

(5) A copy of all medical records obtained.

(6) Documentation of all training received, including specific training for and an annual review of
acceptable methods of restraint, if applicable.

(7) Copies of all professional credentials, licenses or certifications.

(8) Copies of all disciplinary actions involving the employee.

(9) The employee's date of hire and termination if applicable.

(10) The BCII and FBI criminal records check required by rule 5101:2-5-09.1 of the Administrative
Code and, if applicable, documentation that the requirements of paragraph (H) of this rule have
been met.

(11) Any notification of charges of any criminal offense brought against the employee and any
notification of conviction of any criminal offense.
(12) Copies of all educational degrees, diplomas or equivalency certificates.

(13) Copies showing proof of a valid driver’s license and current automobile insurance, if the staff member will be utilizing his or her own vehicle when transporting children.

(P) Personnel files for each employee shall be maintained for at least five years after the date of employment ends.

(Q) Nothing in this rule shall apply to a foster caregiver who is subject to the provisions of Chapter 5101:2-7 of the Administrative Code.

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The appointing or hiring officer or administrative director of an agency shall, pursuant to section 2151.86 of the Revised Code, request the bureau of criminal identification and investigation (BCII) conduct a criminal records check with respect to any person subject to a criminal records check and any person providing respite care for a specialized foster care program that is not a certified foster caregiver.

The appointing or hiring officer or administrative director of the agency shall provide each person listed in paragraph (A) of this rule with a copy of the BCII prescribed criminal records check form and a BCII standard impression sheet to obtain fingerprint impressions. The standard impression sheets may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

Any person subject to a criminal records check who receives a copy of the BCII prescribed criminal records check form and a BCII standard impression sheet and who is requested by the agency to complete the form and provide a set of fingerprints impressions shall:

1. Complete the form or provide all the information necessary to complete the form.
2. Provide the impression sheet with the impressions of the person's fingerprints.
3. Submit the completed form and the impression sheet to the agency.

The agency shall obtain the completed form and fingerprint impression sheet from each person subject to a criminal records check and forward the form and fingerprint impression sheet to BCII at the time the agency requests a criminal records check.

The agency shall pay to BCII the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted.

The agency may charge a person subject to a criminal records check a fee for the costs incurred in obtaining a criminal records check. Pursuant to division (D) of section 2151.86 of the Revised Code, a fee charged by the agency shall not exceed the fee paid by the agency to BCII. If a fee is charged, the agency shall notify the person at the time of initial application of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment or certification as a foster caregiver.

The appointing or hiring officer or administrative director of the agency shall inform each prospective employee at the time of initial application, that as a precondition to being approved for that position:

1. The person is required to complete the BCII prescribed criminal records check form and provide a set of fingerprint impressions.
2. A criminal records check is required to be conducted by BCII and, except as provided in paragraph (N) of rule 5101:2-5-09 of the Administrative Code, satisfactorily completed if the prospective employee comes under final consideration for appointment or employment.

If a prospective employee seeking appointment or employment by an agency fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the prospective employee shall not be employed by the agency.

The agency shall request that BCII obtain information from the "Federal Bureau of Investigation" (FBI) as a part of the criminal records check for any entity that appoints or employs any person responsible for a child's out-of-home care if either of the following are applicable:

1. The person does not present proof of residency in Ohio for the five-year period immediately prior to the date upon which the criminal records check is requested.
2. The person does not provide evidence that within that five-year period, BCII has requested information about the person from the FBI in a criminal records check.
(J) The agency may request that BCII include information from the FBI in the criminal records check if the appointed person or employee of an entity responsible for a child's out of home care presents proof of residency in Ohio for that five year period.

(K) Before a recommending agency may submit a recommendation to the Ohio department of job and family services (ODJFS) on whether the department should issue a certificate to operate a foster home, the administrative director of the agency shall, pursuant to section 2151.86 of the Revised Code, request that the superintendent of BCII conduct a criminal records check with respect to the prospective foster caregiver and all other persons eighteen years of age or older who reside with the foster caregiver.

(L) The appointing or hiring officer or administrative director of the agency shall inform each person seeking certification as a foster caregiver, at the time of initial application, that as a precondition to being approved as a foster caregiver:

(1) The person is required to complete the BCII prescribed criminal records check form and provide a set of fingerprint impressions.

(2) A criminal records check shall be conducted by BCII and satisfactorily completed for any person seeking certification as a foster caregiver.

(M) If a person seeking certification as a foster caregiver fails to provide the information necessary to complete the form or fails to provide fingerprint impressions or fails to provide fingerprint impressions for any adult household members, that person shall be denied certification as a foster caregiver pursuant to rule 5101:2-5-26 of the Administrative Code.

(N) The agency shall request the conducting of a criminal records check pursuant to section 2151.86 of the Revised Code:

(1) For the foster care applicant and each adult who resides with the foster care applicant. The results shall be reviewed prior to the agency's recommendation for certification to ODJFS.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver every four years prior to the upcoming recertification of the caregiver.

(O) The agency shall request that BCII include information from the FBI in the criminal records check for each foster care applicant and each person eighteen years of age residing in the applicant's household subject to a criminal records check.

(P) The recommending agency shall evaluate whether the foster home should continue to be recommended for certification or be recommended for denial or revocation of certification when a person who is certified as a foster caregiver is convicted of any offense listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(1) The evaluation shall begin within five days of the agency's knowledge of the person's conviction, be completed within thirty days, and be documented in the foster home's record.

(2) At a minimum, the provisions of paragraph (Q) of this rule shall be considered in the evaluation.

(3) This requirement shall also be applicable for any adult who resides with a foster caregiver upon conviction of any offense listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(Q) The evaluation required by paragraph (P) of this rule shall include, at a minimum:

(1) Whether there are children currently placed in the foster home and the impact of disruption on the children if moved.

(2) Whether rehabilitation of the individual had to be considered for initial certification.

(3) The length of time of certification prior to this conviction.

(4) The factors outlined in paragraphs (I)(1), (I)(2), (I)(3), (I)(4) and (I)(5) of rule 5101:2-7-02 of the Administrative Code.

(R) Upon receipt of notification of an adult who resides with a foster caregiver who has pleaded guilty to or been convicted of a foster caregiver disqualifying offense, the recommending agency shall assess the
foster home for safety concerns and forward any recommendations to ODJFS for revocation if applicable. As used in this rule, "foster caregiver disqualifying offense" means any offense or violation listed or described in division (C)(1) of section 2151.86 of the Revised Code in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

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5101:2-5-10  Child Records

Effective Date: December 1, 2015

Most Current Prior Effective Date: August 1, 2010

(A) An agency providing twenty-four hour out-of-home care for a child shall maintain a case record for each child in out-of-home care which shall include but not be limited to the documentation as required by Chapters 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-38, 5101:2-39, 5101:2-42, and 5101:2-48 of the Administrative Code as applicable to the certified function of the agency for at least five years after discharge.

(B) All written documentation required by the rules referenced in paragraph (A) of this rule may be maintained at a central office location except that a copy of each child's current service plan, an annually updated color photograph, and current medical records shall be kept on the premises of the agency office providing services to the child or at the residential facility in which the child is placed.

(C) An agency that holds custody of a child and places the child in a residential facility or foster home operated by or recommended for certification by another agency shall provide to the agency operating the residential facility or recommending the foster home for certification, copies of all medical, social, legal, educational or other data within fifteen days of placement or upon request of the agency.

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The Ohio department of job and family services (ODJFS) may begin an investigation if either of the following apply:

1. ODJFS has knowledge of rule noncompliance or receives a complaint alleging that an agency is in violation of any of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, 5101:2-47, 5101:2-48, 5101:2-52 or 5101:2-53 of the Administrative Code relative to the functions performed by the agency.

2. A person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate.

Whenever ODJFS receives any report concerning the operation of an agency that alleges child abuse or neglect has occurred or is occurring, ODJFS shall immediately refer the report to the appropriate public children services agency.

At the commencement of a site investigation by ODJFS of a complaint, other than an abuse or neglect investigation, ODJFS shall contact the administrator or designee of the agency and explain the nature of the complaint.

An agency shall cooperate with ODJFS in the investigation of any complaint and with the implementation of any required corrective action plans whenever an investigation finds a violation of the requirements of Chapter 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-33, 5101:2-39, 5101:2-42, 5101:2-44, or 5101:2-48, 5101:2-52 or 5101:2-53 of the Administrative Code as applicable to the functions performed by the agency.

Upon completion of the investigation of a complaint, ODJFS shall conduct an exit interview with the administrator or designee. The purpose of the exit interview is to inform the administrator of the findings of the investigation. Any areas of noncompliance will be presented in writing on a citation of noncompliance and explained to the administrator or designee during the exit interview. The signature of the administrator or designee on the citation shall signify only that the administrator or designee has received the citation.

No agency shall recommend denial or revocation of a foster home certificate or discharge, demote, suspend, reduce board payments to a foster home, or threaten to recommend denial or revocation of a foster home certificate, discharge, demote, suspend, or in any manner discriminate against any foster caregiver or employee based on the foster caregiver or employee taking any of the following actions:

1. Making any good-faith oral or written complaint to ODJFS regarding a violation of any Administrative Code rules applicable to the functions performed by the agency.

2. Instituting or causing to be instituted any proceeding against the agency under this chapter.

3. Acting as a witness in any proceeding under this chapter.

4. Refusing to perform work that constitutes a violation of any Administrative Code rule applicable to the agency's certified functions.

If the director of ODJFS determines that a person or organization is operating a function that requires certification pursuant to rule 5101:2-5-03 of the Administrative Code without a certificate, the director may petition the court of common pleas in the county in which the person or organization is operating without a certificate for an order enjoining the person or organization from operating without a certificate.

If both of the following are the case, the director of ODJFS may petition the court of common pleas of any county in which an agency that holds a certificate issued under rule 5101:2-5-03 of the...
Administrative Code is operating for an order to prevent the agency from receiving additional children into the agency's care or an order removing children from the agency's care:

(1) ODJFS has evidence that the life, health, or safety of one or more children in the care of the agency is at imminent risk.

(2) ODJFS has issued a proposed adjudication order pursuant to Chapter 119. of the Revised Code to deny renewal of or revoke the agency's certificate.

Effective:
R.C. 119.032 review dates: 04/17/2014
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Rule Amplifies: 5101.24, 5103.02, 5103.03, 5153.16
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A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) engaging in any of the functions listed in rule 5101:2-5-03 of the Administrative Code shall have, at a minimum, all of the following policies as applicable to the function or functions being performed.

1. An agency shall have a written discipline policy which:
   a. Prohibits the use of prone restraints. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while the individual is in a face-down position for an extended period of time. Prone restraint includes physical or mechanical restraint.
   b. If an agency has a discipline policy that does not allow any type of restraint, the agency can document this in its policy and the agency does not have to address the issues in paragraph (A)(1)(a) of this rule.

2. An agency shall have a written plan describing strategies for foster caregiver recruitment that complies with the Multiethnic Placement Act, 42 U.S.C.A. 1996 (B), as amended by Section 1808 of the Small Business Job Protection Act of 1996 (MEPA), and the Civil Rights Act of 1964 (Title VI) Oct. 20, 1994, P.L. 103-382, as amended by Section 1808 of the Small Business Job Protection Act of 1996, P.L. 104-188 (MEPA), and the Civil Rights Act of 1964 (Title VI), as it applies to the foster care process. If the PCSA, PCPA or PNA amends its recruitment plan, the agency shall be responsible for submitting the amended recruitment plan to ODJFS within ninety days following a plan change. This policy shall include:
   a. A description of the characteristics of foster children served by the agency that shall include the following:
      i. Ages.
      ii. Developmental needs.
      iii. Emotional needs.
      iv. Physical needs.
      v. Race, color and national origin backgrounds.
      vi. Levels of care needed.
   b. Diverse methods of disseminating general information regarding the children served by the agency.
   c. Specific strategies to reach all parts of the community as defined by the agency.
   d. Strategies for assuring that prospective foster caregivers have access to the application process, including the flexibility of service to the community served by the agency.
   e. Strategies for training staff to work with diverse cultural, racial, ethnic and economic communities.
   f. Strategies for dealing with linguistic barriers.
   g. Procedures for a timely search for foster caregivers, including the use of interagency efforts, provided that such procedures ensure that placement of a child in an appropriate household is not delayed by the search for a same race or ethnic placement.

(3) An agency shall have a written policy describing the process for simultaneously approving applicants for foster care placement and adoptive placement.

(4) An agency shall have a written policy detailing any assessment activities in which an agency would require a foster caregiver applicant to participate and any materials or documentation, not specifically required by Chapter 5101:2-5 or 5101:2-7 of the Administrative Code, which a foster caregiver applicant would be required to submit as part of the assessment or homestudy process.

(5) An agency shall have a written policy detailing all payments to foster caregivers.

(6) An agency shall have a written policy detailing the methods for hearing grievances and for resolving differences with a foster caregiver or applicant relative to the requirements imposed by Chapter 5101:2-7 of the Administrative Code and other agency policies. This policy shall include a method of review by the highest administrative employee of the agency or designee for any unresolved grievance within thirty calendar days of the filing of the grievance.

(7) A PCSA or PCPA shall have a written policy regarding the required notification to the foster or kinship caregiver if the PCSA or PCPA seeks permanent custody of a child placed with the caregiver and if a child placed with the caregiver becomes available for adoption. The notification shall also be given to the recommending agency when the custodial agency is different than the recommending agency. The notification shall be consistent with the requirements contained in section 5103.161 of the Revised Code.

(7) A PCSA or PCPA shall have a written policy on the notification of the adoption process to the recommending agency and to the foster caregiver for situations when the custodial agency is different than the recommending agency of a foster home and a foster child placed with the foster caregiver becomes available for adoption. The notification shall be consistent with the requirements contained in rules 5101:2-48-11 and 5101:2-48-16 of the Administrative Code.

(8) An agency shall have written policies that shall be explained to potential foster caregivers during initial orientation for all of the following:

(a) Liability insurance and compensation for damages done by children placed in foster care.

(b) Legal representation, legal fees, counseling or legal advocacy for foster caregivers for matters directly related to the proper performance of their roles.

(c) Investigations of abuse and/or neglect involving a child living in a foster home.

(9) Each recommending agency shall establish and implement a policy regarding good cause for a foster caregiver's failure to complete the continuing training in accordance with rule 5101:2-5-33 of the Administrative Code. If the foster caregiver complies with the policy, as determined by the agency, ODJFS may renew the foster caregiver's foster home certificate. The agency shall submit the policy to the department and provide a copy to each foster home the agency recommends for certification or renewal.

The policy shall include all of the following:

(a) What constitutes good cause, including documented illness, critical emergencies, and lack of accessible training programs.

(b) Procedures for developing a scheduled corrective action plan that provides for prompt completion of the continuing training.

(c) Procedures for recommending revocation of the foster home certificate if the foster caregiver fails to comply with the corrective action plan.

(10) An agency operating a specialized foster home program shall have a written policy on the operation of the specialized foster home program which shall comply with the requirements of
The hierarchy of the program including:

(a) The number of treatment team leaders each supervisor is responsible for providing supervision.

(ii) The specific number of treatment and medically fragile foster children for which each treatment team leader shall be responsible for providing case management services.

(b) How the agency will determine the equivalent experience required by paragraph (A) of rule 5101:2-7-16 of the Administrative Code and rule 5101:2-7-17 of the Administrative Code, as applicable.

(11) An agency operating a specialized foster home program shall have a written policy that provides for access to both planned and crisis respite care, the amount to be determined on a case-by-case basis, for children in the program's care. The respite care policy shall include, but is not limited to, the following provisions:

(a) Utilization of respite care shall be only with the approval of the administrative director of the specialized foster care program or his or her designee.

(b) A process for the specialized foster care program to select and approve respite care providers.

(c) Only approved respite care providers shall be utilized.

(d) An approved respite care provider, who is not certified as a foster caregiver or specialized foster caregiver, shall receive at least twelve hours of orientation and training relevant to the children served by the specialized foster care program and have a criminal record check conducted as for a foster caregiver pursuant to rule 5101:2-5-09.1 of the Administrative Code prior to providing respite care.

(e) A respite care provider shall not provide respite care for children for more than two consecutive weeks unless the provider is certified as a specialized foster caregiver.

(f) Prior to each occasion of respite care, the recommending agency shall provide the respite care provider with a copy of the JFS 01443 "Child's Education and Health Information" (rev. 8/2010) or the form the agency uses in lieu of the JFS 01443 completed for the child pursuant to rule 5101:2-38-08 of the Administrative Code as part of his case plan and at least a written summary of the child's service plan and any information required to be shared with a foster caregiver by rule 5101:2-42-90 of the Administrative Code. In addition, for a medically fragile child, any nursing treatment plan containing physician orders shall be provided. The information required by this paragraph shall be provided to the respite care provider by the agency that has approved the respite care provider. Documentation that this has been done shall be maintained in the child's case record by the agency that approved the respite care provider.

(g) For each occasion of respite care, a respite care provider shall provide a written report of the child's stay in respite care to the specialized foster caregiver.

(h) A respite care provider for a medically fragile child shall be certified as a foster caregiver for medically fragile children or be a licensed medical professional.

(12) An agency operating a specialized foster home program shall have a written policy, outlining procedures for matching children with specialized foster caregivers, that ensures consideration of the child's needs, the capabilities of the specialized foster caregiver, and family-centered, neighborhood-based practices.

(13) An agency operating a specialized foster care program shall have a written policy to assure that all children in specialized foster care and all specialized foster caregivers and their families
affiliated with the program shall have access to crisis counseling, arranged by the program, for issues or problems caused by a specific incident related to a child receiving treatment within the caregiver's home, including the death or hospitalization of a child.

(14) An agency which is certified to operate a residential facility, a treatment foster care program, or a medically fragile foster care program shall be responsible for developing and implementing a behavior intervention policy which includes a description of the facility’s behavior management program. The behavior intervention policy shall, at a minimum, contain the following components:

(a) A detailed description of the full range of behavior intervention procedures (intervention that is the least intrusive and least disruptive to the child, positive behavioral interventions, prompted relaxation, time out, physical restraints, supervised restraint, and isolation) or combination of procedures employed, including operational details of the interventions themselves and a definition of each behavior intervention.

(b) The use of restrictive behavior interventions, behavior management techniques or aversive procedures and identification of instances in which such procedures may be contraindicated.

(c) Procedures for carrying out these provisions consistent with the needs of children with disabilities.

(d) A description of the credentials of the personnel involved in designing, approving, implementing, monitoring and supervising the implementation of the behavior interventions.

(15) An agency which is certified to operate a residential facility shall have a written policy on the use of alcohol, tobacco and tobacco products by staff and children within such facilities which shall conform to, but is not limited to, the requirements of rule 5101:2-9-06 of the Administrative Code. No residential facility shall use alcohol, tobacco or tobacco products to influence or control the behavior of a child.

(16) An agency which is certified to operate a residential facility shall have a written admissions policy specifying the type of child who will be accepted into the facility and the conditions under which a child would not be accepted.

(17) An agency shall have a written policy which describes the conditions under which, and the procedures by which, a child will be discharged from an out-of-home care setting including any criteria for emergency discharges and discharges not in accordance with a child's service plan.

(18) An agency shall have a written policy which specifies the procedures for ensuring the accessibility of the administrator or designee with executive authority to agency staff and ODJFS representatives at all times.

(19) An agency shall have a written policy regarding access, confidentiality, maintenance, security and disposal of all records maintained by the agency.

(20) An agency shall have a written policy which protects the confidentiality of information concerning a child and the child's family. This policy shall include the agency's procedure for disseminating information to a child fatality review board.

(21) An agency shall have a written policy governing the agency's participation in human research projects, fund raising and publicity activities, and shall not involve a child in any such activity without the prior informed, written consent of the parent, guardian or legal custodian and the child, according to the child's age and functioning level. Such written consent shall be contained in the child's case record.

(22) An agency shall have written personnel policies and procedures which are provided to all personnel. These personnel policies and procedures shall include, but are not limited to:

(a) Procedures for recruitment, screening, orientation, assignment, supervision, promotion, training, and written annual evaluation of all employees.
(b) Procedures for discipline of employees including suspension and dismissal.
(c) Procedures for handling staff grievances.
(d) Salary and fringe benefit plan.
(e) A requirement for an employee that he shall notify the agency within twenty-four hours of any charge of any criminal offense that is brought against him. This policy shall also contain a provision that:
   (i) Failure to notify the agency within twenty-four hours of any charge of any of the crimes listed in rule 5101:2-5-09 of the Administrative Code shall result in immediate dismissal from employment.
   (ii) If the charges result in a conviction, the employee shall notify the agency within twenty-four hours of the conviction. Failure to notify the employer of any conviction of any criminal offense shall result in the employee’s immediate dismissal from employment.
   (iii) Conviction of any of the crimes listed in rule 5101:2-5-09 of the Administrative Code while in the employ of the agency shall result in immediate dismissal from employment with the agency.

(23) An agency which uses volunteers or college interns shall have a written policy for screening which includes conducting criminal background checks, orienting, training, supervising and assigning volunteers and college interns, as appropriate to the function to be performed. The policy shall include a requirement for any volunteer or college intern to notify the agency within twenty-four hours of any charge of any criminal offense that is brought against him. The policy shall also contain the following provisions:
   (a) Failure to notify the agency within twenty-four hours of any charge shall result in immediate dismissal from the agency.
   (b) If the charges result in a conviction, the volunteer or college intern shall notify the agency within twenty-four hours of the conviction. Failure to notify the agency of any conviction of any criminal offense shall result in the immediate dismissal of the volunteer or college intern from the agency.
   (c) Conviction of any of the crimes listed in rule 5101:2-5-09 of the Administrative Code while serving as a volunteer or college intern for the agency shall result in the immediate dismissal of the volunteer or college intern from the agency.

(24) An agency shall have a written policy and procedure which assures protection of a child's civil rights.

(25) An agency operating a foster care program shall include in its foster care policy a copy of the JFS 01611 "Non-discrimination Requirements for Foster Care and Adoptive Placements" (rev. 1/2009). No additional language regarding non-discrimination in the foster care process based upon race, color, or national origin shall be permitted in the PCSA, PCPA or PNA foster care policy unless additional language is required pursuant to a federal court order and is approved by the ODJFS.

(26) An agency operating a foster care program shall comply with the standards of conduct regarding MEPA and Title VI in accordance with rule 5101:2-33-11 of the Administrative Code.

(27) An agency operating a foster care program shall include in its foster care policy the complaint process pursuant to rule 5101:2-33-03 of the Administrative Code.

(28) If a recommending agency has a foster home that is providing care for a child in the custody of another agency, the recommending agency shall have a written policy and procedure to notify the custodial agency if any of the following incidents occur:
   (a) A serious injury or illness involving medical treatment of the foster child.
(b) The death of the foster child.

(c) Unauthorized absence of the foster child from the home. The recommending agency shall provide the notification to the custodial agency immediately, but no later than twenty-four hours from the time the recommending agency became aware of the unauthorized absence.

(d) Removal or attempted removal of the foster child from the home by any person or agency other than the placing agency.

(e) Any involvement of the foster child with law enforcement authorities.

(29) A PCSA shall have a written policy for monitoring the appropriate use of psychotropic medications for children in foster care. In preparation for developing the policy, the PCSA may review the JFS 01682 "Psychotropic medication toolkit for Public Children Services Agencies" (4/2014). This policy shall include:

(a) Comprehensive and coordinated screening, assessment, and treatment planning mechanisms to identify the child's mental health and trauma-treatment needs including a psychiatric or medical evaluation, as necessary, to identify needs for psychotropic medication.

(b) Informed and shared decision-making and methods for ongoing communication between the prescriber, the child, the child's parents or caregivers, other healthcare providers, and the agency case worker.

(c) Effective medication monitoring for the children placed in care.

(30) A residential facility operating as a private, nonprofit therapeutic wilderness camp shall have written policies in accordance with division (D) of section 5103.50 of the Revised Code.

(B) Unless otherwise indicated, policies, plans and procedures related to ODJFS certified or approved functions shall be submitted to ODJFS in accordance with the following:

(1) At the time of application for an initial certificate, all policies, plans, and procedures shall be submitted.

(2) At the time of application for an amended certificate to add an additional function, the agency shall submit any policy, plan, or procedure related to the new function.

(3) At the time of request for approval of any new foster home function of a PCSA, all policies, plans, and procedures related to that function shall be submitted.

(4) When an agency revises a policy, plan or procedure, the revision shall be submitted within thirty-nine calendar days of the change.

(5) If a change of the Administrative Code or the Revised Code requires the agency policy to change, the agency shall submit the affected agency policy to ODJFS within thirty-nine days of the effective date of the Administrative Code or the Revised Code change.

(C) An agency shall ensure that agency staff and contractors performing work related to the functions listed in rule 5101:2-5-03 of the Administrative Code shall implement all current written policies of the agency related to those functions and that all activities and programs related to those functions occur in accordance with such policies.

(D) All policies required by this chapter shall be provided to any person affected by the policy. Any policy required by this chapter shall be provided to any person upon request.

(E) If ODJFS determines an agency's foster care policy, policy revisions or plans are noncompliant, the agency shall accept technical assistance from ODJFS until such time that the policy or recruitment plan is in compliance.

Effective: 08/01/2017

Five Year Review (FYR) Dates: 03/29/2017 and 08/01/2022
Certification: CERTIFIED ELECTRONICALLY
Date: 06/06/2017
Promulgated Under: 119.03
Statutory Authority: 5103.03, 5103.54, 5103.0316
Rule Amplifies: 5103.02, 5103.03, 5103.0316, 5103.0319, 5103.032
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer), 10/1/90, 1/1/91, 9/18/96 (Emer), 10/21/96, 5/2/98, 7/1/00, 1/1/03, 2/1/05, 12/11/06, 4/1/10, 7/7/14, 7/1/16
Disaster Preparedness Plan Requirements

**FCASMTL 408**

**Effective Date: May 1, 2019**

**Most Current Prior Effective Date: July 1, 2014**

(A) A public children services agency (PCSA), private child placing agency (PCPA), private non-custodial agency (PNA), and any residential facility that is in operation on the effective date of this rule shall create, in writing, a disaster preparedness plan within sixty days of the effective date of this rule and include this plan in its agency foster care policy. All residential facilities shall comply with this rule in addition to rule 5101:2-9-07 of the Administrative Code.

(B) A PCSA, PCPA, PNA or residential facility shall submit its plan to the Ohio department of job and family services (ODJFS) at any of the following times:

1. At the time of application for initial certification or recertification.
2. Upon review of PCSA foster home records by ODJFS.
3. Within ten days of a foster care policy change that would have an effect on the disaster preparedness plan.

(C) The following areas shall be addressed in a PCSA or a PCPA disaster preparedness plan:

1. Identification of essential personnel needed for the operation of the agency.
2. Alternative physical work location including provisions for temporary work sites.
3. Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, statewide automated child welfare information system (SACWIS) or telephone access.
4. Identification of essential work activities that must continue in order to ensure the safety of children, support caregivers and service providers.
5. Procedures for handling new reports of child maltreatment if the agency is responsible for responding to reports concerning children.
6. Procedures for tracking clients and substitute caregivers with or without SACWIS or other technical system in place.
7. Continuity of services to families receiving in-home supportive services.
8. Continuity of services to children in substitute care and kinship care placements.
9. Maintenance and security of agency records not included in SACWIS including soft copies stored in other software applications or hard copies.
10. Maintenance and security of court records for child protective services cases and PCPA adoption court records.
11. Coordination of services with law enforcement, hospitals/medical providers or other disaster response agencies for the following:
   a. Children in agency custody.
   b. Children with no known or available parent, guardian or custodian.
12. Working with emergency shelters for the following:
   a. Staff training in disaster preparedness.
   b. Coordination of services for children and families in emergency shelters (physical location; shared responsibilities).
   c. Volunteers.
(13) Plans of cooperation/memoranda of understanding with another agency which, at a minimum, would address duties and requirements.

(D) The following areas shall be addressed in a disaster preparedness plan for a PNA or any residential facility including those residential facilities operated by a PCPA or PCSA:

(1) Identification of essential personnel needed for the operation of the agency.

(2) Identification of an alternative physical work location including provisions for temporary work sites.

(3) Communication plan for agency staff, substitute caregivers, and other critical team members with or without e-mail, internet, SACWIS or telephone access.

(4) Identification of essential work activities that must continue in order to ensure child safety and support caregivers, youth and service providers, and facility staff, if applicable.

(5) Procedures for tracking clients and substitute caregivers.

(6) Continuity of services to children in substitute care.

(7) Maintenance and security of agency records.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2019

Promulgated Under: 119.03

Statutory Authority: 5153.166, 5103.07, 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 08/25/2008, 07/01/2014
(A) An agency shall inform the individual or agency that placed a child in out of home care of any of the following services:
   (1) If the child needs treatment for non-routine medical, dental, or vision care and this treatment is not included in the current case plan.
   (2) If the child needs diagnostic services for non-routine medical, dental, or vision care and this diagnostic service is not included in the current case plan.

(B) If an agency does not directly employ or contract with a vendor for treatment or diagnostic services, the agency shall arrange with the custodial agency or individual for the provision of these services.

(C) Any treatment or diagnostic services provided to any child pursuant to this rule shall be documented in the child's case record required pursuant to rule 5101:2-5-10 of the Administrative Code.
FCASMTL 400

Effective Date: April 15, 2013 (No Change)

Most Current Prior Effective Date: October 8, 2007

(A) Volunteers or college interns whose duties include any of the same general duties as child care staff shall be trained in the mission of the out-of-home care setting to which they are assigned.

(B) Volunteers or college interns whose duties include any of the same general duties as child care staff shall receive training pursuant to rule 5101:2-9-03 of the Administrative Code, shall be supervised by agency staff, and shall participate in at least monthly face-to-face supervisory conferences.

(C) Volunteers or college interns shall be given a specific written job description delineating the functions to be performed.

(D) An agency shall not use volunteers or college interns as a replacement for or in lieu of paid staff. Volunteers or college interns shall not be counted to meet required staff ratios as required by rule 5101:2-9-02 of the Administrative Code.

(E) An agency which accepts college interns shall have a written agreement with each school placing students. This agreement shall, at a minimum, include:

(1) A statement of the student's role and responsibilities.

(2) A description of the minimum qualifications the student must possess.

(3) A statement outlining the respective supervisory and evaluation responsibilities of the agency and the placing school.

Five Year Review (FYR) Dates: 4/2/2018 and 04/02/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 04/02/2018

Promulgated Under: 119.03

Statutory Authority: 5103.03, 5103.02

Rule Amplifies: 5103.02, 5103.03

Every child has the right to enjoy freedom of thought, conscience, and religion. An agency shall demonstrate consideration for, and sensitivity to, the religious background of a child in out-of-home care and of families receiving agency services.

Opportunity shall be provided each child in out-of-home care for practicing the chosen religious beliefs and faith of the child or his family, including dietary restrictions due to beliefs, unless it is determined and documented in the child's case plan by the custodial agency that practicing the child's or family's chosen religious beliefs and faith is not in the child's best interests. A child may be encouraged to participate in religious activities, but shall not be coerced to do so.

An agency shall not require a child in an out-of-home care setting to receive non-emergency medical treatment that conflicts with the religious tenets or practices of the religion of the child or parent without the specific written consent of the parent, guardian or custodian.

When a child in an out-of-home care setting requires emergency medical treatment and such treatment conflicts with the religious tenets or practices of the child, parent, guardian or custodian, the out-of-home care setting shall immediately transport or arrange for the transportation of the child to a medical facility and contact the custodial agency or the individual who placed the child.

Effective: 12/01/2015
Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 10/27/2015
Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 12/11/06, 8/1/10
When a child is planned to be or is discharged from a residential facility or a specialized foster home, the agency shall prepare a written discharge summary. The discharge summary shall be prepared no earlier than thirty days before and no later than thirty days after the date of discharge. A copy of the discharge summary shall be maintained within the child's record prescribed by rule 5101:2-5-10 of the Administrative Code and a copy shall be provided, no later than ten days after the discharge summary is completed, to the custodial agency which placed the child, or to the parent, guardian or custodian in the case of a direct placement.

The discharge summary required by paragraph (A) of this rule shall contain at a minimum:

1. The reason for discharge.
2. A summary of the child's adjustment and results of the placement.
3. A brief summary of medical, dental, optical, and therapeutic services which were provided to the child.
4. The name and official title or relationship of the person to whom the child was released.
5. The new location of the child.
6. Any recommendations for ongoing treatment, including the identification of service providers whenever possible.

When a child is placed from a foster home into a respite care setting, a discharge summary is not required, provided the child is expected to return to the foster home when the period of respite care has ended.

When a child is receiving pre-planned respite care services or is a short term direct placement on a recurring schedule addressed in the case plan, the discharge summary is required at six month intervals or at the conclusion of the service, whichever occurs sooner.
Waivers and Variances

Effective Date: July 1, 2016
Most Current Prior Effective Date: July 7, 2014

(A) The granting of a waiver of any requirement imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-7, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code is a discretionary act of the Ohio department of job and family services (ODJFS) based upon documentation as to why the agency or foster caregiver is not in compliance. The refusal of ODJFS to grant a waiver, in whole or in part, shall be final and shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code. Waivers shall only be requested, and will be considered on a case by case basis, for the following:

1. A waiver of the seventy-two consecutive hour limitation for a children's crisis care facility to provide residential care to a preteen placed in the facility by a public children services agency (PCSA) or private child placing agency (PCPA). The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.

2. Relative foster homes when the request is for a non-safety issue.

3. A private, nonprofit therapeutic wilderness camp (PNTWC).

(B) A request for a waiver shall be written and time limited. A waiver request shall include sufficient information, including the time period for which the waiver is requested. The time limit of a waiver shall not exceed the expiration date of the current certificate. Upon the written request of an agency, a waiver may be renewed, at the discretion of ODJFS, contingent upon documentation to ODJFS of the efforts of the agency or foster caregiver to come into compliance and the reasons they have not come into compliance.

(C) A request for a waiver of the requirements or prohibitions imposed by Chapters 5101:2-1, 5101:2-5, 5101:2-9, 5101:2-39, and 5101:2-42 of the Administrative Code on an agency's administration shall be written using the JFS 01376 "Rule Waiver Request for Agency RulesAgencies, CRCs and Group Homes" (rev. 12/2006) and submitted to the appropriate ODJFS field office.

(D) A request for a waiver of the requirements or prohibitions imposed upon a foster home or a foster caregiver by Chapters 5101:2-1, 5101:2-7, 5101:2-39, and 5101:2-42, of the Administrative Code and related foster home provisions of Chapter 5101:2-5 of the Administrative Code shall be written using the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and submitted to ODJFS, office of families and children.

(E) If an agency has access to the statewide automated child welfare information system (SACWIS), the agency shall complete a waiver request for a foster home through the system. If an agency requests a foster home waiver through SACWIS, the agency shall not complete the JFS 01317. If an agency does not have access to SACWIS, the agency shall complete the JFS 01317.

(F) The approval of a waiver request by ODJFS shall not be construed as constituting precedence for the approval of any other waiver request or the renewal of an existing waiver.

(G) Waiver requests that have been approved prior to the effective date of this rule shall remain in effect until the waiver expires unless the terms or conditions of the waiver are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule.

(H) Effective October 1, 2011, no variances shall be approved.

(I) Variance requests that have been approved prior to October 1, 2011 shall remain in effect unless the terms or conditions of a variance are violated or otherwise become nullified by a situation or by a change in the applicable Administrative Code rule. If the variance is nullified, it shall be rescinded. ODJFS has sole discretion in the rescission of a variance. The rescission of a variance shall not be construed as creating any rights to a hearing under Chapter 119. of the Revised Code.
Effective: 07/01/2016
Five Year Review (FYR) Dates: 02/01/2016 and 07/01/2021
Certification: CERTIFIED ELECTRONICALLY
Date: 04/08/2016
Promulgated Under: 119.03
Statutory Authority: 5103.02, 5103.03
Rule Amplifies: 5103.02, 5103.03, 5103.54
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 5/1/98, 7/1/00, 1/1/03, 12/11/06, 10/1/11, 7/7/14
A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) acting as a representative of the Ohio department of job and family services (ODJFS) shall:

1. Inform all individuals applying for an initial foster home certificate they can also be considered for adoption homestudy approval.

2. Conduct a joint homestudy pursuant to the requirements contained in Chapters 5101:2-5, 5101:2-7 and 5101:2-48 of the Administrative Code resulting in the simultaneous approval of the applicant for:
   a. Foster care placement.
   b. Adoption homestudy approval.

3. If the PCPA or PNA is not certified to recommend foster homes for certification and place or participate in the placement of children for adoption, then the agency must inform the individuals that a joint homestudy could be conducted simultaneously by another agency that is certified for both functions.

The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements:

1. The assessor definition in rule 5101:2-1-01 of the Administrative Code.


3. Section 3107.014 of the Revised Code.

To avoid a conflict of interest, or the appearance of any conflict of interest, an assessor shall not perform any assessor duties for any of the following persons:

1. Him or herself.

2. Any person who is a relative of the assessor.

3. Any agency employee for whom the assessor has any supervisory responsibility.

4. Any agency employee who has any supervisory responsibility for the assessor.

To avoid a conflict of interest, or the appearance of any conflict of interest:

1. The agency administrator and a relative of the agency administrator shall not be certified as a foster caregiver by the agency with which the administrator is employed.

2. A member of the agency's governing body and a person known to the agency as a relative of the agency's governing body shall not be certified as a foster caregiver by the agency with which the member is associated.

3. Foster care inquiries from anyone mentioned in this paragraph wishing to be certified foster caregivers shall be referred to another recommending agency with no such appearance of a conflict of interest.

4. An existing foster home certificate of any person referred to in paragraph (D) of this rule shall be transferred to another recommending agency except the foster caregiver may maintain the certificate and continue to provide care for any currently placed foster children placed in the home prior to January 1, 2008. This foster caregiver shall not accept any additional placements of foster children and shall transfer to another recommending agency within sixty days of the date the current foster children are no longer placed in the home.
If the agency becomes aware a certified foster caregiver of the agency is a relative of the administrator or a relative of the agency's governing body, it shall initiate a transfer of the foster caregiver's certificate. The transfer shall be completed within sixty days of the discovery.

A PCSA, PCPA, or PNA may selectively recruit on the basis of the need for foster homes for specific types of children as specified in the agency's recruitment plan as required by rule 5101:2-5-13 of the Administrative Code.

The agency shall not consider the age, gender, sexual identity, sexual orientation, religion, or marital status of a family for whom the agency is conducting a homestudy in determining whether to recommend the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

The agency shall not consider the age, gender, sexual identity, sexual orientation, or religion of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.


The agency shall not consider the race, color or national origin of a foster caregiver applicant to determine whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

As prohibited by the Multiethnic Placement Act, 42 U.S.C. 1996(b) (1996) (MEPA), agencies may not deny any person the opportunity to become a foster caregiver on the basis of race, color, or national origin of the person, or of any foster child or children involved.

The agency shall not consider the race, color or national origin of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.

The agency may consider a child's race, color or national origin only in those cases it is determined acceptable pursuant to rule 5101:2-42-18.1 of the Administrative Code.

Upon request, the agency shall provide a JFS 01691 "Application for Child Placement" (rev. 12/2014) to any person who is twenty-one years of age, is a legal resident of the United States, resides in the state of Ohio and meets the specifications of the agency's recruitment plan pursuant to rule 5101:2-5-13 of the Administrative Code. The agency shall also provide, free of charge to an inquirer, a copy of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, or inform the inquirer how to access the rules electronically.

If the person does not reside in the state of Ohio, an application for foster care shall not be considered until the person has established Ohio residency.

If a person requests an application for child placement and an agency has reason to believe the person is not a legal resident of the United States, the agency shall request the person to provide a copy of the person's immigration document(s) issued by the bureau of immigration and customs enforcement of the U.S. department of homeland security allowing the person to reside in the United States. If the immigration document(s) provided by the applicant shows the person is a conditional permanent resident of the United States or is not a permanent United States resident, the application shall not be considered for foster care unless the applicant is being considered for placement of a specific child and the person is "kin" to the child as defined in rule 5101:2-1-01 of the Administrative Code.

For the purpose of this rule, "legal resident of the United States" means a person who is a native-born or naturalized citizen of the United States or a person who presents credible evidence from the bureau of immigration and customs enforcement of the U.S. department of homeland security that the person is a permanent resident of the United States.

The agency shall use the JFS 01691 for all initial foster home applications.
(1) The agency shall not accept an incomplete JFS 01691.

(2) The agency shall not begin the homestudy assessment process prior to the receipt of a fully completed JFS 01691 signed by the applicant(s).

(3) If an adoptive applicant decides during the homestudy process to also become a certified foster caregiver, the homestudy documentation and training completed up to that point may be utilized as long as the documentation or training has not expired upon completion of the homestudy. Applicants shall not be required to duplicate documentation as a result of a new application date.

(4) Applications found to contain inaccurate or wrong information shall be denied pursuant to rule 5101:2-5-26 of the Administrative Code. An individual who submits an incomplete application shall not have an opportunity for a hearing pursuant to Chapter 119. of the Revised Code.

(5) The agency shall require an application be made in the full name of each adult member of a couple residing in the home, a single person, or each co-parent residing in the home.

(6) The agency shall not accept more than one application per household and shall not recommend certification of more than one foster home per household.

(I) The agency shall commence the homestudy assessment within thirty days after the date the agency receives a fully completed JFS 01691 signed by the foster care applicants.

(1) Commencement of a homestudy means, at a minimum, scheduling an appointment to interview the applicant or assuring the applicant is informed of the necessary materials required for the assessor to complete the homestudy.

(2) An agency failing to commence a homestudy within thirty days after receiving the application shall document on the JFS 01673 "Assessment for Child Placement" (rev. 12/2014) the reason(s) the agency is unable to meet this requirement.

(J) The agency shall complete the homestudy within one hundred eighty days after the date the agency received the completed application. An agency failing to complete a homestudy within one hundred eighty days shall document on the JFS 01673 the reason(s) the agency is unable to meet this requirement.

(K) The following is required for the homestudy:

(1) An assessor shall conduct a face to face interview with all members of the household over the age of four years. The interview with all members of the household over the age of four years may be a joint interview or separate individual interviews.

(2) The agency shall conduct criminal records checks for all persons subject to a criminal records check pursuant to rules 5101:2-5-09.1 and 5101:2-7-02 of the Administrative Code.

(a) The required criminal records checks must be completed and the results received by the agency prior to the agency recommending an applicant for certification.

(b) Except as provided in paragraph (I) of rule 5101:2-7-02 of the Administrative Code, an agency shall not recommend a person be certified as a foster caregiver if the person or any adult member of the applicant's household has been convicted of any crime listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

(3) If the agency has the ability to complete the search in the statewide automated child welfare information system (SACWIS), the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster care applicant and each adult who resides with the applicant. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each foster care applicant and each adult who resides with the applicant.

(a) A report with the results of the search shall be placed in the foster caregiver record.

(b) This report is used to determine the suitability of the applicant to provide foster care.
(4) The agency shall request a check of the child abuse and neglect registry of any other state an applicant or adult household member has resided in the five years immediately prior to the date of the criminal records check as required by division (A) of section 2151.86 of the Revised Code.

(5) The JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the recommendation for certification for the applicant and all household members.

(a) Any written documentation of a physical examination shall be completed by the individual conducting the examination.

(b) The form shall document the applicant and all members of the household are free from any physical, emotional, or mental condition which would endanger children or seriously impair the ability of the household members to care for a foster child.

(c) The agency may require an applicant to secure and provide to the agency a report of an additional examination by a licensed physician, psychologist, or other certified or licensed professional if any of the following apply:

(i) The applicant or any household member has suffered a serious illness or injury within the past year.

(ii) It is determined to be necessary by the agency to ensure the safety, health, or care of any foster child who may be placed in the home of the applicant.

(6) The applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show this, an applicant shall provide at a minimum:

(a) A completed JFS 01681 "Applicant Financial Statement" (rev. 10/2000).

(b) Proof of income for the household for the most recent tax year prior to the date of application.

(c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for certification.

(d) At least one utility bill for each utility necessary to maintain the household. The bill or bills should not be dated more than six months prior to the agency's recommendation for certification.

(7) Prior to recommending initial certification of a foster home, an agency shall require and assure each applicant successfully completes all preplacement training required by rule 5101:2-5-33 of the Administrative Code.

(a) Only the preplacement training completed within the eighteen month period immediately prior to the date the agency recommends the foster home for certification will meet the training requirement.

(b) Each foster home recommended for certification shall receive preplacement training on the Administrative Code rules and the agency's policies and procedures that are in effect on the date the agency recommends the home for certification.

(8) References shall be received by the agency prior to the date the agency recommends the home for certification.

(a) The applicant shall provide the names and contact information of at least three people who are unrelated to the applicant and do not reside with the applicant, so that they may be contacted as references. A minimum of three personal references shall be received prior to the date the agency recommends the home for certification.
(b) The applicant and all adult household members shall provide the name of any agency the applicant and any household member has applied to or had a homestudy approved for foster care or adoption, or any organization they have worked with in providing care and supervision of children. The applicant and any adult household members shall complete a written and signed release of information statement so any such reference may be contacted.

(c) The agency shall contact all adult children of the applicant for a reference. If the adult children are unable or unwilling to provide a reference this shall be assessed during the homestudy process and documented on the homestudy.

(d) All contacts with references listed above are required and shall be documented in the narrative section of the homestudy.

(9) The JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection certifying the home is free from conditions hazardous to the safety of children. The report shall not be dated more than twelve months prior to the date the agency recommends the home for certification.

(10) The JFS 01348 "Safety Audit" (rev.12/2014) completed not more than six months prior to the date the agency recommends the home for certification, documenting the residence satisfactorily meets all safety standards.

(11) A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to the date the agency recommends the home for certification and annually thereafter.

(12) Prior to the end of the assessment process, applicants shall complete and sign the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (rev. 12/2006) indicating the acceptable characteristics and type of child the applicant is willing to foster.

(a) The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver's strengths and needs, and the physical structure of the residence.

(b) All placements in a foster home shall be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.

(c) Upon the request from an applicant or caregiver, the JFS 1673-A may be updated as often as needed.

(L) The agency shall document in each record that the applicant has been evaluated by an assessor to determine the applicant's compliance with all homestudy requirements and the suitability of the applicant to be certified as a foster caregiver considering all household members and the availability of appropriate accommodations for any foster child that may be placed in the home.

(1) In completing the evaluation, a written narrative shall be compiled, signed by the assessor, and approved by the supervisor, indicating approval or denial of the application.

(2) The evaluation shall be a completed JFS 01673.

(M) In addition to the requirements of the JFS 01673, the agency may establish a written policy that applies to all applicants, requiring submission of additional materials or documents, or participation in additional assessment activities. The agency shall not recommend an applicant for certification to ODJFS prior to the completion of those requirements, in addition to all requirements of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code that are applicable to initial certification of the foster home.

(N) The agency shall not place a child or cause a child to be placed in a foster home until:

(1) The foster caregiver completes the preplacement training required by rule 5101:2-5-33 of the Administrative Code for the type of foster home certification the caregiver is seeking.
(2) The assessment of the foster home, including the JFS 01673 and all supporting documentation, is completed by an assessor who recommends certification of the applicant for foster care.

(3) An original JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending certification is submitted to ODJFS or the homestudy has been approved by ODJFS through the SACWIS system. If the agency does not have access to SACWIS then the agency shall submit the completed JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS in addition to the JFS 01317.

(4) The effective date of a foster home certificate issued by ODJFS.

Replaces: 5101:2-5-20
Effective: 11/01/2015
Five Year Review (F YR) Dates: 11/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 09/09/2015
Promulgated Under: 119.03
Statutory Authority: 5103.03, 3107.033
Rule Amplifies: 2151.86, 5103.02, 5103.03, 5103.0327
Prior Effective Dates: 12/30/66, 10/1/86, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 10/1/97 (Emer.), 12/30/97, 1/1/03, 12/11/06, 8/14/08, 7/1/09, 10/1/11, 3/1/12
An agency shall not recommend for certification any applicant whose residence or person is licensed, regulated, approved, or operated under the direction of, or otherwise certified as a facility to provide overnight substitute care for unrelated persons, by: the department of youth services, the department of mental health, the department of alcohol and drug addiction services, a community alcohol, drug addiction and mental health board, the department of developmental disabilities, a county board of mental retardation and developmental disabilities, the department of health or a juvenile court.

(A) The department of youth services.

(B) Each initial application for certification of a foster home shall be approved through an assessor's evaluation of the residence, prospective foster caregiver, and household members.

(C) To submit a recommendation for certification of a foster home:

(1) If a private child placing agency (PCPA) or private noncustodial agency (PNA) does not have access to the statewide automated child welfare information system (SACWIS), the agency shall submit to the Ohio department of job and family services (ODJFS) a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and the JFS 01318 "SACWIS Private Agency Provider Request" (rev. 4/2009). If the agency has access to SACWIS, the agency shall enter the required information in the system.

(2) A public children services agency (PCSA) shall enter the information into the statewide automated child welfare information system (SACWIS) as required in rule 5101:2-33-70 of the Administrative Code.

(D) Upon receipt of a JFS 01317, ODJFS will determine the effective and expiration dates of the certificate.

(E) The effective date of an initial foster home certificate shall be no earlier than the day the JFS 01317 is received by ODJFS as evidenced by the receipt date stamp or the date the recommendation is routed to ODJFS in SACWIS.

(F) The JFS 01673 "Assessment of Child Placement" (rev. 8/2005) shall be used to initiate all foster home homestudies.
Prior Effective Dates: 12/30/66, 10/1/86, 2/1/88, 7/2/90 (Emer.), 10/1/90, 1/1/91, 9/18/96, 7/1/00, 1/1/03, 12/11/06, 8/1/10
All currently certified foster homes shall be recertified every two years from the beginning date of the current certificate. If a homestudy is simultaneously approved for adoption and certified for foster care by the same agency, the spans shall be the same for both programs from the date of the foster home certification.

If an approved adoptive home is subsequently certified for foster care by the same agency that approved the home for adoption, the adoptive homestudy shall be updated at the same time the home is initially certified for foster care so that the spans will coincide.

If a certified foster home is subsequently approved for adoption by the same agency that certified the home for foster care, the next adoption update shall be completed when the current foster care certificate is recertified so that the spans will coincide.

The public children services agency (PCSA), private child placing agency (PCPA), or private noncustodial agency (PNA) shall ensure that employees or persons under contract with the agency to complete foster home recertifications comply with the following requirements:

1. The assessor definition in rule 5101:2-1-01 of the Administrative Code.
3. Section 3107.014 of the Revised Code.

The recommending agency shall notify the foster caregiver of the date of expiration of the foster home certificate not less than ninety or more than one hundred fifty days prior to the expiration date. The notification shall:

1. Identify any information or documentation that is required for the recertification.
2. Be completed on the JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" (rev. 12/2014).

Following agency notification to the foster caregiver as required by paragraph (C) of this rule, if the caregiver fails to either reapply or voluntarily terminate prior to the expiration date of the certificate, the foster home certificate shall expire. If the family wishes to become certified after the expiration date, they shall reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

If a foster caregiver(s) has re-applied for a foster home certificate at least thirty days prior to the expiration of a current certificate, an assessor shall complete a JFS 01385, "Assessment for Child Placement Update" (rev. 12/2014), ensure that the foster caregiver(s) remains in compliance with the requirements set forth in Chapters 5101:2-5 and 5101:2-7 of the Administrative Code, and determine the continued suitability of the caregiver to serve as a foster caregiver. The agency shall compile and review the following documents, in addition to completing the JFS 01385:
The most recent JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed for the applicant and all household members by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner or certified nurse-midwife. The agency may require a new JFS 01653 if the agency deems it necessary.

The agency may require a report of a physical, psychiatric or psychological examination or treatment of the caregiver or other household member in order to ensure the safety, health or care of a foster child. The examination shall be conducted by a licensed physician, psychologist, or other certified or licensed professional.

The most recent fire inspection by a state certified fire safety inspector or the state fire marshal's office using the JFS 01200 "Fire Inspection Report for Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection. The agency may require a new fire inspection prior to recommending the home for recertification if the agency deems it necessary to ensure the home is free from conditions which may be hazardous to the safety of a foster child.

The most recent JFS 01681 "Applicant Financial Statement." (rev. 10/2000). The agency may require a new JFS 01681 if there have been any substantial changes to the foster family's financial situation.

The most recent annual well water test approved by the health department, if applicable.

If the agency has the ability to complete the search in SACWIS, the agency shall complete an alleged perpetrator search of abuse and neglect report history through the system for each foster caregiver and adult household member. If the agency does not have the ability to complete the search in SACWIS, the agency shall request a search of the system from ODJFS for each foster caregiver and each adult household member.

A report with the results of the search shall be placed in the foster home record.

This report is to be used to determine the continued suitability of the foster family.

The agency shall conduct a safety audit utilizing the JFS 01348 "Safety Audit" (rev. 12/2014) completed within six months prior to recommending a foster home for recertification, documenting that the residence continues to meet all safety standards. Any deficiencies noted on the JFS 01348 shall result in the completion of a rule violation report and a corrective action plan in accordance with paragraph (E) of rule 5101:2-5-28 of the Administrative Code.

The most recent criminal records checks for all foster caregivers and adult household members. Once a foster caregiver is certified, a new criminal records check shall be conducted, pursuant to rule 5101:2-5-09.1 of the Administrative Code, for the foster caregiver(s) and each adult household member every four years prior to recommending a foster home for recertification. If an existing resident of the home, including youth placed in the home, turned eighteen years of age during the current certification span, the agency shall have criminal records checks completed at the time of the next recertification and every four years thereafter at the time of recertification.

Documentation that the foster caregiver(s) has completed the required ongoing training pursuant to rule 5101:2-5-33 of the Administrative Code. If the foster caregiver has not completed the required continuing training, the agency may recommend recertification if the situation meets the specifications of the agency's good cause policy pursuant to rule 5101:2-5-13 of the Administrative Code.

An assessor's recertification of a foster home shall include at least one home visit and one interview with each member of the household (except foster children) over the age of four years currently residing in the home. This may be a joint interview or individual interviews.

If an agency receives a completed JFS 01331 at least thirty days prior to the expiration date of a foster home certificate, an agency shall follow the requirements listed in this rule to complete the assessment for recertification.
At the completion of the assessment and prior to the expiration of the foster home certificate:

(a) An agency with access to SACWIS shall enter the required data into the system documenting one of the following:

(i) Recertification.
(ii) Denial of recertification.
(iii) Closure, based on receipt of a voluntary withdrawal.

(b) An agency without access to SACWIS shall submit a JFS 01317 to ODJFS documenting one of the following:

(i) Recertification.
(ii) Denial of recertification.
(iii) Closure, based on receipt of a voluntary withdrawal.

The effective date of a foster home certificate shall be the first day following the expiration of the previous certificate. For only those certifications in which paragraph (I) of this rule apply, the effective date shall be the date that ODJFS receives the recommendation for certification from the agency, which shall be no more than thirty days past the expiration date of the current certificate.

If an agency receives a completed JFS 01331 less than thirty days prior to the expiration date of a foster home certificate, the agency may complete the requirements listed in this rule if they have sufficient time and resources to complete the assessment and submit the requirements listed in paragraph (G) of this rule prior to the expiration of the foster home certificate.

(1) If the agency is unable to complete the recertification prior to the expiration, the foster care certificate will expire on the date of expiration.

(2) If the foster care certification expires, the agency shall, within ten days after the expiration date of the certification:

(a) Provide written notification to the caregiver of the following:

(i) That the foster care certification has expired.
(ii) That if the family would like to obtain foster care certification, the family must reapply for initial certification pursuant to rule 5101:2-5-20 of the Administrative Code.

(b) An agency with access to SACWIS shall enter the required data into the system to close the provider because the foster care certification has expired.

(c) An agency without access to SACWIS shall submit a JFS 01317 to ODJFS documenting the home has closed because the foster care certification has expired.

For certifications with an expiration date within ninety days after the effective date of this rule, agencies may take up to an additional thirty days past the expiration date of the current certificate to complete the requirements listed in paragraph (G) of this rule if all of the following apply:

(1) The agency or family is unable to complete the recertification requirements listed in this rule prior to the expiration date of the certificate.

(2) The family submitted the JFS 01331 less than thirty days prior to the expiration date of the current certificate.

The determination of the specific number, age, and gender of children the foster home is certified for is the joint decision of the caregiver(s) and the assessor, based on the caregiver’s strengths and needs, and the physical structure of the residence.

(1) All placements in a foster home shall be in compliance with this determination and with the provisions of rule 5101:2-5-32 of the Administrative Code.
(2) Upon the request from a foster caregiver, the JFS 1673-A "Child Characteristics Checklist" (rev. 12/2006) may be updated as often as needed.

Replaces: 5101:2-5-24
Effective: 11/01/2015

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FCASMTL 354

Effective Date: December 1, 2015
Most Current Prior Effective Date: August 1, 2010

(A) No child placed in a family foster home on or before March 31, 2005 shall be moved to another placement solely because of the failure of the foster caregiver to meet the requirements for treatment or medically fragile foster homes found in this chapter or in Chapter 5101:2-7 of the Administrative Code.

(B) An agency shall recommend a foster caregiver be certified to operate only one type of foster home at a time. A foster home may accept a foster child that is assessed as needing care at or below the level of care for which the home is certified.

(C) Whenever a foster caregiver who is certified to operate a foster home wishes to seek to change the foster home's certification to another type of certification, the foster caregiver shall submit a written request to the recommending agency.

(D) If a foster caregiver seeks to change the foster home's certification to a treatment foster home or a medically fragile foster home, the agency shall determine if the foster caregiver meets the qualifying experience requirements contained in paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code. If the foster caregiver meets those requirements, the agency shall proceed as in paragraph (E) of this rule. If the foster caregiver does not meet those requirements, the agency shall not proceed with the foster caregiver's request. Failure of a foster caregiver to prove to the recommending agency's satisfaction that the foster caregiver meets the qualifying experience requirements of paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code does not constitute denial of certification and is not subject to appeal pursuant to Chapter 119. of the Revised Code.

(1) If the foster caregiver meets those requirements, the agency shall proceed as in paragraph (E) of this rule.

(2) If the foster caregiver does not meet those requirements, the agency shall not proceed with the foster caregiver's request.

(3) Failure of a foster caregiver to prove to the recommending agency's satisfaction that the foster caregiver meets the qualifying experience requirements of paragraph (A) of rule 5101:2-7-16 or 5101:2-7-17 of the Administrative Code does not constitute denial of certification and is not subject to appeal pursuant to Chapter 119. of the Revised Code.

(E) Changing from one type of foster home to another.

(1) The agency shall ensure that all the preplacement training requirements of a foster caregiver contained in rule 5101:2-5-33 of the Administrative Code have been completed prior to recommending the home to the Ohio department of job and family services (ODJFS) for another type of certification.

(2) Pursuant to sections 5103.032, 5103.033 and 5103.039 of the Revised Code, a recommending agency shall not approve a waiver of any preplacement training requirements for the first certification of the new type of foster home.

(3) Notwithstanding paragraphs (E)(1) and (E)(2) of this rule, pursuant to Section (3) of Substitute House Bill 332 as enacted by the 123rd Ohio General Assembly, a foster caregiver holding a valid family foster home certificate on January 1, 2001 shall not be required to meet the additional preplacement training requirements of paragraphs (C)(3) and (C)(7) of rule 5101:2-5-33 of the Administrative Code.

(4) Training that may be considered as meeting either a requirement for preplacement training for a specialized foster caregiver or a requirement for continuing training for a family foster caregiver,
may be counted as meeting either requirement, even though the caregiver may be certified to operate only one type of foster home at a time.

(5)(4) At the discretion of the recommending agency, for a currently certified foster caregiver who is seeking to change the type of foster home for which the caregiver is certified, preplacement or continuing training courses successfully completed within the most recent three year period from the date of the caregiver's written request to the agency to be certified as a different type of foster home, may be counted towards meeting the preplacement requirements for the new type of foster home.

(6)(5) When the change in type of foster home certification takes place during a foster caregiver's certification period, if the foster home's certification designation is changing from a certification designation that has more stringent requirements to a certification designation that has less stringent requirements, the new certification period for the foster home shall be until the end of the caregiver's current certification period.

(7)(6) If the foster home's certification designation is recommended to change from a certification category that has less stringent requirements to a certification category that has more stringent requirements, the new certification period will be for two years, effective from the date ODJFS receives the JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) recommending the change.

(8)(7) When the agency recommends that a foster caregiver's certification be changed to another type of foster home, the recommendation shall be submitted as a change to ODJFS on the JFS 01317. The ODJFS uniform statewide automated child welfare database resource identification number shall remain the same as the previous identification number.

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Statutory Authority: 5103.03, 5103.0316
Rule Amplifies: 5103.02, 5103.03, 5103.0316
Prior Effective Dates: 1/1/03, 12/11/06, 8/1/10
At the time of an agency decision to recommend denial of initial certification, denial of recertification or revocation of a foster home certificate, the agency may contact the Ohio department of job and family services (ODJFS) children services licensing enforcement coordinator for consultation regarding required evidence, procedures and advice prior to notifying the applicant or foster caregiver of the agency's intent.

If the agency decides to recommend denial of initial certification, denial of recertification or revocation, pursuant to paragraph (C) of this rule it shall provide written notification by regular mail and certified mail, return receipt requested, to the applicant or foster caregiver of the following:

1. The reason for the decision to recommend denial of initial certification, denial of recertification or revocation;
2. The specific law or rule(s) with which the applicant or foster caregiver allegedly is not in compliance;
3. The method of and time limits for requesting a local agency grievance meeting; and
4. That the final decision to deny the initial certification or recertification or to revoke certification will be made by ODJFS at which time the applicant or caregiver shall be afforded the opportunity to request a hearing pursuant to Chapter 119. of the Revised Code.

Notification required by paragraph (B) of this rule shall be on the JFS 01315 "Notification of Denial of Initial Certification, Recertification or Revocation of a Foster Home Certificate" (rev. 1/2003).

Following the completion of the requirements of paragraph (B) of this rule, and subject to paragraph (F) of this rule, the agency shall notify ODJFS of its recommendation to deny initial certification, deny recertification or revoke the certificate on a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) and shall submit documentation of:

1. A summary of the grievance meeting, if one was held;
2. Identification of rules with which the applicant or foster caregiver is allegedly not in compliance;
3. Specific documentation and evidence supporting the recommendation; and
4. A copy of the JFS 01315 and the certified mail return receipt sent to the applicant or foster caregiver.

Upon receipt of the JFS 01317 required in paragraph (D) of this rule or notification of the recommendation submitted in paragraph (F) of this rule, ODJFS shall evaluate the evidence and documentation submitted by the agency and take one of the following actions:

1. Return the JFS 01317 recommendation and evidence to the agency due to insufficient or inappropriate evidence and documentation with a written explanation of the deficiency;
2. Reject the agency recommendation in writing specifying the reasons for rejection; or
3. Proceed with the denial or revocation process.

If an agency has access to the statewide automated child welfare information system (SACWIS), the agency shall recommend the denial of initial certification, denial of recertification or revocation of the certificate through SACWIS. A JFS 01317 shall not be completed.

At the time ODJFS proceeds with an agency recommendation to deny or revoke a foster home certificate ODJFS shall notify the applicant or foster caregiver pursuant to Chapter 5101:6-50 of the
Administrative Code. A copy of the notice shall be sent to the recommending agency which shall immediately notify any other agency which may have a foster child placed in the foster home.

(H) The decision to proceed or not proceed with a recommendation for denial or revocation rests solely with ODJFS in its exercise of discretion.

(I) Any action by ODJFS to deny or revoke a foster home certificate shall be subject to the requirements of Chapter 119. of the Revised Code and Chapter 5101:6-50 of the Administrative Code.

(J) If a foster home application or certificate has been denied or revoked pursuant to Chapter 119. of the Revised Code, the applicant or person to whom the certificate was issued shall not be eligible for any ODJFS children services license or certification for five years from the date of denial or revocation or the exhaustion of all appeals, whichever is later.

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FCASMTL 408

Effective Date: May 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) If a foster caregiver notifies the recommending agency of the voluntary termination of the foster home certificate, the recommending agency shall, within two working days of receipt of the notice, notify any other agency which has a foster child placed within the home.

(B) If an agency has not implemented the statewide automated child welfare information system (SACWIS), the agency which recommended the certificate shall, within thirty calendar days of the effective date of a voluntary termination, submit the information by way of the JFS-01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) to the Ohio department of job and family services (ODJFS) indicating that the foster home certificate has been voluntarily terminated, and that the foster home record is closed.

(C)(B) If an agency has implemented SACWIS, the recommending agency which recommended the certificate receives a voluntary termination notice from a foster caregiver, the agency shall, each work day or as information becomes available about a voluntary termination, submit the information in SACWIS and forward the information to ODJFS for approval.

Effective: 5/1/2019

Five Year Review (FYR) Dates: 1/7/2019 and 05/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 03/14/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

FCASMTL 387

Effective Date: October 1, 2017

Most Current Prior Effective Date: March 1, 2017

(A) If the recommending agency has knowledge of rule noncompliance or receives an allegation of a rule violation of Chapter 5101:2-7 of the Administrative Code for a currently certified foster home, the agency shall comply with all of the following:

(1) Begin an investigation of all allegations of rule noncompliance of Chapter 5101:2-7 of the Administrative Code within three calendar days of receipt of an allegation of a rule violation. At a minimum, an investigation begins with the implementation of paragraph (B)(C) of this rule or documenting the contact of the agency by any third party or law enforcement agency investigating the allegations to determine if the recommending agency can proceed with the rule noncompliance investigation.

(2) Complete the investigation within thirty calendar days of beginning the investigation unless the investigation of rules violation conflicts with any other third party or law enforcement investigation.

(3) Document and maintain the following results in the foster caregiver record:
   (a) Investigations conducted pursuant to this paragraph.
   (b) If noncompliance is found, the development and implementation of corrective action plans as required by the agency or the recommendation to deny recertification or revoke the certification of the foster home.
   (c) If noncompliance is not found, a statement documenting and explaining the reasoning that non-compliance was not found.

(B) Any one or any combination of the following circumstances may be considered valid cause for denial of initial foster home certification, denial of recertification, or revocation of a foster home certificate either upon the recommendation of a recommending agency or through unilateral action by the Ohio department of job and family services (ODJFS):

(1) A foster caregiver or applicant fails or refuses to comply with any requirement of Chapter 5101:2-5 or 5101:2-7 of the Administrative Code.

(2) A foster caregiver or applicant knowingly furnishes false or misleading statements or reports to the agency.

(3) A foster caregiver or applicant knowingly falsifies, refuses or fails to submit any report required by Chapter 5101:2-7 of the Administrative Code.

(4) A foster caregiver or applicant refuses or fails to make available any record required by or necessary to the administration of Chapter 5101:2-7 of the Administrative Code.

(5) A foster caregiver or applicant refuses to admit into the residence any person performing duties required by Chapter 5101:2-5, 5101:2-7 or 5101:2-36 of the Administrative Code or any laws of the state or any subdivision therein.

(6) A foster caregiver or applicant fails or refuses to comply with agency instructions regarding care of a foster child an agency has placed within the home.

(7) A foster caregiver or applicant interferes or acts in conflict with an agency plan for a foster child’s care.

(8) Any resident of a foster caregiver or applicant's home, other than the foster children who are placed there, is found guilty of any crime perpetrated against a child.
A foster caregiver or applicant, any adult resident of a foster home, or any minor resident of a foster home at least twelve years of age, but less than eighteen years of age other than a foster child who is placed there, residing with the foster caregiver has been convicted of, pleaded guilty to, or been adjudicated delinquent for commission of any offense listed in paragraph (J) of rule 5101:2-7-02 of the Administrative Code.

A foster caregiver, applicant or any other resident of a foster home who is a person subject to a criminal records check refuses to obtain a criminal records check.

A recommending agency can document, in their assessment, that a foster caregiver, applicant or a foster home should not care for a foster child.

Any act of omission or commission by a foster caregiver, applicant or other member of the household which results in the death, injury, illness, abuse, neglect or exploitation of a child.

Any applicable reason pursuant to section 5103.0319 or 5103.0326 of the Revised Code.

When the recommending agency has knowledge that one or more of the circumstances listed in paragraph (A)(B) of this rule apply to a resident of a foster caregiver's or prospective foster caregiver's home, the agency shall do all of the following:

1. Review the foster home certificate or the application, if applicable, and if appropriate, recommend that ODJFS revoke the certificate, deny the recertification of the certificate or deny the application.

2. Review the appropriateness of the placement in the foster home of any child of whom the agency has temporary, legal, or permanent custody. After review, the agency may, consistent with any court order, remove the child from the foster home in which the child is residing and place the child in another certified foster home or other appropriate placement.

3. If the agency does not have temporary, legal, or permanent custody of a foster child residing in the foster home, the recommending agency shall notify the entity that has custody of the child that it has received a notice subject to paragraph (Q) of rule 5101:2-7-02 or paragraph (G) of rule 2-7-145101:2-7-14 of the Administrative Code.

4. Assess the foster caregiver's need for training because of the conviction, plea of guilty, or adjudication described in paragraph (A)(B) of this rule and provide any necessary training unless the agency action is to recommend revocation of the certificate.

If a recommending agency learns that a foster caregiver has failed to comply with the provisions of paragraph (Q) of rule 5101:2-7-02 or paragraph (G) of rule 5101:2-7-14 of the Administrative Code, it shall immediately notify the entity that has custody if applicable, and ODJFS.

If an agency determines that any of the conditions listed in paragraph (A)(B) of this rule presents or creates a threat to the life, health, or safety of a foster child, it shall immediately remove the foster child from the foster home and notify the custody-holding agency or individual within one hour. An agency determination of threat to a foster child's safety shall be considered sufficient basis for any such action, and shall not require any additional justification.

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FCASMTL 408

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Most Current Prior Effective Date: July 1, 2014

(A) An agency shall create a separate record for each foster home.

(B) All documentation required by Chapters 5101:2-5 and 5101:2-7 of the Administrative Code shall be contained in the individual foster home record pursuant to paragraph (A) of this rule.

(C) An agency shall maintain in each foster home record a log of all children placed in the foster home. The log shall contain, at a minimum:

1. The name of the foster child.
2. The child's date of birth.
3. The date of placement in the foster home.
4. The date of discharge/removal from the foster home and reason.
5. The new location of the child.
6. If the foster home is a specialized foster home, the use of any planned or crisis respite care for children placed in the home shall be documented in the log.
   (a) At a minimum, the documentation shall show the starting and ending dates of any respite care services received by the child and where the respite care was provided.
   (b) If the approved respite care provider is a certified foster caregiver, the name of the child and the starting and ending dates of any respite care services provided by the foster caregiver shall also be documented in the log for the foster home providing the respite care.

(D) All closed foster home records shall be maintained by the agency for a period of five years following the date of closing of the home.

(E) If an agency has implemented the statewide automated child welfare information system (SACWIS), the agency shall maintain any requirement of this rule in SACWIS if the system has the ability to record the required information.

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Rule Amplifies: 5103.02, 5103.03

FCASMTL 349

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Most Current Prior Effective Date: July 1, 2009

(A) The PCSA, PCPA, PNA or court shall ensure that employees or persons under contract with the agency to perform assessor duties comply with the following requirements.

   (1) The assessor definition in rule 5101:2-1-01 of the Administrative Code.
   (2) Rule 5101:2-48-06 of the Administrative Code.
   (3) Section 3107.014 of the Revised Code.

(B) If the agency is notified of any of the following changes for the foster caregiver, the agency shall amend the homestudy:

   (1) A change in the marital status of the foster caregiver(s).
   (2) The death of a foster caregiver or household member.
   (3) A change in household members, not including foster children.
   (4) A change of address for the foster family that is different than the address listed on the foster home certificate.

(C) An amendment is a narrative of the assessor's evaluation of the change that has occurred in the foster home. The agency shall document the date of notification in the amendment.

   (1) The amendment shall be completed within thirty days of the date of the change, or within thirty days of the date the agency became aware a change occurred if notification did not occur pursuant to rule 5101:2-7-14 of the Administrative Code.
   (2) If the change is to add a foster caregiver to the certificate, the amendment shall not be completed until the preplacement training has been completed pursuant to rule 5101:2-5-33 of the Administrative Code.
   (3) In completing the amendment, the agency shall, if necessary, redetermine the specific number, age, and gender of children the family is approved to foster. The amendment shall address sleeping arrangements, beds and bedrooms, and shall evaluate whether the foster family remains in compliance with all applicable requirements.
   (4) The amendment shall be completed in the statewide automated child welfare information system (SACWIS) if the agency has access to the system.
   (5) An agency that does not have access to SACWIS shall document the amendment in the caregiver record. The agency may do this by completing the applicable sections of the JFS 1385 "Assessment for Child Placement Update" (rev. 12/2014) in addition to completing the applicable requirements identified in this rule. At the completion of the amendment, an agency that does not have access to SACWIS shall submit a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003) to the Ohio department of job and family services (ODJFS) to recommend any amendment causing a change on the face of the foster home certificate. The agency shall submit a JFS 01318 "SACWIS Private Agency Provider Request" (rev. 12/2014) to ODJFS for any change in household occupancy so that information in the SACWIS provider record may be updated.

(D) If the amendment is due to a new household member, the agency shall ensure the following:

   (1) New household members residing with the foster caregiver shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed documenting they are free from any physical, emotional or mental condition which would endanger children or seriously impair the ability of the household member to care for the child placed in the home.
(a) If the new occupant is an adopted child who immediately prior to the adoption resided in
the home as a foster child, a JFS 01653 is not required.

(b) The JFS 01653 shall be dated within ninety days of the date the person becomes a
household member.

(c) If the agency was not notified of the new household member in accordance with rule
5101:2-7-14 of the Administrative Code, the JFS 01653 shall be dated within ninety days
of the date the agency became aware of the new household member.

(2) New adult household members residing with the foster caregiver shall have a bureau of criminal
investigation (BCI) and federal bureau of investigation (FBI) records check, as outlined in rule
5101:2-5-09.1 of the Administrative Code.

(a) The criminal records checks shall be conducted within ten working days of the date the
person becomes a household member.

(b) If the agency was not notified of the new household member in accordance with rule
5101:2-7-14 of the Administrative Code, the criminal records checks shall be conducted
within ten working days of the date the agency became aware of the new household
member.

(3) New adult household members shall provide the name of any agency they have applied to or
had a homestudy approved for foster care or adoption, or any organization they have worked
with in providing care and supervision of children. The new adult household member shall
complete a written and signed release of information so that any such reference may be
contacted.

(4) If the agency has the ability to complete the search in SACWIS, the agency shall complete an
alleged perpetrator search of abuse and neglect report history through the system for the new
adult household member within ten working days of the date the person becomes a household
member. If the agency does not have the ability to complete the search in SACWIS, the agency
shall request a search of the system from ODJFS for the new adult household member within
ten working days of the date the person became a household member. If the agency was not
notified of the new household member pursuant to rule 5101:2-7-14 of the Administrative Code,
then the agency shall complete these requirements within ten working days of the date the
agency became aware of the new household member.

(a) A report with the results of the search shall be placed in the foster caregiver record.

(b) This report is used to determine the continued suitability of the foster family.

