



February 23, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 450

TO: Family, Children and Adult Services Manual Holders

FROM: Kimberly Henderson, Director

SUBJECT: Five Year Rule Review and Amendments to Chapter 5101:2-48 Adoption Rules

This letter transmits nine Ohio Administrative Code (OAC) Chapter 5101:2-48 rules which seven were amended as a result of the five-year review, along with six amended rules and one amended form as a result of the passage of the Family First Prevention Services Act and other legislative updates. These rules will be effective March 1, 2021. The following is a brief explanation of the changes:

OAC 5101:2-48-03 entitled **Requirement of Social and Medical History** provides guidance to agencies regarding the requirement to obtain information for the social and medical histories of the biological parents. Form revision dates were removed throughout the rule.

OAC 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. Form revision dates were removed throughout the rule.

OAC 5101:2-48-08 entitled **Adoption Inquiry** provides guidance to agencies on the procedures an agency must take when contacted by a prospective adoptive applicant. Form revision dates were removed throughout the rule and the state foster care and adoption website link was added.

OAC 5101:2-48-09 entitled **Application Process and Preservice Training** provides guidance to agencies regarding the process and training required for persons seeking adoption approval. A new paragraph (I) was added to require a search of the national sex offender registry for adoptive applicants and adult household members. Form revision dates were removed throughout the rule.

OAC 5101:2-48-11 entitled **Approval of a Foster Home for Adoptive Placement** provides guidance to agencies for persons wanting to add adoption approval to an existing foster care certification. Paragraph (A)(4)(i) was added to require a search of the national sex offender registry for the adoptive applicant and adult household members. Form revision dates were removed throughout the rule and name of bureau of criminal investigation updated.

OAC 5101:2-48-11.1 entitled **Foster Caregiver Adoption of a Foster Child or Sibling Group Who has Resided with the Caregiver for at Least Six Consecutive Months** provides guidance to agencies regarding the adoption process for a child or sibling group who has resided with a caregiver for at least six consecutive months. Paragraph (J)(4) was reworded to remove BCI and FBI reports and change to criminal record checks so that sex offender registry checks would be included. Form revision dates were removed throughout the rule.

OAC 5101:2-48-12 entitled **Completion of the Adoption Homestudy** provides guidance to agencies on the homestudy process for prospective adoptive applicants. Paragraphs (Q)(1), (Q)(8) and (Q)(11) were amended regarding interviews, physical exams and references for prospective adoptive applicants and their adult household members. Paragraph (Q)(3)(b) was amended to provide reference to the offense list in appendix A to rule 5101:2-7-02. (Q)(6) was added as a new paragraph to require a search of the national sex offender registry for adoptive applicants and adult household members. New paragraphs, (Q)(15) and (Q)(16), were added to require smoke alarms and carbon monoxide detectors in the adoptive applicant's home. Amendments are due to legislative changes of the Family First Prevention Services Act and to align adoption requirements with foster care requirements. Remove from paragraph (W) information about submitting the JFS 01318 "SACWIS Private Agency Provider Request" since private agencies have provider access to enter homestudies in SACWIS. Form revision dates were removed throughout the rule.

OAC 5101:2-48-12.1 entitled **Adoption Homestudy Updates** provides guidance to agencies regarding how to update the adoption homestudy every two years. Paragraphs (D), (G) and (H) were revised, since private agencies have provider access to enter homestudies in SACWIS and JFS 01318 "SACWIS Private Agency Provider Request" will no longer be used. Paragraphs (E)(1), (E)(7), (E)(10) and (F) regarding interviews and references for prospective adoptive applicants were amended due to legislative changes of the Family First Prevention Services Act and to align adoption requirements with foster care requirements. A new paragraph (E)(11) was added to require a search of the national sex offender registry for approved adoptive parents and adult household members when there is an adoption homestudy update. Form revision dates were removed throughout the rule.

