



November 3, 2021

Family, Children and Adult Services Manual Transmittal Letter No. 479

TO: Family, Children and Adult Services Manual Holders

FROM: Matt Damschroder, Director

SUBJECT: New Ohio Administrative Code Rule 5101:2-42-20 Resource Family Bill of Rights

This letter transmits a new Ohio Administrative Code (OAC) Rule 5101:2-42-20 that is being added in accordance with HB 110 of the 134th General Assembly. This new rule is developed to meet the requirements for the Ohio Department of Job and Family Services to promulgate rules regarding the establishment and enforcement of a Resource Family Bill of Rights as required by Section 5103.163 of the Ohio Revised Code. The following is a brief explanation of the rule that will be effective November 15, 2021.

OAC 5101:2-42-20 entitled **Resource Family Bill of Rights** sets forth the definition, purpose, and requirements for information to be provided to resource families of their rights and responsibilities that impact the caregiver and any child in their care.

INSTRUCTIONS:

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

LOCATION	REMOVE AND FILE AS OBSOLETE	INSERT/REPLACEMENT
Foster Care Licensing		5101:2-42-20
Transmittal Letters		FCASMTL No. 479

5101:2-42-20**Resource family bill of rights.**

(A) No court or agency or any employee, volunteer, intern or subcontractor of a court or agency is to in any way violate any of the following rights of resource families:

- (1) The right to be treated with dignity and respect as the resource family providing the day to day care for children in the children services system.
- (2) The right to be free of discrimination including race, color, religion, gender, gender identity or expression, national origin (ancestry), military status (past, present or future), disability, age (forty years or older), genetic information, or sexual orientation.
- (3) The right to receive training from either the recommending agency or the training designee and support from the recommending and custodial agencies to strengthen resource parenting skills and meet the needs of children in their care.
- (4) The right to review the home study information that is not deemed confidential by the recommending agency.
- (5) The right to receive clear expectations that relate to their role as a resource caregiver in partnership with the child in foster care, the child's family and with all other team members.
- (6) The right to access a staff person representing the recommending or custodial agency inside and outside of normal business hours.
- (7) The right to be informed of all known information about a child placed in their care pursuant to rule 5101:2-42-90 of the Administrative Code including information that may impact the health, safety, and well-being of any member of the resource family and community.
- (8) The right to receive notification prior to court hearings and scheduled meetings concerning a child in their care and to be encouraged to share information during those opportunities.
- (9) The right to receive training on the reasonable and prudent parent standard and, once trained, to act as the reasonable and prudent parent in making decisions for children placed in their care to participate in normal childhood activities that still maintain their health and safety.
- (10) The right to actively work with the agency toward the permanency goal identified in the family case plan (e.g., reunification) and to support supplemental planning as established in rule 5101:2-38-05 of the Administrative Code.

and participate in treatment planning (including independent living skills for children fourteen and older) for children in their care.

- (11) The right to be informed of the processes available to submit grievances and/or complaints including with regards to these rights and to make their concerns known without fear of reprisal.
- (12) The right to be informed of the process when a resource caregiver is investigated based on an allegation of maltreatment and points of contact, and what to anticipate as a person who is under investigation. The resource family has the right to be informed what supports and resources are available to them during the process and how the outcome may affect their relationship with the recommending and/or custodial agency.
- (B) Any agency involved with a resource caregiver is to inform the resource caregiver of their rights and responsibilities pursuant to rules contained within Chapter 5101:2-7 of the Administrative Code in writing as well as all agency policies that impact the caregiver and any child in their care. Nothing in this rule supersedes the requirement for resource caregivers to follow agency policies.
- (C) If the rights of a resource caregiver, as established by this rule, conflict with the rights of a youth in foster care, as established in rule 5101:2-5-35 of the Administrative Code, the rights of the youth will preempt the rights of the resource family or resource caregiver.
- (D) The rights established by this rule will not create grounds for a civil action against the department, the recommending agency, or the custodial agency.

Effective: 11/15/2021

Five Year Review (FYR) Dates: 11/15/2026

CERTIFIED ELECTRONICALLY

Certification

11/01/2021

Date

Promulgated Under: 119.03
Statutory Authority: 5103.163
Rule Amplifies: 5103.163