(5) The agency shall request a check of the child abuse and neglect registry of any other state the
new adult household member has resided in for the five years immediately prior to the date of
the criminal records check for the new household member, as required by division (A) of section
2151.86 of the Revised Code.

(6) If the new household member is the co-parent or spouse of the foster caregiver and shall
therefore be added to the certificate, the agency shall ensure the following is completed in
addition to the requirements listed in paragraph (D) of this rule:

(a) The agency shall contact all adult children of the new co-parent or spouse for a
reference. If the adult children are unable or unwilling to provide a reference this shall be
assessed during the amendment process and documented in the amendment.

(b) If the person has not previously completed the preservice training, the agency shall
ensure the co-parent or spouse completes the preplacement training required pursuant to
rule 5101:2-5-33 of the Administrative Code no later than one hundred eighty days after
becoming a household member. The co-parent or spouse shall not be added to the foster
care certificate until the training has been completed.
Once the co-parent or spouse is added to the certificate, the required continuing training hours shall be prorated from the date the co-parent or spouse is added to the foster care certificate through the expiration of the current certification span.

If the amendment is due to a change of address of the foster home, the agency shall ensure the following:

1. The agency shall conduct a safety audit documenting the new residence satisfactorily meets all safety standards.
   a. The safety audit shall be completed on the JFS 01348 "Safety Audit" (rev. 12/2014).
   b. The safety audit shall be conducted within ten working days after the change of address.
   c. If the agency was not notified of the change of address pursuant to rule 5101:2-7-14 of the Administrative Code, the agency shall conduct the safety audit within ten working days of the date they became aware of the change of address.

2. The agency shall require the foster caregiver to obtain a fire safety inspection certifying the new residence is free from conditions hazardous to the safety of a foster child.
   a. The fire safety inspection shall be completed on the JFS 01200 "Fire Inspection Report For Residential Facilities Certified by ODJFS" (rev. 2/2015) or other form used for a local or state fire inspection.
   b. The fire safety inspection shall be requested prior to or within thirty days of the date of the change of address. If the agency was not notified of the change of address pursuant to rule 5101:2-7-14 of the Administrative Code, then the fire safety inspection shall be requested within thirty days of the date the agency became aware of the change of address.
   c. The fire safety inspection shall be conducted prior to or within ninety days of the date of the change of address. If the agency was not notified of the change of address pursuant to rule 5101:2-7-14 of the Administrative Code, then the fire safety inspection shall be conducted within ninety days of the date the agency became aware of the change of address.
Prior to an agency sharing use of a foster home that has been recommended for certification by another agency, the agency wishing to use the home shall obtain a written agreement signed by the recommending agency stating how the home is to be used and that all parties affected by the agreement approve of it. The recommending agency shall provide a copy of the agreement to the foster caregiver(s) and all agencies currently using the home.

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.

Pursuant to the transfer conditions listed throughout this rule, a foster home shall only be considered for a transfer to another agency that recommends foster homes of the type that the caregiver is qualified to provide. If a transfer is approved for a foster caregiver certified to operate a specialized foster home to an agency that does not operate a specialized foster home program, the caregiver shall agree that upon execution of the transfer, the foster home designation will be identified as a family foster home.

An agency shall consider a transfer request of a foster home from another agency only if the foster caregiver has been certified with the recommending agency for a minimum of one year. A foster caregiver shall not transfer more than once during a certification period. Exceptions to these limitations may be made in the following circumstances:

1. If a foster caregiver has relocated to a county not served by the foster caregiver's recommending agency.
2. If the foster caregiver's recommending agency ceases to recommend foster homes for certification to the Ohio department of job and family services (ODJFS) or ceases to recommend the type of foster home that the caregiver is currently certified to provide.
3. If both the sending and receiving agency agree to the transfer of the foster home.

Upon receipt of a written request from a foster caregiver who meets the requirements of paragraph (D) of this rule and who expresses a desire to transfer from their current recommending agency, a receiving agency shall make a determination whether to further consider the transfer request.

1. If the receiving agency decides to continue the review of the transfer, the receiving agency shall notify the foster caregiver's current recommending agency in writing to inform them of the transfer request and to request a complete copy of the caregiver's foster home record, with the exception of references and criminal background checks.
2. The receiving agency shall only accept documentation located in the foster home record from the recommending agency. The records shall not be accepted directly from the foster caregiver or other individual. A caregiver may provide other information to the receiving agency that the caregiver considers to be relevant.

Upon receipt of the transfer request from the receiving agency:

1. If the recommending agency has previously made a decision not to place any additional children in the foster caregiver's home, it shall inform the receiving agency of this decision and the reason why this decision was made. If the receiving agency still wishes to proceed with exploring the transfer request, it shall notify the recommending agency in writing.
2. The recommending agency shall ensure that a signed release of information has been obtained from the foster caregiver authorizing release of the record. The release may be initiated by either agency or the foster caregiver.
(3) The recommending agency may charge the receiving agency a reasonable fee for copying the records, not to exceed twenty-five cents per page. No additional fee shall be charged to any party. If a fee is charged to copy the records, the records shall not be sent until the fee is paid.

(4) While the transfer request is pending, the recommending agency shall continue to work with the foster caregiver as it does with all other foster caregivers associated with the agency. The recommending agency shall continue to provide the caregiver with notification of training events needed pursuant to the foster caregiver's needs assessment and continuing training plan. The recommending agency shall allow the foster caregiver to attend any such events and shall continue to meet with the caregiver regarding the care of any child placed in the home.

(G) Within fifteen working days of receipt of the signed release of information and any applicable copying fee, the recommending agency shall forward a complete copy of the foster home record, with the exception of references and criminal background checks. The record shall be sent electronically, by certified mail, return receipt requested, or hand delivered by agency staff. If records are hand delivered, the recommending agency shall be provided with a receipt showing the date the records were delivered to the receiving agency. The receiving agency shall also document the date the record was received. The record shall include the following:

(1) The most recent initial homestudy and all homestudy recertifications.
(2) The most recent report of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS).
(3) Training records.
(4) Fire inspection reports.
(5) Safety audits.
(6) Medical reports.
(7) Foster home exit interviews.
(8) Complaint or rule noncompliance investigations and any applicable corrective action plans. If there are any outstanding investigations or corrective action plans that have not been fully completed or implemented, the recommending agency shall notify the receiving agency of the nature of those investigations and corrective action plans.

(H) Upon receipt of the foster caregiver's records, 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 caregiver, the assessor shall:
   (a) Contact staff from the current recommending agency and the caregiver to determine the reasons why the request to transfer is being made at this time.
   (b) Determine if there are foster children in the home, and, if so, identify the agency with custody of the child(ren).
   (c) Make at least one visit to the foster home and conduct a face-to-face interview with each foster caregiver and all other household members over the age of four.
   (d) Receive three new personal references for the foster caregiver(s) from persons who are unrelated to the caregiver(s) and do not live in the foster home.
   (e) Receive new references from all adult children of the caregiver(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 caregiver record.
   (f) Conduct a new criminal records check for all persons subject to a criminal records check residing in the foster home. Results shall be obtained, reviewed and approved prior to accepting the transfer request.
(g) Complete a new safety audit of the foster home on the JFS 01348 "Safety Audit" (rev. 12/2014) to ensure the home meets all current safety requirements for foster homes.

(2) If the record indicates that there are outstanding investigations or corrective action plans that have not been fully implemented, the assessor shall not recommend acceptance of the transfer unless the assessor is satisfied that any outstanding investigations or plans are not material to the request to transfer the home and do not jeopardize the safety of any children who are or may be placed in the home.

(3) If there are foster children currently placed in the home, all custodial agencies must approve of the transfer of the foster home, as evidenced by the custodial agency signature(s) on the JFS 01334 "Notification of Transfer of a Foster Home" (rev. 12/2014).

(a) If the custodial agency does not agree to the transfer while a child in its custody is placed in the home, the transfer shall not take place until that child is no longer placed in the home.

(b) No child shall be removed from a foster caregiver's home solely because the caregiver has requested a transfer from one agency to another.

(4) If a transfer request of a foster home is pending within ninety days immediately prior to the expiration of the certificate, the current recommending agency and the receiving agency may determine through mutual agreement which agency will conduct the recertification of the foster home. If there is no agreement between the agencies, the current recommending agency shall be responsible for completing the recertification of the home.

(5) The assessor shall complete the transfer assessment within sixty days of the date the complete record was received from the current recommending agency. If the transfer assessment cannot be completed in that timeframe, the assessor shall document the reason(s) in the record.

(I) Upon the completion of the assessment, the assessor shall make a final recommendation regarding the transfer and document that decision in the receiving agency's record. Written notice of the decision shall be given to the foster caregiver and the recommending agency within five working days of the date the decision was made. The decision to approve or reject the transfer request rests solely with the receiving agency, subject to the approval of ODJFS and the custodial agency of any foster child(ren) placed in the home. Nothing in this rule shall be construed to require an agency to accept the transfer of a foster home from another agency. The rejection of a transfer creates no right of appeal pursuant to Chapter 119. of the Revised Code for any party of the transfer request.

(J) If the decision is to deny the transfer request, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment, including the written recommendation 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, all information contained in the copy of the caregiver's record from the current recommending agency, as well as any information gathered during the transfer assessment shall be incorporated into the receiving agency's foster care provider record.

(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 to enter the transfer, then either the sending agency or the receiving agency shall make a recommendation to ODJFS to transfer the foster home by submitting the completed JFS 01334 containing all applicable signatures.

(3) The certificate shall be effective from the date of transfer until the end of the current certification period. If the foster caregiver is upgrading the type of foster care the home will provide, the caregiver shall begin a new two year certification starting on the date of transfer due to the increased training requirements.
(4) The transfer of a foster home to a receiving agency has the effect of conferring upon the receiving agency all the duties of a recommending agency contained in Chapter 5101:2-5 of the Administrative Code.

(5) Prior to or not later than thirty days after a transfer request has been processed by ODJFS, the receiving agency shall provide an orientation to the foster caregiver of the agency's foster care policies and procedures.

(L) Upon receipt of a signed release of information form, an agency shall release a copy of a foster care homestudy to an adoption agency when the foster caregiver is being considered as an adoptive parent.

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Occupancy Limitations and Accessibility

FCASMTL 398

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(A) An agency shall place a foster child in a foster home only when the agency and the foster caregiver are in compliance with the provisions of Chapters 5101:2-5 and 5101:2-7 of the Administrative Code.

(B) Specific circumstances and limitations for the capacity of a foster home:

(1) To determine the total number of children in the home, the agency shall include at a minimum:
   (a) Foster children placed in the home.
   (b) Kinship children residing in the home.
   (c) The children of a foster caregiver.
   (d) Children being cared for by a type B child care provider.
   (e) Children receiving any private child care services.

(2) Pursuant to section 5103.0317 of the Revised Code, a foster home shall not receive more than five foster children.

(3) When a foster caregiver has been certified for less than two years to operate a foster home, or has less than two years of professional child care experience as documented by the recommending agency, the caregiver shall not receive more than three foster children in the home at any one time.

(4) Not more than two children under the age of two years shall reside or receive child care services in a foster home at any one time.

(5) Not more than four children under the age of five years shall reside or receive child care services in a foster home at any one time.

(6) If a foster home is at or below the capacity limits set forth in this paragraph, the home may exceed the capacity limits if the additional children meet one of the following circumstances:
   (a) To accommodate a sibling group or the remaining members of a sibling group.
   (b) To accommodate a sibling or siblings of a kinship child.
   (c) When the additional child or children are related to the foster caregiver by adoption, blood or marriage.
   (d) When the additional child or children are foster children who previously resided in the foster home.
   (e) When the additional child or children are the children of a foster child who resides in the foster home.

(7) If a foster home is above the capacity limits set forth in this paragraph, the home shall not accept additional children unless the children meet one of the following exceptions:
   (a) To accommodate a sibling or siblings of a foster child currently placed in the home.
   (b) To accommodate a sibling or siblings of a kinship child currently placed in the home.
   (c) When the additional child or children are related to the foster caregiver by adoption, blood or marriage.
   (d) When the additional child or children are foster children who previously resided in the foster home.
   (e) When the additional child or children are the children of a foster child who resides in the foster home.
(8) If the foster home is a specialized foster home, the additional placement limitations of rules 5101:2-5-36 and 5101:2-5-37 of the Administrative Code, as applicable, shall apply.

(C) Not more than a total of ten children, including the children of a foster caregiver, children being cared for by a type B child care provider and children receiving any private child care services, shall reside or receive child care services in a foster home at any one time.

(D) Placement of a physically handicapped foster child in a foster home shall be made only after the agency has assured that any necessary special arrangements to meet the child's needs have been made.

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FCASMTL 347

Effective Date: September 1, 2015

Most Current Prior Effective Date: March 1, 2010

(A) A recommending agency shall assure that each person seeking certification successfully completes all preplacement training required by this rule according to the type of foster home for which certification is sought.

(B) A recommending agency shall assure that each foster caregiver for whom recertification is recommended successfully completes all continuing training required by this rule for the type of foster home operated by the foster caregiver, unless a waiver is approved by the recommending agency pursuant to paragraph (J) of this rule and appropriately documented according to paragraph (K) of this rule.

(C) A foster caregiver or applicant shall meet the following preplacement or continuing training requirements, as applicable to the type of home for which an applicant is seeking certification or for which a foster caregiver is certified.

(1) A person seeking certification to operate a pre-adoptive infant foster home shall complete a minimum of twelve hours of preplacement training prior to the agency recommending the home for certification. The required training courses shall address at least all of the following: Pre-adoptive infant foster home:

(a) The legal rights and responsibilities of foster caregivers.

(b) The policies and procedures of the recommending agency regarding foster caregivers.

(c) The Ohio department of job and family services' (ODJFS) requirements for certifying pre-adoptive infant foster homes.

(d) Infant care.

(e) Early childhood development.

(f) At least one hour of cultural issues in placement training including cultural diversity training.

(g) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(2) A foster caregiver certified to operate a pre-adoptive infant foster home shall complete a minimum of twenty-four hours of continuing training during each certification period. If an agency determines that it is necessary for a child placed in a pre-adoptive infant foster home to be provided care by a foster caregiver who has completed certification in cardiopulmonary resuscitation (CPR) and/or first aid and the caregiver has not previously completed such training, the training shall be provided as soon as possible after the child is placed. The required training courses shall be in accordance with the caregiver's written needs assessment and continuing training plan.

(3) Effective on or before December 31, 2008 a person seeking certification to operate a family foster home shall complete a minimum of twenty-four hours of preplacement training prior to the agency recommending the home for certification. Effective January 1, 2009 a person seeking certification to operate a family foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. No
preplacement training shall be counted towards the completion of continuing training required by paragraph (C)(5) of this rule. The preplacement training program shall consist of courses in the role of foster caregivers as a part of the care and treatment of foster children. A foster caregiver shall complete all of the courses, which shall, at least, address all of the following:

**Family foster home:**

1. **Family foster home:**
   - On or before December 31, 2008 a person seeking certification to operate a family foster home shall complete a minimum of twenty-four hours of preplacement training prior to the agency recommending the home for certification. Effective January 1, 2009 a
   - A person seeking certification to operate a family foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. No preplacement training shall be counted towards the completion of continuing training required by paragraph (C)(5)(2)(c) of this rule. The preplacement training program shall consist of courses in the role of foster caregivers as a part of the care and treatment of foster children. A foster caregiver shall complete all of the courses, which shall, at least, address all of the following:
   
   - **(a)** The legal rights and responsibilities of foster caregivers.
   - **(b)** The recommending agency’s policies and procedures regarding foster caregivers.
   - **(c)** ODJFS requirements for certifying foster homes.
   - **(d)** The effects placement, separation, and attachment issues have on children, their families, and foster caregivers.
   - **(e)** Foster caregivers’ involvement in permanency planning for children and their families.
   - **(f)** The effects of physical abuse, sexual abuse, emotional abuse, neglect, and substance abuse on normal human growth and development.
   - **(g)** Behavior management techniques.
   - **(h)** Effects of caregiving on children’s families.
   - **(i)** At least two hours of training on cultural issues in placement training including cultural diversity training.
   - **(j)** Prevention, recognition, and management of communicable diseases.
   - **(k)** Community health and social services available to children and their families.
   - **(l)** The substance of section 2152.72 of the Revised Code which deals with the information required to be shared with a foster caregiver when a child who has been adjudicated a delinquent child for the commission of certain violent crimes is placed in a foster home. A course addressing section 2152.72 of the Revised Code shall be not less than one hour long.
   - **(m)** The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

2. **(4)(b)** In addition to the preplacement training requirements of paragraph (C)(3)(2)(a) of this rule, a prospective family foster caregiver who will be providing care for a youth expected to remain in foster care until the youth’s eighteenth birthday shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide, under the instruction of the recommending agency, such services to the youth as are needed and appropriate and, to the extent possible, coordinate such services with the life skill services required to be provided by rule 5101:2-42-19 of the Administrative Code.

3. **(5)(c)** A foster caregiver certified to operate a family foster home shall complete a minimum of forty hours of continuing training during each certification period. A continuing training
program shall consist of courses that a foster caregiver must complete in accordance with the caregiver's written needs assessment and continuing training plan.

(6)(d) No preplacement training received under paragraph (C)(3)(2)(a) of this rule shall be counted towards the completion of continuing training required by this paragraph. If an agency determines that it is necessary for a child placed in a family foster home to be provided care by a foster caregiver who has completed certification in CPR and/or first aid and the caregiver has not previously completed such training, the training shall be provided as soon as possible after the child is placed.

(7)(e) In addition to the continuing training requirements of paragraph (C)(5)(2)(c) of this rule, a family foster caregiver who is or will be providing care for a youth expected to remain in foster care until the youth's eighteenth birthday shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide, under the instruction of the recommending agency, such services to the youth as are needed and appropriate and, to the extent possible, coordinate such services with the life skills services required to be provided by rule 5101:2-42-19 of the Administrative Code.

(8)(3) A person seeking certification to operate a specialized foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program shall consist of all the courses listed in paragraph (C)(3) of this rule except that the cultural issues in placement training shall be at least three hours in length, and, if applicable, paragraph (C)(4) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home the person seeks to operate. Such courses shall include: Specialized foster home:

(a) A person seeking certification to operate a specialized foster home shall complete a minimum of thirty-six hours of preplacement training prior to the agency recommending the home for certification. The preplacement training program shall consist of all the courses listed in paragraph (C)(3)(2)(a) of this rule except that the cultural issues in placement training shall be at least three hours in length, and, if applicable, paragraph (C)(4)(2)(b) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home the person seeks to operate. Such courses shall include:

(a)(i) Issues concerning appropriate behavioral intervention techniques, such as de-escalation, self-defense and physical restraint techniques and the appropriate use of such techniques.

(b)(ii) Education advocacy training.

(c)(iii) Certification in a first aid training program and a child and adult CPR training program such as those training programs offered by the American red cross, the American heart association, or the equivalent.

(d)(iv) Training that may be considered as meeting either a requirement for preplacement training for a specialized foster caregiver or a requirement for continuing training for a foster caregiver, may be counted as meeting either requirement, even though the caregiver may be certified to operate only one type of foster home at a time.

(9)(b) A foster caregiver certified to operate a specialized foster home shall complete a minimum of sixty hours of continuing training during each certification period. The continuing training program shall be in accordance with the caregiver's written needs assessment and continuing training plan and shall include, if applicable, the training listed in paragraph (C)(7)(2)(e) of this rule, and additional issues specific to the types of children placed in the type of specialized foster home for which the caregiver is certified. Such training shall also include continuous maintenance of certification in a first aid training program and a child and adult CPR certification training program such as those
(D) A foster caregiver may complete up to twenty per cent of his or her continuing training requirement by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers. To qualify for teaching or mentoring services a foster caregiver shall:

1. Have at least two years experience as a certified foster caregiver.
2. Have had at least two child placements in their foster home.
3. Be a currently certified foster home.
4. Not be under a corrective action plan by a recommending agency.
5. Not be under investigation for a violation of state statute or rule by a recommending agency or ODJFS.

(E) As used in this rule, mentoring services means, at a minimum:

1. Assisting foster caregivers with information that will encourage communication between the new foster caregivers and human service agencies.
2. Offering foster caregivers possible solutions to problems that may occur while caring for a child in placement.
3. Assisting and guiding recently certified foster caregivers in day to day activities while caring for a child in placement.
4. Offering to assist foster caregivers in utilizing resources within their community.
5. Encouraging recently certified foster caregivers to attend training sessions in order to maintain their current certification.

(F) Video presentations and training completed outside of a classroom shall be accepted under the following conditions:

1. Video presentations may be used as a tool to meet preplacement or continuing foster caregiver training requirements if any of the following requirements are met:
   (a) A qualified trainer is present during the training session to respond to questions.
   (b) The video presentation is part of a self-directed learning program approved by ODJFS.
   (c) ODJFS has approved the video presentation as part of an agency's training proposal as set forth in rule 5101:2-5-40 of the Administrative Code.

2. Video presentations prepared for entertainment purposes shall not be considered as meeting training requirements unless transfer of learning components are included prior to or following the video presentation. Transfer of learning components may include a pretest, a posttest, or a discussion following the video presentation. Video presentations prepared for entertainment purposes shall not be used for preplacement training or to meet more than one-third of a foster caregiver's continuing training requirements.

3. The acceptance of continuing training that is completed outside a classroom where a trainer is not present, shall be considered by the recommending agency on an individual basis and shall not be used for more than six hours of preplacement training or to meet more than one-third of a foster caregiver's continuing training requirements. To be accepted by a recommending agency to meet a foster caregiver's continuing training requirements, the training must include a transfer of learning component prior to or following the training. Such training shall be consistent with the recommending agency's written needs assessment and continuing training plan developed for the foster caregiver pursuant to paragraph (G) of this rule. If a private child placing agency (PCPA) or private noncustodial agency (PNA) intends to accept such continuing training on a regular basis, it shall be included in the agency's training proposal developed pursuant to rule 5101:2-5-40 of the Administrative Code. If a public children services agency (PCSA) intends to accept such continuing training on a regular basis, it shall provide written notification to the training programs offered by the American red cross, the American heart association, or the equivalent.
regional training center of the Ohio child welfare training program (OCWTP) responsible for providing foster caregiver training for the county so the training center can make appropriate plans for training.

(a) Continuing training completed outside a classroom may include training offered through the following methods:

(i) Video presentations.

(ii) Books or magazines.

(iii) Computer programs.

(iv) Internet sites.

(v) Interactive video presentations.

(b) Transfer of learning components may include the following:

(i) A pretest.

(ii) A posttest.

(iii) A discussion following the training.

(4) Continuing training where a foster caregiver is teaching one or more training classes to other foster caregivers or providing mentoring services to other foster caregivers may be used in combination with training completed outside a classroom to meet no more than one-third of the foster caregiver's continuing training requirements.

(5) Pursuant to rule 5101:2-5-38 of the Administrative Code, neither a foster caregiver training stipend nor an agency training allowance payment shall be made for training completed outside a classroom where a person in the role of a trainer is not present.

(6) Continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers are eligible for stipend and training allowance reimbursement in the amount of hours as specified in the foster caregiver's written needs assessment and continuing training plan. Any continuing training hours obtained by a foster caregiver by teaching one or more training classes to other foster caregivers in excess of the specified amount in the written needs assessment and continuing training plan shall not be reimbursable.

(G) Not later than the first thirty days of a foster caregiver's certification period, a recommending agency shall develop and implement a written needs assessment and continuing training plan for each foster caregiver affiliated with the agency. Each needs assessment and continuing training plan shall satisfy all of the following requirements:

(1) Be effective for the two-year period the foster caregiver's certificate is in effect.

(2) Be appropriate for the type of foster home the foster caregiver operates, and include training for the caregiver that relates to providing independent living services, as defined in section 2151.81 of the Revised Code, to a child placed as provided in division (B)(2) of section 2151.353 of the Revised Code.

(3) Require the foster caregiver to successfully complete the courses the agency considers appropriate;

(4) Include criteria the agency is to use to determine whether the foster caregiver has successfully completed the courses.

(5) Guarantee that the courses the foster caregiver is required to complete are available to the foster caregiver at reasonable times and places.

(6) Specify the number of hours of continuing training, if any, the foster caregiver may complete by teaching one or more training classes to other foster caregivers or by providing mentoring services to other foster caregivers as referenced in this rule.
For a family foster caregiver or a specialized foster caregiver, specify whether the agency will waive any of the hours of continuing training the foster caregiver is required by paragraph (C) of this rule to complete during each certification period if the foster caregiver satisfies the conditions for the agency to issue a waiver. If the agency will issue a waiver, the agency shall state in the needs assessment and continuing training plan the number of hours of continuing training, not to exceed eight during each certification period, that the agency will waive.

For the purpose of determining whether a foster caregiver has satisfied the requirements of paragraph (C) of this rule, a recommending agency shall accept training for foster caregivers obtained from a regional training center of the OCWTP or an approved preplacement training program or continuing training program operated by a PCPA or PNA under rule 5101:2-5-40 of the Administrative Code regardless of whether the recommending agency operated the preplacement training program or continuing training program. The recommending agency may require that the applicant or foster caregiver successfully complete additional training as a condition of certification or recertification.

The recommending agency shall maintain a record for each foster caregiver showing the date, location, course name and length of each preplacement and continuing training course each foster caregiver attended, and the name of the trainer.

At the beginning of a foster caregiver's second certification period or a subsequent certification period, a recommending agency may include within the foster caregiver's written needs assessment and continuing training plan, a waiver of up to eight hours of continuing training that a foster caregiver holding a certificate for a family foster home or specialized foster home is otherwise required by paragraph (C) of this rule to complete during the certification period, if all of the following apply:

1. The foster caregiver has had or maintained a foster home certificate for at least two years.
2. The foster caregiver has provided care for a foster child for at least ninety days of the twelve months preceding the date the agency issues the waiver.
3. The foster caregiver has not violated any statute or rule governing certification of foster homes during the twelve months preceding the date the agency issues the waiver.
4. The foster caregiver has complied in full with the needs assessment and continuing training plan developed for the foster caregiver under paragraph (G) of this rule for the preceding certification period.

For each continuing training waiver approved by a recommending agency for a family foster home or a specialized foster home pursuant to paragraph (J) of this rule the following documentation shall be maintained in the foster caregiver's record:

1. The date of the waiver.
2. The number of hours of training waived.
3. A statement that each of the requirements of paragraph (J) of this rule have been met.
4. The name and signature of the authorized agency representative who approved the waiver.

A foster caregiver to whom either paragraph (L)(1) or (L)(2) of this rule applies shall be given an additional amount of time within which to complete the continuing training required under paragraph (C)(2)(1)(b), (C)(5)(2)(c) or (C)(9)(3)(b) of this rule, as applicable to the type of foster home the caregiver is certified to operate. The additional time shall be one month for each month the caregiver was on active duty. Any required training that is not met at the end of a foster caregiver's certification period applying the preceding sentence shall be waived by the agency. When a waiver of training is approved by an agency under this paragraph, the required training for the next certification period shall be the same as for any other caregiver operating a foster home of the type for which the foster caregiver is certified. The agency shall document any such extension of time in the foster caregiver's record.

1. The foster caregiver has served in active duty outside Ohio with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period.
The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, which includes the Ohio national guard, the Ohio naval militia and the Ohio military reserve, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of Ohio or to military duty in or outside of Ohio.

Pursuant to Section 3 of Substitute House Bill 332 as enacted by the 123rd Ohio General Assembly, the provisions of paragraphs (C)(3) and (C)(9) of this rule shall not apply to a foster caregiver holding a valid certificate to operate a family foster home on or prior to January 1, 2001.

Effective: 09/01/2015

Five Year Review (FYR) Dates: 04/27/2015 and 09/01/2020

Certification: CERTIFIED ELECTRONICALLY

Date: 07/02/2015

Promulgated Under: 119.03

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Prior Effective Dates: 12/30/66, 10/1/86, 2/1/88, 7/2/90 (Emer.), 10/1/90, 1/1/91, 3/17/94, 10/1/97 (Emer.), 12/30/97, 9/1/00, 1/1/03, 8/22/05, 5/22/08, 3/1/10
FCASMTL 400

**Effective Date: April 15, 2013 (No Change)**

**Most Current Prior Effective Date: October 8, 2007**

(A) A private child placing agency (PCPA) or private noncustodial agency (PNA) which accepts a direct placement of a child from a parent, guardian or custodian, shall develop and prepare a case plan within thirty days from the date of placement on the child and family which shall be a separate part of the case record. If the child is placed for less than thirty consecutive days, a case plan is not required.

(B) A PCPA or PNA shall develop, review or amend the case plan only with the participation of the child's parent, guardian or custodian. A case plan or amendment to the case plan shall be signed by the child's parent, guardian or custodian. A copy of the signed case plan or any amendment to the case plan shall be provided to the child's parent, guardian or custodian.

(C) A PCPA or PNA which has accepted a direct placement of a child shall complete an administrative review of the case plan no later than six months after the date of placement.

(D) After the first administrative review, the PCPA or PNA shall continue to conduct administrative reviews every six months.

(E) Each administrative review required for a child in a direct placement shall comply with the following requirements:

1. The administrative review shall be conducted by a review panel of at least three persons. The review panel shall include at a minimum:
   
   (a) A caseworker with day-to-day responsibility for, or familiarity with the management of the child's case plan; and
   
   (b) A person who is not responsible for the management of the child's case plan, or the delivery of services to the child or his parent, guardian, or other individual holding custody of the child.

2. The administrative review shall include a joint meeting by the review panel with:
   
   (a) The child if age appropriate.
   
   (b) The child's parent, guardian, or custodian.
   
   (c) The child's substitute caregiver.
   
   (d) Any other person the agency deems appropriate.

3. All persons shall be given the opportunity to submit any written materials to be included in the child's case record. If a parent, guardian, custodian or substitute caregiver declines to participate in the administrative review after being contacted, the PCPA or PNA does not have to include them in the joint meeting.

4. The administrative review shall be summarized in writing by the PCPA or PNA to include all of the following:
   
   (a) A conclusion regarding the appropriateness of the child's placement;
   
   (b) The extent of compliance by all parties with the case plan;
   
   (c) The extent of progress made toward alleviating the circumstances that precipitated the parent, guardian or custodian to enter into a direct placement agreement with the agency;
   
   (d) An estimated date by which the child may be returned home, placed with a relative or other suitable nonrelative or prepared for independent living;
   
   (e) An explanation regarding any changes that the PCPA or PNA is proposing in the case plan; and
(f) The names of all persons who participated in the administrative review.

Five Year Review (FYR) Dates: 4/2/2018 and 04/02/2023
Certification: CERTIFIED ELECTRONICALLY
Date: 04/02/2018
Promulgated Under: 119.03
Statutory Authority: 5103.03, 2151.412
Rule Amplifies: 5103.03, 2151.412
FCASMTL 376

Effective Date: March 1, 2017

Most Current Prior Effective Date: October 1, 2011

(A) No agency, foster caregiver, or residential facility or any employee of an agency or residential facility shall in any way violate any of the following rights of children:

(1) The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.

(2) The right to reasonable enjoyment of privacy.

(3) The right to have his or her opinions heard and be included, to the greatest extent possible, when any decisions are being made affecting his life.

(4) The right to receive appropriate and reasonable adult guidance, support, and supervision.

(5) The right to be free from physical abuse and inhumane treatment.

(6) The right to be protected from all forms of sexual exploitation.

(7) The right to receive adequate and appropriate medical care.

(8) The right to receive adequate and appropriate food, clothing, and housing.

(9) The right to his or her own money and personal property in accordance with the child's service or case plan.

(10) The right to live in clean, safe surroundings.

(11) The right to participate in an appropriate educational program.

(12) The right to communicate with family, friends and "significant others" from whom he or she is living apart, in accordance with the child's service or case plan.

(13) The right to be taught to fulfill appropriate responsibilities to himself or herself and to others.

(B) A residential facility shall include the above list of children's rights in the handbook for residents and their families required pursuant to rule 5101:2-9-15 of the Administrative Code.

(C) An agency operating a foster care or independent living program shall include the list of children's rights identified in paragraph (A) of this rule in any handbook used by the agency for children in the care of the agency.

(D) If an agency places any restrictions upon a child's rights for more than two hours, the agency shall:

(1) Inform the child and the child's custodian of the conditions of and the reasons for the restriction of rights;

(2) Place a written report summarizing the conditions of and reasons for the restriction of the child's rights in that child's record maintained pursuant to rule 5101:2-5-10 of the Administrative Code;

(3) When a restriction of a child's rights affects another individual, inform the individual, as appropriate, of the conditions of and reasons for the action;

(4) Document review of this decision at least weekly. Any such restriction shall be included in the service plan and approved by the child's custodian.

Effective: 03/01/2017

Five Year Review (FYR) Dates: 11/02/2016 and 03/01/2022

Certification: CERTIFIED ELECTRONICALLY

Date: 02/03/2017

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The recommending agency shall not allow a child who has special or exceptional needs as described in rule 5101:2-47-18 of the Administrative Code to be placed in a foster home unless the foster caregiver has been certified to operate a treatment foster home pursuant to this rule and rule 5101:2-7-16 of the Administrative Code. The recommending agency shall document in the homestudy how a treatment foster caregiver meets the requirements in paragraph (A) of rule 5101:2-7-16 of the Administrative Code.

The agency shall assign a treatment team to each child with special or exceptional needs placed in a treatment foster home.

The treatment team shall develop a service plan in accordance with the following requirements:

1. An initial service plan shall be completed by the treatment team for each treatment foster child placed in a treatment foster home no later than thirty days after placement.
2. The service plan shall be reviewed and revised, if necessary, at least once every ninety days thereafter.
3. Service plan development and any revisions shall be completed by the treatment team leader with approval of the treatment team leader's supervisor who shall be a member of the agency's professional treatment team staff.
4. The agency shall notify the treatment team members in advance of each treatment team meeting and invite them to participate and document the invitations in the child's record.

The service plan for a child with special or exceptional needs placed in a treatment foster home shall include:

1. Treatment goals, clinical and/or rehabilitative services and other necessary interventions for the child and his or her family.
2. The method by which the goals, rehabilitative services, and other necessary interventions will be attained and progress evaluated.
3. The projected length of the child's stay in treatment foster care.
4. The criteria for the child to meet for the child's reunification with his or her parent(s)/family or guardian or the projected post-treatment setting into which the child will be placed upon attainment of the treatment goals.
5. Services to be provided or arranged for the child after discharge from the treatment foster care program.
6. How the child's permanency plan for family reunification, adoption, independent living or a planned permanent living arrangement, as specified in the custodial agency's case plan, will be attained.

The recommending agency shall develop an individual plan for respite care for each child with special or exceptional needs placed in treatment foster care. The use of respite care shall comply with the agency's respite care policy prepared pursuant to rule 5101:2-5-13 of the Administrative Code. A copy of the individual plan for respite care for each foster child with special or exceptional needs placed in a treatment foster home shall be included in the child's case record.

The agency shall ensure that a member of the agency's professional staff shall be on-call for treatment foster caregivers and children with special or exceptional needs placed in a treatment foster home on a twenty-four hour, seven day a week basis.
The agency shall ensure that treatment foster caregivers are provided with a manual containing all policies, procedures and other information related to the treatment foster care program no later than the date the individual becomes certified to operate a treatment foster home. The agency shall provide treatment foster caregivers copies of any revisions to the manual within thirty days of the revision.

The agency shall coordinate with the agency holding custody of a child in treatment foster care or the child's parent or guardian for the provision of all rehabilitative services and other necessary interventions contained in the child's service plan and any revisions thereto. The agency shall also implement those aspects of the child's service plan that are its responsibility.

The agency shall ensure that a discharge summary is prepared pursuant to rule 5101:2-5-17 of the Administrative Code for each special or exceptional needs child discharged from a treatment foster home. This paragraph does not apply to a child who is receiving respite services other than as a direct placement.

At the time of placement and whenever additional information becomes available, the agency shall disclose to the treatment foster caregiver all information available to the agency about the child and his family pursuant to rule 5101:2-42-90 of the Administrative Code. Documentation of the receipt of this information shall be maintained in the treatment foster caregiver's record and in the child's record.

The agency shall assure that all professional treatment staff required to be licensed shall be appropriately licensed. Professional treatment staff shall demonstrate to the employing or contracting agency that the training required for professional licensure shall be in topics appropriate to treatment foster care. Documentation of the training topics shall be maintained in the child's record.

All professional treatment staff shall annually complete at least fifteen hours of training specific to treatment foster care issues and the mission of the agency.

The agency shall ensure that all professional treatment staff are provided with a manual of all policies and procedures relevant to the treatment foster care program at the beginning of their employment with the agency. If the agency contracts with an individual that is a member of the professional treatment staff, the agency shall provide a manual of all policies and procedures relevant to the treatment foster care program to the individual at the onset of the contractual agreement.

The agency shall not prohibit treatment foster caregivers from participation in any formal or informal support groups organized for the purpose of supporting foster caregivers.

The agency shall ensure that any certified treatment foster caregiver complies with the following occupancy limits:

1. With the exception of the provisions of paragraph (O)(1)(b) of this rule, a treatment foster caregiver may provide foster care for not more than five foster children, two of whom may have exceptional needs as described in rule 5101:2-47-18 of the Administrative Code requiring their placement in a treatment foster home.
   
   a. Any exception to the number of treatment foster children placed in the home shall be only with specific justification in accordance with the agency's policy for matching treatment foster children and caregivers developed pursuant to rule 5101:2-5-13 of the Administrative Code.

   b. The justification as required by paragraph (O)(1)(a) of this rule shall be documented in the child's case record and in the foster home record. The justification may include the following:
      
      i. The need to place a sibling group.
      
      ii. The abilities of a particular caregiver in relation to the exceptional needs of a particular child.

   c. If more than two treatment foster children are placed in a medically fragile foster home, all agencies holding custody of any other children placed in the home shall be notified by the agency recommending certification of the home within seventy-two hours of the additional exceptional needs child's placement.
(2) A treatment foster caregiver may provide care for not more than up to five treatment foster children placed in the caregiver's home if any of the following apply:

(a) The caregiver is an appropriately trained and licensed professional such as a social worker, professional counselor, psychologist or teacher. The following shall be considered an appropriately trained and licensed professional:

(i) A social worker.

(ii) A professional counselor.

(iii) A psychologist.

(iv) A teacher.

(v) A marriage and family therapist.

(vi) A person who has a minimum of a bachelor's degree in a child development or social services field.

(b) The caregiver has a minimum of a bachelor's degree in a child development or social services field and five years of child care experience and training related to serving children in foster care. The caregiver has five years of child care experience and training related to serving children in foster care.

(3) Children placed in a foster home shall not be moved to another placement solely to meet this requirement. Children placed in a foster home on or prior to March 31, 2005 shall not be moved to another placement solely to meet the requirements of paragraph (O)(1) or (O)(2) of this rule.

(P) The agency shall ensure that professional treatment staff shall have weekly consultation and face-to-face contact at least every two weeks with at least one member of each treatment foster caregiver couple or co-parents serving a child with special or exceptional needs. At least one of the face-to-face contacts each month shall take place in the treatment foster home.

(Q) The agency shall ensure that professional treatment staff shall have at least weekly contact and face-to-face meetings at least every two weeks with each special or exceptional needs child placed in a treatment foster home. At least one of the face-to-face contacts each month shall take place in the treatment foster home.

(R) The agency shall ensure that treatment foster caregivers keep a written record of the behavior and progress towards achieving treatment goals as identified in the child's service plan for each foster child placed in a treatment foster home. The written record shall be maintained current and kept in the manner prescribed by the treatment foster care program.

(S) The agency shall assure that treatment foster caregivers are aware of the potential side effects of any prescribed medication for children placed in their home.

Effective: 5/1/2019
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Additional Requirements for an Agency that Acts as a Representative of ODJFS in Recommending Medically Fragile Foster Homes for Certification

FCASMTL 408

Effective Date: May 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) The recommending agency shall not allow a medically fragile child to be placed in a foster home unless the foster caregiver(s) has been certified to operate a medically fragile foster home pursuant to this rule and rule 5101:2-7-17 of the Administrative Code. The recommending agency shall document in the homestudy of the caregiver's file how a foster caregiver for medically fragile children meets the requirements in paragraph (A) of rule 5101:2-7-16 of the Administrative Code.

(B) The recommending agency shall assign a treatment team to each medically fragile child placed in a medically fragile foster home. A licensed physician, licensed nurse practitioner or a registered nurse shall supervise the medical aspects of the child's service plan.

(C) A service plan shall be developed by the treatment team in accordance with the following requirements:

1. An initial service plan shall be completed by the treatment team for each medically fragile child placed in a medically fragile foster home no later than thirty days after placement.
2. The service plan shall be reviewed and revised, if necessary, at least once every sixty days thereafter.
3. Service plan approval and any revisions shall be completed by the individual assigned under paragraph (B) of this rule who is supervising the medical aspects of the child's service plan and approved by the treatment team leader's supervisor.
4. All treatment team members shall be notified in advance of each treatment team meeting and invited to participate. Documentation of the invitations shall be maintained in the child's record.

(D) The service plan for a medically fragile child placed in a medically fragile foster home shall include:

1. A nursing treatment plan signed by a licensed physician. The nursing treatment plan shall be reviewed and approved by a licensed physician at least every sixty days. The nursing treatment plan shall list all of the following:
   a. Any special instructions for the care of the child.
   b. The child's medications including instructions for administering the medications and potential side effects.
   c. The child's nursing needs.
2. Treatment goals, clinical and/or rehabilitative services and other necessary interventions for the child and his family.
3. The method by which the goals, and rehabilitative services, and other necessary interventions will be attained and progress evaluated.
4. The projected length of the child's stay in the foster home.
5. The criteria to be met for the child's reunification with his or her parent(s)/family or guardian or the projected post-treatment setting into which the child will be placed upon attainment of the treatment goals.
6. Aftercare services to be provided or arranged.
7. How the child's permanency plan for family reunification, adoption, independent living or other permanent living arrangement, as specified in the custodial agency's case plan, will be attained.
If the service plan developed by the treatment team recommends any special needs for the child that would conflict with any rule in Chapter 5101:2-7 of the Administrative Code, the service plan shall be followed.

The recommending agency shall develop an individual plan for respite care for each medically fragile child placed in a medically fragile foster home. The use of respite care shall comply with the agency's respite care policy prepared pursuant to rule 5101:2-5-13 of the Administrative Code. A copy of the individual plan for respite care for each medically fragile child placed in a medically fragile foster home shall be included in the child's case record.

The agency shall ensure that a member of the agency's professional staff shall be on-call for foster caregivers for medically fragile children and each medically fragile child placed in a medically fragile foster home on a twenty-four hour, seven day a week basis.

The agency shall ensure that foster caregivers for medically fragile children are provided with a manual containing all policies, procedures and other information related to the program not later than the date the individual becomes certified as a foster caregiver for medically fragile children. The agency shall provide foster caregivers for medically fragile children copies of any revisions to the manual within thirty days of the revision.

The agency shall coordinate with the agency holding custody of a medically fragile child or the child's parent or guardian for the provision of all rehabilitative services and other necessary interventions contained in the child's service plan and any revisions thereto. The agency shall also implement those aspects of the child's service plan that are its responsibility.

The agency shall ensure that a discharge summary is prepared pursuant to rule 5101:2-5-17 of the Administrative Code for each child discharged from a medically fragile foster home. This paragraph does not apply to a child who is receiving respite services other than as a direct placement.

The recommending agency shall ensure the caregiver is provided written step-by-step instructions for each skilled procedure required to be performed for each medically fragile child placed in the home. Documentation of the receipt of this information shall be maintained in the caregiver's record and in the child's record.

At the following times the agency shall disclose to the foster caregiver for medically fragile children all information available to the agency about the child and his family pursuant to rule 5101:2-42-90 of the Administrative Code:

1. At the time of a child's placement in a medically fragile foster home.
2. Whenever additional information becomes available.

The agency shall ensure that all professional treatment staff required to be licensed shall be appropriately licensed. Professional treatment staff shall demonstrate to the employing or contracting agency that the training required for professional licensure shall be in topics appropriate to medically fragile foster care. Documentation of the training topics shall be maintained in the child's record.

All professional treatment staff shall be appropriately licensed and shall annually complete at least fifteen hours of training in specific issues addressing the needs of medically fragile children and the mission of the agency.

The agency shall ensure that all professional treatment staff are provided with a manual of all policies and procedures relevant to the program at the beginning of their employment with the agency.

The agency shall not prohibit foster caregivers for medically fragile children from participation in any formal or informal support groups organized for the purpose of supporting foster caregivers.

The recommending agency shall ensure a certified foster caregiver for medically fragile children complies with the following occupancy limits:

1. With the exception of the provisions of paragraph (P)(1)(b)(Q)(1)(c) of this rule, a foster caregiver for medically fragile children may provide foster care for not more than five foster
children, two of whom may have intensive needs as described in rule 5101:2-47-18 of the Administrative Code requiring their placement in a medically fragile foster home.

(a) Any exception to the number of medically fragile foster children placed in the home shall be only with specific justification in accordance with the agency's policy for matching medically fragile foster children and caregivers developed pursuant to rule 5101:2-5-13 of the Administrative Code.

(b) The justification as required by paragraph (P)(1)(a) of this rule shall be documented in the child's case record and in the foster home record and may include the following: The justification, which may include the need to place a sibling group, or the abilities of a particular family in relation to the intensive needs of a particular child, shall be documented in the child's case record and in the medically fragile foster home record.

(i) The need to place a sibling group.

(ii) The abilities of a particular caregiver in relation to the intensive needs of a particular child.

(c) A foster caregiver for medically fragile children who is also an appropriately trained and licensed professional may provide care for not more than five medically fragile foster children placed in the caregiver's home. An appropriately trained and licensed professional is considered one of the following:

(i) A registered nurse.

(ii) A licensed practical nurse.

(iii) A licensed emergency medical technician.

(iv) A physician assistant.

(v) A licensed physician.

(c)(d) The recommending agency of a medically fragile foster home shall notify, within seventy-two hours, all agencies holding custody of any other children placed in the home if more than two medically fragile children are placed in a medically fragile foster home.

(2) Children placed in a foster home shall not be moved to another placement solely to meet this requirement. Children placed in a foster home on or prior to March 31, 2005 shall not be moved to another placement solely to meet the requirements of paragraph (Q)(1) of this rule.

(R) The agency shall ensure that professional treatment staff shall have consultation at least every two weeks and at least monthly face-to-face contact with the foster caregiver for medically fragile children or at least one member of a foster caregiver for medically fragile children couple or co-parents serving an intensive needs child. At least one of the face-to-face contacts every two months shall take place in the medically fragile foster home.

(S) The agency shall ensure that professional treatment staff shall have face-to-face meetings with each intensive needs child placed in a medically fragile foster home at least every two weeks. At least one of the face-to-face meetings each month shall take place in the medically fragile foster home.

(T) For each medically fragile child placed in a medically fragile foster home, the agency shall assure that the foster caregivers for medically fragile children keep a written record of the child's emotional response to treatment and progress towards achieving the treatment goals identified in the child's service plan.

(1) The written record shall include signed documents of treatment provided by any health care professional providing services to the child, as well as records of any hospitalizations and hospital emergency room or urgent medical care visits.

(2) All documentation shall be maintained current and kept in the manner prescribed by the agency.

(U) The agency shall assure that foster caregivers for medically fragile children are aware of the potential side effects of any prescribed medication for children placed in their home.
(V) If a child with special or exceptional needs is placed in a medically fragile foster home, the provisions of rule 5101:2-5-36 of the Administrative Code shall apply for that child.

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Certification: CERTIFIED ELECTRONICALLY

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Rule Amplifies: 5103.02, 5103.03

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(A) As used in this rule, a training hour means sixty consecutive minutes of instruction and may include a break of not longer than five minutes per training hour when a training session is longer than one training hour in duration.

(B) Stipend payments for foster caregivers shall be made pursuant to the following:

(1) Stipend payments must be made to the foster caregiver within one hundred twenty calendar days of the completion of the training event for continuing training or within one hundred twenty calendar days after certification for pre-placement training. Stipend payments may not be held or otherwise deferred pending reimbursement by the Ohio department of job and family services (ODJFS). Stipend payments shall be rendered for fractional hours in quarter hour increments. The stipend rate paid by recommending agencies shall be calculated as follows:

(a) For preplacement training a lump sum payment shall be made in the amount of ten dollars per foster caregiver per training hour for all hours completed with an agency.

(b) For continuing training, ten dollars per foster caregiver per training hour successfully completed within a training session that is a minimum of one training hour in duration.

(c) Recommending agencies shall make stipend payments according to the following:

(i) For pre-placement training, the agency that provides the training certifies the caregiver shall record the preplacement training in the statewide automated child welfare information system (SACWIS) and shall be responsible for paying the stipend to the caregiver upon certification.

(ii) For continuing training, the caregiver's recommending agency shall be responsible for paying all stipends to the caregiver and shall enter all of the training sessions into SACWIS.

(iii) If the training is provided by a regional training center of the Ohio child welfare training program (OCWTP), the agency that enrolled the participant is responsible for paying the stipend to the participant.

(2) A recommending agency is solely responsible for any foster caregiver stipend payment due that exceeds the amount reimbursable to the recommending agency under section 5103.0314 of the Revised Code. A recommending agency shall defer the lump sum stipend payment for preplacement training until the foster caregiver is certified. In these cases, a recommending agency's obligation to remit deferred lump sum stipend payments for preplacement training begins upon the caregiver's date of certification.

(3) A recommending agency may decline to make a stipend payment to a foster caregiver:

(a) If the recommending agency determines that the foster caregiver has not successfully acquired the skills the training was designed to impart and as a result the agency required the foster caregiver to repeat the training in accordance with a corrective action plan.

(b) If the training was beyond the scope or the amount of training specified in the foster caregiver's individualized written needs assessment and continuing training plan.

(c) If the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent.
ODJFS reimbursement of foster caregiver stipend payments to recommending agencies.

(1) ODJFS will reimburse recommending agencies for stipend payments made to foster caregivers pursuant to paragraph (B) of this rule.

(2) For preplacement training, ODJFS will reimburse lump sum stipend payments made by recommending agencies as follows:

   (a) The amount of ten dollars per foster caregiver per training hour for hours recorded by an agency in SACWIS. ODJFS will not reimburse more than the minimum required training hours as listed in rule 5101:2-5-33 of the Administrative Code.

   (b) For an existing family foster home that is receiving preplacement training to become a specialized foster home, the reimbursement will be made in the form of continuing training as specified in rule 5101:2-5-25 of the Administrative Code.

(3) For continuing training, ODJFS will reimburse stipend payments made by recommending agencies per the following schedule of training hours:

   (a) For a pre-adoptive infant home, not more than twenty-four training hours during each two-year certification period for each caregiver that is required to be trained.

   (b) For a family foster home, not more than forty training hours during each two-year certification period for each caregiver that is required to be trained.

   (c) For a specialized foster home, not more than sixty training hours during each two-year certification period for each caregiver that is required to be trained.

(4) For the purpose of determining if a stipend reimbursement is owed to a recommending agency for continuing training, ODJFS will count only training hours that are received during the two-year period after the foster caregiver's date of certification, and for each two-year period thereafter.

(5) ODJFS will not reimburse a recommending agency for any stipend payment made by a recommending agency when the training the foster caregiver received was part of a program of self-directed study or otherwise not delivered in a conventional or traditional setting where the principal transfer of knowledge occurred through the physical presence of a trainer whose responsibility it was to impart instruction to the foster parent. Subject to restrictions that may otherwise be imposed elsewhere by this chapter, such non-traditional training may be counted by the recommending agency as acceptable training hours in meeting the minimum number of training hours necessary to statutorily qualify the foster caregiver to obtain or maintain such foster caregiver's certification.

(6) ODJFS will not reimburse a recommending agency for any stipend payment made for time consumed by a lunch or dinner break that occurs during a training session.

(7) For the purpose of computing the maximum number of preplacement and continuing training hours that will qualify for stipend reimbursements, a foster caregiver's training history will always be aggregated over the caregiver's entire service history and will not be reset by the movement of the foster caregiver from the supervision of one recommending agency to another.

(D) ODJFS will pay a training allowance to each private recommending agency to compensate that entity for its costs in providing, securing or procuring training for foster caregivers through a preplacement training program or continuing training program operated under rule 5101:2-5-40 of the Administrative Code. The allowance rate will be fifteen dollars per foster caregiver per training hour successfully completed within a training session.

(1) ODJFS will not make an allowance payment for any training that it will not also otherwise honor for stipend reimbursement, except that it will not defer allowance payments earned for preplacement training where the private recommending agency has deferred payment of a foster caregiver's lump sum stipend until the foster caregiver is certified. A private recommending agency may enter a pre-placement training session into SACWIS prior to the certification of a foster caregiver in order to receive a training allowance.
(2) If a private recommending agency enters a continuing training session into SACWIS in order to receive a training allowance, the agency must have paid a stipend to the participant for the same training session.

(3) If a private recommending agency enters a pre-placement training session into SACWIS in order to receive a training allowance, the agency shall also be responsible for paying the stipend for the same session to the caregiver upon certification.

(4) ODJFS will consider a private recommending agency to have experienced a cost if any of the following items occur:
   (a) The private recommending agency pays a trainer or another agency to conduct the training session.
   (b) The private recommending agency uses its own staff to conduct the training session and act as trainer.
   (c) The private recommending agency rents space and or equipment for the training session.
   (d) The private recommending agency provides a box meal or catered meal for foster caregivers attending the training session. ODJFS will not consider the private recommending agency to have incurred a cost if only break refreshments are provided.
   (e) The private recommending agency purchases a curriculum or program of instruction for use in the training session. ODJFS will not consider the private recommending agency to have experienced a cost for that curriculum or program of instruction when it is used in subsequent training sessions unless the payment of a licensing or royalty fee is required for each such use.

(5) ODJFS will not make an allowance payment for training received or provided at no cost to the private recommending agency. As used in this rule, "at no cost" means that the private recommending agency incurred no out-of-pocket expense for the training session. ODJFS will not consider a private recommending agency to have incurred a cost when the private recommending agency:
   (a) Uses its own facilities or equipment to host or conduct the training session.
   (b) Makes copies of instructional materials that will be used in a training session.
   (c) Mails training announcements to foster caregivers.
   (d) Uses an uncompensated trainer.
   (e) Enrolls a foster caregiver for training in a training session held under the auspices of a regional training center of the OCWTP where the regional training center does not require a fee from the private recommending agency for the caregiver to attend the training session.

(E) The recommending agency shall register the foster caregiver's training history in SACWIS. ODJFS will pay foster caregiver stipends and private recommending agency allowances only when the recommending agency fully and accurately completes and registers the foster caregiver's training history in SACWIS. The recommending agency shall register the foster caregiver's training history in SACWIS.

(F) Recommending agencies shall not submit training registrations for training received or rendered under the adoption assessor training component of the OCWTP.

(G) Submission of training registrations that do not accurately reflect the training history of foster caregivers, or that are filed prior to payment of earned stipends to foster caregivers, shall establish a rebuttable presumption that the submitting recommending agency intentionally seeks a training allowance or stipend payment to which it is not entitled.

(1) If the recommending agency is a private entity, the rebuttable presumption may serve as a basis for licensing enforcement proceedings against that private recommending agency.
(2) If the recommending agency is a public children services agency (PCSA), the rebuttable presumption may serve as a basis for the imposition of any penalty permitted by section 5101.24 of the Revised Code.

(H) Each private recommending agency and PCSA shall register an update to a foster caregiver's training history within no later than thirty calendar days from the date on which the private recommending agency or PCSA renders a stipend payment to the foster caregiver. Failure to complete the update in this time frame will result in the forfeiture of any stipend reimbursement or allowance payment owed to the private recommending agency or PCSA for the event.

(I) ODJFS will not issue allowance payments to PCSAs. OCWTP will be responsible for providing foster caregiver training to foster caregivers under the supervision of a PCSA.

(J) All claims for allowance payments and stipend reimbursements must be perfected within eighteen calendar months subsequent to the month in which the training occurred. Claims made after that time frame will not be honored.

(K) Any failure of an agency to pay a stipend to a foster caregiver within the required timeframes of this rule shall result in the forfeiture of any stipend reimbursement owed to the agency for the event.

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A private child placing agency (PCPA), private noncustodial agency (PNA), or a consortium of such agencies that seeks to operate a preplacement training program or a continuing training program shall submit its training proposal(s) for approval to the agency's assigned Ohio department of job and family services (ODJFS) field office licensing specialist. Each training proposal submitted to ODJFS shall be approved for submission by the administrator or designee of the agency. Each training proposal submitted by a consortium shall be approved for submission by the administrator or designee of the primary agency of the consortium. Submission and approval of training proposals shall follow the time frames listed in paragraphs (B) and (F) of this rule.

A training proposal shall be submitted to ODJFS by October fifteenth of every even-numbered year. An approved training proposal shall be valid for two calendar years beginning the first day of January each odd-numbered year. Any amendment to an approved training plan shall be submitted in accordance with paragraph (B) of rule 5101:2-5-13 of the Administrative Code.

A training proposal submitted by a consortium of PCPAs or PNAs shall identify the primary agency that will act as the fiscal agent for the consortium and all other agencies participating in the consortium. The proposal shall be approved for submission by the administrator or designee of the primary agency.

If ODJFS does not approve a PCPA's or PNA's training proposal, and the PCPA or PNA wishes to continue pursuing implementation of a training program, the PCPA or PNA shall submit a revised proposal within fifteen calendar days.

If ODJFS does not approve a PCPA's or PNA's training proposal, or if a previously approved training proposal or plan expires, the PCPA or PNA shall not operate a preplacement or continuing training program for foster caregivers until a training proposal has been approved by ODJFS.

Only a PCPA or PNA submitting a foster caregiver preplacement or continuing training proposal for the first time may submit a proposal at a time other than that specified in paragraph (B) of this rule. When approved, a training proposal submitted to ODJFS pursuant to this paragraph shall be valid only until December thirty-first of the next even-numbered year. Thereafter, the provisions of paragraph (B) of this rule shall apply.

The proposal shall include the following information:

(1) The type(s) of training programs to be offered and the projected outcomes for each program. Types of training programs include the following:
   (a) Preplacement training for prospective foster caregivers seeking certification to operate a foster home under the PCPA or PNA certified foster care function, including pre-adoptive infant foster home, family foster home, treatment foster home or medically fragile foster home.
   (b) Continuing training for foster caregivers certified to operate a foster home under the PCPA or PNA certified foster care function, including pre-adoptive infant foster home, family foster home, treatment foster home or medically fragile foster home.

(2) A statement outlining the types of foster care certifications the training program addresses.

(3) The organization and structure of the training program which shall clearly identify who will be responsible for operating the training program, the staffing level of the program, the person(s) responsible for policy decisions regarding the training program, and whether part of the training program functions will be subcontracted to other individuals, agencies or entities.

(4) The policies and procedures of the training program which include, at a minimum, the following information:
(a) Policies and procedures for assessing foster caregiver training needs and utilizing foster caregivers continuing training plans as the basis for determining course offerings and learning activities such as workshops, coaching, distance learning and self-directed learning and the frequency of the course offerings and learning activities.

(b) Policies and procedures for developing and evaluating courses and learning activities which comprise the training program, including policies and procedures for assessing successful completion of a course and learning activities by the prospective foster caregiver or foster caregiver and procedures for notifying the recommending agency with which a prospective foster caregiver or a foster caregiver is affiliated of the successful completion of the course and learning activities.

(c) Policies and procedures for the selection and evaluation of qualified trainers.

(d) Policies and procedures for notifying agencies and foster caregivers of courses offered by the training program.

(e) Policies and procedures for accepting applications for training courses and scheduling training.

(f) Policies and procedures for maintaining training records, tracking attendance at the training by course offering and by foster caregiver, including notification to the agency of foster caregiver attendance.

(g) Policies and procedures for a written evaluation of the effectiveness of the courses offered and the overall effectiveness of the training program. The policies and procedures shall specify that these evaluations will take place at least once every two years.

(5) A description of course offerings and learning activities which contain, at a minimum, all of the following information:

(a) Course and learning activities title and description.

(b) Target audience (family foster caregivers, treatment or medically fragile foster caregivers, pre-adoptive infant foster caregivers).

(c) Course learning objectives.

(d) Training hours.

(e) Course and learning activity outline.

(f) Qualifications of the trainer or coach.

(H) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a pre-adoptive infant foster home shall offer training courses addressing the required topics for a pre-adoptive infant foster home as described in rule 5101:2-5-33 of the Administrative Code.

(I) A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a pre-adoptive infant foster home shall offer training courses appropriate to the training needs of the pre-adoptive infant foster caregivers that will be trained by the program. Such courses may include, but are not limited to, the following:

(1) Infant care.

(2) Early childhood development, including developmentally appropriate activities.

(3) Cardiopulmonary resuscitation (CPR) and first aid.

(J) A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a family foster home shall offer training courses addressing the required topics for a family foster home as described in rule 5101:2-5-33 of the Administrative Code.
A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a family foster home shall offer training courses appropriate to the training needs of the family foster caregivers that will be trained by the program.

A PCPA or PNA applying to be approved to operate a preplacement training program for persons seeking certification to operate a specialized foster home shall offer training courses addressing the required topics for a specialized foster home as described in rule 5101:2-5-33 of the Administrative Code.

A PCPA or PNA applying to be approved to operate a continuing training program for persons seeking recertification to operate a specialized foster home shall offer training courses appropriate to the training needs of the specialized foster caregivers that will be trained by the program. Such courses shall include continuous maintenance of certification in a first aid training program and a child and adult CPR certification training program such as those training programs offered by the American Red Cross, the American Heart Association, or the equivalent.

A PCPA or PNA submitting a training proposal(s) shall comply with payment and/or reimbursement procedures outlined in rule 5101:2-5-38 of the Administrative Code.

A PCPA, a PNA or a consortium of such agencies operating a preplacement training program or continuing training program approved by ODJFS shall make the program available to prospective foster caregivers or foster caregivers without regard to the type of recommending agency from which a prospective foster caregiver or a foster caregiver seeks a recommendation and without charge to the foster caregiver. A PCPA or PNA may condition the enrollment of a prospective foster caregiver or a foster caregiver based upon the availability of space in the training program.

A regional training center of the Ohio child welfare training program (OCWTP) operating a preplacement or continuing training program may condition the enrollment in a preplacement or continuing training program of a foster caregiver whose recommending agency is a PCPA or a PNA on either or both of the following:

1. Availability of space in the training program.
2. Assignment to the program by the foster caregiver's recommending agency of the private recommending agency's training allowance payment due under rule 5101:2-5-38 of the Administrative Code.

A PCPA or PNA may contract with an individual or a public or private entity to administer a preplacement or continuing training program operated by the agency and approved by ODJFS.

A public children services agency (PCSA) is not required to submit a training proposal to ODJFS. All foster caregiver training for prospective foster caregivers and foster caregivers recommended for certification by a PCSA is provided or arranged by a regional training center of the OCWTP or arranged by the PCSA with a preplacement or continuing training program operated by a PCPA or PNA that is approved by ODJFS.

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(A) A foster caregiver or applicant shall be at least twenty-one years of age at the time of initial certification.

(B) At least one foster caregiver or applicant in the home shall be able to read, write, and speak in English or be able to effectively communicate with any child placed in their home and with the recommending agency.

(C) A foster caregiver or applicant may be a legally married couple, a single person or co-parent(s).

(D) A foster caregiver or applicant shall have an income sufficient to meet the basic needs of the household and to make timely payment of shelter costs, utility bills, and other debts. To show the household has an income sufficient to meet the basic needs of the household and makes timely payment of shelter costs, utility bills, and other debts, a foster caregiver or applicant shall provide at a minimum:

1. For a foster care applicant:
   (a) A completed JFS 01681 "Applicant Financial Statement" (rev. 10/2000).
   (b) Proof of income for the household for the most recent tax year prior to the date of application.
   (c) Proof of income for the household for a two month period. The verification of income shall not be dated more than six months prior to the agency's recommendation for initial certification.
   (d) At least one utility bill for each utility necessary to maintain the household. The bill or bills shall not be dated more than six months prior to the agency's recommendation for initial certification.

2. For a certified foster caregiver a completed JFS 01681 if there are any substantial changes to a caregiver's financial situation.

(E) A foster caregiver or applicant and all members of the foster caregiver's or applicant's household shall be free of any physical, emotional, or mental condition which would endanger a child or seriously impair the ability of the foster caregiver or applicant to care for a foster child.

(F) An applicant shall have a JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) completed for the applicant and all household members by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife within one year prior to the agency's initial recommendation for certification. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.

(G) An applicant may be required to secure and provide a report in addition to the JFS 01653 of an examination of any member of the household by a licensed physician, psychologist, or other certified or licensed professional if either of the following are applicable:

1. An applicant or any person residing within the household has suffered a serious illness or injury within the past year.

2. The recommending agency determines it to be necessary to ensure the safety, health, or care of any foster child who may be placed in the home.

(H) Except as provided in paragraph (I) of this rule, a foster caregiver or applicant and all other persons eighteen years of age or older who reside with the foster caregiver or applicant shall not have been convicted of or pleaded guilty to any of the offenses listed in paragraph (J) of this rule.
No person who has been convicted of or pleaded guilty to an offense listed in paragraph (J) of this rule shall be certified as a foster caregiver or be an adult resident of the foster caregiver's household unless the recommending agency finds and documents that person has met all of the following conditions:

(1) Except as provided in paragraph (I)(3) of this rule, where the offense was a misdemeanor, or would have been a misdemeanor if conviction had occurred under the current criminal code, at least three years have elapsed from the date the person was fully discharged from any imprisonment or probation arising from the conviction.

(2) Except as provided in paragraph (I)(3) of this rule, where the offense was a felony, at least ten years have elapsed since the person was fully discharged from imprisonment.

(3) Where an offense was committed by a foster child under the age of twenty-one who remains in the custody of a PCSA or PCPA, the recommending agency may determine the person need not meet the elapsed time period requirements of paragraphs (I)(1) and (I)(2) of this rule.

(4) The victim of the offense was not one of the following:
   (a) A person under the age of eighteen.
   (b) A functionally impaired person as defined in section 2903.10 of the Revised Code.
   (c) A mentally retarded person as defined in section 5123.01 of the Revised Code.
   (d) A developmentally disabled person as defined in section 5123.01 of the Revised Code.
   (e) A person with a mental illness as defined in section 5122.01 of the Revised Code.
   (f) A person sixty years of age or older.

(5) The person's certification as a foster caregiver or the person's residency in the foster caregiver's household will not jeopardize in any way the health, safety or welfare of the children the agency serves. The following factors shall be considered in determining the person's certification as a foster caregiver or the person's residency in the foster caregiver's household.
   (a) The person's age at the time of the offense.
   (b) The nature and seriousness of the offense.
   (c) The circumstances under which the offense was committed.
   (d) The degree of participation of the person involved in the offense.
   (e) The time elapsed since the person was fully discharged from imprisonment or probation.
   (f) The likelihood that the circumstance leading to the offense will recur.
   (g) Whether the person is a repeat offender.
   (h) The person's employment record.
   (i) The person's efforts at rehabilitation and the results of those efforts.
   (j) Whether any criminal proceedings are pending against the person.
   (k) Whether the person has been convicted of or pleaded guilty to a felony contained in the Revised Code that is not listed in paragraph (J) of this rule, if the felony bears a direct and substantial relationship to being a foster caregiver or adult member of the caregiver's household.
   (l) Any other factors the agency considers relevant.

(J) Except as provided in paragraph (I) of this rule, a foster caregiver, applicant or other adult resident of the foster caregiver's household shall not have been convicted of or pleaded guilty to, any of the following offenses:

(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,
2907.25, 2907.31, 2907.32, 2907.321 (2907.32.1), 2907.322 (2907.32.2), 2907.323 (2907.32.3),
2909.02, 2909.22, 2909.23, 2909.24, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,
2913.49, 2917.01, 2917.02, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161
(2923.16.1), 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised
Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a
violation of section 2919.23 of the Revised Code that would have been a violation of section
2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been
committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a
minor drug possession offense, two or more violations of section 4511.19 of the Revised Code
or the equivalent violation from any other state committed within the three years immediately
preceding the submission of the application or petition that is the basis of the request, or
felonious sexual penetration in violation of former section 2907.12 of the Revised Code as listed
in appendix A to this rule.

(2) A violation of an existing or former law of this state, any other state, or the United States that is
substantially equivalent to any of the offenses listed in paragraphs (J)(1) and (J)(2) of this rule.

(K) If any of the following have a felony conviction for spousal abuse, rape, sexual assault, or homicide,
the foster home shall not be certified and no rehabilitation standards exist for:

(1) An adult resident in the household of a foster caregiver or applicant.

(2) A foster caregiver.

(3) A foster care applicant.

(L) The applicant or foster caregiver shall provide verification to the recommending agency that the
conditions specified in paragraph (I) of this rule are met for that person and for all adult members of the
household. If the applicant or foster caregiver fails to provide such proof or if the agency determines
that the proof offered by the person is inconclusive or insufficient, the applicant shall be denied
certification and a foster caregiver's certificate shall be recommended for denial or revocation pursuant
to rule 5101:2-5-26 of the Administrative Code.

(M) In accordance with rule 5101:2-5-09.1 of the Administrative Code, a criminal records check shall be
requested:

(1) For the foster care applicant and each adult who resides with the foster care applicant in
accordance with paragraph (J) of this rule. The results shall be reviewed prior to the agency's
recommendation for certification to ODJFS.

(2) For a certified foster caregiver and each adult who resides with the foster caregiver every four
years within six months prior to the upcoming recertification of the caregiver.

(N) Prior to certification or recertification, the foster care applicant or foster caregiver subject to a criminal
records check shall notify the recommending agency of the revocation of any foster home license,
certificate, or other similar authorization in another state occurring within the five years prior to the date
of application to become a foster caregiver in this state.

(1) The failure of a foster care applicant or foster caregiver to notify the recommending agency of
any revocation of that type in another state that occurred within that five-year period shall be
grounds for denial of the person's foster home application or the revocation of the person's
foster home certification, whichever is applicable.

(2) If a person has had a revocation in another state within the five years prior to the date of
the application, the Ohio department of job and family services (ODJFS) shall not issue a foster
home certificate to a prospective foster caregiver.

(O) The provisions of paragraph (I) of this rule must be considered for any applicant or foster caregiver and
any other person eighteen years of age or older who resides with the applicant or foster caregiver and
who has been convicted of, or pleaded guilty to, one or more of the offenses listed in paragraph (J) of
this rule, even if the person's record has been sealed by a court pursuant to section 2953.32 of the
Revised Code because the information contained in the sealed record bears a direct and substantial relationship to the care to be provided to any foster child who may be placed in the home.

(P) A conviction of, or plea of guilty to, an offense listed in paragraph (J) of this rule shall not prevent a person's certification as a foster caregiver or being an adult household member of the home if the person has been granted an unconditional pardon for the offense pursuant to Chapter 2967. of the Revised Code or the conviction or guilty plea has been set aside pursuant to law. "Unconditional pardon" includes a conditional pardon with respect to which all conditions have been performed or transpired.

(Q) A foster care applicant shall notify the recommending agency in writing if a person at least twelve years of age, but less than eighteen years of age, residing with the foster care applicant has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense.

(1) If a foster care applicant fails to notify the recommending agency, the recommending agency shall recommend denial of the foster home application to ODJFS.

(2) ODJFS may deny a foster home application on the grounds that a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or foster care applicant has been convicted of or pleaded guilty to an offense listed in appendix A to this rule or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such an offense. The agency shall review the provisions of paragraphs (I)(4) and (I)(5) considering the age of the delinquent child involved and the age and sex of children that are or would be placed in the foster home.

(R) A foster caregiver shall not operate a foster home as an adult boarding or rooming house.

(S) A foster caregiver shall obtain written approval from the recommending agency prior to conducting any business, or allowing any business to operate, including public or private babysitting services, in a foster home.

(T) A foster caregiver shall not provide or allow public or private babysitting services in a foster home when more than ten children, including foster, natural or adoptive children are present and under the supervision of the foster caregiver at any one time. Any foster caregiver that is an approved or licensed type B family day care home provider shall follow the requirements for approval or licensure as a type B family day care home.

(U) A foster caregiver or applicant shall not apply for licensure as a type A family day care home.

(V) A specialized foster caregiver shall not apply for licensure as a type B family day care home. A specialized foster care applicant shall not be licensed as a type B day care provider.

(W) A foster caregiver or applicant shall obtain an approved inspection by a state certified fire safety inspector or the state fire marshal's office certifying that the foster home is free from conditions hazardous to the safety of foster children. The approval must have occurred within twelve months prior to the initial recommendation for certification.

(X) If the applicant or foster caregiver is unable to obtain an inspection as required by paragraph (W) of this rule due to the unavailability of a state certified fire safety inspector or the state fire marshal's office, they shall notify the agency.

(Y) A foster caregiver or applicant shall complete all preplacement and continuing training as required by rule 5101:2-5-33 of the Administrative Code and any additional hours of training required by the recommending agency's written training plan.

(Z) A foster caregiver or applicant shall comply with all agency policies or instructions including cooperating fully with the agency during the certification or recertification process.

(AA) A foster caregiver shall not violate a child's rights as described in paragraph (A) of rule 5101:2-5-35 of the Administrative Code.
Effective: 7/1/2018
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Date: 06/07/2018
Promulgated Under: 119.03
Statutory Authority: 2151.86, 5103.03, 5103.0319, 5103.0327
Rule Amplifies: 2151.86, 5103.02, 5103.03, 5103.0319
(A) A foster caregiver shall work cooperatively with agency representatives as a member of a care and treatment team responsible for planning, providing and discussing the care and services provided to a foster child and shall fully disclose all information related to a foster child's problems or progress to agency representatives.

(B) As a member of the care and treatment team, a foster caregiver shall participate in a review with the recommending agency once every two years to evaluate the strengths and growth areas of the foster home and of the support services of agency representatives to the foster caregiver.

(C) A foster caregiver shall work cooperatively with agency representatives in the conducting of an independent living skills assessment on an age appropriate foster child, and, as requested, provide instruction to a foster child on independent living skills.

(D) A foster caregiver shall not prohibit the foster child from participating in independent living services.

Effective: 4/1/2019

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Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014
A foster caregiver shall maintain a record on each foster child which shall include:

1. A copy of the current child care agreement between the agency and the foster home and any written case plan provided by the agency.

2. Reports of scholastic performance that shall include:
   b. Diplomas.
   c. Certificates of achievement or merit.

3. Medical information provided by a foster child's physician and by the placing agency, and current instructions regarding a foster child's health care. Medical information and current instructions regarding a foster child's health care provided by:
   a. A foster child's physician.
   b. The placing agency.

4. The name and telephone number of the recommending agency contact person or the custody holding person or agency as applicable.

5. Data which is pertinent to the foster child's lifebook as referenced in rule 5101:2-42-67 of the Administrative Code.

A foster caregiver shall give a foster child's record and all other official documents regarding the foster child to the agency when the foster child leaves the home.

A foster caregiver shall not disclose or knowingly allow the disclosure of any information regarding a foster child or the foster child's family to persons not directly involved in the foster child's care and treatment on an official basis.
The presence of a foster child in a foster home shall not cause any other resident of the home to be deprived of a bed or bedroom.

