



March 22, 2022

**Family, Children and Adult Services Manual Transmittal Letter No. 491**

**TO:** Family, Children and Adult Services Manual Holders  
**FROM:** Matt Damschroder, Director  
**SUBJECT:** **Amendments of Children Services Licensing Rules in Chapter 5101:2-5 and 5101:2-7 of the Ohio Administrative Code**

This letter transmits amendment to two Ohio Administrative Code (OAC) rules 5101:2-5-26 and 5101:2-7-08 surrounding foster care as a result of the five-year review. The rules will be effective on April 1, 2022. The following is a list of the changes.

OAC 5101:2-5-26 entitled **Procedures for Revocation, Denial of Initial Certification or Denial of Recertification of a Foster Home Certificate** provides guidance to agencies on the process of revocation and denial of certification for a foster caregiver. Paragraphs (C) and (D) were amended to remove the dates from forms JFS 01315 and JFS 01317. Paragraph (F) was amended to ensure the revocation or denial process is now conducted through SACWIS and as all agencies now have access to the system.

OAC 5101:2-7-08 entitled **Alternative Care Arrangements** provides guidance to agencies on who may provide alternative care for children in foster homes. Paragraph (E) was amended for clarity. No substantive changes were made.

**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	5101:2-5-26	5101:2-5-26
	5101:2-7-08	5101:2-7-08
Transmittal Letters		FCASMTL No. 491

5101:2-5-26

**Procedures for revocation, denial of initial certification or denial of recertification of a foster home certificate.**

- (A) At the time of an agency decision to recommend denial of initial certification, denial of recertification or revocation of a foster home certificate, the agency may contact the Ohio department of job and family services (ODJFS) children services licensing enforcement coordinator for consultation regarding required evidence, procedures and advice prior to notifying the applicant or foster caregiver of the agency's intent.
- (B) If the agency decides to recommend denial of initial certification, denial of recertification or revocation, ~~pursuant to paragraph (C) of this rule~~ it shall provide written notification on the JFS 01315 "Notification of Denial of Initial Certification, Recertification or Revocation of the Foster Home Certificate" by certified mail, return receipt requested, to the applicant or foster caregiver. ~~of~~ This notice includes the following:
- (1) The reason for the decision to recommend denial of initial certification, denial of recertification or revocation.
  - (2) The specific law or rule(s) with which the applicant or foster caregiver allegedly is not in compliance and a copy of each specific law or rule referenced.
  - (3) The method of and time limits for requesting a local agency grievance meeting.
  - (4) That the final decision to deny the initial certification or recertification or to revoke certification will be made by ODJFS at which time the applicant or caregiver shall be afforded the opportunity to request a hearing pursuant to Chapter 119. of the Revised Code.
- ~~(C) Notification required by paragraph (B) of this rule shall be on the JFS 01315 "Notification of Denial of Initial Certification, Recertification or Revocation of a Foster Home Certificate" (rev. 1/2003).~~
- ~~(D)~~ (C) Following the completion of the requirements of paragraph (B) of this rule, ~~and subject to paragraph (F) of this rule,~~ the agency shall notify ODJFS of its recommendation to deny initial certification, deny recertification or revoke the certificate ~~on a JFS 01317 "Recommendation for Certification/Recertification of a Foster Home" (rev. 1/2003)~~ through the Ohio statewide automated child welfare information system (SACWIS) and shall submit documentation of:
- (1) A summary of the grievance meeting, if one was held.
  - (2) Identification of rules with which the applicant or foster caregiver is allegedly not in compliance.

(3) Specific documentation and evidence supporting the recommendation.

(4) A copy of the JFS 01315 and the certified mail return receipt sent to the applicant or foster caregiver.

~~(E)~~(D) Upon receipt of the ~~JFS 01317 required in paragraph (D) of this rule~~ or notification of the recommendation submitted in paragraph ~~(F)~~(C) of this rule, ODJFS shall evaluate the evidence and documentation submitted by the agency and take one of the following actions:

(1) Return the recommendation and evidence to the agency due to insufficient or inappropriate evidence and documentation with a written explanation of the deficiency.

(2) Reject the agency recommendation in writing specifying the reasons for rejection.

(3) Proceed with the denial or revocation process.

~~(F) If an agency has access to the statewide automated child welfare information system (SACWIS), the agency shall recommend the denial of initial certification, denial of recertification or revocation of the certificate through SACWIS. A JFS 01317 shall not be completed.~~

~~(G)~~(E) At the time ODJFS proceeds with an agency recommendation to deny or revoke a foster home certificate ODJFS shall notify the applicant or foster caregiver pursuant to Chapter 5101:6-50 of the Administrative Code. A copy of the notice shall be sent to the recommending agency which shall immediately notify any other agency which may have a foster child placed in the foster home.

~~(H)~~(F) The decision to proceed or not proceed with a recommendation for denial or revocation rests solely with ODJFS in its exercise of discretion.

~~(I)~~(G) Any action by ODJFS to deny or revoke a foster home certificate shall be subject to the requirements of Chapter 119. of the Revised Code and Chapter 5101:6-50 of the Administrative Code.

~~(J)~~(H) If a foster home application or certificate has been denied or revoked pursuant to Chapter 119. of the Revised Code, the applicant or person to whom the certificate was issued shall not be eligible for any ODJFS children services license or certification for five years from the date of denial or revocation or the exhaustion of all appeals, whichever is later.

Effective: 4/1/2022  
Five Year Review (FYR) Dates: 1/3/2022 and 04/01/2027

CERTIFIED ELECTRONICALLY

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Certification

03/21/2022

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Date

Promulgated Under: 119.03  
Statutory Authority: 5103.03  
Rule Amplifies: 5103.02, 5103.03  
Prior Effective Dates: 12/30/1966, 10/01/1986, 02/01/1988, 07/02/1990  
(Emer.), 10/01/1990, 01/01/1991, 09/18/1996,  
07/01/2000, 01/01/2003, 12/11/2006, 10/01/2011,  
03/01/2017

5101:2-7-08

**Alternative care arrangements.**

- (A) A foster caregiver shall be responsible for the full-time care of a foster child. This does not prohibit both foster caregivers in the case of a couple, co-parents or a single foster caregiver from working outside the home.
- (B) Alternative arrangements for the care of a foster child by someone other than the foster caregiver shall be approved by the recommending agency.
- (C) Alternative arrangements for the care of a foster child does not include arrangements that are being made in accordance with the reasonable and prudent parent standard as described in division (C) of section 5103.162 of the Revised Code.
- (D) A foster caregiver shall have prior written approval by the recommending agency of a plan for the care of a foster child in emergency situations.
- (E) A foster caregiver shall have a statement showing prior ~~written~~ approval by the recommending agency ~~of a statement~~ for each foster child specifying whether or not the foster child may be left unattended and, if so, for what period of time.
- (F) If a foster caregiver arranges for a foster child to be cared for in a child care center or by a type A or type B child care provider, the foster ~~care giver~~caregiver shall:
- (1) Ensure the child care center, type A or type B child care provider is licensed in accordance with Chapter 5101:2-12, 5101:2-13, or 5101:2-14 of the Administrative Code.
  - (2) Provide documentation to the recommending agency that the child care center, type A or type B child care provider is currently licensed.
- (G) When a foster caregiver of a specialized foster home requests respite care, it shall be provided in accordance with paragraph (A)(11) of rule 5101:2-5-13 of the Administrative Code.

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