OAC 5101:2-48-12.2 entitled **Required Notification and Adoption Homestudy Amendments** provides guidance to adoptive families regarding when they are to notify the agency of certain changes, and guidance to agencies regarding how to complete amendments. Paragraph (E)(4) was amended and (E)(5) was removed, since private agencies have provider access to enter homestudies in SACWIS and JFS 01318 "SACWIS Private Agency Provider Request" will no longer be used. Paragraph (F)(1) was amended to provide that the JFS 01653 is completed for new household members. Paragraph (F)(2) was amended to include a search of the national sex offender registry

for new adult household members. Form revision dates were removed throughout the rule.

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

| LOCATION | REMOVE AND FILE AS OBSOLETE | INSERT/REPLACEMENT |
|---------------------|------------------------------------|---------------------------|
| Social Services | OAC 5101:2-48-03 | OAC 5101:2-48-03 |
| | OAC 5101:2-48-06 | OAC 5101:2-48-06 |
| | OAC 5101:2-48-08 | OAC 5101:2-48-08 |
| | OAC 5101:2-48-09 | OAC 5101:2-48-09 |
| | OAC 5101:2-48-11 | OAC 5101:2-48-11 |
| | OAC 5101:2-48-11.1 | OAC 5101:2-48-11.1 |
| | OAC 5101:2-48-12 | OAC 5101:2-48-12 |
| | OAC 5101:2-48-12.1 | OAC 5101:2-48-12.1 |
| | OAC 5101:2-48-12.2 | OAC 5101:2-48-12.2 |
| Forms | JFS 01318 | No replacement |
| | JFS 01698 | JFS 01698 |
| Transmittal Letters | | FCASMTL No. 450 |

5101:2-48-03

Requirement of "Social and Medical History".

- (A) The public children services agency (PCSA), 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. 6/2009)~~.
- (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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05/15/2009, 10/01/2014

5101:2-48-06

Assessor roles and responsibilities for foster care and adoption.

- (A) A public children services agency (PCSA), private child placing agency (PCPA), 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:
 - (a) Completing home study assessments for foster care and adoptive applicants.
 - (b) Completing adoption amendments and updates.
 - (c) Completing foster care recertifications.
 - (d) 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. 6/2009~~) which shall be filed with the court.
 - (6) Completes the JFS 01673 "Assessment for Child Placement" (~~rev. 6/2011~~).
 - (7) Completes the JFS 01385 "Assessment for Child Placement Update" (~~rev. 12/2006~~).
 - (8) Completes the JFS 01692 "Application for Adoption of a Foster Child" (~~rev. 6/2009~~).
 - (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)~~.
- (B) 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.
- (C) The PCSA, PCPA, PNA, or court shall ensure that employees or persons under contract with the agency 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.
- (D) 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.
- (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.
- (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.

- (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 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)~~.
 - (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.
 - (3) An assessor who did not complete the tier two training requirements of paragraph (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.
- (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 previous six hours of ongoing 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.
- (H) The PCSA, PCPA, PNA or court shall document the assessor's compliance with 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.
- (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.
- (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.
- (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" training.

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5101:2-48-08

Adoption inquiry.

- (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) 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. ~~5/2014~~) or the link to access the guide electronically. The link for the state foster care and adoption website, www.FosterAndAdopt.jfs.ohio.gov.
 - (2) Instructions on how to get an application for adoption.
 - (3) 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.
- (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 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 that the PCSA, PCPA or PNA does not serve, 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.

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09/01/2003, 05/15/2009, 12/28/2009, 09/01/2015

5101:2-48-09

Application process and preservice training.

- (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) in recommending foster homes for certification or 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.
- (B) A PCSA, PCPA and PNA shall utilize the JFS 01691 "Application for Child Placement" ~~(rev. 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.
- (C) 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.
- (D) 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).
- (E) An agency shall not accept an application for approval for adoptive placement which does not contain complete and accurate information.
- (F) 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:

- (a) A complete 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.
 - (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.
- (G) 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) The national sex offender registry is located at <http://www.nsopw.gov/>. A national sex offender registry check is to be completed:
- (1) For the adoptive applicant and each adult who resides with the adoptive applicant. The results are to be reviewed prior to the agency's approval of the adoption homestudy. The application may be denied based solely on the results of the search.
 - (2) For an approved adoptive applicant and each adult who resides with the adoptive applicant prior to the adoption homestudy update. The adoption homestudy update may be denied solely on the results of the search.