A bedroom for foster children shall:

1. Have at least one outside wall window that should be screened and capable of opening and closing, unless the room is provided with a ventilation system which provides fresh air. Have at least one outside wall window. The window shall be screened and capable of opening and closing unless the room is provided with a ventilation system which provides fresh air such as a central air conditioning system.

2. Accommodate no more than four children.

3. Include storage space for personal belongings and closet or dresser space for clothing.

4. Provide a safe and comfortable sleeping area ensuring reasonable privacy and access to adult supervision, as appropriate to the age and functioning level of each foster child.

5. Not have the entry to a foster child's bedroom located so as to require the foster child to pass through another bedroom or a bathroom in order to enter his or her bedroom or to require another person to pass through the foster child's bedroom to enter another room if the foster home was recommended for initial certification after July 1, 2000.

6. Have floor-to-ceiling walls and a standard door.

7. Be provided with reasonable access to an emergency exit.

8. Not be on a floor higher than the second floor or in a basement unless approved in writing by a fire safety inspector.

9. Be comparable in appearance in terms of wall coverings, floor coverings, and general decor to other bedrooms used by other children residing in the foster home.

10. Approved by the agency prior to placement.

A foster child shall not share a bedroom with a child of the opposite sex, except when all children sharing the room are under the age of five years, or when a foster child who is also a parent is sharing a bedroom with his or her own child.

A foster child over one year of age shall not share a sleeping room with an adult without prior approval of the recommending agency.

Each foster child shall be provided with a clean, comfortable, permanent bed and mattress of his or her own. A permanent bed is one that cannot be converted to any other form.

A bunk bed in use shall be equipped with safety rails on the upper tier for a child under the age of ten or for any child whose physical, mental, or emotional condition indicates the need for such protection. A bed shall not be bunked higher than two tiers. A child under six years of age shall not sleep on the upper bunk of a bunk bed.

A foster caregiver shall provide each foster child with clean bed linen at least once per week or more frequently if needed. A foster child shall not be required to sleep on a bed soiled by urine or excrement.

Unless there is a documented reason for a foster child over two years of age or thirty-five inches in height to continue to sleep in a crib, the child shall be provided with a toddler bed or standard bed.
FCASMTL 407

**Effective Date: April 1, 2019**

**Most Current Prior Effective Date: July 1, 2014**

(A) A foster home shall comply with the following meal requirements:

1. Each foster child shall be provided with three meals a day.
2. Each meal shall be served at regular intervals.
3. Each meal shall conform to any religious dietary restrictions or any other dietary restrictions.
4. Each meal shall be provided in accordance with any special instructions prescribed by the foster child’s physician.
5. Food provided to a foster child shall be: nutritious, well-balanced, and available in sufficient quantity.
   - (a) Nutritious.
   - (b) Well-balanced.
   - (c) Available in sufficient quantity.
6. A nutritious snack shall be available to children between meals.

(B) A foster child shall not be denied the opportunity to eat with other members of the foster home.

(C) Each foster home shall use milk that meets the requirements of state laws and local ordinances or regulations for pasteurized or certified milk.

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Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014
A foster caregiver shall be responsible for following instructions of the agency which placed the child for providing health care services to each foster child.

A foster caregiver shall adhere to the following instructions surrounding medications for a foster child:

1. A foster caregiver shall administer or supervise the administration of prescription drugs to a foster child only for whom the medication was prescribed and according to the prescribing physician's instruction.

2. Prescription drugs in a foster home shall be kept in the original container, labeled with the foster child's name, the correct dosage and relevant instructions.

3. All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or other medication may be available to a person with a special health condition, who may need these for an emergency.

4. Prescribed drugs shall be disposed of in a safe manner when the prescription is no longer current.

5. Any side effects of prescription drugs shall be reported immediately to the prescribing physician and the recommending agency.

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Rule Amplifies: 5103.02, 5103.03
Prior Effective Dates: 12/30/1966, 10/01/1986, 01/01/1991, 01/01/2003, 08/01/2009, 07/01/2014
(A) A foster caregiver shall be responsible for the full-time care of a foster child. This does not prohibit both foster caregivers in the case of a couple, co-parents or a single foster caregiver from working outside the home.

(B) Alternative arrangements for the care of a foster child by someone other than the foster caregiver shall be approved by the recommending agency.

(C) Alternative arrangements for the care of a foster child does not include arrangements that are being made in accordance with the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(D) A foster caregiver shall have prior written approval by the recommending agency of a plan for the care of a foster child in emergency situations.

(E) A foster caregiver shall have prior written approval by the recommending agency of a statement for each foster child specifying whether or not the foster child may be left unattended and, if so, for what period of time.

(F) If a foster caregiver arranges for a foster child to be cared for in a child care center or by a type A or type B child care provider, the foster care giver shall:

1. Ensure the child care center, type A or type B child care provider is licensed or certified in accordance with Chapter 5101:2-12, 5101:2-13, or 5101:2-14 of the Administrative Code.

2. Provide documentation to the recommending agency that the child care center, type A or type B child care provider is currently licensed or certified.

(G) When a foster caregiver of a specialized foster home requests respite care, it shall be provided in accordance with paragraph (A)(11) of rule 5101:2-5-13 of the Administrative Code.
A foster caregiver shall treat each foster child with kindness, consistency, and respect.

A foster caregiver shall not discriminate in providing care and supervision to foster children on the basis of race, sex, gender, sexual identity, sexual orientation, religion, color or national origin.

A foster caregiver shall provide humane, instructive discipline appropriate to the age and functioning level of a foster child.

Disciplinary methods shall stress praise and encouragement for desired behavior rather than punishment.

All rules and expectations made by a foster caregiver shall be explained to a foster child in a manner appropriate to the child’s age and understanding during the child’s initial orientation and prior to any disciplinary action for violations of such rules.

A foster child shall not be punished for actions over which the child has no control.

A foster child shall not be punished for bed-wetting or in the course of toilet training activities.

A foster caregiver shall not subject a foster child to verbal abuse or swearing; to derogatory remarks about foster children and their families, race, sex, gender, sexual identity, sexual orientation, religion, color or national origin; or to threats of physical violence or removal from the foster home.

A foster caregiver shall not use any of the following practices for a foster child:

- Physical hitting or any type of physical punishment inflicted in any manner upon the body including but not limited to spitting, spanking, paddling, punching, shaking, biting, hair pulling, pinching, or rough handling.
- Physically strenuous work or exercises, when used as a means of punishment.
- Requiring or forcing a foster child to take an uncomfortable position, such as squatting or bending, or requiring a foster child to repeat physical movements when used as a means of punishment.
- Denial of social or recreational activities for excessive or prolonged periods of time, as defined by the agency.
- Denial of social or casework services, medical treatment, or educational services.
- Deprivation of meals.
- Denial of visitation or communication rights with the family of the foster child as a means of punishment.
- Denial of sleep.
- Denial of shelter, clothing, bedding or restroom facilities.

Physical restraint of a foster child shall only be utilized by a caregiver who has received specific training and annual review in acceptable methods of restraint. Documentation of such training shall be contained in the foster home record.

Physical restraint may be used by a caregiver when there is an imminent risk of physical harm:

- For self protection.
- For protection of the child from self-destructive behavior.
- To protect another person from a foster child.
A foster caregiver shall use only the least restrictive physical restraint necessary to control a situation. A foster caregiver shall not use any device to prevent or restrict movement as punishment or for convenience.

If physical restraint is used, a foster caregiver shall:

1. Notify the recommending agency immediately following the use of physical restraint.
2. Submit a detailed written report to the recommending agency within twenty-four hours following the use of physical restraint.

If the foster caregiver notifies the recommending agency that the caregiver used physical restraint, the recommending agency shall:

1. Notify the placing agency (if different) within twenty-four hours of the receipt of the detailed written report of the use of physical restraint from the caregiver.
2. Place a copy of the written report of the use of physical restraint from the caregiver in the foster child's record and in the foster caregiver's record.

A foster caregiver shall not use any form of prone, chemical or mechanical restraint on a foster child.

Any act of omission or commission by a foster caregiver or other member of the household which results in any of the following toward a foster child may be grounds for the denial or revocation of a foster home certificate:

1. Death.
2. Injury.
3. Illness.
4. Abuse.
5. Neglect.

Any recommendation to revoke the certificate of a foster caregiver may be made by the recommending agency supervising a foster home or the Ohio department of job and family services.

Concerning the hygiene needs of a foster child, the foster caregiver shall:

1. Ensure that:
   
   a. Each foster child's clothing and footwear shall be clean, well-fitting, seasonal and appropriate to the child's age and gender identity.
   
   b. Each foster child capable of meeting their own personal hygiene needs shall be provided with adequate personal toiletry supplies appropriate to the child's age, sex, gender, sexual identity, sexual orientation, race and national origin.

2. Provide each foster child instruction on good habits of personal care, hygiene, and grooming appropriate to the child's age, sex, gender, sexual identity, sexual orientation, race, national origin and need for training.

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(A) A foster child under two years of age or under thirty-five inches in height shall be provided with a full-sized crib which meets the following requirements:

(1) Crib slats shall be no more than two and three-eighths inches apart.
(2) Decorative cutout areas on crib end panels which could entrap the head of a child are not permitted.
(3) Only cribs that are compliant with the U.S. consumer product safety commission specifications shall be used.
(4) Each crib shall have a firm mattress which is at least one and one-half inches thick and covered with a waterproof material not dangerous to a child. The mattress shall fit close enough in the frame so that there is no more than one inch between the mattress and the sides of the crib.

(B) A bassinet or cradle may be used only for infants less than fifteen pounds in weight.

(C) A foster child under two years of age shall be provided with the following:

(1) Regular opportunities for individual attention and physical contact with a caring adult.
(2) Consistent and regular opportunities for safe and comfortable participation in developmental activities, as appropriate to the child’s age and developmental ability, such as:
   (a) Sitting.
   (b) Crawling.
   (c) Walking.
   (d) Playing.

(D) A foster child under two years of age shall be supplied with safe play items appropriate to the child’s age and developmental ability.

(E) A foster child under two years of age shall be fed according to instructions from the child's physician or the recommending agency as required by the individual child care agreement. A foster caregiver shall comply with the following requirements when feeding a child under the age of two:

(1) A caregiver shall ensure the child is placed in one of the following:
   (a) High chair.
   (b) Infant seat.
   (c) Held.

(2) No foster child shall be placed in a crib or bassinet for feeding.

(3) A bottle shall not be propped for feeding at any time.

(F) Under both of the following conditions, a foster child under the age of two years may use a toddler bed or standard bed for sleeping:

(1) The foster caregiver, the custodial agency, and the recommending agency agree that the child continually creates a danger to him or her self by climbing out of his or her crib. Written documentation of any agreement shall be signed by a custodial agency representative and maintained in the foster caregiver’s record.

(2) The child shall not use the upper bunk of a bunk bed.

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Rule Amplifies: 5103.02, 5103.03
A foster caregiver shall allow privileges and assign responsibilities to a foster child similar to those which would be assigned to a family member of the foster caregiver who is of similar age and functioning level.

A foster caregiver shall make arrangements with the placing agency for each school-age foster child to attend a school which complies with the minimum standards as prescribed by the state board of education and shall ensure that the foster child attends school in accordance with the child care agreement. A foster caregiver that provides home schooling for a foster child shall do so only with the approval of the child's custodial agency. Any home schooling program used by a foster caregiver shall be approved by the public school district in which the caregiver resides and a copy of the approval shall be placed in the foster home record.

A foster caregiver shall encourage a foster child to participate in the following activities as appropriate to the child's age and functioning level:

1. Community.
2. School.
3. Recreation.
4. Cultural heritage.

Pursuant to section 5103.162 of the Revised Code, a foster caregiver shall use a reasonable and prudent parent standard when considering whether to authorize a foster child who resides in the foster home to participate in extracurricular, enrichment, and social activities in accordance with section 2151.315 of the Revised Code.

A foster caregiver shall, as is necessary and reasonable, arrange appropriate transportation for the foster child to and from the activities listed in paragraph (C) of this rule.

A foster caregiver shall permit a foster child to practice the chosen religious faith of the foster child or the foster child's parents, unless it is determined and documented in the child's case plan by the custodial agency that it is not in the child's best interests; and a foster caregiver shall not subject a foster child to any form of religious coercion.

A foster child shall not be baptized or submitted to any religious procedures without prior consent of the child according to their age and functioning level and prior approval of the foster child's parent, guardian or custodian.

A foster caregiver shall, as appropriate, teach a foster child tasks and skills required for life in the community.

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Rule Amplifies: 5103.02, 5103.03
A foster home and all structures on the grounds of the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair.

Outdoor recreation equipment on the grounds of a foster home shall be maintained in a safe state of repair.

Outdoor areas on the grounds of or immediately adjacent to a foster home which are potentially hazardous to a foster child placed in the home shall be reasonably safeguarded, considering the age and functioning level of the foster child. Such areas include, but are not limited to:

1. Water areas, including lakes, ponds, rivers, quarries and swimming pools.
2. Open pits and wells.
3. Cliffs and caves.
4. High-speed or heavily traveled roads.

A foster home shall be adequately heated, lighted and ventilated.

The following shall be stored in a safe manner:

1. Bleach.
2. Cleaning materials.
3. Poisonous or corrosive household chemicals.
4. Flammable and combustible materials.
5. Potentially dangerous tools or utensils.
6. Electrical equipment in or on the grounds of a foster home.
7. Machinery in or on the grounds of a foster home.

A foster home shall comply with the following requirements regarding weapons:

1. The following weapons kept on the grounds of or in a foster home shall be stored in an inoperative condition in a locked area inaccessible to children:
   a. Firearms.
   b. Air rifles.
   c. Hunting slingshots.
   d. Any other projectile weapon.

2. All ammunition, arrows or projectiles for such weapons shall be stored in a separate locked space.

3. Any foster caregiver who is also a law enforcement official and can document that their jurisdiction requires them to have ready and immediate access to their weapon shall be exempt from the requirements of this paragraph.

A foster home shall have a working telephone or be able to demonstrate to the recommending agency reasonable access to a working telephone for emergency situations.

Appropriate emergency telephone numbers including fire, police, ambulance, poison control, the recommending agency, and each agency with a foster child placed in the home shall be posted in a prominent place in a foster home.
All locks to at least one door to any room or walk in storage area inside a foster home in which a person could become confined, and from which the only other means of exit requires the use of a key, shall be able to be unlocked from either side shall be of the type which permit the door to be unlocked from either side of the door and be unlocked from the inside of the room or storage area without a key. Locking of the children's bedroom doors while children are sleeping is prohibited. Locking of outside doors and fencing around a yard or outside play area is permitted.

A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to initial certification and annually thereafter.

A foster home shall have working bathroom and toilet facilities located within the home and connected to an indoor plumbing system.

Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.

A foster home shall have a working smoke alarm on each level of occupancy of the home approved by one of the following: "Underwriter's Laboratory" on each level of occupancy of the home.

(1) "Underwriter's Laboratory."
(2) A certified fire inspector.

A foster caregiver shall have a written evacuation plan for evacuating the home or seeking shelter in the event of fire, tornado or other disaster. This evacuation plan shall contain a primary and alternate escape route for each floor. A foster caregiver shall provide initial orientation and ongoing instruction on the contents of this plan to each foster child in accordance with the foster child's age and functioning level.

All escape routes shall be kept free of clutter and other obstructions.

Household heating equipment used in a foster home shall be equipped with appropriate safeguards in accordance with the age and functioning level of any foster child in the home.

Heaters: Unvented heaters that burn kerosene or oil shall not be used. All heaters must be approved by "Underwriter's Laboratory," and not prohibited by any local zoning ordinances.

(1) Unvented heaters that burn kerosene or oil shall not be used.
(2) All heaters shall be approved by "Underwriter's Laboratory" or a certified fire inspector.
(3) All heaters shall not be prohibited by any local zoning ordinances.

A foster home shall have an "Underwriter's Laboratory" approved portable fire extinguisher in working order in or near the cooking area of the home. The fire extinguisher shall be approved by one of the following:

(1) "Underwriter's Laboratory."
(2) A certified fire inspector.

Pets or domestic animals in or on the premises of a foster home shall be kept in a safe and sanitary manner in accordance with state and local laws.

A foster child shall be protected from animals potentially dangerous to the child's health and safety in or on the premises of a foster home.

Interior and exterior stairways accessible to children shall be protected by child safety gates or doors according to the child's age and functioning level.

A foster home shall provide a smoke free environment for foster children.

(1) No smoking shall be permitted in the living area of a foster home or in a vehicle used to transport a foster child when a foster child is present.
(2) Smoking may be permitted in the home or vehicles used for transporting foster children only when no foster child is present.

(W) All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or other medication may be left unlocked if a person has a special health condition that requires the inhaler or medication to be immediately available.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

FCASMTL 407

Effective Date: April 1, 2019

Most Current Prior Effective Date: July 1, 2014

(A) A foster home shall be recommended for certification by only one recommending agency at a time.

(B) The determination of the specific number, age, and sex of children to be placed in a particular foster home is a joint responsibility of the foster caregiver and the recommending agency based on the agency's assessment of the foster caregiver's capability and physical facilities as required in Chapter 5101:2-7 of the Administrative Code.

(C) Nothing in Chapter 5101:2-7 of the Administrative Code shall be construed as requiring an agency to make or to continue the placement of any child with any foster caregiver solely because of the presence of a current certificate.

(D) A foster home shall not accept a child into care directly from a parent, another certified agency or other legally approved placement source without the participation and agreement of the recommending agency.

(E) If the applicants are married to each other, the foster home certificate shall be in the legal names of both spouses residing in the home.

(F) A transfer of a foster home certificate from one agency to another shall be completed in accordance with rule 5101:2-5-31 of the Administrative Code.

(G) A foster caregiver shall terminate the certificate within thirty days of his/her residence being licensed, regulated, approved, operated under the direction of, or otherwise certified by any of the following:
   
   (1) The department of mental health and addiction services.

   (2) A community alcohol, drug addiction and mental health board.

   (3) The department of developmental disabilities.

   (4) A county board of developmental disabilities.

   (5) The health department.

   (6) A juvenile court.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

Promulgated Under: 119.03

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Rule Amplifies: 5103.02, 5103.03

5101:2-7-14  Required Notification

FCASMTL 407

Effective Date: April 1, 2019
Most Current Prior Effective Date: July 1, 2014

Appendix A: Offenses Listed in Paragraph (G) of Rule 5101:2-7-14 of the Administrative Code

(A) A foster caregiver shall notify the recommending agency in writing prior to allowing any person to reside for more than two weeks in the foster home.

(B) A foster caregiver shall notify the recommending agency within one hour of the caregiver gaining the knowledge of any of the following circumstances involving a foster child:
   (1) A serious injury or illness involving medical treatment of a foster child.
   (2) The death of a foster child.
   (3) Unauthorized absence of a foster child from the home.
   (4) Removal or an attempted removal of a foster child from the home by any person or agency other than the placing agency, or attempts at such removal.
   (5) Any involvement of a foster child with law enforcement authorities.

(C) A foster caregiver shall notify the recommending agency within twenty-four hours or the next working day of any of the following circumstances:
   (1) Any impending change in the marital status of the foster caregiver or in the household occupancy of the home.
   (2) Any serious illness or death in the household.
   (3) Any fire or other incident, requiring the services of a fire department or emergency personnel occurs at or within the home.
   (4) The foster home becomes uninhabitable for any reason.

(D) A foster caregiver shall inform the recommending agency at least four weeks prior to a planned move of the foster caregiver.

(E) A foster caregiver shall inform the recommending agency within thirty days in writing if the foster caregiver is certified to operate a type B family day care home.

(F) A foster caregiver shall notify the recommending agency within twenty-four hours of the caregiver gaining the knowledge of any charge of any criminal offense brought against the caregiver or any adult resident of his home. If the charges result in a conviction, the foster caregiver shall notify the recommending agency within twenty-four hours of the conviction. Failure to notify the agency in either of these circumstances shall result in the agency recommending the Ohio department of job and family services (ODJFS) seek an order to revoke or deny the caregiver's certification to operate a foster home.

(G) A foster caregiver shall notify the recommending agency within twenty-four hours of any charge or complaint brought against any resident of the foster caregiver's home who is at least twelve years of age, but less than eighteen years of age for committing an act that if committed by an adult would constitute a criminal offense. Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.
(1) If the recommending agency learns that a foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS seek an order to revoke the foster caregiver's certification to operate a foster home.

(2) If the recommending agency learns that a prospective foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS deny the foster caregiver's certification to operate a foster home.

(H) Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.

(1) If the recommending agency learns that a foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS seek an order to revoke the foster caregiver's certification to operate a foster home.

(2) If the recommending agency learns that a prospective foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS deny the foster caregiver's certification to operate a foster home.

(I) A foster caregiver may voluntarily terminate a foster home certificate for any reason by providing written notice of intent to terminate and the effective date of termination to the recommending agency.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

Promulgated Under: 119.03

Statutory Authority: 5103.0319, 5103.03, 2151.86

Rule Amplifies: 2151.86, 5103.0319, 5103.03, 5103.02

FCASMTL 398

Effective Date: July 1, 2018
Most Current Prior Effective Date: April 15, 2013

(A) Any vehicle owned or leased by a foster caregiver and used to transport a foster child shall:

1. Be maintained in a safe condition and in compliance with all motor vehicle laws.
2. Be covered by liability insurance in accordance with current state laws.

(B) A foster caregiver shall ensure:

1. Any person transporting a foster child in a motor vehicle shall be licensed to drive that class of vehicle.
2. Any vehicle not owned or leased by the foster caregiver that is used to transport a foster child shall be maintained in a safe condition according to state laws.

(C) A foster caregiver shall ensure that a foster child transported in a motor vehicle shall at all times be restrained by a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped.

(D) A foster caregiver shall ensure compliance with any motor vehicle seat restraint requirement of section 4511.81 of the Revised Code.

(E) If the foster child is less than eight years of age and less than four feet nine inches in height, the child shall be properly restrained in a booster seat if paragraph (D) of this rule does not apply. The booster seat shall be placed in the back of any motor vehicle that has a back seat.

(F) If paragraph (D) of this rule does not apply and the foster child is at least eight years of age but not older than fifteen years of age the child shall be restrained in a belt positioning booster seat in a forward-facing position or in a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped.

(G) All children age twelve and under shall ride in the back seat of a motor vehicle that has a back seat and shall not ride in the front seat of the vehicle unless the vehicle does not have a back seat. If a foster child rides in the front seat of a vehicle as allowed by this rule, the foster caregiver must disable the passenger side airbag if the vehicle is so equipped.

(H) Paragraphs (C), (D), (E), and (F) of this rule do not apply to the foster caregiver who has a signed affidavit by a licensed physician in Ohio or a licensed chiropractor in Ohio. The affidavit shall state that the child who otherwise would be required to be restrained, has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendation of the physician or chiropractor as noted on the affidavit.

(I) Each foster caregiver shall ensure the recall and safety information issued by the consumer product safety commission (CPSC) related to child safety seats or booster seats are reviewed. Any safety recommendations made by the CPSC in regard to child safety seats or booster seats shall be implemented by the caregiver.

Effective: 7/1/2018
Five Year Review (FYR) Dates: 4/2/2018 and 07/01/2023
Certification: CERTIFIED ELECTRONICALLY
Date: 06/07/2018
A foster home and all structures on the grounds of the home shall be maintained in a clean, safe, and sanitary condition and in a reasonable state of repair.

Outdoor recreation equipment on the grounds of a foster home shall be maintained in a safe state of repair.

Outdoor areas on the grounds of or immediately adjacent to a foster home which are potentially hazardous to a foster child placed in the home shall be reasonably safeguarded, considering the age and functioning level of the foster child. Such areas include, but are not limited to:

1. Water areas, including lakes, ponds, rivers, quarries and swimming pools.
2. Open pits and wells.
3. Cliffs and caves.
4. High-speed or heavily traveled roads.

A foster home shall be adequately heated, lighted and ventilated.

The following shall be stored in a safe manner:
1. Bleach.
2. Cleaning materials.
3. Poisonous or corrosive household chemicals.
4. Flammable and combustible materials.
5. Potentially dangerous tools or utensils.
6. Electrical equipment in or on the grounds of a foster home.
7. Machinery in or on the grounds of a foster home.

A foster home shall comply with the following requirements regarding weapons:
1. The following weapons kept on the grounds of or in a foster home shall be stored in an inoperative condition in a locked area inaccessible to children:
   a. Firearms.
   b. Air rifles.
   c. Hunting slingshots.
   d. Any other projectile weapon.
2. All ammunition, arrows or projectiles for such weapons shall be stored in a separate locked space.
3. Any foster caregiver who is also a law enforcement official and can document that their jurisdiction requires them to have ready and immediate access to their weapon shall be exempt from the requirements of this paragraph.

A foster home shall have a working telephone or be able to demonstrate to the recommending agency reasonable access to a working telephone for emergency situations.

Appropriate emergency telephone numbers including fire, police, ambulance, poison control, the recommending agency, and each agency with a foster child placed in the home shall be posted in a prominent place in a foster home.
All locks to at least one door to any room or walk in storage area inside a foster home in which a person could become confined, and from which the only other means of exit requires the use of a key, shall be able to be unlocked from either side. All locks shall be of the type which permit the door to be unlocked from either side of the door and be unlocked from the inside of the room or storage area without a key. Locking of the children’s bedroom doors while children are sleeping is prohibited. Locking of outside doors and fencing around a yard or outside play area is permitted.

A foster home shall have a continuous supply of safe drinking water. Well water used for drinking and cooking shall be tested and approved by the health department prior to initial certification and annually thereafter.

A foster home shall have working bathroom and toilet facilities located within the home and connected to an indoor plumbing system.

Garbage shall be disposed of on a regular basis. Garbage stored outside shall be in covered containers or closed bags.

A foster home shall have a working smoke alarm on each level of occupancy of the home approved by one of the following: “Underwriter’s Laboratory” on each level of occupancy of the home.

1. "Underwriter's Laboratory."
2. A certified fire inspector.

A foster caregiver shall have a written evacuation plan for evacuating the home or seeking shelter in the event of fire, tornado or other disaster. This evacuation plan shall contain a primary and alternate escape route for each floor. A foster caregiver shall provide initial orientation and ongoing instruction on the contents of this plan to each foster child in accordance with the foster child’s age and functioning level.

All escape routes shall be kept free of clutter and other obstructions.

Household heating equipment used in a foster home shall be equipped with appropriate safeguards in accordance with the age and functioning level of any foster child in the home.

Unvented heaters that burn kerosene or oil shall not be used. All heaters must be approved by "Underwriter's Laboratory," and not prohibited by any local zoning ordinances.

1. Unvented heaters that burn kerosene or oil shall not be used.
2. All heaters shall be approved by "Underwriter's Laboratory" or a certified fire inspector.
3. All heaters shall not be prohibited by any local zoning ordinances.

A foster home shall have an "Underwriter's Laboratory“ approved portable fire extinguisher in working order in or near the cooking area of the home. The fire extinguisher shall be approved by one of the following:

1. "Underwriter's Laboratory."
2. A certified fire inspector.

Pets or domestic animals in or on the premises of a foster home shall be kept in a safe and sanitary manner in accordance with state and local laws.

A foster child shall be protected from animals potentially dangerous to the child's health and safety in or on the premises of a foster home.

Interior and exterior stairways accessible to children shall be protected by child safety gates or doors according to the child’s age and functioning level.

A foster home shall provide a smoke free environment for foster children.

1. No smoking shall be permitted in the living area of a foster home or in a vehicle used to transport a foster child when a foster child is present.
(2) Smoking may be permitted in the home or vehicles used for transporting foster children only when no foster child is present.

(W) All prescription drugs in a foster home shall be stored in a locked cabinet or storage area except that an inhaler or other medication may be left unlocked if a person has a special health condition that requires the inhaler or medication to be immediately available.

Effective: 4/1/2019

Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024

Certification: CERTIFIED ELECTRONICALLY

Date: 02/07/2019

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

A foster home shall be recommended for certification by only one recommending agency at a time.

The determination of the specific number, age, and sex of children to be placed in a particular foster home is a joint responsibility of the foster caregiver and the recommending agency based on the agency's assessment of the foster caregiver's capability and physical facilities as required in Chapter 5101:2-7 of the Administrative Code.

Nothing in Chapter 5101:2-7 of the Administrative Code shall be construed as requiring an agency to make or to continue the placement of any child with any foster caregiver solely because of the presence of a current certificate.

A foster home shall not accept a child into care directly from a parent, another certified agency or other legally approved placement source without the participation and agreement of the recommending agency.

If the applicants are married to each other, the foster home certificate shall be in the legal names of both spouses residing in the home.

A transfer of a foster home certificate from one agency to another shall be completed in accordance with rule 5101:2-5-31 of the Administrative Code.

A foster caregiver shall terminate the certificate within thirty days of his/her residence being licensed, regulated, approved, operated under the direction of, or otherwise certified by any of the following:

1. The department of mental health and addiction services.
2. A community alcohol, drug addiction and mental health board.
3. The department of developmental disabilities.
4. A county board of developmental disabilities.
5. The health department.
6. A juvenile court.
Appendix A: Offenses Listed in Paragraph (G) of Rule 5101:2-7-14 of the Administrative Code

(A) A foster caregiver shall notify the recommending agency in writing prior to allowing any person to reside for more than two weeks in the foster home.

(B) A foster caregiver shall notify the recommending agency within one hour of the caregiver gaining the knowledge of any of the following circumstances involving a foster child:

1. A serious injury or illness involving medical treatment of a foster child.
2. The death of a foster child.
3. Unauthorized absence of a foster child from the home.
4. Removal or an attempted removal of a foster child from the home by any person or agency other than the placing agency, or attempts at such removal.
5. Any involvement of a foster child with law enforcement authorities.

(C) A foster caregiver shall notify the recommending agency within twenty-four hours or the next working day of any of the following circumstances:

1. Any impending change in the marital status of the foster caregiver or in the household occupancy of the home.
2. Any serious illness or death in the household.
3. Any fire or other incident, requiring the services of a fire department or emergency personnel occurs at or within the home.
4. The foster home becomes uninhabitable for any reason.

(D) A foster caregiver shall inform the recommending agency at least four weeks prior to a planned move of the foster caregiver.

(E) A foster caregiver shall inform the recommending agency within thirty days in writing if the foster caregiver is certified to operate a type B family day care home.

(F) A foster caregiver shall notify the recommending agency within twenty-four hours of the caregiver gaining the knowledge of any charge of any criminal offense brought against the caregiver or any adult resident of his home. If the charges result in a conviction, the foster caregiver shall notify the recommending agency within twenty-four hours of the conviction. Failure to notify the agency in either of these circumstances shall result in the agency recommending the Ohio department of job and family services (ODJFS) seek an order to revoke or deny the caregiver's certification to operate a foster home.

(G) A foster caregiver shall notify the recommending agency within twenty-four hours of any charge or complaint brought against any resident of the foster caregiver's home who is at least twelve years of age, but less than eighteen years of age for committing an act that if committed by an adult would constitute a criminal offense. Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.
If the recommending agency learns that a foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS seek an order to revoke the foster caregiver's certification to operate a foster home.

If the recommending agency learns that a prospective foster caregiver has failed to notify the agency, the agency shall notify ODJFS and recommend ODJFS deny the foster caregiver's certification to operate a foster home.

Pursuant to section 5103.0319 of the Revised Code, a foster caregiver shall also notify the recommending agency in writing within twenty-four hours if a resident of the foster caregiver's home is at least twelve years of age, but less than eighteen years of age, and has been convicted of or pleaded guilty to any of the offenses listed in appendix A to this rule, or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation. The notification is also required for any conviction or adjudication of delinquency resulting from a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in appendix A to this rule.

A foster caregiver may voluntarily terminate a foster home certificate for any reason by providing written notice of intent to terminate and the effective date of termination to the recommending agency.

Effective: 4/1/2019
Five Year Review (FYR) Dates: 11/19/2018 and 04/01/2024
Certification: CERTIFIED ELECTRONICALLY
Date: 02/07/2019
Promulgated Under: 119.03
Statutory Authority: 5103.0319, 5103.03, 2151.86
Rule Amplifies: 2151.86, 5103.0319, 5103.03, 5103.02
(A) When children are present during waking hours in a residential facility living unit, there shall be at least one child care staff person for each ten children. Child care staff shall be on duty providing supervision to children where two or more children are congregated to ensure an appropriate level of supervision of all areas of the facility considering the ages and functioning levels of children in care.

(B) Child care staff shall provide supervision within sight or sound of the child or pursuant to the level of supervision specified in the child's service plan. A child may be left alone or unsupervised only in accordance with the service plan of that child.

(C) At least one child care staff person for every five infants or toddlers shall be present in a residential parenting facility to provide care and supervision to children in the absence of teenage mothers.

(D) A residential parenting facility shall not permit a teenage mother to provide care or supervision to any child other than her own in the absence of the child's mother or child care staff.

(E) A children's residential center (CRC) or residential parenting facility shall have at least one awake child care staff person in each living unit where children are present during nighttime sleeping hours.

(F) Staff members at a residential facility shall not have overnight guests in the facility except for the children of live in staff members, who have resided in the home and are under the age of twenty-two.

(G) In accordance with rule 5101:2-5-09.1 of the Administrative Code, a criminal records check shall be requested for each person eighteen years of age or older that resides with the staff members in a residential facility.

(H) A JFS 01653 "Medical Statement for Foster Care/Adoptive Applicant and All Household Members" (rev. 6/2009) shall be completed for each person eighteen years of age or older that resides with the staff members in a residential facility.

(I) Children of staff members and children of residents living in a residential facility shall be counted in all child care staff ratios.

(J) Each residential facility shall have a written work schedule including provisions for use of relief staff, and a backup plan for emergency relief staff.

(K) A residential facility shall have at least one child care staff on site who is:

1. Trained in the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

2. Designated to make decisions involving the participation of a child in age appropriate or developmentally appropriate activities.

3. Designated to be the caregiver authorized to apply the reasonable and prudent parent standard.

(L) All relief child care staff and emergency child care staff of a residential facility shall meet the requirements of rules 5101:2-5-09 and 5101:2-9-03 of the Administrative Code.

(M) Newly hired child care staff shall be given on-the-job supervision and shall not be left unsupervised with residents until all of the following requirements have been met:

1. The person has completed the initial orientation required by rule 5101:2-9-03 of the Administrative Code;

2. The person has completed an additional twenty hours of the first year training required by rule 5101:2-9-03 of the Administrative Code;
(3) The agency has received and reviewed the results of the criminal records check required by rule 5101:2-5-09.1 of the Administrative Code, and ensured that the employee has met the requirements pursuant to paragraph (H) of rule 5101:2-5-09 of the Administrative Code.

(4) The person possesses a current American red cross, American heart association or equivalent first aid and cardiopulmonary resuscitation (CPR) certification. The CPR certification shall be the type applicable to the age and size of the children able to be served in the facility.

Effective: 12/01/2015
Five Year Review (FYR) Dates: 08/03/2015 and 12/01/2020
Certification: CERTIFIED ELECTRONICALLY
Date: 10/27/2015
Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03
Prior Effective Dates: 12/30/66, 10/1/86, 1/1/91, 9/18/96, 9/1/02, 1/1/08, 12/1/10, 7/1/14
A residential facility shall provide each child care staff person with a minimum of twenty hours of orientation within the first thirty days after the date of hire. The training required by this paragraph may be conducted outside the residential facility. Regular ongoing duties of an employee, including casework supervision and consultation, shall not be counted toward the requirements of this paragraph.

(1) If a training is conducted outside the residential facility, the training shall include a transfer of learning component prior to or following the training.

(2) The transfer of learning component may include a pretest, a posttest, or a discussion following the training.

Each child care staff person shall receive an additional thirty-two hours of training during the first year of employment. This requirement shall result in each child care staff person receiving a minimum of fifty-two hours of training during the first twelve months of employment. The training required by this paragraph may be conducted outside the residential facility. Regular ongoing duties of an employee, under the supervision of child care staff who have met all of their training requirements, including casework supervision and consultation, shall not exceed fifty per cent of the requirements of this paragraph.

(1) If a training is conducted outside the residential facility, the training shall include a transfer of learning component prior to or following the training.

(2) The transfer of learning component may include a pretest, a posttest, or a discussion following the training.

If an agency requires more than twenty hours of initial orientation, the additional hours may be counted toward the total number of hours required by paragraph (B) of this rule.

Following the completion of the training as required by paragraphs (A) and (B) of this rule, each child care staff person shall receive at least twenty-four hours of annual training related to agency policy, procedure, rules and the population that the agency serves. The training shall include documentation of the transfer of learning components addressed in paragraphs (A) and (B) of this rule. Regular ongoing duties of an employee, including casework supervision and consultation, shall not be counted toward the requirements of this paragraph. If a child care staff member has not received training in the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code, the staff member shall be trained in this topic as part of their most current annual training requirement.

If a child care staff person is or will be providing care for a youth at least sixteenfourteen years of age, the person shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide such services as are needed and appropriate. To the extent possible, such services shall be coordinated with the life skills services required to be provided by rule 5101:2-42-19 of the Administrative Code.

If a child care staff person is separated from employment from the agency and returns to work with the agency, the employee shall not be required to complete the new orientation training requirements of paragraph (A) of this rule if the employee returns to work with the agency within one year from the date the employee separated employment.

A child care staff person may still be allowed to work if the employee was not able to meet the continuing training requirements due to any of the following:

(1) Extended leave.

(2) Separation of employment for less than one year.
(3) Extended illness.
(4) Critical emergencies.
(5) Cancellation of training classes.

(H) If a child care staff person fails to complete their continuing training timely:

(1) The employee shall not be left alone with residents until all of the incomplete training hours are met.
(2) The record shall contain documentation of the reason the training hours were not met.
(3) The employee shall complete the missed training within sixty days of returning to work.
(4) The employee is responsible for completing their ongoing annual continuing training in addition to any training they failed to complete.

(I) Initial orientation of new child care staff pursuant to paragraph (A) of this rule shall include, but not be limited to:

(1) Familiarization of the employee with emergency and safety procedures of the residential facility.
(2) The principles and practices of child care.
(3) Administrative structure, procedures, and overall program goals of the residential facility.
(4) Appropriate techniques of behavior management.
(5) Techniques and methodologies of crisis management including acceptable physical restraint or acceptable alternatives to restraint, if restraint is prohibited.
(6) Familiarization of the employee with the discipline policy restrictions outlined in rule 5101:2-9-21 of the Administrative Code, the discipline and behavior intervention policy required by rule 5101:2-5-13 of the Administrative Code, and any additional requirements the agency may have.
(7) Procedures for reporting suspected child abuse or neglect pursuant to section 2151.421 of the Revised Code.
(8) The emergency medical plan of the residential facility.
(9) Universal precautions.
(10) If a child care staff person will be providing care for a youth at least sixteenfourteen years of age, the person shall be prepared adequately with the appropriate knowledge and skills to understand and address the issues confronting adolescents preparing for independent living, and provide such services as are needed and appropriate. To the extent possible, such services shall be coordinated with the life skill services required to be provided by rule 5101:2-42-19 of the Administrative Code.
(11) A review of Chapter 5101:2-9 of the Administrative Code as applicable to the functions of the agency.
(12) The implementation of the community engagement plan as described in division (B) of section 5103.051 of the Revised Code.
(13) The procedures for responding to incidents involving a child at the facility and neighbors or the police as described in division (B) of section 5103.051 of the Revised Code.
(14) The reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.

(J) Each residential facility shall assure that all child care staff hired possess a current American red cross, American heart association, or equivalent first aid and cardiopulmonary resuscitation (CPR) certification at the time of hire or within six months following the date of hire. Child care staff of a group home or children's residential center shall be certified in the type applicable to the age and size of the children to be served in the facility. Child care staff of a residential parenting facility and a children's
crisis care facility shall be certified in infant, adult and child CPR. The first aid and CPR certifications shall be maintained current at all times unless the employee meets one of the following exceptions:

1. Extended leave.
2. Separation of employment for less than one year.
3. Extended illness.
5. Cancellation of training classes.

(K) A child care staff person shall not be permitted to work with children without another child care staff who is current on all first aid and CPR training and who is present at all times. If a child care staff person's first aid and CPR certification has been expired for more than ninety days, the staff member shall not be permitted to work in the facility without the required certification.

(L) There shall be at least one staff person with first aid and CPR certification on duty at all times in a living unit.

(M) Each residential facility shall document the completion of the training activities required by this rule in the personnel record maintained pursuant to rule 5101:2-5-09 of the Administrative Code.

(N) Physical restraint of a child shall only be utilized by a child care staff person who has received specific training and annual review in acceptable methods of restraint. Documentation of such training shall be contained in the employee's personnel record.

(O) If the facility revises any policy pertaining to children or child care staff, the child care staff shall receive training on the policy within thirty days of the revision.

(P) If a residential facility has a policy prohibiting the use of physical restraint, the facility shall complete annual training for all child care staff in acceptable alternatives to restraint.

(Q) If a residential facility has a policy allowing the use of physical restraint, the facility shall complete annual training in acceptable methods of restraint for the child care staff.

(R) Physical restraint may be used by child care staff only:

1. For self protection.
2. For protection of the child from imminent harm.
3. To protect another person from the child.

(S) Child care staff shall use only the least restrictive physical restraint necessary to control a situation.

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FCASMTL 400

Effective Date: November 1, 2013 (No Change)
Most Current Prior Effective Date: January 1, 2008 (No Change)

(A) All structures, grounds, furnishings or equipment used by or located on the grounds of a residential facility shall be continually maintained in good repair and in clean condition.

(B) All rooms, corridors, and stairways inside a residential facility shall be equipped with operable electric illumination.

(C) Each residential facility shall have working exterior electrical illumination for operable entrances and stairways to occupied buildings.

(D) A residential facility shall have a continuous supply of clean drinking water. If the residential facility's water supply is not obtained from a municipal water supply, a water district water supply or a vendor of bottled water, the facility's water supply shall be tested and approved by a municipal or county health department or by the Ohio department of health prior to initial certification or recertification. A residential facility shall not be certified or recertified without an approved water source.

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Rule Amplifies: 5103.02, 5103.03
Requirements for Residential Parenting Facility and Crisis Care Facility Furniture, Materials and Equipment; Diaper Changing

FCASMTL 332

Effective Date: July 1, 2014

Most Current Prior Effective Date: December 1, 2010

(A) All equipment, materials, and furniture in a residential parenting facility and crisis care facility shall be sturdy and safe, easy to clean and maintain, and free of sharp points or corners, splinters, protruding nails, loose or rusty parts or other hazardous features.

(B) Toys or other materials small enough to be swallowed by an infant or toddler shall be kept out of their reach.

(C) Cleaning equipment, cleaning agents, aerosol cans, or other chemical substances shall be stored in the original containers or clearly labeled, and not accessible to children. Items shall be locked in a cabinet, drawer or room when not in use.

(D) Stationary outdoor recreational equipment including, but not limited to, climbing gyms, swings or slides shall be securely anchored.

(E) Lawn mowers, hedge clippers and other similar machinery shall not be used in an outdoor play area when a child is present in the play area.

(F) A tile floor, concrete, asphalt, or other hard surface under any indoor or outdoor climbing apparatus shall be covered by a cushioned protective surface, such as, but not limited to, mats, mulch, sand or wood chips.

(G) Wading pools shall be stored or shall not be accessible to children when not in use. When any child is in a wading or swimming pool, the child's mother and/or child care staff of the facility shall be present to supervise the child.

(H) All electrical outlets within reach of an infant or toddler shall have protective coverings when not in use.

(I) Toilets and sinks shall be of suitable height for use by a child or shall have a sturdy portable platform on which a child may stand.

(J) Potty chairs shall not be located in areas used for food preparation or serving. Potty chairs shall be emptied, washed, rinsed and disinfected after each use.

(K) Toilets shall be disinfected at least once daily or more often as needed using an appropriate germicidal agent.

(L) Washable equipment and furniture shall be cleaned with soap and water at least once per month. Additionally, any item soiled during daily use with, but not limited to, blood, vomit, feces, urine and spills shall immediately be cleaned with soap and water and disinfected with an appropriate germicidal agent. Toys and other items placed in a child's mouth shall be cleaned thoroughly and disinfected with an appropriate germicidal solution and rinsed with water at least daily and immediately if soiled with blood, feces, urine or vomit.

(M) Changing diapers for all non-toilet trained children in a residential parenting facility or crisis care facility shall be handled in conformity with the following methods:

(1) Changing of diapers for all non-toilet trained children shall occur in a space that has a hand washing facility.

(2) Hands of the person caring for the child shall be washed with soap and water before and after each diaper change.

(3) When a central diaper changing station is used, there shall be a disposable separation material, that acts as a barrier placed between the child and the changing surface, which is discarded after each use.
(4) Any product used during diapering, which is used on more than one child, shall be used so that the container does not touch the child. Any product obtained from a common container shall be removed and applied in such a manner so as not to contaminate the product or its container. Common containers shall be cleaned and sanitized after each use.

(5) Storage and laundering of soiled diapers shall be handled in accordance with the following methods:

(a) Soiled diapers shall be disposed of in a plastic lined-receptacle that prevents hand contamination. The receptacle shall be covered or otherwise enclosed and be inaccessible to children. These containers shall be emptied, cleaned and sanitized at least daily, or more frequently as needed to eliminate odor.

(b) Soiled diapers to be laundered shall be stored in an appropriate germicidal solution, out of the reach of children, until laundered. Diapers to be laundered shall be held for laundering for no longer than one day.

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Prior Effective Dates: 1/1/91, 9/18/96, 9/1/02, 1/1/0, 12/1/10
(A) No residential facility shall maintain any explosives, pyrotechnics, firearms, chemical weapons, or other similar device or substance anywhere on the grounds of the facility.

(B) No residential facility shall permit any staff person, child, or security personnel to bear any firearm, chemical weapon, or other weapon or similar device while such person is anywhere on the grounds of the facility. Nothing in this paragraph shall be construed as prohibiting law enforcement authorities from bearing arms when they are present at the residential facility in conjunction with their official responsibilities.

(C) All porches and patios more than thirty-six inches above ground level, elevated walkways, and elevated play areas on the grounds of a residential facility shall be enclosed with barriers designed to prevent falls.

(D) All workshop or outdoor power-driven equipment used by a residential facility shall be maintained and operated in accordance with manufacturer’s instructions. Such equipment may be used by children as permitted by law but only when under the supervision of a staff person.

(E) Smoking shall not be permitted in the presence of a child. If a residential facility permits smoking, the facility shall allow smoking only in an outdoor designated area. In the designated smoking area there shall be a proper smoking waste receptacle for collection of waste. All employees who engage in smoking shall wash their hands when they reenter the facility. There shall be no smoking in vehicles while transporting children of the facility.

(F) All stairways accessible to children within or on the grounds of a residential facility which contain more than four steps shall be equipped with a railing. In addition, any facility which is a residential parenting facility or crisis care facility shall guard all stairways accessible to children with a safety gate.

(G) Outdoor areas on the grounds of or immediately adjacent to a residential facility which are potentially hazardous to residents shall be safeguarded considering the age and functioning level of the residents.

(H) Each residential facility shall document that all swimming pools maintained by the facility comply with the requirements of any local or state codes.

(I) Pets or other domesticated animals in or on the premises of a residential facility shall be kept in a safe and sanitary manner in accordance with state and local laws. Pet vaccinations shall be maintained current at all times.

(J) All children or teenage mothers residing at a residential facility shall be protected from animals in or on the premises of the facility which are potentially dangerous to their health and safety.

(K) All locks on at least one door to any room or storage area in which a child could be confined in residential facility shall be of the type which permit the door to be unlocked from either side of the door and be unlocked from the inside of the room without a key. A door or a separate entrance to a portion of the residential facility such as a cellar, basement or outside storage room that is not accessible from within the residential facility or a door on a separate building such as a garage, barn or storage shed on the grounds of a residential facility does not need a lock that can be unlocked from either side of the door. Keys to such locks shall be kept in a place accessible only to staff of the facility.

(L) All doors on toilet stalls and bathtub or shower stalls used by children in a residential facility shall be of the type which permit the door to be unlatched from either side of the door unless the stall is of such construction as to permit emergency access by climbing over or crawling under the partitions.

(M) Each residential facility which maintains any poisonous, toxic, or flammable materials and substances for any purpose on the grounds of the facility shall maintain all such substances in locked storage areas and according to the manufacturer’s instructions.
Stationary or portable outdoor recreational equipment designated for climbing, and swings and slides shall be anchored or stable. All recreational equipment shall be appropriate to the age and functioning level of the residents.

Outdoor recreational equipment designated for climbing, and swings and slides shall be surrounded by a protective, resilient surface that meets the following requirements:

1. Fall zones shall have a protective resilient material on the ground under and around the equipment.
2. The material shall be, but not limited to, washed pea gravel, mulch, sand, wood chips, synthetic material such as rubber mats or tiles manufactured for this purpose. Synthetic surfaces shall follow manufacturer's guidelines for depth.
3. Equipment shall not be placed over grass, concrete, asphalt, blacktop, dirt, rocks, or any hard surface.
4. Any loose-fill particulate impact absorbing material under and around recreational equipment shall be checked at least monthly for packing, and shall be turned over or raked up to increase the resilience capability.

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(A) Each residential facility shall develop and implement a set of written procedures for staff and residents to follow in emergencies and disasters. These procedures shall be developed in consultation with, and approved by, a local or state fire inspector, and shall include specific instructions and procedures for the evacuation of buildings, the assignment of staff during emergencies, and a contingency plan for the care of residents who have been evacuated. If the residential facility cares for children who are physically or emotionally handicapped, the facility emergency procedures shall further include specific instructions as to the evacuation of these children.

(B) Each residential facility shall ensure that all staff and children are familiar with its emergency procedures.

(C) Each residential facility shall, in consultation with state or local fire personnel, develop, and implement, a calendar of periodic fire drills and emergency evacuations at varying times and shifts. A log of all such drills or evacuations shall be maintained. The evacuation plan shall be approved by a fire inspector and clearly posted in each facility so that it may be easily seen by all children. Fire drills shall occur at least once each month or in accordance with the calendar of periodic drills developed with fire personnel.

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FCASMTL 332

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(A) A residential facility shall secure a JFS 01200 "Fire Inspection Report Child Care Facilities Licensed/Certified by the Ohio Department of Job and Family Services" (rev. 10/2000) fire safety approval or other form used for a local or state fire inspection in each of the following instances:

(1) Within ninety calendar days six months prior to initial certification.

(2) At the time of any major modification or alteration of any existing structure, unless the structure will no longer be in use and is inaccessible to children.

(3) Not more than twelve months following the date of the previous inspection.

(B) A residential facility shall not be certified or recertified without an approved fire safety inspection obtained pursuant to paragraph (A) of this rule.

(C) All fire safety approvals shall be secured from the state fire marshal or from a township or municipal fire department which has personnel certified to inspect and approve the fire and building code use group applicable to the residential facility.

(D) Each residential facility shall have smoke detectors located according to instructions of the local fire safety inspector or state fire marshal.

(E) Each smoke detector located in a residential facility shall be tested at least twice annually at regularly spaced intervals. Such testing shall be documented in a log which indicates the date of the test, the results, and action taken if the result of the test indicated that the smoke detector was inoperable or malfunctioning. If the facility has a combined smoke detector and fire alarm system a fire alarm inspection shall be conducted by a company approved to test such equipment at least twice annually at regularly spaced intervals unless or approved by local or state fire inspector. The facility shall obtain annual alarm system testing and shall have documentation of testing.

(F) Each residential facility shall have fire extinguishers in specific locations as required by the certified fire inspector. Fire extinguishers shall be inspected as required by the fire inspector and documentation maintained.

(G) No residential facility shall allow candles to be burned in sleeping areas.

(H) Free-standing wood-burning stoves and unvented heaters that burn kerosene, gas or oil heaters shall not be used in a residential facility.

(I) Portable heaters may be used and maintained in accordance with manufacturer's instructions, if the heater has been approved by the underwriter's laboratory, and are not prohibited by any local or state ordinances or fire inspector.
A residential facility shall have a written medical emergency plan which shall include:

(A) Current emergency telephone numbers for fire, emergency squad, police, poison control, and security services.

(B) Locations of first aid supplies.
   (a) There shall be first aid supplies in each residential living unit, in each building used for physical recreation and in each vehicle used, owned, leased or rented by the residential facility to transport children.
   (b) All first aid supplies shall be stored in closed containers and shall be accessible to staff at all times.

(C) General instructions for medical emergencies including supervision of children during the emergency.

(D) General instructions in case of illness of a child.

B A residential facility shall document that each employee is trained in implementation of the emergency medical plan.

C A copy of the emergency medical plan shall be accessible at all times to staff working with children.

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Each residential facility shall maintain onsite only those poisonous, toxic, or flammable materials and substances that are used to maintain the residential facility. Poisonous and toxic materials and substances shall be stored in accordance with the manufacturer's storage instructions in locked storage spaces separate and apart from food and shall be clearly labeled. Laundry supplies, except bleach, may be stored in an unlocked storage space separate and apart from food. In cases where poisonous and toxic materials are transferred from their original containers to substitute containers, the substitute containers shall be clearly labeled as to their contents. Keys to storage spaces shall be available only to authorized staff.

Flammable substances shall be stored and vented in accordance with the manufacturer’s instructions and in addition to any instructions of the local or state fire inspector.

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FCASMTL 332

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Most Current Prior Effective Date: March 1, 2011

(A) A residential facility shall develop a written admissions policy specifying the type of child who will be accepted into the facility and the conditions under which a child would not be accepted. A residential facility shall not accept into care any child who does not meet the facility’s policy or the facility’s certified capacity, age and gender criteria. No residential facility shall admit adults as residents into the facility.

(B) A facility may admit a specific child who does not meet the agency’s age limitation policy if the facility, in conjunction with a court, determines it will be able to meet the child’s needs and the placement will not have a detrimental effect on the current population of children specified in the agency’s policy.

(C) If a current resident of the facility reaches age eighteen, is expected to graduate by his or her nineteenth birthday, and remains in the custody of a court or public children services agency (PCSA), the facility may allow the resident to remain as a resident until graduation.

(D) A residential facility shall not admit any child under the age of six years except:

(1) If the child is not less than at least four years of age and is part of a sibling group being admitted to the residential facility where at least one of the members of the sibling group is six years of age or older. The agency must document in the child’s record specific attempts which were made to secure more appropriate placement and the reasons no such placements were available. Placement of such child under the age of six years shall not exceed seventy-two hours; or fourteen days.

(2) If the child is three years of age or under and is the child of a teenage mother being admitted with the child’s parent to a residential parenting facility.

(3) If the child is admitted into a children’s crisis care facility in accordance with rule 5101:2-9-36 of the Administrative Code.

(E) A teenage mother with a child four years of age or older shall not be admitted with her child to a residential parenting facility.

(F) A teenage mother with more than two children shall not be admitted with more than two children to a residential parenting facility.

(G) A residential facility shall have a written individual child care agreement for each child, as required by rule 5101:2-42-90 of the Administrative Code, with the person or agency holding custody of the child. A written individual child care agreement shall also be executed for each child of a teenage mother placed in a residential parenting facility with the person or agency holding custody of the child.

(H) A residential facility shall, in the child’s record, maintain documentation that the agency requested a copy of each child’s individual child care agreement executed between the custodial agency and the residential facility. If the custodial agency provided a child’s individual child care agreement, the residential facility shall maintain a copy of the agreement in the child’s file.

(I) No residential facility shall exceed its certified capacity.

(J) Each residential facility shall maintain a separate admissions log which shall include the name of each child admitted, the date of admission, the child’s date of birth, and the date of discharge. Such information shall also be recorded on the admissions log for a child of a teenage mother admitted to a residential parenting facility.

(K) A residential facility shall document prior to or at the time of admission, a physical description of each child, any available medical information, the name, phone number and address of the custodial agency or custodian placing the child, the reason for placement, the name of the person who transported the child to the residential facility and the name of the agency with which the person transporting the child
is affiliated, if any. The facility's record for the child shall also indicate, when applicable, the name of 
the placing agency contact person for the child.

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(A) The service plan shall be developed in writing and approved within thirty days before or after a child's or teenage mother's admission to the residential facility.

(1) The following shall be invited to be involved in the development and implementation of the service plan:

(a) The child as appropriate to age and functioning level.
(b) The individual or agency that placed the child.
(c) The guardian ad litem and probation officer if applicable.
(d) Staff members who provide direct care, counseling, group work, recreation, education and health services and other service providers if applicable.

(2) The service plan shall receive written approval by at least one of the following:

(a) A licensed social worker.
(b) A licensed independent social worker.
(c) A licensed professional counselor.
(d) A licensed professional clinical counselor.
(e) A civil service employee engaging in social work or professional counseling for a residential facility operated by a public children services agency (PCSA) or a local public entity (LPE) as described in rule 5101:2-5-02 of the Administrative Code. If a civil service employee is not a licensed social worker or licensed counselor, the employee shall not approve service plans for any other facility except a residential facility operated by the PCSA they are employed with.

(B) The service plan shall, at a minimum, contain:

(1) A statement of goals and objectives the placement is designed to achieve including the timeframe for meeting the placement goals and objectives.
(2) A statement of the placement plans upon discharge.
(3) A description of educational, counseling, recreational, vocational, religious and health care activities or services that will be provided to the child by the residential facility.
(4) A description of any specialized services that will be provided or arranged.
(5) Frequency of progress reports to be provided to the individual or agency having custody which placed the child.
(6) Specifications for visitation between the child or teenage mother and family or friends, pursuant to rule 5101:2-9-16 of the Administrative Code.
(7) A behavior intervention plan that shall identify each behavioral management technique to be used with the child and the techniques that are contraindicated based upon the child's medical, psychological or developmental history. Behavioral management techniques selected shall be based, at a minimum, upon the following considerations:

(a) The age, size and developmental level of the child.
(b) The nature, pattern, and number of complaints or adjudicated felonies against the child.
(c) The previous placement history of the child (absences without leave, disciplinary problems).
(d) An assessment completed by a certified or licensed health care professional that documents whether there are medical contraindications to the use of specific behavior management interventions or behavior management techniques.

(e) An assessment completed by a certified or licensed practitioner of behavioral science that documents whether there are psychological or developmental contraindications to the use of specific behavior management interventions or behavior management techniques.

(8) Specifications for supervision of the child.

(C) At least every ninety days after the initial service plan approval pursuant to paragraph (A) of this rule, all individuals involved in the development and implementation of a service plan shall review the entire plan and, in consultation with the individual or agency having custody of the child, make any necessary amendments to the service plan. Such reviews shall be documented in the case record, and shall include an assessment of the current adjustment of each child and a determination of whether he/she should remain in the facility. Each review shall receive written approval by a licensed social worker, licensed independent social worker, licensed professional counselor, licensed professional clinical counselor, or a civil service employee engaging in social work or professional counseling for a residential facility operated by a public children services agency (PCSA) or an LPE. If a civil service employee is not a licensed social worker or licensed counselor, the employee shall not approve service plans for any other facility except a residential facility operated by the PCSA they are employed with.

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Upon admission to a residential facility the staff of the facility shall document any currently prescribed medications for the child being admitted in accordance with rule 5101:2-42-66.2 of the Administrative Code. In consultation with the child's licensed health professional authorized to prescribe drugs, staff of each residential facility shall review each child's current regimen of medication at least at the time of each semi-annual administrative case review or as often as directed by the child's licensed health professional authorized to prescribe drugs and, as authorized by the licensed health professional authorized to prescribe drugs, make adjustments to that regimen as appropriate. In no event shall staff of a residential facility begin, alter, or suspend a child's or teenage mother's medication without the documented approval of a licensed health professional authorized to prescribe drugs. If a child misses dosages of the medication for less than a forty-eight hour period, staff of the residential facility shall follow the instructions of the licensed health professional authorized to prescribe drugs or the pharmacy that filled the prescription before restarting the medication. If a child misses dosages of the medication for longer than a forty-eight hour period, staff of the residential facility shall contact the licensed health professional authorized to prescribe drugs or the pharmacist that filled the prescription and obtain written instruction on how to restart the medication. A "licensed health professional authorized to prescribe drugs" has the same meaning as defined in section 4729.01 of the Revised Code.

In consultation with the child's licensed health professional authorized to prescribe drugs, staff of each residential facility shall document each child's current regimen of medication:

1. At the time of each semi-annual administrative case review.
2. As often as directed by the child's licensed health professional authorized to prescribe drugs and, as authorized by the licensed health professional authorized to prescribe drugs. A "licensed health professional authorized to prescribe drugs" has the same meaning as defined in section 4729.01 of the Revised Code.

A residential facility shall only make adjustments to the regimen of medication as authorized by the licensed health professional authorized to prescribe drugs.

In no event shall staff of a residential facility begin, alter, or suspend a child's or teenage mother's medication without the documented verbal or written approval of a licensed health professional authorized to prescribe drugs.

If a child misses dosages of the medication:

1. For less than a forty-eight hour period, staff of the residential facility shall follow the instructions of the licensed health professional authorized to prescribe drugs or the pharmacy that filled the prescription before restarting the medication.
2. For longer than a forty-eight hour period, staff of the residential facility shall contact the licensed health professional authorized to prescribe drugs or the pharmacist that filled the prescription and obtain written instruction on how to restart the medication.

Each staff person who is in any way responsible for administering medication to a child shall be provided with a written schedule of the child's medication. This schedule shall be maintained in each child's case record as required by rule 5101:2-5-10 of the Administrative Code and shall include, but is not limited to, the following instructions and information:

1. The name of the child.
2. The name of each medication to be administered.
3. The proper dosage of each medication to be administered.
(4) The timetable for administration of medication.
(5) Instructions regarding administration of medication.
(6) Information concerning possible side effects of each medication as indicated by a physician, pharmacist or a licensed health professional authorized to prescribe drugs.

(G) No child shall be given any prescription medication which has not been prescribed for the child.

(H) Each residential facility shall maintain a written cumulative record of all prescribed medication administered to a child during placement in the facility. The current record shall be located with the medication and shall reflect reasons for altered or missed dosages of prescribed medications.

(I) All medication in a residential facility shall be stored in a safe place away from children.

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(A) A residential facility shall have a handbook for residents and their families. This handbook shall be written in simple language and shall summarize the information included in the residential facility statement of purpose and program. In addition the handbook shall contain, but is not limited to:

1. Regulations for residents.
2. Visiting hours and visitation and communication policies pursuant to rule 5101:2-5-13 of the Administrative Code.
3. The role and responsibility of the family in the care and treatment of the child.
4. A complaint procedure for the resident and family pursuant to rule 5101:2-9-24 of the Administrative Code.
5. An explanation of the procedure to report alleged child abuse or neglect to the local PCSA or law enforcement agency.

(B) A residential facility shall provide the handbook to the custodial agency, custodial parent or guardian of a resident and to each resident. The residential facility shall explain the contents of the handbook to the resident not later than three days after admission, according to the age and functioning level of the resident. The residential facility shall document the handbook was provided and explained in the child's case record.

(C) Any revisions to the handbook shall be provided to the custodial agency, custodial parent or guardian of a resident and to each resident in writing no later than fourteen days after the revision.

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A residential facility shall develop procedures to ensure that arrangements for visitation and
communication between the child and family or friends are consistent with the case plan and
that such arrangements are documented in the service plan.

A residential facility shall allow a child to send and receive mail in accordance with paragraph (A)(3) of
rule 5101:2-9-15 of the Administrative Code and shall be subject only to the residential facility's rules
regarding contraband and directives from the child's legal custodian when such rules and directives do
not conflict with federal postal regulations. A residential facility shall not open or read a child's mail
unless specified in the child's case plan and/or service plan and approved by the child's custodian. A
residential facility may require the child to open mail in front of a staff person if contraband is suspected
and empty the package or envelope.

A residential facility shall, in accordance with the service plan, allow a child access to a telephone
which will permit the child to make and receive calls. A child's access to use of a telephone shall not be
unreasonably denied.

A residential facility shall, in accordance with the service plan, provide privacy for visits and telephone
contacts.

A residential facility shall allow each child to confer with the opportunity to contact his or her attorney,
caseworker, custodial agency worker, probation officer, court appointed special advocate (CASA) and
guardian ad litem, by telephone or at the facility, in private, no later than twenty-four hours after the
request is made by the child. If a child has a disability, the child shall have the opportunity to contact
the state protection and advocacy organization.

A residential facility shall designate space, which is not space in which children live, to serve as an
area for private discussions and counseling sessions between children and staff.

A residential facility shall ensure that a child who has access to electronic media within or outside of
the facility while under the supervision of agency staff, which may include internet, cell phones and e-
mail service, adheres to the agency's policy regarding communications.

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Prior Effective Dates: 12/30/66, 10/1/86, 1/1/91, 9/1/02, 1/1/08, 12/1/10
(A) Any money provided to or earned by a child shall be considered to be the child's money and not funds belonging to the staff or the residential facility.

(B) A residential facility shall ensure that any child having the opportunity to receive or earn money has an account either at an established financial institution or in the residential facility for the safe keeping of such money. If the account is maintained at the residential facility, a written report of the current balance, deposits, withdrawals, and any interest earned shall be provided to the child at least every three months. A copy of the written report shall be maintained in the child's record.

(C) If the account is maintained at the residential facility:

(1) A written record of the current balance, deposits, withdrawals, and any interest earned shall be provided upon request.

(2) At least every three months or at the time of discharge a written report of the current balance, deposits, withdrawals, and any interest earned shall be provided to the child.

(3) A copy of the written report shall be maintained in the child's record.

(D) A residential facility may issue credit script to children, in lieu of legal tender, for use within the facility.

(E) Within ten days at the time of a planned discharge, or within thirty days if the discharge is not planned, funds belonging to a child kept at or by the facility shall be returned to the child.

(F) A residential facility shall not charge a resident for an item required to be provided to the resident as required in Chapter 5101:2-9 of the Administrative Code unless the resident is learning life skills as part of an independent living program pursuant to rules 5101:2-42-19 and 5101:2-42-19.1 of the Administrative Code.

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FCASMTL 400

Effective Date: November 1, 2013 (No Change)
Most Current Prior Effective Date: January 1, 2008 (No Change)

(A) A residential facility shall have a recreational program and make available recreational equipment and activities sufficient to implement its recreational program. All recreational equipment necessary for the implementation of the recreation program shall be maintained in a safe and usable condition.

(B) A residential facility shall make available in each living unit within the facility, leisure-time equipment appropriate to the age, sex and developmental stage of the children housed in each residential unit.

(C) A residential facility shall have a written plan for supervising organized or structured group activities. All off site activities shall comply with rule 5101:2-9-02 of the Administrative Code.

(D) A residential facility shall permit the children to swim only when a person who has completed training in lifesaving or water safety is present.

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Rule Amplifies: 5103.02, 5103.03
(A) A residential facility shall allow children in care to acquire, and to bring with them, personal belongings and property and to decorate bedrooms consistent with the developmental stage of the child, the child's social, racial, cultural, religious, or ethnic background and limitations as established by the residential facility. Nothing in this rule shall be construed as preventing a residential facility from supervising the use of a child's personal property, or from confiscating any items which pose a clear health or safety risk, or which interfere with the rights or privileges of others, or which are illegal to possess as a matter of state law or local ordinance. An agency shall make reasonable efforts to have the child present during a search of the child's personal belongings.

(B) A residential facility shall provide each child, in cooperation with the individual or agency holding custody of the child, with clothing and footwear which is clean, well-fitting, and seasonal. Clothing provided to a child shall be considered to be a child's personal property.

(C) Clothing provided by a residential facility shall be appropriate to the child's age and sex/gender identity.

(D) A residential facility shall provide each child with adequate personal toiletry supplies. These supplies shall be appropriate to the child's age, sex/gender identity, race, and cultural background and shall be considered to be the child's personal property.

(E) A residential facility shall provide instruction on good habits of personal care, hygiene, and grooming. This instruction shall be appropriate to each child's age, sex/gender identity, race, cultural background, and need for training.

(F) A residential facility may assign a child daily tasks and work assignments on the grounds of or within the facility. Such assignments shall be of the type normally performed by a child and shall not be beyond the child's developmental ability to perform.

(G) Daily tasks and work assignments made pursuant to paragraph (F) of this rule shall not place the child in physical danger and shall not interfere with the child's studies, normal social development, or child care responsibilities of a teenage mother.

(H) A residential facility shall make arrangements with the person or agency placing a child for each school-age child to attend a school that complies with the minimum standards as prescribed by the state board of education and shall ensure that the child attends school in accordance with the child care agreement.

(I) In accordance with the child's service plan, a residential facility shall encourage a child to participate in community, school, recreational, and cultural heritage activities which are appropriate to the child's age and functioning level and shall, as is necessary and reasonable, arrange appropriate transportation for the child to and from such activities.

(J) A residential facility shall permit a child to practice the chosen religious faith of the child or his or her parent(s) and shall not subject a child to any form of religious coercion.

(K) A child shall not be baptized or submitted to any religious procedures without prior consent of the child according to their age and functioning level and prior approval of the child's parent, guardian or custodian.

(L) A residential facility shall, as appropriate, teach a child tasks and skills required for life in the community.

Effective: 07/01/2014

R.C. 119.032 review dates: 03/11/2014 and 07/01/2019

Certification: CERTIFIED ELECTRONICALLY
A residential facility shall make available or make provision for each child to have available three nutritious meals per day scheduled at regular intervals. If more than four hours elapse between any two meals or if fourteen hours elapse between the evening meal and breakfast, a nutritious snack shall be served.

The resident's daily allowance of food shall meet the guidelines of appendix 1 to this rule which are from the most recent dietary guidelines for Americans published by the food and nutrition information center of the United States department of agriculture (USDA), as adjusted for the age and sex of each resident in the residential facility. Additional information on nutrition can be obtained from the USDA's food and nutrition information center or the center for nutrition policy and promotion. The most current guidelines can be accessed at www.cnpp.usda.gov/DietaryGuidelines.htm (2010).

All meats served by the facility subject to inspection shall be inspected and graded by the federal or state department of agriculture.

A minimum of three daily servings of pasteurized milk, vitamin D fortified, shall be provided or made available in recommended amounts according to each child’s age and sex.

A residential facility shall document that all agricultural, livestock, or dairy operations maintained by the facility conform to all applicable regulations adopted by the department of agriculture and the department of health.

Each children's residential center (CRC) shall prepare menus at least one week in advance. Cycle menus, if used, shall be at least three weeks long.

A residential facility shall not interfere with documented medical dietary restrictions or religious dietary restrictions of an individual child.

Meals provided by a residential facility for direct child care staff shall be the same as those provided for the children.

Formula for an infant prepared by or in a residential parenting facility or a children's crisis care facility shall be prepared in accordance with the instructions of the formula or by the techniques recommended by the attending physician which shall be on file at the facility.

Before preparing formula for an infant, all equipment used in the preparation and storage of the formula shall be thoroughly washed with hot water and detergent followed by a thorough rinsing in hot running water.

Formula for an infant to be stored at the facility for any period of time shall be labeled with the child's name and date of preparation.

Formula for an infant shall be refrigerated immediately after preparation and shall not be used more than twenty-four hours after preparation. The timeframe for use after preparation may be longer than twenty-four hours if directed by a physician or as documented in the instructions of the formula. The timeframe shall not be extended beyond the physician's recommendation or the instructions of the formula.

Formula for an infant shall not be heated in a microwave oven.
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Rule Amplifies: 5103.02, 5103.03
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Disciplinary procedures of a residential facility shall be explained to all staff and each child according to their age and functioning level. A copy of the disciplinary procedures shall be made available to persons or agencies who desire to place children in the facility.

The residential facility disciplinary procedures shall be humane, instructive and shall be administered with fairness, consistency and respect and regardless of the child's race, sex, gender identity, sexual orientation, disability, religion or cultural heritage. All cruel and unusual punishments/practices are prohibited including, but not limited to:

1. Physical punishment such as spanking, punching, paddling, shaking, biting, spitting, hair pulling, pinching, pushing, physical hitting inflicted in any manner upon the body or roughly handling a child.
2. Physically strenuous work or exercises, when used solely as a means of punishment, consequence or discipline.
3. Forcing a child to maintain an uncomfortable position, or to continuously repeat physical movements when used solely as a means of punishment, consequence or discipline.
4. Group punishments for the behavior of an individual. A group activity shall not be cancelled for the entire group, prior to the activity, due to the behavior of one or more individuals.
5. Verbal abuse, including swearing, directed at a child or derogatory remarks about a child's family, race, gender identity, sexual orientation, disability, religion, or cultural background or threats of physical violence against the child or removal of the child from the facility.
6. Denial of social or recreational activities for more than five consecutive days without prior written approval of the facility administrator or designee and a certified or licensed practitioner of behavioral science.
7. The denial of social, mental health or casework services, medical treatment, educational services or access to their guardian ad litem or attorney, probation officer, court appointed special advocate, placement worker or caseworker.
8. The deprivation of meals or any required snack.
9. The use or denial of any medication as a punishment or discipline.
10. The denial of visitation or communication rights with a child's family as a means of punishment or discipline.
11. The denial of sleep.
12. The denial of shelter, clothing, bedding, or restroom facilities.
13. The use of physical restraint as a means of punishment or discipline.
14. Organized social ostracism such as codes of silence.
15. The use of chemical restraint.
16. The use of mechanical restraint.
17. Isolation in a locked or unlocked room used as punishment.
19. The use of prone restraints. Prone restraint is defined as all items or measures used to limit or control the movement or normal functioning of any portion, or all, of an individual's body while
the individual is in a face-down position for an extended period of time. Prone restraint includes physical or mechanical restraint.

(20) Time out exceeding one minute for each year of the child's age, unless approval is granted by a certified or licensed practitioner of behavioral science and documented in the child's service plan.

(21) Punishment for actions over which the child has no control such as bedwetting, enuresis, encopresis or incidents that occur in the course of toilet training activities.

(C) Discipline shall be administered only by persons who are administrators or employees with direct care responsibilities of the residential facility. Children shall not discipline other children, except their own. All staff involved in the discipline of children shall meet the requirements of rule 5101:2-9-03 of the Administrative Code.

(D) Agency employees, contract staff, student interns and volunteers shall not engage in any act of omission or commission which results in the death, injury, illness, abuse, neglect, or exploitation of any child.

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Physical restraint and isolation shall only be used in accordance with written approval of a certified or licensed health care professional and a certified or licensed practitioner of behavioral science, in emergency circumstances when less restrictive interventions have been determined to be ineffective and only to ensure the immediate physical safety of the child, a staff member or others. The use of physical restraint and isolation shall be limited to the following emergency situations:

1. For protection of the child.
2. To protect another person from a child.
3. For self protection.

A residential facility shall isolate residents only in accordance with the facility's written policy which has received the prior approval of the Ohio department of job and family services (ODJFS).

Isolation shall only be used by a residential facility with an isolation room approved by ODJFS that meets the requirements of this rule.

Only one child shall be placed in an isolation room at a time.

A child shall not be isolated longer than fifteen continuous minutes without written supervisory approval.

A child shall not be isolated for longer than one continuous hour and no longer than a total of two hours in any twenty-four hour period.

A residential facility shall ensure that isolation is used exclusively for the behavior management of a child who is out of control at the time of isolation.

Any room used for isolation shall be lighted, well-ventilated, and maintained at a comfortable temperature the same temperature as the rest of the facility. The room shall be at least fifty-six square feet in size, and shall have a ceiling height of at least seven feet, six inches and shall be free of any objects or materials which might be used to inflict self-injury.

Any room used for isolation shall not be used for any other purpose, at any other time.

When a child is placed in isolation, staff shall inform the child of the reason for placing him or her in isolation. Before continuing a child's isolation, staff shall discuss with the child the need for continued isolation. Upon release from isolation, staff shall again discuss with the child the reason for the use of isolation.

Physical restraint and isolation shall only be utilized by staff who have current American red cross, American heart association or equivalent first aid and cardiopulmonary resuscitation (CPR) training certification.

When isolation is used, the following procedures shall be followed:

1. Staff members shall ensure that a child who is placed in isolation is not in possession of any object or material which might be used to inflict self-injury and that only one child is placed in an isolation room at a time.

2. Staff shall be in auditory contact with an isolated child at all times, and shall make visual observation of an isolated child every five minutes during the period of isolation.

3. Visual observations as required by this rule shall be documented in an isolation log. The isolation log shall contain:
   a. The name of the child.
(b) The time of placement in isolation.

(c) The reason for the placement in isolation and the discussion of the reason for isolation with the child.

(d) The chronology of observations including the signature or initials of the staff who placed the child in isolation.

(e) The written supervisory approval of a child isolated longer than fifteen continuous minutes.

(f) The written approval of the administrator or designee for continued isolation of a child for any period of isolation longer than thirty minutes.

(g) The time of removal from isolation.

(M) No child under the age of six shall be isolated for purposes of behavior management.

(N) Any restraint techniques used to restrain a child shall be previously approved and listed in the behavioral intervention policy of the residential facility.

(O) The physical restraint or isolation shall end when the child becomes calm or when the child's behavior no longer constitutes an emergency.

(P) Residential facilities that utilize either physical restraint or isolation, or both, shall provide all administrators and child care staff with training in the use of physical restraint or isolation, or both, pursuant to rule 5101:2-9-02 of the Administrative Code.

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FCASMTL 332

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Most Current Prior Effective Date: December 1, 2010

(A) A residential facility shall notify the individual or agency which placed the child and the person or agency holding custody, if different, within twenty-four hours if any of the following occur:

1. Death of the child or teenage mother;
2. Absent without leave (AWOL) and the return from AWOL;
3. Non-routine medical treatment or any hospitalization; Any serious injury or illness involving initial non-routine medical treatment.
4. Expulsion or suspension from school;
5. Any alleged delinquent or criminal activity of the child or teenage mother;
6. Any situation in which the child or teenage mother is a victim of alleged delinquent or criminal activity;
7. Suicide or self-mutilation attempts;
8. Any incident of alleged abuse or neglect.
9. Any involvement with law enforcement.
10. Any use of physical restraint or isolation pursuant to rule 5101:2-9-22 of the Administrative Code;
11. Any other unusual incident as defined in the agency's policies or by the agency.

(B) A residential facility shall complete a critical incident report for each occurrence of any of the items listed in paragraph (A) of this rule and shall document that the report was provided no later than the next business day after the occurrence to the individual or agency which placed the child and person or agency holding custody, if different.

(C) The administrator of a residential facility shall ensure that any employee, college intern or volunteer at the facility who knows of or suspects any physical or mental abuse, sexual abuse or exploitation or neglect or threatened abuse or neglect of a child by any person, including another resident of the facility, shall immediately report the situation pursuant to section 2151.421 of the Revised Code, or cause it to be reported.

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FCASMTL 332

Effective Date: July 1, 2014

Most Current Prior Effective Date: December 1, 2010

(A) The residential facility shall have a complaint policy and procedure written in clear and simple language that shall be given and explained to the child and family at the time of the child's admission to the residential facility. Documentation that the child and family received the complaint policy and procedure shall be placed in the child's file.

(B) The residential facility shall ensure that a child or family member is not required to transmit a complaint through the staff member who is the subject of the complaint.

(C) The residential facility shall ensure against retaliation by staff or by other children against the person making the complaint.

(D) The residential facility shall establish a procedure to make every effort to ensure that any complaint is resolved within thirty calendar days of the filing of the complaint and that unresolved complaints are reviewed by the administrator of the facility or designee within thirty calendar days of the filing of the complaint. For any complaint not resolved within thirty days, a written explanation of the reason why the complaint has not been resolved within thirty days shall be placed in the child's record maintained pursuant to rule 5101:2-5-10 of the Administrative Code. A written report of each complaint and the resolution shall be compiled and a copy placed in the child's record maintained pursuant to rule 5101:2-5-10 of the Administrative Code.

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A residential parenting facility or crisis care facility shall not be integrated as a part of another children's residential center (CRC) or group home. A residential parenting facility or crisis care facility shall be a self-contained facility. The mixing of the differing populations is prohibited.

Each residential parenting facility shall assure the availability of a program for each teenage mother/minor parent in residence which teaches parenting skills either individually or in a group setting. The facility's plan for the provision of such a program shall be presented for approval to ODJFS prior to initial certification.

A teenage mother/minor parent residing in a residential parenting facility shall be:

1. Enrolled in school on a full-time basis during the school year or working towards a general educational development (GED) certificate; or
2. Employed in a full-time job or documentation of actively seeking employment, if he or she has completed her/their education plan, which may include receipt of a GED certificate; or
3. Enrolled in school on a part-time basis or working towards a GED certificate and employed in a part-time job or documentation of actively seeking employment, during the school year.

Any school aged child residing in a residential parenting facility or crisis care facility shall be enrolled in school during the school year.

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Prior Effective Dates: 1/1/91, 9/18/96, 9/1/02, 1/1/08, 12/1/10
(A) Each living unit of a children's residential center (CRC) shall have at least sixty square feet of activity space per child residing in the living unit, exclusive of bedrooms, halls, bathrooms, kitchens, and storage areas.

(B) Activity space shall include areas equipped with sofas, armchairs, tables, and recreational equipment.

(C) For the purposes of this requirement, dining areas may be included in square footage requirements if used for activity space.

(D) A residential facility shall have at least one area specifically used for dining within the facility. If a CRC maintains a dining area in each living unit, the dining area table and seating places shall be of sufficient size and number so that all children may eat together comfortably at one time. If a CRC maintains one or more dining areas that are separate and apart from the living units, all dining area tables and seating places shall be of sufficient size and number so that at least fifty per cent of all children may eat together comfortably at one time.

(E) During meal hours, the dining area portion of each residential facility shall be used only for the purpose of eating.

(F) Each dining area within a residential facility shall be equipped with tables and chairs appropriate to the age, physical condition, and developmental stage of the children who will eat in the area.

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All bedrooms contained within a children's residential center (CRC) shall have seventy-four square feet for the initial occupant and an additional fifty square feet for each additional occupant, and a ceiling height of at least seven feet, six inches.

(1) If a residential facility certified prior to the effective date of this rule has an approved variance for the square footage requirement, the facility may still remain in operation as long as the agency has a copy of the approved variance on file for review by ODJFS.

(2) All facilities certified after the effective date of this rule shall adhere to the square footage requirements of this paragraph.

Bedrooms in a CRC or group home shall be used to sleep children of the same sex.

No bedroom in a residential facility, constructed or put into use after January 1, 1991, shall be used to sleep more than four children.

A residential facility shall not permit non-ambulatory children to sleep above the entry level of a building, unless the facility is specifically approved for such children by the state fire marshal or a local certified fire safety inspector.

Each bedroom in a residential facility shall have at least one outside wall window. The window shall be equipped with a means for providing privacy. The window shall also be screened and capable of opening and closing, unless the room is provided with a ventilation system which provides a regular change of fresh air.

Each CRC utilizing live-in child care staff shall provide such staff with separate sleeping space and bathroom facilities.

Each group home or residential parenting facility utilizing live-in child care staff shall provide such staff with separate sleeping space.

Bedrooms in a residential facility shall not have the entry to a child's bedroom located so as to require the child to pass through another bedroom or a bathroom in order to enter his or her bedroom, or to require another person to pass through the child's bedroom to enter another room.

(1) If a residential facility certified prior to the effective date of this rule has an approved variance for the pass through requirement, the facility may still remain in operation as long as the agency has a copy of the approved variance on file for review by ODJFS.

(2) All facilities certified after the effective date of this rule shall adhere to the pass through requirements of this paragraph.

All bedrooms in a residential facility shall have a standard door that is capable of opening and closing.

Each bedroom in a residential facility shall have one bed for each child assigned to the bedroom. Beds shall not be less than thirty inches wide and not less than five feet in length and appropriate to the child's size. Each bed shall have a clean and comfortable mattress. A child's bed shall not be used by another child when the child is temporarily away from the facility.

(1) If a residential facility certified prior to the effective date of this rule has an approved variance for any requirement of this paragraph, the facility may still remain in operation as long as the agency has a copy of the approved variance on file for review by ODJFS.

(2) All facilities certified after the effective date of this rule shall adhere to the requirements of this paragraph.
Each child in a residential facility shall be provided with clean sheets, pillowcases, a pillow, and blankets.

Sheets and pillowcases shall be changed and laundered at least weekly or more frequently if needed. Waterproof mattress coverings shall be provided to a child as needed.

All bunk beds in use in a residential facility shall be equipped with safety rails on the upper tier for a child under the age of ten, or for any child whose physical, mental, or emotional condition indicates the need for such protection. A child under six years of age shall not sleep on the upper bunk of a bunk bed. No beds shall be bunked higher than two tiers. Bunk beds shall not be used in a residential parenting facility.

Each child in a residential facility shall be provided with storage space for clothing and personal items in the bedroom to which the child is assigned. Each teenage mother in a residential parenting facility shall be provided with storage space for herself, and for her child's clothing, in her bedroom.

Each child in a residential facility shall be provided with space in their bedroom for hanging clothes. Each teenage mother in a residential parenting facility shall be provided with space in her bedroom for hanging clothes for herself and her child.

If a residential facility removes any required items from a child's bedroom, the facility shall document the reason for the removal and shall have a statement showing the removal of the items was necessary for the safety and well being of the child signed by one of the following:

1. A licensed social worker.
2. A licensed independent social worker.
3. A licensed professional counselor.
4. A licensed professional clinical counselor.
5. A civil service employee engaging in social work or professional counseling for a residential facility operated by a public children services agency (PCSA) or a local public entity (LPE) as described in rule 5101:2-5-02 of the Administrative Code. If a civil service employee is not a licensed social worker or licensed counselor, the employee shall not sign statements for any other facility except a residential facility operated by the PCSA they are employed with.

In a residential parenting facility, no teenage mother and her child shall share a bedroom with another teenage mother and her child.

In a residential parenting facility, each teenage mother shall have a bed of her own and shall not be permitted to sleep with her child in the same bed on a regular basis.

Each infant, toddler or preschool age child shall have an age appropriate bed. A bassinet shall be used only for infants under three months of age or less than fifteen pounds in weight. An infant or toddler under thirty-five inches in height shall be provided with a full sized crib which meets the following requirements:

1. Crib slats shall be no more than two and three-eighths inches apart.
2. Decorative cutout areas on crib end panels which could entrap the head of a child shall not be used.
3. Locks and latches on the drop-side of a crib must be safe and secure from accidental release or release by the infant or toddler inside the crib.
4. Drop-side cribs shall not be used.
5. Each crib shall have a firm mattress which is at least one and one-half inches thick and covered with a waterproof material. The mattress must fit snugly enough in the frame so that there is no more than a one and one-half inch gap between the mattress and the sides of the crib.
6. The facility is responsible for monitoring for recall and safety information as issued by the consumer product safety commission (CPSC), and ensuring that CPSC recommendations related to equipment used by the facility are followed.
Each residential facility shall have a minimum of one wash basin with hot and cold water, one flush toilet, and one bath or shower with hot and cold water for every six children of the same sex, or fraction thereof, residing within the facility.

A children's residential center (CRC) shall have at least one bathroom with a toilet and sink on the floor with the sleeping rooms.

Bathrooms in a residential facility shall be situated so as to allow direct access to them without the necessity of passing through a bedroom, except when a bedroom has an attached bathroom used only for the children who reside in that bedroom.

Each bathroom in a residential facility shall have toilet paper, towels or air dryers, soap, and wastebaskets available for use.

Bathtubs and showers in a residential facility shall have nonskid surfaces.

Bathtubs and showers in a residential facility shall have enclosures or screens which afford individual privacy. When more than one toilet is located in the same bathroom, each toilet shall be partitioned and include a door capable of remaining closed.

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(A) Each children’s residential center owned or operated by a private child placing agency (PCPA) or private noncustodial agency (PNA) shall secure a food service license for each kitchen in which meals are prepared in accordance with the requirements of sections 3717.02 to 3717.99 Chapter 3717 of the Revised Code and Chapter 3701-21 of the Administrative Code pertaining to food service operation as administered and enforced by the local department of health.

(B) Each kitchen within a residential facility shall contain permanent or disposable utensils and appliances for storage and preparation of meals served in the facility at any one time.

(C) Each food serving location within a residential facility shall be equipped with permanent or disposable dishes, including serving dishes, cups, glasses, and silverware sufficient to serve the population assigned to eat at that location.

(D) In those cases where a residential facility living unit does not have access to a kitchen, the living unit shall be equipped with equipment that allows the preparation of light snacks.

Effective: 07/01/2014
R.C. 119.032 review dates: 03/11/2014 and 07/01/2019
Certification: CERTIFIED ELECTRONICALLY
Date: 05/28/2014
Promulgated Under: 119.03
Statutory Authority: 5103.03
Rule Amplifies: 5103.02, 5103.03
Prior Effective Dates: 12/30/66, 10/1/86, 1/1/91, 9/1/02, 1/1/08, 12/1/10
(A) Each residential facility shall have operable laundry facilities at the facility, or contract with a vendor of laundry services.

(B) If a residential facility furnishes laundry facilities for use by children or teenage mothers within the facility, it shall provide necessary laundry supplies and shall locate these facilities in an area that:

(1) May be readily supervised by an adult.

(2) Is equipped with washers and dryers that do not require payment to operate.

Five Year Review (FYR) Dates: 4/2/2018 and 04/02/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 04/02/2018

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

(A) A residential facility shall ensure that all necessary transportation is made available for implementing each child's service plan.

(B) All vehicles owned, rented or leased by a residential facility and which are used to transport children, shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition. Each facility shall maintain written maintenance records on all vehicles owned, rented or leased by it which are used for transporting children. First aid supplies shall be located in each vehicle owned, rented or leased by the residential facility when the vehicle is used to transport children. Vehicles owned, rented or leased by a residential facility that are used to transport children shall meet all of the following requirements:

(1) All vehicles used for transporting children of the facility shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition.

(2) Each facility shall maintain written maintenance records on all vehicles which are used for transporting children.

(3) First aid supplies shall be located in each when the vehicle is used to transport children.

(4) All vehicles shall be maintained in a safe condition and in compliance with all motor vehicle laws and shall be covered by liability insurance in accordance with current state laws.

(C) The residential facility shall keep current documentation of automobile insurance for all privately owned vehicles used to transport children of the facility. All privately owned vehicles used to transport children of the facility shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition. First aid supplies shall be located in each privately owned vehicle when the vehicle is used to transport children of the facility. Vehicles privately owned, rented or leased that are used by a residential facility to transport children shall meet all of the following requirements:

(1) All privately owned vehicles used to transport children of the facility shall be annually inspected and approved by the Ohio state highway patrol and continually maintained in a safe operating condition.

(2) The residential facility shall keep current documentation of automobile insurance for all privately owned vehicles used to transport children of the facility.

(3) First aid supplies shall be located in each privately owned vehicle when the vehicle is used to transport children of the facility.

(4) All privately owned vehicles used to transport children of the facility shall be maintained in a safe condition and in compliance with all motor vehicle laws and shall be covered by liability insurance in accordance with current state laws.

(D) Each residential facility shall ensure that supervision appropriate to the number and ages of children being transported is available in any vehicle used by the facility to transport children.

(E) In a vehicle which is required by law to be equipped with passenger safety belts, the driver and all passengers shall be properly restrained by a safety belt while the vehicle is in motion.

(F) Children less than four years old or forty pounds in weight shall be restrained in a child restraint seat secured by a safety belt or the lower anchors and tethers for children (LATCH) system. The child restraint seat shall not be placed in the front seat of any motor vehicle that has a back seat.
(1) An infant less than one year of age or twenty pounds in weight shall be restrained only in a rear-facing position and, whenever possible, shall not be placed in the front seat of a motor vehicle equipped with passenger air bags.

(2) Children at least one year old and between twenty pounds and forty pounds in weight shall be restrained in a forward-facing position.

(G) If paragraph (F) of this rule does not apply and the child is less than eight years of age and less than four feet nine inches in height, the child shall be properly restrained in a booster seat. The booster seat shall be placed in the back of any motor vehicle that has a back seat.

(H) If paragraph (F) of this rule does not apply and the child is at least eight years of age but not older than fifteen years of age, the child shall be restrained in a belt positioning booster seat in a forward-facing position or in a seat belt including both a lap belt and a shoulder belt in vehicles that are so equipped.

(I) Each residential facility shall ensure the recall and safety information issued by the consumer product safety commission (CPSC) related to child safety seats or booster seats are reviewed. Any safety recommendations made by the CPSC in regard to child safety seats or booster seats shall be implemented by the facility.

(J) Whenever possible, all children age twelve and under, when riding in a motor vehicle equipped with a back seat, shall not ride in the front seat of the vehicle.

(K) Paragraphs (F), (G) and (H) of this rule do not apply to a residential facility who has a signed affidavit by a licensed physician in Ohio or a licensed chiropractor in Ohio. The affidavit shall state that the child who otherwise would be required to be restrained, has a physical impairment that makes use of a child restraint system, booster seat, or an occupant restraining device impossible or impractical, provided the person operating the vehicle has safely and appropriately restrained the child in accordance with any recommendation of the physician or chiropractor as noted on the affidavit.

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A children's residential center (CRC) shall secure a building approval and occupancy permit in each of the following instances:

1. Prior to initial certification.
2. At the time of any major modification or alteration of any existing structure, unless the structure will no longer be in use.
3. As required by the Ohio department of commerce or from a county or municipal building department certified by the department of commerce to inspect and approve the building code use group applicable to the CRC.

All building approvals and occupancy permits shall be secured from the Ohio department of commerce or from a county or municipal building department certified by the department of commerce to inspect and approve the building code use group applicable to the CRC.

Each residential facility shall maintain compliance with all local and state building codes and ordinances.
FCASMTL 400

Effective Date: November 1, 2013 (No Change)

Most Current Prior Effective Date: January 1, 2008 (No Change)

(A) An agency certified to operate a residential facility shall establish a system where instances of behavior that are a danger to a child or to others shall be brought to the attention of appropriately trained behavior management staff.

(B) An agency certified to operate a residential facility which uses isolation and/or physical restraint as a behavior management tool shall establish an ongoing system for collecting and reviewing monthly aggregate data that reflects the use of restrictive treatment elements, including the number of applications of isolation and/or physical restraint, the names of staff members who participated in each instance of isolation or restraint, the range and average length of isolation and/or physical restraint, and injuries in addition to the critical incident report. When there is an unusually high incidence of the use of isolation and/or physical restraint, the administrator or designee shall review the agency's policies on behavior intervention, physical restraint, and isolation to determine how such incidents can be reduced.

Five Year Review (FYR) Dates: 4/2/2018 and 04/02/2023

Certification: CERTIFIED ELECTRONICALLY

Date: 04/02/2018

Promulgated Under: 119.03

Statutory Authority: 5103.03

Rule Amplifies: 5103.02, 5103.03

Prior Effective Dates: 05/01/1998, 08/18/2003, 11/01/2013
As used in Chapters 5101:2-5 and 5101:2-9 of the Administrative Code, a "children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to the children described in paragraph (A)(1) or (A)(2) of this rule:

(A)(1) One or more pre-teens voluntarily placed in the facility by the pre-teen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the pre-teen and referral for support services;

(A)(2) One or more pre-teens placed in the facility by a public children services agency (PCSA) or private child placing agency (PCPA) that has legal custody or permanent custody of the pre-teen and determines that an emergency situation exists necessitating the pre-teen's placement in the facility rather than an institution certified under section 5103.03 of the Revised Code or elsewhere.

(A)(3) "Children's crisis care facility" does not include either of the following:

(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of alcohol and drug addiction services, the department of education, a local board of education, the department of youth services, the department of mental health, or the department of developmental disabilities;

(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody.

(B) "Pre-teen" means an individual under thirteen years of age.

(C) No certified children's crisis care facility shall do any of the following:

(1) Provide residential care to a pre-teen for more than one hundred twenty days in a calendar year;

(2) Subject to paragraph (D)(C)(3) of this rule and except as provided in paragraph (E)(D) of this rule, provide residential care to a pre-teen for more than sixty consecutive days;

(3) Except as provided in paragraph (F)(E) of this rule, provide residential care to a pre-teen for more than seventy-two consecutive hours if a PCSA or PCPA placed the pre-teen in the facility;

(4) Fail to comply with section 2151.86 of the Revised Code.

(D) A certified children's crisis care facility may provide residential care to a pre-teen for up to ninety consecutive days, other than a pre-teen placed in the facility by a PCSA or PCPA, if any of the following are the case:

(1) The pre-teen's parent or other caretaker is enrolled in an alcohol and drug addiction service or a community mental health service certified under section 5119.36 of the Revised Code;

(2) The pre-teen's parent or other caretaker is an inpatient in a hospital;

(3) The pre-teen's parent or other caretaker is incarcerated;

(4) A physician has diagnosed the pre-teen's parent or other caretaker as medically incapacitated.

(E) A certified children's crisis care facility may provide residential care to a pre-teen placed in the facility by a PCSA or PCPA for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy-two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the pre-teen for up to fourteen consecutive days.
The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code and in accordance with rule 5101:2-5-07 of the Administrative Code if the facility ceases to meet any provision of this rule or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities. A PCSA, PCPA or PNA operating a children's crisis care facility shall comply with all the requirements of Chapter 5101:2-5 of the Administrative Code as applicable to the type of the agency, depending on whether the agency is a PCSA, a PCPA, or a PNA. An agency operating a children's crisis care facility shall comply with all applicable requirements of the rules in Chapter 5101:2-9 of the Administrative Code for residential facilities, depending on whether the facility is a group home or a children's residential center, including those rules specified for a residential parenting facility. If there is a conflict between a requirement of any provision in this rule or any provision of Chapter 5101:2-5 of the Administrative Code or Chapter 5101:2-9 of the Administrative Code, the provisions of this rule shall take precedence.

An agency operating a children's crisis care facility shall reasonably assure that child care staff persons are assigned to care for the same group of children each day and shall adhere to the following child care staff to children ratios:

1. For children under the age of six years, including the children of child care staff, there shall be at least one child care staff person on duty during awake hours for every five children or fraction thereof.
2. For children over the age of six years, including children of child care staff, there shall be at least one child care staff person on duty during awake hours for every six children or fraction thereof.
3. For children ages zero to twelve, including the children of child care staff, there shall be at least one awake child care staff person on duty during sleeping hours for every eight children or fraction thereof.
4. When a group of children includes children from more than one of the age groups listed in paragraph (H)(G)(1), (H)(G)(2) or (H)(G)(3) of this rule, the staff to child ratio shall be determined according to the age of the youngest child within any group of children.
5. There shall be at least two staff members on duty at all times when children are present in a crisis care facility.

In place of a service plan and a case plan, a children's crisis care facility shall develop an engagement plan for the individual or agency that placed the child. The engagement plan shall be completed no later than five business days after the child is placed and shall address at a minimum:

1. Steps that will be taken to resolve the issues that necessitated the placement.
2. Obligations and expectations of the individual or agency that placed the child while their child is placed at the facility.
3. Identification of any special care needs of the child that will need to be addressed while in placement.
4. Projected timeline for discharge.

Comprehensive health care for a child admitted to a children's crisis care facility shall be in accordance with rules 5101:2-42-66.1 and 5101:2-42-66.2 of the Administrative Code. If there is a conflict between a requirement of any provision in this rule or any provision of rule 5101:2-42-66.1 or rule 5101:2-42-66.2 of the Administrative Code, the provisions of this rule shall take precedence.

For the purpose of the management and prevention of communicable diseases, a children's crisis care facility shall adhere to the following procedures:

1. A child with any of the following signs or symptoms of illness shall be immediately isolated from other children. The child, while isolated shall be carefully watched for symptoms listed in paragraph (J)(2) of this rule.
(a) Unusual spots or rashes;
(b) Sore throat or difficulty in swallowing;
(c) Elevated temperature of one hundred degrees or above;
(d) Vomiting;
(e) Evidence of lice, scabies or other parasitic infection.

(2) A child with any of the following signs or symptoms of illness shall be immediately isolated and medically assessed by a licensed physician or registered nurse.

(a) Diarrhea (more than one abnormally loose stool within a twenty-four hour period);
(b) Severe coughing, causing the child to become red or blue in the face or to make a whooping sound;
(c) Difficult or rapid breathing or wheezing;
(d) Yellowish skin or eyes;
(e) Conjunctivitis;
(f) Temperature of one hundred degrees Fahrenheit taken by the auxiliary method when in combination with any other sign of illness;
(g) Untreated infected skin patches;
(h) Unusually dark urine and/or grey or white stool;
(i) Stiff neck.

(3) A child isolated due to suspected communicable disease shall be:

(a) Cared for in a room or portion of a room not being used for other types of child care.
(b) Checked on every fifteen minutes and a notation made on an isolation log regarding the observation made.
(c) Made comfortable and provided with a bed. All linens and blankets used by the ill child shall be laundered before being used by another child. After use, the bed shall be disinfected with an appropriate germicidal agent, or, if soiled with blood, feces, vomit or other body fluids, the bed shall be cleaned with soap and water and then disinfected with an appropriate germicidal agent.
(d) Observed carefully for worsening condition. If the condition has worsened, a physician shall be contacted.

(4) The universal blood and body fluid precautions according to the United States department of health and human services' centers for disease control and prevention (CDC) as reported at the following internet address: http://www.cdc.gov/ncidod/dhqp/bp_universal_precautions.html.

(5) A procedure for immediate notification of the person or agency holding custody of a child when the child is exhibiting signs or symptoms of illness or has been exposed to a communicable disease.

(6) The children's crisis care facility's procedures regarding the care of a mildly ill child. A "mildly ill child" is defined as one of the following:

(a) A child who is experiencing minor common cold symptoms, but who is not exhibiting any of the symptoms specified in paragraph (I)(1) or (I)(2)(J)(1) or (J)(2) of this rule, or
(b) A child who does not feel well enough to participate in activities, but who is not exhibiting any of the symptoms specified in paragraph (I)(1) or (I)(2)(J)(1) or (J)(2) of this rule.

(J)(K) The children's crisis care facility shall keep the person who placed a child informed of health care provided to the child while residing in the facility on a weekly basis and at discharge.

(K)(L) The children's crisis care facility shall adhere to the following handwashing procedures:
(1) All staff and volunteers shall wash their hands with soap and running water upon entering and when leaving the children's crisis care facility, after each diaper change, after assisting a child with toileting, after cleaning, after toileting, before preparing or eating food, before feeding any child, before and after administering medication, and after handling animals.

(2) Handwashing facilities shall be available within the area where children receive diaper or bathroom care.

(3) A handwashing facility is defined as a permanent-type fixture with running water.

(4) Children shall wash hands before and after eating.

(5) Disposable towels shall be available at the handwashing site at all times and shall be used to dry hands and turn off the water after handwashing.

(L)(M) In addition to the diaper care procedures specified in rule 5101:2-9-05 of the Administrative Code, the following procedures shall be followed:

(1) No child's diaper shall be changed in the child's bed or crib;

(2) Each diaper changing area shall be disinfected after each diaper change with an appropriate germicidal agent. If the diaper changing area is soiled after the diaper change, it shall be cleaned with soap and water and then disinfected with an appropriate germicidal and virus killing agent.

(3) Disposable materials are recommended for diaper changing, and if used, shall be used once and discarded. If washcloths or other washable materials are used, they shall be used once and stored in an appropriate germicidal and virus killing solution until laundered.

(M)(N) Each child admitted to a children's crisis care facility shall be provided with an opportunity to safely and comfortably sit, crawl, toddle, or walk and play according to the child's stage of development, under supervision and in a designated space apart from sleeping quarters each day in order to enhance development.

(1) Children of both genders and under twenty-four months in age who are not siblings may share the same bedroom.

(2) No children over twenty-four months of age and of different genders may share the same bedroom unless they are from the same sibling group.

(3) Siblings of differing genders are, at the discretion of the agency, allowed to share the same bedroom.

(4) All sleeping children shall be observed at least once per hour by agency staff.

(N)(O) Each infant in care in a children's crisis care facility shall be removed from his/her crib for all feedings and removed from the crib at other intervals during each day for individual attention. For the purpose of feeding, all infants without the ability to sit up shall either be placed in an infant seat, or held by a child care worker, other adult over twenty-one years of age, or the child's parent, as appropriate to the child's age. No child shall be placed in a crib or bassinet for feeding and no bottle shall be propped to feed an infant. Infants with the ability to sit up may be placed in a high chair for feeding.

(O)(P) Infant food shall be prepared and served in a manner appropriate to the developmental needs of each child according to the child's stage of development and in sufficient quantities to promote healthy growth and development.

(P)(Q) There shall be at least one bathroom designated for use by children in a children's crisis care facility and it shall have at least one wash basin and one toilet accessible for small sized children.

(Q)(R) Each dining area in a children's crisis care facility shall be equipped with tables, chairs and eating utensils appropriate to the age, physical condition, and developmental stage of the children who will eat in the area.
A children's crisis care facility shall plan and provide, for each child twelve months and older, an opportunity for an on-site safely accessible, supervised and developmentally appropriate outdoor activity each day in suitable weather if not contraindicated by the child's medical condition.

1. All children shall be provided with appropriate outerwear and/or sunscreen as applicable to the weather conditions.

2. The supervision of children by staff shall adhere to the required child/staff ratios specified in paragraph (G) of this rule when the children are using the outdoor play area including going to and coming from the play area. No child shall be left unsupervised in the outdoor play area.

3. When a group of children is outdoors, the child care staff person(s) responsible for the group shall be able to summon another adult without leaving the group alone or unsupervised.

4. The play area shall be supervised so that all children are within the sight and hearing of the supervising child care staff person(s) at all times.

5. The surface of the outdoor play area shall be drained well enough so that standing water does not prohibit the use of the play area on a daily basis.

6. The play area shall be free of hazards such as, but not limited to, broken glass, potholes, garbage, flammable materials, and other debris.

7. The play area shall be well defined by a fence, hedge, natural or other barrier to protect the area from traffic, animals, or other hazards.

8. The outdoor play area shall provide at least sixty square feet of usable space per child using the play area at any one time, regardless of the number of children the children's crisis care facility is certified to serve.

A children's crisis care facility shall be compliant with section 5103.132 of the Revised Code.

Effective: 10/1/2017

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Certification: CERTIFIED ELECTRONICALLY

Date: 09/11/2017

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Prior Effective Dates: 12/11/06, 1/1/08, 12/1/10, 7/1/14
FCASMTL 345

Effective Date: June 1, 2015

(A) A new residential facility shall, within ten days after obtaining certification, provide the following information to all county, municipal, or township law enforcement agencies, emergency management agencies and fire departments with jurisdiction over the facility:

(1) A written notice that a facility will be operating in the agency’s or department’s jurisdiction including:
   (a) The address of the facility.
   (b) The type of residential facility.
   (c) The contact information for the facility.

(2) A copy of the facility’s procedures for emergencies and disasters pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(3) A copy of the facility’s medical emergency plan pursuant to rule 5101:2-9-09 of the Administrative Code.

(4) A copy of the facility’s community engagement plan pursuant to rule 5101:2-9-38 of the Administrative Code.

(B) A residential facility certified prior to the effective date of this rule, shall complete the requirements of paragraph (A) within sixty days after the rule becomes effective.

(C) A residential facility shall, within ten days of recertification, provide to all county, municipal, or township law enforcement agencies, emergency management agencies and fire departments with jurisdiction over the facility updated copies of the following:

(1) A copy of the facility’s procedures for emergencies and disasters pursuant to rule 5101:2-5-13.1 of the Administrative Code.

(2) A copy of the facility’s medical emergency plan pursuant to rule 5101:2-9-09 of the Administrative Code.

(3) A copy of the facility’s community engagement plan pursuant to rule 5101:2-9-38 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03, 5103.05, 5103.051

Rule Amplifies: 5103.02, 5103.03, 5103.05, 5103.051
Effective Date: June 1, 2015

(A) A residential facility certified on or after the effective date of this rule shall have a written community engagement plan which shall include:

(1) Protocols for the community in which a residential facility is located to communicate concerns or other pertinent information directly to the facility which shall include at a minimum:
   (a) A contact phone number for the facility.
   (b) If the facility has an email address, the email address shall also be provided.

(2) The agency shall provide all applicable information listed in paragraph (A)(1) of this rule to the following:
   (a) Upon request to an individual.
   (b) If the facility has a website, the information shall be made available on the site.

(3) Protocols for the agency in responding to such a communication which shall include a timeframe for responding to a community request.

(B) A residential facility certified prior to the effective date of this rule, shall complete the requirements of paragraph (A) of this rule within sixty days after the rule becomes effective.

(C) A residential facility shall ensure staff are trained on the implementation of the community engagement plan and procedures for responding to incidents involving a child at the facility and neighbors or the police.

(1) Upon the effective date of the community engagement plan:
   (a) If staff have not completed orientation training, the community engagement plan training shall be completed prior to the completion of orientation training.
   (b) If staff have completed orientation training, the facility shall ensure the staff are trained no later than sixty days after the community engagement plan is effective.

(2) If the training is conducted by an external provider, the training shall include a transfer of learning component.

(3) The transfer of learning component may include a pretest, a posttest, or a discussion following the training.
(A) As used in this rule:

(1) "Base camp" means the permanent or semi-permanent structure at which the basic needs for camp operation, such as resident housing, water supply and septic systems, permanent toilet and cooking facilities, are provided.

(2) "Mobile camp" means a portion of the base campsit premises or another site at which the basic needs for camp operation, such as water supply systems, permanent toilet and cooking facilities or other permanent structures, are not provided and in which a child stays no longer than twenty-one days before returning to the base camp.

(B) A private noncustodial agency (PNA) operating as a private, nonprofit therapeutic wilderness camp (PNTWC) shall comply with all applicable rules of Chapters 5101:2-5 and 5101:2-9 of the Administrative Code. If there is a conflict between a requirement of any provision in this rule or any provision of Chapter 5101:2-5 or 5101:2-9 of the Administrative Code, the provisions of this rule shall take precedence.

(C) A PNTWC shall provide a copy of a map for the entire camp to ODJFS.

(D) Child care staff at a therapeutic wilderness camp shall, as part of the initial orientation training requirements of rule 5101:2-9-03 of the Administrative Code, obtain training in the following:

(1) Wilderness weather emergency and precautions and procedures.

(2) Water safety.

(E) A base camp shall comply with all inspection and safety standards of a residential facility set forth in Chapter 5101:2-9 of the Administrative Code unless the requirements are modified by this rule or statute. A mobile camp does not have to meet the standards of Chapter 5101:2-9 of the Administrative Code, but it shall comply with the additional requirements set forth in this rule.

(F) A child shall meet the following criteria to be eligible for admittance to a PNTWC:

(1) Be ten years old or older. The PNTWC may admit a nine year old if the child has been evaluated by a certified professional with no direct affiliation to the camp and the certified professional approves the placement.

(a) For children under age thirteen, the PNTWC shall only place the children in a program component designed for this age group.

(b) Factors for determining the program component for the child shall be, at a minimum:

(i) Age.

(ii) Developmental level.

(iii) Physical maturity.

(iv) Social maturity.

(v) Behavioral maturity.

(vi) Cognitive level.

(vii) Diagnosis, if any.

(viii) Individual needs of each child.

(2) Be experiencing emotional, behavioral, moral, social or learning difficulties as reported by the parent or another relative having custody.

(3) Be willing to participate in the camp. The agency shall document the child's willingness to attend the camp.
A PNTWC shall not admit:

1. An adult.
2. A child who is pregnant. If a child becomes pregnant while in care, the camp shall arrange for the child's immediate discharge.
3. A minor parent with his or her child.
4. A child with primary medical needs or other medical conditions that cannot be easily provided to the child at the base campsite or during mobile camping excursions.
5. A child diagnosed with a severe pervasive developmental disorder which would limit the child's ability to function in the camp environment.
6. A child for child day care services.

A child shall not be left unsupervised at any time.

A PNTWC shall ensure that no child resides at the camp for more than twelve consecutive months unless the camp has completed a full evaluation that determines the child is not ready for reunification with the child's family or guardian. In order to ensure the safety, health and care of a child residing longer than twelve consecutive months, the PNTWC shall obtain:

1. A report of a physical examination by a licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. Any written documentation of the physical examination shall be completed by the individual who conducted the examination.
2. A report of a psychiatric or psychological examination conducted by a psychologist, psychiatrist or other appropriately licensed professional with no direct affiliation to the camp. Any written documentation of the psychiatric or psychological examination shall be completed by the individual who conducted the examination.

A PNTWC shall cooperate with any request from the director or designee for an inspection or for access to records or written policies of the camp.

A PNTWC shall ensure that if there is a weather emergency or warning issued by the national weather service in the camp's geographic area, the children will be moved to a safe structure guarded from the weather event.

A PNTWC shall ensure that all sharp tools used in the camp, including axes and knives, are locked unless in use by camp staff or otherwise under camp staff supervision. All sharp tools used in the camp, including axes and knives shall be locked during sleeping hours.

A base camp may use a wood burning stove for heating purposes if approved by the fire inspector.

A base camp shall have a type of indoor and outdoor illumination available for all structures.

A base camp is not required to have a hand rail for dirt steps built into a hillside.

A base camp is not required to have a hand rail for bridges that are no longer than eight feet and no higher than five feet from ground level.

A child shall have footwear, clothing and equipment to protect them from the environment and weather conditions. This equipment shall never be removed, denied, or made unavailable to a child. There shall never be a deprivation of any equipment as a consequence for the child's inability to perform an activity. Such equipment shall include:

1. Sunscreen.
2. Insect repellent.
3. A backpack if hiking on an excursion.
4. Personal hygiene items.
5. Feminine hygiene supplies.
Waterproof footwear.

Sleeping bags for a mobile camp:

(a) Sleeping bags rated for the current seasonal conditions when the average nighttime temperature is forty degrees fahrenheit or warmer.

(b) Sleeping bags rated for the current seasonal conditions, shelter and ground pad for colder months when the average nighttime temperature is thirty-nine degrees fahrenheit or lower and basic clothing to ensure a child's protection against seasonal change in the environment.

The camp shall provide children with clean clothing daily, launder clothing weekly and shall provide a means for children to bathe or otherwise clean their bodies a minimum of one time per day.

Sleeping arrangements at a base camp.

(1) Children of the opposite sex shall not sleep in the same structure.

(2) Staff shall not sleep in the same structure with children of the opposite sex.

(3) Sleeping arrangements shall be approved by the fire inspector and shall meet the requirements set forth in rule 3701-25-09 of the Administrative Code.

(4) Children shall be provided with proper bedding as appropriate for the season.

Bathrooms at a base camp.

(1) A base camp shall have a minimum of one sink with hot and cold water, one flush toilet, and one bath or shower with hot and cold water per gender if the camp serves more than one gender.

(2) Children of the opposite sex shall not use the same bathroom facility at the same time.

(3) Staff shall not use the bathroom facility if children of the opposite sex are using the facility at the same time.

(4) Each bathroom shall have toilet paper, towels or air dryers, soap, and wastebaskets available for use.

(5) Bathtubs and showers shall have enclosures or screens which afford individual privacy.

(6) When more than one toilet is located in the same bathroom, each toilet shall be partitioned and include a door capable of remaining closed.

A PNTWC shall comply with all nutritional requirements of rule 5101:2-9-20 of the Administrative Code except that the camp may deviate from the timeframe requirements listed in paragraph (A) of rule 5101:2-9-20 of the Administrative Code.

(1) The PNTWC shall not allow more than five hours to elapse between meals and not more than fourteen hours between the evening meal and breakfast.

(2) The PNTWC shall prepare menus at least one week in advance and shall demonstrate how the menu meets the minimum nutritional guidelines as set forth in rule 5101:2-9-20 of the Administrative Code.

In addition to the nutritional requirements of rule 5101:2-9-20 of the Administrative Code, a camp shall ensure:

(1) Six quarts of potable water shall be available per person, per day, minimum, plus one additional quart per person for each five miles hiked. Although it is not required that the entire amount be hand carried, access to water shall be available at all times during hiking.

(2) In temperatures above ninety degrees fahrenheit, staff shall make sure a child's intake is a minimum of three quarts of water per day, electrolyte replacement shall be available with a hiking group at all times.
(3) In temperatures above eighty degrees fahrenheit, water shall be available for coating the child’s body, and other cooling down techniques shall be available for the purpose of cooling as needed.

(4) Water shall be available at each campsite. Water cache location information shall be verified with field staff before the group leaves camp each day.

(5) Mobile camps shall ensure that all water from natural sources be treated for sanitation to eliminate health hazards.

(6) A PNTWC shall obtain a food service license if required by the local health department.

(V) Hiking.

(1) Hiking shall not exceed the physical capability of the weakest member of the group.

(2) The weight of a backpack to be carried by each child shall not exceed twenty per cent of the child’s body weight. If the child is required to carry other items, the total of all weight carried shall not exceed thirty per cent of the child’s body weight.

(3) Hiking shall be prohibited at temperatures above ninety degrees fahrenheit, or at temperatures below ten degrees fahrenheit.

(4) Staff shall carry thermometers which accurately display the current outside temperature.

(5) If a child cannot or will not hike, the group shall not continue unless eminent danger exists. The reasons for refusal or inability to continue will be established and resolved before hiking continues. Program directors are responsible to train staff regarding this standard and to regularly monitor compliance.

(W) Any excursion shall have a plan including map routes, and anticipated schedules and times shall be carried by the field staff and recorded in the field office.

(1) Staff shall maintain a signed, daily log or dictate a recorded log to be transcribed and signed immediately following the conclusion of the activity. All log entries shall be recorded in permanent ink and be made available to the Ohio department of job and family services (ODJFS) licensing specialist upon request.

(2) The log shall contain the following information regarding the excursion:
   (a) Accidents.
   (b) Injuries.
   (c) Medications.
   (d) Medical concerns.
   (e) Behavioral problems.
   (f) Any unusual occurrences.

(X) A mobile camping excursion shall last no more than twenty-one days, after which children on the camping excursion shall return to the base camp.

(1) Children must remain at the base camp at least ten days between mobile camping excursions and activities.

(2) In addition to meeting the staff ratio requirements in rule 5101:2-9-02 of the Administrative Code, the camp shall have at least two staff present during any mobile camping excursion.

(3) In a mixed gender group, there shall be a staff member of each gender with the group at all times during the excursion.

(4) The camp may use privies and portable toilets in remote camping areas. The camp shall ensure that the privies and portable toilets are:
   (a) Maintained in good repair and kept clean at all times.
(b) Constructed and maintained according to manufacturer designs and standards set forth by the department of health.

(c) Equipped with toilet paper at all times.

(d) Serviced in accordance with the standards set forth by the department of health.

(e) Privies and portable toilet facilities not equipped with running water shall have a waterless alcohol-based hand sanitizer available for use inside or adjacent to the toilet facilities.

(5) If the camp site is not provided with privies or other portable toilets, the camp shall comply with any requirements of the department of health regarding the proper disposal of human waste in these locations. There shall be a waterless alcohol-based hand sanitizer available for use.

(6) While on a mobile camping excursion, the camp shall provide:

(a) Personal hygiene supplies that are biodegradable.

(b) Means for a child to bathe or clean his or her body at least twice weekly.

(c) Females with hand sanitizing wipes or similar products as well as feminine products for feminine hygiene purposes.

(d) A way to launder clothes or provide clean clothes at least weekly.

Effective: 07/01/2016

Five Year Review (FYR) Dates: 07/01/2021

Certification: CERTIFIED ELECTRONICALLY

Date: 04/08/2016

Promulgated Under: 119.03

Statutory Authority: 5103.02, 5103.03, 5103.50

Rule Amplifies: 5103.02, 5103.03, 5103.50
Forms
JFS 01050  Application for Post Adoption Special Services Subsidy
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01050
JFS 01050-SPA   Application for Post Adoption Special Services Subsidy (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01050
JFS 01050-A Approval for Post Adoption Special Services Subsidy

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01050
Instructions for Completing JFS 01050-A, Approval for Post Adoption Special Services Subsidy

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01050
JFS 01050A-SPA Approval for Post Adoption Special Services Subsidy (Spanish Version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01050
Instructions for Completing JFS 01051, Application for Additional Post Adoption Special Services Subsidy Funding for Extraordinary Circumstances

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01051
JFS 01052  Credentials for Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01052
JFS 01290  Application for Certification of Agency Functions
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01290
JFS 01315  Notification of Denial of Initial Certification, Recertification or Revocation of a Foster Home Certificate

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01315
JFS 01317  Recommendation for Certification/Recertification of a Foster Home
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01317
JFS 01318  SACWIS Private Agency Provider Request
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01318
Instructions for Completing the JFS 01318, SACWIS Private Agency Provider Request
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01318
JFS 01331  Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01331
JFS 01331-SPA  Notice of Expiration and Reappplication for a Foster Home Certificate or Adoption Homestudy Update/Amendment (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01331
JFS 01334  Recommendation for Transfer of a Foster or Adoptive Home
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01334
JFS 01348  Safety Audit

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01348
JFS 01402  Comprehensive Assessment and Planning Model - I.S., Ongoing Case Assessment/Investigation

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01402
JFS 01402-IComprehensive Assessment and Planning Model - I.S., Ongoing Case Assessment/Investigation Instructions

http://www.oddfs.state.oh.us/forms/findform.asp?formnum=01402
JFS 01403  Specialized Assessment/Investigation

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01403
JFS 01404 Comprehensive Assessment and Planning Model - I.S., Reunification Assessment
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01404
JFS 01404-IComprehensive Assessment and Planning Model - I.S., Reunification Assessment Instructions

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01404
JFS 01409-SPA  Comprehensive Assessment and Planning Model - I.S., Safety Plan for Children (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01409
JFS 01409-I Comprehensive Assessment and Planning Model - I.S., Safety Plan for Children

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01409
JFS 01410-IComprehensive Assessment and Planning Model - I.S., Case Plan Instructions
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01410
JFS 01411  Comprehensive Assessment and Planning Model - I.S., Case Plan Amendment Sheet
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01411
JFS 01412-IComprehensive Assessment Planning Model - I.S. Semiannual Administrative Review (SAR) Instructions

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01412
JFS 01412-SPA    Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01412
JFS 01413 Comprehensive Assessment Planning Model - I.S. Case Review
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01413
JFS 01416  Semiannual Administrative Review Summary (For Private Child Placing Agency Use Only)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01416
JFS 01416-ISemiannual Administrative Review Instructions (For Private Child Placing Agency Use Only)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01416
JFS 01420  Multiethnic Placement Act Corrective Action and Resolution Plan Data Collection Requirements

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01420
JFS 01421  Application for Reimbursement of Nonrecurring Adoption Expenses
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01421
JFS 01421-IIInstructions for Completing the JFS 01421, Application for Reimbursement of Nonrecurring Adoption Expenses

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01421
Instructions for Completing the Referral of Title IV-E Foster Care Maintenance Recipient for Child Support Services

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01435
JFS 01438  Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01438
JFS 01438-SPA Agreement for Payment or Reimbursement for Nonrecurring Expenses Incurred in the Adoption of a Child with Special Needs (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01438
JFS 01441  Notification of Student Out-Of-Home Placement and Request for Transfer of Records
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01441
JFS 01443  Child's Education and Health Information
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01443
JFS 01447  Assessment of Relative or Nonrelative Substitute Caregiver
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01447
Instructions for Completing JFS 01447, Assessment of Relative or Nonrelative Substitute Caregiver

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01447
JFS 01449  Determination for Special Needs- Medical, Mental Health or Rehabilitation Care
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01449
JFS 01451  Title IV-E Adoption Assistance Application
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01451
JFS 01451-B    Title IV-E Adoption Assistance Annual Assurance of Legal Responsibility, School Attendance and Eligibility for Continued Medicaid Coverage

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01451
JFS 01453  Adoption Assistance Agreement

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01453
JFS 01454  Approval and Agreement for Title IV-E Retroactive Adoption Assistance Payments
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01454
JFS 01501  Application for Kinship Permanency Incentive

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01501
JFS 01501-SPA  Application for Kinship Permanency Incentive (Spanish Version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01501
JFS 01510  Safety Plan for Children
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01510
JFS 01530  Large Family Assessment

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01530
JFS 01607  MEPA Educational Materials
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01607
JFS 01608  Licensed Professional's Statement

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01608
JFS 01609  Family Permanency Planning Data Summary
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01609
JFS 01613-SPA  Application for State Adoption Subsidy (Spanish Version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01613
JFS 01614-IIInstructions for Completing the Redetermination or Amendment of a State Adoption Maintenance Subsidy

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01614
JFS 01615  Approval for State Adoption Maintenance Subsidy

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01615
Instructions for Completing JFS 01615 State Adoption Maintenance Subsidy Agreement

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01615
JFS 01616  Social and Medical History

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01616
JFS 01617  Bridges Voluntary Participation Agreement

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01617
JFS 01620  Bridges Notice of Termination

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01620
JFS 01622  State Hearing Request
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01622
JFS 01640  Interstate Compact on the Placement of Children (ICPC) Transmittal
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01640
JFS 01646  Report of Indian Child Placement
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01646
JFS 01646-IREport of Indian Child Placement Instructions
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01646
JFS 01652  Credential of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01652
JFS 01652-ICredential of Professional Providers of PASSS Funded Therapeutic Services and Memorandum of Understanding

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01652
JFS 01661   Interstate Compact Placement Request (ICPC 100A)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01661
JFS 01661-I Instructions for Completing JFS 01661 Interstate Compact Placement Request (ICPC 100-A)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01661
JFS 01662  Interstate Compact Report on Child's Placement Status (ICPC 100B)
http://www.ohio.gov/odjfs/forms/findform.asp?formnum=01662
JFS 01663  Sending State's Priority Home Study Request
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01663
JFS 01667  Adoption Information Disclosure
http://www.oddjs.state.oh.us/forms/findform.asp?formnum=01667
JFS 01669  Delegation of Authority for Sensitive SACWIS Data Corrections
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01669
JFS 01670-II
Instructions for Completing the JFS 01670, Inter-Country Adoption Data Collection
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01670
JFS 01671   Sensitive SACWIS Data Correction Request
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01671
JFS 01673A Child Characteristics Checklist for Foster Care and/or Adoption
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01673
JFS 01674  Statement of Assurance

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01674
For Birth Parents: Are You Thinking About Making An Adoption Plan?

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01676
JFS 01679  Request for Notification

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01679
JFS 01680  Verification of Assessor Qualifications

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01680
JFS 01681 Applicant Financial Statement

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01681
JFS 01681-SPA   Applicant Financial Statement (Spanish Version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01681
JFS 01684  Contact Preference for the Birth Parent(s) of Adopted Children
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01684
JFS 01688 Individualized Child Assessment
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01688
JFS 01688-II
Individualized Child Assessment Purpose and Instructions
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01688
JFS 01690  Documentation of the Pre-Adoptive Staffing and Updates
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01690
JFS 01691  Application for Child Placement
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01691
JFS 01692  Application for Adoption of a Foster Child or Sibling Group

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01692
Instructions for Completing JFS 01694, Application for Search of Ohio Putative Father Registry - Registration for Fathers

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01694
JFS 01694-SPA Application for Search of Ohio Putative Father Registry (Registration Form for Fathers) (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01694
JFS 01694-SPA-I Instructions for Registration Form for Fathers (Spanish Version)

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01694
JFS 01695  Application for Search of Ohio Putative Father Registry
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01695
JFS 01698  Step-Parent Adoption Homestudy

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01698
JFS 01699 Prefinalization Adoption Assessment Report
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01699
JFS 01700  Individual Child Care Agreement

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01700
JFS 01700-Instructions for Completing the JFS 01700 "Individual Child Care Agreement"
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01700
JFS 01701-IIInstructions for Completing the JFS 01701 Individual Child Care Agreement Amendment

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01701
JFS 01702  Invoice Reimbursement for Placement and Related Services

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01702
Instructions for Completing the JFS 01702 Invoice for Placement and Related Services

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01702
JFS 01703  Contract for Title IV-E Agencies and Providers for the Provision of Child Placement and Related Services

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01703
JFS 01794  Juvenile Court Random Moment sample (JCRMS) Time Studies Results
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01794
Instructions for Completing the JFS 01794, Juvenile Court Random Moment sample (JCRMS) Time Studies Results

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01794
JFS 01797   Social Services Random Moment Cost Allocation Quarterly Billing
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01797
Instructions for Completing the JFS 01825

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01825
Instructions for Completing the JFS 01826

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01826
JFS 01985  Adoption Subsidies Guide
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01985
JFS 01987  Child Fatality Report Face Sheet

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01987
Instructions for Completing the JFS 01987 Child Fatality Report Face Sheet

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=01987
JFS 02333-ARA Discrimination Complaint (Arabic Version)
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=02333
JFS 02911  Title IV-E Single Cost Report
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=02911
JFS 02911-II
Instructions for Completing JFS 02911, Title IV-E Single Cost Report
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=02911
JFS 02913  Title IV-E Agreed Upon Procedures

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=02913
JFS 04281  Children Services Quarterly Statistical Report
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=04281
Instructions for completing JFS 04281 Children Services Quarterly Statistical Report
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=04281
JFS 07130  Ohio Adult Protective Services Intake Screening Tool

http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07130
JFS 07131  Adult Protective Services Protocol
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=07131
JFS 08027  Adult Protective Services Rack Card
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=08027
JFS 08102  Foster Parent Checklist for Preparation and Support of Teenagers
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=08012
JFS 09010  Envelope #10 (Central Registry), PO Box 182709
http://www.odjfs.state.oh.us/forms/findform.asp?formnum=09010
TREA 7013 Request for Stop/Release of Warrants
TREA 7013
AUD 8123  Affidavit

AUD 8123
Instructions for Completion of Affidavit
AUD 8183  Application for Replacement Warrant

AUD 8183
AUD 8184  Application for Replacement Warrant (Holder in Due Course)
AUD 8184
Application for Replacement Warrant (Holder in Due Course) Instructions
FCASMTL 395 (New Ohio Administrative Code Rule 5101:2-40-06)

Family, Children and Adult Services Manual Transmittal Letter No. 395
April 6, 2018

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: New Ohio Administrative Code Rule 5101:2-40-06

This letter transmits new rule 5101:2-40-06 "Kinship child care program." This rule will become effective 05/01/2018.

This rule provides eligibility and application requirements for kinship caregivers to qualify to receive kinship child care services for kinship children in their care.

Public children services agencies (PCSAs) shall use the following email address to provide documentation required in the rule to the Ohio Department of Job and Family Services: Kinship-childcare@jfs.ohio.gov.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOCIAL SERVICES</td>
<td>5101:2-40-06</td>
<td></td>
</tr>
<tr>
<td>FORMS</td>
<td>JFS 01499 (02/2018)</td>
<td>JFS 01500 (02/2018)</td>
</tr>
<tr>
<td>TRANSMITTAL</td>
<td>FCASMTL 395</td>
<td></td>
</tr>
</tbody>
</table>
FCASMTL 386-A (Intake and Assessment / Investigation Rules Contained in Chapter 5101:2-36 of the OAC)

Family, Children and Adult Services Manual Transmittal Letter No. 386-A

September 13, 2017

To: Family, Children and Adult Services Manual Holders

From: Cynthia C. Dungey, Director

Subject: Intake and Assessment / Investigation rules contained in Chapter 5101:2-36 of the Ohio Administrative Code

This letter rescinds the rules filed with FCASMTL 386. The rules will be effective at a later date and will be issued under FCASMTL 386-B at a later date.

As indicated in FCASMTL 386, the following OAC rules were to become effective October 1, 2017: 5101:2-36-01, 5101:2-36-03, 5101:2-36-04, 5101:2-36-05, 5101:2-36-06, 5101:2-36-07, 5101:2-36-08, 5101:2-36-09, 5101:2-36-10, 5101:2-36-11, 5101:2-36-12, 5101:2-36-13, 5101:2-36-14, 5101:2-36-20.

However, these rules have been put on hold and will be refiled at a later date. Once the refiled rules become effective, FCASMTL 386-B will be issued.

INSTRUCTIONS:

The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter transmits amendments to the Ohio Administrative Code (OAC) rules which address the PCSA requirements for intake and the assessment/investigation of accepted reports. These rules have been amended in accordance with the Joint Commission on Agency Rule Review 5 year review requirement. In addition, changes were made to include the requirements outlined in the Comprehensive Addiction and Recovery Act of 2016.

The following OAC rules have been amended: 5101:2-36-01, 5101:2-36-03, 5101:2-3604, 5101:2-36-05, 5101:2-36-06, 5101:2-36-07, 5101:2-36-08, 5101:2-36-09, 5101:2-3610, 5101:2-36-11, 5101:2-36-12, 5101:2-36-13, 5101:2-36-14, 5101:2-36-20. These rules will become effective October 1, 2017.

The following is a brief explanation of the proposed changes to each rule.

**Chapter 5101:2-36**

OAC rule 5101:2-36-01 entitled *Intake and screening procedures for child abuse, neglect, dependency and family in need of services reports; and information and/or referral intakes* outlines the PCSA response to gathering information from a referent. This rule includes the PCSA responsibilities in recording referral information, categorizing referral information, completing a screening decision with referral information in the statewide automated child welfare information system (SACWIS), and assigning a report to a pathway. The addition of “legal substance abuse” has been added into this rule as previously only “illegal substance abuse or withdrawal symptoms resulting from prenatal” were referenced. Substance abuse exposure has been referenced as the definition has been added to 5101:2-1-01. Specific guidelines have been added regarding how a PCSA shall gather information regarding a plan of safe care, as referenced in CARA, at the time a referral is called into the agency. PCSA’s are instructed to gather this information in order to determine if the substance exposed infants plan of safe care is sufficient to meet the needs of both the infant and their caregivers. These additions satisfy the Comprehensive Addiction and Recovery Act of 2016 (CARA).

OAC rule 5101:2-36-03 entitled *PCSA requirements for intra-familial child abuse and/or neglect assessment/investigations* outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect. Clarification has been added for PCSA’s regarding not needing to interview a child if certain documentation is in the case record. Criteria has been added to reflect the requirements needed for infants identified as affected by legal or illegal substance abuse at the time a report is received as defined by the Comprehensive Addiction and Recovery Act of 2016 (CARA). The requirements of a plan of safe care have been added which shall be gathered at the time a report is received by a PCSA. Referrals of all infants born and identified as affected by both legal or illegal substance abuse, withdrawal symptoms or fetal alcohol spectrum disorder must all be referred to Help Me Grow, not just infants identified as affected by illegal substance abuse as previously required. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of the paragraphs have occurred throughout the rule.

OAC rule 5101:2-36-04 entitled *PCSA requirements for conducting a specialized assessment/investigation* sets forth the PCSA requirements for conducting a specialized assessment/investigation of abuse or neglect. The word “setting” to has been added to “out-of-home care” for clarification purposes. Institution has been changed to “organization” as it is defined in 2151.011 of the Administrative Code throughout this rule. Wording has been changed to provide clarification of the needed documentation for when a child is not needed to be interviewed. The addition of “legal substance abuse” has been added into this rule as previously only “illegal substance abuse or withdrawalal symptoms resulting from
prenatal” were referenced. Criteria has been added to reflect the requirements needed for infants identified as affected by legal or illegal substance abuse at the time a report is received as defined by the Comprehensive Addiction and Recovery Act of 2016 (CARA). The requirements of a plan of safe care have been added which shall be gathered at the time a report is received by a PCSA. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of paragraphs have occurred throughout the rule.

OAC rule 5101:2-36-05 entitled **PCSA requirements for conducting stranger danger investigations** sets forth the PCSA requirements for conducting a stranger danger investigation. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-06 entitled **PCSA requirements for a deserted child assessment/investigation** sets forth the PCSA requirements for conducting a deserted child assessment/investigation. Requirements have been added to reflect the Comprehensive Addiction and Recovery Act of 2016 (CARA) when screening a report of child abuse and/or neglect in for an assessment/investigation when an infant is identified as affected by legal or illegal substance abuse as defined in 5101:2-1-01. Restructuring the order of paragraphs and amendments to requirements for consistent understanding have occurred throughout the rule.

OAC rule 5101:2-36-07 entitled **PCSA requirement for conducting an assessment/investigation of the alleged withholding of medically indicated treatment from a disabled infant with life-threatening conditions** sets forth the PCSA requirements for conducting an assessment/investigation regarding the medical neglect of a disabled infant with life-threatening conditions. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-08 entitled **PCSA requirements for involving a third party in the assessment/investigation of a child abuse or neglect report** addresses when a PCSA shall involve a third party in the assessment/investigation of child abuse or neglect. Wording has been modified to reflect a type B family day care home should be referenced as a “child” care home. These organizations are licensed by “Ohio” department of job and family services (ODJFS), previously rule stated they were licensed by a “county” department of job and family services.

OAC rule 5101:2-36-09 entitled **Requirements for dependent child assessments** sets forth the PCSA requirements for conducting a dependent child assessment. An amendment was made to refer any child zero to three years of age to “Help Me Grow” if a developmental delay is suspected. Previously infants born identified as being affected by illegal substance abuse or withdrawal symptoms resulting from prenatal drug exposure were only referenced in this rule as being referred to “Help Me Grow”.

OAC rule 5101:2-36-10 entitled **PCSA requirements for responding to family in need of services reports** sets forth the PCSA requirements for responding to family in need of services reports. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-11 entitled **Justification to extend time frames for completion or waive completion of assessment/investigation activities** outlines the process to extend the timeframe to complete assessment/investigation activities and outlines which assessment/investigation activities may be waived. Minor grammatical changes were made to this rule.

OAC 5101:2-36-12 entitled **PCSA requirement for cross-referring reports of child abuse and/or neglect** outlines the requirements of the PCSA to refer reports of child abuse and/or neglect to entities with a need for such information to carry out their respective duties. For clarification purposes, a grammatical change has been made to reflect “foster care” licensing versus “children services.”

OAC 5101:2-36-13 entitled **Intrastate and interstate referral procedures for children’s protective services** addresses when a PCSA shall make intrastate and interstate referrals and the procedures the PCSA is to follow. Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-14 entitled **Protective service alert** addresses when a PCSA shall issue a protective service alert (PSA). Minor grammatical changes were made to this rule.

OAC rule 5101:2-36-20 entitled **Public children services agencies assessment requirements for child abuse and neglect reports in alternative response** outlines the PCSA requirements for responding to accepted reports of intra-familial child abuse and neglect in the alternative response pathway. Reference to
alternative response implementation and approval for PCSA’s to utilize this pathway have been deleted from rule as all counties have been approved to utilize alternative response pathway. Requirements have been added to reflect the Comprehensive Addiction and Recovery Act (CARA) of 2016 when screening a report of child abuse and/or neglect in for an assessment/investigation when an infant is identified as affected by legal or illegal substance abuse as defined in 5101:2-1-01. Referrals of all infants born and identified as affected by both legal or illegal substance abuse, withdrawal symptoms or fetal alcohol spectrum disorder must all be referred to Help Me Grow, not just infants identified as affected by illegal substance abuse as previously required. All participants involved in the plan of safe care will need to be notified of final case decision has been added as a requirement. Restructuring the order of the paragraphs occurred throughout the rule.

INSTRUCTIONS:
The following chart indicates the materials that should be removed from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Amendment to OAC 5101:2-48-08

This letter amends Ohio Administrative Code (OAC) Rule 5101:2-48-08 "Adoption inquiry" as a result of Am. Sub. H.B. 1 of the 128th General Assembly. It will be effective December 28, 2009.

The following is a brief explanation of the changes:

OAC 5101:2-48-08 "Adoption inquiry," outlines the procedures agencies must follow when contacted by prospective adoptive applicants. This rule was amended to remove the address of the "Ohio Adoption Photo Listing" (OAPL) Web site and to add language explaining that public children services agencies, private child placing agencies and private noncustodial agencies must provide information regarding the state adoption assistance loan program to inquirers who reside in Ohio.

INSTRUCTIONS:
The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

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This letter transmits amendments to OAC rule 5101:2-40-04 governing the Kinship Permanency Incentive (KPI) program. The rule changes are being made to address the following statutory changes that resulted from Am. Sub. HB 119:

- Removal of the requirement that the child must be adjudicated by the juvenile court as being abused, neglected, dependent, or unruly.
- Removal of the best interest language as part of the requirement for the court order awarding legal custody or guardianship to the kinship caregiver.
- Removal of the requirement that the child must be determined as "special needs".
- Amending the guidelines governing the gross income of the caregiver's family, including the child, from 200% of the federal poverty guidelines to 300%.

The following is a brief explanation of the proposed changes. The changes are effective on July 2, 2007.

OAC 5101:2-40-04 entitled Kinship permanency incentive program outlines the provisions that govern eligibility, administration and application process for the KPI program. The rule allows the public children services agency (PCSA) to provide incentive payments to kinship caregivers to promote permanency. In this rule, a few changes were made regarding the kinship caregiver's income. Gross income was defined in the definition section of the rule and language was added to the eligibility requirements. The new language addresses limited exclusions of reported income that are to be deducted from the gross income such as up to one-hundred dollars of child support. It also clarifies individuals whose income must be considered for this program. Language was added to clarify that the rule does not prohibit a PCSA or PCPA from completing a home assessment on behalf of caregivers with whom a child was already directly placed by a court or relative.

JFS 01501 "Application for Kinship Permanency Incentive" is the form used by the kinship caregiver(s) when applying for the KPI program. This form is also used by the PCSA when entering data into the KPI web tool. Revisions to the form include deleting all questions and information regarding the child's adjudication, special needs, and best interest statement. Other revisions to the form include minor grammatical and formatting issues and adding the "relationship to caregiver" to the Child Information section.

JFS 01502 "Notice of Incomplete Kinship Permanency Incentive Application" is the form used by the PCSA to inform applicants the reason(s) that the application can not be processed and what the applicant must do to complete the application process. The form was updated to reflect the amended eligibility requirements and rule. The request for the child's adjudication, special needs and best interest statement were deleted from the checklist of items needed to complete the application.

JFS 01504 "Notice of Denial for Kinship Permanency Incentive Funds" is used by the PCSA to deny KPI applicants and indicate the reason for denial. This form was updated to reflect the amended eligibility requirements and rule. The child's adjudication, special needs and best interest statement were deleted from the denial checklist. The income criterion was changed to 300% of the poverty level from 200%.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
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**OBSOLETE**
TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Changes to Foster Care Maintenance Single Cost Report Form (JFS 02911) and Instructions (JFS 02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" and instructions JFS 02911-I which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements.

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. The form has been amended to update the annual inflation index, to include ODADAS (Ohio Dept. of Alcohol and Drug Addiction Services) and ODMH (Ohio Dept. of Mental Health) worksheets incorporating each agency's new Uniform Cost Report (UCR) Form A-1 (047) and related schedules, to include the reorganization of how administrative overhead cost information is presented and calculated, and include a section on the Title IV-E residential service worksheets in order to capture facility addresses and the state agency responsible for certifying and licensing the residential site.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. The instructions have been amended to include the revision of ODADAS and ODMH instructions to incorporate each agency's UCR instructions. Furthermore, language was added to provide an explanation of how to complete the revised administrative overhead calculation worksheet.

The JFS 02911 is intended to be used in an automated format. The JFS 02911 and JFS 02911-I will not be available in hardcopy from the ODJFS warehouse. They will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp.

When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report", the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools", "Options", and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security". Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "enable macros". If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  
SUBJECT: Revisions to Training Rules and Forms for PCSA Caseworkers and Supervisors

This letter transmits revisions to Ohio Administrative Code rules 5101:2-33-55 and 5101:2-33-56 which govern training requirements for PCSA caseworkers and supervisors. These rules are being amended as a result of the five year rule review process and recently passed legislation. OAC rule 5101:2-33-60 Domestic Violence Training for PCSAs and CDJFS which governed domestic violence training requirements is being rescinded and the content of the rule is being included in the training requirements for caseworkers and supervisors. These changes will be effective on July 1, 2006.

A brief explanation of the changes appears below:

OAC 5101:2-33-55 Education and in-service training requirements for PCSA caseworkers includes training requirements for domestic violence into in-service training requirements for PCSA caseworkers. PCSA caseworkers shall complete a minimum of twelve hours of domestic violence training within twenty-four months of the effective date of this rule or the effective date of hire.

OAC 5101:2-33-56 Education and in-service training requirements for PCSA supervisors includes training requirements for domestic violence into in-service training requirements for PCSA casework supervisors. PCSA casework supervisors shall complete a minimum of twelve hours of domestic violence training within twenty-four months of the effective date of this rule or the effective date of hire.

JFS 01825 "Public Children Services Agency Training Record for Caseworkers" is to be completed annually by the PCSA caseworker and a copy of the form maintained in their personnel file. Minor revisions were made to meet department standards for forms and instructions.

JFS 01826 "Public Children Services Agency Training Record for Supervisors" is to be completed annually by the PCSA caseworker supervisor and a copy of the form maintained in their personnel file. Minor revisions were made to meet department standards for forms and instructions.

The JFS 01825 and JFS 01826 will not be available in hardcopy from the ODJFS warehouse. They will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp.

INSTRUCTIONS

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  
SUBJECT: The Comprehensive Assessment and Planning Model - Interim Solution Forms and Instructions

A series of new tools and instructions has been developed as part of the Comprehensive Assessment and Planning Model - Interim Solution (CAPMIS). CAPMIS is a comprehensive assessment model used to guide and support child protective services workers in making accurate and effective decisions to promote child safety, permanency, and well-being.

At this time, the JFS 01412 "Comprehensive Assessment and Planning Model - I.S., Semiannual Administrative Review" (12/2005) and the JFS 01410 "Comprehensive Assessment and Planning Model - I.S., Case Plan" (12/2005) are being incorporated into the Family, Children and Adult Services Manual in accordance with the Child and Family Services Review (CFSR) Program Improvement Plan (PIP). These tools have been revised to incorporate the philosophy of CAPMIS and make the tools more family-friendly.

A public children services agency (PCSA) will begin to use the two tools at the time the PCSA implements the statewide automated child welfare database (SACWIS) or prior to SACWIS, if the agency has received CAPMIS implementation training.

The JFS 01410, JFS 01412 and their instructions will not be available in hardcopy from the ODJFS warehouse. They can be viewed online at: http://www.odjfs.state.oh.us/forms/inter.asp.

If you have questions regarding this change, please contact the Office for Children and Families Help Desk at (866) 886-3537 (Option 4) or via e-mail at help-desk-ocf@odjfs.state.oh.us.

**INSTRUCTIONS:**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 174

December 19, 2005

TO: Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Changes to Foster Care Maintenance Single Cost Report (JFS 02911) and Instructions (JFS 02911I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" and instructions JFS 02911I which are used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the cost reports which are due by December 31, 2005.

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. The form has been amended to update the annual inflation index. A formula change was also made to case management cells on the Purchased Foster Care and Residential tabs on the report. Other changes include the reorganization of program totals reported on the Administrative Overhead worksheet and the addition of a "Total" column in the "Non-Personnel" section of the Residential tabs on the report.

The JFS 02911I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. The instructions have been amended to include more detailed general guidelines for determining the reimbursability of costs and more explicit examples of reporting salary and wage information among programs. Other changes include the clarification/expansion of items already included in the instructions.

The JFS 02911 is intended to be used in an automated format. It is available in Microsoft Excel that can be accessed from the Forms section of the electronic Family, Children and Adult Services Manual or directly from the Publications section of the webpage for the Office for Children and Families, under the Forms Section at:

http://www.jfs.ohio.gov/ocf/publications.stm/

When downloading the Microsoft Excel version of the JFS 02911 "Single Cost Report", the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools", "Options", and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security". Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "enable macros". If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

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<td>Transmittal Letter No. 174</td>
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</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  

This letter transmits revisions to Ohio Administrative Code rule 5101:2-47-26.2 now entitled, Cost Report "Agreed Upon Procedures" engagement and to the "Agreed Upon Procedures" contained in Appendix A. These revisions were presented to Certified Public Accountants (CPAs) in regional training sessions conducted in October 2005. The changes are effective December 12, 2005.

An explanation of the rule and appendix revisions appears below:

OAC 5101:2-47-26.2 Cost Report "Agreed Upon Procedures" engagement sets forth the requirement for an annual audit of cost reports completed by public children services agencies, Title IV-E agencies, private child placing agencies (PCPA), and private non-custodial agencies (PNA). This rule is amended to retract all references to the term "audit" and replace with "Agreed Upon Procedures" engagement. Other revisions include the reorganization of content presented within the rule, some additions to the list of items to be submitted along with the "Agreed Upon Procedures" report, as well as some clearer language regarding confidentiality.

"Appendix A" of rule 5101:2-47-26.2 sets forth the procedures to be performed by CPAs to verify the accuracy of costs reported by private agencies. Changes to the "Agreed Upon Procedures" include retracting references to the term "audit", the addition and clarification of steps to be performed during the engagement, and some additions to the list of items to be submitted along with the "Agreed Upon Procedures" report.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
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<td>Title IV-E</td>
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<td>OAC 5101:2-47-26.2 with &quot;Appendix A&quot;</td>
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</table>
Family, Children and Adult Services Manual Transmittal Letter No. 171

December 13, 2005

To: All Family, Children and Adult Service Manual Holders

From: Barbara E. Riley, Director

Subject: OAC 5101:2-40-04 Kinship Permanency Incentive Program

This letter transmits a new rule, OAC 5101:2-40-04 Kinship Permanency Incentive Program, that outlines the provisions that govern eligibility, administrative procedures and the application process for the Kinship Permanency Incentive (KPI) program. This is a new program authorized by Amended Substitute House Bill 66 that allows the PCSA to provide incentive payments to kinship caregivers to promote permanency. **This rule will become effective on January 1, 2006.**

Also included in this transmittal are four new forms: JFS 01501 "Application for Kinship Permanency Incentive", JFS 01502 "Notice of Incomplete Kinship Permanency Incentive Application", JFS 01503 "Notice of Approval for Kinship Permanency Incentive Funds" and JFS 01504 "Notice of Denial for Kinship Permanency Incentive Funds".

The JFS 01501 is the application used by the family when applying for the KPI program.

The JFS 01502 is used by the PCSA to inform applicants the reason(s) that the application can not be processed and what the applicant must do to complete the application process.

The JFS 01503 is used by the PCSA to approve KPI applications and to indicate the effective date of the approval.

The JFS 01504 is used by the PCSA to deny KPI applications and indicate the reason for denial.

The JFS 01501, JFS 01502, JFS 01503, and JFS 01504 will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp. They will not be available in hardcopy from the ODJFS warehouse.

**INSTRUCTIONS:**

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<td>Supportive Services</td>
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</table>
Family, Children and Adult Services Manual Transmittal Letter No. 170  
September 30, 2005

TO: Family, Children and Adult Service Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Revision of the JFS 01688 "Ohio Adoption Photo Listing (OAPL) Child Registration/Amendment" and Rescission of OAC 5101:2-48-04 AdoptOhio Grant Agreement

The vendor contract for the Ohio Department of Job and Family Services (ODJFS), Ohio Adoption Photo Listing (OAPL) expired June 30, 2005. The OAPL responsibilities have been assumed by ODJFS until further notice.