~~(J)~~(J) A summary report of the results of each search shall be placed in the adoptive home record.

~~(K)~~(K) 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.

~~(L)~~(L) 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.

~~(M)~~(M) Upon request, the PCSA, PCPA or PNA shall assist the applicant in completing the application and securing all required documents and information.

~~(N)~~(N) 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. 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.

~~(O)~~(O) 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.
 - (7) Behavior management techniques.
 - (8) Effects of caregiving on children's families.
 - (9) Prevention, recognition, and management of communicable diseases.
 - (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, 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.
- ~~(P)~~(P) 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.
- ~~(P)~~(Q) 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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5101:2-48-11

Approval of a foster home for adoptive placement.

- (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, an agency's assessor is responsible for 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 compile in the record 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~~).
 - (b) JFS 01349, "Foster Home Homestudy" (~~rev. 01/2003~~) or the JFS 01673, "Assessment for Child Placement (Homestudy)" (~~rev. 6/2011~~), the JFS 01673-A "Child Characteristics Checklist for Foster Care and/or Adoption" (~~rev. 12/2006~~) 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) 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) Case record information documented by the placement worker's visits to the foster home.
 - (f) If the agency completing the adoption homestudy approval is different than the agency that recommends the foster home, the foster care agency shall forward copies of all applicable documents in the foster home record within fifteen business days of receipt of the signed release of information.

- (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.
- (4) 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 total of five or more children who will reside in the home upon the adoptive placement of a child.
 - (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.
 - (g) Discuss the availability of adoption assistance and postfinalization adoption services with the foster caregiver.
 - (h) Complete the bureau of criminal ~~identification and~~ investigation (~~BCI~~)(BCI) and federal bureau of investigation (FBI) reports as outlined in rule 5101:2-48-10 of the Administrative Code.
 - (i) The national sex offender registry is located at <https://www.nsopw.gov/>. In accordance with rule 5101:2-5-09.1 of the Administrative Code, a national sex offender registry check is to be completed for the adoptive applicant and each adult who resides with the adoptive applicant. The results are to be reviewed prior to the agency's approval of the adoption homestudy. The application may be denied based solely on the results of the search.

~~(j)~~(j) 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.

~~(k)~~(k) 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.

(5) Based upon information obtained through interviews and the review of documentation outlined in paragraph (A) of this rule, the assessor shall complete any sections of the JFS 01673 not completed on the previous homestudy.

(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.

(C) When a PCSA, PCPA, or PNA determines any statement 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 court if the application, homestudy, or any document provided during the homestudy process is determined to contain a false statement knowingly made or submitted by the applicant(s).

(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 the reason for termination and the procedures for requesting a review of the agency's decision.

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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.**

- (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. 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, serves as a shortened homestudy, replacing the JFS 01691, "Application for Child Placement" ~~(rev. 12/2014)~~ and the JFS 01673 "Assessment for Child Placement (Homestudy)" ~~(rev. 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)~~ 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.
- (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 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, homestudy, or any document submitted through the homestudy process contains a false statement knowingly made by the applicant(s).
- (G) Upon receipt of a JFS 01692 from the foster caregiver, the PCSA, PCPA, or PNA shall review the application with the foster caregiver. An agency shall not require the foster caregiver to undergo a bureau of criminal investigation (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 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.
- (I) 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.
- (J) 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)~~.
 - (4) The most recent ~~BCI and FBI reports~~ criminal record checks, including the national sex offender registry, for all adult household members.
 - (5) The most recent reports of the alleged perpetrator search of child abuse and neglect information from the statewide automated child welfare information system (SACWIS) for all adult household members.
 - (6) 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.
 - (7) 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.