Beginning July 1, 2005, agencies must submit registration/amendment, modification and/or withdrawal information pursuant to OAC 5101:2-48-07: Listing and withdrawing children and families with the Ohio Adoption Photo Listing "OAPL web page" and the "OAPL Families Waiting to Adopt Book" to:

Ohio Department of Job and Family Services  
Bureau of Family Services, OAPL Manager  
255 East Main Street, 3rd Floor  
Columbus, Ohio 43215-5222

Several minor changes have been made to the JFS 01686 "Ohio Adoption Photo Listing (OAPL) Child Registration/Amendment", in addition to the change of the submittal address. They include:

- The "Child Information" section has been revised to include "Asian" and "Native Hawaiian/Other Pacific Islander" as selections for a child's race/ethnicity.
- A section has been added to indicate the date the form was submitted to ODJFS.

The JFS 01686 will be available on line at: http://www.odjfs.state.oh.us/forms/inter.asp

It will not be available in hardcopy from the ODJFS warehouse.

Also, please note that OAC 5101:2-48-04 AdoptOhio grant agreement has been rescinded because AdoptOhio grant agreements are no longer issued.

If you have questions regarding this change, please contact the Office for Children and Families Helpdesk at (866) 635-3748 (Option 2, Ext. 3) or via e-mail at helpdeskocf@odjfs.state.oh.us.

INSTRUCTIONS:  
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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</table>
Family, Children and Adult Services Manual Transmittal Letter No.169

September 26, 2005

To: All Family, Children and Adult Service Manual Holders

From: Barbara E. Riley, Director

Subject: Changes TO Title XX Definition Rule (OAC 5101:2-25-01)

This letter transmits an amendment to OAC rule 5101:2-25-01 entitled Uniform definitions of Title XX services and other definitions of terms used in Chapter 5101:2-25 of the Administrative Code. This rule will become effective on October 1, 2005.

A brief explanation of the changes appears below:

OAC 5101:2-25-01 Uniform definitions of Title XX services and other definitions of terms used in Chapter 5101:2-25 of the Administrative Code has been amended to include a service definition for "food assistance".

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
September 12, 2005

To: All Family, Children and Adult Service Manual Holders

From: Barbara E. Riley, Director

Subject: Changes TO Substitute Care Rule 5101:2-42-90

This letter transmits a new rule entitled Information to be provided to caregivers, school districts and juvenile courts; information to be included in individual childcare agreement. The new rule is replacing a rule of the same number and title that was changed due to the five year review. **This rule will become effective on October 3, 2005.**

A brief explanation of the changes appears below:

OAC 5101:2-42-90 Information to be provided to caregivers, school districts and juvenile courts; information to be included in individual child care agreements has been reorganized throughout for clarity and consistency. It has been changed to: (1) clarify the information that Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) are required to share with all substitute caregivers and temporary care providers; (2) clarify timeframes for sharing information; (3) incorporate the sharing of information regarding certain acts committed by the child to enable caregivers to make informed decisions regarding their ability to care for the child; and (4) remove information regarding the specifics of completing a psychological examination.

**INSTRUCTIONS:**

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</table>

The following is a list of the rules that are being rescinded:

<table>
<thead>
<tr>
<th>Rule Number</th>
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<tr>
<td>5101:2-49-06</td>
<td>Determination of Refugee and Cuban/Haitian entrant status</td>
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<tr>
<td>5101:2-49-07</td>
<td>General eligibility requirements</td>
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<tr>
<td>5101:2-49-071</td>
<td>RRP social service applications, redeterminations of eligibility and hearings</td>
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<tr>
<td>5101:2-49-08</td>
<td>Allowable services for refugees and Appendix A</td>
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<td>5101:2-49-09</td>
<td>Refugee resettlement program social service funding</td>
</tr>
<tr>
<td>5101:2-49-091</td>
<td>Purchase of refugee resettlement program social services</td>
</tr>
<tr>
<td>5101:2-49-092</td>
<td>Refugee special projects</td>
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<tr>
<td>5101:2-49-093</td>
<td>Refugee resettlement program agreements</td>
</tr>
<tr>
<td>5101:2-49-10</td>
<td>Provider contracts and amendments and Appendix A and Appendix B</td>
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<tr>
<td>5101:2-49-11</td>
<td>Mandatory service participation</td>
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<td>5101:2-49-12</td>
<td>Failure or refusal to accept employability services or employment placement</td>
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<td>Employment-related case management</td>
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<td>5101:2-49-14</td>
<td>Content of employability plan</td>
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<td>5101:2-49-15</td>
<td>Concentrated job search</td>
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<td>5101:2-49-16</td>
<td>Criteria for appropriate employment</td>
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<td>Employment exemption</td>
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<td>5101:2-49-18</td>
<td>Professional recertification training</td>
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<td>5101:2-49-19</td>
<td>Employment interruption service plan</td>
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<tr>
<td>5101:2-49-20</td>
<td>Scheduling service delivery</td>
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<tr>
<td>5101:2-49-21</td>
<td>Definition of resettlement agency</td>
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</table>
The JFS 01405 "Refugee Resettlement Program Provider Monthly Expense Report and Invoice", OMB No.0960-0309 "Refugee and Entrant Unaccompanied Minor Placement Report/Instructions" and OMB No.0970-0309 "Refugee and Entrant Unaccompanied Minor Progress Report/Instructions" are now obsolete.

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</table>
This letter issues the JFS 02911 "Single Cost Report" and instructions which are to be used pursuant to OAC 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements.

FCASMTL No. 159 issued the new cost report rules which were effective July 1, 2004 and obsoleted the JFS 02909 "Residential Child Care Facility Cost Report" and JFS 02910 "Purchased Family Foster Care Cost Report" effective July 31, 2004. The new JFS 02911 is to be used effective July 31, 2004.

The JFS 02911 is intended to be used in an automated format. It is available in Microsoft Excell and Quattro Pro versions that can be accessed from the Forms section of the electronic Family, Children and Adult Services Manual or directly from the Publications section of the webpage for the Office for Children and Families, under the Forms Section at:
http://www.jfs.ohio.gov/ocf/publications.stm

When downloading the Microsoft Excel version of the JFS 02911 "Single Cost Report", the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools", "Options" and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security". Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "enable macros". If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

The Quattro Pro version of the JFS 02911 "Single Cost Report" can be saved without the above steps.

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<td>JFS 02911I (Instructions)</td>
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</tr>
</tbody>
</table>
*Please note: Since the JFS 02911 is an automated form, paper copies of this FCASMTL will not include a copy of the form.
TO: All Family Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Revisions to Child Protective Services Rules as a Result of Child Abuse Prevention and Treatment Act (CAPTA) Requirements

The Protective Services Section, Bureau of Family Services, has revised Ohio Administrative Code (OAC) rules 5101:2-34-32 and 5101:2-39-07 as a result of new CAPTA requirements. The **effective date for the rules is June 25, 2004**. If any revisions are made that change the content or effective date of the rules, notification will be communicated via a follow-up Manual Transmittal Letter.

The following is a brief explanation of the changes:

OAC 5101:2-34-32 PCSA Requirements for Assessment and Investigation is amended as follows: paragraph (F) adds a requirement to assess safety and risk of infants reported due to prenatal exposure to drugs; paragraph (H)(2) adds a requirement to advise alleged perpetrator of the allegation(s) against him/her at the time of initial contact; paragraph (M) changes the time frame for notification of the case resolution and disposition and notification of right to appeal to two working days to be consistent with the time frame for referral of a child to Help Me Grow early intervention services; paragraph (M)(3) adds requirement to refer a child under age three involved in a substantiated case of child abuse and/or neglect to Help Me Grow early intervention services; paragraph (M)(4) adds requirement to refer a child determined not to be at risk of imminent harm to community services; and paragraph (X) adds language to clarify that a disposition cannot be waived.

OAC 5101:2-39-07 Supportive Services has been adopted to replace a former rule of the same number. In this new rule paragraph (F) adds a requirement that the PCSA have a procedure for referral of a child not at risk of imminent harm to community services; paragraph (G)(4) adds Help Me Grow early intervention services as a mandated service and in paragraphs (G),(J) and (M) definitions were added to the terms describing services.

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TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Revised "Ohio Adoption Guide" (JFS 01675)  

This letter transmits revisions to the JFS 01675 "Ohio Adoption Guide". The guide contains educational, informational, and promotional literature on the adoption process. Referral listings for Public Children Services Agencies (PCSAs), Private Children Placing Agencies, (PCPAs) and Private Non-custodial Agencies (PNAs), adoption support groups, and adoption-related resources are included in the revised guide book as well.

Pursuant to the Ohio Administrative Code (OAC) 5101:2-48-08 Adoption Inquiry, PCSAs, PCPAs and PNAs shall respond to inquiries concerning adoption by providing the inquirer with the JFS 01675 "Ohio Adoption Guide". The JFS 01675 "Ohio Adoption Guide" has been revised to include the most current information concerning:

1. The process for adoption in Ohio;
2. The characteristics of children available for adoption in Ohio; and
3. Contact information for Ohio's adoption agencies and support networks.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Children's Trust Fund

This letter transmits Ohio Administrative Code (OAC) Rule 5101:5-1-01 Children's Trust Fund. As a result of the five year review, all of the former Ohio Children's Trust Fund (OCTF) rules have been rescinded and incorporated into a new OAC Rule 5101:5-1-01. The purpose of the rule is to set forth the requirements of the local prevention advisory boards and service provider/grantee responsibilities. This rule will be effective April 1, 2004.

Also included with this letter are eight forms to be used by OCTF County Agents and Service Providers. They are described below.

JFS 01976 "Ohio Children’s Trust Fund Application for Funding" which is to be used to collect information needed to evaluate whether the applicant should receive Children's Trust Fund monies to provide child abuse/neglect prevention services.

JFS 01977 "Ohio Children’s Trust Fund Application Budget" which is to be used to document the proposed budget of applicants who are requesting money from the Trust Fund to provide child abuse/neglect prevention services. It is used in conjunction with the "Application for Funding" to determine whether the proposed costs are allowable and reasonable, and whether the application should be approved.

JFS 01978 "Children's Trust Fund Service Provider Application Scoring Tool" which provides the format which OCTF County Agents use to evaluate applications for monies from the Ohio Children's Trust Fund.

JFS 01979 "Children's Trust Fund Local Allocation Plan" which is to be used to document that the OCTF County Agent complies with the requirements to award Children’s Trust Fund monies to service providers, the agencies that will receive funds and the amount each will receive, the services that will be provided and the number of units projected, and the County Agent's Plan for monitoring service delivery, measurement of outcomes and fiscal accountability.

JFS 01980 "Ohio Children's Trust Fund Service Provider Progress Report" is used by the service provider to document the number of units delivered for each service that was supported with money from the Ohio Children's Trust Fund. It is also used to summarize customer satisfaction and individual outcomes realized as a result of participation in services and provides an opportunity for the provider to explain how the service functioned to prevent child abuse/neglect.

JFS 01981 "Ohio Children's Trust Fund Service Provider Fiscal Report" is used to collect information about how money from the Ohio Children's Trust Fund was expended by the service provider. It is also used to document the balance of unexpended funds, and instructs the provider to return those monies to the County Treasurer.

JFS 01982 "Ohio Children's Trust Fund County Agent Annual Report" which is used to document the number of service units that were actually delivered during the state fiscal year by providers who received monies from the Ohio Children's Trust Fund. It is also used to summarize customer satisfaction data and outcomes realized by participants of each service. Finally, it requests an assessment regarding the overall impact the Local Allocation Plan had on preventing child abuse/neglect in the county.

JFS 01983 "Ohio Children's Trust Fund County Agency Annual Fiscal Report" which is used to document the amount of money from the Ohio Children's Trust Fund which was expended during the state fiscal year; it further contains information for the OCTF County Agent to use for returning all unexpended funds to the Treasurer of the State.

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February 27, 2004

TO: Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Annual Foster Care Maintenance and Adoption Assistance Survey (JFS 01975)

As required by Ohio Administrative Code rule 5101:2-47-01 (D), Public Children Services Agencies (PCSAs) must report annually to the Ohio Department of Job and Family Services their current rates of payment for Foster Care Maintenance and Adoption Assistance. This letter transmits the JFS 01975 Annual Foster Care Maintenance and Adoption Assistance Survey. In order to comply with this rule, please complete Form JFS 01975 and return to:

Office for Children and Families
Bureau of Accountability and Regulation
Attention: Survey Coordinator
255 E. Main St., 3rd Floor
Columbus, Ohio 43215-5222

Supplying the information on the prescribed form facilitates the management of the data. Please use the prescribed form rather than sending your rates in any other format.

Due to an administrative delay in issuing the form, for this year only the surveys are due no later than March 31, 2004.

For questions about this letter please contact the OCF Helpdesk by phone at 1-866-886-3537, Option 4, or by email at HELP-DESK-OCF@odjfs.state.oh.us.

INSTRUCTIONS:

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TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Amendment of OAC Rule 5101:2-5-38, Payment of Foster Caregiver Training Stipends; Reimbursement of Training Allowances to Recommending Agencies

This letter transmits amendments to Ohio Administrative Code (OAC) rule 5101:2-5-38 that have been made as a result of the enactment of Am. Sub. H.B. 95 of the 125th General Assembly. The effective date of the amended rule is January 1, 2004.

The major changes are as follows:

- Changes the date when ODJFS will reimburse foster care training stipends for preplacement training from the date of the first placement until the date the caregiver is initially certified.
- Allows non-traditional training to be counted towards meeting a foster caregiver's training requirements but continues to prohibit a stipend payment for such training.
- Requires the Ohio Child Welfare Training Program (OCWTP) to provide all foster caregiver training for PCSAs beginning 1/1/2004. Private agencies will continue to operate their ODJFS-approved training programs as in the past, but if a private agency contracts with a Regional Training Center (RTC) of the OCWTP for foster caregiver training, the private agency may elect to have the allowance payment remitted directly to the RTC.
- To obtain any payments under this program, each caregiver's training history must be entered in the ODJFS-prescribed Foster care Resource Education Database (FRED). FRED must be updated within 30 days after the stipend is paid to the caregiver or both the stipend reimbursement and allowance payment are forfeited.
- Training allowance payments for training received between 1/1/2001 and 12/31/2003 must be claimed by 12/31/2004 or the payments are forfeited.
- A stipend payment is not required to obtain an allowance payment for training that occurred between 1/1/2001 and 3/31/2003.

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Family, Children and Adult Services Manual Transmittal Letter No. 150

December 8, 2003

TO: Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director


This letter transmits a new Title IV-E program rule entitled Public Children Service Agencies, Title IV-agencies, Private Child Placing Agencies (PCPA), Private Noncustodial Agencies (PNA): Audits of Financial Statements and Cost Reports that has been developed for public and private agencies that file cost reports with Ohio Department of Job and Family Services (ODJFS). Also included in this transmittal is "Appendix A" of the rule which contains the "Agreed Upon Procedures" that must be utilized by Certified Public Accounts when verifying the accuracy of private agency cost reports. This rule will become effective on January 1, 2004.

This rule sets forth the agreed upon procedures requirements for cost reports.

- For PCSAs or other public Title IV-E agencies that file a cost report, an annual audit of its cost report will be conducted by ODJFS.

- For PCPAs and PNAs who file an cost report, an agreed upon procedures engagement shall be performed by a certified public accountant. The agreed upon procedures to be applied are found in Appendix A of this rule.

- ODJFS will conduct quality control reviews of the independent audit reports that it receives.

For questions about this letter, please contact the OCF Helpdesk by phone at 1-866-886-3537 Option 4 or by email at HELP-DESK-OCF@odjfs.state.oh.us.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Amendments to the Title XX Ohio Administrative Code Rules

This letter transmits revisions of the Title XX rules in Ohio Administrative Code Chapter 5101:2-25 as a result of the five year rule review process. **These changes will be effective January 1, 2004.**

This letter also transmits revisions to the "JFS 01821 Title XX County Profile" and instructions. These revisions are a result of federal legislation (Federal Register/Vol. 64, No. 199/Friday, October 15, 1999) requiring that the Comprehensive Title XX Social Services Plan be submitted to the Department of Health and Human Services 30 days prior to the effective date of the plan.

A brief explanation of each rule revision appears below:

**Rule 5101:2-25-01 Uniform definitions of Title XX services and other definitions of terms used in Chapter 5101:2-25 of the Administrative Code** was amended to update old language to new language, such as "Day Care Services for Children" to "Child Care Services for Children", "foster parent" to "foster caregivers", and to clarify that definition of foster homes includes homes operated by a relative of the child.

**Rule 5101:2-25-02 Title XX administration** was amended to update references from Ohio Department of Human Services (ODHS) to Ohio Department of Job and Family Services (ODJFS). Language was added to inform the counties when an application for Title XX services is needed and who is responsible for accepting the application.

**Rule 5101:2-25-03 Title XX county profile** is rescinded and adopted as a new rule with the same rule number. There were no requirement changes to the rule, but the rule was put into the order of the preparation process for the completion of the "county profile" by the county department of job and family services for the Final Comprehensive Title XX Social Services Plan.

**Rule 5101:2-25-07 Title XX reimbursement dependent upon correct determination of recipient eligibility** was amended to update the name of the Ohio Department of Human Services (ODHS) to Ohio Department of Job and Family Services (ODJFS) and clarification of the categories "Services for Free, Fee or Without Regard to Income". This rule also informs the county of its responsibility to establish eligibility standards or fee schedules based upon income level guidelines.

Counties still continue to have flexibility in the administration of their Title XX program.

For questions about this letter, please contact the OCF Helpdesk by phone at 1-866-886-3537 Option 4 or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Amendment of Ohio Administrative Code Rule 5101:2-20-02 Provision of Adult Protective Services (APS)

This letter transmits the amendment of the Ohio Administrative Code (OAC) rule 5101:2-20-02 Provision of adult protective services.

The purpose of the rule is to standardize adult protective services (APS) practice statewide. Rule 5101:2-20-02 is being amended to include language in section (D)(1)(d) "Termination of adult protective services" to be consistent with the Ohio Revised Code Section 5101.67(E). **This rule will be effective January 1, 2004.**

For questions about this letter, please contact the OCF Helpdesk by phone at 1-866-886-3537 Option 4 or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

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The Ohio Department of Job and Family Services has revised rules 5101:2-47-12, 5101:2-47-13, 5101:2-47-14, 5101:2-47-16, 5101:2-47-17, 5101:2-47-18, 5101:2-47-20, and 5101:2-47-21 of the Administrative Code (OAC) as a result of the five year rule review process. One rule was rescinded and replaced, but most of the rules were amended for the purpose of clarity. Several rules were updated to reflect the separation of the JFS 1452 form that was previously used for initial determinations and redeterminations. There are now separate forms for the initial eligibility determination, the JFS 01452 and for the redetermination of eligibility, the JFS 01452A. All OAC 5101:7-1-02 rule references were deleted and replaced with 5101:2-47-14.1 references as a result of the previous transfer of the 1996 Aid to Dependent Children (ADC) requirements from rule to rule. The initial determination of eligibility and reimbursability time frame has been changed from thirty to sixty days. The redetermination time frame requirement has also been changed from every six months to every twelve months. These changes are effective December 1, 2003.

A brief explanation of other rule revisions appears below:

5101:2-47-12 Foster care maintenance program eligibility: determination of program eligibility.

The title and paragraphs (F) and (G) were amended to reflect initial eligibility and reimbursability criteria. The redetermination of program eligibility and reimbursability criteria has been moved to rule 5101:2-47-21 of the Administrative Code. Paragraph (H) wording was moved from OAC rule 5101:2-47-21 to this rule as it pertains to the initial determination of eligibility. In paragraph (C), the words "determination / redetermination form" have been deleted and replaced with the new name of the initial application.

5101:2-47-13 Foster care maintenance program eligibility: legal responsibility requirements.

In paragraph (C) added "to the effect" wording to mirror the federal regulations. Deleted wording in paragraph (D) that does not relate to legal responsibility. The wording was duplicative of that contained in rule 5101:2-47-23. In paragraph (E), added two exceptions to a child entering care via a JFS 01645. Deleted paragraph (F) because it was moved to rule 5101:2-47-12 paragraph (F) as it pertains to an initial eligibility determination requirement. Added paragraph (G) for additional clarification of judicial determination documentation.

5101:2-47-14 Foster care maintenance program eligibility: ADC-relatedness.

In paragraph (A), deleted "income" and added "all Title IV-E program eligibility requirements" must be verified. Added wording to reflect that eligibility can not be established when no information is available. In paragraph (E)(4)(a), added the 185 percent requirement to be in line with federal requirements, both the 100 and 185 percent need standard must be met. Added paragraphs (E)(5)(e) and (f) to comprehensively reflect the resource requirements of rule 5101:2-47-14.1 of the Administrative Code.

5101:2-47-16 Foster care maintenance program reimbursability: reimbursable placement facilities. Deleted all "family" references in "family foster home" as a result of HB 448. Deleted paragraph (A)(9) and incorporated into paragraph (A)(1) a pre-adoptive licensed foster home. Added paragraphs (C)(3), (4) and (5) as non-reimbursable placement settings. In paragraph (C)(1) added clarification to court ordered placements. Added "AWOL, hospital or leave" as non reimbursable settings to be in line with federal requirements.

5101:2-47-17 FCM program reimbursability: FCM payments and child care payments for public family foster homes, relative homes, and prefinalized adoptive homes.
Deleted all "per diem" and "rate" references and replaced them with "amount" and "reimbursement amount" for clarity. Updated all form and ODHS references. Updated "payment" reference to "minimum and maximum reimbursement amounts" in paragraph (A) for clarity.

5101:2-47-18 Foster care maintenance program reimbursability: payments related to the difficulty of care needs of a child placed in a foster home, relative home, or prefinalized adoptive home.

Various changes have been made to clarify that difficulty of care payments continue to be allowed for children placed in a foster home prior to April 1, 2005 and can continue as long as the child is placed in the same foster home.

5101:2-47-20 Foster care maintenance program reimbursability: supplemental payments for the cost of care for the child of a Title IV-E recipient parent.

All "family" references in "family foster home" have been deleted as a result of HB 448. Updated the form reference in paragraph (E).

5101:2-47-21 Foster care maintenance program reimbursability: determination and redetermination of program reimbursability. This rule has been rescinded and replaced with a new rule to reflect the redetermination of program eligibility and reimbursability requirements. The rule identifies age as a program eligibility requirement for redeterminations. The rule also identifies the ongoing program reimbursability requirements to include: deprivation, financial need, resources, reasonable efforts to finalize the permanency plan determination, and placement settings.

For questions about this letter, please contact the OCF Helpdesk by phone at 1-866-886-3537 Option 4 or by email at: HELP-DESK-OCF@odjs.state.oh.us.

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The Ohio Department of Job and Family Services revised OAC rule 5101:2-48-07 Listing and withdrawing children and families with the "Ohio Adoption Photo Listing" (OAPL) and the AdoptOhio Photo Listing webpage. The revisions to the rule resulted in revisions to the JFS 01686 "OAPL Child Registration / Amendment Form." References to the OAPL Child Book have been removed and a new category has been added to the form that will enable agencies to register a child under a "Special Status" on the OAPL Web Page if a person has made application to adopt the child. OAC 5101:2-48-07 is effective on September 1, 2003 and the revised JFS 01686 should be used in implementing the rule.

**Instructions:** The chart below indicates what materials should be removed and inserted in the Family, Children, and Adult Services Manual.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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<tr>
<td>FORMS</td>
<td>ODHS 1686</td>
<td>JFS 01686</td>
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<td>Transmittal Letter Index Starting with No. 139</td>
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<tr>
<td></td>
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<td>FCASMTL No. 145</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Foster Care Maintenance Program Rule Changes

The Ohio Department of Job and Family Services has revised some of the rules in Ohio Administrative Code (OAC) 5101:2-47 as a result of the five year rule review process. Ten rules were amended and one was completely rewritten. These changes are effective September 1, 2003.

OAC 5101:2-47-11 Administrative procedure: reimbursement for foster care maintenance costs for children's residential centers, group homes, maternity homes, residential parenting facilities and purchased foster care homes has been amended significantly. The amendments to this rule were made to clarify that there will be a contemporaneous payment system as recommended by the shareholders work group.

Rule 5101:2-47-22 Foster care maintenance program reimbursability: reasonable efforts requirement contains the reasonable efforts requirements for foster care maintenance program reimbursability. This rule was completely rewritten and the new rule reorganizes the content of the previous rule. The majority of the rule content remains the same except that we added wording to identify the beginning period of ineligibility for instances where the reasonable efforts to finalize the permanency plan requirements are not met. More specifically, the rule identifies the initial reasonable efforts requirements and the reasonable efforts to finalize the permanency plan requirements.

A brief explanation of the rule revisions appears below.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>OAC Rule Name</th>
<th>Summary of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-47-02</td>
<td>ADMINISTRATIVE OVERVIEW: FOSTER CARE MAINTENANCE.</td>
<td>Reflects the ADC rules being moved from 7-1-02 to 2-47-14.1. Updated the maintenance costs definition to mirror federal definition.</td>
</tr>
<tr>
<td>5101:2-47-05</td>
<td>ADMINISTRATIVE PROCEDURE: TITLE XIX MEDICAL COVERAGE FOR TITLE IV-E FOSTER CARE MAINTENANCE RECIPIENTS (COBRA).</td>
<td>Added hearing requirements of 5101:6-3-01. Changed &quot;six&quot; month referral requirement to &quot;twelve&quot; month requirement. Clarified &quot;working&quot; days.</td>
</tr>
<tr>
<td>5101:2-47-08</td>
<td>ADMINISTRATIVE PROCEDURE: REQUIRED REFERRALS: TITLE IV-D; INCOME MAINTENANCE; HEALTHCHECK; THIRD PARTY INSURANCE; AND SSI.</td>
<td>Clarified &quot;working&quot; days.</td>
</tr>
<tr>
<td>5101:2-47-09</td>
<td>ADMINISTRATIVE PROCEDURE: CASE RECORD REQUIREMENTS FOR FOSTER CARE MAINTENANCE.</td>
<td>Made distinction between JFS 01452 application for initial eligibility form and the 1452A redetermination form. Updated rule to include reasonable efforts and reasonable efforts to finalize the permanency plan documentation requirements. Also, added JFS 01666 documentation requirements.</td>
</tr>
<tr>
<td>5101:2-47-11</td>
<td>ADMINISTRATIVE PROCEDURE: REIMBURSEMENT</td>
<td>Changed &quot;PFFC&quot; to &quot;PFC&quot; to remove &quot;family&quot; reference per HB 448. Replaced &quot;per diem rate&quot;</td>
</tr>
</tbody>
</table>
FOR FOSTER CARE MAINTENANCE COSTS FOR CHILDREN'S RESIDENTIAL CENTERS, GROUP HOMES, MATERNITY HOMES, RESIDENTIAL PARENTING FACILITIES, AND PURCHASED FOSTER CARE HOMES.

references with "reimbursement ceiling amount" in various sections for clarity. Further defined the implementation of the contemporaneous payment process effective 9/1/03. Updated to clarify that the agency that enters the FACSIS information will receive the JFS 01925's and the warrants generated from them.

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Text</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-47-19</td>
<td>FOSTER CARE MAINTENANCE PROGRAM REIMBURSABILITY: CLOTHING PAYMENTS AND GRADUATION EXPENSES.</td>
<td>Deleted &quot;rates&quot; and replaced with &quot;amounts&quot;.</td>
</tr>
<tr>
<td>5101:2-47-22 (New)</td>
<td>FOSTER CARE MAINTENANCE: REASONABLE EFFORTS REQUIREMENTS.</td>
<td>Reorganized content of rescinded rule and added to new rule. Clarified the beginning period of ineligibility for instances where the reasonable efforts to finalize the permanency plan requirements are not met.</td>
</tr>
<tr>
<td>5101:2-47-24</td>
<td>FOSTER CARE MAINTENANCE REIMBURSEMENT CEILING AMOUNTS: TITLE IV-E REIMBURSEMENT FOR RESIDENTIAL CHILD CARE AND PURCHASED FOSTER CARE HOMES.</td>
<td>Defined the payment from the Title IV-E agency to the service provider agency. Replaced &quot;per diem rate&quot; and &quot;rate setting&quot; references with &quot;reimbursement ceiling amount&quot; in various sections for clarity.</td>
</tr>
<tr>
<td>5101:2-47-25</td>
<td>FOSTER CARE MAINTENANCE REIMBURSEMENT CEILING AMOUNTS: ALLOWABLE COSTS FOR USE IN COMPLETING THE JFS 02909 &quot;RESIDENTIAL CHILD CARE FACILITY COST REPORT&quot; AND THE JFS 02910 &quot;PURCHASED FOSTER CARE COST REPORT.&quot;</td>
<td>Removed &quot;family&quot; reference from &quot;purchased family foster care&quot; as a result of HB 448.</td>
</tr>
<tr>
<td>5101:2-47-26</td>
<td>FOSTER CARE MAINTENANCE REIMBURSEMENT CEILING AMOUNTS: UNALLOWABLE COSTS FOR USE IN COMPLETING THE JFS 02909 &quot;RESIDENTIAL CHILD CARE FACILITY COST REPORT&quot; AND THE JFS 02910 &quot;PURCHASED FOSTER CARE COST REPORT.&quot;</td>
<td>Removed &quot;family&quot; reference from &quot;purchased family foster care&quot; as a result of HB 448.</td>
</tr>
<tr>
<td>5101:2-47-27</td>
<td>FOSTER CARE MAINTENANCE REIMBURSEMENT CEILING AMOUNTS: OUT-OF-STATE RESIDENTIAL CARE FACILITIES.</td>
<td>Added wording &quot;and adhering to all applicable rules of this chapter&quot; for clarity.</td>
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</tbody>
</table>

INSTRUCTIONS
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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<td>5101:2-47-02</td>
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<td>5101:2-47-05</td>
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<td>5101:2-47-27</td>
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<td>TRANSMITTALS Transmittal Letters</td>
<td>Transmittal Letter Index Starting with No. 139</td>
<td>Transmittal Letter Index Starting with No.139 FCASMTL No. 144</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Revisions to Two Children Services Licensing Rules

This letter transmits two amended Ohio Administrative Code (OAC) rules governing children services licensing that have been made as a result of the five year rule review process. The revisions are viewed as minor changes.

OAC 5101:2-5-19 Variances was amended to: change the name of department from ODHS to ODJFS throughout the rule; specify in paragraphs (B), (C), and (D) that variance requests must be submitted on agency letterhead; list in paragraph (D) the appropriate name of the bureau within ODJFS to which agencies are to send any variance requests; change in paragraph (F) the word "granting" to "approval"; specify in paragraph (G) that should the terms or conditions of a variance be violated or otherwise become nullified by situation or a change in the applicable Administrative Code rule, the variance shall be rescinded.

OAC 5101:2-9-35 Additional programmatic requirements regarding behavior management was amended to clarify in (B) that only those agencies which allow the use of isolation or restraint need to collect and review the monthly aggregate data that is otherwise required by the rule.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>Agency</td>
<td>5101:2-5-19</td>
<td>5101:2-5-19</td>
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<tr>
<td>Children's Residential Centers</td>
<td>5101:2-9-35</td>
<td>5101:2-9-35</td>
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<td>Transmittal Letter Index Starting with FCASMTL No. 141</td>
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INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
Family, Children and Adult Services Manual Transmittal Letter No. 139

April 17, 2003

TO: Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director


This letter transmits an amendment to OAC 5101:2-47-26.1. The rule is being amended to reflect the new cost report filing deadlines, and to clarify that beginning July 1, 2003 the cost reporting period will be converted from a calendar year period to a state fiscal year period ending June 30th. This rule is effective May 15, 2003.

INSTRUCTIONS

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
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<td>Title IV-E</td>
<td>5101:2-47-26.1</td>
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<tr>
<td>Manual Transmittal Letters</td>
<td>Transmittal Letter Index Starting with No. 139</td>
<td>FCASMTL No.139</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Review and Revision of Substitute Care Rules as a Result of the Five Year Rule Review  

The Ohio Department of Job and Family Services has reviewed three rules in Ohio Administrative Code (OAC) 5101:2-42 regarding Substitute Care as a result of the five year rule review process.  

The review resulted in no recommendations for changes to OAC Rule 5101:2-42-65 Agency visits and contacts or OAC Rule 5101:2-42-93 Procedural requirements regarding change of placement or visitation plan prior to journalization of case plan.  

OAC 5101:2-42-70 Provision of service to unmarried minor parents was also reviewed. The only change being recommended in this rule is the correction of the acronym for the county departments of job and family services from CDHS to CDJFS. This rule is effective May 1, 2003.

INSTRUCTIONS:  
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>Substitute Care</td>
<td>5101:2-42-65</td>
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<td>5101:2-42-70</td>
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<td>Starting with No. 115</td>
<td>Starting with No. 126</td>
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<tr>
<td></td>
<td></td>
<td>FCASMTL No. 137</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Revision of JFS 01452 Title IV-E Foster Care Maintenance Determination and Redetermination Forms

This letter transmits the revision of the JFS 01452 Title IV-E Foster Care Maintenance Determination form and a new JFS 01452A Redetermination form. The JFS 01452 has been revised to incorporate current policy required by Chapter 5101:2-47 of the Ohio Administrative Code (OAC). The new version of the JFS 01452 includes more information to clarify appropriate policy and new budgets. The new version is available in electronic format to facilitate appropriate determination of eligibility by including additional information and edits to help prevent the entry of inappropriate information. The new JFS 01452A Redetermination form is also available in an electronic format to facilitate redeterminations.

INSTRUCTIONS:
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<tbody>
<tr>
<td>FORMS</td>
<td>ODHS 1452 Title IV-E Foster Care Maintenance Determination/Redetermination (Revised 3/97)</td>
<td>JFS 01452 Title IV-E Foster Care Maintenance Determination with Automated Form Instructions</td>
</tr>
<tr>
<td></td>
<td></td>
<td>JFS 01452A Redetermination with the Automated Form Instructions</td>
</tr>
<tr>
<td>TRANSMITTALS</td>
<td>Transmittal Letter Index Starting with No.116</td>
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</tr>
<tr>
<td>Transmittal</td>
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<td>FCASMTL No. 136</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Title IV-E Rule Changes Regarding the Rescission of OAC 5101:7-1-02 and the Adoption of OAC 5101:2-47-14.1

The Ohio Department of Job and Family Services has rescinded Ohio Administrative Code (OAC) rule 5101:7-1-02 and transferred the rule information contained within the rule to OAC 5101:2-47-14.1 as a result of the five year rule review process. Rule 5101:7-1-02 contains the Title IV-E eligibility requirements for the foster care maintenance and adoption assistance programs under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The rule pertains to the ADC guidelines that were in effect in 1996 and was therefore numbered accordingly. These ADC rules were frozen in time as Title IV-E eligibility criteria.

As a result of the five year rule review, it was decided that the 5101:7-1-02 rule should be incorporated into the 5101:2-47 rules which contain the Title IV-E foster care maintenance eligibility rules. Rule 5101:2-47-14.1 has been created to incorporate all the requirements of 5101:7-1-02. We are merely transferring the information from 5101:7-1-02 to rule 5101:2-47-14.1. The only change in the body of the rule is in the reference to the name of the department which now is stated to reflect the name as the Ohio Department of Job and Family Services and a similar reference in the form number. Since there are no changes to the appendix of this rule that was originally transmitted in FCASMTL No. 86, it is not being included in this letter. Please be sure to follow the Instructions for updating the manual below that preserves the appendix.

This rule will be effective April 1, 2003. A brief explanation of each rule revision appears in the following table.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>A Brief Explanation of Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:7-1-02 (Rescinded)</td>
<td>Rescinded rule and transferred information into new rule 5101:2-47-14.1.</td>
</tr>
<tr>
<td>5101:2-47-14.1 (New)</td>
<td>Transferred information from 5101:7-1-02 into 5101:2-47-14.1 rule. Outlines ADC requirements pertinent to Title IV-E eligibility</td>
</tr>
</tbody>
</table>

INSTRUCTIONS

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
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<td>MANAGEMENT AND ADMINISTRATION</td>
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</tr>
<tr>
<td>Title IV-E</td>
<td>5101:7-1-02</td>
<td>5101:2-47-14.1 after 5101: 2-47-14</td>
</tr>
<tr>
<td>Remove, but do not obsolete Appendix A of this rule</td>
<td>Insert Appendix A from 5101:7-1-02 behind 2-47-14.1</td>
<td></td>
</tr>
<tr>
<td>TRANSMITTALS</td>
<td>Transmittal Letter Index Starting with No. 115</td>
<td>Transmittal Letter Index Starting with No. 126</td>
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<td>FCASMTL No. 135</td>
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</tbody>
</table>
Family, Children and Adult Services Manual Transmittal Letter No. 134

January 22, 2003

TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: ADOPTION OF RULES GOVERNING ADULT PROTECTIVE SERVICES (APS)

This letter transmits the adoption of four new and one rescinded Ohio Administrative Code (OAC) rule that governs the adult protective services program. OAC rules 5101:2-20-01 through 5101:2-20-04 will replace the rescinded OAC rule 5101:2-20-01 Provision of adult protective services.

The new rules were developed by ODJFS staff with the assistance of an APS rule workgroup comprised of state and county workers in the field of APS. The purpose of the rules is to standardize adult protective services (APS) practice across the state. The four new rules contain the following information: APS definitions; APS intake and investigative procedures; APS designated agency provisions; and APS case record provisions. The one rescinded and four new OAC rules will be effective March 17, 2003. Training on the new OAC rules will be provided to the county departments of job and family services staff prior to the effective date of the rules.

INSTRUCTIONS:
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<tr>
<td>Adult Services</td>
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</table>
The Ohio Department of Job and Family Services has revised Ohio Administrative Code (OAC) rules 5101:2-33-04, 5101:2-34-36, 5101:2-34-71, 5101:2-39-10 and 5101:2-39-51 as a result of the five year rule review process. OAC rule 5101:2-34-06 was also re-examined, however was not revised as a result of the review.

OAC 5101:2-33-04 entitled, PCSA grievance review hearing policies, was amended to add the word, "hearing," after the word, "review," in the title and throughout the rule.

OAC 5101:2-34-36 entitled, PCSA requirements for conducting out-of-home perpetrator investigations and alleged child victim assessments, was amended to make changes to the references made to other OAC rule cites.

OAC 5101:2-34-71 entitled, The child abuse and neglect memorandum of understanding, was amended to make changes to the department name, add the word, "child," before the word, "abuse" and correct misspellings.

OAC 5101:2-39-10 entitled, PCPA case plan for children in custody or under court-ordered protective supervision, was amended to make changes to the department name; change sentence wording for clarity and consistency; add case planning activities for cases of a deserted child; and add language regarding face-to-face contact requirements with parents and children for protective supervision cases and regarding face-to-face contact with parents for cases with children in custody.

OAC 5101:2-39-51 entitled, Joint planning and sharing of information among the PCSA and CDJFS, was amended to make changes to the department name; to revise sentences for clarity; and to add ORC sites for clarity.

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<td>FCASMTL No. 133</td>
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Family, Children and Adult Services Manual Transmittal Letter No. 131

December 23, 2002

TO: Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Revision to Ohio Administrative Code Rules 5101:2-57-02 and 5101:2-33-60

Pursuant to HB 473 of the 121st General Assembly, every five years state agencies are required to review each of their rules and determine whether to continue their rules without change, amend their rules, or rescind their rules. This letter transmits revisions to Ohio Administrative Code (OAC) rules 5101:2-57-02 and 5101:2-33-60 as a result of the five year rule review process.

OAC rule 5101:2-57-02, Child Protection Oversight and Evaluation, was amended to clarify the timeframes for conducting and issuing a report of the evaluation and review.

OAC rule 5101:2-33-60, Domestic Violence Training Requirements for CDJFS and PCSA Employees, was amended to change ODHS to ODJFS and CDHS to CDJFS.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td></td>
<td>FCASMTL No. 131</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Changes to the Adoption and Adoption Assistance Programs

This letter transmits several changes to Ohio Administrative Code rules necessitated as a result of the enactment of House Bills 332 and 448, federal policy and guidance regarding the Federal Adoption Assistance and Multiethnic Placement Act (as amended), the creation of the Department of Job and Family Services, and a new form numbering system. These rules will become effective November 12, 2002. Specific changes are reflected in the rules as follows:

OAC 5101:2-48-01, AdoptOHIO agency responsibility, This rule describes the roles and responsibilities of the agencies which participate in the AdoptOHIO program. The ODHS references were changed to ODJFS and new form numbers were added; references to foster homes were changed to comply with the requirements of HB 332.

OAC 5101:2-48-05, Agency adoption policy and agency recruitment plan, This rule identifies the information that must be contained in an agency's adoption policy and recruitment plan. Changes require agencies to include a description of all federal and state adoption assistance programs including eligibility and the application requirements. Additional specificity regarding agency recruitment efforts was added. The ODHS references were changed to ODJFS.

OAC 5101:2-48-09, Application process and pre service training, This rule sets forth the adoption application process and adoption pre service training requirements. The ODHS references were changed to ODJFS and references to foster homes were changed. Language was added to clarify that pre service training requirements are to include families that adopt internationally.

OAC 5101:2-48-10, Restrictions concerning provision of adoption services, This rule establishes the criminal offenses that prohibit an applicant from adopting. References to foster homes were changed to comply with the requirements of HB 332, rules for foster to adoption situations are sited and ODHS was changed to ODJFS.

OAC 5101:2-48-16, Adoptive placement procedures, This rule identifies the steps taken when placing a child into an adoptive home. Section (C), selection of the adoptive home was revised to provide more specificity as to the considerations an agency shall include while considering the best interest of the child. (H) requires notification to a PCSA when a child is placed across county lines. Family foster home references were changed to foster home. Other changes relate to the Department's name change and new form numbering system.

OAC 5101:2-47-43, Adoption assistance payment rate: payment rate for adoption assistance, This rule clarifies what factors are to be considered in the negotiation of the adoption assistance payment. This rule outlines the process to determine the payment rate for adoption assistance. A policy interpretation was made to eliminate the possible obligation of agency funds without the ability to claim reimbursement.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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FCASMTL 125 (5101:2-33-18 and 5101:2-39-07.3 Rescinded - Archive)

Family, Children and Adult Services Manual Transmittal Letter No. 125

June 24, 2002

TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director


Due to the fiscal accountability provisions of House Bill 448 that were enacted in rule by Family, Children and Adult Services Manual Transmittal Letter (FCASMTL) No. 110, OAC 5101:2-33-18 is no longer needed. FCASMTL No. 110 contained OAC rule 5101:2-47-23.1 which established the requirement that a Public Children Services Agency (PCSA) must maintain a system of contracts and contract monitoring when purchasing foster care from private providers. Also, FCASMTL No. 110 Appendix A contains a sample contract that the Ohio Department of Job and Family Services (ODJFS) has developed for counties to use or to adapt for use when purchasing foster care from private agencies.

OAC rule 5101:2-39-07.3 is being rescinded as the funding for the Kinship Care Family Preservation Supportive Services is no longer a separate budgetary line item. The requirements and implementation of this program are at the discretion of the local public children services agencies.

The effective date of both rule rescissions is August 1, 2002.

INSTRUCTIONS:
The chart on the following page depicts the materials to be removed from the Family, Children and Adult Services Manual (FCASM).

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TO: All Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Ohio Administrative Code Rule Changes Governing Adoption and Foster Care Agency Compliance with the Federal Multiethnic Placement Act (MEPA).

This letter transmits the following Ohio Administrative Code (OAC) rule changes relating to the implementation of the federal Multiethnic Placement Act (MEPA): 5101:2-42-181, "Foster Care Requirements Pursuant to the Multiethnic Placement Act;" and 5101:2-48-13, "Adoption Requirements Pursuant to the Multiethnic Placement Act." This issuance transmits the rules which clarify the federal requirements that both foster care and adoption agencies must follow when considering the use of race, color or national origin in the placement of a child. These rules will become effective May 1, 2002.

As MEPA affects both foster care and adoption, the department has created two forms and amended the ODJFS 01673, ODJFS Assessment for Child Placement. The Transracial/Transcultural Issues section has been deleted from the Assessment Summary Form Outline of the JFS 01673, "Ohio Department of Job and Family Services Assessment for Child Placement." The new JFS 01688, "Individualized Assessment Form," is to be completed by the child's custodial agency when race, color or national origin is used as a possible factor in making decisions regarding a child's placement for foster care or adoption. The department has also created the JFS 01689, "Documentation of the Placement Decision-Making Process," as a suggested means of documenting child specific needs and family characteristics to assist in the selection of a placement in the best interests of the child. The use of the JFS 01689 is optional at this time.

INSTRUCTIONS:

The chart on the following page depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas Hayes, Director
SUBJECT: Rescission of Ohio Administrative Code (OAC) Rule 5101:2-47-26.2

This letter transmits the rescission of Ohio Administrative Code (OAC) rule 5101:2-47-26.2. The department is rescinding the rule because the functional implementation of the rule necessitates a higher level of audit review than was intended. Rescission of rule 5101:2-47-26.2 of the OAC does not affect other audits or cost reports as required by other OAC rules.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM).

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</table>
March 14, 2002

TO: Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Rescission of Ohio Administrative Code (OAC) rule 5101:2-47-26.2

ODJFS is initiating the procedures to rescind rule 5101:2-47-26.2 of the Ohio Administrative Code (OAC). Effective immediately, rule 5101:2-47-26.2 of the OAC and the Title IV-E Audit Manual are suspended and not to be enforced. Suspension of rule 5101:2-47-26.2 of the OAC does not affect other audits or cost reports as required by other OAC rules.
This letter transmits a new application form, the JFS 01692, to be used for adoption of a foster child by a foster caregiver in cases where the child has resided with the caregiver for at least twelve months. If the child has not resided with the caregiver for at least twelve months this form should not be used. The form was inadvertently omitted from Family Children and Adult Services Manual Transmittal Letter 121 dated January 29, 2002. The new form was necessitated by changes to state law as a result of the enactment of Sub. H.B. 448.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Revisions to Adoption Rules as a Result of the Enactment of HB 448

This letter transmits one new and six amended Ohio Administrative Code (OAC) rules governing adoption services and one new form. The changes are generally the result of changes in law enacted by Sub. H.B. 448 by the 123rd General Assembly. The new rule, OAC 5101:2-48-11.1 creates new policy for the adoption of a foster child by a foster caregiver when the child has resided with the caregiver for at least twelve months. The new form, the JFS 01692, is an application form to be used in cases where the child has resided with a foster caregiver for at least twelve months. If the child has not resided with the caregiver for at least twelve months this form should not be used. There are several additional rules that need to be changed as a result of the enactment of Sub. H.B. 448 and these are expected to be filed in the near future and will be transmitted in another manual transmittal letter.

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</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Revisions to Ohio Administrative Code Chapter 5101:2-47 as a Result of New Federal Policy Interpretations

This letter transmits one new and ten amended Ohio Administrative Code rules governing Title IV-E foster care maintenance and adoption assistance. Many of these changes are the result of the recent policy announcement, ACYF-CB-PA-01-01 and ACYF-CB-IM-01-08, issued by U.S. Department of Health and Human Services Administration on Children, Youth and Families which provided comprehensive guidelines for states to use in determining a child's eligibility for Title IV-E foster care maintenance and adoption assistance programs. The changes will be effective on February 15, 2002.

**INSTRUCTIONS:**

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Family, Children and Adult Services Manual Transmittal Letter No. 119
January 29, 2002

TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: New and Revised Ohio Administrative Code Rules for the Interstate Compact on the Placement of Children

This letter transmits amendments, deletions and additions to Ohio Administrative Code (OAC) rules governing the Interstate Compact on the Placement of Children (ICPC).

A work group of public children services agency and staff of the Ohio Department of Job and Family Services convened by ODJFS during the summer of 2000, recommended streamlining the ICPC rules. As a result, several rules related to ICPC were substantially revised and five ICPC rules are being eliminated. The rule rescissions, changes and amendments are effective February 15, 2002.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Family, Children and Adult Services Manual Transmittal Letter No. 118
December 19, 2001

TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Revisions to Ohio Administrative Code Rules as a Result of the Five Year Rule Review

The Ohio Department of Job and Family Services has revised rules 5101:2-35-19 and 5101:2-39-30 of the Administrative Code (OAC) as a result of the five year rule review process. OAC Rule 5101:2-39-121 was reviewed, however was not revised as a result of the review.

Rule 5101:2-35-19 outlines the criteria used to expunge identifying information from the Central Registry. The process does not impact local agency databases. Rule 5101:2-39-30 outlines the procedures for protective supervision of PCSAs and PCPAs.

These rules will be effective January 1, 2002.

Brief explanations of the rule revisions appear below.

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<td>5101:2-35-19</td>
<td>Outlines the expunction procedures for reports with a case resolution and/or a case disposition.</td>
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<tr>
<td>5101:2-39-30</td>
<td>(A) Add any other person to those individuals the agency may request the court to impose reasonable restrictions.</td>
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<tr>
<td>5101:2-39-30</td>
<td>(B)(1) Change name of the risk assessment model to Family Decision Making Model.</td>
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INSTRUCTIONS:
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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas Hayes, Director
SUBJECT: Changes to the Administrative Code Due to the Enactment of House Bill 660 (Deserted Child).

This letter transmits changes to the Ohio Administrative Code due to the enactment of House Bill 660 (the Act). The enactment of this legislation created a "safe haven" from prosecution for the parents of a child who is less than 72 hours old and the child is delivered unharmed to a specified person. The act defines a deserted child as "a child whose parent has voluntarily delivered the child to an emergency medical service worker, peace officer, or hospital employee without expressing an intent to return for the child". Certain duties are imposed upon law enforcement agencies, hospitals, emergency medical service organizations, and public children services agencies regarding the care, custody, and treatment of the child. The courts, public children services agencies, or private child placing agencies are to treat the child in the same manner as a child adjudicated as a neglected child under the Ohio Juvenile Code. The Act sets forth specific provisions in the event the parent returns and wishes to be reunited with the child. The courts must require that person, at that person's expense, to submit to a DNA test if that person claims to be the parent and seeks to be reunited with the deserted child.

The Act requires the department to create a "Voluntary Medical Form" (under separate cover) that may be filled out by the parent delivering the child. In addition, the department must develop materials that can be given to the parent describing services available to assist parents and newborns. The Act further provides that no person may do any of the following with respect to a parent who voluntarily delivers a child under the act:

- Coerce or otherwise try to force the parent into revealing the identity of the child's parents;
- Pursue or follow the parent after the parent leaves the place at which the child was delivered;
- Coerce or otherwise try to force the parent not to desert the child;
- Coerce or otherwise try to force the parent to complete all or any part of the medical information forms provided to the parent by the person to whom the parent delivers the child;
- Coerce or otherwise try to force the parent to accept the materials that describe services available to assist parents and newborns from the person to whom the parent delivers the child.

The Act provides that, if the child has been abused, neglected, or delivered in a manner other than as specified in the Act the following apply:

- the parent does not have the right to remain anonymous and may be subject to arrest;
- the person who delivers the child may be forced to reveal the identity of the child's parents and may be pursued or followed;
- the person to whom the child is delivered must attempt to identify and pursue the person who delivered the child; and
- the person who delivers the child will not have civil or criminal immunity as provided by the Act.

Also included in this transmittal are changes to the Administrative Code regarding the face to face contacts with each parent, guardian or custodian and child listed on the JFS 01444 made by the PCSA and procedures for case closure. These changes are found in OAC rule 5101:2-39-081.

The expected effective date of the enclosed rules is December 1, 2001. A brief explanation of each of the rule revisions appears in the following table.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>A Brief Explanation of Proposed Changes</th>
</tr>
</thead>
</table>

The expected effective date of the enclosed rules is December 1, 2001. A brief explanation of each of the rule revisions appears in the following table.
<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-34-32</td>
<td>(A) Changes referral to report. (S) Directs the PCSA to follow procedures set forth in rule 5101:2-34-321 when the report involves a deserted child.</td>
</tr>
<tr>
<td>5101:2-34-32.1</td>
<td>(New) Outlines requirements for a deserted child investigation.</td>
</tr>
<tr>
<td>5101:2-39-05</td>
<td>(H) Adds the requirement that documentation shall be given to the court in the case of a deserted child. The PCSA or PCPA shall request the court to make a determination that reasonable efforts to return the deserted child to his/her parents is not required.</td>
</tr>
<tr>
<td>5101:2-39-08.1</td>
<td>(G) Specifies that the ODJFS 01444 shall be based on permanence for the deserted child. (P) Specifies that notification and participation of the child and parent are not required in the development of the ODJFS 01444 or any amendments in cases of a deserted child. Outlines requirements for face-to-face contact with each parent, guardian, or custodian, and child listed on the ODJFS 01444 for court-ordered protective supervision cases. Outlines requirements for face-to-face contact with each parent, guardian, or custodian and child listed on the ODJFS 01444 for cases with children in custody. Adds statement that all documentation of the face-to-face contacts to monitor progress on the case plan objectives shall be maintained in the child's case record. Outlines procedures for case closure.</td>
</tr>
<tr>
<td>5101:2-42-04</td>
<td>(C) Adds the requirement that a PCSA must accept the possession of a deserted child. The deserted child must be treated as any other child that enters into an agency's possession.</td>
</tr>
<tr>
<td>5101:2-42-43</td>
<td>(E)(4) Specifies that notification and participation of the child, parent, guardian or custodian not being required in cases of a deserted child. (E)(8) Specifies that a summarization of the PCSA's recommendation regarding termination of parental rights for the child who has been in the temporary custody of a PCSA for twelve of the past twenty-two months must be in writing.</td>
</tr>
<tr>
<td>5101:2-42-95</td>
<td>(A)(2) Adds the condition of a court determination of a deserted child to the list of reasons an agency may petition the court</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS**

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM:

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<tr>
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</thead>
<tbody>
<tr>
<td>SOCIAL SERVICES</td>
<td>5101:2-34-32</td>
<td>5101:2-34-32</td>
</tr>
<tr>
<td>Protective Services</td>
<td>5101:2-34-32, 5101:2-34-32.1</td>
<td>5101:2-34-32, 5101:2-34-32.1</td>
</tr>
<tr>
<td>Supportive Services</td>
<td>5101:2-39-05</td>
<td>5101:2-39-05</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>---------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Substitute Care</td>
<td>5101:2-42-04</td>
<td>5101:2-42-04</td>
</tr>
<tr>
<td>TRANSMITTAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transmittal</td>
<td>Transmittal Letter Index Starting with No. 116</td>
<td>Transmittal Letter Index Starting with No. 116</td>
</tr>
</tbody>
</table>
This letter transmits amendments and additions to Ohio Administrative Code rule, 5101:2-1-01, entitled "Children services definition of terms" in order to comply with the provisions of:

- Substitute House Bills 332 and 448
- House Bill 660
- Revisions to the Family Decision Making Model
- Implementation of dispositions
- Public Law 104-93, Section 431 requiring the definition of Qualified Alien
- Change in the department's name.

One of the major definition changes is the change in the terminology surrounding foster homes. Since 1986, the department has used the term "family foster home" as a generic term used in referring to all foster homes. Sub. HB. 332 changed the definition of a family foster home to just one of four types of foster homes (treatment foster home, medically fragile foster home, family foster home, and pre-adoptive infant foster home). Because of this, the department has changed most rule references from "family foster home" to "foster home." Other major definition changes are also the result of Sub. HB. 332 which provides for the creation of proposed new rules governing treatment and medically fragile foster care.

The revised definition rule will become effective October 15, 2001.

The affected definitions are listed in the following table.

<table>
<thead>
<tr>
<th>Topic</th>
<th>OAC Rule/Form Number</th>
<th>Brief Explanation of Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Definitions</td>
<td>5101:2-1-01</td>
<td>Definitions that are new or were revised are:</td>
</tr>
<tr>
<td></td>
<td>(Revised)</td>
<td>&quot;Administrative Director,&quot; or &quot;Administrator,&quot; &quot;Applicant,&quot; &quot;Assessor,&quot; &quot;At risk of institutionalization,&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>care for medically fragile children,&quot; &quot;Foster caregiver,&quot; &quot;Foster home,&quot; &quot;Hospital employee,&quot; &quot;Indian</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Person responsible for a child's care in out-of-home care,&quot; &quot;Person subject to a criminal records check,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Pre-adoptive infant foster home,&quot; &quot;Private child placing agency,&quot; &quot;Private noncustodial agency,&quot; &quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Professional treatment staff,&quot; &quot;Qualified alien,&quot; &quot;Recommending agency,&quot; &quot;Referral,&quot; &quot;Rehabilitative</td>
</tr>
<tr>
<td></td>
<td></td>
<td>services,&quot; &quot;Report,&quot; &quot;Report disposition,&quot; &quot;Respite care,&quot; &quot;Skilled level of care,&quot; &quot;Special needs child,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>&quot;Specialized foster home,&quot;</td>
</tr>
</tbody>
</table>

The affected definitions are listed in the following table.
**INSTRUCTIONS:**
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</tr>
<tr>
<td>Children Services</td>
<td>5101:2-1-01</td>
<td>5101:2-1-01</td>
</tr>
<tr>
<td>TRANSMITTALS</td>
<td></td>
<td>FCASMTL No. 116</td>
</tr>
<tr>
<td>Manual Transmittal Letters</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Family, Children, And Adult Services Manual Transmittal Letter No. 115

July 23, 2001

TO: All Family, Children and Adult Services Manual Holders
    County Department of Job and Family Services' Directors

FROM: Gregory L. Moody, Director

SUBJECT: Revision of the ODJFS Protective Services for Adults Quarterly Report (JFS 04287)

The Protective Services for Adults Quarterly Report (JFS 04287) originated in 1987 in the Office of Fiscal, Bureau of Financial Analysis and Reporting and was previously housed in the Administrative Procedure Manual. The disbandment of the Bureau of Financial Analysis and Reporting and the revisions made to the quarterly report (JFS 04287), prompted a review of the appropriate reference site for the quarterly report and its instructions. No fiscal reporting is associated with this quarterly report. Therefore, effective with this revision, the JFS 04287 will be housed in the Family, Children and Adult Services Procedure Manual.

The Protective Services for Adults Quarterly Report (JFS 04287) has been revised to be more concise and user friendly, and was reduced from four to two pages. The revised JFS 04287 has the capability of being submitted electronically via Quattro Pro software to the department. In addition to the JFS 04287, a two page Face Sheet was designed to assist Adult Protective Services (APS) workers during the course of their investigation, to collect data for the JFS 04287.

The purpose of the JFS 04287 is to collect information from the CDJFSs on reports of suspected abuse, neglect, or exploitation, the investigation and evaluation of such reports, and on the involvements of the courts in the investigation or provision of protective services. The data is compiled and analyzed at the end of the state fiscal year, and provides the CDJFSs, legislators and constituents with annual data on the types of APS cases that were received, evaluated, and the number of adults for whom services were provided. It also provides an indication of the statewide need for services and court intervention to protect adults who may be in need of protective services.

Instructions:

File the cover letter of this transmittal in the FCASMTL Section of the Family, Children and Adult Services Manual (FCASM). Insert the JFS 04287 form and instructions in the Forms Section of the FCASM behind form OMB No. 0970-0903(Refugee and Entrant Unaccompanied Minor Progress Report/Instructions).
TO: Family, Children and Adult Services Manual Holders
FROM: Jo Ann Davidson, Director

SUBJECT: REVISIONS TO OHIO ADMINISTRATIVE CODE RULES AS A RESULT OF THE CHILD ABUSE PREVENTION AND TREATMENT ACT (CAPTA)

The Child Abuse Prevention and Treatment Act (CAPTA) requires that States have in place an appeals process by which an individual who is officially found to have committed child abuse or neglect can appeal such a finding.

As a result of this act, the department is revising the existing Ohio Administrative Code (OAC) rule governing PCSA grievance review policies. The effective date of this rule is May 1, 2001.

A brief explanation of the rule revision appears below.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>Brief Explanation of Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-33-04</td>
<td>(B) Outlines changes to the contents of the grievance policy</td>
</tr>
<tr>
<td></td>
<td>(B)(2) Specifies the office or individual(s) involved in conducting the grievance review</td>
</tr>
<tr>
<td></td>
<td>(B)(2)(a) Specifies that the office or individual(s) cannot be directly involved in the assessment or investigation of the incident or the approval of the case disposition</td>
</tr>
<tr>
<td></td>
<td>(B)(2)(b) Specifies that the office or individual(s) must have the authority to overturn an original disposition</td>
</tr>
<tr>
<td></td>
<td>(B)(3) Establishes reasonable time frames for requesting a grievance policy</td>
</tr>
<tr>
<td></td>
<td>(B)(4) Specifies the method by which the PCSA will provide and communicate the grievance policies to individuals who are hearing or visually impaired or speak a language other than English</td>
</tr>
<tr>
<td></td>
<td>(C) Specifies that the notification of the right to appeal the case disposition and the method for filing an appeal shall be provided in writing to the alleged perpetrator at the time of the official notification of the case disposition</td>
</tr>
<tr>
<td></td>
<td>(D) Specifies that written copies of the grievance review policy be provided to an individual within three working days of the request being made</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>SOCIAL SERVICES</td>
<td>5101:2-33-04</td>
<td>5101:2-33-04</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Jo Ann Davidson, Director  
SUBJECT: Notice of Ohio Administrative Code Rule Changes Governing the Post Adoption Special Services Subsidy (PASSS) Program

This letter transmits Ohio Administrative Code rule 5101:2-44-071, replacing the rule currently in effect governing the Post Adoption Special Services Subsidy (PASSS) program. Please note that changes have been made to this rule as a result of H.B. 412, which allows payment of residential treatment services under the PASSS program. Funding may include maintenance costs as long as the costs are included as part of a residential treatment program. Residential services shall not include the cost of educational services. Requests for payment of services rendered for residential treatment on or after April 10, 2001 will be paid by the Ohio Department of Job and Family Services. This rule is being proposed for a July 1, 2001 effective date. If any changes are made between now and July 1, 2001 ODJFS will notify all public children services agencies.

Agencies are encouraged to utilize PASSS funds for those families whose child may be experiencing adoption related problems or problems that were pre-existing but not apparent at the time of the adoption.

Please refer any questions regarding this rule to the ODJFS Adoption and Kinship Section at (614) 466-9274.
TO: Family, Children and Adult Services Manual Holders  
FROM: Jo Ann Davidson, Director  
SUBJECT: Revisions to Ohio Administrative Code Rules as a Result of Changes to the Risk Assessment Model

The Ohio Department of Job and Family Services has revised several Ohio Administrative Code (OAC) rules due to changes in the risk assessment model, the recent change in the department's name and the five year rule review. These rules were also revised to incorporate the requirements of HB 448 which was signed into law by Governor Bob Taft and became effective on October 5, 2000. This law mandates the establishment of Child Fatality Review Boards and outlines the information to be provided to these boards by PCSAs. These rules will become effective April 1, 2001.

Please note that rule 5101:2-34-36 has been withdrawn and will be refiled at a later date.

A brief explanation of each of the rule revisions appears in the following table.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>Brief Explanation of Proposed Changes</th>
</tr>
</thead>
</table>
| 5101:2-34-32 (Revised) | (A) Changes the determination being made by the PCSA from degree of risk to the immediacy of need for response based on the information provided at the time the referral is made.  
(F) Specifies that both a case resolution and disposition are to be made pursuant to the provisions of this rule.  
(G)(2) Specifies that each child resident of the home must be interviewed and outlines the purpose for this. Also specifies the circumstances under which the PCSA may not be required to interview a child residing in the home and how that is to be documented.  
(I)(1) Changes the name of the risk assessment model.  
(L)(2) Specifies that the alleged perpetrator be notified in writing of the case disposition.  
(M) Specifies assessment procedure in situations of joint custody or shared parenting.  
(S) Specifies that both a case resolution and disposition are to be made by completing the structured decision making steps of the risk assessment matrix.  
(T) Specifies the situations where only a case disposition is required.  
(U) Specifies that both the case disposition and case resolution are to be entered into the Central Registry upon the completion of an investigation or assessment. |
| 5101:2-34-33 (Revised) | (A) Outlines the purpose of completing the risk assessment.  
(C) Changes the name of the risk assessment model.  
(E) Outlines the names of the factors and elements of the risk assessment matrix.  
(F) Specifies that both a case disposition and resolution are to be made after completing the risk assessment matrix. |
| 5101:2-34-34 (Revised) | (A) Outlines procedures for conducting an investigation of a report of out-of-home child abuse or neglect.  
(B) Adds word "case." |
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B)(9) becomes (C)</td>
<td>Changes the name of the risk assessment model (all other letters move forward one).</td>
</tr>
<tr>
<td>(D)</td>
<td>Adds pre-finalized adoptive home to the parties where a PCSA shall conduct a third party investigation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rule</th>
<th>Modification</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-34-35 (Revised)</td>
<td>Deletes (A)(1)-(3).</td>
</tr>
<tr>
<td>5101:2-34-37 (Revised)</td>
<td>Changes the name of the risk assessment model. (A) Specifies that a safety plan will be completed when it has been determined that there is imminent risk of harm to a child or to prevent future risk of harm to a child.</td>
</tr>
<tr>
<td>5101:2-34-38 (Revised)</td>
<td>(E)(1)(h) Specifies when information from the case record must be provided to a school administrator or designee. (E)(1)(l) Specifies when information from the case record must be provided to a Child Fatality Review Board. (E)(2)(h) Adds foster parents to the list of individuals or non-public agencies to whom the PCSA can release information (E)(3)(b) Adds language that information may be released when it is determined to be in the best interests of a child and necessary for the protection of a child in an out-of-home care setting.</td>
</tr>
<tr>
<td>5101:2-35-16 (Revised)</td>
<td>(A)(4) Change to assignment of emergency/nonemergency. (B) Specifies the information to be entered into FACSIS any time after the PCSA begins an assessment/investigation, but no later than 24 hours after they make a case resolution/disposition. (C) Specifies that information to be entered into FACSIS within 24 hours of the time the PCSA makes a resolution/disposition.</td>
</tr>
<tr>
<td>5101:2-35-20 (Rescinded)</td>
<td>Replaced by rule 5101:2-34-381.</td>
</tr>
<tr>
<td>5101:2-35-62 (Revised)</td>
<td>Replaces part of former rule 5101:2-35-63. (A) Adds county to statements (B)(2) Outlines procedures for the PCSA making a referral if no emergency exists. (B)(4)(c) Includes procedures when the address is unknown to PCSA. (B)(5) Specifies releasing confidential information to an out of state CSA. (C) Outlines ODJFS procedures to be followed when receiving an interstate referral from a CSA. (D) is deleted.</td>
</tr>
<tr>
<td>5101:2-35-63 (Rescinded)</td>
<td>Incorporated into rule 5101:2-35-62.</td>
</tr>
<tr>
<td>Rule Number</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------------</td>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>5101:2-35-67</td>
<td>(C) Specifies that ODJFS procedures for protective services alerts shall begin within three working days of receipt.</td>
</tr>
<tr>
<td>(Revised)</td>
<td>All references to assessment changed to assessment/investigation.</td>
</tr>
<tr>
<td></td>
<td>(E)(1) PCSA shall notify the parent, guardian, custodian of the referral that was received.</td>
</tr>
<tr>
<td></td>
<td>(I)(8) Requires a case disposition be made in addition to a case resolution.</td>
</tr>
<tr>
<td>5101:2-35-77</td>
<td></td>
</tr>
<tr>
<td>(Revised)</td>
<td>All references to ODHS have been changed to ODJFS.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>5101:2-39-02</td>
<td>(B) Specifies that both a case disposition and resolution are to be made for assessments and a disposition is to be made for investigations.</td>
</tr>
<tr>
<td>(Revised)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(D) Information to be documented in the case record including (6) both the case disposition and resolution, and (11) information released to a Child Fatality Review Board.</td>
</tr>
<tr>
<td>5101:2-39-07</td>
<td>(C)(1) Specifies that supportive services will be available during the safety planning process.</td>
</tr>
<tr>
<td>(Revised)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(E) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td></td>
<td>(N)(4) and (5) Combined to make one statement regarding reviewing and resolving complaints for service provision as well as appeals of case dispositions.</td>
</tr>
<tr>
<td>5101:2-39-08</td>
<td>(L) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>(Revised)</td>
<td>(M) Adds provision for closing a case by court order.</td>
</tr>
<tr>
<td>5101:2-39-081</td>
<td>(A) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>(Revised)</td>
<td>(I) Wording changes.</td>
</tr>
<tr>
<td></td>
<td>(P) Deleted (all letters move forward one)</td>
</tr>
<tr>
<td>5101:2-39-082</td>
<td>(H) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>(Revised)</td>
<td></td>
</tr>
<tr>
<td>5101:2-39-12</td>
<td>(A) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>(Revised)</td>
<td></td>
</tr>
<tr>
<td>5101:2-42-43</td>
<td>New (B) Outlines the purpose for conducting the semiannual administrative review (previously outlined in 5101:2-39-081)(all other letters move forward one).</td>
</tr>
<tr>
<td>(Revised)</td>
<td>(D) becomes (E) - Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td></td>
<td>(E)(6)(g) Reference to long term foster care is removed.</td>
</tr>
<tr>
<td></td>
<td>(E)(7) Specifies that a summarization of the PCSA's recommendation regarding termination of parental rights for the child who has been in the temporary custody of a PCSA for twelve of the past twenty-two months must be completed.</td>
</tr>
<tr>
<td>All Rules</td>
<td></td>
</tr>
<tr>
<td>(Revised)</td>
<td>All references to ODHS have been changed to ODJFS.</td>
</tr>
<tr>
<td></td>
<td>All references to CDHS have been changed to CDJFS.</td>
</tr>
<tr>
<td></td>
<td>All references to form numbers have been changed to the new ODJFS format, adding a '0'</td>
</tr>
</tbody>
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<tr>
<td>5101:2-1-01</td>
<td></td>
<td>5101:2-1-01</td>
</tr>
<tr>
<td>This rule is listed in error and is not being filed at this time.</td>
<td>This rule is listed in error and is not being filed at this time.</td>
<td></td>
</tr>
<tr>
<td>5101:2-34-32</td>
<td></td>
<td>5101:2-34-32</td>
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<tr>
<td>5101:2-34-33</td>
<td></td>
<td>5101:2-34-33</td>
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<td>5101:2-34-34</td>
<td></td>
<td>5101:2-34-34</td>
</tr>
<tr>
<td>5101:2-34-35</td>
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<td>5101:2-42-43</td>
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<td>5101:2-42-43</td>
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TO: Family, Children and Adult Services Manual Holders
FROM Jacqueline Romer-Sensky, Director
SUBJECT: Revisions to the Ohio Administrative Code as a Result of Section 1808 (MEPA/IEPA) Federal Policy Interpretations.

The Department of Health and Human Services, Administration for Children and Families issued a second Policy Guidance on the implementation of Multi-Ethnic Placement Act (MEPA/IEPA). This issuance transmits the rules which clarify the federal requirements for both foster care and adoption agencies and establishes protocol for agencies to follow when considering the use of race, color or national origin in the placement of a child. These rules will became effective September 1, 2000.

As MEPA/IEPA effects both foster care and adoption, the department has developed two new Ohio Administrative Code (OAC) rules governing the placement of children into foster and adoptive homes and has amended two additional rules and the ODJFS 1673, "Ohio Department of Job and Family Services Assessment for Child Placement." Agencies should begin using the new version of the homestudy immediately. A brief explanation of each of the rules appears below.

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>Brief Explanation of New Requirements</th>
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</table>
| 5101:2-48-13    | (A) States that the race, color or national origin of a child or perspective adoptive parent cannot be used to deny or delay placement decisions  
(C) Requires the completion of an Individualized Assessment whenever the race, color or national origin of the child is to be used in a placement decision  
(D) Lists actions that are prohibited under MEPA/IEPA  
(E) Lists actions that are permitted under MEPA/IEPA  
(F) Establishes a procedure to be followed upon completion of the Individualized Assessment; lists required documentation to be included in the child's case plan; lists who may conduct an Individualized Assessment and establishes an internal placement review consultant to be used in each agency when race, color or national origin si to be considered as a factor in placement decisions. |
| 5101:2-42-181   | (A) States that the race, color or national origin of a child or perspective adoptive parent cannot be used to deny or delay placement decisions  
(C) Requires the completion of an Individualized Assessment whenever the race, color or national origin of the child is to be used in a placement decision  
(D) Lists actions that are prohibited under MEPA/IEPA  
(E) Lists actions that are permitted under MEPA/IEPA  
(F) Establishes a procedure to be followed upon completion of the Individualized Assessment; lists required documentation to be included in the child's case plan; lists who may conduct an Individualized Assessment and establishes an internal placement review consultant to be used in each agency when race, color or national origin si to be considered as a factor in placement decisions. |
| 5101:2-5-33     | (B) Increases the number of hours from 12 to 24 for foster caregiver training during each certification period, and adds a required three hour cultural diversity segment to the initial orientation topics |
| 5101:2-48-05 | (E) Requires a statement of assurance that all recruitment activities and materials are in compliance with MEPA/IEPA. |
TO: Family, Children and Adult Services Manual Holders  
Child Support Enforcement Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Assignment, Collection and Distribution of Child Support (TITLE IV-D) for Title IV-E Foster Care Maintenance Recipients Update

The Child Support Enforcement Amendments of 1984 to the Social Security Act (P.L. 98-378) extended Title IV-D services to Title IV-E recipients. This law requires states to take the necessary steps, where appropriate, to secure an assignment of support rights to collect and distribute child support for a child on whose behalf Title IV-E foster care maintenance (FCM) payments are being made.

Title IV-E FCM recipients shall receive all services provided to any recipient of Title IV-D child support services including the establishment of paternity, the establishment of administrative and court orders of support and the enforcement of existing orders for support. If the public children services agency (PCSA) has permanent custody of a child, the child support enforcement agency's (CSEA) only service shall be the collection of any arrearage accrued before permanent custody was granted.

All PCSAs are required by Ohio Administrative Code rule 5101:2-47-08 to refer each case determined eligible for Title IV-E FCM to the local CSEA for assignment of child support rights. The attached ODHS 1435 "Referral of Title IV-E Foster Care Maintenance Recipient for Child Support Services" has been revised to include information that will enable the Child Support Enforcement Tracking System (SETS) to better provide child support services to children in the custody of the PCSA. The ODHS 1435 is to be used by the PCSA to inform the CSEA of a Title IV-E FCM eligible case or to update information on a current case. It is the responsibility of the PCSA to notify the CSEA of any changes in the status of children in receipt of Title IV-E FCM payments, which would include a change in custody type and the termination of the Title IV-E case. Any pertinent court orders available to the PCSA shall accompany the ODHS 1435 to the CSEA.

The CSEA will distribute child support collections in accordance with procedures designated in the Child Support Enforcement Manual (CSEM). CSEA collections representing current support for Title IV-E eligible children are distributed as repayment of the current Title IV-E payment. CSEA collections representing arrearages are distributed by the CSEA as repayment of past unreimbursed Title IV-E or Title IV-A payments. Current support in excess of the monthly foster care maintenance payment and arrearages in excess of unreimbursed assistance will be paid to the PCSA responsible for supervising the child's placement and care. The PCSA must use the excess in a manner determined to be in the best interest of the child. Uses may include setting aside the amount for the child's future needs or making all or part of the amount available for meeting the child's current day-to-day needs.
TO: All Family, Children and Adult Services Manual Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: Adoption Assistance: Reimbursement of Nonrecurring Adoption Expenses of a Special Needs Child

This transmits the amended Ohio Administrative Code (OAC) rule governing the reimbursement of nonrecurring adoption expenses for a special needs child. Ohio Administrative Code (OAC) rule 5101:2-47-44. This rule was inadvertently omitted during the printing of Manual Transmittal Letter 105. The rule is effective on July 1, 2000.
TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: New Ohio Administrative Code Rule for Children Services Licensing; Miscellaneous Amendments to Other Ohio Administrative Code Rules for Children Services Licensing and Title IV-E Foster Care Maintenance and Adoption Assistance; and Rescission of Four Rules.

The Ohio Revised Code Section 119 requires the Ohio Department of Human Services to review each of its administrative rules every five years. This section of law requires the review of all state agency rules within a five year period with at least one fifth of each department's rules being reviewed each year. As a result of a review of children services licensing rules, Title IV-E foster care maintenance and adoption assistance rules the department has amended several existing Ohio Administrative Code (OAC) rules.

In addition, two O.A.C. rules were combined to create one rule 5101:2-42-90 entitled "Information to be provided to caregivers, school district and juvenile court; information to be included in Individual Child Care agreement". By combining these two rules allowed the rescission of one rule and created the need to amend two other rules.

Three of the rules reviewed during this process will be refiled at a later date. The refileing of the three rules was the result of comments received during the promulgation process. This letter transmits the results of the five year review.
TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Ohio Administrative Code Rule Changes Governing the Post Adoption Special Services Subsidy (PASSS) Program

This letter transmits changes to the Ohio Administrative Code (OAC) rule 5101:2-44-071 relating to the Post Adoption Special Services Subsidy (PASSS) program. The new rule, which has been adopted under the emergency rule procedure, takes effect today, March 6, 2000. This rule replaces the existing rule. Please refer to FCASPL No. 66 for a summary of the rule change.
TO: Family, Children and Adult Services Manual Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: Notice of Ohio Administrative Code Rule Changes Governing the Post Adoption Special Services Subsidy (PASSS) Program

This letter transmits Ohio Administrative Code rule 5101:2-44-071, replacing the emergency rule currently in effect governing the Post Adoption Special Services Subsidy (PASSS) program. Please note that several changes have been made to this rule as a result of the comments that were received during the clearance process and at the public hearing held last month. This is a permanent rule change and will go into effect on June 5, 2000. All successful applications submitted on or after that date must comply with this rule.

The Ohio Department of Human Services wishes to remind county agencies that the Post Adoption Special Services (PASSS) program has been reopened. Counties are encouraged to utilize these funds for adoptive families whose child may be experiencing adoption related problems or problems that were pre-existing but not apparent at the time of the adoption. Please be assured that there are adequate funds remaining for the duration of this fiscal year and it is the hope of this Department that counties will avail themselves of these funds to assist adoptive families in need.

Families who were denied services while the program was closed earlier this year should be encouraged to resubmit their applications. In addition, families who have been denied PASSS funds because the service required is no longer covered under PASSS should be encouraged to seek funds from other available sources. One such source, particularly for children needing residential services, would be the State Intersystems Collaboration for Youth (State Cluster). These funds may be accessed through the county Family and Children First Council. Families requesting educational services should be encouraged to work with their local school district to receive the special educational services their child requires.

Please refer any questions regarding this rule to the Adoption and Kinship Section at (614) 466-9274.
TO: All Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Procedures for Intervening in Cases Involving Alleged Withholding of Appropriate Nutrition, Hydration, Medication or Medically Indicated Treatment from Disabled Infants with Life-Threatening Conditions.

This transmits the amended Ohio Administrative Code (OAC) rule governing cases involving alleged withholding of appropriate nutrition, hydration, medication or medically indicated treatment (hereinafter referred to as "alleged withholding") from a disabled infant with life threatening conditions as referenced in Ohio Administrative Code (OAC) rule 5101:2-35-77.

You will notice a change in the format of the rule included in this MTL. We are making the change in the rule format to comply with the Ohio Legislative Service Commission requirements. Additionally, this change will simplify the paperwork needed to file administrative code rules. Therefore, in the future all rules issued for inclusion in the Family, Children and Adult Services Manual will be in this format.
TO: Family, Children and Adult Services Manual Holders
FROM: Wayne W. Sholes, Director
SUBJECT: Ohio Administrative Code Rule Changes as a Result of the Adoption and Safe Families Act of 1997 and Substitute House Bill 484

This transmittal marks the 100th issuance of Family, Children and Adult Services Transmittal Letters (FCASMTL) and the nine year anniversary date of the Family, Children and Adult Services Manual (FCASM) in its current format. With the 100th issuance of FCASMTLs the reader will notice a significant change in the format of rules. We have deleted all text boxes found before the rule and the rule is presented in the format filed with the Joint Committee on Agency Rule Review. Please reference the enclosed Rule Format for further information on how to understand the new rule format. As rules are amended or adopted they will be issued using the new format.

In celebration of the ninth year of the manual your agency will soon be able to access the FCASM on CD along with other departmental manuals you have already been receiving. The rules and forms contained in this transmittal will not be on the CD Rom you will be receiving since the CD was already in its final form.

The 100th issuance also marks significant changes in Ohio Administrative Code (OAC) rules governing child welfare practice. OAC rules were amended or adopted in order to comply with the Adoption and Safe Families Act of 1997 (P.L. 105-89) and Substitute H.B. 484. Both pieces of legislation are guided by the following principles:

- Safety of children is the paramount concern that must guide all child welfare;
- Foster care is a temporary setting and not a place for children to grow up;
- Permanency planning efforts for children should begin as soon as a child enters foster care and should be expedited by the provision of services to families;
- The child welfare system must focus on results and accountability; and
- Innovative approaches are needed to achieve the goals of safety, permanency, and well-being.

The following chart depicts OAC rules which have been rescinded, amended, or adopted to incorporate the above mentioned principles. These rules and forms will take effect on March 18, 1999.

<table>
<thead>
<tr>
<th>RULE NUMBER</th>
<th>RULE CHANGES</th>
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| 5101:2-1-01 "Children Services Definition of Terms" | Added/Ammended following definitions:  
- Abandoned Child  
- Adjudicatory Hearing  
- Adoption Promotion and Support Services  
- Assessor  
- Case Plan  
- Chemical Dependency  
- Chemical Restraint  
- Court Appointed Special Advocate  
- Dispositional Hearing  
- Family Preservation Services |
<table>
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<tr>
<th>Rule Section</th>
<th>Changes</th>
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| 5101:2-39-02 "Case Records for Children Services" | -Corrected rule references/titles.  
-Corrected reference to assessment/investigation assignments.  
-Added non-reasonable efforts documentation.  
-Added preadoptive parents/relative providing care to the child/court appointed special advocate to listing of SAR participants.  
-Added documentation regarding OWF Self-Sufficiency contract.  
-Added requirement to take color photographs of children in temporary or permanent custody once a year.  
-Added reference to supplemental plan. |
| 5101:2-39-05 "Reasonable Efforts" | -New rule contains information on court's determination of reasonable efforts. |
| 5101:2-39-06 "Preplacement Prevention, Reunification Services and Life Skill Services" | -Added reference to the Prevention, Retention and Contingency Services.  
-Added safety/planned permanent living arrangement provisions of H.B. 484.  
-Added Pre-adoptive parents to the list of individuals for whom the PCSA may provide emergency services, kinship care family preservation services, and any other form of financial assistance. |
| 5101:2-39-07 "Supportive Services" | -Added requirement that PCSAs shall refer the parent, guardian, or custodian to an alcohol or drug addiction program for initial screening, assessment, treatment or testing when the risk assessment determines that a "child is at imminent risk of abuse or neglect because the parent, guardian, or custodian of the child has a chemical dependency problem or a chemical dependency problem was the
<table>
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<tr>
<th>Rule Number</th>
<th>Description</th>
<th>Changes</th>
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<tr>
<td>5101:2-39-081</td>
<td>PCSA Case Plan for Children in Custody or under Court-Ordered Protective Supervision</td>
<td>-Updated provisions for information required from service providers and time-frames for requesting information.</td>
</tr>
<tr>
<td>5101:2-39-10</td>
<td>PCPA Case Plan for Children in Custody or under Court-Ordered Protective Supervision</td>
<td>-Updated provisions for information required from service providers and time-frames for requesting information.</td>
</tr>
<tr>
<td>5101:2-39-40</td>
<td>Placing a Child or Arranging the Placement of a Child with a Suitable Relative or Suitable Nonrelative</td>
<td>-Rescinded and replaced by rule 5101:2-42-05.</td>
</tr>
<tr>
<td>5101:2-39-45</td>
<td>Selection of Substitute Care Placement Setting</td>
<td>-Rescinded and replaced by rule 5101:2-42-05.</td>
</tr>
<tr>
<td>5101:2-42-43</td>
<td>Requirement of Semiannual Administrative Review</td>
<td>-Added H.B. 484 requirements to provide notice and involve foster caregiver, preadoptive parent, and relative providing care for the child in SARs.</td>
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</table>
- Added reference to planned permanent living arrangement.
- Added supplemental plan provisions.

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<th>Rule Number</th>
<th>Description</th>
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<tr>
<td>5101:2-42-68</td>
<td>&quot;Necessity for Continued Substitute Care Placement: Court Reviews and Hearing Requirements&quot;</td>
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<td>- Added H.B. 484 and P.L. 105-89 requirements to request court to conduct a Permanency Hearing.</td>
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<td>- Added reference to planned permanent living arrangement.</td>
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<tr>
<td>5101:2-42-95</td>
<td>&quot;Obtaining Permanent Custody: Termination of Parental Rights&quot;</td>
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<td>- New rule contains requirements for termination of parental rights.</td>
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<td>- The agency must petition the court to terminate parental rights (TPR) and obtain permanent custody when a court has determined that the parent has been convicted of or pleaded guilty to certain prohibited crimes, or if the child has been in substitute care for 12 of the most recent 22 consecutive months.</td>
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<td>- The agency is not required to file when there are documented compelling reasons or services outlined in the case plan have not been provided.</td>
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<th>Rule Number</th>
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<tr>
<td>5101:2-42-96</td>
<td>&quot;Phase-in Obtaining Permanent Custody: Termination of Parental Rights&quot;</td>
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<td>- New rule contains timeframes for termination of parental rights as required by H.B. 484 and P.L. 105-89.</td>
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<td>- Priority should be given to those children whose case plan goal is adoption and those children who have been in substitute care for the longest period of time.</td>
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<tr>
<td>5101:2-44-051</td>
<td>&quot;Covered Families and Children Medicaid Eligibility for Special Needs Children who are Receiving a State Adoption Subsidy&quot;</td>
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<td>- Added expanded Medicaid eligibility for Mental Health services, P.L. 105-89 requirements.</td>
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<td>- ADC related Medicaid is now referred to as Covered Families and Children Medicaid.</td>
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<tr>
<td>5101:2-47-13</td>
<td>&quot;Foster Care Maintenance Program Eligibility: Legal Responsibility Requirements&quot;</td>
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<td></td>
<td>- Added reference to planned permanent living arrangement.</td>
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<td>- Included new rule reference.</td>
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<tr>
<td>5101:2-47-22</td>
<td>&quot;Foster Care Maintenance Program Reimbursability: Reasonable Efforts to Prevent Placement&quot;</td>
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<td>- Added reference to rule 5101:2-39-05.</td>
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<tr>
<td>5101:2-47-29</td>
<td>&quot;Adoption Assistance Program Eligibility: Eligibility Requirements&quot;</td>
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<td>- Added additional requirements governing adoption assistance.</td>
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<td>- Reformatted rule.</td>
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Revisions have also been made to the ODHS 1444 "Family Risk Assessment Model, Part II: Case Plan"; ODHS 1414 "Semiannual Administrative Review Summary"; and ODHS 1416 "Semiannual Administrative Review Summary" (For Private Child Placing Agency Use Only), to include safety, adoption, and permanent living arrangement provisions. Revisions were also made to ODHS 1449 to add mental health services.
TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Changes to Adoption Rules as a Result of the Multiethnic Placement Act and the Interethnic Placement Act

On January 7, 1999 the department issued Family, Children and Adult Services Manual Transmittal Letter (FCASMTL) No. 99. Rules contained in FCASMTL No. 99 were issued on an emergency basis to comply with the Multiethnic Placement Act (MEPA) and the Interethnic Placement Act (IEPA). As a result of a federal review of the rules and comments received at the public hearing the following adoption rules were amended:

Rule 5101:2-48-05 entitled "Agency adoption policy and agency recruitment plan".
Rule 5101:2-48-09 entitled "Application process and preservice training".
Rule 5101:2-48-11 entitled "Approval of a family foster home for adoptive placement".
Rule 5101:2-48-12 entitled "Completion of the homestudy report".
Rule 5101:2-48-15 entitled "Provision of information to adoptive family".
Rule 5101:2-48-16 entitled "Adoptive placement procedures".
Rule 5101:2-48-23 entitled "Preservation of adoptive child case record".
Rule 5101:2-48-24 entitled "Agency adoption review procedures".

The sections of the rules which are capitalized reflect new additions or changes to the rules.
TO: Family, Children and Adult Services Manual Holders  
FROM: Wayne W. Sholes, Director  
SUBJECT: CHANGES TO ADOPTION RULES AS A RESULT OF THE MULTIETHNIC PLACEMENT ACT AND THE INTERETHNIC PLACEMENT ACT

This letter transmits changes to Ohio Administrative Code (OAC) adoption rules as a result of the Multiethnic Placement Act (MEPA) and the Interethnic Placement Act (IEPA). Failure to comply with the requirements of MEPA and IEPA will result in a finding of noncompliance by the Department of Health and Human Services (HHS) and a potential loss of federal funding.

The following adoption rules are rescinded or amended in order to meet the requirements of MEPA and IEPA:

Rule 5101:2-48-13 entitled "Transracial/transcultural adoptive placement" is rescinded because the language in the rule is in violation of MEPA and IEPA.

Rule 5101:2-48-05 entitled "Agency adoption policy and agency recruitment plan" is amended in order to comply with new requirements for developing agency adoption policies and a recruitment plan.

Rule 5101:2-48-08 entitled "Adoption inquiry" is amended in order to clarify information that shall be provided to an individual requesting adoption information.

Rule 5101:2-48-09 entitled "Application process and preservice training" is amended in order to clarify training requirements for prospective adoptive families.

Rule 5101:2-48-10 entitled "Restrictions concerning provision of adoption services" is amended in order to comply with changes made in section 2151.86 of the Revised Code regarding procedures for conducting a criminal records check on prospective applicants and establishing standards for rehabilitation.

Rule 5101:2-48-11 entitled "Approval of a family foster home for adoptive placement" is amended in order to clarify procedures for approval of a foster home for adoptive placement.

Rule 5101:2-48-12 entitled "Completion of the homestudy report" is being amended because the language in the rule is in violation of MEPA and IEPA.

Rule 5101:2-48-15 entitled "Provision of information to adoptive family" is amended because the language in the rule is in violation of MEPA and IEPA.

Rule 5101:2-48-16 entitled "Adoptive placement procedures" is amended in order to clarify adoption placement procedures.

Rule 5101:2-48-22 entitled "Adoptive family case record" is amended in order to clarify the information that shall be contained in an adoptive family case record.

Rule 5101:2-48-23 entitled "Preservation of adoptive child case record" is amended in order to clarify the information that must be contained in an adoptive child's case record.

Rule 5101:2-48-24 entitled "Agency adoption review procedures" is being proposed for amendment in order to clarify the procedures for agencies to follow when adoptive applicants request an agency review of their case.

Due to a printing error, the Children's Trust Fund Overview and Rule Index was omitted from FCASMTL No. 98. This transmittal is issuing that Overview and Rule Index.
TO: Family, Children and Adult Services Manual Holders
FROM: Wayne W. Sholes, Director
SUBJECT: Ohio Administrative Code Rules Governing the Children's Trust Fund

As part of the five year rule review process, all Children's Trust Fund rules (rules 5101:5-1-01 through 5101:5-1-27) contained in Chapter 5101:5-1 of the Ohio Administrative Code (OAC) were rescinded and replaced by rules 5101:5-1-01 through 5101:5-1-09. The rules have been simplified to reflect a community approach to planning and evaluation for the Children's Trust Fund operations. The following is a brief synopsis of each rule:

Rule 5101:5-1-01 entitled, "Children's trust fund definitions" contains the definitions of terms used in Chapter 5101:5-1 of the OAC.

Rule 5101:5-1-03 entitled "Program priorities, application, reporting and funding requirements" defines the program priorities of the Children's Trust Fund and limitations to grant funding.

Rule 5101:5-1-05 entitled, "Local advisory board organization and responsibilities" defines the duties and organizational directives for the local advisory boards within counties.

Rule 5101:5-1-07 entitled, "Grant appeal procedures" stipulates the procedures for grantees to use when appealing certain decisions made by the Children's Trust Fund Board.

Rule 5101:5-1-09 entitled, "Termination of grants" contains procedures for the termination and reduction of grants made to local service providers by the Children's Trust Fund Board.

The above mentioned rules will be effective on December 15, 1998.
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold Tompkins, Director
SUBJECT: Protective Services Incentive Funding

This letter transmits Ohio Administrative Code (OAC) rule 5101:2-33-09 entitled "Protective Services Incentive Funding." House Bill 215 included language that permits public children services agencies (PCSAs) to utilize Protective Services Incentive Funding for practice and management activities that are consistent with identified children services priorities. OAC rule 5101:2-33-09 indicates that this funding must be used to promote innovative practice standards and efficiencies in service delivery. Attachment A outlines different options in child welfare which incentive funds can support.

A PCSA must assure county compliance with the following requirement in order to be eligible for funding:

Listing of all children awaiting an adoptive home with the Ohio Adoption Photo Listing (OAPL) and AdoptOHIO Photo Listing Web Page. The requirement and procedures for registering children is outlined in OAC rule 5101:2-48-07 (Attachment B). The percentage of children that each agency currently has registered with OAPL compared with the total number of children who should be listed in OAPL pursuant to OAC rule 5101:2-48-07 is listed in Attachment C.

The Ohio Department of Human Services (ODHS) will use the State Child Protective Allocation (SCPA) formula to allocate funds to a PCSA that is in compliance with the above requirement. All PCSAs that have met the above requirement by August 1, 1998, are eligible for the incentive funds. If the PCSA is not eligible for receipt of Protective Services Incentive Funds by August 1, the second date an agency can obtain eligibility for receipt of funds is November 1, 1998. Any PCSA not in compliance by November 1, 1998, will not be eligible for incentive funds for the balance of the fiscal year. Incentive funds, if authorized by the legislature in the future, may be distributed in a different manner or be based on other priorities.

Protective Services Incentive Funding Application and Reporting Procedures

All PCSAs that have met the above requirement shall complete the ODHS 3325 "Protective Services Incentive Funding Request" form (see Attachment D). For the first advance of funds (August 1, 1998), the completed form must be postmarked and mailed by July 24, 1998, to the attention of Ron Browder, Chief, Bureau of Child and Adult Protection for review and approval at the following address:

Bureau of Child and Adult Protection
Office of Prevention, Protection and Self-Sufficiency
Ohio Department of Human Services
65 East State Street, 5th Floor
Columbus, Ohio 43266-0423

Agencies who have established compliance for the second advance of funds (November 1, 1998), shall submit the ODHS 3325 "Protective Services Incentive Funding Request" form (Attachment D) to Ron Browder for review and approval at the aforementioned address by October 23, 1998. A PCSA which has submitted the ODHS 3325 by July 24, 1998 and which has been approved for funding is not required to submit another request for funding on the ODHS 3325.

Agencies shall submit a progress report in January 1999 and a final report in June 1999. The requirements for reporting will be provided in a future mailing.

If you have questions regarding this funding or the form, please contact Ron Browder at (614) 728-6983. Additional fiscal instructions will be included in a forthcoming Administrative Procedure Manual Transmittal Letter.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Family and Children Services Information System (FACSIS) Reporting Requirements

In order to clarify the requirements of data submission through the FACSIS system, new rule 5101:2-33-05 of the Ohio Administrative Code has been promulgated. This rule outlines the requirements for entry of child welfare data into the automated information system. Increased reliance on timely and complete data for reporting and other information needs has necessitated this clarification.
Family, Children and Adult Services Manual Transmittal Letter No. 93A

September 25, 1998

TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Revision to ODHS 1821 Form Entitled "Final Title XX Services Plan"

This letter transmits revised ODHS 1821 "Title XX County Profile" which replaces ODHS 1821 "Final Title XX Services Plan." Instructions are also included for completion of the ODHS 1821. The revisions are a result of the new Title XX rules (FCASMTL No. 93) that went into effect on August 1, 1998. House Bill 408 (H.B. 408) initiated major changes to the Social Services Block Grant. The Administrative Code rules that govern the Title XX program had to be revised to be in compliance with H.B. 408. The ODHS 1821 reflects changes set forth in the new rules.
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Ohio Administrative Code Rule Changes Governing the Social Services Block Grant (TITLE XX) Program

This letter transmits changes to Ohio Administrative Code (OAC) rules relating to the Title XX program. Substitute House Bill 408 (H.B. 408) initiated significant changes to the Social Services Block Grant (Title XX) program, Ohio Revised Code (ORC) section 5101.46 governs the Title XX program. With the passage of H.B. 408, ORC sections 5101.461 through 5101.464 were also repealed. However, some legislation that was captured in these repealed sections is now incorporated in ORC section 5101.46.

As a result of the recent changes to ORC, the Title XX administrative code rules were revised to assure compliance. With the adoption of these rules, county departments of human services (CDHS) are encouraged to utilize greater flexibility in the administration of their Title XX Program. Although these rescinded rules are no longer required by the Ohio Department of Human Services, the CDHS may wish to retain the rescinded rules to guide the development of internal operating procedures.
TO: Family, Children and Adult Services Manual Holders

FROM: Arnold Tompkins, Director

SUBJECT: Ohio Administrative Code Rule 5101:2-33-03 "Waiver OF Family Risk Assessment Model"

Ohio Administrative Code (OAC) rule 5101:2-33-03 "Waiver of family risk assessment model" was filed on an emergency basis and was issued under Family, Children and Adult Services Manual (FCASM) Transmittal Letter No. 85 on February 10, 1998. All emergency rules are effective for a period of ninety (90) days. During the 90-day time period, the Ohio Department of Human Services (ODHS) is responsible for conducting a public hearing on the rules. On February 23, 1998 a public hearing was held on OAC rule 5101:2-33-03. At the hearing, the department received testimony from numerous parties opposing the granting of a waiver to allow public children services agencies (PCSA) to discontinue using the risk assessment model throughout the life of the case. As a result of testimony received the department has reversed its policy and all PCSAs will be required to comply with all provisions contained in OAC rules governing use of the Risk Assessment Model.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Reissuance of Children Services Adoption Rule 5101:2-48-08 "Adoption Inquiry"

Ohio Administrative Code rule 5101:2-48-08 "Adoption Inquiry" is being reissued. The previous issuance of this rule, transmitted with Family, Children and Adult Services Manual Transmittal Letter No. 89, had a typographical error.
TO:       Family, Children and Adult Services Manual Holders
FROM:    Arnold Tompkins, Director
SUBJECT: Amendments to Ohio Administrative Code Rules Governing Children Services Definitions, Adoption, and Interstate Compact on the Placement of Children

As a result of comments received at the public hearing, the department has amended the Ohio Administrative Code (OAC) rule governing children services definitions, certain adoption rules, and a rule governing the interstate compact on the placement of children.

OAC rule 5101:2-1-01 "Children services definition of terms" has been revised to delete the terms: administrative costs, certified child caring agency, institution, placement for substitute care, and referral agency. The following terms were amended: adoptive family serving agency, adoption child serving agency, approved adoptive home, certificate, foster care maintenance, public children services agency, recommending agency, temporary certificate, and therapeutic counseling.

The following adoption rules have been revised to correct and clarify terms, language, and cross references to other rules; the content of some rules has been realphabetized for content flow and clarity:

5101:2-48-01"AdoptOhio agency responsibilities"
5101:2-48-02"Putative father registry"
5101:2-48-04"AdoptOhio agency agreements"
5101:2-48-05"Agency adoption policy and agency recruitment plan"
5101:2-48-07"Listing and withdrawing children and families with the 'Ohio Adoption Photo Listing' (OAPL) and the AdoptOhio Photo Listing web page"
5101:2-48-08"Adoption inquiry"
5101:2-48-09"Application process and preservice training"
5101:2048-12 "Completion of the homestudy report"
5101:2-48-14"Preparation of child for adoptive placement"
5101:2-48-16"Adoptive placement procedures"
5101:2-48-18"Postfinalization services"
5101:2-48-19"Release of adoptive homestudy and related information"
5101:2-48-22"Adoptive family case record"
5101:2-42-20"General requirements applicable to interstate placements of children into or from Ohio" has been revised to correct references to other OAC cites.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold Tompkins, Director
SUBJECT: Reissuance of Children Services Licensing Rule 5101:2-9-12 "Service Plans"

Ohio Administrative Code rule 5101:2-9-12 "Service Plans" is being reissued. The previous issuance of this rule, transmitted with Family, Children and Adult Services Manual Transmittal Letter No. 88, did not contain the second page of the rule.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Changes to Children's Services Licensing Rules

This letter transmits rules 5101:2-5-09, 5101:2-5-13, 5101:2-5-18, 5101:2-5-19, 5101:2-9-12, and 5101:2-9-35 of the Ohio Administrative Code (OAC).

Rule 5101:2-5-09 "Personnel and prohibited convictions for employment" was amended in order to delete the word "job" in the paragraph (A) of the rule. There has been some concerns expressed that when "job descriptions" was used, there was an implication that foster caregivers may be viewed as an employee of the agency.

Rule 5101:2-5-13 "Required agency policies" was amended to require agencies which are certified to operate residential facilities to develop and implement a behavior intervention policy which includes a description of the facility's behavior management program and specifies components that must be included in the policy.

Rules 5101:2-5-18 "Waivers" and 5101:2-5-19 "Variances" were amended to allow agencies to request waivers and variances on the administrative requirements of Chapter 5101:2-5 of the Administrative Code and to clarify procedures for submitting such requests.

Rule 5101:2-9-12 "Service Plans" was amended to require that service plans must include a behavior intervention plan that shall identify the behavioral management techniques to be used for children in placement in children's residential centers, group homes, or residential parenting facilities.

Rule 5101:2-9-35 "Additional programmatic requirements regarding behavior management" was adopted to require additional programmatic requirements regarding behavior management of delinquent children who are placed in residential facilities certified by the department.

The above mentioned rules will be effective on May 1, 1998.
April 6, 1998

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Revision of Ohio Administrative Code Chapter 5101:2-47 (Title IV-E)

The Ohio Department of Human Services has completed a review of Chapter 5101:2-47 of the Ohio Administrative Code. This chapter contains provisions of the Title IV-E foster care maintenance and adoption assistance programs. As a result of the review and recommendations made from a work group comprised of participants from public children services agencies the entire Chapter was revised. All previous Title IV-E foster care maintenance and adoption assistance rules contained in Chapter 5101:2-47 of the Administrative Code have been rescinded and replaced with new rules, which will be effective on May 1, 1998.

For enhanced usability, the Chapter has been divided into the following major categories:

Administrative Overview
Administrative Procedures
Foster Care Program Eligibility
Foster Care Maintenance Program Reimbursability
Foster Care Maintenance Program Rate Setting
Adoption Assistance Eligibility Procedures
Adoption Assistance Program Eligibility
Adoption Assistance Payment Eligibility
Adoption Assistance Payment Rate

Title IV-E eligibility requirements for foster care maintenance and adoption assistance are now linked to the ADC-relatedness eligibility guidelines which were in effect on July 16, 1996. Additionally, effective October 1, 1997, an eligible child could continue to receive Title IV-E Adoption Assistance if the adoption disrupts or if the adoptive parent(s) die.

<table>
<thead>
<tr>
<th>RULE NUMBER</th>
<th>CONTENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-47-01</td>
<td>This rule outlines the responsibilities of the Title IV-E agency in administration of the Title IV-E program.</td>
</tr>
<tr>
<td>5101:2-47-02</td>
<td>This rule outlines the responsibilities of the Title IV-E agency in administration of the Title IV-E foster care maintenance program.</td>
</tr>
<tr>
<td>5101:2-47-03</td>
<td>This rule outlines the responsibilities of the Title IV-E agency in administration of the Title IV-E adoption assistance program.</td>
</tr>
<tr>
<td>5101:2-47-04</td>
<td>This rule contains procedures for intercounty and interstate case management for foster care maintenance and adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-05</td>
<td>This rule contains procedure to follow when providing Title XIX medical coverage to Title IV-E foster care maintenance recipients who move or are placed out-of-state by the Title IV-E agency.</td>
</tr>
<tr>
<td>5101:2-47-06</td>
<td>This rule contains procedures for Title XIX eligibility for an adoption assistance eligible child</td>
</tr>
</tbody>
</table>
and Title XIX procedures to follow when a child moves out-of-state or enters the state.

<table>
<thead>
<tr>
<th>Rule Number</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-47-07</td>
<td>This rule outlines procedures to follow regarding provision of a notice of the right to a state hearing for foster care maintenance and adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-08</td>
<td>This rule contains procedures for the Title IV-E agency to follow when initiating referrals to the county child support enforcement agency, the county department of human services, the Social Security Administration, and HealthChek.</td>
</tr>
<tr>
<td>5101:2-47-09</td>
<td>This rule contains the requirements for the foster care maintenance case record.</td>
</tr>
<tr>
<td>5101:2-47-10</td>
<td>This rule contains the requirements for the adoption assistance case record.</td>
</tr>
<tr>
<td>5101:2-47-11</td>
<td>This rule describes reimbursement for foster care maintenance costs for children's residential centers, group homes, maternity homes, residential parenting facilities, and purchased family foster care facilities.</td>
</tr>
<tr>
<td>5101:2-47-12</td>
<td>This rule outlines procedures for determining foster care maintenance program eligibility.</td>
</tr>
<tr>
<td>5101:2-47-13</td>
<td>This rule outlines the legal responsibilities of the Title IV-E agency under the Title IV-E foster care maintenance program.</td>
</tr>
<tr>
<td>5101:2-47-14</td>
<td>This rule outlines the requirements governing ADC-relatedness under the Title IV-E program.</td>
</tr>
<tr>
<td>5101:2-47-15</td>
<td>This rule outlines procedures for Title IV-E foster care and adoption assistance reimbursability, authorization for foster care maintenance, adoption assistance, and auxiliary payments.</td>
</tr>
<tr>
<td>5101:2-47-16</td>
<td>This rule outlines the requirements that must be met in order to determine foster care maintenance for reimbursable placement facilities.</td>
</tr>
<tr>
<td>5101:2-47-17</td>
<td>This rule outlines the requirements for Title IV-E foster care maintenance payments and employment-related day care payments for public family foster homes, relative homes, and prefinalized adoptive homes.</td>
</tr>
<tr>
<td>5101:2-47-18</td>
<td>This rule outlines procedures for Title IV-E foster care maintenance payments related to the difficulty of care needs of a child placed in a family foster home, relative home, or prefinalized adoptive home.</td>
</tr>
<tr>
<td>5101:2-47-19</td>
<td>This rule outlines procedures for receiving clothing and graduation expenses for children in the Title IV-E foster care maintenance program.</td>
</tr>
<tr>
<td>5101:2-47-20</td>
<td>This rule contains procedures for issuing a supplemental payment to the Title IV-E foster care maintenance payment.</td>
</tr>
<tr>
<td>5101:2-47-21</td>
<td>This rule outlines procedures to follow when determining and redetermining program reimbursability under the Title IV-E foster care maintenance program.</td>
</tr>
<tr>
<td>5101:2-47-22</td>
<td>This rule contains requirements for a juvenile court of competent jurisdiction to certify that reasonable efforts have been made to prevent placement.</td>
</tr>
<tr>
<td>5101:2-47-23</td>
<td>This rule outlines when the beginning date of foster care maintenance payments can begin after all criteria have been met.</td>
</tr>
<tr>
<td>5101:2-47-24</td>
<td>This rule outlines Title IV-E payments for children's residential centers, group homes, maternity homes, residential parenting facilities or purchased family foster care facilities.</td>
</tr>
<tr>
<td>Rule Number</td>
<td>Description</td>
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</tr>
<tr>
<td>5101:2-47-25</td>
<td>This rule provides information on costs which are allowable when completing the ODHS 2909 &quot;Residential Child Care facility Cost Report&quot; and the ODHS 2910 &quot;Purchased Family Foster Care Cost Report.&quot;</td>
</tr>
<tr>
<td>5101:2-47-26</td>
<td>This rule provides information on costs which are unallowable when completing the ODHS 2909 &quot;Residential Child Care Facility Cost Report&quot; and the ODHS 2910 &quot;Purchased Family Foster Care Cost Report.&quot;</td>
</tr>
<tr>
<td>5101:2-47-27</td>
<td>This rule outlines procedures for out-of-state children’s residential centers, group homes, maternity homes, or residential parenting facilities to follow when requesting payment through the Title IV-E foster care maintenance program.</td>
</tr>
<tr>
<td>5101:2-47-28</td>
<td>This rule outlines procedures that an agency must use to receive Title IV-E adoption assistance funding.</td>
</tr>
<tr>
<td>5101:2-47-29</td>
<td>This rule outlines eligibility requirements for the Title IV-E adoption assistance program.</td>
</tr>
<tr>
<td>5101:2-47-30</td>
<td>This rule outlines criteria to be met for a special needs child to receive Title IV-E adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-31</td>
<td>This rule outlines requirements a child must meet in order to be eligible for Title IV-E adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-32</td>
<td>This rule outlines the requirements leading to the removal of a child from the home.</td>
</tr>
<tr>
<td>5101:2-47-33</td>
<td>This rule outlines the age requirements of a child to be eligible for Title IV-E adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-34</td>
<td>This rule outlines procedures for continuing eligibility for Title IV-E adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-35</td>
<td>This rule contains procedures for determining eligibility for adoption assistance after adoption finalization.</td>
</tr>
<tr>
<td>5101:2-47-36</td>
<td>This rule stipulates procedures to follow when entering into an adoption assistance agreement.</td>
</tr>
<tr>
<td>5101:2-47-37</td>
<td>This rule outlines procedures for completing an adoption assistance agreement with no payment option.</td>
</tr>
<tr>
<td>5101:2-47-38</td>
<td>This rule contains procedures to follow when modifying or amending an adoption assistance agreement.</td>
</tr>
<tr>
<td>5101:2-47-39</td>
<td>This rule outlines procedures for the provision of retroactive adoption assistance payments after a final decree of adoption is granted.</td>
</tr>
<tr>
<td>5101:2-47-40</td>
<td>This rule contains information on when adoption assistance payments can begin.</td>
</tr>
<tr>
<td>5101:2-47-41</td>
<td>This rule outlines circumstances that would result in the termination of an adoption assistance agreement.</td>
</tr>
<tr>
<td>5101:2-47-42</td>
<td>This rule outlines factors that must be considered in determining the amount of the adoption assistance payment and how payments may be adjusted.</td>
</tr>
<tr>
<td>5101:2-47-43</td>
<td>This rule outlines the criteria that must be followed when determining the payment rate for adoption assistance.</td>
</tr>
<tr>
<td>5101:2-47-44</td>
<td>This rule outlines procedures for public children services agencies to follow when adoptive families claim reimbursement for nonrecurring adoption expenses.</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Manual Transmittal Letter No. 83
January 30, 1998

TO: Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Ohio Administrative Code Rules Governing Adult Protective Services

In accordance with Substitute House Bill 473 the Ohio Department of Human Services has reviewed the adult protective services rules contained in Chapter 5101:2-20 of the Ohio Administrative Code (OAC). Based upon comments received during the clearance review process and recent statutory changes made in Title XX, the enclosed OAC rule 5101:2-20-01 has incorporated all existing rules contained in the aforementioned Chapter into one rule and has also updated terms to be consistent with new terms defined in Amended Substitute House Bill 274.

As a result of these changes the following OAC rules have been rescinded.

- OAC rule 5101:2-20-02
- OAC rule 5101:2-20-03
- OAC rule 5101:2-20-04

The above mentioned changes will be effective on **February 17, 1998.**
TO: Family, Children and Adult Services Manual Holders  
FROM: Arnold Tompkins, Director  
SUBJECT: Children Services Emergency Rules Revisions

The following Ohio Administrative Code rules, which were emergency filed and became effective on October 1, 1997, have been revised as a result of comments received during the clearance process. The enclosed rules will be effective on December 30, 1997.

Rule 5101:2-33-04 "PCSA Grievance review policies" was revised in order to: include other participants who are entitled to a grievance review; limit appeals of the PCSA case resolution/disposition to alleged perpetrators; and indicate a requirement that the PCSA needs to update Central Registry information if the case resolution/disposition was changed as a result of a grievance review.

Rule 5101:2-33-07 "Delegation of responsibilities and contracting for the performance of specified agency duties" has been revised in order to clarify that when a PCSA contracts with a provider the PCSA must ensure the contractor has the required state licensing credentials.

Rule 5101:2-34-32 "PCSA requirements for assessments and investigations" was revised in order to further clarify PCSA responsibilities regarding child abuse/neglect reports which involve domestic violence shelters and homeless shelters.

Rule 5101:2-34-38 "Confidentiality and dissemination of information relating to child abuse and neglect" was revised in order to add a provision for sharing agency information with another PCSA.

Rule 5101:2-34-71 "The child abuse and neglect memorandum of understanding" was revised in order to require PCSAs to include information on sharing investigation reports in its memorandum of understanding.

Rule 5101:2-39-12 "Removal of a child from his own home" has been revised to include both emergency and nonemergency removal procedures.

Rule 5101:2-39-51 "Joint planning and sharing of information among the PCSA and CDHS" and rule 5101:2-42-70 "Provision of services to unmarried minor parents" were revised in order to reference correct terminology used in H.B. 408.
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Ohio Administrative Code Rule Changes Governing Substitute Care and Children Services Licensing

This letter transmits the following Ohio Administrative Code (OAC) rule changes relating to substitute care and children services licensing. OAC rule 5101:2-39-45 "Selection of substitute care placement setting" is being amended as a result of Am. Sub. H.B. 215, which added section 2151.55 of the Ohio Revised Code (ORC), regarding placement of children in foster homes outside the county of their residence. New requirements include prior notification of the child's intended placement by the public children services agency (PCSA) or private child placing agency (PCPA) to: the intended foster caregiver; the juvenile court of the county in which the foster home is located; and, if the child will attend the school of the district in which the foster home is located, to the school district's board of education. The Supreme Court is required, pursuant to ORC section 2151.55, to adopt rules governing procedures that address the placement of a child in a foster home in a county other than the county in which the child resided at the time of being removed from the home. Prior to implementing Paragraph (D) of OAC rule 5101:2-39-45 it is recommended the PCSA consult with their legal counsel (Refer to attached ORC section 2151.55).

OAC rule 5101:2-42-65 "Agency visits and contacts" was inadvertently omitted from Family, Children and Adult Services Manual Transmittal Letter No. 73 (September 16, 1997). This transmittal contains the aforementioned rule.

OAC rule 5101:2-5-20 "Application for an initial family foster home certificate" is being amended to permit private child placing agencies to act as a representative of the Ohio Department of Human Services in recommending family foster homes. This was an omission when the department revised the rule in September, 1996.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Ohio Administrative Code Rules Governing the Administration, Planning, Contracting and Evaluation of Children Services

Amended Substitute House Bill 215 (H.B. 215) amended sections 5101.14 and 5153.16 of the Ohio Revised Code (ORC) and renamed line item GRF 400-527 as "State Child Protective Allocation (SCPA)" (formerly State Child Welfare Subsidy). The following changes were made in ORC section 5101.14 and 5153.16:

- Expanded the use of the SCPA for:
  - the costs of the care of a child who resides with a caretaker relative, other than the child's parent, and is in the legal custody of a public children services agency (PCSA) pursuant to a voluntary agreement entered into under division (A) of section 5103.15 of the ORC or in the legal custody of a PCSA or the caretaker relative pursuant to an allegation or adjudication of abuse, neglect, or dependency [ORC 5101.14 (B)(1)].
  - other services a PCSA considers necessary to protect children from abuse, neglect, or dependency [ORC 5101.14 (B)(1)].

- Eliminated the requirement for preparation and approval of a County Children Services Plan [5101.14(D)].

- Eliminated the annual evaluation of services provided by the PCSA [5153.16(B)(16)].

As a result of these changes the following OAC rules have been rescinded:

- 5101:2-33-04 "County children services plan"
- 5101:2-33-06 "Annul report and evaluation of children services"
- 5101:2-33-061 "Report and evaluation of children services"
- 5101:2-33-08 "Administration of services under state child welfare subsidy"
- 5101:2-33-09 "State Child Welfare Subsidy caseload reduction"
- 5101:2-44-15 "Short-term out-of-home care"
- 5101:2-44-17 "Adoption services"

All instructions for claiming and reimbursement under the SCPA will be issued in the Administrative Procedure Manual (APM).

OAC rule 5101:2-5-33 "Foster caregiver orientation and training" has been amended to reflect the rescission of OAC rule 5101:2-33-04 and to clarify other training requirements. Public children services agencies (PCSAs) will now be required to submit their annual foster caregiver orientation and training plan to the Ohio Department of Human Services (ODHS) on the same schedule as private child placing agencies (PCPA's) and private non custodial agencies (PNAs), which is October 15th of each year for the next calendar year.

Due to the short notification period given, the PCSA will have until December 1, 1997 to submit an addendum to this year's plan to add the new orientation topic.

OAC rule 5101:2-33-04 "PCSA grievance review policies" has been adopted to ensure that grievance review procedures exist to resolve complaints from parents, custodians, legal guardians, foster parents, adoptive parents and children concerning the provision of services and the results of an investigation of child abuse/neglect.

H.B. 215 allows a PCSA to contract with a county department of human services or other agencies and community service providers to assist the PCSA in performing its assigned duties outlined in ORC section 5153.16. ORC section 5153.16 prohibits the PCSA from entering into contracts to perform its investigation

Please note that the text continues with similar updates and detailed information regarding the changes in the Ohio Administrative Code.
duties outlined in ORC sections 2151.421 and 2151.422. Due to the inclusion of this language, OAC rule 5101:2-42-05 "Delegation of Responsibility" is being rescinded and replaced with OAC rule 5101:2-33-07 "Delegation of responsibilities and contracting for the performance of specified agency duties".
Family, Children and Adult Services Manual Transmittal Letter No. 75A

January 8, 1998

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Thompkins, Director

SUBJECT: Revised ODHS 1451 "Title IV-E Adoption Assistance Application/Determination of Continuing Eligibility"

The ODHS 1451 "Title IV-E Adoption Assistance Application/Determination of Continuing Eligibility", issued October 7, 1997 has been revised to correct some errors and to provide more space for identifying information on the form.
Family, Children and Adult Services Manual Transmittal Letter No. 72
August 20, 1997

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: OAC Rules Governing Training Requirements for PCSA Caseworkers and Supervisors

This letter transmits Ohio Administrative Code (OAC) rules 5101:2-33-55 "Training Requirements for PCSA Caseworkers" and 5101:2-33-56 "Training Requirements for PCSA Supervisors." These rules were adopted in order to comply with the provisions of Substitute House Bill 274, which enacted Ohio Revised Code section 5153.122, mandating both in-service training requirements and ongoing annual training requirements for PCSA caseworkers and supervisors.

Former OAC rules 5101:2-33-55 "Training requirements for newly hired public children services agency (PCSA) caseworkers," 5101:2-33-56 "Ongoing training requirements for public children services agency (PCSA) caseworkers who have completed one year of continuous employment," and 5101:2-33-58 "Maintenance of public children services agency (PCSA) training records for caseworker" were rescinded.

Also included in this transmittal are the following forms:

- ODHS 1825, "Public Children Services Agency Training Record for Caseworkers."
- Instructions for ODHS 1825.
- ODHS 1826, "Public Children Services Agency Training Record for Supervisors."
- Instructions for ODHS 1826.

The above-listed forms are required forms that PCSAs must use to be in compliance with the rules. These forms are to be county reproduced.

Training requirements outlined in OAC rules 5101:2-33-55 and 5101:2-33-56 should be fulfilled by attending the ODHS state funded regional training centers listed on the attached pages.

Regional Training Centers

Athens County Children Services Board
Southeast Ohio RTC
P.O. Box 1046
Athens, Ohio 45701
614-592-3061
Fax: 614-593-3880

 Counties served: Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, Ross, Scioto, Vinton and Washington.

Cuyahoga County Department of Children and Family Services
3955 Euclid Avenue
Cleveland, Ohio 44115
216-431-4500
Fax: 216-432-3516

 County served: Cuyahoga

Franklin County Children Services Board
Central Ohio RTC
1919 Frank Road  
Columbus, Ohio 43223  
614-278-5909  
Fax: 614-278-5992  

Counties served: Crawford, Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, Marion, Morrow, Pickaway, Richland and Union.

Greene County Children Services Board  
Western Ohio RTC  
601 Ledbetter Road  
Xenia, Ohio 45385  
937-376-7531  
Fax: 937-374-2900  

Counties served: Allen, Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, Miami, Montgomery, Preble and Shelby.

Guernsey County Children Services Board  
East Central Ohio RTC  
P.O. Box 1467  
Cambridge, Ohio 43725  
614-432-2355  
Fax: 614-439-2683  

Counties served: Belmont, Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, Muskingum, Noble and Tuscarawas.

Hamilton County Department of Human Services  
Southwest Ohio RTC  
222 Central Parkway  
Cincinnati, Ohio 45202-1274  
513-946-2161  
Fax: 513-946-2380  


Lucas County Children Services Board  
Northwest Ohio RTC  
705 Adams Street  
Toledo, Ohio 43624  
419-327-3506  
Fax: 419-327-3294  


Summit County Children Services Board  
Northeast Ohio RTC  
264 Arlington Road
Counties served: Ashland, Ashtabula, Columbiana, Geauga, Holmes, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull and Wayne
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Emergency Services Assistance Replaces Family and Children Emergency Services (FACES) Program

TANF FACES is no longer directly available to public children services agencies (PCSAs). As a result, the department has abolished the Family and Children Emergency Services (FACES) program authorized by Ohio Administrative Code (OAC) rule 5101:2-39-072 and has replaced it with a more flexible Emergency Services Assistance program authorized under OAC rule 5101:2-39-06. The Emergency Services Assistance program will be effective July 1, 1997.

PCSAs, pursuant to OAC rule 5101:2-39-06, will now be able to provide Emergency Services to a child and his parent, guardian, custodian, relative or kin in order to:

- Prevent child abuse and neglect;
- Prevent or eliminate the need for removal of the child from his home;
- Prevent placement of a child away from his kinship care family; or
- Return a child to his parent, guardian or custodian.

There are no longer any requirements for completion of an application for services, a specified menu of services to select from or a time limit for provision of emergency services.

Administrative Procedure Manual Section 6520. contains information on claiming procedures for Emergency Services Assistance.
Family, Children and Adult Services Manual Transmittal Letter No. 64

April 9, 1997

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Revised ODHS 1659 "Title IV-E Auxiliary Payment Authorization" Form and Revised Instructions for Correcting Errors on the ODHS 1659 Error Report (FBI030)

This letter transmits revisions to the ODHS 1659 "Title IV-E Auxiliary Payment Authorization" form. New benefit type "K - employment-related day care" has been added to allow public children services agencies (PCSAs) to claim reimbursement for employment-related day care for foster parents of Title IV-E eligible children (refer to Family, Children and Adult Services Manual Transmittal Letter No. 48 and Administrative Procedure Manual Section 6506). Employment-related day care services for Title IV-E eligible children in foster care, relative care or prefinalized adoptive homes may be provided without regard to the income of the foster parent(s).

Since funding became available for this population, reports indicate that PCSAs haven't been claiming reimbursement for employment-related day care. The Ohio Department of Human Services would like to encourage PCSAs to take advantage of this available funding by claiming employment-related day care costs against this new Benefit Type. Retroactive claiming for payment of day care services affected by this policy is available for the two-year Title IV-E FCM retro claiming period.

Reimbursement Procedures:

<table>
<thead>
<tr>
<th>Column</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Benefit Type</td>
</tr>
<tr>
<td>2</td>
<td>Transaction Code</td>
</tr>
<tr>
<td>3</td>
<td>Effective Dates</td>
</tr>
<tr>
<td>4</td>
<td>Amount</td>
</tr>
</tbody>
</table>

There are no new ODHS 1659 error messages associated with the employment-related day care benefit.

New error messages have been added to the ODHS 1659 Error Report (FBI030) as a result of the policy change allowing the costs of care for the child of a Title IV-E foster care maintenance (FCM) recipient parent, who resides with his/her parent in a family foster home or residential parenting facility, to be included as a supplemental payment to the Title IV-E FCM payments made on behalf of the parent.

The ODHS 1659 NCR forms may be ordered from the Information Management Section, 2098 Integrity Drive North, Columbus, Ohio 43209, (614) 728-7300. Any questions regarding the information and instructions included in this transmittal should be directed to the Office of Family and Children Services, Placement Section, (614) 466-5392.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Domestic Violence Training Requirement Law

The Ohio Department of Human Services (ODHS) is required by statute to promulgate, through the Ohio Administrative Code (OAC), the training requirements for county department of human services (CDHS) and public children services agency (PCSA) employees regarding domestic violence. To fulfill this mandate, ODHS is issuing OAC rule 5101:2-33-60 which sets forth the number of training hours and the training content, and also identifies those CDHS and PCSA employees be must be trained.
TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Kinship Care Family Preservation Supportive Services

This letter transmits rule 5101:2-39-073 of the Administrative Code entitled "Kinship Care Family Preservation Supportive Services". This rule is designed to implement the provisions contained in Section 60 of Amended Substitute House Bill 117.
TO: Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Children Services Licensing Forms

This letter transmits revisions to Children Services Licensing forms. These forms were revised as a result of changes made in Ohio Administrative Code rules issued in Family, Children and Adult Services Manual Transmittal Letter No. 57.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Correction to FCASMTL #55

This letter transmits the Staff Development and Training Overview and Rule Index. The Overview and Rule Index was inadvertently omitted from Family, Children and Adult Services Manual Transmittal Letter No. 55.
FCASMTL 50 (Revisions to FCASMTL 46 - Archive)

Family, Children and Adult Services Manual Transmittal No. 50

February 15, 1996

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold Tompkins, Director

SUBJECT: Revisions to FCASMTL NO. 46 Reissuance of the Family, Children and Adult Services Manual

Family, Children and Adult Services Manual Transmittal Letter (FCASMTL) No. 46 contained the reissuance of the FCASM. Included with this transmittal you will find the tab dividers for the FCASM and corrections to FCASMTL No. 46. NO POLICY CHANGES ARE INCLUDED IN THIS ISSUANCE. The Subject Index continues to be under development and will be issued in a future FCASMTL when it is completed.

Any questions regarding the information or instructions in this letter should be directed to your district social services coordinator or children services licensing specialist.
Family, Children and Adult Services Manual Transmittal No. 46
September 15, 1995
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Reissuance of the Family, Children and Adult Services Manual

Due to the numerous issuances of Family, Children and Adult Services Manual Transmittal Letters and Procedures Letters, the department is reissuing the Family, Children and Adult Services Manual (FCASM) in its entirety. The enclosed manual reflects the current version of all manual sections and forms. **NO POLICY CHANGES ARE INCLUDED IN THIS ISSUANCE.** Tab dividers and the Subject Index will be forwarded under separate cover.

The manual format remains similar to the former version. The Roman numeral chapter designations have been removed; however, it is still divided into chapters and sections. Two additional chapters, Licensing and State Hearings have been added. One section, Family Foster Home Recruitment, has been removed. Several sections have been renamed and new sections were added. The new Licensing chapter has three sections titled Agency, Family Foster Home and Children’s Residential Centers. The Bureau of State Hearings will be responsible for maintaining the State Hearings chapter which will be self-contained. That chapter will contain the Ohio Administrative Code (OAC) for State Hearings relating to Family, Children and Adult Services Programs, the OAC index and the related State Hearing forms. State Hearings will not be referenced in the Rules or Subject Indexes or in the Forms Section of the FCASM.

In the Definitions chapter, sections for Adult Services and Licensing have been added. In the Management and Administration Chapter, the section previously titled Prevention Services has been renamed Children’s Trust Fund. In the Social Services Chapter, the section previously titled Social Services to Family and Children has been renamed Supportive Services; the section previously titled Social Services to Family, Children and Adult (Title XX) has been renamed Title XX; and the section previously titled Unaccompanied Refugee Minor Program has been renamed Refugee Services. New sections were added for Indian Child Welfare and Interstate/Intrastate.

An index of all Family, Children and Adult Services Manual Transmittal Letters (FCASMTL) and their previous cover letters are located in the section labeled FCASMTL. The Procedure Letter Section contains an index of all previously issued Family, Children and Adult Services Procedure Letters (FCASPL) as well as copies of all currently effective FCASPLs. All rules currently effective that were previously transmitted via FCASPLs in OAC format are now contained in the appropriate section of the manual. The Procedure Letter index will list those affected Procedure Letters as obsolete.

In July 1994, the Office of Fiscal Services implemented the ODHS 2820 Children Services Monthly Financial Statement for reporting revenues and disbursements. Although some of the OACs included in this transmittal still contain references to previously existing financial reporting requirements, no forms that were obsoleted by the ODHS 2820 are included in this transmittal and all forms contained in the Administrative Procedure Manual are removed from this issuance. The Administrative Procedure Manual contains all current instructions for fiscal reporting.

This issuance does not contain the following OAC’s which expired or were rescinded.

- OAC 5101:2-32-03 Title XX Purchase of Training Definition of Terms (rescinded 8/15/91).
- OAC 5101:2-33-061 Report and Evaluation of Children Services (expired 6/1/94)
- OAC 5101:2-39-81 Phase in for Children Served by a PCPA (expired 1/1/90)
- OAC 5101:2-47-43 Permanent Custody and Adoptive Placement (rescinded 5/94)

This issuance does contain two rules that were not previously issued in OAC manual format; however, information about them was contained in Procedure Letters 30 and 30A.
- OAC 5101:2-47-57 Children in Receipt of SSI.

All Social Services Instruction Memorandum (SSIMs) not previously obsoleted are now obsolete. With this issuance, the department will cease using SSIMs.

Any questions regarding the information or instructions in this letter should be directed to your district social services coordinator or licensing specialist.
TO: ALL FAMILY, CHILDREN AND ADULT SERVICES MANUAL HOLDERS
FROM: Arnold R. Tompkins, Director
SUBJECT: Correction of FCASM Transmittal Letter No. 41 Regarding Protective Service Alerts

This letter formally transmits the correct effective date of rule 5101:2-35-67 "PROTECTIVE SERVICE ALERTS." FCASM transmittal letter number 41 included a copy of this rule which effective date was inaccurate in the box outlining rule history. The content of this rule has not changed from transmittal letter number 41.
TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Cooperation with Other Organizations to Coordinate Service Delivery to Children and Families

This letter and attached Ohio Administrative Code (OAC) rule 51012-39-50 are to inform you of changes in the procedures and requirements regarding the Ohio Family and Children First Cabinet Council, local clusters for services to youth, and county family and children first councils.

Passage of Amended Substitute H.B. No. 152 created the Ohio Family and Children First Cabinet Council, which has assumed the mission of the Interdepartmental Cluster for Services to Youth. The Cabinet Council may advise and assess local governments on the coordination of service delivery to children and families, as well as develop programs and projects to encourage state and local coordination that improves the state's social service delivery system. The Cabinet Council is also continuing its review and funding of service and treatment plans for children with multiple needs referred by county clusters or councils.

Counties may continue their cluster, or a county may establish a family and children first council. Counties may elect to retain their cluster as a separate entity, and also establish a council. Both clusters and councils are to coordinate services and resources to effectively serve families and children in their county. Clusters and/or councils may develop programs and projects to improve the local social service delivery system, and pool funds and/or develop other financing strategies to maximize the use of state, federal and local resources for services to families and children. Local clusters and/or councils are also to review cases of children and families with multiple needs referred to the cluster and/or council, and may refer cases to the Cabinet Council for assistance in treatment planning.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: ODHS 1443 "Child's Education and Health Information Form"

This letter formally transmits the revised ODHS 1443 "Child's Education and Health Information" form. The revised ODHS 1443 "Child's Education and Health Information" form more closely follows federal requirements received from the U.S. Department of Health and Human Services, Children's Bureau regarding documenting and updating the education and health information for children in substitute care.

Ohio needs to be found in compliance with the federal requirements to retain current levels of federal funding. The current rules state that the ODHS 1443 form must be completed for each child residing in a substitute care setting on or after October 1, 1991.

As a reminder, the ODHS 1443 "Child's Education and Health Information" form should be completed for each child in agency custody at the following times: Original placement in substitute care; any placement change (substantive or non-substantive); each semi-annual review; and any time the education or health information required on the ODHS 1443 form changes. The completed ODHS 1443 "Child's Education and Health Information" form must be attached to the case plan document.

Any questions regarding the information or instructions included in this letter should be directed to your district office social services coordinator.
TO: Family, Children and Adult Services Manual Holders
FROM: Terry A. Wallace, Director
SUBJECT: Family, Children and Adult Services Manual (FCASM) Forms Update

This update to the FCASM transmits revised issuances of ODHS forms 1420, 1431, 1432, 1439, 2902 and 2910.

The updating of these forms is necessary to reflect the transitioning of certain fiscal responsibilities to the Office of Fiscal Services.
FAMILY SIZE | 200% OF FEDERAL POVERTY GUIDELINES
--- | ---
2 | $32,920
3 | $41,560
4 | $50,200
5 | $58,840
6 | $67,480
7 | $76,120
8 | $84,760
For each additional person add | $8,640

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 317</td>
<td>FCASPL No. 329</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: State Fiscal Year (SFY) 2019 SAMS Maximum Monthly Funding Level

The Ohio Department of Job and Family Services (ODJFS) is issuing this procedure letter to identify the maximum monthly funding level for the State Adoption Maintenance Subsidy (SAMS) program.

The maximum funding level for SFY 2019 for the State Adoption Maintenance Subsidy (SAMS) remains unchanged at $250 per month per adoptive child. Pursuant to Ohio Administrative Code rules 5101:2-44-06 "Eligibility for the state adoption maintenance subsidy program" and 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy," if a public children services agency (PCSA) negotiates a payment in excess of the maximum SAMS payment as identified in this procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 324</td>
<td>FCASPL No. 328</td>
</tr>
</tbody>
</table>
FCASPL 326 (Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program)

Family, Children and Adult Services Procedure Letter No. 326

February 6, 2018

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04, the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2018 Federal Poverty Guidelines (published in the Federal Register, Vol. 83, No. 12, January 18, 2018, pp. 2642-2644) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>300% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$49,380</td>
</tr>
<tr>
<td>3</td>
<td>$62,340</td>
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<tr>
<td>4</td>
<td>$75,300</td>
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<tr>
<td>5</td>
<td>$88,260</td>
</tr>
<tr>
<td>6</td>
<td>$101,220</td>
</tr>
<tr>
<td>7</td>
<td>$114,180</td>
</tr>
<tr>
<td>8</td>
<td>$127,140</td>
</tr>
</tbody>
</table>

For each additional person add $12,960

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 315</td>
<td>FCASPL No. 326</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Ceilings Revisions

With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2017.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings**

(0-18 years)

Minimum - $10.00  
Maximum - $200.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings**

Special Needs - $200.00  
Exceptional Needs - $200.00  
Intensive Needs - $200.00  
Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**

Clothing - $3,000.00 (annual)  
Personal Incidentals - $3,000.00 (annual)  
Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2017, due to the provisions of the Budget Control Act of 2011, any increase is not reimbursable through the SACWIS system until October 1, 2017.

Ohio’s Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2018 (October 1, 2017, through September 30, 2018) is 62.78%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentage noted above.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBsolete</th>
<th>INSERT/REPLACEMENT</th>
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</thead>
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<tr>
<td>PROCEDURES</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedure Letters</td>
<td><strong>FCASPL No. 312</strong></td>
<td>FCASPL No. 321</td>
</tr>
</tbody>
</table>
Attachment: 2017 FCM Survey
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: State Fiscal Year 2018 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2018, eligible kinship caregivers will receive an initial payment amount of $525 per child and subsequent payments at six-month intervals of $300.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
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<tr>
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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 308</td>
<td>FCASPL No. 319</td>
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</tbody>
</table>
With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2016.

### Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings

(0-18 years)

- Minimum - $10.00
- Maximum - $200.00

### Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings

- Special Needs - $200.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $300.00

### Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses

- Clothing - $3,000.00 (annual)
- Personal Incidentals - $3,000.00 (annual)
- Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2016, due to the provisions of the Budget Control Act of 2011, any increase is not reimbursable through the SACWIS system until October 1, 2016.

Ohio’s Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2017 (October 1, 2016, through September 30, 2017) is 62.32%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

### INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>FCASPL No. 312</td>
</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedure Letter No. 311
September 12, 2016

TO: Family, Children and Adult Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to division (B) of section 5153.163 of the Revised Code and paragraph (C) (1) of rule 5101:2-44-06 of the Administrative Code, the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2016. The schedule represents 120% of Ohio’s estimated median income (published on the Administration for Children and Families’ website) http://www.acf.hhs.gov/ocs/resource/liheap-im-2016-03-state-median-income-estimates-for-optional-use-in-ffy-2016-and-mandatory-use-in-ffy-2017) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$63,783</td>
</tr>
<tr>
<td>3</td>
<td>$78,791</td>
</tr>
<tr>
<td>4</td>
<td>$93,799</td>
</tr>
<tr>
<td>5</td>
<td>$108,807</td>
</tr>
<tr>
<td>6</td>
<td>$123,815</td>
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<td>7</td>
<td>$126,629</td>
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<tr>
<td>8</td>
<td>$129,443</td>
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<tr>
<td>9</td>
<td>$132,257</td>
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<td>10</td>
<td>$135,071</td>
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<td>11</td>
<td>$137,885</td>
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<td>12</td>
<td>$140,699</td>
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<td>13</td>
<td>$143,513</td>
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<td>14</td>
<td>$146,327</td>
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<td>15</td>
<td>$149,141</td>
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</tbody>
</table>

INSTRUCTIONS:

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</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTER</td>
<td>FCASPL NO. 292</td>
<td>FCASPL NO. 311</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Entering ICPC Data in SACWIS

This letter provides guidance to Public Children Services Agencies (PCSAs) regarding entering data for cases involving the Interstate Compact on the Placement of Children (ICPC) in the Statewide Automated Child Welfare Information System (SACWIS.) In order to maintain compliance with Administrative Code (OAC) rules 5101:2-33-23, 5101:2-33-70, and 5101:2-52-04, and provide accurate data for federal reporting, all available information for cases involving ICPC must be entered into SACWIS.

When there is an existing case for which the PCSA has sent an ICPC request to another state, an ICPC record must be created on the existing case. When a PCSA receives an ICPC request from another state, the PCSA is responsible for creating an ICPC case and then creating the ICPC record on that case, or linking an intake to an already existing ICPC case and creating a new ICPC record on that case. The PCSA is responsible for completing every field on the ICPC record for which information is available.

The data that must be entered includes entering the date the home study narrative was sent to the requesting state in the appropriate date field on the ICPC record and entering the date of final approval or denial. These date fields can be found on the “Request Info” tab of the ICPC record. This information is necessary to show compliance with PL 109-239, which requires the narrative portion of the home study be sent to the requesting state within 60 days.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSELETE</th>
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</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 309</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: State Fiscal Year 2017 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2017, eligible kinship caregivers will receive an initial payment amount of $525 per child and subsequent payments at six-month intervals of $300.

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<tr>
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<td><strong>FCASPL No. 287</strong></td>
<td>FCASPL No. 308</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to division (C) of Ohio Revised Code section 5153.163 and paragraph (M) of Ohio Administrative Code rule 5101:2-44-13.1 the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2016. The schedule represents 200% of the 2016 Federal Poverty Guidelines (published in the Federal Register, Vol. 81, No. 15, January 25, 2016, pp. 4036-4037) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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<tbody>
<tr>
<td>2</td>
<td>$32,040</td>
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<tr>
<td>3</td>
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<td>$73,460</td>
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<tr>
<td>8</td>
<td>$81,780</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$8,280</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:  
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 284</td>
<td>FCASPL No. 304</td>
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</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04, the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2016 Federal Poverty Guidelines (published in the Federal Register, Vol. 81, No. 15, January 25, 2016, pp. 4036-4037) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>300% OF FEDERAL POVERTY GUIDELINES</th>
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<tr>
<td>2</td>
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<td>$122,670</td>
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 300</td>
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</tbody>
</table>
To: Family, Children and Adult Manual Holders  
From: Cynthia C. Dungey, Director  
Subject: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101-2-44-06 (C)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2015. The schedule represents 120% of Ohio’s estimated median income (published in the Federal Register, Volume 80, Number 111, June 10, 2015, pp. 32958-32959) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
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<td>15</td>
<td>$146,678</td>
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</table>

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<tr>
<td>PROCEDURE LETTER</td>
<td>FCASPL NO. 269</td>
<td>FCASPL 292</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedure Letter No. 287

August 5, 2015

TO: All Family, Children, and Adult Services Manual Holders

FROM: Cynthia C. Dungey, Director

SUBJECT: State Fiscal Year 2016 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2016, eligible kinship caregivers will receive an initial payment amount of $525 per child and subsequent payments at six-month intervals of $300.

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<td>FCASPL No. 287</td>
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</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2015. The schedule represents 200% of the 2015 Federal Poverty Guidelines (published in the Federal Register, Vol. 80, No. 14, January 22, 2015, pp. 3236-3237) rounded to the nearest dollar and adjusted for family size.

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<td>FCASPL No. 284</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Revisions to existing foster care and adoption forms

This letter transmits revisions to thirteen forms that are used during the foster care and adoption homestudy process. The homestudy rules are being rescinded and issued as new in an effort to align the foster care and adoption homestudy processes. The following forms are being revised to assist in this process, and will be effective when the corresponding rules are effective. The following is a brief explanation of revisions to each of the forms:

- The JFS 01318, "SACWIS Private Agency Provider Request" was revised to add a third applicant in those situations where there are more than two foster caregivers on a license, and to include a request for the authentication/transaction control number (TCN) from the bureau of criminal identification and investigation (BCII) for rapback purposes. Formatting changes were also made for clarity.

- The JFS 01318I, "Instructions for Completing the JFS 01318, SACWIS Private Agency Provider Request" was revised to reflect the changes to the JFS 01318 and the requirements throughout Chapters 5101:2-5 and 5101:2-48. The instructions were also reformatted for clarity and ease of the reader.

- The JFS 01331, "Notice of Expiration and Reapplication for a Foster Home Certificate or Adoption Homestudy Approval" was revised to emphasize the importance of the caregiver submitting the form timely so that the recertification or update is done prior to the expiration of the current span. Form was also revised to align with rule that states agencies may send the form to the caregivers from 90-150 days prior to expiration to begin the recertification process.

- The JFS 01334, "Recommendation for Transfer of a Foster or Adoptive Home" was revised to add a third caregiver, in those situations where there are more than two foster parents on a license, and to include a request for the authentication/TCN from BCII for rapback purposes. A checkbox was added to the verifications section to ensure that references were received from adult children of the caregivers. There was also a statement of understanding added below the signature area notifying caregivers their signature indicates permission is granted for the receiving agency to access the provider's information in SACWIS.

- The JFS 01348, "Safety Audit of a Family Foster Home, Also used for Adoption" was renamed "Safety Audit." It was revised to update rule language and rule citations, and to add safety requirements that are currently in rule, such as medications stored in locked containers and foster caregivers providing smoke free environments. A 'will obtain' option was added for cribs and carseats for younger children who may be placed in the home. Reasons for completing the form were also expanded, to include 'renovation', 'update', and 'other.'

- The JFS 01385, "Assessment for Child Placement Update" was revised and reformatted to resemble more closely the JFS 01673. Section II regarding household members and sleeping arrangements was added, as well as Section X, regarding the usage of the home. This was done to more accurately capture the most current, basic information about a home. Narrative questions were revised and updated. Language regarding waivers and variances was revised to reflect current rule.

- The JFS 01530, "Multiple Children/Large Family Assessment" was renamed "Large Family Assessment." Several questions were revised to be less 'child specific' as the adopted child will more than likely not be known at the time the large family assessment is completed. Direction is provided on the form that if the specific child to be adopted is unknown when the large family assessment is completed, to base answers on the characteristics the family is approved to adopt at the time of the homestudy.
The JFS 01673, "Assessment for Child Placement" was revised to flow more in the order of the JFS 1691 application. Options were added for families who 'will obtain' a crib when a younger child is placed with them. A narrative section was added to document references received from adult children of the caregivers. Narrative questions were revised and updated. Language regarding waivers and variances was revised to reflect current rule. Assessment checklist was revised to include all requirements and reformatted for clarity.

The JFS 01673I, "Instructions for Completing JFS 01673, Assessment of Child Placement" was reformatted to align with the order of the newly revised JFS 01673 homestudy. Several questions were revised to offer more in-depth responses in the narrative sections. A section was added to provide instructions for obtaining references from adult children of the applicants.

The JFS 01680, "Verification of Assessor Qualifications" was revised for clarity and to reflect current rule. Removed requirement to send in documentation with form verifying details about the assessor training that was taken.

The JFS 01691, "Application for Child Placement" was revised to reflect current rule changes, such as requesting information for any agency the applicant or adult household member has ever applied to for foster care or adoption, and contact information for adult children of the applicant. The statement of understanding at the end of the form was also revised to reflect current rule and practice.

The JFS 01692, "Application for Adoption of a Foster Child" was renamed "Application for Adoption of a Foster Child or Sibling Group" was revised to allow only one form to be completed if foster parents are adopting a sibling group who have all been placed in the home for at least six months. The form was also reformatted and questions updated to align with specific sections of the JFS 01691 and JFS 01673. The statement of understanding at the end of the form was also revised to reflect current rule and practice.

The JFS 01698, "Step-Parent Adoption Homestudy" was updated and reformatted in some sections for clarity and ease of the reader. Grammar and spelling errors were fixed, and some questions that were not related to the assessment were removed or revised.

INSTRUCTIONS: The following chart identifies the material that should be removed from the Family, Children and Adult Services Manual (FCASM) and the material that should be added.

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<td>JFS 01318 (rev.12/2014)</td>
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<td></td>
<td>JFS 01680 (rev. 5/2007)</td>
<td>JFS 01680 (rev. 12/2014)</td>
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<td></td>
<td>JFS 01691 (rev. 6/2009)</td>
<td>JFS 01691 (rev. 12/2014)</td>
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<td>JFS 01698 (rev. 10/2006)</td>
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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 282</td>
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</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04, the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2015 Federal Poverty Guidelines (published in the Federal Register, Vol. 80, No. 14, January 22, 2015, pp. 3236-3237) rounded to the nearest dollar and adjusted for family size.

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<td>2</td>
<td>$47,790</td>
</tr>
<tr>
<td>3</td>
<td>$60,270</td>
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<tr>
<td>4</td>
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</tr>
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 255</td>
<td>FCASPL No. 279</td>
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</table>
With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2014.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings**

(0-18 years)

Minimum - $10.00

Maximum - $200.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings**

- Special Needs - $200.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00

- Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**

- Clothing - $3,000.00 (annual)
- Personal Incidentals - $3,000.00 (annual)
- Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2014, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the SACWIS system until October 1, 2014.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2015 (October 1, 2014, through September 30, 2015) is 62.64%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

**INSTRUCTIONS:**

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<tr>
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</thead>
<tbody>
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<td>PROCEDURES</td>
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<tr>
<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 272</td>
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</tbody>
</table>
TO: Family, Children and Adult Manual Holders  
FROM: Cynthia C. Dungey, Director  
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101-2-44-06 (C)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2014. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 79, Number 139, July 21, 2014, pp. 42331-42333) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
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<td>$140,752</td>
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<td>15</td>
<td>$143,459</td>
</tr>
</tbody>
</table>

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<tbody>
<tr>
<td>PROCEDURE LETTER</td>
<td>FCASPL 245</td>
<td>FCASPL 269</td>
</tr>
</tbody>
</table>
The Ohio Department of Job and Family Services (ODJFS) is issuing this procedure letter to identify the maximum monthly funding level for the State Adoption Maintenance Subsidy (SAMS) program.

The maximum funding level for SFY 2015 for the State Adoption Maintenance Subsidy (SAMS) remains unchanged at $250 per month per adoptive child. Pursuant to Ohio Administrative Code rules 5101:2-44-06 "Eligibility for the state adoption maintenance subsidy program" and 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy", if a public children services agency (PCSA) negotiates a payment in excess of the maximum SAMS payment as identified in this procedure letter, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy (CAMS).

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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 196</td>
<td>FCASPL No. 266</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: State Fiscal Year 2015 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2015, eligible kinship caregivers will receive an initial payment amount of $525 per child and subsequent payments at six-month intervals of $300.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>PROCEDURE LETTERS</td>
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<td>FCASPL No. 265</td>
</tr>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Cynthia C. Dungey, Director
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2014. The schedule represents 200% of the 2014 Federal Poverty Guidelines (published in the Federal Register, Vol. 79, No. 14, January 22, 2014, pp. 3593-3594) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$31,020</td>
</tr>
<tr>
<td>3</td>
<td>$39,060</td>
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<tr>
<td>4</td>
<td>$47,100</td>
</tr>
<tr>
<td>5</td>
<td>$55,140</td>
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<tr>
<td>6</td>
<td>$63,180</td>
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<tr>
<td>7</td>
<td>$71,220</td>
</tr>
<tr>
<td>8</td>
<td>$79,260</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$8,040</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted the FCASM.

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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 243</td>
<td>FCASPL No. 258</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: State Fiscal Year 2014 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2014, eligible kinship caregivers will receive an initial payment amount of $525 per child and subsequent payments at six-month intervals of $300. The maximum incentive amount may not exceed six payments and may not be provided for longer than thirty-six months.