- (K) The assessor shall review the information listed in paragraph (J) of this rule, as well as the completed JFS 01692 and 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.
- (L) 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.
- (1) 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.
 - (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.
- (M) 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, 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.
- (N) 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.

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5101:2-48-12

Completion of the adoption homestudy.

- (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.
- (E) 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.
 - (3) The agency shall not discriminate in approving or disapproving a homestudy on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794 (12/2015) and of Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 1201 (8/1981).
- (F) 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, 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.
- (G) 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.
- (H) 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.
- (I) 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.

- (J) 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.
- (K) 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.
- (L) 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.
- (M) 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.
- (N) 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.
- (O) 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.
- (P) 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.
- (Q) The following is required for the homestudy:
- (1) An assessor shall conduct an in home face to face interview with all members of the household ~~over the age of four years~~based on his or her age and development. 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)~~ appendix A ~~of~~ rule 5101:2-48-10 ~~5101:2-48-10~~ 5101:2-7-02 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) The agency is to complete a check of the national sex offender registry at <https://www.nsopw.gov/> for the adoptive applicant and each adult who resides with the adoptive applicant. The results are to be reviewed prior to the agency's approval of the adoption homestudy. The application may be denied based solely on the results of the search.
- ~~(6)~~(7) 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)~~(8) The A physical exam and a JFS 01653 "Medical Statement for Foster Care/ Adoptive Applicant and All Household Members" (rev. 6/2009) are to be 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. All household members are to complete a JFS 01653.

- (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 or household member 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)~~(9) 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)~~(10) 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)~~(11) 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. A minimum of one of the required references is to be from a relative and at least two references from non-relatives.

(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)~~(12) 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)~~(13) 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)~~(14) 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.
- (15) The applicant's home is to have a working smoke alarm on each level of occupancy and at least one near all sleeping areas approved by one of the following:
- (a) "Underwriter's Laboratory."
 - (b) A certified fire inspector.
- (16) The applicant's home is to have at least one carbon monoxide detector on each level of occupancy of the home and at least one near all sleeping areas.
- ~~(14)~~(17) 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.
- (R) 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" ~~(rev. 12/2014)~~ may be used

when the court requests an agency to conduct a homestudy involving a step-parent adoption.

- (S) 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.
- (T) 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.
- (U) 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.

- (V) 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)~~.
- (W) ~~If the agency has access to SACWIS, the~~The agency shall enter the appropriate data into the statewide automated child welfare information system (SACWIS) 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.~~
- (X) 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.
- (Y) 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.
- (Z) 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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08/01/2017

5101:2-48-12.1 **Adoption homestudy updates.**

- (A) 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.
- (B) 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.
- (C) 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)~~.
- (D) 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, the agency is to enter the appropriate data into the statewide automated child welfare information system (SACWIS) to close the adoption homestudy.

~~(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.~~

(E) 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 and obtain 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.

(11) The agency is to complete a check of the national sex offender registry at <https://www.nsopw.gov/> for the approved adoptive parent and each adult who resides with the adoptive parent. The results are to be reviewed prior to each adoption homestudy update. The adoption homestudy update may be denied solely on the results of the search.

(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~~ based on his or her age and development currently residing in the home. This may be a joint interview or individual interviews.

(G) 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~~, an agency is to enter the required data into SACWIS documenting one of the following:

(a) Adoption update approval.

(b) Denial of the adoption update and closure of the adoption homestudy.

(c) Closure, based on receipt of voluntary withdrawal.

~~(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.

(H) 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~~ SACWIS 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.~~

(I) 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.

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5101:2-48-12.2

Required notification and adoption homestudy amendments.

- (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 paragraph (A) or (B) of this rule.
 - (2) 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.
 - (3) 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.
 - (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 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.~~

(F) If the amendment is due to a new household member, the agency shall ensure the following:

- (1) 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.~~
 - (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 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.
- (2) New adult household members residing with the approved adoptive parent shall have a search of the national sex offender registry at <https://www.nsopw.gov/>, 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.
 - (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 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.
- (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 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.

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