INSTRUCTIONS:
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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 241</td>
<td>FCASPL No. 252</td>
</tr>
</tbody>
</table>
Attachment: 2013 FCM Rates

TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Ceilings Revisions

With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2013.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings**

(0-18 years)
- Minimum - $10.00
- Maximum - $200.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings**
- Special Needs - $200.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**
- Clothing - $3,000.00 (annual)
- Personal Incidentals - $3,000.00 (annual)
- Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2013, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the SACWIS system until October 1, 2013.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2014 (October 1, 2013, through September 30, 2014) is 63.02%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<td>PROCEDURES</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (D)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2013. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 78, Number 94, May 15, 2013, pp. 28597-28599) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
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<td>$127,741</td>
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<td>11</td>
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</table>

INSTRUCTIONS:
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<tr>
<td>PROCEDURE LETTERS</td>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2013. The schedule represents 200% of the 2013 Federal Poverty Guidelines (published in the Federal Register, Vol. 78, No. 16, January 24, 2013, pp. 5182-5183) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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</thead>
<tbody>
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<td>$31,020</td>
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<td>4</td>
<td>$47,100</td>
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<td>5</td>
<td>$55,140</td>
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<td>6</td>
<td>$63,180</td>
</tr>
<tr>
<td>7</td>
<td>$71,220</td>
</tr>
<tr>
<td>8</td>
<td>$79,260</td>
</tr>
</tbody>
</table>

For each additional person add $8,040

INSTRUCTIONS:

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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 237</td>
<td>FCASPL No. 243</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2013 Federal Poverty Guidelines (published in the Federal Register, Vol. 78, No. 16, January 24, 2013, pp. 5182-5183) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
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<td>$106,830</td>
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</table>

For each additional person add $12,060

INSTRUCTIONS:
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<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 232</td>
<td>FCASPL No. 242</td>
</tr>
</tbody>
</table>
TO: All Family, Children, and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: State Fiscal Year 2013 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2013, incentive payments will be made according to the following schedule:

For applications approved between July 1, 2012 and January 31, 2013, eligible kinship caregivers will receive an initial payment amount of $450 per child. Kinship caregivers who are approved for six month redeterminations during this time period will receive $250 per child.

For applications approved between February 1, 2013 and June 30, 2013, eligible kinship caregivers will receive an initial payment amount of $525 per child. Kinship caregivers who are approved for six month redeterminations during this time period will receive $300 per child.

The maximum incentive amount may not exceed six payments and may not be provided for longer than thirty-six months.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No. 218</td>
<td>FCASPL No. 241</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Guidance for Public Children Services Agencies and Private Child Placing Agencies Regarding Credit Reports for Youth in Foster Care

The purpose of this procedure letter is to provide guidance for public children services agencies (PCSA) and private child placing agencies (PCPA) on obtaining annual credit reports and resolving inaccuracies for a youth in foster care. In accordance with the Child and Family Services Improvement and Innovation Act (PL 112-34) and rule 5101:2-38-10 of the Administrative Code, agencies are required to request credit reports for youth 16 or older annually. Youth in foster care qualify for one credit report annually, at no cost, from each of the major credit reporting agencies (CRA). However, the method used to obtain the credit report of a minor youth is significantly different from the method used by adults to obtain a credit report.

The custodial agency is required to request a credit report from each of the three major CRAs. This may be completed simultaneously or separately throughout the year in order to monitor any corrections being made. Each CRA has developed a procedure to process requests for a credit report of a minor youth in foster care. The procedures are different for each of the three CRAs and the instructions for each CRA are outlined in this Procedure Letter.

Obtaining a Youth's Credit Report

The following information must be sent to each CRA to request the credit report:

- Youth's birth certificate or other legal documentation of the youth's full name and age.
- Verification that the agency has the legal authority to request the credit report information.
- Documentation that the youth is in foster care (e.g. a court order or other documents).
- Verification of the identity of the requester and that he/she has the right to request a credit report on behalf of a minor youth. This method shall be developed by the agency (e.g., a copy of the agency ID badge).
- Address of the agency where the credit report will be sent.
- Other information to assist the CRA in their search of a credit report for the youth may include, but is not limited to: the youth's current address and any other address from the past two years, nicknames, and social security number.

Instructions for Contacting Each CRA

EQUIFAX CRA

Send the required information to one of the individuals listed below:

Gary Pock - 678-795-7787 or gary.pock@equifax.com  
Troy Kubes - 678-795-7777 or troy.kubes@equifax.com

At this time, Equifax is charging a fee for unlimited access to the database as needed to request credit reports. ODJFS is in the process of executing a contract with Equifax for county agency access to their database. Until the contract is executed, PCSAs are to request reports from Experian and TransUnion CRAs only. Agencies will be able to submit requests to Equifax once the ODJFS contract is in place.

EXPERIAN CRA
Send the required information to:

Experian National Consumer Assistance Center
PO Box 9701
Allen, Texas 75013

Sensitive information can be redacted from the court order as long as the identification of the minor remains intact. The CRA’s response will be "No Record" or the credit report will be sent to the requestor (agency) through regular mail. For security purposes, the envelope will not indicate that it is from Experian.

TransUnion CRA

Send the required information to one of the individuals listed below:

Angela Harp at 714-680-7268 or aharp@transunion.com

Eric Rosenberg at 312-466-6323 or erosenb@transunion.com

Although there is no charge to obtain credit reports from TransUnion at this time, each county is responsible for contacting TransUnion and requesting a copy of the TransUnion Master Agreement for Consumer Reporting Services and other service agreements. Once the necessary documents have been completed to execute an agreement with TransUnion, the agency will be able to obtain credit reports from this CRA.

A minor cannot enter into an agreement with a business, agency, or entity, and therefore should have no record with any credit bureau unless there is an error or the child is a victim of identity theft. If the credit report shows any irregularities or inconsistencies, the agency should contact the Ohio Attorney General's (AGO) office to request assistance in resolving the issue. To make a referral to the AGO, the agency must send copies of all information related to the credit report including correspondence with the CRAs, a cover letter on agency letterhead, and the completed AGO ID Theft Affidavit to:

Ohio Attorney General
Consumer Protection Section
30 E. Broad Street, 14th Floor
Columbus, OH 43215

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<tbody>
<tr>
<td>PROCEDURES LETTERS</td>
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</tbody>
</table>

Attachment: AGO ID Theft Affidavit
TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Ceilings Revisions  

With consideration of the results of the attached annual survey, all FCM ceilings described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following ceilings will be effective September 30, 2012.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Ceilings**

(0-18 years)

Minimum - $10.00  
Maximum - $200.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Ceilings**

Special Needs - $200.00  
Exceptional Needs - $200.00  
Intensive Needs - $200.00  
Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**

Clothing - $3,000.00 (annual)  
Personal Incidentals - $3,000.00 (annual)  
Graduation Expenses - $1,500.00

Although the ceilings are effective September 30, 2012, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the SACWIS system until October 1, 2012.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2012 (October 1, 2012, through September 30, 2013) is 63.58%.

The SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 224</td>
<td>FCASPL No. 239</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (D)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective August 1, 2012. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 77, Number 51, March 15, 2012, pp. 15376-15378) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
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</thead>
<tbody>
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<td>2</td>
<td>$59,349</td>
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<td>$73,314</td>
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<td>$138,773</td>
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<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 225</td>
<td>FCASPL No. 236</td>
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</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: Three Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 300% of the 2012 Federal Poverty Guidelines (published in the Federal Register, Vol. 77, No. 17, January 26, 2012, pp. 4034-4035) rounded to the nearest dollar and adjusted for family size.

<table>
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<tr>
<th>FAMILY SIZE</th>
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<td>7</td>
<td>$104,790</td>
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<tr>
<td>8</td>
<td>$116,670</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$11,880</td>
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</tbody>
</table>

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<td>FCASPL No. 232</td>
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<tr>
<td>Procedure Letters</td>
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TO: Family, Children and Adult Services Manual Holders  
FROM: Michael B. Colbert, Director  
SUBJECT: Post Adoption Special Services Subsidy (PASSS) Program Poverty Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective September 1, 2011. The schedule represents 200% of the 2011 Federal Poverty Guidelines (published in the Federal Register, Vol. 76, No. 13, January 20, 2011, pp. 3637-3638) rounded to the nearest dollar and adjusted for family size.

<table>
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<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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<td>7</td>
<td>$67,620</td>
</tr>
<tr>
<td>8</td>
<td>$75,260</td>
</tr>
</tbody>
</table>

For each additional person add $7,640

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
<tr>
<th>LOCATION</th>
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<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 176</td>
<td>FCASPL No. 226</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Michael B. Colbert, Director
SUBJECT: State Fiscal Year 2012 Kinship Permanency Incentive Payments

Requirements for the Kinship Permanency Incentive (KPI) program may be referenced in Ohio Administrative Code rule 5101:2-40-04 "Kinship permanency incentive program." For applications approved during SFY 2012, eligible kinship caregivers will receive an initial payment amount of $450 per child and subsequent payments at six-month intervals of $250. The maximum incentive amount may not exceed six payments and may not be provided for longer than thirty-six months.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<td>TRANSMITTALS</td>
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<td>Procedure Letters</td>
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</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions  

This procedure letter is being submitted to amend Family, Children and Adult Services Procedure Letter No. 203 to reflect the ARRA (American Recovery and Reinvestment Act) percentages for FFY 2011. 

With consideration of the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2010.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)

Minimum - $10.00  
Maximum - $170.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**

- Special Needs - $100.00  
- Exceptional Needs - $200.00  
- Intensive Needs - $200.00  
- Emergency Family Foster Care - $300.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**

- Clothing - $3,000.00 (annual)  
- Personal Incidentals - $3,000.00 (annual)  
- Graduation Expenses - $1,500.00

Although the rates are effective September 30, 2010, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through the FACSIS Benefits Issuance system and SACWIS system until October 1, 2010.

Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments for Federal Fiscal Year 2011 (October 1, 2010, through September 30, 2011) is as follows and includes an additional percentage for portions of the federal fiscal year as part of the American Reinvestment and Recover Act (ARRA):

- **October 1, 2010, through December 31, 2010** 69.89% (includes 6.2% ARRA)  
- **January 1, 2011, through March 31, 2011** 66.89% (includes 3.2% ARRA)  
- **April 1, 2011, through June 30, 2011** 64.89% (includes 1.2% ARRA)  
- **July 1, 2011, through September 30, 2011** 63.69% (no ARRA; ceases 6/30/2011)  

The FACSIS Benefits Issuance system and SACWIS system will be adjusted to reflect these amounts of federal reimbursement for the periods and percentages noted above.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
<table>
<thead>
<tr>
<th>LOCATION</th>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: 2010 Poverty Level Guidelines for Kinship Permanency Incentive (KPI), Post Adoption Special Services Subsidy (PASSS) and State Adoption Maintenance Subsidy (SAMS)

Federal legislation enacted in late 2009 and early 2010 prohibited publication of 2010 poverty guidelines before May 31, 2010, and required that the 2009 poverty guidelines remain in effect until publication of updated guidelines. Legislation to further delay publication of the 2010 guidelines did not pass. The procedure for updating the 2010 guidelines was modified to take into account the Consumer Price Index (CPI-U) for the period for which their publication was delayed. As a result, the poverty guideline figures for the remainder of 2010 are the same as the 2009 poverty guideline figures.

For KPI, the 2009 poverty guideline figures will remain in effect until the 2011 new guidelines are posted. Refer to Procedure Letter (PL) #163 for poverty guideline tables.

For PASSS and SAMS, the 2009 poverty guideline figures will remain in effect until June 30, 2011. Refer to PL #176 for PASSS and PL #177 for SAMS for poverty guideline tables.

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
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<tr>
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<td>FCASPL No. 202</td>
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<td>Procedure Letters</td>
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<td></td>
</tr>
</tbody>
</table>
FCASPL 196 (SFY '11 State Adoption Maintenance Subsidy Maximum Monthly Funding Level)

Family, Children, and Adult Services Procedure Letter No. 196

June 18, 2010

TO: All Family, Children and Adult Services Manual Holders

FROM: Douglas E. Lumpkin, Director

SUBJECT: State Fiscal Year 2011 State Adoption Maintenance Subsidy Maximum Monthly Funding Level

Requirements for the State Adoption Maintenance Subsidy (SAMS) may be referenced in Ohio Administrative Code rules 5101:2-44-06 "Eligibility of Adoptive Family and Adoptive Child for the State Adoption Maintenance Subsidy Program" and 5101:2-44-08 "Redetermination and amendment of a state adoption maintenance subsidy." The maximum monthly SAMS payment for state fiscal year 2011 is $250. If a public children services agency (PCSA) negotiates a payment in excess of the maximum SAMS payment of $250, the PCSA shall enter into a separate county agreement with the adoptive parent for a county adoption maintenance subsidy.

The state's participation will automatically be decreased for any month's subsidy greater than $250 in the Family and Children Services Information System (FACSIS) or the Statewide Automated Child Welfare Information System (SACWIS).

INSTRUCTIONS:

The following chart indicates the materials that should be deleted from the Family, Children and Adult Services Manual (FCASM) and the materials that should be added.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
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</thead>
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<tr>
<td>Procedure Letters</td>
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<td>FCASPL No. 196</td>
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</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

With consideration of the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2009.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $170.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $100.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**
- Clothing - $3,000.00 (annual)
- Personal Incidentals - $3,000.00 (annual)
- Graduation Expenses - $1,500.00

Although the rates are effective September 30, 2009, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2009.

For Federal Fiscal Year 2010 (October 1, 2009, through September 30, 2010), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 69.62%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2009.

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Procedure Letters</td>
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<td>FCASPL No. 178</td>
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</table>

Attachment: "2009 FCM Survey"
Click here to view the attachment, "2009 FCM Survey".
TO: All Family, Children and Adult Services Manual Holders  
FROM: Douglas E. Lumpkin, Director  
SUBJECT: State Adoption Maintenance Subsidy (SAMS) Income Guidelines  

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (B)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies (SAMS) effective July 1, 2009. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 74, Number 48, March 13, 2009, pp. 10922-10924) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
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</table>

INSTRUCTIONS:

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 148</td>
<td>FCASPL No. 177</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Douglas E. Lumpkin, Director
SUBJECT: Two Hundred Percent Poverty Guidelines for the Post Adoption Special Services Subsidy (PASSS) Program

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2009. The schedule represents 200% of the 2009 Federal Poverty Guidelines (published in the Federal Register, Vol. 74, No. 14, January 23, 2009, pp. 4199-4201) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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<td>$51,580</td>
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<td>$74,020</td>
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<td>For each additional person add</td>
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</table>

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<th>LOCATION</th>
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</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 147</td>
<td>FCASPL No. 176</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Jan Allen, Interim Director  
SUBJECT: Statewide Automated Child Welfare Information System (SACWIS) Private Agency Provider Data Form

The JFS 01318 "SACWIS Private Agency Provider Data" and the corresponding instructions (JFS 01318-I) have been created. In order to obtain ODJFS license or approval, this form is to be used by all Private Agencies for any home provider who has been approved for use as a foster, adoptive, or kinship home. This form will allow ODJFS to record the necessary information for new home providers as well as to update information on the provider in SACWIS until such time as the private agencies are given access to SACWIS. This form will replace JFS 01633, JFS 01639, and JFS 01648 which should no longer be used. These forms will be made obsolete in a separate procedure letter in the near future.

Information requested on this form is required to be maintained by ORC 109.5721, ORC 5101.13 and Adoption and Foster Care Analysis and Reporting System (AFCARS) Regulations 45 CFR 1355.40. Pursuant to OAC 5101:2-33-70, 5101:2-33-05 and 5101:2-33-80, Private Child Placing Agencies (PCPA) and Private Noncustodial Agencies (PNA) shall report applicable children services information and any other information deemed important.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
<th>LOCATION</th>
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<tr>
<td>Procedure Letters</td>
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<td>FCASPL No. 158</td>
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</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

With consideration of the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2008.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $170.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $100.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**

- Clothing - $1,500.00
- Graduation Expenses - $1,500.00
- Personal Incidentals - $3,000.00

Although the rates are effective September 30, 2008, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2008.

For Federal Fiscal Year 2009 (October 1, 2008, through September 30, 2009), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 62.14%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2008.

**INSTRUCTIONS:**
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**Attachment**
Click here to view the 2008 Foster Care Maintenance Rates
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (B)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 1, 2008. The schedule represents 120% of Ohio’s estimated median income (published in the Federal Register, Volume 73, Number 44, March 5, 2008, pp. 11924-11926) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
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<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
</tr>
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<td>$55,960</td>
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<td>$82,295</td>
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<td>$130,849</td>
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<td>FCASPL No. 148</td>
</tr>
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</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: Two Hundred Percent of Poverty Guidelines for the Post Adoption Special Services Subsidy (PASSS) Program

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(M), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2008. The schedule represents 200% of the 2008 Federal Poverty Guidelines (published in the Federal Register, Vol. 73, No. 15, January 23, 2008, pp. 3971-3972) rounded to the nearest dollar and adjusted for family size.

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<tr>
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<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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<tbody>
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<td>2</td>
<td>$28,000</td>
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<td>3</td>
<td>$35,200</td>
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<td>4</td>
<td>$42,400</td>
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<td>$49,600</td>
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<td>6</td>
<td>$56,800</td>
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<td>7</td>
<td>$64,000</td>
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<td>8</td>
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</tbody>
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INSTRUCTIONS:
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<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 118</td>
<td>FCASPL No. 147</td>
</tr>
</tbody>
</table>
June 9, 2008

TO: All Family, Children and Adult Services Manual Users

FROM: Helen E. Jones-Kelley, Director

SUBJECT: SACWIS Data Edits, Error Corrections, and Fixes REVISED

The Ohio Department of Job and Family Services (ODJFS) continues to work diligently to build utilities in SACWIS that will allow agency staff, with the required security access, to edit data, correct errors, and fix information in the system resulting from human error and inaccurate or incomplete data converted from child welfare legacy systems. The data utilities will include an audit trail to record changes and ensure the integrity of SACWIS records when changes are made. ODJFS will incrementally release the utilities and enhancements to the existing screens and workflows over the next several months.

During this temporary period, ODJFS will continue to accept requests for corrections submitted by PCSAs through the SACWIS Help Desk. Authorized requests to change conversion errors, human data entry errors, and duplicated records will be made by authorized ODJFS staff. All requests must be submitted in conjunction with the procedure included with this correspondence and all requests will become part of the audit trail for changes made.

Requests to change intake screening decisions will follow the attached procedure and will include a review by policy staff in the ODJFS Office for Children and Families (OCF). OCF policy staff will determine whether OCF Field Office staff will provide technical assistance, to ensure the agency is complying with Administrative Code rules. The PCSA’s technical assistance manager will facilitate technical assistance, as appropriate.

ODJFS will honor requests to delete/modify records that, due to clerical error, are wrong, misleading, or redundant. No substantive or other modifications or deletions will be made. Again, this would be premised on having some record trail of modifications or changes, including an appropriate chain of approval. This will ensure compliance with any applicable records retention schedules adopted under Section 149.34 of the Revised Code.

Below is the procedure for authorizing requested changes to SACWIS data. The procedure allows agency directors to authorize delegates to submit SACWIS change requests. The number of delegates is based on county size in relation to CPOE designations. Large metropolitan counties may designate up to six persons within the agency to submit data change requests and small to medium counties may designate one or two persons.

**Process for Submitting Sensitive SACWIS Data Corrections**

The following steps define the process to modify sensitive data within the SACWIS application.

1. The county executive director must determine if sensitive corrections will be authorized by an authorized delegate.

2. For those county executive directors who want to delegate authorization of sensitive data corrections, the JFS 01669 "Delegation of Authority for Sensitive SACWIS Data Corrections" must be submitted to the SACWIS Help Desk.

3. For each Sensitive SACWIS Data Correction request, the county executive director or delegate must complete and submit a JFS 01671 "Sensitive SACWIS Data Correction Request."

4. After a form is completed, a scanned copy must be emailed to the SACWIS Help Desk at sacwis_help_desk@jfs.ohio.gov.

5. The form can also be faxed to the SACWIS Help Desk at 614-728-9678.

**INSTRUCTIONS:**

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).
<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<td></td>
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<td>JFS 01671 (4/2008)</td>
</tr>
<tr>
<td>PROCEDURE LETTERS</td>
<td>FCASPL No.144</td>
<td>FCASPL No. 145</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedure Letter No. 144

May 1, 2008

TO: All Family, Children and Adult Services Manual Users

FROM: Helen E. Jones-Kelley, Director

SUBJECT: SACWIS Data Edits, Error Corrections, and Fixes

The Ohio Department of Job and Family Services (ODJFS) is working diligently to build utilities in SACWIS that will allow agency staff, with the required security access, to edit data, correct errors, and fix information in the system resulting from human error and inaccurate or incomplete data converted from child welfare legacy systems. The data utilities will include an audit trail to record changes and ensure the integrity of SACWIS records when changes are made. ODJFS will incrementally release the utilities and enhancements to the existing screens and workflows over the next several months.

During this temporary period, ODJFS will continue to accept requests for corrections submitted by PCSAs through the SACWIS Help Desk. Authorized requests to change conversion errors, human data entry errors, and duplicated records will be made by authorized ODJFS staff. All requests must be submitted in conjunction with the procedure included with this correspondence and all requests will become part of the audit trail for changes made.

Requests to change intake screening decisions will follow the attached procedure and will include a review by policy staff in the ODJFS Office for Children and Families (OCF). OCF policy staff will determine whether OCF Field Office staff will provide technical assistance, to ensure the agency is complying with Administrative Code rules. The PCSA’s technical assistance manager will facilitate technical assistance, as appropriate.

ODJFS will honor requests to delete records that are duplicates. Requests to delete other records will not be honored. This will ensure compliance with any applicable records retention schedules adopted under Section 149.34 of the Revised Code.

Below is the procedure for authorizing requested changes to SACWIS data. The procedure allows agency directors to authorize designees to submit SACWIS change requests. The number of designees is based on county size in relation to CPOE designations. Large metropolitan counties may designate up to six persons within the agency to submit data change requests and small to medium counties may designate one or two persons.

### Process for Submitting Sensitive SACWIS Data Corrections

The following steps define the process to modify sensitive data within the SACWIS application.

1. The county executive director must determine if sensitive corrections will be authorized by an authorized delegate.

2. For those county executive directors who want to delegate authorization of sensitive data corrections, the JFS 01669 "Delegation of Authority for Sensitive SACWIS Data Corrections" must be submitted to the SACWIS Help Desk.

3. For each Sensitive SACWIS Data Correction request, the county executive director or delegate must complete and submit a JFS 01671 "Sensitive SACWIS Data Correction Request."

4. After a form is completed, a scanned copy must be emailed to the SACWIS Help Desk.

5. The form can also be faxed to the SACWIS Help Desk at 614-728-9678

INSTRUCTIONS:

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

| LOCATION | REMOVE AND FILE AS OBSOLETE | INSERT/REPLACEMENT |
| FORMS                  | JFS 01669 (4/2008)  
|                       | JFS 01671 (4/2008)  
| PROCEDURE LETTERS     | FCASPL No. 144      |
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: MONTHLY CUT-OFF DATES FOR THE TITLE IV-E FCM FACILITY INVOICE (JFS 01925)
AND TITLE IV-E FACSIS BENEFIT ISSUANCE (FBI)

The table below lists the cut-off dates for calendar year 2008 for submission of the JFS 01925 Title IV-E FCM Facility Invoice and for data entry within the Family and Children Services Information System (FACSIS) and within the SACWIS Interim System (SIS) for reimbursements and payment distributions issued through FACSIS Benefit Issuance (FBI):

<table>
<thead>
<tr>
<th>MONTH (month issuance)</th>
<th>JFS 01925</th>
<th>SIS</th>
<th>FACISIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY (February issuance)</td>
<td>01-15-08</td>
<td>01-18-08</td>
<td>01-22-08</td>
</tr>
<tr>
<td>FEBRUARY (March issuance)</td>
<td>02-14-08</td>
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</tr>
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<td>JUNE (July issuance)</td>
<td>06-13-08</td>
<td>06-18-08</td>
<td>06-19-08</td>
</tr>
<tr>
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<td>07-21-08</td>
<td>07-22-08</td>
</tr>
<tr>
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<td>08-14-08</td>
<td>08-19-08</td>
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</tr>
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<td>10-15-08</td>
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<td>11-17-08</td>
<td>11-17-08</td>
<td>11-18-08</td>
</tr>
<tr>
<td>DECEMBER (January issuance)</td>
<td>12-12-08</td>
<td>12-17-08</td>
<td>12-18-08</td>
</tr>
</tbody>
</table>

SIS users are reminded they need to have their data in SIS one business day prior to the FACISIS cut-off date.

The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2:00 p.m. on the cut-off date to be processed for the following month’s warrant. Please be advised that faxed copies of the JFS 01925 Title IV-E FCM Facility Invoice will not be accepted for processing.

The JFS 01925 Title IV-E FCM Facility Invoice should be mailed to the following address:

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Administration & Fiscal Accountability
P.O. Box 182709
Columbus, OH 43218-2709
Attn: JFS 01925
INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRANSMITTALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 106</td>
<td>FCASPL No. 132</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: IN-STATE AND OUT-OF-STATE HOMESTUDIES REFERENCING THE RACIAL COMPOSITION OF A NEIGHBORHOOD

This Procedure Letter outlines steps which shall be taken in instances where an agency discovers information contained within a homestudy, either from its own agency or one that has been received from another agency, references the racial or ethnic composition of the neighborhood, the demographics of the neighborhood, and/or the presence or lack of presence of a significant number of persons of a particular race, color, or national origin in the neighborhood.

Ohio Administrative Code (OAC) rules 5101:2-48-13 "Non-discrimination requirements for adoptive placements" and 5101:2-42-18.1 "Non-discrimination requirements for foster care placements," prohibit delaying or denying placement of a child based upon the geographical location of the neighborhood of the prospective foster caregiver or adoptive family whenever geography is being used as a proxy for the racial or ethnic composition of the neighborhood. OAC rules 5101:2-48-13 and 5101:2-42-18.1 also prohibit delaying or denying placement of a child based on the demographics of the neighborhood and the presence, or lack of presence, of a significant number of persons of a particular race, color, or national origin in the neighborhood.

When an agency discovers a homestudy which contains an assessment prohibited by OAC rules 5101:2-48-13 and 5101:2-42-18.1, such as a description of the racial composition of the neighborhood, the agency shall:

1. Consult with its legal counsel with respect to all homestudies that contain language referencing the racial composition of the neighborhood;

2. Place a Multi-ethnic Placement Act (MEPA) alert on the section of the homestudy which references the racial composition of the neighborhood, indicating the language contained in the homestudy is prohibited by MEPA and that the section will not be considered in the placement decision-making process;

3. Return a copy of the homestudy containing the MEPA alert to the agency which originally completed and/or submitted the homestudy, indicating that the section referencing the racial composition of the neighborhood will not be considered in the placement decision-making process; and,

4. Forward to the Ohio Department of Job and Family Services' Child Welfare Policy Section - Team 2, a copy of the homestudy and notice that was sent to the offending agency. The information shall be forwarded to the following address: P.O. Box 182709, Columbus, Ohio 43218-2709.

INSTRUCTIONS:

The following chart depicts what materials should be removed from and what material should be inserted into the Family, Children and Adult Services Manual (FCASM).

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<th>LOCATION</th>
<th>REMOVE AND FILE AS OBsolete</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROCEDURE LETTERS</td>
<td></td>
<td>FCASPL No. 126</td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: TITLE IV-E FOSTER CARE MAINTENANCE (FCM) RATE REVISIONS

Based on the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2007.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $85.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $365.00

**Auxiliary Payments for Clothing (annual), Personal Incidentals (annual), and Graduation Expenses**
- Clothing - $1,500.00
- Graduation Expenses - $1,500.00
- Personal Incidentals - $2,500.00

Although the rates are effective September 30, 2007, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2007.

For Federal Fiscal Year 2008 (October 1, 2007, through September 30, 2008), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 60.79%. The FACSIS Benefits Issuance System and the State Automated Child Welfare Information System (SACWIS) will be adjusted to reflect this amount of federal reimbursement effective October 1, 2007.

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
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</thead>
<tbody>
<tr>
<td>PROCEDURES</td>
<td>FCASPL No. 100</td>
<td>FCASPL No. 125</td>
</tr>
</tbody>
</table>

Attachment 2007 FOSTER CARE MAINTENANCE RATES
TO: Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: CHANGES TO FOSTER CARE MAINTENANCE SINGLE COST REPORT FORM (JFS02911) AND INSTRUCTIONS (JFS02911-I)

This letter transmits revisions to the JFS 02911 "Single Cost Report" and instructions JFS 02911- which are used pursuant to OAC 5101:2-47-26.1, Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): Title IV-E cost report filing requirements, record retention requirements and related party disclosure requirements. The revised form and instructions are to be used for the state fiscal year reporting period of July 1, 2006 through June 30, 2007.

An explanation of the revisions to the cost report form and instructions appears below:

The JFS 02911 "Single Cost Report" form is the reporting format used to capture one hundred percent of operational costs of all public and private not-for-profit and for-profit providers of purchased family foster care and residential services. The form has been amended to include password protection to cells which users should not be accessing during completion of the form, to update the annual inflation index, to include an unallowable cost line within the non-reimbursable section of the Title IV-E purchased foster care worksheets and the Title IV-E residential worksheets, and include the reorganization of how administrative overhead cost information is presented.

The JFS 02911-I "Single Cost Report Instructions" provide an overview of the cost report as well as detailed instructions for completing the report. The instructions have been amended to include the URL address for the ODJFS Forms Central website so that users of the form and instructions can download the most recent versions. Additionally, PCSA's and Title IV-E agencies are advised how to properly report clothing, graduation, and personal incidental expenses on the cost report for Title IV-E eligible and non-eligible children. Furthermore, new language was added regarding how to statistically account for temporary absences from placement settings for periods which do not exceed fourteen days during a month. Finally, other minor clarification language was added where needed in order to facilitate understanding.

When downloading the Microsoft Excel version of the JFS02911 "Single Cost Report," the macro security level must be lowered for the macro buttons to work. To lower the macro security level, open Microsoft Excel, click "Tools," "Options," and then click the "Security" tab. At the bottom of the security sheet, click "Macro Security." Change the security level from high to low. At this point, the file can be downloaded. Once downloaded, open the file. A prompt will appear requesting that the macros be either disabled or enabled. Click "Enable Macros." If the Macro security level is not changed to low and the macros are not enabled, the macro buttons will not work when the file is opened.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
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<tbody>
<tr>
<td>FORMS</td>
<td>JFS 02911 (Rev. 7/2006)</td>
<td>JFS 02911 (Rev. 8/2007)</td>
</tr>
<tr>
<td></td>
<td>JFS 02911I (Rev. 7/2006)</td>
<td>JFS 02911-I (Rev. 8/2007)</td>
</tr>
<tr>
<td>PROCEDURE</td>
<td></td>
<td>FCASPL No. 123</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Helen E. Jones-Kelley, Director
SUBJECT: TWO HUNDRED PERCENT OF POVERTY GUIDELINES FOR THE POST ADOPTION SPECIAL SERVICES SUBSIDY (PASSS) PROGRAM

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(J), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 1, 2007. The schedule represents 200% of the 2007 Federal Poverty Guidelines (published in the Federal Register, Vol. 72, No. 15, January 24, 2007, pp. 3147-3148) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$27,380</td>
</tr>
<tr>
<td>3</td>
<td>$34,340</td>
</tr>
<tr>
<td>4</td>
<td>$41,300</td>
</tr>
<tr>
<td>5</td>
<td>$48,260</td>
</tr>
<tr>
<td>6</td>
<td>$55,220</td>
</tr>
<tr>
<td>7</td>
<td>$62,180</td>
</tr>
<tr>
<td>8</td>
<td>$69,140</td>
</tr>
</tbody>
</table>

For each additional person add $6,960

INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tbody>
<tr>
<td>TRANSMITTALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 97</td>
<td>FCASPL No. 118</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Helen E. Jones-Kelley, Director  
SUBJECT: STATE ADOPTION MAINTENANCE SUBSIDY INCOME GUIDELINES  

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (B)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 1, 2007. The schedule represents 120% of Ohio’s estimated median income (published in the Federal Register, Volume 72, Number 59, March 28, 2007) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$54,455</td>
</tr>
<tr>
<td>3</td>
<td>$67,268</td>
</tr>
<tr>
<td>4</td>
<td>$80,081</td>
</tr>
<tr>
<td>5</td>
<td>$92,894</td>
</tr>
<tr>
<td>6</td>
<td>$105,707</td>
</tr>
<tr>
<td>7</td>
<td>$108,109</td>
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<tr>
<td>8</td>
<td>$110,512</td>
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<tr>
<td>9</td>
<td>$112,914</td>
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<td>10</td>
<td>$115,316</td>
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<td>11</td>
<td>$117,719</td>
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<td>12</td>
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<td>13</td>
<td>$122,524</td>
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<td>14</td>
<td>$124,926</td>
</tr>
<tr>
<td>15</td>
<td>$127,328</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:  
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
<table>
<thead>
<tr>
<th>TRANSMITTALS</th>
<th>Procedure Letter Index</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 96</td>
<td>FCASPL No. 117</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedural Letter No. 110

March 27, 2007

TO: All Family, Children and Adult Services Manual Holders

FROM: Helen E. Jones-Kelley, Director

SUBJECT: Two Hundred Percent of Poverty Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.801 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used only when determining whether families are eligible to receive KPI payments. The schedule represents 200% of the 2007 Federal Poverty Guidelines (published in the Federal Register, Vol. 72, No. 15, January 24, 2007, pp. 3147-3148) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
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<td>$69,140</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$6,960</td>
</tr>
</tbody>
</table>

Note: Due to proposed legislation, the eligibility requirement regarding these guidelines may change in the near future.

INSTRUCTIONS:

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tr>
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</thead>
<tbody>
<tr>
<td>TRANSMITTALS</td>
<td>FCASPL No. 95</td>
<td>FCASPL No. 110</td>
</tr>
</tbody>
</table>

| Procedure Letters | FCASPL No. 110 |
TO: All Family, Children and Adult Services Manual Holders  
From: Helen E. Jones-Kelley, Director  
Subject: Monthly Cut-Off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and Title IV-E FACSIS Benefit Issuance (FBI)  

The table below lists the cut-off dates for calendar year 2007 for the JFS 01925 Title IV-E FCM Facility Invoice and for FACSIS Benefit Issuance (FBI):

<table>
<thead>
<tr>
<th>MONTH</th>
<th>JFS 01925</th>
<th>SIS</th>
<th>FACSIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY (February issuance)</td>
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SIS users are reminded they need to have their data in SIS one business day prior to the FACSIS cut-off date. The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2:00 p.m. on the cut-off date to be processed for the following month's warrant. Please be advised that faxed copies will not be accepted for processing.

As of February 1, 2007, all JFS 01925 Title IV-E FCM Invoices should be mailed to:

Ohio Department of Job and Family Services  
Office for Children and Families  
Bureau of Administration & Fiscal Accountability  
P.O. Box 182709  
Columbus, OH 43218-2709  
Attn: JFS 01925

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 102</td>
<td>FCASPL No. 106</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Monthly Cut-Off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and Title IV-E FACSIS Benefit Issuance (FBI)

The table below lists the cut-off dates for calendar year 2007 for the JFS 01925 Title IV-E FCM Facility Invoice and for FACSIS Benefit Issuance (FBI):

<table>
<thead>
<tr>
<th>MONTH</th>
<th>JFS 01925</th>
<th>SIS</th>
<th>FACSIS</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY (February issuance)</td>
<td>01-16-07</td>
<td>01-19-07</td>
<td>01-22-07</td>
</tr>
<tr>
<td>FEBRUARY (March issuance)</td>
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<td>12-14-07</td>
<td>12-17-07</td>
<td>12-18-07</td>
</tr>
</tbody>
</table>

SIS users are reminded they need to have their data in SIS one business day prior to the FACSIS cut-off date. The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2:00 p.m. on the cut-off date to be processed for the following month's warrant. Please be advised that faxed copies will not be accepted for processing.

Through January 31, 2007, the mailing address for the JFS 01925 Title IV-E FCM Invoice is:

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Administration & Fiscal Accountability
255 East Main Street, 3rd Floor
Columbus, OH 43215-5222
Attn: JFS 01925

Note: As of February 1, 2007, all JFS 01925 Title IV-E FCM Invoices should be mailed to:

Ohio Department of Job and Family Services
INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>TRANSMITTALS</td>
<td>FCASPL No. 78B</td>
<td>FCASPL No. 102</td>
</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
TO: Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions 

Based on the results of the attached annual survey, all Foster Care Maintenance Rates (FCM) described in rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 of the Administrative Code have been reviewed. The following rates will be effective September 30, 2006.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**

- Special Needs - $85.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**

- Clothing - $1,500.00
- Graduation - $1,500.00

Although the rates are effective September 30, 2006, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2006.

For Federal Fiscal Year 2007 (October 1, 2006 through September 30, 2007), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 59.66%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2006.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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<tbody>
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</tr>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 58J</td>
<td>FCASPL No. 100</td>
</tr>
</tbody>
</table>

Attachment 2006 FOSTER CARE MAINTENANCE RATES
TO: All Family, Children and Adult Services Manual Holders  
FROM: Barbara E. Riley, Director  
SUBJECT: Two Hundred Percent Guidelines for Post Adoption Special Services Subsidy (PASSS) Only  

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(J), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 2006. The schedule represents 200% of the 2006 Federal Poverty Guidelines (published in the Federal Register, Volume 71, Number 15, dated January 24, 2006) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>$26,400</td>
</tr>
<tr>
<td>3</td>
<td>$33,200</td>
</tr>
<tr>
<td>4</td>
<td>$40,000</td>
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<tr>
<td>5</td>
<td>$46,800</td>
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<tr>
<td>6</td>
<td>$53,600</td>
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<tr>
<td>7</td>
<td>$60,400</td>
</tr>
<tr>
<td>8</td>
<td>$67,200</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$6,800</td>
</tr>
</tbody>
</table>

**INSTRUCTIONS:**  
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<tr>
<td>Procedure Letters</td>
<td>Procedure Letter Index</td>
<td>Procedure Letter Index</td>
</tr>
<tr>
<td></td>
<td>FCASPL No. 82B</td>
<td>FCASPL No. 97</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (B)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 2006. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 71, Number 39, February 28, 2006) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>120% OF THE MEDIAN INCOME ADJUSTED FOR FAMILY SIZE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
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<tr>
<td>3</td>
<td>$68,130</td>
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<tr>
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<td>$81,107</td>
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<tr>
<td>5</td>
<td>$94,084</td>
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<tr>
<td>6</td>
<td>$107,061</td>
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<td>7</td>
<td>$109,494</td>
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<td>8</td>
<td>$111,927</td>
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<td>9</td>
<td>$114,361</td>
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<td>$116,794</td>
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<tr>
<td>11</td>
<td>$119,227</td>
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<td>12</td>
<td>$121,660</td>
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<td>13</td>
<td>$124,093</td>
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<tr>
<td>14</td>
<td>$126,527</td>
</tr>
<tr>
<td>15</td>
<td>$128,960</td>
</tr>
</tbody>
</table>

INSTRUCTIONS:
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</tr>
<tr>
<td>FCASPL No. 10N</td>
<td>FCASPL No. 96</td>
<td></td>
</tr>
</tbody>
</table>
To: All Family, Children and Adult Service Manual Holders
From: Barbara E. Riley, Director
Subject: JFS 01640 Interstate Compact on the Placement of Children (ICPC) Transmittal

The JFS 01640 has been revised to reflect the updated format requirements that are used for all forms. All old copies of this form should no longer be used.

The ODJFS ICPC unit uses this transmittal form as the cover letter and instruction page on correspondence that is sent to Ohio public and private agencies as well as other states' interstate offices. The JFS 01640 shows what is being requested of the other entity in addition to what is enclosed within the correspondence.
TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Two Hundred Percent Guidelines for the Kinship Permanency Incentive (KPI) Program.

Pursuant to Ohio Revised Code section 5101.802 and Ohio Administrative Code rule 5101:2-40-04(C)(5), the following schedule is to be used when determining whether families are eligible to receive KPI payments. The schedule represents 200% of the 2005 Federal Poverty Guidelines (published in the Federal Register, Volume 70, Number 33, February 18, 2005) rounded to the nearest dollar and adjusted for family size.

<table>
<thead>
<tr>
<th>FAMILY SIZE</th>
<th>200% OF FEDERAL POVERTY GUIDELINES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$19,140</td>
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<tr>
<td>2</td>
<td>$25,660</td>
</tr>
<tr>
<td>3</td>
<td>$32,180</td>
</tr>
<tr>
<td>4</td>
<td>$38,700</td>
</tr>
<tr>
<td>5</td>
<td>$45,220</td>
</tr>
<tr>
<td>6</td>
<td>$51,740</td>
</tr>
<tr>
<td>7</td>
<td>$58,260</td>
</tr>
<tr>
<td>8</td>
<td>$64,780</td>
</tr>
<tr>
<td>For each additional person add</td>
<td>$6,520</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders

FROM: Barbara E. Riley, Director

SUBJECT: Request for Adoption and Foster Care Pre-Service Training Materials

The Ohio Department of Job and Family Services (ODJFS) is required under the Multiethnic Placement Act (MEPA) federal Corrective Action and Resolution Plan (CARP) to review all pre-service training materials pertaining to culture, race, color and national origin. The pre-service training materials are used for families seeking to become licensed foster caregiver(s) and/or approved adoptive parent(s). A review of this material is necessary to determine if your agency is in compliance with the MEPA, Title VI of the Civil Rights Act of 1964 (Title VI) and all Ohio Administrative Code (OAC) rules governing adoption and foster care placements.

Agencies that utilize the pre-service training materials developed by the Ohio Child Welfare Training Program are not required to submit the training materials. All other agencies must submit the adoption and foster care pre-service training materials by March 1, 2005 to:

   Vanessa Tower, Program Administrator
   Ohio Department of Job and Family Services
   Adoption Services Section
   255 E. Main Street, 3rd Floor
   Columbus, Ohio 43215

ODJFS will review this material and notify each agency in writing if there are areas of noncompliance and the reason for noncompliance. Agencies will then have thirty (30) days to bring the materials into compliance with MEPA and Title VI and resubmit the materials to ODJFS. If you have questions regarding this correspondence, please contact Vanessa Tower, Program Administrator, Adoption Services Section at (614) 466-9274.
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Child Fatality Administrative Review Protocol

This letter transmits a revised "Child Fatality Administrative Review Protocol" and obsoletes the "Protocol for Reviewing Child Deaths" issued in FCASPL No. 20 on April 1, 1991. The new protocol shall be followed by a public children services agency (PCSA) and the Ohio Department of Job and Family Services (ODJFS) field office staff upon the death of child in custody or any child death involving suspected child abuse and neglect in which a public children services agency (PCSA) had prior involvement within twelve months of the fatality.

This letter also includes a copy of the JFS 01987 "Child Fatality Report Face Sheet". This form will be used by the field office staff to record reports of child fatalities.

For questions about this letter, please contact the OCF Helpdesk: by phone at: 1-866-886-3537, Option 4, or by email at: HELP-DESK-OCF@odjfs.state.oh.us.

INSTRUCTIONS:

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 20</td>
<td>FCASPL No. 83</td>
</tr>
<tr>
<td>FORMS</td>
<td></td>
<td>JFS 01987</td>
</tr>
</tbody>
</table>

Attachment

Click here to view the Child Fatality Administrative Review Protocol.
TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Two Hundred Percent Guidelines for Post Adoption Special Services Subsidy (PASSS) Only/Correction

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(J), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 2005. The schedule represents 200% of the 2005 Federal Poverty Guidelines (published in the Federal Register, Volume 70, Number 33, February 18, 2005) rounded to the nearest dollar and adjusted for family size. The difference between this chart and the chart included in FCASPL No. 82A is in the dollar amount for the family size of 5.

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<td>FCASPL No. 82A</td>
<td>FCASPL No. 82B</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: Two Hundred Percent Guidelines for Post Adoption Special Services Subsidy (PASSS) Only

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(J), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the post adoption special services subsidy program effective July 2005. The schedule represents 200% of the 2005 Federal Poverty Guidelines (published in the Federal Register, Volume 70, Number 33, February 18, 2005) rounded to the nearest dollar and adjusted for family size.

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<td>8</td>
<td>$64,780</td>
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For each additional person add $6,520

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<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 82</td>
<td>FCASPL No. 82A</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedural Letter No. 82

July 20, 2004

TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Post Adoption Special Services Subsidy (PASSS) Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(C) and Ohio Administrative Code rule 5101:2-44-13.1(J), the following schedule is to be used only when determining whether families are required to pay five-percent of the total costs of all services received under the Post Adoption Special Services subsidy program effective July 2004. The schedule represents 200% of the 2004 Federal Poverty Guidelines (published in the Federal Register, Volume 69, Number 30, February 13, 2004) rounded to the nearest dollar and adjusted for family size.

<table>
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<th>FAMILY SIZE</th>
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<td>3</td>
<td>$31,340</td>
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</tr>
<tr>
<td>7</td>
<td>$56,780</td>
</tr>
<tr>
<td>8</td>
<td>$63,140</td>
</tr>
</tbody>
</table>

For each additional person add $3,180
TO: All Family Children and Adult Services Manual Holders  
FROM: Barbara Riley, Director  
SUBJECT: Monthly Cut-Off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and Title IV-E FACSIS Benefit Issuance (FBI)

The table below lists the cut-off dates for calendar year 2006 for the JFS 01925 "Title IV-E FCM Facility Invoice" and for FACSIS Benefit Issuance (FBI). **SIS users are reminded that they need to have their data in SIS one business day prior to the FACSIS cut-off date.** The JFS 01925 "Title IV-E FCM Facility Invoice" must be received by 2:00 p.m. on the cut-off date to be processed for the following month's warrant. Please be advised that faxed copies will not be accepted for processing. The current mailing address for the JFS 01925 "Title IV-E FCM Invoice" is:

Ohio Department of Job and Family Services  
Office for Children and Families  
Bureau of Accountability and Regulation  
255 East Main Street, 3rd Floor  
Columbus, OH 43215-5222  
Attn: JFS 01925

<table>
<thead>
<tr>
<th>MONTH</th>
<th>1925 CUT-OFF</th>
<th>SIS CUT-OFF</th>
<th>FACSIS CUT-OFF</th>
</tr>
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<tbody>
<tr>
<td>JANUARY (February issuance)</td>
<td>01-17-06</td>
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<tr>
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</tbody>
</table>
TO: All Family Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Monthly Cut-Off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and for Title IV-E FACSIS Benefit Issuance (FBI)

The table below lists the cutoff dates for calendar year 2005 for the JFS 01925 Title IV-E FCM Facility Invoice and for FACSIS Benefit Issuance (FBI). SIS users are reminded that they need to have their data in SIS one business day prior to the FACSIS cut-off date. The JFS 01925 Title IV-E FCM Facility Invoice must be received by 2:00 p.m. on the cut-off date to be processed for the following month’s warrant. Please be advised that faxed copies will not be accepted for processing. The current mailing address for the JFS 01925 Title IV-E FCM Invoice is:

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Accountability and Regulation
255 East Main Street, 3rd Floor
Columbus, OH 43215-5222
Attn: JFS 01925

Title IV-E FCM Facility Invoice and for FACSIS Benefit Issuance (FBI) cutoff dates for calendar year 2005

<table>
<thead>
<tr>
<th>MONTH</th>
<th>1925 CUT-OFF</th>
<th>SIS CUT-OFF</th>
<th>FACSIS CUT-OFF</th>
</tr>
</thead>
<tbody>
<tr>
<td>JANUARY (February issuance)</td>
<td>01-14-05</td>
<td>01-19-05</td>
<td>01-20-05</td>
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<tr>
<td>FEBRUARY (March issuance)</td>
<td>02-14-05</td>
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<td>MARCH (April issuance)</td>
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<td>APRIL (May issuance)</td>
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<td>MAY (June issuance)</td>
<td>05-13-05</td>
<td>05-18-05</td>
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<tr>
<td>JUNE (July issuance)</td>
<td>06-14-05</td>
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<tr>
<td>JULY (August issuance)</td>
<td>07-15-05</td>
<td>07-19-05</td>
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<tr>
<td>AUGUST (September issuance)</td>
<td>08-12-05</td>
<td>08-19-05</td>
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<tr>
<td>SEPTEMBER (October issuance)</td>
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<tr>
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<tr>
<td>DECEMBER (January issuance)</td>
<td>12-14-05</td>
<td>12-16-05</td>
<td>12-19-05</td>
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</table>
TO: All Family Children and Adult Services Manual Holders
FROM: Thomas J Hayes, Director
SUBJECT: Monthly Cut-Off Dates for the Title IV-E FCM Facility Invoice (JFS 01925) and for Title IV-E FACSIS Benefit Issuance (FBI)

The table below lists the cutoff dates for calendar year 2004 for the JFS 01925 Report and for FACSIS Benefit Issuance (FBI). **SIS users are reminded that they need to have their data in SIS one business day prior to the FACSIS cut-off date.** The ODJFS 1925 Report must be received by 2:00 p.m. on the cut-off date to be processed for the following month’s warrant. Please be advised that faxed copies will not be accepted for processing. The current mailing address for the JFS 01925 Report is:

Ohio Department of Job and Family Services
Office for Children and Families
Bureau of Accountability and Regulation
255 East Main Street, 3rd Floor
Columbus, OH 43215-5222
Attn: JFS 01925 Coordinator

<table>
<thead>
<tr>
<th>MONTH</th>
<th>1925 CUT-OFF</th>
<th>SIS CUT-OFF</th>
<th>FACSIS CUT-OFF</th>
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<tbody>
<tr>
<td>JANUARY (February issuance)</td>
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</table>
TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Changes Regarding the Filing of the Title IV-E Sixth Month Cost Report Due December 31, 2003

Paragraph (A)(3) of rule 5101:2-47-26.1 Public children services agencies (PCSA), private child placing agencies (PCPA), private noncustodial agencies (PNA): monitoring Title IV-E cost report filing, record retention requirements and related party disclosure requirements states: "For the six-month period January 1, 2003 through June 30, 2003, a six-month Title IV-E cost report reflecting cost for the six-month period January 1, 2003 through June 30, 2003, shall be filed with ODJFS by December 31, 2003." The rule is in the process of being amended to eliminate this requirement. **Effective immediately ODJFS will not be requiring adherence to this provision of the rule.**

ODJFS will utilize the reimbursement ceiling amounts established from the private agencies calendar year 2002 cost reports and the updated inflation factor to recalculate the reimbursement ceiling amounts for the rate period covering September 1, 2004 through March 31, 2005. Beginning with the effective rate period of April 1, 2005 through March 31, 2006, ODJFS will utilize the private agencies audited single cost report to calculate the reimbursement ceiling amount.

For questions about this letter, please contact the OCF Helpdesk: by phone at: 1-866-886-3537, option 4, or by email at: HELP-DESK-OCF@odjfs.state.oh.us.
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: JFS 01659 Payment Process Changes

The JFS 01659 payment process has been revised to reduce the number of duplicate payments. The major alteration to the payment process is that the FACSIS Benefit Issuance (BI) system is now set up to have only one active payment for each Benefit Type for any given time period of service. If an incorrect monthly payment is made requiring an adjustment, the entire claim must be returned either as an overpayment (Transaction Code 2) or as an underpayment (Transaction Code 3). The correct payment claim amount should be claimed as an "initial" payment (Transaction Code 1).

In order to reduce the number of duplicate payments, two error messages have been added to the Benefits Issuance Error Report:

- **Duplicate Payment Found**
- **No Payment Matches the Overpayment/Underpayment**

The following examples detail how to avoid these errors:

**EXAMPLE 1:** A claim of $450.00 was processed at BI Cut-off. After payment was created, the county changes FACSIS Event 338 to $500.00. To receive the revised amount, complete a JFS 01659 with two lines:

  - **Line 1:** Indicate an overpayment of $450.00.
  - **Line 2:** Indicate an "initial" payment for $500.00.

The overpayment line processes first and brings the balance for the time period to $0.00. Then the initial payment line processes bringing the balance to $500.00. Please note that if a subsequent change is made to the FACSIS Event 338 the same process would be followed; first returning the $500, and then claiming the new amount.

For this example, the common cause of the error message "Duplicate Payment Found" is the following:

- Any request for additional funding for the same service time period (i.e. $50.00 additional payment to equate the total payment with the new FACSIS Event 338 of $500.00).

For this example, the common cause of the error message "No Payment Matches the Overpayment/Underpayment" is the following:

- Any claim of overpayment or underpayment that does not identically match the "initial" claim for the time period (i.e. using an overpayment amount of $264.73 (58.83%) instead of the original claim of $450.00).

**EXAMPLE 2:** A claim of $450.00 was processed at BI Cut-off. After payment was created, the child is moved to Resource #2 on 7/15/03. Two separate claims, one for Resource #1 of $203.00 and one for Resource #2 of $300.00 is needed. To receive payments for the two different placement resources, the two placements will need to be split and processed as two different service time period payment requests. Complete a JFS 01659 with the following three lines:

  - **Line 1:** Indicate an overpayment of $450.00.
  - **Line 2:** Indicate an "initial" payment for $203.00 for Resource #1 (7/1/2003 - 7/14/2003).
  - **Line 3:** Indicate an "initial" payment for $300.00 for Resource #2 (7/15/2003 - 7/31/2003).

For this example, the common cause of the error message "Duplicate Payment Found" is the following:

- Any request that overlaps a previous service time period (i.e. $218.00 for 7/1/2003 - 7/15/2003 and $300.00 for 7/15/2003 - 7/31/2003).
For this example, the common cause of the error message "No Payment Matches the Overpayment/Underpayment" is the following:

- Any claim of overpayment or underpayment that does not identically match the "initial" claim for the time period (i.e. using an overpayment amount of $232.00 on Resource #1 for the period 7/16/2003 - 7/31/2003 when the original claim was for $450.00 for the period 7/1/20003 - 7/31/2003).

**EXAMPLE 3:** A claim of $450.00 was processed at BI Cut-off. After payment was created for the 7/1/2003 - 7/31/2003 time period, the child returns home on 7/11/2003. To return payment for the period 7/11/03 - 7/31/03 and receive the partial month's payment for the period 7/1/03 - 7/10/03, complete a JFS 01659 with two lines:

- **Line 1:** Indicate an overpayment of $450.00.
- **Line 2:** Indicate an "initial" payment of $145.00 for the portion of time the child was in placement from 7/1/2003 - 7/10/2003.

For this example, the common cause of the error message "No Payment Matches the Overpayment/Underpayment" is the following:

- Any claim of overpayment or underpayment that does not identically match the "initial" claim for the time period (i.e. using an overpayment amount of $305.00 for the period 7/11/03 - 7/31/03 instead of using the original claim amount of $450.00).

**Clothing, Graduation and Daycare**

Clothing, graduation and daycare claims are now debundled from the FACSIS Event 338 amount. Thus, FACSIS Event 338 amount no longer acts as an upper limit and there is no longer any need to split one of these costs onto separate lines for reimbursement. The only limits that apply to these amounts are the limits set through the annual foster care maintenance survey. Each claim of clothing, graduation, and/or daycare should have its own separate line on the JFS 01659.

Clothing, graduation and daycare claims are each handled separately from the maintenance amounts. Each of these is treated the same as maintenance. An initial claim of clothing for a time-period is handled the same as it always has been.

The following example details how to receive proper reimbursement for clothing, graduation and daycare claims:

**EXAMPLE 4:** Prior to the debundling of the FACSIS Event 338, a $500.00 claim for clothing was split across two lines on the JFS 01659 to not exceed the amount of FACSIS Event 338 ($450.00 in this illustration) Prior to the debundling of the FACSIS Event 338, the JFS 01659 claim would have shown the following:

- **Line 1:** Indicated an "initial" clothing payment of $450.00.
- **Line 2:** Indicated an "initial" clothing payment of $50.00.

* [This method will now result in a "Duplicate Payment Found" error message] *

The new process for completing the JFS 01659 is as follows:

- **Line 1:** Indicate an "initial" clothing payment of $500.00.

**Difficulty of Care Payments**

Foster Care Maintenance (FCM) payments that include a Special, Exceptional or Intensive Needs benefit are processed as a combined total of the Maintenance Per Diem and the Difficulty of Care Per Diem from the FACSIS Event 338. These need to be combined when completing the JFS 01659 for an overpayment or underpayment. Any revised difficulty of care claim for the same service period is split between family foster home costs and the specific difficulty of care benefit type under a transaction code of "initial benefit."

The following example details how to receive proper reimbursement for difficulty of care claims:

**EXAMPLE 5:** A claim of $500.00 ($450.00 Maintenance and $50.00 for Special Needs) was processed at BI Cut-off. After payment was created, the child needs $200.00 for Exceptional Needs. Thus, the combined
monthly claim should be for $650.00 ($450.00 for Maintenance and $200.00 for Exceptional Needs). To receive the revised amount, complete a JFS 01659 with the following three lines:

- **Line 1:** Indicate an overpayment of "Family Foster Home Costs" totaling $500.00 to return the entire month's claim ($450.00 for Maintenance and $50.00 for Special Needs).
- **Line 2:** Indicate an "initial" payment of "Family Foster Home Costs" for $450.00.
- **Line 3:** Indicate an "initial" payment of "Exceptional Needs" for $200.00.

For this example, the common cause of the error message "Duplicate Payment Found" is the following:

- Any request that overlaps a previous service time period.

For this example, the common cause of the error message "No Payment Matches the Overpayment/Underpayment" is the following:

- A claim of overpayment or underpayment that does not identically match the "initial" maintenance claim combined with the "initial" Special Needs claim. (i.e. using an overpayment amount of $50.00 for the Special Needs portion only).

**Helpful Hint**

As a helpful hint please be advised that when BI issues a recurring (cutoff) foster care maintenance (FCM) payment it rounds to the nearest dollar. Therefore, if your FACSIS Event 338 has a value of $333.33, cutoff will issue $333.00, and that is the amount that would be used to return the payment as an overpayment or underpayment. For rounding purposes, $1.00 to $1.49 rounds to $1.00; likewise $1.50 to $1.99 rounds to $2.00.

For questions about this letter, please contact the OCF Helpdesk by phone at 1-866-886-3537, Option 4, or by email at HELP-DESK-OCF@odjfs.state.oh.us.
TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Adult Protective Services Protocol

This letter obsoletes the "Adult Protective Services Guidelines" issued March 28, 1996 under FCASPL No. 49 and transmits the "Adult Protective Services Protocol". This protocol is an informational tool that outlines adult protective services (APS) operations in Ohio. The protocol was written to assist APS workers in performing their job responsibilities more efficiently. The document outlines the various activities and tasks in the delivery of APS from identifying signs and symptoms of abuse, neglect and exploitation to case termination. The protocol also includes a sample assessment tool, reporting forms and court filing forms to serve as a guide for APS staff.

INSTRUCTIONS:
The following chart depicts what materials should be obsoleted and inserted in the Family, Children and Adult Services Manual.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transmittals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedure Letters</td>
<td>FCASPL No. 49</td>
<td>FCASPL No. 73</td>
</tr>
</tbody>
</table>

Attachment: Adult Protective Services Protocol
TO: All Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: PROPOSED RULES FOR IMPLEMENTING SUB. HB 448 - CHILD PROTECTION ACCOUNTABILITY BILL

On July 6, 2000, Governor Bob Taft signed into law Sub. HB 448-legislation which increases protection of children and promotes agency accountability. This legislation becomes effective on October 5, 2000. ODJFS plans to implement new and revised Ohio Administrative Code (OAC) rules to comply with Sub. HB 448 by January 1, 2001. Please be advised that compliance with Sub. HB 448 is required effective October 5, 2000.

To assist you while the department pursues the rule-making process to implement the new and revised rules, a summary of the proposed rules is attached. These rules will affect Section 5101:2, Chapters 5, 7, 34, 35, 39, 42, 47, and 48.

In addition to this summary, ODJFS will offer an "Executive Briefing" designed for agency directors and administrators. ODJFS will also provide regional full-day "Train-the-Trainer" technical assistance sessions, focusing on Sub. HB 448, as well Sub. HB. 332, the foster parent training legislation. The OAC rules for these two bills will also be covered. The dates for these briefings will be announced later.

Finally, please note that an electronic copy of Sub. HB. 448, Sub. HB. 332, final analysis and fiscal notes can be found at http://www.legislature.state.oh.us. If you do not have electronic access and would like a hard copy, you may request one from James Lacks at (614) 728-7843.

If you have any questions, please contact your Regional Office Technical Assistance Specialist.
The table below is a DRAFT summary of proposed rules:

<table>
<thead>
<tr>
<th>OAC Rule Number</th>
<th>Brief Explanation of Proposed Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-1-01</td>
<td><strong>DRAFT</strong> - New definitions enacted by HB. 448</td>
</tr>
<tr>
<td>5101:2-5-04 (Revised)</td>
<td><strong>DRAFT</strong> - Clarifying amendments to paragraph (A); new audit requirements for PCPAs and PNA's in paragraph (B); changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-08 (Revised)</td>
<td><strong>DRAFT</strong> - In paragraph (A), a new requirement for agency governing body members to be unrelated to each other or the agency administrator is inserted; in (A)(5) a reference is made to the new audit requirements inserted into OAC rule 5101:2-5-04 and previous language on audit requirements is deleted; changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-09 (Revised)</td>
<td><strong>DRAFT</strong> - A technical amendment is made in paragraph (C)(1). Note that unlike the criminal records check for foster caregivers and adult members of a foster caregiver's household, the criminal records check requirement for agency employees and volunteers has not changed.</td>
</tr>
<tr>
<td>5101:2-5-091 (Revised)</td>
<td><strong>DRAFT</strong> - In paragraph (A), changes were made to clarify those persons subject to a criminal records check; in paragraphs (A), (B), (C) and (D) changes were made to assure that responsibility for obtaining required criminal records checks rests with the administrative director of an agency; in (C)(3) new language requires a criminal records check to be conducted for other adult members of a foster caregiver's household; in (E), (H), (I) and (L) change the reference to refer to any person subject to a criminal records check rather than those referenced in (A); in (F) add the requirement for a prospective foster caregiver to be responsible for providing the fingerprint impressions of other adult household members; in (O), remove an outdated reference to 5101:2-7-02(P); a new paragraph (P) is created by moving the contents of 5101:2-7-02(P) to this rule (the effect is to put the required evaluation contents near the requirement of paragraph (O) for an evaluation to be conducted whenever a certified foster caregiver or an adult resident of a family foster home is convicted of one of the prohibited crimes listed in paragraph (J) of 5101:2-7-02); changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-13 (Revised)</td>
<td><strong>DRAFT</strong> - In (A)(3)(v), the word &quot;needs&quot; was changed to &quot;backgrounds&quot; to more closely reflect the intent of federal MEPA/IEPA law; a new (A)(6) requires agencies to have a policy on the notification by a foster caregiver if any 12 to 18 year old resident of a family foster home has committed one of the prohibited offenses listed in Appendix A of rule 5101:2-7-14; succeeding paragraphs are re-numbered accordingly; in (A)(7) require agencies to have a policy detailing any reimbursement for respite care; in (A)(12) remove language related to federal MEPA/IEPA law and reference rules 5101:2-48-11 and 2-48-16; in (A)(25) require the agency's confidentiality policy to address disseminating information to a child fatality review board; changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule.</td>
</tr>
<tr>
<td>5101:2-5-21 (Revised)</td>
<td><strong>DRAFT</strong> - Changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule; in paragraphs (B), (C), (D), (E) and (F) new language permits the use of either the ODJFS 01673 or the ODJFS 01349 to be used in doing a foster homestudy.</td>
</tr>
<tr>
<td>5101:2-5-22</td>
<td><strong>DRAFT</strong> - Changes related to the changing of the name of the department from ODHS to ODJFS are made throughout the rule; permits the use of either the ODJFS 01673 or the...</td>
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<tr>
<td>Rule Number</td>
<td>Draft Description</td>
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<td>5101:2-5-28 (Revised)</td>
<td>DRAFT - In paragraphs (A) and (F) changes related to the changing of the name of the department from ODHS to ODJFS are made; in (A)(9) new language specifies that conviction of one of the prohibited offenses by an adult resident of a family foster home or a 12 to 18 year old residing in the home may be considered valid cause to deny or revoke a foster home certificate; the existing language of (B) is deleted and replaced with new language requiring an agency to review the foster home certificate and any placements and, if necessary, notify custody holders and recommend revocation if any of the circumstances of paragraph (A) exist in a foster home; a new paragraph (C) requires an agency to notify ODJFS (upon notification by a foster caregiver) when a 12 to 18 year old foster home resident has been convicted of one of the prohibited offenses - ODJFS is required to revoke the foster home certificate in these circumstances.</td>
</tr>
<tr>
<td>5101:2-7-02 (Revised)</td>
<td>DRAFT - In (F) and (G) changes related to the changing of the name of the department from ODHS to ODJFS are made; in (J)(1) and the Appendix, two new arson related crimes are added to the list of prohibited offenses; in (P) existing language has been moved to a new paragraph (P) in rule 5101:2-5-091 and new language is added regarding denial of a foster home certificate upon notification of the conviction or adjudication of delinquency of a 12 to 18 year old resident of a family foster home of any of the prohibited offenses.</td>
</tr>
<tr>
<td>5101:2-7-14 (Revised)</td>
<td>DRAFT - In (G) add new language to require a foster caregiver to notify the recommending agency of any conviction of a 12 to 18 year old resident of a family foster home of any of the prohibited offenses; add an Appendix A to list the prohibited offenses.</td>
</tr>
<tr>
<td>5101:2-33-19 (New Rule)</td>
<td>DRAFT - This rule sets forth the penalties for PCSAs, PCPAs and PNAs for failure to comply with fiscal accountability. This rule is new with no prior effective date.</td>
</tr>
<tr>
<td>5101:2-34-32 (Revised)</td>
<td>DRAFT</td>
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<tr>
<td>5101:2-34-33 (Revised)</td>
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<tr>
<td>5101:2-34-34 (Revised)</td>
<td><strong>DRAFT</strong></td>
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<td>------------------------</td>
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<tr>
<td>(B) Adds word &quot;finding&quot;</td>
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<tr>
<td>(B)(9) becomes (C) - Changes the name of the risk assessment model (all other letters move forward one).</td>
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<thead>
<tr>
<th>5101:2-34-36 (Revised)</th>
<th><strong>DRAFT</strong></th>
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<tbody>
<tr>
<td>Defines out-of-home perpetrator as a &quot;stranger&quot;</td>
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<tr>
<td>(A)(1) Requires that the out-of-home perpetrator not be a member of the child victim's immediate or extended family</td>
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<tr>
<td>(B)(4) Outlines the timeframes the PCSA must follow in attempting to conduct a face-to-face interview with an alleged child victim</td>
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<tr>
<td>(C) Deleted (all other letters move back one).</td>
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<tr>
<td>(D) Changes the elements to be evaluated to coincide with the titles of elements used in the risk assessment matrix</td>
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</tr>
<tr>
<td>(F) Requires that the PCSA make a case disposition (not resolution) at the conclusion of the investigation</td>
<td></td>
</tr>
<tr>
<td>(H) Changes the term from assessment to investigation</td>
<td></td>
</tr>
</tbody>
</table>

| 5101:2-34-37 (Revised) | **DRAFT** - Changes the name of the risk assessment model. |

<table>
<thead>
<tr>
<th>5101:2-34-38 (Revised)</th>
<th><strong>DRAFT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(E)(1)(h) Specifies when information from the case record must be provided to a school administrator or designee.</td>
<td></td>
</tr>
<tr>
<td>(E)(1)(l) Specifies when information from the case record must be provided to a Child Fatality Review Board.</td>
<td></td>
</tr>
<tr>
<td>(E)(2)(h) Adds foster parents to the list of individuals or non-public agencies to whom the PCSA can release information</td>
<td></td>
</tr>
<tr>
<td>(E)(3)(b) Adds language that information may be released when it is determined to be in the best interests of a child and necessary for the protection of a child in an out-of-home care setting.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5101:2-35-16 (Revised)</th>
<th><strong>DRAFT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Specifies the information to be entered into FACSIS any time after the PCSA begins an assessment/investigation, but no later than 24 hours after they make a disposition/resolution.</td>
<td></td>
</tr>
<tr>
<td>(C) Specifies that information to be entered into FACSIS within 24 hours of the time the PCSA makes a disposition/resolution.</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>5101:2-35-77 (Revised)</th>
<th><strong>DRAFT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>All references to assessment changed to assessment/investigation.</td>
<td></td>
</tr>
<tr>
<td>(I)(7) Requires a case disposition be made in addition to a case resolution.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5101:2-39-02 (Revised)</th>
<th><strong>DRAFT</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Specifies that both a case disposition and resolution are to be made for assessments and a disposition is to be made for investigations.</td>
<td></td>
</tr>
<tr>
<td>(C) Changes the name of the risk assessment model.</td>
<td></td>
</tr>
</tbody>
</table>
(D) Information to be documented in the case record including (6) both the case disposition and resolution, and (11) information released to a Child Fatality Review Board.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-39-07 (Revised)</td>
<td><strong>DRAFT</strong> - (E) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>5101:2-39-08 (Revised)</td>
<td>(C) Adds disposition as a criteria for providing services to the parent, guardian or custodian. Changes the name of the risk assessment model. (M) Adds provision for closing a case by court order.</td>
</tr>
<tr>
<td>5101:2-39-081 (Revised)</td>
<td><strong>DRAFT</strong> (A) Changes the name of the risk assessment model. (I) Wording changes.</td>
</tr>
<tr>
<td>5101:2-39-082 (Revised)</td>
<td><strong>DRAFT</strong> - (H) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>5101:2-39-12 (Revised)</td>
<td><strong>DRAFT</strong> - (A) Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>5101:2-42-43 (Revised)</td>
<td><strong>DRAFT</strong> New (B) Outlines the purpose for conducting the semiannual administrative review (previously outlined in 5101:2-39-081(all other letters move forward one). (D) becomes (E) - Changes the name of the risk assessment model.</td>
</tr>
<tr>
<td>5101:2-47-261 (New)</td>
<td><strong>DRAFT</strong> - This rules sets forth the procedures for monitoring cost reports submitted by PCSAs, PCPAs and PNAs, along with the requirement for filing a single cost report form. This rule is new with no prior effective date.</td>
</tr>
<tr>
<td>5101:2-47-262 (New)</td>
<td><strong>DRAFT</strong> - This rule sets forth the audit requirements for PCSAs, PCPAs and PNAs. This rule is new with no prior effective date.</td>
</tr>
<tr>
<td>5101:2-48-05</td>
<td><strong>DRAFT</strong> - (A)(13) Adds requirements that agencies provide a description of all state and federal subsidies including the eligibility and application requirements. (D)(1) Adds requirement that agencies add Race, Culture and Ethnicity of the children available for adoption.</td>
</tr>
<tr>
<td>5101:2-48-06</td>
<td><strong>DRAFT</strong> - (B) Adds language that prohibits an person who does not complete the required training from performing assessor duties.</td>
</tr>
<tr>
<td>5101:2-48-08</td>
<td><strong>DRAFT</strong> - (A)(4) Adds requirements that agencies provide a description of all state and federal subsidies including the eligibility and application requirements.</td>
</tr>
<tr>
<td>5101:2-48-10</td>
<td><strong>DRAFT</strong> - (J) Adds additional foster care rule cite.</td>
</tr>
<tr>
<td>5101:2-48-11</td>
<td><strong>DRAFT</strong> (E) Adds requirement of a new application form for foster caregivers that wish to adopt a child who has been placed in their home for at least twelve months (F) Adds requirement that agencies inform foster caregivers they will be given consideration.</td>
</tr>
</tbody>
</table>
unless the placement is not in the best interest of the child.

(G) Adds requirements that agencies may not require additional information from foster caregivers; including BCII checks, but they must inform the foster caregiver that the court may not finalize the adoption without a BCII check.

(H) Adds procedures for agencies to follow upon receipt of the foster caregiver application.

(I) Adds language that directs agencies to the Ohio Administrative Code rules governing placement decisions.

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5101:2-48-12</td>
<td>DRAFT - (L) Adds language that states homestudy updates are valid for two years from the date of the initial approval.</td>
</tr>
<tr>
<td>5101:2-48-14</td>
<td>DRAFT - (B)(1) Deletes reference to cultural heritage</td>
</tr>
<tr>
<td>5101:2-48-16</td>
<td>DRAFT - (C) Adds items to be taken into consideration when determining the best interest of the child.</td>
</tr>
<tr>
<td>5101:2-48-17</td>
<td>DRAFT - (H) Requires an agency to notify the PCSA in the county in which an adoptive placement will occur.</td>
</tr>
<tr>
<td>5101:2-47-44</td>
<td>DRAFT</td>
</tr>
<tr>
<td>(G) Exempts foster caregivers from the ODJFS 1699, &quot;Prefinalization Adoption Assessment Report.</td>
<td></td>
</tr>
<tr>
<td>(H) Adds language clarifies the foreign decree constitutes a final decree of adoption.</td>
<td></td>
</tr>
<tr>
<td>(F) Adds language that indicates Non-Recurring Adoption Expenses cannot be applied for, or approved after a final decree has been issued.</td>
<td></td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Jacqueline Romer-Sensky, Director  
SUBJECT: Local Family Violence Networking Initiative

Family violence prevention funds using combined federal and state dollars are being allocated to all 88 county departments of job and family services (CDJFSs) for the purpose of facilitating the networking between professionals at the local level who may be involved in working with Ohioans who are victims of family violence. This funding initiative is being used to encourage a multi-disciplinary approach toward preventing family violence and developing appropriate strategies for intervening with families currently experiencing family violence through the development of open forums or round table meetings. It is also being used to provide an avenue whereby counties may ensure that they are implementing the family violence provisions of House Bill 408. While the initial networking initiatives were started between adult protective services and the local domestic violence shelters to address the differences and similarities in philosophies, laws, and services delivery across systems, this networking initiative expands the requirement for coordination to other program areas in which individuals who are at risk of family violence may be involved.

Required participants shall include:

* CDJFS staff who provide social services or protective services to adults age 18 or older;
* CDJFS staff who are responsible for conducting family assessments (as required by H. B. 408) for families participating in Ohio Works First and for making determinations whether "good cause" exemptions may be utilized;
* Child Support Enforcement staff who work with participants to establish paternity, collect child support, and make determinations whether "good cause" exemptions may be utilized; and
* Staff or representatives of local domestic violence shelters which serve the county.

Other suggested participants may include public children services agency staff, judges, law enforcement personnel, clergy, hospital staff, emergency medical technicians, school counselors, representatives of the local mental health board, etc.

The CDJFS must submit to ODJFS, a written report identifying the following information:

a. Activities carried out through the use of the funds, including copies of minutes from meetings held and participants by profession or interest/advocacy area
b. Written protocols and procedures for:
   i. Coordination between CDJFS adult protective/social service staff and staff of the local domestic violence shelter;
   ii. Conducting family assessments to determine whether an applicant for Ohio Works First, or other public assistance programs which the CDJFS administers, is a victim of domestic violence and whether the applicant may need to be temporarily exempted from Ohio Works First requirements to address problems he or she is experiencing related to domestic violence.
   iii. Reporting to ODJFS, for statistical purposes, the number of applicants who have been identified as being victims of domestic violence;
   iv. Coordination between the CDJFS, CSEA, and the local domestic violence shelter when cases involve Ohio Works First applicants for whom the establishment of paternity or the collection of child support requires special handling due to the applicant and/or the children being at risk of domestic violence.
   v. Assuring that participants in CDJFS and CSEA programs are aware of the availability of domestic violence services in their area.
Reports should be submitted no later than July 31, 2001 to:

Carrie Anthony, Section Chief
The Ohio Department of Job and Family Services
Family Violence Prevention
65 E. State Street, 5th Floor
Columbus, Ohio 43215

Counties requiring technical assistance may contact their appropriate district representatives or Carrie Anthony, Section Chief, Family Violence Prevention at (614) 752-6248.
Family, Children and Adult Services Procedure Letter No. 65

November 26, 1999

TO: All Family, Children and Adult Services Manual Holders

FROM: Jacqueline Romer- Sensky, Director

SUBJECT: Procedure for Calculating the Twelve or More Months of a Consecutive Twenty-Two Month Period a Child has Been in Substitute Care.

This letter transmits information on several changes to Ohio law that became effective on October 29, 1999 as a result of the enactment of Am. Sub. H.B. 176. Effective that day, amendments to sections 2151.413 and 2151.414 of the Revised Code (ORC) clarify how Public Children Services Agencies (PCSAs) and Private Child Placing Agencies (PCPAs) are to calculate the number of days a child has been in substitute care, for purposes of determining when it is appropriate for an agency to file a motion requesting termination of parental rights and requesting the child be committed to the permanent custody of the agency. These sections of law require an agency to file a motion requesting termination of parental rights on behalf of any child who has been in substitute care for 12 or more months of the most recent consecutive 22 month period, unless there are compelling reasons for the agency not to file the motion.

For purposes of calculating the 12 or more months of a consecutive 22 month period, a child is considered to have entered the temporary custody of an agency on the date that is the earlier of:

1. The date the child is adjudicated to be a child in need of substitute care as the result of an adjudicatory hearing held pursuant to section 2151.28 of the Revised Code, or

2. The date that is sixty days after the child was removed from his/her home and placed in substitute care.

Also, Am. Sub. H.B. 176 narrows one of the circumstances recently established where reasonable efforts are not required to reunify a child with a family. As previously enacted by H.B. 484 (effective March 18, 1999), reasonable efforts were not required when the parental rights were terminated with respect to a sibling of the child. Am. Sub. H.B. 176 has amended ORC sections 2151.414 and 2151.419 to clarify that reasonable efforts to reunify a child with the family are not required when parental rights have been involuntarily terminated. Therefore, reasonable efforts to reunify the child with the family are required in those situations where the parental rights with respect to a sibling of the child were voluntarily terminated, such as in a voluntary surrender for adoption.

ODHS will be making changes to the Ohio Administrative Code (OAC) rules governing these situations as quickly as possible. In the meantime, ODHS recognizes that the ORC takes precedent over the provisions in the OAC. This information is being provided while the department follows the regular rulemaking process in order for PCSAs and PCPAs to comply with the full intent of Ohio law. If you have any questions, please contact your Regional Office Technical Assistance Specialist.
Family, Children and Adult Services Procedure Letter No. 64

November 19, 1999

TO: All Family, children and Adult Services Manual Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: Local Family Violence Networking Initiative

Family violence prevention funds using combined federal and state dollars are being allocated to all 88 county department of human services (CDHSs) for the purpose of facilitating the networking between professionals at the local level who may be involved in working with Ohioans who are victims of family violence. This funding initiative is designed to encourage a multi disciplinary approach toward preventing family violence and developing appropriate strategies for intervening with families experiencing family violence through the development of open forums or round table meetings. It is also being used to provide an avenue whereby counties may ensure that they are implementing the family violence provisions of House Bill 408, which requires the CDHS to assess, for Ohio Works First applicants, whether family violence may necessitate the applicant's assignment to an alternative work activity. While previous networking initiative were started between adult protective services and the local domestic violence shelters to address the differences and similarities in philosophies, laws, and service delivery across systems, this networking initiative expands the requirement for coordination to other program areas in which individuals who are at risk of family violence may be involved.

Required participants shall include:

- CDHS staff who provide social service or protective services to adults age 18 or older;
- CDHS staff who are responsible for conducting family assessments (as required by House Bill 408) for families participating in Ohio Works First and for making alternative work activity assignments;
- Child Support Enforcement staff who work with participants to establish paternity, collect child support, make determinations whether good cause exemption may be utilized and determine if information about family members should be protected from release (including but not limited to information maintained within the Federal Child Support Case Registry); and
- Staff or representatives of local domestic violence shelters which serve the county.

Other suggested participants may include, but limited to: public children services agency staff, judges, law enforcement personnel, clergy, hospital staff, emergency medical technicians, school counselors, and representatives of the local mental health board.

To meet federal reporting requirements, the CDHS shall submit to ODHS no later than July 31, 2000, a written report which identifies the following information:

(a) Activities carried out through the use of the funds, including copies of minutes from meetings held and participants by profession or interest/advocacy area.

(b) Written protocols and procedures for:
   
   i. Coordination between CDHS adult protective/social services staff and staff of the local domestic violence shelter
   
   ii. Conducting family assessments to determine whether an applicant for Ohio Works First, or other public assistance programs which the CDHS administers, is a victim of domestic violence and whether the applicant may need to be assigned to an alternative work activity under Ohio Works First while the applicant addresses problems he or she is experiencing related to domestic violence.

   iii. Reporting to ODHS, for statistical purposes, the number of applicants who have been identified as being victim of domestic violence;
iv. Coordination with the CDHS, Child Support Enforcement Agency, and the local domestic violence shelter when case involve Ohio Works First applicants for whom the establishment of paternity or the collection of child support requires special handling due to the applicant and/or the children being at risk of domestic violence;

v. Assuring that participants in CDHS and CSEA programs are aware of the availability of domestic violence services in their area.

Reports shall be submitted to:

Carrie Anthony, Administrator
Ohio Department of Human Services
Family Violence Prevention
65 East State Street, 5th floor
Columbus, Ohio 43215

Counties requiring technical assistance may contact their appropriate district representative or Carrie Anthony, Administrator, Family Violence Prevention at 614-644-6140.
TO: All Family, Children and Adult Services Manual Holders
FROM: Wayne W. Sholes, Director
SUBJECT: Local Family Violence Networking Initiative

Family violence prevention funds using combined federal and state dollars are being allocated to all 88 county department of human services (CDHSs) for the purpose of facilitating the networking between professionals at the local level who may be involved in working with Ohioans who are victims of family violence. This funding initiative is designed to encourage a multidisciplinary approach toward preventing family violence and developing appropriate strategies for intervening with families experiencing family violence through the development of open forums or round table meetings. It is also being used to provide an avenue whereby counties may ensure that they are implementing the family violence provisions of House Bill 408, which requires the CDHS to assess, for Ohio Works First applicants, whether family violence may necessitate the applicant's assignment to an alternative work activity. While previous networking initiatives were started between adult protective services and the local domestic violence shelters to address the differences and similarities in philosophies, laws and service delivery across systems, this networking initiative expands the requirement for coordination to other program areas in which individuals who are at risk of family violence may be involved.

Required participants shall include:

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- Child Support Enforcement staff who work with participants to establish paternity, collect child support, make determinations whether "good cause" exemptions may be utilized, and determine if information about family members should be protected from release (including but not limited to information maintained within the Federal Child Support Case Registry); and
- Staff or representatives of local domestic violence shelters which serve the county.

Other suggested participants may include, but are not limited to: public children services agency staff, judges, law enforcement personnel, clergy, hospital staff, emergency medical technicians, school counselors, and representatives of the local mental health board.

To meet federal reporting requirements, the CDHS shall submit to ODHS no later than July 31, 1999, a written report which identifies the following information:

a. Activities carried out through the use of the funds, including copies of minutes from meetings held and participants by profession or interest/advocacy area.

b. Written protocols and procedures for:

   i. Coordination between CDHS adult protective/social service staff and staff of the local domestic violence shelter;

   ii. Conducting family assessments to determine whether an applicant for Ohio Works First, or other public assistance programs which the CDHS administers, is a victim of domestic violence and whether the applicant may need to be assigned to an alternative work activity under Ohio Works First while the applicant addresses problems he or she is experiencing related to domestic violence;

   iii. Reporting to ODHS, for statistical purposes, the number of applicants who have been identified as being victims of domestic violence;
iv. Coordination between the CDHS, Child Support Enforcement Agency (CSEA), and the local domestic violence shelter when cases involve *Ohio Works First* applicants for whom the establishment of paternity or the collection of child support requires special handling due to the applicant and/or the children being at risk of domestic violence;

v. Assuring that participants in CDHS and CSEA programs are aware of the availability of domestic violence services in their area.

Reports shall be submitted to:

Carrie Anthony, Administrator  
Ohio Department of Human Services  
Family Violence Prevention  
65 E. State Street, 5th Floor  
Columbus, Ohio 43215

Counties requiring technical assistance may contact their appropriate district representatives or Carrie Anthony, Administrator, Family Violence Prevention at (614)644-6140.
Family, Children and Adult Services Procedure Letter No. 61E

April 23, 2003

TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: ODJFS Approved Title IV-E Foster Care Maintenance Reimbursement Ceiling Rates for Residential Child Care Facilities and Purchased Family Foster Care Providers for the Period 9/1/02 to 8/31/03

Attached is a list of Title IV-E approved per diem reimbursement ceiling rates for children's residential centers (CRCs), group homes, and residential parenting facilities operated by agencies which have submitted and had approved a JFS 02909 "Residential Child Care Facility Cost Report," and for purchased family foster care (PFFC) providers which have submitted and had approved a JFS 02910 "Purchased Family Foster Care Cost Report." The approved Ohio reimbursement ceiling rate publication rosters are organized alphabetically by operating agency. These rates are also published on the Office for Children and Families' following website address: http://www.state.oh.us/odjfs/ocf/publications.stm. Furthermore, this website will be utilized in listing recently developed rates for agencies new to the Title IV-E rate setting process.

The five digit identification numbers provided in the lists for each agency/facility/program must be used on the JFS 01925 "Monthly FCM Facility Invoice" for reimbursement of costs for each child served. Note that several agencies operate both residential and PFFC programs and a few provide more than one type of program or level of service. Distinct identification numbers have been assigned for each placement type. Therefore, ensure that the appropriate placement identifier, either from the residential or PFFC list, is used when completing the JFS 01925 form.

The rate lists show the two Title IV-E per diem reimbursement ceiling rates for Maintenance and Administration. Not all costs are allowable for reimbursement. For the purchased family foster care program, only direct foster parent payments were considered for calculating the Title IV-E Maintenance Reimbursement Ceiling per diem rate and all other reimbursable costs are included in the Title IV-E Administration Reimbursement Ceiling per diem rate. For the residential child care program, the cost of room and board, basic living and support, and health-related services were used for calculating a Title IV-E Maintenance Reimbursement Ceiling per diem rate; and the cost of case management was used for calculating the allowable Title IV-E Administration Reimbursement Ceiling per diem rate.

The rates shown are based on non-Medicaid costs and, therefore, do not reflect Medicaid and Medicaid mental health costs. A placement agency's customary charge may include fees for non IV-E reimbursable activities that should be considered when negotiating contracts with providers.

The cost reports filed to develop these Title IV-E reimbursement rates are subject to audit, and these Title IV-E reimbursement ceiling rates may be adjusted based on audit findings. Counties may be held liable for adjustments to federal claims based on revised rates subsequent to any audit findings.

For placements in both residential facilities and PFFC programs, the federal reimbursement percentages for the federal fiscal year beginning October 1, 2002, is 58.83% for the Maintenance and 50% for the Administration reimbursement ceiling per diem rates.

It is noted that the ODJFS approved IV-E rates are reimbursement ceilings, but should actual costs for providing or purchasing IV-E services be less, reimbursement will be calculated on the actual costs of services. In addition, it must be stressed that the actual per diem rates paid by your agency for contracted services are subject to negotiation between your agency and the provider.

The information on the attached reimbursement ceiling rate publication rosters is effective only for the reimbursement year beginning September 1, 2002. Retroactive payments for services provided in a prior reimbursement period may be authorized for a period not to exceed twenty-four months prior to the next state payment date. Therefore, ensure that the appropriate reimbursement rate year list is used for claiming reimbursement for these services.
Out-of-state providers have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state. If the out-of-state agency has filed an ODJFS Title IV-E cost report, they are listed in the ODJFS approved Title IV-E rate roster. If placements are made in an out-of-state facility not listed in the ODJFS rate roster, contact the Bureau of Accountability and Regulation at (614) 644-1146 to get a determination of IV-E reimbursement eligibility and rates.

Any questions regarding the IV-E Cost Reports or 2002-2003 reimbursement ceilings rates and the JFS 01925 invoice system should be directed to Ryan Meanor, Office for Children and Families, Bureau of Accountability and Regulation at (614) 644-1146.

This FCASPL is obsolete as of August 31, 2005.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
<th>REMOVE AND FILE AS OBSOLETE</th>
<th>INSERT/REPLACEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRANSMITTALS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Procedure Letters</td>
<td></td>
<td>FCASPL No. 61D</td>
</tr>
</tbody>
</table>
Family, Children and Adult Services Procedure Letter No. 61D

November 2, 2001

TO: All Family, Children and Adult Services Manual Holders

FROM: Thomas J. Hayes, Director

SUBJECT: Amended Rate Rosters for ODJFS Approved Title IV-E Foster Care Maintenance Rates for Residential Child Care Facilities and Purchased Family Foster Care Providers for the Period September 1, 2001 through August 31, 2002

Attached are amended rate rosters of Title IV-E approved per diem rates for children's residential centers (CRCs), group homes, and residential parenting facilities operated by agencies which have submitted and had approved an ODJFS 2909 "Residential Child Care Facility Cost Report," and for purchased family foster care (PFFC) providers which have submitted and had approved an ODJFS 2910 "Purchased Family Foster Care Cost Report." The approved Ohio rate rosters are organized alphabetically by operating agency.

Please note the rates for the agencies listed below have been amended. In addition, the rates for Parenthood Family Advocates have been finalized and are included in the Amended Purchased Family Foster Care Rate Roster.

### Purchased Family Foster Care Providers

<table>
<thead>
<tr>
<th>Agency/Facility Name</th>
<th>Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleveland Christian Home</td>
<td>#30171</td>
</tr>
<tr>
<td>Alternative Resources for Kids</td>
<td>#20103</td>
</tr>
<tr>
<td>the Phoenix Foundation</td>
<td>#30172</td>
</tr>
<tr>
<td>Belmont Pines Hospital</td>
<td>#20435</td>
</tr>
<tr>
<td>the Pressley Ridge School</td>
<td>#30074</td>
</tr>
<tr>
<td>BHC Fox Run Hospital</td>
<td>#20362</td>
</tr>
<tr>
<td>Daybreak</td>
<td>#20285</td>
</tr>
<tr>
<td>Presbyterian Child Welfare Agency</td>
<td>#20376</td>
</tr>
<tr>
<td>Youth Services International, Inc.</td>
<td>#20428</td>
</tr>
</tbody>
</table>

The five digit identification numbers provided in the residential or PFFC roster for each agency/facility/program must be used on the ODJFS 1925 "Monthly Title IV-E FCM Invoice" for reimbursement of costs for each child served. Note that several agencies operate both residential and PFFC programs and a few provide more than one type of program or level of service. Distinct identification numbers have been assigned for each placement type. Therefore, ensure that the appropriate placement identifier, either from the residential or PFFC roster, is used when completing the ODJFS 1925 form.

The rate rosters show the two Title IV-E per diem rates; IV-E Maintenance, and IV-E Administration. Not all costs are allowable for reimbursement. For the purchased family foster care program, only direct foster parent payments were considered for calculating the Title IV-E Maintenance rate and all other reimbursable costs are considered Administrative. For the residential child care program, the cost of room and board, basic living and support, and health-related services were used for calculating a Title IV-E Maintenance rate; and the cost of case management was used for calculating the allowable Title IV-E Administration per diem rate.

The rates shown are based on non-Medicaid costs and, therefore, do not reflect Medicaid and Medicaid mental health costs. A placement agency's customary charge may include fees for non IV-E reimbursable activities that should be considered when negotiating contracts with providers.

The cost reports filed to develop these Title IV-E reimbursement rates are subject to audit, and these IV-E rates may be adjusted based on audit findings. Counties may be held liable for adjustments to federal claims based on revised rates subsequent to any audit findings.
For placements in residential facilities, the federal reimbursement percentage for the federal fiscal year beginning October 1, 2001 is 58.78% for both the ODJFS approved Maintenance and Administration rates. For placements in PFFC programs, the federal reimbursement percentages are 58.78% for the Maintenance and 50% for the Administration rates.

It is noted that the ODJFS approved IV-E rates are reimbursement ceilings, but should actual costs for providing or purchasing IV-E services be less, reimbursement will be calculated on the actual costs of services. In addition, it must be stressed that the actual per diem rates paid by your agency for contracted services are subject to negotiation between your agency and the provider.

Out-of-state providers have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state. If the out-of-state agency has filed an ODJFS Title IV-E cost report, they are listed in the ODJFS approved Title IV-E rate roster. If placements are made in an out-of-state facility not listed in the ODJFS rate rosters, contact the Bureau of Accountability and Regulation at (614)644-1146 to get a determination of IV-E reimbursement eligibility and rates.

Any questions regarding the IV-E Cost Reports or 2001-2002 rates and the ODJFS 1925 invoice system should be directed to Matt Smiley, Office for Children and Families, Bureau of Accountability and Regulation at (614) 644-1146. If Mr. Smiley is unavailable, direct your questions to Ryan Meanor.

This FCASPL is obsolete as of August 31, 2004.

INSTRUCTIONS:
The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

<table>
<thead>
<tr>
<th>LOCATION</th>
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<tr>
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<tr>
<td>FCASPL No. 61C</td>
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</table>
Attached is a list of Title IV-E approved per diem rates for children's residential centers (CRCs), group homes, and residential parenting facilities operated by agencies which have submitted and had approved an ODJFS 2909 "Residential Child Care Facility Cost Report," and for purchased family foster care (PFFC) providers which have submitted and had approved an ODJFS 2910 "Purchased Family Foster Care Cost Report." The approved Ohio lists are organized alphabetically by operating agency.

The five digit identification numbers provided in the lists for each agency/facility/program must be used on the ODJFS 1925 "Monthly Title IV-E FCM Invoice" for reimbursement of costs for each child served. Note that several agencies operate both residential and PFFC programs and a few provide more than one type of program or level of service. Distinct identification numbers have been assigned for each placement type. Therefore, ensure that the appropriate placement identifier, either from the residential or PFFC list, is used when completing the ODJFS 1925 form.

The rate lists show the two Title IV-E per diem rates; IV-E Maintenance, and IV-E Administration. Not all costs are allowable for reimbursement. For the purchased family foster care program, only direct foster parent payments were considered for calculating the Title IV-E Maintenance rate and all other reimbursable costs are considered Administrative. For the residential child care program, the cost of room and board, basic living and support, and health-related services were used for calculating a Title IV-E Maintenance rate; and the cost of case management was used for calculating the allowable Title IV-E Administration per diem rate.

The rates shown are based on non-Medicaid costs and, therefore, do not reflect Medicaid and Medicaid mental health costs. A placement agency's customary charge may include fees for non IV-E reimbursable activities that should be considered when negotiating contracts with providers.

The cost reports filed to develop these Title IV-E reimbursement rates are subject to audit, and these IV-E rates may be adjusted based on audit findings. Counties may be held liable for adjustments to federal claims based on revised rates subsequent to any audit findings.

For placements in residential facilities, the federal reimbursement percentage for the federal fiscal year beginning October 1, 2001 is 58.78% for both the ODJFS approved Maintenance and Administration rates. For placements in PFFC programs, the federal reimbursement percentages are 58.78% for the Maintenance and 50% for the Administration rates.

It is noted that the ODJFS approved IV-E rates are reimbursement ceilings, but should actual costs for providing or purchasing IV-E services be less, reimbursement will be calculated on the actual costs of services. In addition, it must be stressed that the actual per diem rates paid by your agency for contracted services are subject to negotiation between your agency and the provider.

The information on the attached rate lists is effective only for the reimbursement year beginning September 1, 2001. Retroactive payments for services provided in a prior reimbursement period may be authorized for a period not to exceed twenty-four months prior to the next state payment date. Therefore, ensure that the appropriate reimbursement rate year list is used for claiming reimbursement for these services.

Out-of-state providers have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state. If the out-of-state agency has filed an ODJFS Title IV-E cost report, they are listed in the ODJFS approved Title IV-E rate roster. If placements are made in an out-of-state facility not listed in the ODJFS rate roster, contact the Bureau of Accountability and Regulation at (614)644-1146 to get a determination of IV-E reimbursement eligibility and rates.
Any questions regarding the IV-E Cost Reports or 2001-2002 rates and the ODJFS 1925 invoice system should be directed to Matt Smiley, Office for Children and Families, Bureau of Accountability and Regulation at (614) 644-1146. If Mr. Smiley is unavailable, direct your questions to Ryan Meanor.

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**INSTRUCTIONS:**
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Family, Children and Adult Services Procedure Letter No. 61B

January 19, 2001

TO: All Family, Children and Adult Services Manual Holders

FROM: Jacqueline Romer-Sensky, Director

SUBJECT: ODJFS Approved Title IV-E Foster Care Maintenance Rates for Residential Child Care Facilities and Purchased Family Foster Care Providers for the Period 9/1/00 to 8/31/01

Attached is a list of Title IV-E approved per diem rates for children’s residential centers (CRCs), group homes, and residential parenting facilities operated by agencies which have submitted and had approved an ODJFS 2909 "Residential Child Care Facility Cost Report," and for purchased family foster care (PFFC) providers which have submitted and had approved an ODJFS 2910 "Purchased Family Foster Care Cost Report." The approved Ohio lists are organized alphabetically by operating agency.

The five digit identification numbers provided in the lists for each agency/facility/program must be used on the ODJFS 1925 "Monthly Title IV-E FCM Invoice" for reimbursement of costs for each child served. Note that several agencies operate both residential and PFFC programs and a few provide more than one type of program or level of service. Distinct identification numbers have been assigned for each placement type. Therefore, ensure that the appropriate placement identifier, either from the residential or PFFC list, is used when completing the ODJFS 1925 form.

The rate lists show the two Title IV-E per diem rates; IV-E Maintenance, and IV-E Administration. Not all costs are allowable for reimbursement. The costs allowable under the residential child care program for calculating a Title IV-E Maintenance rate are room and board, basic living and support, and health-related services; and for calculating the allowable Title IV-E Administration per diem rate it is the cost of case management. For the purchased family foster care program, only direct foster parent payments were considered for calculating the Title IV-E Maintenance rate and all other reimbursable costs are considered Administrative.

The rates shown are based on non-Medicaid costs and, therefore, do not reflect Medicaid and Medicaid mental health costs. A placement agency's customary charge may include fees for non IV-E reimbursable activities that should be considered when negotiating contracts with providers.

The cost reports filed to develop these Title IV-E reimbursement rates are subject to audit, and these IV-E rates may be adjusted based on audit findings. Counties may be held liable for adjustments to federal claims based on revised rates subsequent to any audit findings.

For placements in residential facilities, the federal reimbursement percentage for the federal fiscal year beginning October 1, 2000 is 59.03% for both the ODJFS approved Maintenance and Administration rates. For placements in PFFC programs, the federal reimbursement percentage is the same 59.03% for Maintenance, but it is 50% for Administration rates.

It is noted that the ODJFS approved IV-E rates are reimbursement ceilings, but should actual costs for providing or purchasing IV-E services be less, reimbursement will be calculated on the actual costs of services. In addition, it must be stressed that the actual per diem rates paid by your agency for contracted services are subject to negotiation between your agency and the provider.

The information on the attached rate lists is effective only for the reimbursement year beginning September 1, 2000. Retroactive payments for services provided in a prior reimbursement period may be authorized for a period not to exceed twenty-four months prior to the next state payment date. Therefore, ensure that the appropriate reimbursement rate year list is used for claiming reimbursement for these services.

Out-of-state providers have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state. If the out-of-state agency has filed an ODJFS Title IV-E cost report, they are listed in the ODJFS approved Title IV-E rate roster. If placements are made in an out-of-state facility not listed in the ODJFS rate roster, contact the Bureau of Title IV-E Plan Administration at (614) 644-1146 to get a determination of IV-E reimbursement eligibility and rates.
Any questions regarding the IV-E Cost Reports or 2000-2001 rates and the ODJFS 1925 invoice system should be directed to Matt Smiley, Bureau of Title IV-E Plan Administration, Office for Children and Families at (614) 644-1146. If Mr. Smiley is unavailable, direct your questions to Ryan Meanor.

This FCASPL is obsolete as of August 31, 2003.

INSTRUCTIONS:

The following chart depicts what materials are to be removed from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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</tr>
<tr>
<td></td>
<td></td>
<td>FCASPL No. 61B</td>
</tr>
</tbody>
</table>
TO: All Family, Children and Adult Services Manual Holders  
FROM: Jacqueline Romer-Sensky, Director  
SUBJECT: ODHS Approved Title IV-E Foster Care Maintenance Rates for Residential Child Care Facilities and Purchased Family Foster Care Providers for the Period 9/1/99 to 8/31/00

Attached is a list of Title IV-E approved per diem rates for children's residential centers (CRCs), group homes, and residential parenting facilities operated by agencies which have submitted and had approved an ODHS 2909 "Residential Child Care Facility Cost Report," and for purchased family foster care (PFFC) providers which have submitted and had approved an ODHS 2910 "Purchased Family Foster Care Cost Report." The approved Ohio lists are organized alphabetically by operating agency.

The five digit identification numbers provided in the lists for each agency/facility/program must be used on the ODHS 1925 "Monthly Title IV-E FCM Invoice" for reimbursement of costs for each child served. Note that several agencies operate both residential and PFFC programs and few provide more than one type of program or level of service. Distinct identification numbers have been assigned for each placement type. Therefore, ensure that the appropriate placement identifier, either from the residential or PFFC list, is used when completing the ODHS 1925 form.

The rate lists show the two Title IV-E per diem rates; IV-E Maintenance, and IV-E Administration. Not all costs are allowable for reimbursement. The costs allowable under the residential child care program for calculating a Title IV-E Maintenance rate are room and board, basic living and support, and health-related services; and for calculating the allowable Title IV-E Administration per diem rate is a cost of case management. For the purchased family foster care program, only direct foster parent payments and some consumable costs can be considered for calculating the Title IV-E Maintenance rate and all other reimbursable cost are considered Administrative.

The rate shown are based on non-Medical costs and, therefore, do not reflect Medicaid and Medicaid mental health costs. A placement agency's customary charge may include fees for non-IV-E reimbursable activities that should be considered when negotiating contracts with providers.

The cost reports filed to develop these Title IV-E reimbursement rates are subject to audit, and these IV-E rates may be adjusted based upon audit findings. Counties may be held liable for adjustments to federal claims based on revised rates subsequent to any audit findings.

For placement in residential facilities, the federal reimbursement percentage for the federal fiscal year beginning October 1, 1999 is 58.67% for both the ODHS approved Maintenance and Administration rates. For placement in PFFC programs, the federal reimbursement percentage is the same 58.67% for Maintenance, but it is 50% for Administration rates.

It is noted that the ODHS approved IV-E rates are reimbursement ceilings, but should actual costs for providing or purchasing IV-E services be less, reimbursement will be calculated on the actual costs of services. In addition, it must be stressed that the actual per diem rates paid by your agency for contracted services are subject to negotiation between your agency and the provider.

The information on the attached rate lists is effective only for the reimbursement year beginning September 1, 1999. Retroactive payments for services provided in a prior reimbursement period may be authorized for a period not to exceed twenty-four months prior to the next state payment date. Therefore, ensure that the appropriate reimbursement rate year list is used for claiming reimbursement for these services.

Out-of-state providers have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state. If the out-of-state agency has filed an ODHS Title IV-E cost report, they are listed in the ODHS approved Title IV-E rate roster. If placements are made in an out-of-state facility not listed in the ODHS rate roster, contact the Bureau of Adult and Child Protection, Office of Prevention,
Protection and Self-Sufficiency at (614)466-5392. If Mr. Smiley is unavailable, direct your question to Ryan Meanor.

This FCASPL is obsolete as of August 31, 2002

The following table consists of ODHS Approved Title IV-E Rates for Purchased Family Foster Care Providers; Rate year 9/1/1999 through 8/31/2000 (Per Diem Rates):

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<th>OPERATING AGENCY NAME AND ADDRESS</th>
<th>PROGRAM NAME</th>
<th>PROVIDER ID#</th>
<th>TITLE IV-E MAINTENANCE RATE</th>
<th>TITLE IV-E ADMINISTRATION RATE</th>
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<tr>
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<td>ADVANTAGE ADOPTION and FOSTER CARE, LTD.</td>
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<td><strong>FOUNDATION, THE</strong></td>
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<td><strong>202 E. BAGLEY RD. BEREA OH 44017</strong></td>
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<td>BUILDING BRIDGES, INC.</td>
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| NORTHEASTERN PROF. FAMILY SERVICES           | 30147| $28.00   | $10.00   | 9/1/99|
| ATTENTION: BARBARA WOOD                      |      |          |          |       |
| 515 MOORE RD., SUITE 3  
AVON LAKE OH 44012                           |      |          |          |       |
| NORTHWEST FAMILY SERVICES                     |      |          |          |       |
| ATTENTION: ROBERT NAGLE, PH.D                | 30054| $47.00   | $17.00   | 9/1/99|
| 799 S. MAIN ST.  
LIMA OH 45804                                 |      |          |          |       |
| OESTERLEN SERVICES FOR YOUTH                 |      |          |          |       |
| ATTENTION: KATHRYN D. MURPHY                 | 30141| $36.00   | $17.00   | 9/1/99|
| 1918 MECHANICSBURG RD.  
SPRINGFIELD OH 45503                           |      |          |          |       |
| OHIO TEACHING-FAMILY ASSOCIATION             |      |          |          |       |
| ATTENTION: MARY BETH OLENDER                 | 30032| $90.00   | $15.00   | 9/1/99|
| PO BOX 167640  
OREGON OH 43616                              |      |          |          |       |
<p>| OHIO YOUTH ADVOCATE PROGRAM                  |      |          |          |       |
| ATTENTION: RICH BLICKENDORFER                | 30091| $19.00   | $21.00   | 9/1/99|
| TRADITIONAL F.C.                             | 30090| $30.00   | $25.00   | 9/1/99|
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| **ATTENTION:** LARRY KINGREY  
P.O. BOX 4424  
IRONTON OH 45638 | 0-2 YEARS | 30097 | $16.00 | $21.00 | 9/1/99 |
| **YOUTH ENGAGED FOR SUCCESS, INC** | 3-11 YEARS | 30096 | $22.00 | $22.00 | 9/1/99 |
| **ATTENTION:** BARBARA MITCHELL BOATWRIGHT  
3930 SALEM AVE.  
DAYTON OH 45406 | 12 YEARS AND OLDER TREATMENT FOSTER CARE | 30099 | $21.00 | $31.00 | 9/1/99 |
| **YOUTH ENGAGED FOR SUCCESS, INC** | SPECIAL NEEDS 0-9 YEARS | 30100 | $30.00 | $19.00 | 9/1/99 |
| **ATTENTION:** BARBARA MITCHELL BOATWRIGHT  
3930 SALEM AVE.  
DAYTON OH 45406 | TRANSITIONAL FOSTER CARE | 30101 | $27.00 | $80.00 | 9/1/99 |
| **YOUTH ENGAGED FOR SUCCESS, INC** | MULTI-MEDICAL PROGRAM | 30103 | $43.00 | $39.00 | 9/1/99 |
| **ATTENTION:** BARBARA MITCHELL BOATWRIGHT  
3930 SALEM AVE.  
DAYTON OH 45406 | STANDARD CARE 0-9 YEARS | 30127 | $15.00 | $25.00 | 9/1/99 |
| **YOUTH SERVICES NETWORK OF SW OHIO** | SPECIAL NEEDS 0-9 YEARS | 30128 | $18.00 | $30.00 | 9/1/99 |
| **ATTENTION:** MICHAEL P. DRING  
3817 WILMINGTON PIKE  
DAYTON OH 45429 | EXCEPTIONAL NEEDS 0-9 YEARS | 30129 | $25.00 | $43.00 | 9/1/99 |
| **YOUTH SERVICES NETWORK OF SW OHIO** | STANDARD CARE 10-18 YEARS | 30151 | $18.00 | $30.00 | 9/1/99 |
| **ATTENTION:** MICHAEL P. DRING  
3817 WILMINGTON PIKE  
DAYTON OH 45429 | SPECIAL NEEDS 10-18 YEARS | 30154 | $19.00 | $33.00 | 9/1/99 |
| **YOUTH SERVICES NETWORK OF SW OHIO** | EXCEPTIONAL NEEDS 10-18 YEARS | 30156 | $32.00 | $55.00 | 9/1/99 |
The following table consists of ODHS Approved Title IV-E Rates for Residential Child Care Providers; Rate year 9/1/1999 through 8/31/2000 (Per Diem Rates):

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<th>FACILITY NAME AND ADDRESS</th>
<th>PROVIDER ID#</th>
<th>TITLE IV-E MAINTENANCE RATE</th>
<th>TITLE IV-E ADMINISTRATION RATE</th>
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<td>BUILDING BRIDGES, INC. ATTENTION: MIKE SMITH</td>
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<td>LEARNING APPROPRIATE BEHAVIORS</td>
<td>LEED HOUSE 283 BODMAN ST. CINCINNATI OH 45219</td>
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<td>LHS FAMILY and YOUTH SERVICES</td>
<td>LUTHERAN GH (ANTHONY WAYNE) 10424 Oabee RD. WHITEHOUSE OH 43571</td>
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<td>WYNN GROUP HOME 901 S. WYNN RD. OREGON OH 43616</td>
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<td>LIFEWAY FOR YOUTH, INC.</td>
<td>LIFEWAY FOR YOUTH GH (BOYS) 1217 W. HIGH STREET SPRINGFIELD OH 45505</td>
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<td>Youth Services, Inc.</td>
<td>Youth Center</td>
<td>1071 Tong Hollow Rd. Bainbridge OH 45612</td>
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<td>LightHouse Youth Services, Inc.</td>
<td>New Beginnings</td>
<td>6124 Dryden Ave. Cincinnati OH 45213</td>
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<td>LightHouse Youth Services, Inc.</td>
<td>LightHouse Youth Dev. Ctr.</td>
<td>4931 Stewart Ave. Cincinnati OH 45227</td>
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<td>Mahoning Co. CSB</td>
<td>Boys’ Child Care Center</td>
<td>182 E. Midlothian Blvd. Youngstown OH 44507</td>
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<td>2125 Glenwood Avenue Youngstown OH 44511</td>
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<td>The Swanston Receiving Home</td>
<td>246 Broadway Ave. Youngstown OH</td>
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<td>MARSH FOUNDATION, THE</td>
<td>ATTENTION: JAMES E. PRICE</td>
<td>PO BOX 150, 1229 LINCOLN HWY</td>
<td>VAN WERT OH 45891</td>
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<td>CLYMER HALL</td>
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<td>MARYCREST</td>
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<td>8010 BROOKSIDE ROAD</td>
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<td>SUPERVISED INDEP. LIV. - TEENS</td>
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<td>MID-WESTERN CHILDREN'S HOME</td>
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<td>4581 LONG-SPURLING RD., PO BOX 48 PLEASANT PLAIN OH 45162</td>
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<td>43701-0157</td>
<td>NEXT STEP, INC.</td>
<td>Attention: Peter Tapryk</td>
<td>1740 Cleveland Ave. N.W.</td>
<td>Canton, OH 44703</td>
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<td>OAKVIEW JUVENILE REHABILITATION DISTRICT</td>
<td>Attention: R. Chad Sokolowski</td>
<td>45232 National Rd., West</td>
<td>St. Clairsville, OH 43950</td>
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<td>OESTERLEN SERVICES FOR YOUTH, INC.</td>
<td>Attention: Kathryn D. Murphy</td>
<td>1918 Mechanicsburg Rd.</td>
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<tr>
<td>10065</td>
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<tr>
<td>OESTERLEN SERVICES FOR YOUTH, INC.</td>
<td>Attention: Kathryn D. Murphy</td>
<td>1918 Mechanicsburg Rd.</td>
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<td>O.Y.A.P. #1</td>
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<td>OHIO YOUTH TREATMENT SERVICES, INC.</td>
<td>615 CHURCHILL-HUBBARD RD., YOUNGSTOWN OH 44505</td>
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<td>ONE WAY FARM OF FAIRFIELD, INC.</td>
<td>6141 RIVER RD., FAIRFIELD OH 45018</td>
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<td>SUNRISE SHELTER</td>
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<td>ORIANA HOUSE, INC.</td>
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<td>PAULDING CO. DHS</td>
<td>JACOB-EATON CHILDREN'S HOME 13295 US HWY 127 PAULDING OH 45879</td>
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<td>PERRY CO. CSB</td>
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<td>BUCKHORN CHILDREN'S CTR. --</td>
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<td>AGENCY, INC.</td>
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<td>PRIME PERFORMANCE, INC.</td>
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<td>116 BUCKHORN LANE</td>
<td>CHESTERVILLE OH 43317</td>
<td>P.O. BOX 26214</td>
<td>DAYTON OH 45408</td>
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| Shelter Home #3 | 2524 Third St.  
|                | Cuyahoga Falls, OH 44221 | 20149 | $91.00 | $4.00  | 9/1/99 |
| Shelter Home #4 | 8234 Fulton Dr., NW  
|                | Massillon, OH 44646 | 20150 | $91.00 | $4.00  | 9/1/99 |
| Shelter Home #5 | 289 South Ave.  
|                | Tallmadge, OH 44278 | 20268 | $91.00 | $4.00  | 9/1/99 |
| Shelter Home #6 | 66 Eber Ave.  
|                | Akron, OH 44305 | 20152 | $91.00 | $4.00  | 9/1/99 |
| Shelter Home #8 | 647 Parkway Blvd.  
|                | Norton, OH 44203 | 20315 | $91.00 | $4.00  | 9/1/99 |
| Ship, Inc. dba Lynn Way | 1146 Spring Avenue N.E.  
| Ship, Inc. dba Lynn Way | 1146 Spring Avenue N.E.  
|                | Canton, OH 44704 | 20257 | $97.00 | $10.00 | 9/1/99 |
| Sojourners Care Network | 605 W. Main St.  
| Sojourners Group Home | McArthur, OH 45651 | 20398 | IV-E Rates not determined at time of printing | 9/1/99 |
| St. Aloysius Orphanage | 1629 Joseph Street  
<p>| Macy Home | Cincinnati, OH 45237 | 20409 | $119.00 | $5.00  | 9/1/99 |</p>
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| THE TWELVE, INC.  
ATTENTION: JOHN D. STOIA  
PO BOX 376  
MASSILLON OH 44648 | HORIZON GROUP HOME  
26 THIRD ST. N.E.  
MASSILLON OH 44646 | INDIANAPOLIS | 46219 | 20045 | $114.00 | $6.00 | 9/1/99 |
| PROVIDENCE GROUP HOME  
406 FIRST ST., SE  
MASSILLON OH 44646 | 20048 | $114.00 | $6.00 | 9/1/99 |
| DISCOVERY GROUP HOME  
2613 CLEVELAND AVE., NW  
CANTON OH 44709 | 20175 | $114.00 | $6.00 | 9/1/99 |
| THOMPKINS CHILD and ADOLESCENT SERVICES  
ATTENTION: ROGER A. BIRCH  
PO BOX 257  
NEW CONCORD OH 43762 | LOWE HOME  
1120 BEATTY AVE.  
CAMBRIDGE OH 43725 | CAMBRIDGE | 43725 | 20219 | $90.00 | $8.00 | 9/1/99 |
| GREENE HOME  
806 HIGHLAND AVE.  
CAMBRIDGE OH 43725 | 20220 | $90.00 | $8.00 | 9/1/99 |
| THOMPKINS ADOLESCENT CTR.  
121 N. 18TH ST.  
CAMBRIDGE OH 43725 | 20202 | $94.00 | $7.00 | 9/1/99 |
| TRUMBULL CO. CSB  
ATTENTION: CRAIG H. NEUMAN  
2282 REEVES RD., N.E.  
WARREN OH 44483 | TRUMBULL CO. GIRLS GH  
171 SCOTT ST., N.E.  
WARREN OH 44481 | WARREN | 44483 | 20079 | $122.00 | $6.00 | 9/1/99 |
| TRUMBULL CO. Reeves Rd. GH  
2296 Reeves Rd., N.E.  
WARREN OH 44483 | 20196 | $143.00 | $8.00 | 9/1/99 |
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### OUT-OF-STATE FACILITIES

Operating agencies with licensed facility sites located outside the state of Ohio have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state.

If the out-of-state agency has filed an ODHS Title IV-E cost report, they are listed in the ODHS approved Title IV-E Foster Care Maintenance rate roster.

If you presently have a IV-E eligible recipient placed in an out-of-state facility not listed in the ODHS rate roster or anticipate a future placement, call the Bureau of Adult and Child Protection at (614) 466-5392 to get a determination of Title IV-E eligibility and an out-of-state IV-E rate.
Family, Children and Adult Services Procedure Letter No. 61

September 9, 1998

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: ODHS Approved Title IV-E Foster Care Maintenance Rates for Residential Child Care Facilities and Purchased Family Foster Care Providers for the Period 9/1/98 to 8/31/99

Attached is a list of Title IV-E approved per diem rates for children's residential centers (CRCs), group homes (GH), and maternity homes (MH) operated by agencies which have submitted and had approved an ODHS 2909 "Residential Child Care Facility Cost Report," and for purchased family foster care (PFFC) providers who have submitted and had approved an ODHS 2910 "Purchased Family Foster Care Cost Report." The approved Ohio lists are organized alphabetically by operating agency.

The five digit identification numbers provided in the lists for each agency/facility/program must be used on the ODHS 1925 "Monthly FCM Facility Invoice" for reimbursement of costs for each child served. Note that several agencies operate both residential and PFFC programs and a few provide more than one type of program or level of service. Distinct identification numbers have been assigned for each placement type. Therefore, ensure that the appropriate placement identifier, either from the residential or PFFC list, is used when completing the ODHS 1925.

The rate lists show the two Title IV-E per diem rates; IV-E Maintenance, and IV-E Administration. Not all costs are allowable for reimbursement under federal Title IV-E regulations. Under the federal regulations, the costs allowable for calculating a Title IV-E Maintenance rate are room and board, basic living and support, and health-related services; and for calculating the allowable Title IV-E Administration per diem rate it is the cost of case management.

The rates shown are based on non-Medicaid costs and, therefore, do not reflect Medicaid and Medicaid mental health costs. A placement agency's customary charge may include fees for non IV-E reimbursable activities that should be considered when negotiating contracts with providers.

For placements in residential facilities, the federal reimbursement percentage for the federal fiscal year beginning October 1, 1998 is 58.26% for both the ODHS approved Maintenance and Administration rates. For placements in PFFC programs, the federal reimbursement percentage is the same 58.26% for Maintenance, but it is 50% for Administration rates.

It is noted that the ODHS approved IV-E rates are reimbursement ceilings, but should actual costs for providing or purchasing IV-E services be less, reimbursement will be calculated on the actual costs of services. In addition, it must be stressed that the actual per diem rates paid by your agency for contracted services are subject to negotiation between your agency and the provider.

The information on the attached rate lists is effective only for the reimbursement year beginning September 1, 1998. Retroactive payments for services provided in a prior reimbursement period may be authorized for a period not to exceed twenty-four months prior to the next state payment date. Therefore, ensure that the appropriate reimbursement rate year list is used for claiming reimbursement for these services.

Out-of-state providers have the option to either file an Ohio Title IV-E cost report for rate determination or use the rate developed by their home state. If the out-of-state agency has filed an ODHS Title IV-E cost report, they are listed in the ODHS approved Title IV-E rate roster. If placements are made in an out-of-state facility not listed in the ODHS rate roster, contact the Bureau of Resource Management at (614) 644-1146 to get a determination of IV-E reimbursement eligibility and rates.

Any questions regarding the IV-E Cost Reports or 1998-1999 rates should be directed to Matt Smiley, Bureau of Resource Management, Office of Prevention, Protection and Self-Sufficiency at (614) 644-1146. If Mr. Smiley is unavailable, direct your questions to Ryan Meanor.

Questions concerning the ODHS 1925 invoice system, including current or retroactive reimbursements, should be directed to Darla Wilson, Bureau of Resource Management, (614) 644-1146.
This FCASPL is obsolete as of August 31, 2001.
TO: Family, Children and Adult Services Manual Holders
FROM: Barbara Riley, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

Based on the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2005.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $85.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**
- Clothing - $1,500.00
- Graduation - $1,500.00

Although the rates are effective September 30, 2005, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2005.

For Federal Fiscal Year 2006 (October 1, 2005 through September 30, 2006), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 59.88%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2005.

**INSTRUCTIONS:**
The following chart depicts what materials should be deleted from the Family, Children, and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.

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Attachment: 2005 Foster Care Maintenance Rates chart
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

Based on the results of the attached annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2004.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)

Minimum - $9.00  
Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**

- Special Needs - $85.00  
- Exceptional Needs - $200.00  
- Intensive Needs - $200.00  
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**

- Clothing - $1,500.00  
- Graduation - $1,500.00

Although the rates are effective September 30, 2004, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2004.

For Federal Fiscal Year 2005 (October 1, 2004 through September 30, 2005), Ohio’s Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 59.68%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2004.

**INSTRUCTIONS:**

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Attachment: 2004 Foster Care Maintenance Rates
TO: Family, Children and Adult Services Manual Holders  
FROM: Thomas J. Hayes, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions  

Based on the attached results of an annual survey all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2003.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**  
(0-18 years)  
Minimum - $9.00  
Maximum - $118.00  

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**  
- Special Needs - $85.00  
- Exceptional Needs - $200.00  
- Intensive Needs - $200.00  
- Emergency Family Foster Care - $200.00  

**Auxiliary Payments for Initial Clothing and Graduation**  
- Clothing - $1,500.00  
- Graduation - $1,500.00

Although the rates are effective September 30, 2003, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2003.

For Federal Fiscal Year 2004 (October 1, 2003 through September 30, 2004), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 59.23%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2003.

**INSTRUCTIONS:**  
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**Attachment:**  
Click here to view the Survey Results.
TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revision Resulting from the Enactment of House Bill 332 and Amendment of Ohio Administrative Code Rule 5101:2-47-18.

As a result of the enactment of House Bill 332, Ohio Administrative Code rule 5101:2-47-18 was amended to establish the maximum ODJFS-approved rate for difficulty of care payments for exceptional and intensive needs children at the higher of the two rates for a two-year period beginning September 30, 2001 and ending September 29, 2003. Please note that this change affects only the difficulty of care payments relating to exceptional and intensive needs children, all other rates as originally published in FCASPL 58E remain the same. The rates published below are effective for the time period September 30, 2002 through September 29, 2003.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Minimum</th>
<th>Maximum</th>
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<tr>
<td>0-18 years</td>
<td>$9.00</td>
<td>$118.00</td>
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**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**

- Special Needs - $85.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**

- Clothing - $1,500.00
- Graduation - $800.00

For Federal Fiscal Year 2003 (October 1, 2002 through September 30, 2003), Ohio's federal financial participation for Title IV-E foster care maintenance and adoption assistance payment is 58.83 percent. If you have previously submitted claims that are now eligible for the higher level of reimbursement, you may resubmit those claims. Please remember that the twenty-four (24) month deadline for claims processing still applies. Therefore, in order to ensure that claims are processed within the requisite time frame, public agencies are required to submit their claims to ODJFS no later than the twenty-second (22) month.

If you have an exceptional needs child who is registered in Host FACSIS as an eligible recipient for Title IV-E benefits and the child was placed within your agency's foster care network for whom your agency received Title IV-E monthly recurring benefits during any of the above-mentioned service periods, please be advised that you may be eligible for additional reimbursement if your exceptional needs child has/had a FACSIS Event #338 with a Difficulty of Care designation and that amount exceeds/exceeded the original maximum per diem. You may invoice the difference on the JFS 1659 form to recoup any funds due at the applicable federal financial participation percentage.

**INSTRUCTIONS:**

The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted into the FCASM.

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TO: Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revision Resulting from the Enactment of House Bill 332 and Amendment of Ohio Administrative Code Rule 5101:2-47-18.

As a result of the enactment of House Bill 332, Ohio Administrative Code rule 5101:2-47-18 was amended to establish the maximum ODJFS-approved rate for difficulty of care payments for exceptional and intensive needs children at the higher of the two rates for a two-year period beginning September 30, 2001 and ending September 29, 2003. Please note that this change affects only the difficulty of care payments relating to exceptional and intensive needs children, all other rates as originally published in FCASPL 58D remain the same. The rates published below are effective for the time period September 30, 2001 through September 29, 2002.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $52.00
- Exceptional Needs - $200.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**
- Clothing - $1,425.00
- Graduation - $800.00

For Federal Fiscal Year 2002 (October 1, 2001 through September 30, 2002), Ohio's federal financial participation for Title IV-E foster care maintenance and adoption assistance payment is 58.78 percent. If you have previously submitted claims that are now eligible for the higher level of reimbursement, you may resubmit those claims. Please remember that the twenty-four (24) month deadline for claims processing still applies. Therefore, in order to ensure that claims are processed within the requisite time frame, public agencies are required to submit their claims to ODJFS no later than the twenty-second (22) month.

If you have an exceptional needs child who is registered in Host FACSIS as an eligible recipient for Title IV-E benefits and the child was placed within your agency's foster care network for whom your agency received Title IV-E monthly recurring benefits during any of the above-mentioned service periods, please be advised that you may be eligible for additional reimbursement if your exceptional needs child has/had a FACSIS Event #338 with a Difficulty of Care designation and that amount exceeds/exceeded the original maximum per diem. You may invoice the difference on the JFS 1659 form to recoup any funds due at the applicable federal financial participation percentage.

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TO: Family, Children and Adult Services Manual Holders
FROM: Tom Hayes, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

Based on the results of an annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2002.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $85.00
- Exceptional Needs - $150.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**
- Clothing - $1,500.00
- Graduation - $800.00

Although the rates are effective September 30, 2002, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2002.

For Federal Fiscal Year 2003 (October 1, 2002 through September 30, 2003), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 58.83%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2002.

**INSTRUCTIONS:**
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**Attachment: 2002 Foster Care Maintenance Rates**
TO: Family, Children and Adult Services Manual Holders  
FROM: Gregory L. Moody, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

Based on the results of an annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2001.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)

- Minimum - $9.00
- Maximum - $118.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**

- Special Needs - $52.00
- Exceptional Needs - $75.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**

- Clothing - $1,425.00
- Graduation - $800.00

Although the rates are effective September 30, 2001, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2001.

For Federal Fiscal Year 2002 (October 1, 2001 through September 30, 2002), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 58.78%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2001.

**INSTRUCTIONS:**

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<td>FCASPL No. 58D</td>
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TO: Family, Children and Adult Services Manual Holders  
FROM: Jacueline Romer-Sensky, Director  
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

Based on the results of an annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 2000.

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)  
Minimum - $9.00  
Maximum - 90.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**

- Special needs - $85.00  
- Exceptional Needs - $104.00  
- Intensive Needs - $200.00  
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**

- Clothing - $1,425.00  
- Graduation - $750.00

Although the rates are effective September 30, 2000, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 2000.

For Federal Fiscal Year 2001 (October 1, 2000 through September 30, 2001), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 59.03%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 2000.
TO: Family, Children and Adult Services Manual Holders
FROM: Jacqueline Romer-Sensky, Director
SUBJECT: Title IV-E Foster Care Maintenance (FCM) Rate Revisions

Based on the results of an annual survey, all FCM rates described in Ohio Administrative Code (OAC) rules 5101:2-47-17, 5101:2-47-18 and 5101:2-47-19 have been reviewed. The following rates will be effective September 30, 1999:

**Uniform Statewide Standards for Per Diem Foster Care Maintenance Rates**

(0-18 years)
- Minimum - $9.00
- Maximum - $85.00

**Per Diem Foster Care Maintenance Difficulty of Care Maximum Additional Rates**
- Special Needs - $85.00
- Exceptional Needs - $104.00
- Intensive Needs - $200.00
- Emergency Family Foster Care - $200.00

**Auxiliary Payments for Initial Clothing and Graduation**
- Clothing - $1,425.00
- Graduation - $650.00

Although the rates are effective September 30, 1999, due to the provisions of the Gramm-Rudman-Hollings law, any increase is not reimbursable through benefits issuance until October 1, 1999.

For Federal Fiscal Year 2000 (October 1, 1999 through September 30, 2000), Ohio's Federal Financial Participation for Title IV-E foster care maintenance and adoption assistance payments is 58.67%. The benefits issuance system will be adjusted to reflect this amount of federal reimbursement effective October 1, 1999.
This procedure letter serves as notification regarding changes in services to minor parents due to the passage of Public Law (P.L.) 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Effective October 1, 1996, in order to receive Temporary Assistance for Needy Families (TANF), an unmarried minor parent and the dependent child(ren) in his or her care must live at home or in an adult-supervised living arrangement. There are exceptions to this requirement [Refer to Attachment A: Public Assistance Manual (PAM) Section 3123. (3)(a) to (c)]. In summary, if minor parents inform the county department of human services (CDHS) that they and/or their dependent child(ren) are at risk of abuse or neglect in the residence of the minor parent's parent, guardian or other adult specified relative, the CDHS is required to determine if the minor parent's allegations are credible. The CDHS may contact the public children services agency (PCSA) for consultation and/or assistance in making this determination.

The Ohio Department of Human Services, Office of Child Care and Family Services has developed a new rule governing joint planning and sharing of information which supports coordination among PCSAs, CDHSs and child support enforcement agencies (CSEAs). This rule is being proposed for emergency filing and will be issued shortly. Please work with these agencies to ensure that Ohio is in compliance with P.L. 104-193.
FCASPL 55 (Comprehensive Planning - Archive)

Family, Children and Adult Services Procedure Letter No. 55

January 6, 1997

TO: All Family, Children and Adult Services Manual Holders

FROM: Arnold R. Tompkins, Director

SUBJECT: Comprehensive Planning

Comprehensive Strategic Planning is a key Ohio Family and Children First (OFCF) goal. The consolidation of comprehensive county plans will maintain essential fiscal and programmatic accountability of current funding streams while reducing burdensome paperwork reporting. The process will focus on joint planning activities designed to move from a process-based to a results-based system of care. Nine plans are currently targeted for streamlining or elimination. Those nine plans are the Community Mental Health Plan, the Alcohol and Drug Addiction Services Plan, the County Children Services Plan, the Child Abuse and Neglect County Plan of Cooperation, the MR/DD Annual Action Plan, Ohio Department of Youth Services Reclaim and Youth Services Plans, the Unified Services Provider Plan, and the Early Intervention Plan. All nine plans will be either streamlined or eliminated within the coming year.

In order to foster more effective local community capacity building, the Ohio Family and Children First Initiative, in coordination with various state agency planning staff, have developed a comprehensive planning process for use by counties. This process fosters comprehensive joint planning and program development strategies by local family serving agencies. Many of you are already involved in this initiative. If you wish to become involved in this strategic planning process, please contact Jerry Bean or Catherine Runyan at (614) 752-4044.

The County Children Services Plan (CCSP) and the Annual Report and Evaluation will be eliminated. Ohio Revised Code and Ohio Administrative Code section are currently being reviewed and rewritten to allow for this elimination. It is anticipated the process will be completed by September 1, 1997. In the interim, the department will file an emergency rule to extend the current time frame and to delay submission of the CCSP until October 1, 1997. **You will not be required to submit the CCSP by January 1, 1997 as indicated by current ODHS rule.** If the planned statute and administrative changes occur as anticipated, we will issue a Manual Transmittal Letter instructing agencies of the elimination and changes.

The Child Abuse and Neglect County Plan of Cooperation is being streamlined. We are preparing to amend Ohio Revised Code and Administrative Code sections to require a "Memorandum of Understanding" process among the parties rather than a state approved plan. The intent of the "Memorandum of Understanding" will be to provide the needed collaborative efforts to assure timely and appropriate investigation while allowing counties the flexibility to enact procedures which best meet their needs. A Manual Transmittal Letter informing you of these changes will be forwarded, at the completion of the process.

If you need further information related to the proposed changes, please contact Annette Murch at 614-466-9303. Thank you for your continued assistance.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Wellness Block Grant Guidelines

The Wellness Block Grant was established by Section 56 and 60 of Amended Substitute Senate Bill 310 and is an initiative of the Ohio Family and Children First Cabinet Council. The Wellness Block Grant is administered by the Ohio Children's Trust Fund (OCTF).

This letter transmits guidelines governing the Wellness Block Grant. Any questions regarding this transmittal should be directed to:

Rhonda Reagh, Director
Ohio Children's Trust Fund
65 East State Street, 9th Floor
Columbus, Ohio 43215
(614) 466-1822

Please refer to Administrative Procedure Letter No. 231 for further information on the Wellness Block Grant.
TO: All Family, Children and Adult Services Manual Holders
FROM: Arnold R. Tompkins, Director
SUBJECT: Title XX Rule

The Office of Child Care and Family Services is in the process of changing rule 5101:2-31-20 to reflect current fiscal reporting policy contained in Administrative Procedure Manual Transmittal Letter No. 138 which is being issued concurrently with this procedure letter.

Please follow the fiscal reporting procedures contained in Administrative Procedure Manual Transmittal Letter No. 138. When the rule-filing process is completed for rule 5101:2-31-20, the Office of Child Care and Family Services will issue a Family, Children and Adult Services Transmittal Letter updating our policy.
Effective January 1, 1998, public children services agencies (PCSAs) may authorize payments for employment-related day care services for both Title IV-E reimbursable children and non-Title IV-E eligible children placed in ODHS-approved foster homes, relative homes or prefinalized adoptive homes provided that the day care provider is licensed or certified. PCSAs have received an increase in their State Child Welfare Subsidy (SCWS) allocation to provide employment-related day care. The increase in the SCWS allocation may only be used to provide employment-related day care and may not be utilized to provide other day care services or other allowable SCWS services.

**Title IV-E Reimbursable Children**

PCSAs may authorize payments for employment-related day care services for Title IV-E reimbursable children in foster care above the uniform statewide standard Title IV-E foster care maintenance rates and payments related to the difficulty of care needs for children in the appropriate placements.

The PCSA may use the portion of their SCWS allocation applicable to day care as the non-federal match for Title IV-E reimbursable children. The PCSA will be reimbursed from federal Title IV-E funds as the applicable federal financial participation (FFP) rate for foster care maintenance payments. The FFP for Federal fiscal year 1996, is 60.17%.

A revised ODHS 1659 and instructions, for billing and reimbursement, will be transmitted in a Family, Children and Adult Services Manual Transmittal Letter (FCASMTL).

**Non Title IV-E Eligible Children**

Employment-related day care services for non-Title IV-E eligible children in foster care, relative care or prefinalized adoptive homes may be provided without regard to the income of the foster parent(s). The portion of the SCWS allocation applicable to day care may be used to reimburse up to 100% of the costs for employment-related day care services for non-Title IV-E eligible children in foster care.

**Day Care Guidelines**

The day care payment reimbursed by the PCSA shall not exceed the amounts referenced in rule 5101:2-16-381 of the Administrative Code entitled "Market rates and reimbursement ceilings for child day care benefits" which was transmitted by FCASMTL No. 48.

The definitions for the age categories are located in rule 5101:2-16-01 of the Administrative Code entitled "Definitions". Both rules are located in the Child Day Care Manual.

Employment-related day care payments may be authorized for children between the ages of thirteen and eighteen who meet the difficulty of care needs criteria referenced in rule 5101:2-47-21 of the Administrative Code entitled "Foster care maintenance (FCM) payments related to the difficulty of care needs of a child placed in a family foster home, relative home, or prefinalized adoptive home".

**Funding Maximization**

In order to maximize available funding, counties may want to also consider the following:

- Foster parent pays fee assessed according to a sliding fee scale and the county picks up the remaining costs;
Foster parent receives a flat payment per month, per child toward the cost of care. Foster parent is responsible for any additional costs.

Payments for the cost of employment-related day care services made by the foster parent may not exceed the amounts referenced in rule 5101:2-16-381 of the Administrative Code and may not be used as the non-federal match for Title IV-E reimbursement. The PCSA may only claim agency costs and must provide any required match for federal reimbursement from either local or state funds.

Any questions regarding the information or instructions included in this procedure letter should be directed to the Office of Child Care and Family Services, Adoption and Placement Services Section (614) 466-5392 or County Technical Support Section at (614) 466-7762. An Administrative Procedure Letter (APL), "Funding Reimbursement and Financial Reporting Instructions" is forthcoming.
Amended Substitute House Bill 117 required agencies, organization and families in Ohio counties work together to design and develop a better system for responding to the strengths and needs of multiple need children and their families. Additionally, the bill mandated that each county develop a plan for coordinating services to abused, neglected, dependent, unruly, or delinquent children and those families who voluntarily seek services.

This letter transmits guidelines for development of the county Service Coordination Plan. The Service Coordination Plan must be submitted by March 15, 1996 to:

Lynne Bratka
Ohio Family and Children First
Office of the Governor
77 South High Street, 30th Floor
Columbus, Ohio 43215

Please work with your Council in the development of the plan.
TO: All Family, Children and Adult Services Manual Holders
FROM: Terry A. Wallace, Director
SUBJECT: Implementation of the Title IV-E Adoption Assistance Pass Through Program

This letter serves to address the modifications made to the Title IV-E/FACSIS payment system to implement policy establishing the Adoption Assistance Pass Through Program. (Reference: Family, Children and Adult Service Procedure Letter No. 29 and Family, Children and Adult Services Manual Transmittal Letter No. 17). This letter gives technical instructions on 1.) how to input data to the system, 2.) how the system will process the data and 3.) what the system's outputs will be. As such, we request that a copy of this material be forwarded to technical staff within the agency responsible for the Title IV-E/FACSIS payment system.

1.) Input of Information

There are two means of inputting information to the system. First, the Title IV-E Auxiliary Payment Authorization form (ODHS 1659) can be utilized. Instructions for its use and completion can be found in the Forms Section of the Family, Children and Adult Services Manual. Please keep in mind that underpayments, by definition, may be authorized for cases in which payment was previously issued for a lesser amount than for which the recipient was eligible. For reporting an underpayment, enter the difference between the previously claimed amount and the amount that should have been claimed. If a recipient has received full payment for a benefit period, no matter what system paid the benefit, do not claim any amount through FACSIS and the ODHS 1659.

Secondly, the FACSIS Payment Authorization Event 338 can be utilized for recurring benefits. Once a benefit level has been established via a signed Adoption Assistance Agreement, the Public Children Services Agency (PCSA) must transmit the following elements of the Payment Authorization Event: "Effective Date", "Monthly Maintenance Amount" and Difficulty of Care" equal to "None".

The net result of these procedures will be the pass through of the federal portion of an AA payment above $250. (The state will continue to match federal payments up to $250). One exception to this procedure will be for the subpopulation of children who have been designated dual eligible.

Prior to January 13, 1992, 34 counties established approximately 1230 children eligible for both Title IV-E Adoption Assistance and the State Adoption Maintenance Subsidy (dual eligibles). Dual eligibility was eliminated for new adoption cases as of January 13, 1992. In order to maximize the use of federal Title IV-E funds, these counties who have utilized both programs must convert the payment sources by September 1, 1993.

Procedures for converting dual eligible children are outlined in Attachment I. After the dual eligible cases have been converted, use the instructions in the attachment to input the Title IV-E payment amount.

2.) Processing of Payments

If a child is eligible only for the Title IV-E program, payment will be processed as follows:

The benefit level minus $250 (threshold of federal/state funding) with the difference multiplied by the current federal medical assistance percentage (FMAP) to calculate the federal pass through portion.

For example, assume the benefit level is $275.

a.) $275 - $250 (state share) = $25 x 60.25% (current 1992-1993 FMAP rate = $15.06 (federal pass through share).

b.) Warrant will be issued to recipient for $250 + $15.06 or $265.06.
c.) The PCSA will be responsible for issuing a warrant to the recipient for the non-federal share of the amount beyond the threshold or $25 x 39.75% or $9.94.

3.) Output of Information

The system will continue to generate either a warrant to a recipient or an Error Report (1659 Auxiliary System Error Report or FBI Interim Error Report) to the PCSA if a warrant cannot be produced. As described in the example above, the warrant will be the federal share of the amount listed in the 338 event or on the 1659 auxiliary payment system plus the nonfederal share up to $250.

Additionally, the system will also generate an Auxiliary Payroll (FB1017RA) if payment information is submitted via an ODHS 1659. The FBI017RA has been expanded to report not only the warrant amount but also the amount of the PCSA’s obligation to the recipient. (See attached for sample of new format).

Finally, the system will continue to generate an Adoption Disbursement Journal (FB1003RB) to report recurring benefits issued from FACSIS information. This report has also been expanded to show the PCSA's obligation to the recipient.

Example: A benefit of level of $400 would equal:

a.) $400 - $250 (state share) = $150 x 60.25% (current 1992-1993 FMAP rate) = $90.38 (federal pass through share)

b.) Warrant will be issued to recipient for $250 + $90.38 = $340.38.

c.) The PCSA’s non-federal share to be paid to the recipient in a warrant issued by the county is $150 x $39.75% = $59.62.

Processing of the ODHS 1659 for pass through payments is currently in place.

NOTE: Caution should be taken in submitting ODHS 1659s requesting regular adoption assistance benefits and pass through benefits, since duplicate payment requests could result in an error message.

The recurring process for the pass through payments is in place to process information entered by September's cutoff for October's benefit issuance.

Any questions about the processing of pass through payments as described in this procedure letter should be directed to your district office social services coordinator.
TO: Directors, County Department of Human Services
    Executive Directors, Children Services Boards
FROM: Terry A. Wallace, Director
SUBJECT: Concurrent Receipt of Title IV-E Foster Care Maintenance (FCM) and ADC

The PIQ No. 91-05 was erroneously omitted as an attachment to Family, Children and Adult Services Procedure Letter No. 30.

File this procedure letter and its attachment in Chapter IV of the Family, Children and Adult Services Manual immediately following procedure letter number 30.
TO: Directors, County Department of Human Services
   Executive Secretaries, Children Services Boards

FROM: Terry A. Wallace, Director

SUBJECT: Concurrent Receipt of Title IV-E Foster Care Maintenance (FCM) and ADC

The U.S. Department of Health and Human Services (HHS) recently reversed its interpretation with regards to concurrent receipt of Title IV-E FCM and ADC on behalf of a child.

Previous to the issuance of the attached Policy Interpretation Question (PIQ), HHS has advised that for any child placed in foster care, a Title IV-E FCM payment could not be claimed for the initial month of placement if ADC was also claimed on the child's behalf in that month. If such FCM payments were claimed the states' Title IV-E program would be subject to the audit findings.

The interpretation now issued by PIQ-91-05, advises that there are no prohibitions in the Title IV-E program against the concurrent payment of ADC and FCM on behalf of the same child. Rather, the prohibition exists under the ADC program and any overpayment because of concurrent FCM/ADC receipt would be in the ADC program.

County departments of human services and county children services boards are advised that effective April 1, 1992 the provisions of Ohio Administrative Code Rules 5101:2-47-54 (B)(3) and 5101:2-47-57 (A) and (B) prohibiting an FCM payment if a child received an ADC payment during the same timeframe have been amended to accommodate this change. All other eligibility requirements remain unchanged.

Title IV-E agencies are reminded of the requirements of paragraph (C) of rule 5101:2-47-57 regarding removal of a child from an ADC household and notice to the ADC Unit or Agency. Even though the prohibition against FCM payment and ADC payment during the same timeframe is rescinded for Title IV-E, an ADC overpayment and subsequent audit exception still applies. Title IV-E agencies must notify the ADC Unit or Agency of a child's removal from the home within ten days. You may use the attached sample Notification of Removal form as a guide in developing your agency's form for such notification.

Retroactive claiming for children affected by this policy change is available for the two-year Title IV-E FCM retro claiming period. The claiming instructions for these FCM cases are as follows:

- First, recreate the Title IV-E events in FACSIS to reflect the child's new eligibility status, i.e., eligible and reimbursable, due to the federal reinterpretation on concurrent receipt of ADC. However, do not include in this recreation the Medicaid events because the retroactivity is not applicable to Medicaid coverage. Verify that custody and placement events are correct for the period for which retroactive claiming is requested. Do not change the child's Title IV-E number if one exists, but be sure to assign a IV-E number if one does not exist for the child. For assistance on the FACSIS event structure contact the FACSIS Helpline at 1-800-686-1581, extension 6-2208.

- Second, follow the instructions for the ODHS 1659 "Title IV-E Auxiliary Payment Authorization" and the ODHS 1925 "Monthly FCM Facility Invoice" depending on the type of placement in which the child resided to claim costs. In most circumstances, the retroactive claim will be viewed as an initial/substitute care placement, not as underpayments. (The underpayment codes are only used when the PCSA received an incorrect payment.) If no payment has ever been received by the PCSA for a specific period of time, there is no underpayment. Payments may be authorized up to two years before the date of the month of processing for payment if the child is registered as Title IV-E eligible and reimbursable for the period for which payment is requested. For assistance on payment processing contact the Fiscal Liaison Section at (614) 466-9486.
TO: All Family, Children and Adult Services Manual Holders
FROM: Barbara E. Riley, Director
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (B)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 2005. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 70, Number 32, February 17, 2005) rounded to the nearest dollar and adjusted for family size.

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INSTRUCTIONS:
The following chart depicts what materials should be deleted from the Family, Children and Adult Services Manual (FCASM) and what materials are to be inserted in the FCASM.
| Procedure Letters | FCASPL No. 10M | FCASPL No. 10N |
TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06 (B)(1), the following schedule is to be used in determining eligibility for State Adoption Maintenance subsidies effective July 2004. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Volume 69, Number 52, March 17, 2004) rounded to the nearest dollar and adjusted for family size.

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TO: All Family, Children and Adult Services Manual Holders
FROM: Thomas J. Hayes, Director
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06, the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 2003. The schedule represents 120% of Ohio’s estimated median income (published in the Federal Register, Vol.66, No. 72, April 15, 2003) rounded to the nearest dollar and adjusted for family size.

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<td>FCASPL No. 10L</td>
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TO: All Family, Children and Adult Services Manual Holders
FROM: Tom Hayes, Director
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163 (B) and Ohio Administrative Code rule 58101:2-44-06 (C)(2), the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 2002. The schedule represents 120% of Ohio's estimated median income (published in the Federal Register, Vol. 66, No. 56, January 30, 2002) rounded to the nearest dollar and adjusted for family size.

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<td>Procedure Letters</td>
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July 16, 2001

TO: All Family, Children and Adult Services Manual Holders
FROM: Gregory L. Moody, Director
SUBJECT: State Adoption Maintenance Subsidy Income Guidelines

Pursuant to Ohio Revised Code section 5153.163(B) and Ohio Administrative Code rule 5101:2-44-06, (C)(2) the following schedule is to be used in determining eligibility for State Adoption Maintenance Subsidies effective July 2001. The schedule represents 120% of Ohio’s estimated median income (published in the Federal Register, Vol. 66, No. 56, March 22, 2001) rounded to the nearest dollar and adjusted for family size.

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TO: Directors, County Departments of Human Services  
Executive Secretaries, County Children Services Boards  

FROM: Arnold R. Tompkins, Director  

SUBJECT: Obtaining a State Medical Consultant for Cases Involving the Withholding of Appropriate Nutrition, Hydration, Medication, or Medically Indicated Treatment from Disabled Infants with Life-Threatening Conditions  

This transmittal outlines procedures for obtaining a state medical consultant for cases involving alleged withholding of appropriate nutrition, hydration, medication, or medically indicated treatment (herein after referred to as "alleged withholding") from a disabled infant with life threatening conditions as referenced in Ohio Administrative Code rule 5101:2-35-77.  

OBTAINING A MEDICAL CONSULTANT  

Upon receipt of a report of alleged withholding, the PCSA shall contact the Ohio Department of Human Services (ODHS) Children's Protective Services (CPS) Section in order to: (1) review information obtained from the reporter and the health care facility designee; and (2) obtain the name and telephone number of the medical consultant. The following procedures shall be used:  

(A) When reports are received Monday through Friday between the hours of 8:00 a.m. - 5:00 p.m., the PCSA shall call ODHS at (614) 466-9824 and request to speak with staff designated to respond to such reports.  

(B) When reports are received outside of normal business hours, the PCSA shall contact any one of the staff persons designated by ODHS at their home. A list of designated staff persons and their home phone numbers is attached.  

(C) The PCSA shall provide all information obtained from the reporter and the health care facility designee to the ODHS designee.  

(D) When the ODHS designee has indicated that the report constitutes an alleged of the withholding, the PCSA will be provided with the names and telephone numbers of three medical consultants.  

(E) The PCSA shall be responsible for contacting the first medical consultant given by ODHS within one hour of receipt of the report. If this person cannot be reached, the second or third medical consultant shall be contacted. When the PCSA is unable to contact any of the three medical consultants, another call shall be placed to the ODHS designee to request additional names of medical consultants.  

(F) When calling the medical consultant, the PCSA may request assistance in conducting required interviews; telephone consultation; medical case review; on-site review of the case; medical examination of the child, or court testimony. The medical consultant may be contacted at any point in the PCSA investigation process, following the initial contact.
TO: Directors, County Departments of Human Services
Executive Secretaries, Children Services Boards
Directors, Private Child Placing Agencies

FROM: Roland T. Hairston, Director

SUBJECT: Identification of Title IV-E Eligible Children Placed Through the Interstate Compact on the Placement of Children (ICPC) and Usage of ICPC Case Numbers

As a result of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), many states are requiring that interstate compact requests to place children in their states address IV-E eligibility, otherwise they will not be processed. Therefore, Ohio agencies should indicate in the upper left-hand corner of the Interstate Compact Placement Request ICPC 100A Form (ODHS 1661, Rev. 7/86) whether the child is or is not eligible for Title IV-E.

Please include the Ohio ICPC case number on all interstate correspondence. The only exception is a new request for service because the ICPC case number is assigned after a case has been processed by the Ohio Department of Human Services, Bureau of Operations. Failure to provide this number may cause a delay in processing interstate requests.
TO: Directors, County Departments of Human Services
Executive Secretaries, Children Services Boards

FROM: Roland T. Hairston, Director

SUBJECT: Nonrecurring Adoption Expenses: Filing Deadlines and Impact Discussion

Public children services agencies (PCSAs) are responsible for determining eligibility for and signing agreements with parents for payment or reimbursement of nonrecurring adoption expenses. However, PCSAs are not required to pay or reimburse parents out of its own funds. If the PCSA opts to reimburse parents or pay service providers directly in order to provide immediate assistance to the adoptive parents, the PCSA is entitled to full reimbursement from the state up to the $2,000 maximum allowed for each adoption. Alternatively, the PCSA may file a claim in behalf of the adoptive parents for later reimbursement by ODHS.

CLAIM FILING DEADLINES

LAPSING QUARTER:

PCSAs who have already paid nonrecurring adoption expenses in behalf of parents must be aware of the two year deadline for claiming reimbursement on the PCSAs behalf. PCSAs must file a claim for reimbursement with the department by the first of the third month which marks two years from the quarter in which they originally paid or reimbursed the adoptive parents for their expenses. For example, if a PCSA paid the parents legal expenses in July 1987, the agency must file a claim for reimbursement by September 1, 1989.

CURRENT QUARTER:

Current claims for nonrecurring adoption expenses are due the 20th of the month following the end of each quarter (e.g., July-September claim is due October 20). Reimbursement for properly filed claims will be made within sixty days after the submittal deadline.

All claims must be mailed to:

Ohio Department of Human Services
Bureau of Operations/Resource Management Unit
30 E. Broad Street, 37th Floor
Columbus, Ohio 43266-0423

If you have questions regarding this procedure letter, please contact your district office social services supervisor. Information contained in this procedure letter was formerly issued in Child Welfare Procedure No. 59-A (8/12/89).